City of Fayetteville

433 Hay Street
Fayetteville, NC
28301-5537
(910) 433-1FAY (1329)

Meeting Agenda - Final

Zoning Commission

Tuesday, August 11, 2026 | **6:00 PM** | **City Hall, Lafayette Conference Room**

1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

3.0 CONSENT

3.01 26-0501 A26-27: Order to Approve: Findings of Fact for by Donald Kinlaw for a variance to 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 (0408425302000).

Recommendation: Option 1 above - Approve the drafted Findings of Fact

3.02 26-0527 A26-28: Order to Approve: Findings of Fact A request from Mayer Mitchell for a variance to the fence height standards (Section 30-5.D.4) to allow for a taller fence at 2213 Bragg Blvd (0428404373000).

Recommendation: Professional Planning Staff recommends approving option 1.

3.03 26-0521 Approval of Meeting Minutes: July 14, 2026

Recommendation: Option 1: Approve draft minutes.

4.0 EVIDENTIARY HEARINGS

4.01 26-0491 NOA26-02. Notice of Appeal regarding the revocation of building, electrical, mechanical, and plumbing permits for property located at 4431 Bragg Boulevard (REID # 0418553607000), owned by 4311 Bragg, LLC

Recommendation: Affirm the Decision

4.02 26-0507 A26-33: A variance at 5103 Hayden Lane (0405976938000) to reduce the rear setback to 24 feet in a Single-Family Residential 10 (SF-10) zoning district owned by Raffaella Massa of Castle Rising Properties LLC.

Recommendation: Because A26-33 is a quasi-judicial variance, staff does not recommend approval or denial. The Board must base its decision solely on competent, material, and substantial evidence presented at the evidentiary hearing. Due-process requirements prohibit staff from advocating either way. The burden of proof remains with the applicant. The Board - not staff - must make the findings and the final determination.

4.03 26-0483 A26-34: A variance at 521 Suffolk Court (0530350151000) to reduce the corner side setback from 30 feet to 16.05 feet in a Single-Family Residential 10 (SF-10) zoning district owned by Pertrilla Poe...Title

Recommendation: N/A

4.04 26-0484 A26-35: A variance request to reduce required setbacks at 514 Quality Rd (0426944091000), owned by Saribet M. Sandoval and Carmelo S. Noyola.

Recommendation: N/A

4.05 26-0481 A26-36: A variance at 505 Broadgate Road (0531664085000) to reduce the rear yard setback from 35 feet to 25 feet a Single-Family Residential 10 (SF-10) zoning district owned by Rose Builders Inc.

Recommendation: N/A

5.0 LEGISLATIVE HEARINGS

5.01 26-0493 P26-37: A request to rezone 4201, 4203, & 4207Sweetwater Dr. (0439494376000, 0439495387000, 0439496388000) consisting of 1.61 acres ±, owned by Kendra Earwood from Single Family Residential 6 (SF-6) to Limited Commercial (LC).

Recommendation: The Planning Staff recommends that the Zoning Commission recommends to City Council a motion to APPROVE the request to rezone the 1.61 acres at 4201, 4203 & 4207 Sweetwater Dr. from SF-6 to LC.

5.02 26-0513 P26-38: A request to conditionally rezone 5113 Meadowbrook Drive (0416004821000) consisting of 0.40 acres ±, owned by Anchorpoint Properties, LLC represented by Robyn Mirassou of Divine Wellness Therapeutic Center Therapeutic Center, PLLC from Single-Family 10 (SF-10) to Conditional Office and Institutional (OI/CZ).

Recommendation: The Professional Planning Staff recommends that the Zoning Commission recommends to City Council a motion to APPROVE the request as presented - to conditionally rezone the approximately 0.40 at 5113 Meadowbrook Dr from Single Family Residential 10 (SF-10) to Conditional Office and Institutional (OI/CZ) with the following conditions:

1. The principal structure shall maintain a general residential character unless modifications are required to comply with commercial building or specific Use Type standards.
2. Permitted Uses shall be limited to the following except where a specific Use Type within a Use Category is unpermitted within the base Office and Institutional zoning district.
   - o Single family, detached
   - o Use Category: Health Care Facilities
   - o Use Category: Offices
3. Free-standing and pole signs shall be prohibited.

5.03 26-0512 P26-39: A request to rezone 5210 Arbor Road (0530630070000) consisting of 0.44 acres ±, represented by Kevin Cole of Kevin Cole Designs for owner Arland Nguefack Tsobgou from Single-Family 10 (SF-10) to Single-Family 6 (SF-6)...Title

Recommendation: The Planning Staff recommends that the Zoning Commission recommend that the City Council APPROVE the request of rezoning the approximately 0.44 acres at 5210 Arbor Road from SF-10 to SF-6.

5.04 26-0523 P26-40: A request to conditionally rezone 131 Pepsi Lane (0447025655000) consisting of 4.56 acres ±, by Patrick Byker of Morning Star Law Group representing Carvana owned by BG Properties LLC at from Heavy Industrial (HI) to Conditional Heavy Industrial (HI/CZ).

Recommendation: The Professional Planning Staff recommends that the Zoning Commission recommends to City Council a motion to APPROVE the request as presented - to conditionally rezone the approximately 4.56 at 131 Pepsi Lane from Heavily Industrial (HI) to Conditional Heavy Industrial (HI/CZ) with the following conditions:
1. Since the UDO limits Temporary Outdoor Vehicle Storage to 25% of the buildable area on the Carvana site, the Temporary Outdoor Vehicle Storage is increased to the extent shown on the site plan submitted by Carvana's engineers showing the areas of the site to be used for Temporary Outdoor Vehicle Storage. Accordingly, the site plan for the Carvana facility in the staff report shall be a condition to be applied to this site.
2. All chain link fencing and barbed wire on site will be removed. Carvana shall install a minimum six foot high opaque fence to screen all outdoor storage on site. The opaque fence shall be either wood or vinyl.

5.05 26-0518 P26-41: A request to rezone 0 Strickland Bridge Road (9485969422000) consisting of 19.54 acres ±, by Joe Faulkner of LJA representing Phil Kleinman of RAK-Fayetteville 1, LLC from Single-Family 15 (SF-15) to Mixed Residential 5 (MR-5).

Recommendation: The Professional Planning Staff recommends that the Zoning Commission recommends to City Council a motion to APPROVE the request as presented - to rezone the approximately 19.54 at Unaddressed Strickland Bridge Road from Single Family 15 (SF-15) to Mixed Residential 5 (MR-5).

6.0 OTHER ITEMS OF BUSINESS

7.0 ADJOURNMENT

VIRTUAL MEETING INFORMATION

Interested in viewing the meeting? Please use the Teams link provided below. This link is provided for remote observation of the proceedings. Remote attendees may not provide testimony, present evidence, or otherwise participate unless permitted by the Zoning Commission. Virtual testimony or evidence will not be accepted or presented through Microsoft Teams during evidentiary hearings, including variance and notice-of-appeal proceedings.

https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting
Meeting ID: 216 676 300 442 7
Password: 2Vr784Md

Dial in by phone
+1 929-352-1530
Phone conference ID: 749 293 670#

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0501

Agenda Date: 8/11/2026 **Version:** 1 **Status:** Agenda Ready

In Control: Zoning Commission **File Type:** Consent

Agenda Number: 3.01

TO: **Zoning Commission**

THRU: **Jennifer C. Baptiste - Planning & Zoning Division Manager**

FROM: **Thomas Cohen - Planner I**

DATE: **July 14, 2026**

RE:
***A26-27: Order to Approve: Findings of Fact for* by Donald Kinlaw for a variance to 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 (0408425302000).**

COUNCIL DISTRICT(S):
9 - Deno Hondros

Relationship To Strategic Plan:
Goal II - Responsive City Government Supporting a Diverse & Viable Economy

- Objective 3.2 - To manage the City's future growth and strategic land use

Goal VI - Collaborative Citizen & Business Engagement Base

- Objective 6.2 - To ensure trust and confidence in City government through transparency and high-quality customer service

Executive Summary:
Applicant is requesting a variance to both the maximum fence height standards and corner side setback standards as they relate to a residential property within the Single Family 10 (SF-10) zoning district. To allow the reconstruction of privacy fencing to be replaced and to enable continued placement of a shed. Requirements are an increase to the fence height by two feet and a reduction of the setback to 1.5 feet to accommodate the fence and shed respectively.

Applicant's request is an after-the-fact request and is triggered by three Notices of Violation served by City of Fayetteville Code Enforcement under Case Numbers CE20260409-04337, CE20260409-04338, and CE20260409-04339.

The Zoning Commission unanimously (5-0) approved the variance on July 14, 2026 with no conditions.

Background:
Owner: Donald Kinlaw
Request: Increased maximum fence height and decreased corner yard setback.
Address: 151 Wheat Way
Parcel Identification Number (PIN): 0408425302000
Parcel Size: ± 0.28

Existing Site Conditions: Single floor single family home
Immediate Context: Single family residential neighborhood
Utilities: Public water, sewer, and power
Public Notice: Notification letters were sent to property owners within 300 feet of the subject site. 29 notices sent.
Related Cases: CE20260409-04337, CE20260409-04338, and CE20260409-04339

Issues/Analysis:

Variance Criteria

In accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.f five standards must all be met for a variance to be granted.

1. **Unnecessary hardship -** Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
2. **Peculiar Conditions -** 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 actions of the land owner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance; and
3. **Minimum Action -** The variance is the minimum action that will make possible a reasonable use of land or structures; and
4. **Spirit of the Ordinance -** The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
5. **Public Safety -** In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

Applicable Standards and Request

UDO Section 30-5.D.4 outlines the maximum fence height standards and Section 30-3.d.3 outlines the Dimensional Standards for the SF-10 zoning district.

- Existing Maximum Fence Height: 4 feet
    - Proposed Variance: 6 feet (Increase of 2 feet)
- Existing Corner SIde Setback: 30 feet
    - Proposed Variance: 1.5 feet (Reduction of 28.5 feet)

Claim Summary

With the home being on a corner lot the corner side setback increases to 30 feet to match the front yard setback; in essence, there are two front yards. This reduces the buildable area to less than what it would be if not on the corner.

The fence was removed due to deterioration and is to be replaced by one of equivalent height which is also equivalent to the neighboring property of 6 feet.

Required Variance Findings

The Commission must determine whether the evidence supports **EACH** of the five criteria and associated findings.

The applicant provides the following statements to support the variance criteria.

1. Unnecessary Hardship
    - “With my home being located on a corner lot it is considered to have two front yards. One that faces the road I live on Wheat Way and the other facing the road to my left which is Cotton Valley Dr. With requested side yard setback of 30' from property lines the house itself barley fits on the lot. Currently from my property line to the side of my home is 35'6". I'm asking that the setback be moved from the required 30' to 1'6" in order to allow me to have a 12'x24' shed set in my side property and my fence be reconnected to the shed. also asking that my fence height be able to be taller than the required 4' tall and be allowed to be 6' tall to match my neighboring fence which is also located alone Cotton Valley Dr. Reason needing the extra space of the storage shed is that I have a son on the way. In our 3-bedroom home we are currently cleaning out our spare room to make a nursery for him to arrive on or around July 4th.”
2. Peculiar Conditions, Not Self-Created
    - “The hardships I'm currently running into are the size restrictions for our side yard. Because of my lot being a corner lot, I'm supposed to set back 30' from property lines and my fence be 4' or shorter. Asking for setback to give relief in order to be able to set storage shed in side yard and tie it into fence surrounding my back yard. My old fence was removed because it was rotting and falling over and didn't want to take the chance of it falling on my children or the neighbor behind me fence. With the size my lot and the location of my lot it seems really challenging to move the shed to any other location on the lot at the moment. The fence height that I had installed was the same height and material as the previously installed fence and also installed in same exact location of the previous fence that was removed. With the exception of the area that the shed is sitting and there the fence ties into the shed.”
3. Minimum Action Necessary
    - “With this variance it allows me to have space on the side of my home for extra storage to help me organize my things and give them all a place to go. At the same time keeping my yard aesthetically pleasing to the eye. The shed is built to look and match my home color trim and appearance, and the fence ties into it perfectly also, with my fence matching the height of my neighboring fence helps one privacy to my yard and safety of my children but also keeps the flow from my neighbor’s yard to mine.”
4. Spirit of the Ordinance
    - “With the variance in place everything stays well-kept and well presented to the public passing by. no variation of fence heights from yard to yard. Also, helps me by giving me somewhere to store my things to help make room in my home for a son that I have on the way.

Budget Impact:

Approval or denial of the requested variance does not create immediate or direct impacts on the budget aside from the normal administrative costs for notice, staff review, and the quasi-judicial evidentiary hearing.

Options:
1. Approve the drafted Findings of Fact which match the drafted Order to Approve A26-26 and the hearing record.

2. Approve the Findings of Fact with revisions that the Zoning Commission requests and the hearing record supports

Recommended Action:
Option 1 above - Approve the drafted Findings of Fact

Attachments:
1. Application
2. Aerial Notification Map
3. Zoning Map
4. Future Land Use Map
5. Subject Property
6. Surrounding Properties
7. Site Plan
8. Staff Report
9. Order to Approve A26-26 - Findings of Fact and Conclusions of Law

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

Increase the maximum fence height and reduce the corner side setback at 151 Wheat Way (0408425302000)

VARIANCE A26-27

Address: 151 Wheat Way
REID Number: 0408425302000
Property Owner: David Kinlaw
Applicant: David Kinlaw

The Zoning Commission of the City of Fayetteville, North Carolina, conducted an evidentiary hearing on July 14, 2026, to consider a variance application submitted by David Kinlaw ("Owner" or "Property Owner"), seeking approval of a variance to increase the maximum fence height and reduce the corner-side setback at 151 Wheat Way (0408425302000) ("Subject Property").

On June 30, 2026, notice of the public hearing was mailed to the Property 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 June 30, 2026. Additionally, on June 30, 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 July 3, 2026, and July 10, 2026.

Upon careful consideration of all sworn testimony, admitted evidence, and oral arguments presented by the parties at the properly 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 5, Subsection 30-5.D.4 of the City's Unified Development Ordinance ("UDO") establishes the maximum fence height standards and Chapter 30, Article 3, Subsection 30-3.D.3 establishes the dimensional standards for the Single-Family Residential 10 (SF-10) zoning district.

2. The Property Owner holds title to the Subject Property, which is located at 151 Wheat Way, is zoned for Single-Family Residential 10 (SF-10) and is within the municipal limits of the City of Fayetteville.

3. In the SF-10 zoning district, the maximum fence height permitted within the corner side is four (4) feet, and the required corner-side setback is thirty (30) feet from the property line.

4. The Owner requested an increase to the maximum fence height from four (4) feet to six (6) feet as well as a reduction in the corner side setback from thirty (30) feet to one and one-half (1.5) feet.

5. The Subject Property is designated as Low-Density Residential on the City's adopted Future Land Use Map.

6. The area surrounding the Subject Property consists of entirely single-family homes.

7. 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 ordinance requirements would impose practical difficulties and unnecessary hardships because corner lots have an increased side setback compared to non-corner lots and would require a shorter fence than what was there previously.

9. The hardship is attributable solely to the unique conditions specific to the property and not the landowner's actions because the corner-side setback and second street frontage reduce the buildable area and limit the permitted fence height.

10. The variance is the minimum action necessary to permit continued use of the structure and installation of the replacement fence.

11. The variance aligns with the general purpose and intent of the Ordinance and preserves its spirit because it allows the use of an accessory structure and installation of the replacement fence.

12. Granting the variance assures public safety and welfare while ensuring substantial justice because the previous fence was hazardous, and the replacement fence and existing structure reduce the existing hazard.

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 A26-27 be **APPROVED** with no conditions.

VOTE: 5-0

This, the 11th day of August, 2026.

_____

Kevin Hight
Zoning Commission Chair

TO: **Zoning Commission**

THRU: **Jennifer Baptiste – Planning & Zoning Division Manager**

FROM: **Thomas Cohen – Planner I**

Date: **July 14, 2026**

RE:

***A26-27*:** A request by Donald Kinlaw 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 (0408425302000).

COUNCIL DISTRICT(S)

9 – Deno Hondros

Relationship To Strategic Plan:

Goal I – Safe and Secure Community

- Objective 1.3 – To ensure low incidence of property and violent crime

Taller fences provide better privacy and reduce opportunity for property crime.

Goal II – Responsive City Government Supporting a Diverse & Viable Economy

- Objective 3.2 – To manage the City's future growth and strategic land use

The addition of a large shed allows for the comfortable, continued, use of an existing single family home when otherwise sale and movement might be preferable.

Goal VI – Collaborative Citizen & Business Engagement Base

- Objective 6.2 – To ensure trust and confidence in City government through transparency and high-quality customer service

The case relies on a quasi-judicial evidentiary hearing in which decisions are based on fact and expert testimony which are all on record.

Executive Summary:

Applicant is requesting a variance to both the maximum fence height standards and corner side setback standards as they relate to a residential property within the Single Family 10 (SF-10) zoning district. To allow the reconstruction of privacy fencing to be replaced and to enable continued placement of a shed. Requirements are an increase to the fence height

by 2 feet and a reduction of the setback to 1.5 feet to accommodate the fence and shed respectively.

Applicant's request is post-hoc and triggered by three Notices of Violation served by City of Fayetteville Code Enforcement under Case Numbers CE20260409-04337, CE20260409-04338, and CE20260409-04339 which are currently under an agreement of stay pending variance outcome.

Background:

Owner: Donald Kinlaw

Request: Increased maximum fence height and decreased corner side setback.

Address: 151 Wheat Way

Parcel Identification Number (PIN): 0408425302000

Parcel Size: ± 0.28

Existing Site Conditions: Single floor single family home

Immediate Context: Single family residential neighborhood

Utilities: Public water, sewer, and power

Public Notice: Notification letters were sent to property owners within 300 feet of the subject site equating to 29 notices sent.

Related Cases: CE20260409-04337, CE20260409-04338, and CE20260409-04339

Issues/Analysis:

Variance Criteria

In accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.f five standards must all be met for a variance to be granted.

1. **Unnecessary hardship –** Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
2. **Peculiar Conditions –** 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 actions of the land owner, nor may hardships resulting from personal circumstances as well as hardships resulting

from conditions that are common to the neighborhood or the general public be the basis for granting a variance; and

3. **Minimum Action –** The variance is the minimum action that will make possible a reasonable use of land or structures; and
4. **Spirit of the Ordinance –** The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
5. **Public Safety –** In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

Applicable Standards and Request

UDO Section 30-5.D.4 outlines the maximum fence height standards and Section 30-3.d.3 outlines the Dimensional Standards for the SF-10 zoning district.

- Existing Maximum Fence Height: 4 feet
    - Proposed Variance: 6 feet (Increase of 2 feet)
- Existing Corner Side Setback: 30 feet
    - Proposed Variance: 1.5 feet (Reduction of 28.5 feet)

Claim Summary

With the home being on a corner lot the corner side setback increases to 30 feet to match the front yard setback; in essence, there are two front yards. This reduces the buildable area to less than what it would be if not on the corner. In relation to the fence, it was removed due to deterioration and is to be replaced by one of equivalent height which is also equivalent to the neighboring property; that of 6 feet.

Required Variance Findings

The Commission must determine whether the evidence supports **EACH** of the five criteria and associated findings.

The applicant provides the following statements to support the variance criteria.

1. Unnecessary Hardship
    - With my home being located on a corner lot it is considered to have two front yards. One that faces the road I live on wheat way and the other facing the road to my left which is cotton valley dr. With requested side yard setback of 30' from property lines the house itself barley fits on the lot. Currently from my property line to the side of my home is 35'6". I'm asking that the setback be moved from the required 30' to 1'6" in order to allow me to have a 12'x24' shed set in my side property and my fence be reconnected to the shed. also

asking that my fence height be able to be taller than the required 4' tall and be allowed to be 6' tall to match my neighboring fence which is also located alone cotton valley dr. Reason needing the extra space of the storage shed is that I have a son on the way. In our 3-bedroom home we are currently cleaning out our spare room to make a nursery for him to arrive on or around july 4th.

2. Peculiar Conditions, Not Self-Created
    - The hardships I'm currently running into are the size restrictions for our side yard. Because of my lot being a corner lot, I'm supposed to setback 30' from property lines and my fence be 4' or shorter. Asking for setback to give relief in order to be able to set storage shed in side yard and tie it into fence surrounding my back yard. My old fence was removed because it was rotting and falling over and didn't want to take the chance of it falling on my children or the neighbor behind me fence. With the size my lot and the location of my lot it seems really challenging to move the shed to any other location on the lot at the moment. The fence height that I had installed was the same height and material as the previously installed fence and also installed in same exact location of the previous fence that was removed. With the exception of the area that the shed is sitting and there the fence ties into the shed.
3. Minimum Action Necessary
    - With this variance it allows me to have space on the side of my home for extra storage to help me organize my things and give them all a place to go. At the same time keeping my yard aesthetically pleasing to the eye. The shed is built to look and match my home color trim and appearance, and the fence ties into it perfectly also, with my fence matching the height of my neighboring fence helps one privacy to my yard and safety of my children but also keeps the flow from my neighbors yard to mine.
4. Spirit of the Ordinance
    - With the variance in place everything stays well-kept and well presented to the public passing by. no variation of fence heights from yard to yard. also, helps me by giving me somewhere to store my things to help make room in my home for a son that i have on the way.

Budget Impact:

Approval or denial of the requested variance does not create immediate or direct impacts on the budget aside from the normal administrative costs for notice, staff review, and the quasi-judicial evidentiary hearing. Without the variance, the shed and fence will remain

non-compliant and the existing code enforcement cases and workload will resume as part of standard code administration.

Options:

- **Approval –** Find that the request meets all criteria
- **Approval, but with conditions –** Find that the request meets all criteria if adhering to a set of conditions
- **Denial –** Find that the request does not meet one or more criteria

Granting a variance requires an affirmative vote of at least four-fifths of the members who are eligible to vote.

Recommended Action:

N/A

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Site Plan

Planning & Zoning
433 Hay Street
Fayetteville, NC 28301
910-433-1612
www.fayettevillenc.gov

Project Overview #2172087

Project Title: 151 wheat way fayettville nc 28314
Application Type: 5.4) Variance
Workflow: Staff Review
Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 151 WHEAT WAY (0408425302000) **Zip Code:** 28314
Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: Cumberland County Tax Office GIS system

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 151 WHEAT WAY

Variance Request Information

Requested Variances: Minimum yard/setback,Fence/wall

Section of the City Code from which the variance is being requested.: 30-5.d.4 & 30-3.d.3

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:
requesting that my fence height allowed to be 6' tall instead of the required 4' tall in order to match neighboring fence height.

requesting set back from proper line be moved from 30' to 1'6" in order for shed to be placed on corner of side yard.

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:
single family 10 (sf10)

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that **all** of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique
3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and

6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Please describe how strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.:
With my home being located on a corner lot it is considered to have two front yards. One that faces the road I live on wheat way and the other facing the road to my left which is cotton valley dr. With requested side yard setback of 30' from property lines the house itself barley fits on the lot. Currently from my property line to the side of my home is 35'6". I'm asking that the setback be moved from the required 30' to 1'6" in order to allow me to have a 12'x24' shed set in my side property and my fence be reconnected to the shed. also asking that my fence height be able to be taller than the required 4' tall and be allowed to be 6' tall to match my neighboring fence which is also located alone cotton valley dr. Reason needing the extra space of the storage shed is that I have a son on the way. In our 3-bedroom home we are currently cleaning out our spare room to make a nursery for him to arrive on or around july 4th.

Please describe how 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 actions of the landowner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance.:
The hardships I'm currently running into are the size restrictions for our side yard. Because of my lot being a corner lot, I'm supposed to setback 30' from property lines and my fence be 4' or shorter. Asking for setback to give relief in order to be able to set storage shed in side yard and tie it into fence surrounding my back yard. My old fence was removed because it was rotting and falling over and didn't want to take the chance of it falling on my children or the neighbor behind me fence. With the size my lot and the location of my lot it seems really challenging to move the shed to any other location on the lot at the moment. The fence height that I had installed was the same height and material as the previously installed fence and also installed in same exact location of the previous fence that was removed. With the exception of the area that the shed is sitting and there the fence ties into the shed.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:
With this variance it allows me to have space on the side of my home for extra storage to help me organize my things and give them all a place to go. At the same time keeping my yard aesthetically pleasing to the eye. The shed is built to look and match my home color trim and appearance, and the fence ties into it perfectly also, with my fence matching the height of my neighboring fence helps one privacy to my yard and safety of my children but also keeps the flow from my neighbors yard to mine.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:
With the variance in place everything stays well-kept and well presented to the public passing by. no variation of fence heights from yard to yard. also, helps me by giving me somewhere to store my things to help make room in my home for a son that i have on the way.

Height of Sign Face : 0
Height of Sign Face: 0
Square Footage of Sign Face : 0
Square Footage of Sign Face: 0
Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:
With this variance beiung approved withthe shed in current loocation you still have plenty of rom to see both ways when leaven wheat way. Shed nor fence blocks any view of anyone trying to enter or exit the road way.

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Height of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Project Owner
Donald Kinlaw

151 wheat way
Fayetteville, NC 28314
P:9102259381
Donald.kinlaw@gmail.com

Project Contact - Agent/Representative
Donald Kinlaw

151 wheat way
Fayetteville, NC 28314
P:9102259381
Donald.kinlaw@gmail.com

Indicate which of the following project contacts should be included on this project:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds $40,000. :

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State General Contractor's License Number:

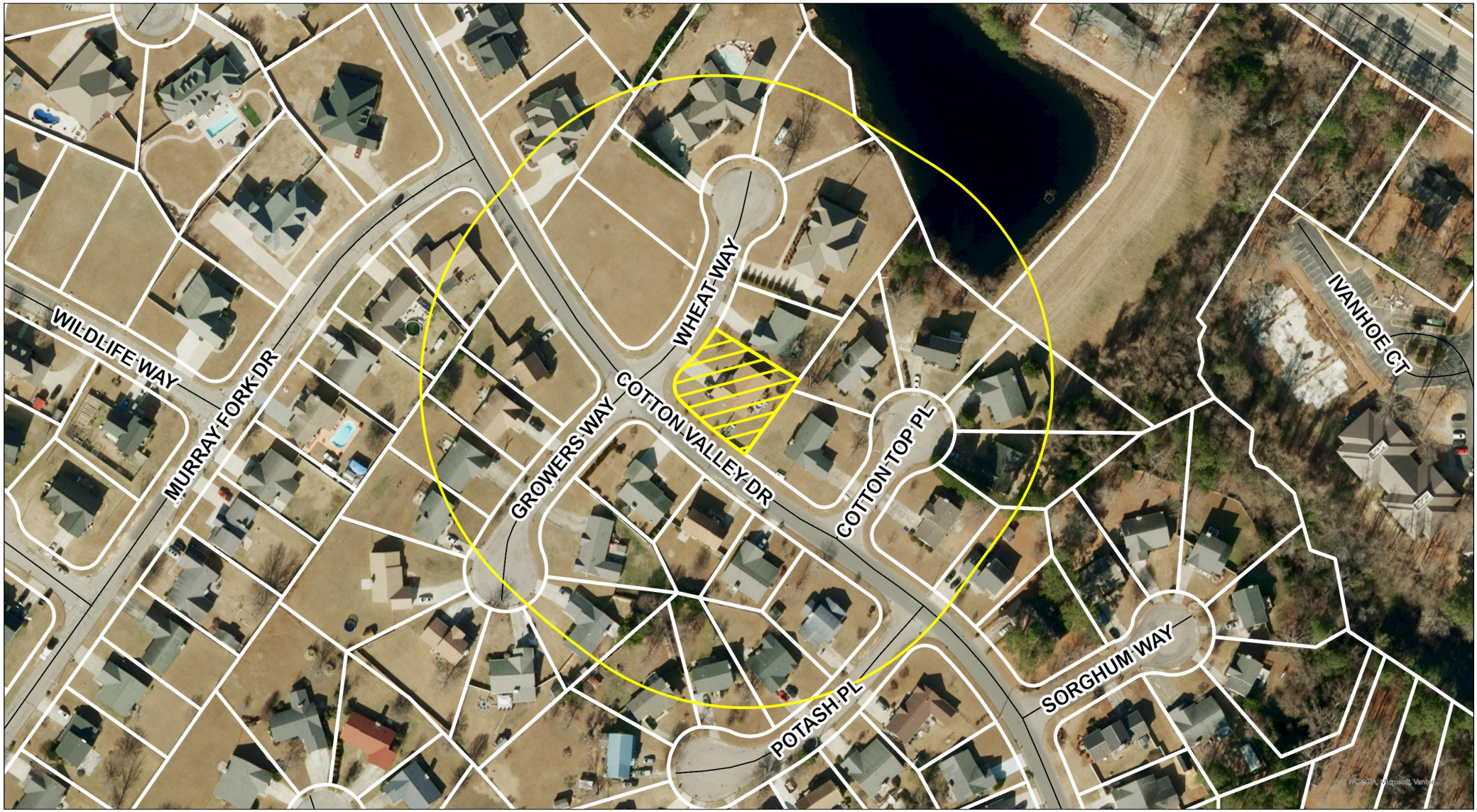
NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:



Aerial Notification Map

Case #: A26-27

Request: Increase fence height and reduce setback
Location: 151 Wheat Way
(0408425302000)

Streets

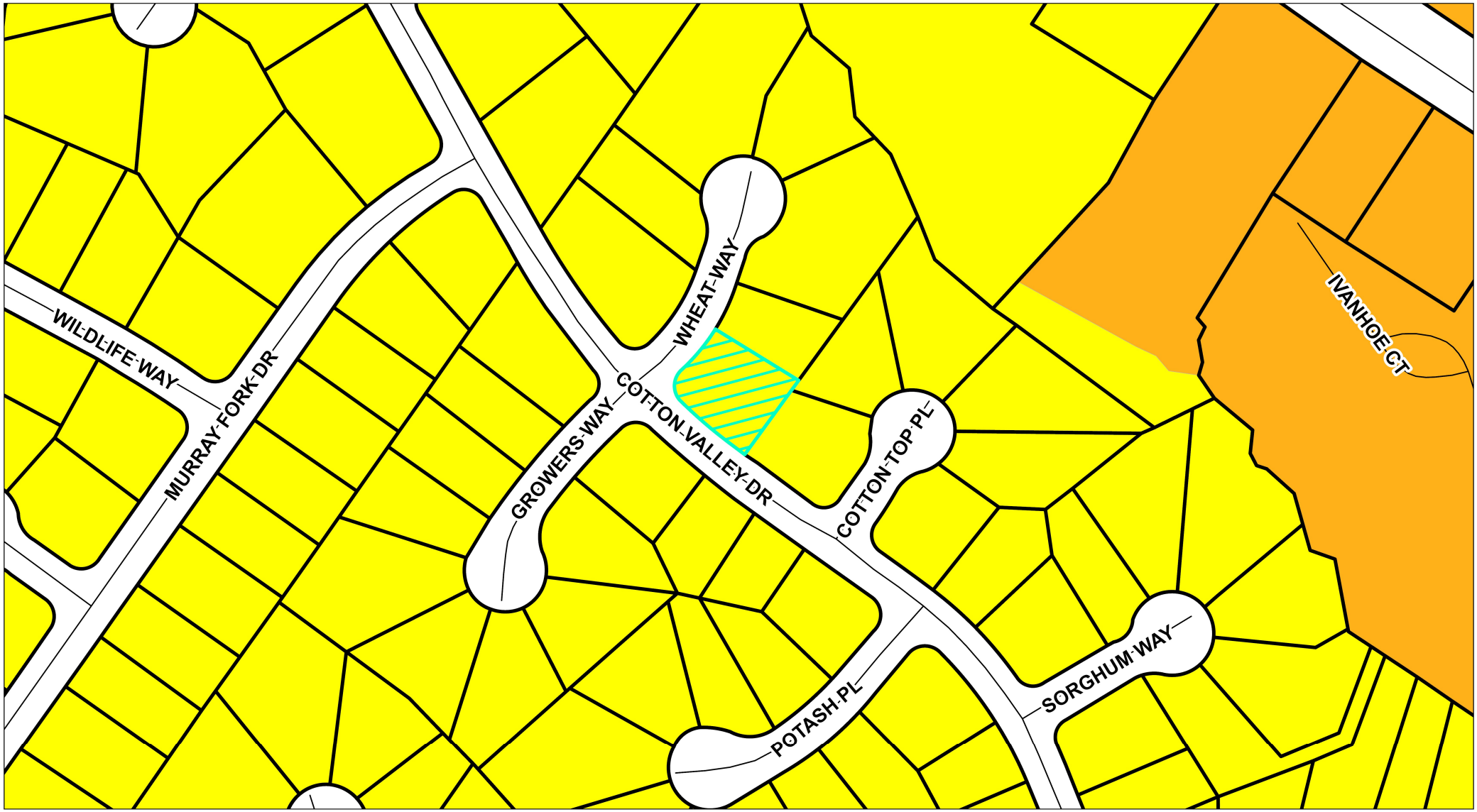
A26-27 Buffer

A26-27

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
AMERICA'S CAN DO CITY



Zoning Map

Case #: A26-27

Request: Increase fence height and reduce setback

Location: 151 Wheat Way (0408425302000)

MR-5 - Mixed Residential 5

SF-10 - Single-Family Residential 10

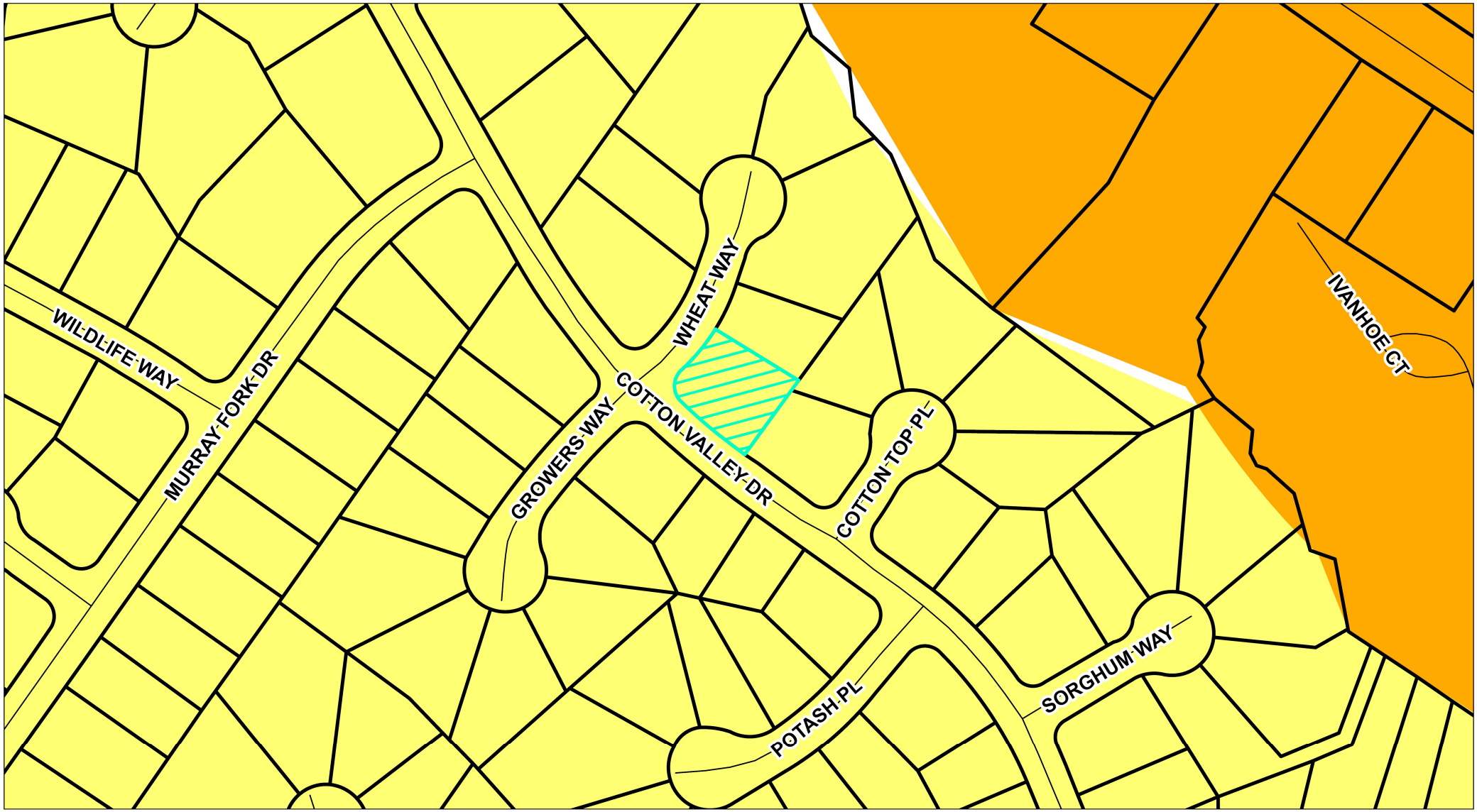
Streets

A26-27

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
AMERICA'S CAN DO CITY



Future Land Use Map

Case #: A26-27

Request: Increase fence height and reduce setback

Location: 151 Wheat Way (0408425302000)

LDR - LOW DENSITY

HDR - HIGH DENSITY RESIDENTIAL

Streets

A26-27

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
AMERICA'S CAN DO CITY

Subject Property

Surrounding Properties

ArcGIS Web Map

5/11/2026, 8:39:04 PM

1:250

0 5 10 20 ft

0 2.75 5.5 11 m

Tax Parcels

Parcel Lines

Parcel Line

Address

Streets

19715E465696N.sid

Red: Band_1

Green: Band_2

Blue: Band_3

CCGIS, CCGIS \ ESRI Charlotte

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0527

Agenda Date: 8/11/2026 **Version:** 1 **Status:** Agenda Ready

In Control: Zoning Commission **File Type:** Consent

Agenda Number: 3.02

TO: **Zoning Commission**

THRU: **Jennifer C. Baptiste - Planning & Zoning Division Manager**

FROM: **Thomas Cohen - Planner I**

DATE: **August 11, 2026**

RE:
A26-28: Order to Approve: Findings of Fact A request from Mayer Mitchell for a variance to the fence height standards (Section 30-5.D.4) to allow for a taller fence at 2213 Bragg Blvd (0428404373000).

COUNCIL DISTRICT(S):
5 - Lynne Greene

Relationship To Strategic Plan:
Goal IV - Desirable place to live, work, & recreate

- Objective 4.4 - To provide a clean and beautiful community with increased green spaces
- Objective 4.5 - To ensure a place for people to live in great neighborhoods

Goal VI - Collaborative Citizen & Business Engagement Base

- Objective 6.2 - To ensure trust and confidence in City government through transparency and high-quality customer service

Executive Summary:
Applicant requests a variance to the maximum fence height standards found in section 30-5.D.4 to increase the height allowed from four feet to six feet.

On July 14, 2026 the Zoning Commission held an evidentiary hearing regarding this application. The Commission voted unanimously to approve this Variance.

Background:
Owner: Mayer Mitchell
Request: Increase fence maximum height from 4ft to 6ft
Parcel Identification Number (PIN): 0428404373000
Parcel Size: ± 0.35
Existing Site Conditions: Single family home
Immediate Context: Single family homes
Utilities: Public sewer, water, and electricity
Public Notice: Notification letters were sent to property owners within 300 feet of the subject site equating to 31 notices sent.
Related Cases: N/A

Issues/Analysis:

Variance Criteria

In accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.f five standards must all be met for a variance to be granted.

1. **Unnecessary hardship -** Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
2. **Peculiar Conditions -** 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 actions of the land owner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance; and
3. **Minimum Action -** The variance is the minimum action that will make possible a reasonable use of land or structures; and
4. **Spirit of the Law -** The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
5. **Public Safety -** In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

Applicable Standards and Request

UDO Section 30-5.D.4 outlines the maximum fence height standards for the SF-6 zoning district.

- Existing Maximum Fence Height: 4 feet
    - Proposed Variance: 6 feet (Increase of 2 feet)

Claim Summary

The house fronts both McPherson St and Bragg Blvd creating effectively two front yards as the property is a near-corner through lot. The McPherson side acts more akin to a backyard due to the minimal frontage, and the applicant states that the Bragg Blvd side has an issue of people discarding trash onto the property. The height increase is for privacy and safety.

Required Variance Findings

The Commission must determine whether the evidence supports **EACH** of the five criteria and associated findings.

The applicant provides the following statements to support the variance criteria.

1. Unnecessary Hardship
    - “On the Bragg Boulevard side of my house, it is a regular occurrence for people to discard their trash onto my property both from their vehicle and while walking past. A gate will be built on this side to allow public workers access to any utility or area that they are required to get to. On the Mcpherson side, I would like to have a place to let my dog out and only a small section of the property butts onto the street which makes it more akin to a backyard even though it technically is a corner lot.”
2. Peculiar Conditions, Not Self-Created
    - “Please refer to the prior passage.”

3. Minimum Action Necessary
    - “This variance will prevent people from throwing their trash onto my property.”
4. Spirit of the Ordinance
    - “The land on the Mcpherson Avenue side has minimal contact with the road making it more akin to a backyard.”

Budget Impact:
Approval or denial of the requested variance does not create immediate or direct impacts on the budget.

Options:
1. Approve the drafted Findings of Fact which match the drafted Order to Approve A26-28 and the hearing record.
2. Approve the Findings of Fact with revisions that the Zoning Commission requests and the hearing record supports.

Recommended Action:
Professional Planning Staff recommends approving option 1.

Attachments:
1. Order to Approve A26-28 - Findings of Fact and Conclusion of Law

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

Variance to the fence height standards to allow for a taller fence at 2213 Bragg Blvd (0428404373000).

VARIANCE A26-28

Address: 2213 Bragg Blvd
REID Number: 042840473000
Property Owner: Mayer Mitchell
Applicant: Mayer Mitchell

The Zoning Commission of the City of Fayetteville, North Carolina, conducted an evidentiary hearing on July 14, 2026, to consider a variance application submitted by Mayer Mitchell ("Applicant" or "Property Owner") seeking approval to increase the fence height standards to allow for a taller fence at 2213 Bragg Blvd (042840473000) ("Subject Property").

On June 30, 2026, notice of the public hearing was mailed to the Property 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 June 30, 2026. Additionally, on July 3, 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 July 3, 2026, and July 10, 2026.

Upon careful consideration of all sworn testimony, admitted evidence, and oral arguments presented by the parties at the properly 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 5, Subsection 30-5.D.4. of the City's Unified Development Ordinance ("UDO") establishes fence height standards based on the location within the lot.

2. The Property Owner holds title to the Subject Property located on 2213 Bragg Boulevard, is zoned Single-Family Residential 6 (SF-6), and is located within the municipal limits of the City of Fayetteville.

3. In the Single Family 6 (SF-6) zoning district, the maximum front and corner yard fence height is four (4) feet.

4. On March 23, 2026, the Applicant applied to request a variance to increase the required fence height from four (4) feet to six (6) feet.

5. The Subject Property is designated as Medium-Density Residential (MDR) on the City's adopted Future Land Use Map.

6. The area surrounding the Subject Property is developed as medium-density single family residential and office and institutional.

7. The Applicant requests an increase to the maximum fence height from four (4) feet to six (6) feet.

8. 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.

9. Strict enforcement of the Ordinance requirements would impose practical difficulties and unnecessary hardships because, without the variance, the property is subject to litter being blown or discarded onto the yard from McPherson Avenue and Bragg Boulevard. Traffic noise from Bragg Boulevard also adversely affects the use and enjoyment of the property.

10. These practical difficulties and unnecessary hardships are attributable solely to the unique conditions specific to the property and not the landowner's actions because the property is located between McPherson Avenue and Bragg Boulevard, exposing it to traffic noise and litter from the adjacent roadways.

11. The requested variance constitutes the least departure required to enable a reasonable use of the property due to the property's location adjacent to two heavily traveled roadways. The previous fence on the property was four (4) feet tall and did not sufficiently block the traffic noise and litter from the adjacent roadways.

12. The variance aligns with the general purpose and intent of the Ordinance and preserves its spirit because the increased fence height addresses the property's unique conditions without adversely affecting the visibility, safety, or character of the surrounding area.

13. Granting the variance promotes public safety and welfare and achieves substantial justice by helping to mitigate litter and traffic noise originating from Bragg Boulevard.

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 A26-28 be **APPROVED** without conditions.

VOTE: Unanimous 5-0

This, the 11th of August, 2026.

_____

Kevin Hight
Zoning Commission Chair

Planning & Zoning
433 Hay Street
Fayetteville, NC 28301
910-433-1612
www.fayettevillenc.gov

Project Overview #2189567

Project Title: 6ft fence variance
Application Type: 5.4) Variance
Workflow: Staff Review
Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 2213 BRAGG BLVD (0428404373000) **Zip Code:** 28303
Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: Cumberland County Tax Office GIS system

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 2213 BRAGG BLVD

Variance Request Information

Requested Variances: Height

Section of the City Code from which the variance is being requested.: 30-5.D.4. Height Requirements for Fences and Walls

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:
I am requesting a variance in the code to allow me to build a six foot fence in my front yards, both the one adjacent to Bragg Boulevard and the one touching Mcpherson Avenue, as opposed to the standard limitation of front yard fences being a maximum of four feet in height. There will still be at least a ten foot standoff distance from any public thoroughfare. This request is to prevent passers bye from tossing trash from their vehicle or from their person into my yard which has been a common occurrence since moving to this address. The proposed fence on the Mcpherson Avenue side is replacing a preexisting chain link fence which fell into disrepair before I purchased the property. The chain link fence that is being replaced was also six feet in height. This is keeping to the spirit of the law since the yard on the Mcpherson Avenue side does not run parallel with the street and only has one entrance from the street; the beginning of this fence is also

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:
Three of four adjacent lots of land currently have houses on them (2215 Bragg Boulevard, 417 Mcpherson Avenue, 421 Mcpherson Avenue). The fourth lot of adjacent land, 2211 Bragg Boulevard, is currently vacant. The lot of land across Bragg Boulevard, 2509 Pecan Drive also has a residential address. The lot of land across the street on McPherson is the parking lot for Epicenter Church (2512 Fort Bragg Road).

inset from the street into the 2213 Bragg Boulevard property.
Both fences will be constructed of wood and adhere to 5.c.

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that **all** of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique
3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Please describe how strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.:
On the Bragg Boulevard side of my house, it is a regular occurrence for people to discard their trash onto my property both from their vehicle and while walking past. A gate will be built on this side to allow public workers access to any utility or area that they are required to get to. On the Mcpherson side, I would like to have a place to let my dog out and only a small section of the property butts onto the street which makes it more akin to a backyard even though it technically is a corner lot.

Please describe how 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 actions of the landowner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance.:
Please refer to the prior passage.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:
This variance will prevent people from throwing their trash onto my property.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:
The land on the Mcpherson Avenue side has minimal contact with the road making it more akin to a backyard.

Height of Sign Face : 6

Height of Sign Face: 6

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:
This variance will lead to a decrease in the opportunity for people to easily litter. No risk to the public safety and welfare will be imposed by the construction or existence of this fence.

Height of Sign Face: 6

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Please refer to the attached site plan for questions regarding dimensions.

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Primary Contact Information

Project Owner
Mayer Mitchell

2213 Bragg Boulevard
Fayetteville, NC 28303
P:3142231364
sunbro112358@outlook.com

Indicate which of the following project contacts should be included on this project: Other

Project Contact - Agent/Representative
Mayer Mitchell

2213 Bragg Boulevard
Fayetteville, NC 28303
P:3142231364
sunbro112358@outlook.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds $40,000. :

NC State Electrical Contractor #1 License Number:
NC State Electrical Contractor #2 License Number:
NC State Electrical Contractor #3 License Number:

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:
NC State Mechanical Contractor's #2 License Number:
NC State Mechanical Contractor #3 License Number:
NC State Plumbing Contractor #1 License Number:
NC State Plumbing Contractor #2 License Number:

Other
Isauro Ramirez
Ramirez Renovations
2014 Hope Mills Rd
Fayetteville, NC 28304
P:(910) 568-3002
Ramirezrenovationco@gmail.com

TO: **Zoning Commission**

THRU: **Jennifer Baptiste – Planning & Zoning Division Manager**

FROM: **Thomas Cohen – Planner I**

Date: **July 14, 2026**

RE:

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

COUNCIL DISTRICT(S)

5 – Lynne Greene

Relationship To Strategic Plan:

Goal I – Safe and Secure Community

- Objective 1.3 – To ensure low incidence of property and violent crime

Taller fences provide better privacy and reduce opportunities for property crime and the improper disposal of refuse onto a property.

Goal IV – Desirable place to live, work, & recreate

- Objective 4.4 – To provide a clean and beautiful community with increased green spaces
- Objective 4.5 – To ensure a place for people to live in great neighborhoods

A yard free of improperly discarded refuse provides a more aesthetic neighborhood and helps maintain a more communal feeling.

Goal VI – Collaborative Citizen & Business Engagement Base

- Objective 6.2 – To ensure trust and confidence in City government through transparency and high-quality customer service

The case relies on a quasi-judicial evidentiary hearing in which decisions are based on fact and expert testimony which are all on record.

Executive Summary:

Applicant requests a variance to the maximum fence height standards found in section 30-5.D.4 to increase this maximum from 4 feet to 6 feet. This would enable the construction of

a privacy fence on both street frontages that will assist in the prevention of passersby from discarding trash and other refuse onto the property.

Background:

Owner: Mayer Mitchell

Request: Increase fence maximum height from 4ft to 6ft

Parcel Identification Number (PIN): 0428404373000

Parcel Size: ± 0.35

Existing Site Conditions: Single family home

Immediate Context: Single family homes

Utilities: Public sewer, water, and electricity

Public Notice: Notification letters were sent to property owners within 300 feet of the subject site equating to 31 notices sent.

Related Cases: N/A

Issues/Analysis:

Variance Criteria

In accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.f five standards must all be met for a variance to be granted.

1. **Unnecessary hardship –** Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
2. **Peculiar Conditions –** 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 actions of the land owner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance; and
3. **Minimum Action –** The variance is the minimum action that will make possible a reasonable use of land or structures; and
4. **Spirit of the Law –** The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and

5. **Public Safety –** In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

Applicable Standards and Request

UDO Section 30-5.D.4 outlines the maximum fence height standards for the SF-6 zoning district.

- Existing Maximum Fence Height: 4 feet
    - Proposed Variance: 6 feet (Increase of 2 feet)

Claim Summary

The house fronts both McPherson St and Bragg Blvd creating effectively two front yards as the property is a near-corner through lot. The McPherson side acts more akin to a backyard due to the minimal frontage, and the Bragg Blvd side has an issue of people discarding their trash over the fence and onto the property. The height increase is for privacy and safety to prevent people from doing such.

Required Variance Findings

The Commission must determine whether the evidence supports **EACH** of the five criteria and associated findings.

The applicant provides the following statements to support the variance criteria.

1. Unnecessary Hardship
    - On the Bragg Boulevard side of my house, it is a regular occurrence for people to discard their trash onto my property both from their vehicle and while walking past. A gate will be built on this side to allow public workers access to any utility or area that they are required to get to. On the Mcpherson side, I would like to have a place to let my dog out and only a small section of the property butts onto the street which makes it more akin to a backyard even though it technically is a corner lot.
2. Peculiar Conditions, Not Self-Created
    - Please refer to the prior passage.
3. Minimum Action Necessary
    - This variance will prevent people from throwing their trash onto my property.
4. Spirit of the Ordinance
    - The land on the Mcpherson Avenue side has minimal contact with the road making it more akin to a backyard.

Budget Impact:

Approval or denial of the requested variance does not create immediate or direct impacts on the budget aside from the normal administrative costs for notice, staff review, and the quasi-judicial evidentiary hearing. There will be little to no downstream or indirect impacts on the budget from approval or denial of the request.

Options:

- **Approval –** Find that the request meets all criteria
- **Approval, but with conditions –** Find that the request meets all criteria if adhering to a set of conditions
- **Denial –** Find that the request does not meet one or more criteria

Granting a variance requires an affirmative vote of at least four-fifths of the members who are eligible to vote.

Recommended Action:

N/A

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Site Plan

Subject Property

Surrounding Properties

Across - McPherson

Across – Bragg Blvd

Adjacent - McPherson

Adjacent – Bragg Blvd

Adjacent – Bragg Blvd

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0521

Agenda Date: 8/11/2026 **Version:** 1 **Status:** Agenda Ready

In Control: Zoning Commission **File Type:** Consent

Agenda Number: 3.03

TO: **Zoning Commission**

THRU: **Jennifer C. Baptiste, Planning & Zoning Manager**

FROM: **Catina Evans - Office Assistant II**

DATE: **August 11, 2026**

RE:
Approval of Meeting Minutes: July 14, 2026, meeting

COUNCIL DISTRICT(S):
All

Relationship To Strategic Plan:
Goal VI: Collaborative Citizen & Business Engagement
- Objective 6.2 - Ensure trust and confidence in City government through transparency & high-quality customer service.

Executive Summary:
The City of Fayetteville Zoning Commission conducted a meeting on the referenced date. The attached minutes is a true accounting of the items of business considered by the Commission.

Background:
NA

Issues/Analysis:
NA

Budget Impact:
NA

Options:
1. Approve draft minutes;
2. Amend draft minutes and approve draft minutes as amended; or
3. Do not approve the draft minutes and provide direction to Staff.

Recommended Action:
Option 1: Approve draft minutes.

Attachments:
Draft Meeting Minutes: July 14, 2026, meeting

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

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0491

Agenda Date: 8/11/2026 **Version:** 1 **Status:** Agenda Ready

In Control: Zoning Commission **File Type:** Evidentiary Hearing

Agenda Number: 4.01

TO: **Zoning Commission Members**

THRU: **Jennifer Baptiste, Planning & Zoning Division Manager**

FROM: **Craig Harmon, Senior Planner**

DATE: **August 11, 2026**

RE:
NOA26-02. Notice of Appeal regarding the revocation of building, electrical, mechanical, and plumbing permits for property located at 4431 Bragg Boulevard (REID # 0418553607000), owned by 4311 Bragg, LLC

COUNCIL DISTRICT(S):
9 - Hondros

Relationship To Strategic Plan:

1. **Economic and Strategic Growth:** A clear determination regarding the property's legal nonconforming-use status and permit eligibility may support continued private investment, business activity, and productive reuse along the Bragg Boulevard corridor.
2. **Neighborhood and Corridor Revitalization:** Completion of the repairs required by the City's Housing and Code Enforcement order could improve the condition of the property, reduce deterioration, and contribute to broader revitalization efforts.
3. **Exemplary and Sustainable Public Services:** The case emphasizes the importance of coordinated, accurate, and consistent decisions among Code Enforcement, Permitting and Inspections, Planning and Zoning, and the City Attorney's Office. This supports the City's mission to provide high-quality and sustainable public services.
4. **Transparency and Public Trust:** Providing a complete administrative record and a fair, clearly documented appeal process supports the City's values of responsibility, ethics, stewardship, and professionalism while helping safeguard public trust in City government.

Executive Summary:
The applicant has filed a Notice of Appeal concerning the City's revocation of building, electrical, mechanical, and plumbing permits associated with Project No. 1887777 at 4431 Bragg Boulevard. The applicant contends that the property retains a lawful nonconforming commercial use under Article 30-7 of the Unified Development Ordinance and disputes that the use was abandoned or discontinued for more than 365 consecutive days. The application further states that the permitted repairs were intended to comply with a Housing and Code Enforcement order requiring the structure to be repaired within 180 days.

The appeal also challenges four additional permits issued and revoked by the City.

The applicant alleges that these permits were created without the owner's application or consent and argues that their issuance either improperly affected the pending appeal of the original permits or constituted a new development approval.

Background:

Owners: 4311 BRAGG, LLC
Applicant: Charles Smith, Anderson, Johnson, Lawrence & Butler, LLP
Requested Action: Notice of Appeal
REID #: 0418553607000
Council District: 9 - Hondros
Status of Properties: Vacant Commercial
Size: 2.01 acres ±
Adjoining Land Use and Zoning:
North: CC - Commercial
South: CC - Commercial
East: CC - Commercial
West: CC - Commercial

Issues/Analysis:

The applicant filed a Notice of Appeal concerning the revocation of building, electrical, mechanical, and plumbing permits associated with Project No. 1887777 at 4431 Bragg Boulevard. The application states that the original permits-BLDG-2026-00350, ELEC-2026-00552, MECH-2026-07334, and PLMB-2026-00378-were issued by April 8, 2026, revoked on April 9, 2026, and appealed on April 16, 2026. The City's revocation notice states that all permits associated with the property and project were revoked pursuant to North Carolina General Statutes §§ 160D-1104 and 160D-1115.

The applicant states that the City identified the underlying commercial use as prohibited within the Community Commercial zoning district under UDO Table 30-4.A.2. The applicant maintains that the use was legally established before the current zoning restrictions and continues to qualify as a lawful nonconforming use under UDO Article 30-7. The applicant also denies that the use was abandoned or discontinued for a continuous period of 365 days and states that records exist documenting the continued maintenance of the nonconforming-use status.

The application states that the proposed structural and trade work was intended to comply with a February 13, 2026, Housing and Code Enforcement order requiring repairs to the structure within 180 days. The City's revocation notice states that a permit may be revoked for a substantial departure from approved plans, failure to comply with applicable State or local laws, false statements or misrepresentations made in securing the permit, or when a permit was mistakenly issued in violation of applicable law. The notice made the revocation effective immediately and stated that further work under the revoked permits could result in violations and additional action.

The applicant also challenges four permits issued and revoked on June 1, 2026: BLDG-2026-00526, ELEC-2026-00933, MECH-2026-07673, and PLMB-2026-00549. The application states that these permits were issued and revoked even though the owner did not apply for, pay for, or consent to their creation.

Budget Impact:
No direct budget impact is identified in the application or revocation notice.

Options:

- **Affirm the Decision:** Uphold the City's revocation of the building, electrical, mechanical, and plumbing permits associated with Project No. 1887777, including the permits revoked on April 9 and June 1, 2026.
- **Reverse the Decision:** Reverse the City's revocation of the permits and direct that the permits affected by the appeal be recognized as valid, consistent with the Commission's findings of fact and conclusions of law.
- **Affirm in Part and Reverse in Part:** Uphold the revocation of certain permits or administrative actions while reversing the revocation of others, with the Commission identifying each permit and the basis for its decision.
- **Modify the Decision:** Modify the appealed decision and issue an order specifying which permits or actions are affected and what further administrative steps are required based on the evidence presented.

Recommended Action:
Affirm the Decision

Attachments:
EX. A - Aerial Notification Map
EX. A - Subject Property Photo
EX. B - Application - Notice of Appeal
EX. C - Motion to Disqualify + Exhibits
EX. D - City's Appeal Response
EX. D - Administrative Record

Aerial Notification Map

Case #: Appeal 2 2026

Request: Notice of Appeal of Building Inspector
Location: 4431 Bragg Blvd
(0418553607000)

Streets

4431 Bragg Blvd

4431 Bragg Blvd Buffer

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE NC
AMERICA'S CAN DO CITY

LINGERIE

Planning & Zoning
433 Hay Street
Fayetteville, NC 28301
910-433-1612
www.fayettevillenc.gov

Project Overview #2187017

Project Title: 4431 Bragg Blvd
Application Type: 5.5) Notice of Appeal
Workflow: Staff Review
Jurisdiction: City of Fayetteville
State: NC
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 parentheticals: 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 Citys 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 Citys 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 twiceespecially 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

Primary Point of Contact
Charles Smith
Anderson, Johnson, Lawrence & Butler, LLP
109 Broadfoot Ave.
Fayetteville, NC 28305
P:9104831171
charles@andersonjohnson.com

NORTH CAROLINA

CUMBERLAND COUNTY

BEFORE THE CITY OF FAYETTEVILLE
ZONING COMMISSION
A/P NO.: NOA26-02

4311 BRAGG, LLC,	)	
	)	
Applicant-Appellant,	)	**OWNER-APPELLANT'S FORMAL OBJECTION TO PARTICIPATION OF THE CITY ATTORNEY'S OFFICE AND MOTION FOR DISQUALIFICATION**
vs.	)	
	)	
CITY OF FAYETTEVILLE,	)	
	)	
Appellee.	)	
	)	

NOW COMES 4311 Bragg, LLC (hereinafter, the "Owner-Appellant"), by and through undersigned counsel, pursuant to N.C.G.S. § 160D-109(d), N.C.G.S. § 160D-406, and N.C.G.S. § 160D-1402, and respectfully submits this formal pre-hearing Objection and Motion to Disqualify the Attorney's Office of the City of Fayetteville from representing, advising, and/or communicating with the City of Fayetteville Zoning Commission regarding the above-captioned matter. In support of this Motion, Owner-Appellant shows the Court the following:

1. Owner-Appellant is the owner of certain real property, physically located at 4431 Bragg Blvd., Fayetteville, NC 28303, more particularly identified by PIN: 0418553607000 (hereinafter, the "Property").

2. Identified as Project No. 1887777 in the City of Fayetteville's developmental portal, Owner-Appellant submitted requisite permitting applications for repair work at the Property.

3. As of Wednesday, April 8, 2026, all trade permits for Project No. 1887777 had been issued, namely BLDG-2026-00350, ELEC-2026-00552, MECH-2026-07334, and PLMB-2026-00378.

4. The following day, April 9, 2026, the City of Fayetteville provided electronic notices to the relevant permit holders that it was revoking all permits issued in connection with

Project No. 1887777. For illustrative purposes, a copy of the notification provided to the electrical permit holder, permit ELEC-20206-00552, is attached hereto as ***Exhibit A***.

5. On April 16, 2026, Owner-Appellant filed its appeal of the City of Fayetteville's revocations of the trade permits for Project 1887777, staying enforcement of the revocations pursuant to N.C.G.S. 160D-405(f).

6. Currently, the hearing related to Owner-Appellant's appeal is scheduled for June 9, 2026, before the Fayetteville Zoning Commission (hereinafter, the "Zoning Commission").

7. When hearing a permit revocation appeal, pursuant to N.C.G.S. § 160D-406 and N.C.G.S. § 160D-1402, the Zoning Commission sits as a quasi-judicial body, requiring it to strictly adhere to the constitutional principles of procedural due process, which command an impartial tribunal.

8. To this end, under N.C.G.S. § 160D-109(d), members of a local board exercising quasi-judicial functions shall not participate in or vote on any matter where their impartiality might reasonably be questioned. Inherently, this statutory prohibition extends to the board's designated legal advisor.

9. On May 20, 2026, by electronic communication, Owner-Appellant was informed that the City of Fayetteville was obtaining outside counsel for purposes of its appeal, with the City Attorney's Office remaining involved to "represent and advise the Zoning Commission."

10. As early as March 11, 2026, the City Attorney's Office has been intimately involved in discussions with Owner-Appellant's counsel concerning the subject matter of the appeal, including the issuance/revocation of the trade permits at Project No. 1887777 and conveying the Property's zoning concerns of City staff.

11. On March 11, 2026, Appellant-Owner's counsel was informed by the City

Attorney's Office that "[f]or future questions or requests concerning [Project No. 1887777], I kindly request that you direct them to the City Attorney's Office, as I am the assigned attorney representing the Fire Department and Development Services Department." A copy of the March 11, 2026 electronic communication is attached hereto as ***Exhibit B***.

12. Likewise, to facilitate Owner-Appellant's submission of its most recent plans for Project No. 1887777 through the developmental portal, Owner-Appellant's counsel contacted the City Attorney's office, stating "we need Joseph Cunningham to re-open the job on the portal, before the plans can be officially submitted. If you could, please relay this to Mr. Cunningham, or the appropriate personnel, so that the amended plans can be submitted before the weekend." A copy of the March 13, 2026 electronic communications are attached hereto as ***Exhibit C***.

13. Given its awareness and active involvement in the present matter, including the generation and/or authorization of the actions that are subject to this appeal (i.e., the revocations of trade permits), the Fayetteville City Attorney's Office is functionally the prosecutor, an advocate for the enforcement staff, and potentially a key witness.

14. While the City of Fayetteville has recently retained independent outside counsel to handle advocacy at the June 9, 2026 hearing, the City Attorney's Office remains conflicted out and unable to further participate.

15. The Zoning Commission, acting as a quasi-judicial body, "can dispense with no essential element of a fair trial." *Humble Oil & Refining Co. v. Board of Aldermen*, 284 N.C. 458, 470, 202 S.E.2d 129, 137 (1974). Allowing the Fayetteville City Attorney's Office, a department that approved and participated in the underlying permit revocations, to remain involved as a legal advisor to the Zoning Commission strips away Owner-Appellant's most basic element of procedural due process, an independent, completely impartial tribunal. *See Crump v. Bd. of Educ.*,

326 N.C. 603, 615, 392 S.E.2d 579, 585 (1990) (stating that "[a]n unbiased, impartial decision-maker is essential to due process", further defining bias as "preconceptions about facts, policy or law; a person, group or object; or a personal interest in the outcome of some determination.").

WHEREFORE, for the reasons set forth above, Owner-Appellant respectfully requests that:

1. The Fayetteville City Attorney's Office immediately recuse itself and be formally disqualified from advising, communicating with, or sitting with the Zoning Commission for this proceeding;

2. The Zoning Commission retain a completely independent, conflict-free outside legal counsel, wholly unaffiliated with the City Attorney's Office or the outside firm representing city staff, to advise it on procedural matters and draft the final order; and

3. This objection be entered into the official administrative record for the purposes of any subsequent judicial review, pursuant to N.C.G.S. § 160D-1402.

This the 21st day of May, 2026.

ANDERSON, JOHNSON, LAWRENCE
& BUTLER, L.L.P.

By: /s/ Charles R. Smith
Charles R. Smith
N.C. State Bar No. 52402
109 Broadfoot Avenue
P. O. Box 53945
Fayetteville, NC 28305
Telephone: (910) 483-1171
Attorney for Owner-Appellant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *OWNER-APPELLANT'S FORMAL OBJECTION TO PARTICIPATION OF THE CITY ATTORNEY'S OFFICE AND MOTION FOR DISQUALIFICATION* was this day served upon the below-named parties by e-mailing and/or mailing a copy of such instrument, postage prepaid, first-class mail, to the address of:

La-Deidre D. Matthews
Fox Rothschild LLP
101 S. Tryon St., Ste. 1700
Charlotte, NC 28246
LMatthews@foxrothschild.com
Attorney for City of Fayetteville

Lachelle H. Pulliam
Victoria C. Curtis
City of Fayetteville Attorney's Office
433 Hay St.
Fayetteville, NC 28301
LachellePulliam@FayettevilleNC.gov
VictoriaCurtis@FayettevilleNC.Gov
City of Fayetteville Attorney's Office/Advisors to Zoning Commission

This the 21st day of May, 2026.

ANDERSON, JOHNSON, LAWRENCE
& BUTLER, L.L.P.

By: /s/ Charles R. Smith
Charles R. Smith
N.C. State Bar No. 52402
109 Broadfoot Avenue
P. O. Box 53945
Fayetteville, NC 28305
Telephone: (910) 483-1171
Attorney for Owner-Appellant

EXHIBIT
tabbies
A

From: City of Fayetteville <noreply@geocivix.com>
Date: April 9, 2026 at 7:02:59 PM EDT
To: transformelectric.nc@gmail.com
Subject: Permit ELEC-2026-00552 (Electrical Permit) revoked
Reply-To: jeverage@ci.fay.nc.us

FAYETTEVILLE NC
E-DEVELOPMENT

"Project: 4431 BRAGG BLVD
Address: 4431 BRAGG BLVD
Permit No.: ELEC-2026-00552

TO:
Ronald Jeffrey Smith Project Applicant and Building Permit Holder (NCGCL # 33651)
Jack Elder Stanfill Electrical Permit Holder (NCECL # I.36283)
Kenneth Ray Packer Mechanical Permit Holder (NCMCL # 18408)
Phillip Martin Woods Jr. Plumbing Permit Holder (NCPCL # L.33076)
RE: Revocation of All Permits **Property:** 4431 Bragg Boulevard, Fayetteville, North Carolina **PIN:** 0418-55-3607 / 0418553607000 **(Formerly known as 4423 Bragg Boulevard)** **E-Development Project No.:** 1887777

Dear Permit Holders and Stakeholders:
Pursuant to the authority granted to me under **North Carolina General Statute § 160D-1104**, and in accordance with **North Carolina General Statute § 160D-1115**, I hereby **revoke** all permits issued in connection with the above-referenced property and project.
This revocation includes, but is not limited to, the Building Permit, Electrical Permit, Mechanical Permit, and Plumbing Permit held by the individuals named above.
Further Action Required:
For any legal questions regarding this revocation, please contact the City of Fayetteville Attorney's Office at:

- Email: FayAttorney@FayettevilleNC.gov
- Telephone: (910) 433-1985

For any code-related questions or technical inquiries, please submit your inquiry through the City's E-Development project email system located in the left-hand corner

of your project page (Project No. 1887777). All inquiries must include specific code references relevant to your question.
This revocation is effective immediately upon issuance of this notice.

PLEASE TAKE NOTICE that City of Fayetteville has REVOKED permit no. ELEC-2026-00552 and considers it no longer valid. Any further work completed in conjunction with this permit may be subject to violation and further action.
Please contact our offices regarding next steps.

§ 160D-1115. Revocation of building permits.

The appropriate inspector may revoke and require the return of any building permit by notifying the permit holder in writing stating the reason for the revocation. Building permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State or local laws; or for false statements or misrepresentations made in securing the permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

"

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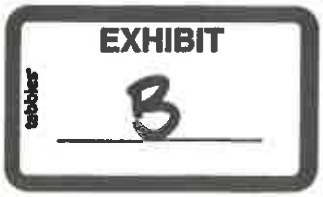
City of Fayetteville, NC
433 Hay Street | Fayetteville, NC 28301
www.FayettevilleNC.gov



Good afternoon, Mr. Smith,

The City's Fire Department is not able to review the March 10 plans outside of the formal review process. The plans will need to be resubmitted through the portal for review, and any comments or approvals will be provided through the portal.

For clarity, the absence of a response should not be interpreted as approval. For future questions or requests concerning this matter, I kindly request that you direct them to the City Attorney's Office, as I am the assigned attorney representing the Fire Department and Development Services Department.

Please let me know if you would like to discuss.

Kind regards,

FAYETTEVILLE NC
AMERICA'S CAN DO CITY

Victoria C. Curtis
Assistant City Attorney
City Attorney's Office
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1985
Email: VictoriaCurtis@FayettevilleNC.gov
Web: www.FayettevilleNC.gov

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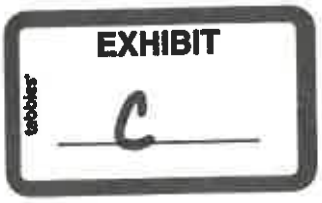

Thanks, Victoria.

Hope you have a great weekend too.

Best,
Charles

From: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Sent: Friday, March 13, 2026 4:15 PM
To: Charles Smith <Charles@andersonjohnson.com>
Subject: Re: [EXTERNAL]RE: [EXTERNAL]FW: 4431 Bragg Blvd. (Project No. 1887777)

Hey, Charles,

Per your request, the review has been closed so resubmittal is now available.

Have a great weekend,

FAYETTEVILLE NC
AMERICA'S CAN DO CITY

Victoria C. Curtis
Assistant City Attorney
City Attorney's Office
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1985
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Web: www.FayettevilleNC.gov

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From: Charles Smith <Charles@andersonjohnson.com>
Sent: Friday, March 13, 2026 10:18 AM
To: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Subject: [EXTERNAL]RE: [EXTERNAL]FW: 4431 Bragg Blvd. (Project No. 1887777)

Hey, Victoria.

I thought we'd resubmitted the amended plans, but we need Joseph Cunningham to re-open the job on the portal, before the plans can be officially submitted. If you could, please relay this to Mr. Cunningham, or the appropriate personnel, so that the amended plans can be submitted before the weekend.

Thanks,
Charles

From:	Charles Smith
To:	Victoria C. Curtis
Cc:	Lachelle H. Pulliam
Subject:	[EXTERNAL]Re: Deadline for Renovation (4431 Bragg Blvd.)
Date:	Thursday, May 14, 2026 3:31:28 PM
Attachments:	Outlook-0u3i2pbn.png Outlook-2mp1kbel.png Outlook-zcco4jqd.png Outlook-jxr1neis.gif Outlook-tffzswts.gif Outlook-q1tppbp1.gif Outlook-13ssycyc.png

Thanks, Victoria.

We're going to continue work, as allowed by the permits issued. Though the permits are now revoked, the appeal clearly stays the effect of any revocation, rendering it unnecessary to have the revoked permits restored.

If the City wants to stop any work immediately, it can seek injunctive relief and try to argue the law. Likewise, during the pendency of the appeal, there will be no additional submittals through the portal, as that is unnecessary. I'm on vacation with my family, but happy to speak when I return.

If the City attempts to stop construction while I'm out of town, I will seek cost for any delay.

Best,
Charles

Get Outlook for iOS

From: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Sent: Thursday, May 14, 2026 2:16 PM
To: Charles Smith <Charles@andersonjohnson.com>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: Re: Deadline for Renovation (4431 Bragg Blvd.)

Good afternoon, Charles,

I wanted to follow up regarding the stop-work issue referenced below.

Development Services confirmed that staff did not direct the contractor to stop work during the recent site visit. Staff observed the contractor boarding up windows and broken doors and advised that the boarding work was fine, but that the contractor should check on obtaining the appropriate permit for that work. Development Services also confirmed that the revoked permits cannot be restored while the zoning compliance issue remains. However, repair work necessary to address the dangerous building order may be submitted through a new permit

application identifying an approved use in the zoning district.

We will still provide an update on the record documents once confirmed.

Kind regards,

Victoria C. Curtis
Assistant City Attorney
City Attorney's Office
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1985
Email: VictoriaCurtis@FayettevilleNC.gov
Web: www.FayettevilleNC.gov

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From: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Sent: Wednesday, May 13, 2026 10:28 AM
To: Charles Smith <Charles@andersonjohnson.com>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: Deadline for Renovation (4431 Bragg Blvd.)

You're welcome. Will do.

Kind regards,

Victoria C. Curtis
Assistant City Attorney
City Attorney's Office
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1985
Email: VictoriaCurtis@FayettevilleNC.gov

Web: www.FayettevilleNC.gov

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From: Charles Smith <Charles@andersonjohnson.com>
Sent: Wednesday, May 13, 2026 10:24 AM
To: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: [EXTERNAL]Re: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]Re: [EXTERNAL]RE: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Thanks, Victoria.

Just keep me posted.

Best,
Charles

Get Outlook for iOS

From: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Sent: Wednesday, May 13, 2026 9:23 AM
To: Charles Smith <Charles@andersonjohnson.com>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: Re: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]Re: [EXTERNAL]RE: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Good morning, Charles,

Thank you for your patience as we review this matter.

We note your position regarding the effect of N.C.G.S. § 160D-405(f) on the pending appeal of the permit revocations. We are confirming whether any separate stop-work order is in place.

We will also provide an update on the record documents once confirmed.

Kind regards,

Victoria C. Curtis
Assistant City Attorney
City Attorney's Office
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1985
Email: VictoriaCurtis@FayettevilleNC.gov
Web: www.FayettevilleNC.gov

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From: Charles Smith <Charles@andersonjohnson.com>
Sent: Tuesday, May 5, 2026 11:23 AM
To: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: [EXTERNAL]RE: [EXTERNAL]RE: [EXTERNAL]Re: [EXTERNAL]RE: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Good morning, Victoria and Lachelle.

Hope y'all are well. One of our contractors just called and said that someone from the City (not sure from which department) came to the site, informing them to stop construction.

With the pending appeal of the revocation of various permits, we can continue construction at the site (though we assume the financial risk that the revocations are ultimately upheld). To this end, under N.C.G.S. 160D-405(f), our appeal stays the enforcement of the revocations and/or accrual of any fines assessed during the pendency of the appeal or during the pendency of any civil proceeding authorized by law or related appeal.

If you can, do you mind informing relevant departments that the revocations are currently stayed? Likewise, as part of the appeal, I requested documents and exhibits constituting the record upon which the revocation decisions were made (see N.C.G.S. 160D-405(e)). Are y'all able to provide any update on the provision of those documents?

Best,
Charles

From: Charles Smith
Sent: Wednesday, April 15, 2026 3:23 PM
To: 'Victoria C. Curtis' <VictoriaCurtis@FayettevilleNC.Gov>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: RE: [EXTERNAL]RE: [EXTERNAL]Re: [EXTERNAL]RE: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Thanks, Victoria.

Yes, I received a link to the City's IDT plans/applications submittal site. Mr. Harmon indicated the Notice of Appeal form was in a dropdown box, but I haven't had a chance to look for it.

If I have any other questions, I'll let you know.

Best,
Charles

From: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Sent: Wednesday, April 15, 2026 3:20 PM
To: Charles Smith <Charles@andersonjohnson.com>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: Re: [EXTERNAL]RE: [EXTERNAL]Re: [EXTERNAL]RE: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Hey, Charles,

I wanted to follow up on our recent call. I understand that Mr. Harmon has provided the appeal form and clarified the submission process.

If anything further is needed, please let me know.

Kind regards,
Victoria

Victoria C. Curtis
Assistant City Attorney
City Attorney's Office
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1985
Email: VictoriaCurtis@FayettevilleNC.gov
Web: www.FayettevilleNC.gov

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From: Charles Smith <Charles@andersonjohnson.com>
Sent: Wednesday, April 15, 2026 10:50 AM
To: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: [EXTERNAL]RE: [EXTERNAL]Re: [EXTERNAL]RE: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Hey, Victoria.

Just circling back to this email. I've also contacted Craig Harmon about the existence of a form/preferred method of noticing the appeal, but haven't heard back from him. Hoping to have something filed/submitted this week, so please let me know.

Best,
Charles

From: Charles Smith
Sent: Monday, April 13, 2026 11:46 AM
To: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: RE: [EXTERNAL]Re: [EXTERNAL]RE: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Hey, Victoria.

Do you know whether they City has a form for appealing administrative decisions? If not, I can draft one, but thought the City might have a preferred form.

As an example, I've attached the form used by Raleigh.

Thanks,
Charles

From: Charles Smith <Charles@andersonjohnson.com>
Sent: Friday, April 10, 2026 2:57 PM
To: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: Re: [EXTERNAL]Re: [EXTERNAL]RE: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Thanks, Victoria.

My client forwarded a revocation email that was received last night (see the attached screenshot). I'm out of the office, but we were just planning on submitting an appeal next week.

Thanks,
Charles

Get Outlook for iOS

From: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Sent: Friday, April 10, 2026 11:43 AM
To: Charles Smith <Charles@andersonjohnson.com>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: Re: [EXTERNAL]Re: [EXTERNAL]RE: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Hi Charles,

The permits were revoked because they were issued mistakenly. The project has been returned to the review stage. The plan review is going to be denied based on intended use.

If your client intends to revise the plans, the review will remain open. If your client does not wish to submit revisions, please confirm in writing and the City can proceed with issuing a decision on the current permit application.

Kind regards,

Victoria C. Curtis
Assistant City Attorney
City Attorney's Office
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1985
Email: VictoriaCurtis@FayettevilleNC.gov
Web: www.FayettevilleNC.gov

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From: Charles Smith <Charles@andersonjohnson.com>
Sent: Thursday, April 9, 2026 5:40 PM
To: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: [EXTERNAL]Re: [EXTERNAL]RE: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Hey, Victoria.

Is there any willingness to issue a Notice of Violation, rather than revoking the building permit? That way, we at least have the option of continuing construction while the appeals process is ongoing.

If not, once you have prepared the written notice of revocation, can you also provide a copy to me?

Thanks,
Charles

Get Outlook for iOS

From: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Sent: Thursday, April 9, 2026 3:44 PM
To: Charles Smith <Charles@andersonjohnson.com>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: Re: [EXTERNAL]RE: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Hi Charles,

Thank you for your email. After further review and discussion with staff, the permits were issued by mistake. Pursuant to N.C.G.S. § 160D-1115, the City will revoke the permits. As you know, the revocation is appealable under N.C.G.S. § 160D-403. Thank you.

Kind regards,

Victoria C. Curtis
Assistant City Attorney
City Attorney's Office
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1985
Email: VictoriaCurtis@FayettevilleNC.gov
Web: www.FayettevilleNC.gov

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From: Charles Smith <Charles@andersonjohnson.com>
Sent: Wednesday, April 8, 2026 12:06 PM
To: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: [EXTERNAL]RE: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Good afternoon, Victoria and Lachelle.

Hope y'all are well. As of now, all trade permits for the Bragg Blvd. project have been paid and issued. Here are the permit numbers

BLDG-2026-00350
ELEC-2026-00552
MECH-2026-07334
PLMB-2026-00378

Before advising my client to begin work, I just wanted to confirm there is not an effective stop work order in place. Are you able to contact appropriate personnel to provide this confirmation? Likewise, if there is a current stop work order, let me know and we'll request a re-inspection to have it lifted.

Thanks,
Charles

From: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Sent: Thursday, April 2, 2026 3:43 PM
To: Charles Smith <Charles@andersonjohnson.com>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>
Subject: Re: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Thank you, Charles. We will be in touch soon.

Happy Easter,

Victoria C. Curtis
Assistant City Attorney
City Attorney's Office
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1985
Email: VictoriaCurtis@FayettevilleNC.gov
Web: www.FayettevilleNC.gov

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From: Charles Smith <Charles@andersonjohnson.com>
Sent: Thursday, April 2, 2026 1:28 PM
To: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Cc: Fayetteville Attorney's Office <FayAttorney@FayettevilleNC.gov>
Subject: [EXTERNAL]Deadline for Renovation (4431 Bragg Blvd.)

Good afternoon, Victoria and Lachelle.

Again, I really appreciate y'all taking the time to meet with me. Since returning to the office, I was able to review some more of the case file and wanted to provide more detail about our renovation deadline. On February 13, 2026, a hearing Order was rendered by James Rutherford, Housing & Code Enforcement Division Manager. Under the terms of the Order, my client was provided 180 days to repair or demolish the structure. Given this deadline, falling on or around August 13, 2026, I'd reemphasize my request that, if the City is inclined to continue its objection to the nonconforming use at the property, the objection be provided as a Notice of Violation, rather than a denial of a building permit. That way, as the zoning issue continues to be litigated, my client can at least proceed with renovations.

Also, looking again through the Cumberland County GIS database, I did want to confirm that 4431 Bragg Blvd. is a standalone building, though the tract of land (PIN: 0418-55-3607) contains other structures. If y'all need anything else from me, please let me know. Hope y'all enjoy some time off tomorrow.

Best,
Charles

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TO: **Zoning Commission (acting as the Board of Adjustment)**

FROM: **La-Deidre Matthews, City Counsel, Fox Rothschild LLP**

DATE: **July 31, 2026**

RE: **City's Response to Appeal NOA26-02**

The factual and procedural background of this appeal is set out in the accompanying Staff Report and is not repeated here. This Response addresses the Appellant's specific legal arguments and explains why the Zoning Commission should affirm the revocation of the building, electrical, mechanical, and plumbing permits associated with Project No. 1887777. The Commission may modify or reverse the City's decision only upon a finding of clear and demonstrable error, abuse of discretion, or denial of procedural due process; the Appellant has not made that showing.

The Use Is Prohibited Under Current Zoning

1. The Appellant's own Notice of Appeal confirms that the City's sole stated justification for revoking the Original Permits and the June 1, 2026 permits is that the underlying Adult Establishment use is prohibited within the Community Commercial Zoning District under UDO Table 30-4.A.2.

2. The City's underlying substantive basis for revocation is supported by the record, and the grounds for revocation were consistent throughout the permitting history described below.

No Valid Nonconforming Use Exists

3. The Appellant bears the burden of establishing that the property's Adult Establishment use has been lawfully and continuously maintained as a nonconforming use under UDO Article 30-7, and that showing has not been made.

4. The City's Housing and Code Enforcement records document repeated periods in which the property stood vacant, boarded, or otherwise not in active commercial operation, including a 2022 case describing the property as "unoccupied" and overgrown, and a boarded-building case opened in February 2024 that remained open as of the most recent record, with window and door openings still boarded as late as March 2024.

5. City staff anticipates that Jason Everage, the City's Chief Building Official within the Permitting and Inspections Division and the official who made the permit revocation decision under

N.C.G.S. § 160D-405(e), will testify regarding the basis for revocation, including the determination that the property does not retain a protected nonconforming use under UDO Article 30-7.

6. Mr. Everage's testimony will be corroborated by Derek Planter, the City's Code Enforcement Supervisor and the staff member responsible for the property's compliance file, who will testify to the enforcement history of the site firsthand, including his direct involvement in the 2024 boarded-building case and the 2025 code enforcement case documenting work performed at the property without the required permits. Together, their testimony is expected to confirm that these matters reflect a pattern of vacancy, disrepair, and unpermitted activity inconsistent with the continuous, active Adult Establishment operation the Appellant must show to preserve nonconforming-use status.

7. Absent competent evidence of continuous, active nonconforming use, the Commission should not disturb the City's determination that the underlying use is not entitled to protection under Article 30-7.

8. The dangerous-building order provides further relevant evidence on this point. The property has been subject to a dangerous-building order since February 13, 2026, which found that conditions existed constituting a fire, health, and/or safety hazard rendering the building dangerous to life, health, and other property, with defects identified in windows, platforms/steps, roof covering, stairs, walls and floors, and protective coatings. That order is not itself the decision under appeal, but it is relevant evidence that the property was not operating as an uninterrupted, active lawful Adult Establishment during the relevant period, further undermining the claimed nonconforming-use status.

Permits Issued in Error May Be Revoked

9. North Carolina law expressly authorizes revocation of permits issued in violation of applicable law. Pursuant to N.C.G.S. § 160D-1115, "[a]ny building permit mistakenly issued in violation of an applicable State or local law may . . . be revoked." This statutory authority exists precisely to allow municipalities to correct permitting errors when, as here, a permit is issued for a use that the governing land development regulations prohibit.

10. That is what occurred here. The Original Permits were issued on April 8, 2026, in apparent error—without identification of the zoning conflict that rendered the proposed Adult Establishment use impermissible. Upon discovery of the conflict, the City acted promptly: the permits were revoked the following day, April 9, 2026.

11. Because the underlying Adult Establishment use is prohibited under UDO Table 30-4.A.2, as set out above, permits authorizing trade work in furtherance of that use were properly subject to

revocation under § 160D-1115 notwithstanding their initial issuance. The City's prompt corrective action was not only authorized by statute but consistent with its duty to ensure that permits conform to the applicable land development regulations.

The City Is Not Estopped by the Dangerous Building Order

12. The administrative record establishes that the applications for the Original Permits were submitted in October 2025 — nearly four months before the City issued the February 13, 2026 dangerous-building order. Thus, the Appellant's estoppel argument fails on its facts.

13. Because the permit applications predate the order by a substantial margin, the Appellant's assertion that the trade work authorized by the permits was "initiated directly to comply with" the dangerous-building order cannot be correct. An owner cannot have applied for permits in order to satisfy an administrative mandate that did not yet exist.

14. The order is, and has always been, use-neutral: it directed structural remediation for public-safety reasons and left undisturbed the City's separate authority — exercised through a different division — to determine whether any resulting use complies with the UDO.

The June 1 Permit Re-Issuance Was a Lawful Correction, Not Bad-Faith "Phantom Permits"

15. The Appellant characterizes the June 1, 2026 permit entries (BLDG-2026-00526, ELEC-2026-00933, MECH-2026-07673, and PLMB-2026-00549)—issued and revoked within minutes of one another—as "Phantom Permits" created in bad faith to moot the original permits and strip the Appellant of the statutory stay secured by the April 16 appeal. The record does not support that characterization.

16. The City vacated and re-issued the April 9 revocation notices solely to cure statutory notice deficiencies identified in the prior notices; the grounds for revocation remained unchanged, and the portal entries for the June 1 permits reference the original permits as source/copy.

17. City staff anticipates that Mr. Everage will testify regarding the operation of the permitting portal and confirm that the June 1 entries were system-generated corrective entries tied to the original permit records, not a new or independent development approval, and that the Appellant neither applied for, paid for, nor was charged any fee in connection with those entries.

18. City counsel expressly acknowledged the Appellant's omnibus appeal, agreed that it superseded the prior appeal, waived the appeal fee, and confirmed the statutory stay under N.C.G.S. § 160D-405(f) applies. These are not the actions of a party attempting to manufacture an administrative fiction to avoid review.

19. The relevant question for the Commission is not whether the permitting portal generated new numerical identifiers when the City corrected a notice defect, but whether the substantive basis for revocation set out in Section 1 above is supported by the record.

20. Because the grounds for revocation were consistent throughout and the City has not disputed the effectiveness of the Appellant's appeal, the Commission should evaluate the revocation on its merits and should not reverse it based on the Appellant's "Phantom Permits" characterization of the June 1 corrective notices.

Conclusion

21. For the reasons stated above, the Appellant has not shown a clear and demonstrable error, abuse of discretion, or denial of procedural due process in the City's revocation decision.

22. The City respectfully requests that the Zoning Commission deny the appeal and affirm the revocation of permits BLDG-2026-00350, ELEC-2026-00552, MECH-2026-07334, and PLMB-2026-00378, together with the June 1, 2026 corrective re-issuance of those revocations.

Email History

Number of Recipients: 1

Sent: 04/09/2026 7:02:32 PM

Sent by: Jason Everage

To: cardsxramsxblues@gmail.com

Cc:

Bcc:

Subject: Permit BLDG 2026-00350 (Building Permit) revoked

Attachments:

"Project: 4431 BRAGG BLVD
Address: 4431 BRAGG BLVD
Permit No.: BLDG 2026-00350

TO:
Ronald Jeffrey Smith Project Applicant and Building Permit Holder (NCGCL # 33651)
Jack Elder Stanfill Electrical Permit Holder (NCECL # I.36283)
Kenneth Ray Packer Mechanical Permit Holder (NCMCL # 18408)
Phillip Martin Woods Jr. Plumbing Permit Holder (NCPCL # L.33076)
RE: Revocation of All Permits **Property:** 4431 Bragg Boulevard, Fayetteville, North Carolina
PIN: 0418-55-3607 / 0418553607000 **(Formerly known as 4423 Bragg Boulevard)** **E-Development Project No.:** 1887777

Dear Permit Holders and Stakeholders:
Pursuant to the authority granted to me under **North Carolina General Statute § 160D-1104**, and in accordance with **North Carolina General Statute § 160D-1115**, I hereby **revoke** all permits issued in connection with the above-referenced property and project. This revocation includes, but is not limited to, the Building Permit, Electrical Permit, Mechanical Permit, and Plumbing Permit held by the individuals named above.
Further Action Required:
For any legal questions regarding this revocation, please contact the City of Fayetteville Attorney's Office at:

- Email: FayAttorney@FayettevilleNC.gov
- Telephone: (910) 433-1985

For any code-related questions or technical inquiries, please submit your inquiry through the City's E-Development project email system located in the left-hand corner of your project page (Project No. 1887777). All inquiries must include specific code references relevant to your question.
This revocation is effective immediately upon issuance of this notice.
TO:
Ronald Jeffrey Smith Project Applicant and Building Permit Holder (NCGCL # 33651)
Jack Elder Stanfill Electrical Permit Holder (NCECL # I.36283)
Kenneth Ray Packer Mechanical Permit Holder (NCMCL # 18408)
Phillip Martin Woods Jr. Plumbing Permit Holder (NCPCL # L.33076)
RE: Revocation of All Permits **Property:** 4431 Bragg Boulevard, Fayetteville, North Carolina
PIN: 0418-55-3607 / 0418553607000 **(Formerly known as 4423 Bragg Boulevard)** **E-Development Project No.:** 1887777

Dear Permit Holders and Stakeholders:
Pursuant to the authority granted to me under **North Carolina General Statute § 160D-1104**, and in accordance with **North Carolina General Statute § 160D-1115**, I hereby **revoke** all permits issued in connection with the above-referenced property and project. This revocation includes, but is not limited to, the Building Permit, Electrical Permit, Mechanical Permit, and Plumbing Permit held by the individuals named above.
Further Action Required:

For any legal questions regarding this revocation, please contact the City of Fayetteville Attorney's Office at:

- Email: FayAttorney@FayettevilleNC.gov
- Telephone: (910) 433-1985

For any code-related questions or technical inquiries, please submit your inquiry through the City's E-Development project email system located in the left-hand corner of your project page (Project No. 1887777). All inquiries must include specific code references relevant to your question.
This revocation is effective immediately upon issuance of this notice.

PLEASE TAKE NOTICE that City of Fayetteville has REVOKED permit no. BLDG 2026-00350 and considers it no longer valid. Any further work completed in conjunction with this permit may be subject to violation and further action.
Please contact our offices regarding next steps.

§ 160D-1115. Revocation of building permits.

The appropriate inspector may revoke and require the return of any building permit by notifying the permit holder in writing stating the reason for the revocation. Building permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State or local laws; or for false statements or misrepresentations made in securing the permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

"

Back Close

Email History

Number of Recipients: 1

Sent: 04/09/2026 7:02:59 PM

Sent by: Jason Everage

To: transformelectric.nc@gmail.com

Cc:

Bcc:

Subject: Permit ELEC-2026-00552 (Electrical Permit) revoked

Attachments:

"Project: 4431 BRAGG BLVD
Address: 4431 BRAGG BLVD
Permit No.: ELEC-2026-00552

TO:
Ronald Jeffrey Smith Project Applicant and Building Permit Holder (NCGCL # 33651)
Jack Elder Stanfill Electrical Permit Holder (NCECL # I.36283)
Kenneth Ray Packer Mechanical Permit Holder (NCMCL # 18408)
Phillip Martin Woods Jr. Plumbing Permit Holder (NCPCL # L.33076)
RE: Revocation of All Permits **Property:** 4431 Bragg Boulevard, Fayetteville, North Carolina
PIN: 0418-55-3607 / 0418553607000 **(Formerly known as 4423 Bragg Boulevard)** **E-Development Project No.:** 1887777

Dear Permit Holders and Stakeholders:
Pursuant to the authority granted to me under **North Carolina General Statute § 160D-1104**, and in accordance with **North Carolina General Statute § 160D-1115**, I hereby **revoke** all permits issued in connection with the above-referenced property and project. This revocation includes, but is not limited to, the Building Permit, Electrical Permit, Mechanical Permit, and Plumbing Permit held by the individuals named above.
Further Action Required:
For any legal questions regarding this revocation, please contact the City of Fayetteville Attorney's Office at:

- Email: FayAttorney@FayettevilleNC.gov
- Telephone: (910) 433-1985

For any code-related questions or technical inquiries, please submit your inquiry through the City's E-Development project email system located in the left-hand corner of your project page (Project No. 1887777). All inquiries must include specific code references relevant to your question.
This revocation is effective immediately upon issuance of this notice.

PLEASE TAKE NOTICE that City of Fayetteville has REVOKED permit no. ELEC-2026-00552 and considers it no longer valid. Any further work completed in conjunction with this permit may be subject to violation and further action.
Please contact our offices regarding next steps.

§ 160D-1115. Revocation of building permits.

The appropriate inspector may revoke and require the return of any building permit by notifying the permit holder in writing stating the reason for the revocation. Building permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State

or local laws; or for false statements or misrepresentations made in securing the permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

"

Back Close

Email History

Number of Recipients: 1

Sent: 04/09/2026 7:03:17 PM

Sent by: Jason Everage

To: fayheatair@yahoo.com

Cc:

Bcc:

Subject: Permit Mech-2026-07334 (Mechanical Permit) revoked

Attachments:

"Project: 4431 BRAGG BLVD
Address: 4431 BRAGG BLVD
Permit No.: Mech-2026-07334

TO:
Ronald Jeffrey Smith Project Applicant and Building Permit Holder (NCGCL # 33651)
Jack Elder Stanfill Electrical Permit Holder (NCECL # I.36283)
Kenneth Ray Packer Mechanical Permit Holder (NCMCL # 18408)
Phillip Martin Woods Jr. Plumbing Permit Holder (NCPCL # L.33076)
RE: Revocation of All Permits **Property:** 4431 Bragg Boulevard, Fayetteville, North Carolina
PIN: 0418-55-3607 / 0418553607000 **(Formerly known as 4423 Bragg Boulevard)** **E-Development Project No.:** 1887777

Dear Permit Holders and Stakeholders:
Pursuant to the authority granted to me under **North Carolina General Statute § 160D-1104**, and in accordance with **North Carolina General Statute § 160D-1115**, I hereby **revoke** all permits issued in connection with the above-referenced property and project. This revocation includes, but is not limited to, the Building Permit, Electrical Permit, Mechanical Permit, and Plumbing Permit held by the individuals named above.
Further Action Required:
For any legal questions regarding this revocation, please contact the City of Fayetteville Attorney's Office at:

- Email: FayAttorney@FayettevilleNC.gov
- Telephone: (910) 433-1985

For any code-related questions or technical inquiries, please submit your inquiry through the City's E-Development project email system located in the left-hand corner of your project page (Project No. 1887777). All inquiries must include specific code references relevant to your question.
This revocation is effective immediately upon issuance of this notice.

PLEASE TAKE NOTICE that City of Fayetteville has REVOKED permit no. Mech-2026-07334 and considers it no longer valid. Any further work completed in conjunction with this permit may be subject to violation and further action.
Please contact our offices regarding next steps.

§ 160D-1115. Revocation of building permits.

The appropriate inspector may revoke and require the return of any building permit by notifying the permit holder in writing stating the reason for the revocation. Building permits shall be revoked for any substantial departure from the approved application, plans, or

specifications; for refusal or failure to comply with the requirements of any applicable State or local laws; or for false statements or misrepresentations made in securing the permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

"

Back Close

Email History

Number of Recipients: 1

Sent: 04/09/2026 7:03:37 PM

Sent by: Jason Everage

To: woodsplumbingllc@gmail.com

Cc:

Bcc:

Subject: Permit PLMB-2026-00378 (Plumbing Permit) revoked

Attachments:

"Project: 4431 BRAGG BLVD
Address: 4431 BRAGG BLVD
Permit No.: PLMB-2026-00378

TO:
Ronald Jeffrey Smith Project Applicant and Building Permit Holder (NCGCL # 33651)
Jack Elder Stanfill Electrical Permit Holder (NCECL # I.36283)
Kenneth Ray Packer Mechanical Permit Holder (NCMCL # 18408)
Phillip Martin Woods Jr. Plumbing Permit Holder (NCPCL # L.33076)
RE: Revocation of All Permits **Property:** 4431 Bragg Boulevard, Fayetteville, North Carolina
PIN: 0418-55-3607 / 0418553607000 **(Formerly known as 4423 Bragg Boulevard)** **E-Development Project No.:** 1887777

Dear Permit Holders and Stakeholders:
Pursuant to the authority granted to me under **North Carolina General Statute § 160D-1104**, and in accordance with **North Carolina General Statute § 160D-1115**, I hereby **revoke** all permits issued in connection with the above-referenced property and project. This revocation includes, but is not limited to, the Building Permit, Electrical Permit, Mechanical Permit, and Plumbing Permit held by the individuals named above.
Further Action Required:
For any legal questions regarding this revocation, please contact the City of Fayetteville Attorney's Office at:

- Email: FayAttorney@FayettevilleNC.gov
- Telephone: (910) 433-1985

For any code-related questions or technical inquiries, please submit your inquiry through the City's E-Development project email system located in the left-hand corner of your project page (Project No. 1887777). All inquiries must include specific code references relevant to your question.
This revocation is effective immediately upon issuance of this notice.

PLEASE TAKE NOTICE that City of Fayetteville has REVOKED permit no. PLMB-2026-00378 and considers it no longer valid. Any further work completed in conjunction with this permit may be subject to violation and further action.
Please contact our offices regarding next steps.

§ 160D-1115. Revocation of building permits.

The appropriate inspector may revoke and require the return of any building permit by notifying the permit holder in writing stating the reason for the revocation. Building permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State

or local laws; or for false statements or misrepresentations made in securing the permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

"

Back Close

Email History

Number of Recipients: 1

Sent: 06/01/2026 4:01:42 PM

Sent by: joseph cunningham

To: cardsxramsxblues@gmail.com

Cc:

Bcc:

Subject: Permit BLDG 2026-00526 (Building Permit) revoked

Attachments:

"Project: 4431 BRAGG BLVD
Address: 4431 BRAGG BLVD
Permit No.: BLDG 2026-00526

PLEASE TAKE NOTICE that City of Fayetteville has REVOKED permit no. BLDG 2026-00526 and considers it no longer valid. Any further work completed in conjunction with this permit may be subject to violation and further action.
Please contact our offices regarding next steps.

Dear Permit Holder and Stakeholders:

Pursuant to the authority granted under North Carolina General Statute § 160D-1104, and in accordance with North Carolina General Statute § 160D-1115, the City of Fayetteville hereby revokes Permit No. [BLDG 2026-00526] issued in connection with the above-referenced property and project.

The revocation notice issued on April 9, 2026, concerning Permit No. [BLDG 2026-00526] is hereby withdrawn and is of no further force or effect. This notice constitutes the City's sole and operative written revocation of Permit No. [BLDG 2026-00526] and is issued in full compliance with the requirements of N.C.G.S. § 160D-1115.

The reason for this revocation is that Permit No. [BLDG 2026-00526] was mistakenly issued in violation of applicable State or local law. Specifically, the use proposed and authorized by Permit No. [BLDG 2026-00526] is prohibited in the Community Commercial Zoning District. (See City of Fayetteville UDO Table 30-4.A.2 (Use Table); *see also* § 30-4.A.1(b)(f).

This revocation is effective immediately upon issuance of this notice. As of the effective date, Permit No. [BLDG 2026-00526] is no longer valid. No work authorized by this permit shall be performed after the effective date of this notice. Any work commenced or continued after the effective date is subject to violation and further action.

The permit holder may appeal this revocation to the Fayetteville Zoning Commission pursuant to N.C.G.S. § 160D-405 and Fayetteville UDO Section 30-2.C.18. Any appeal must be filed within thirty (30) days of receipt of this notice.

§ 160D-1115. Revocation of building permits.

The appropriate inspector may revoke and require the return of any building permit by notifying the permit holder in writing stating the reason for the revocation. Building permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State or local laws; or for false statements or misrepresentations made in securing the permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

"

Back Close

Email History

Number of Recipients: 1

Sent: 06/01/2026 4:07:18 PM

Sent by: joseph cunningham

To: transformelectric.nc@gmail.com

Cc:

Bcc:

Subject: Permit ELEC-2026-00933 (Electrical Permit) revoked

Attachments:

"Project: 4431 BRAGG BLVD
Address: 4431 BRAGG BLVD
Permit No.: ELEC-2026-00933

PLEASE TAKE NOTICE that City of Fayetteville has REVOKED permit no. ELEC-2026-00933 and considers it no longer valid. Any further work completed in conjunction with this permit may be subject to violation and further action.
Please contact our offices regarding next steps.

Dear Permit Holder and Stakeholders:

Pursuant to the authority granted under North Carolina General Statute § 160D-1104, and in accordance with North Carolina General Statute § 160D-1115, the City of Fayetteville hereby revokes Permit No. [ELEC-2026-00933] issued in connection with the above-referenced property and project.

The revocation notice issued on April 9, 2026, concerning Permit No. [ELEC-2026-00933] is hereby withdrawn and is of no further force or effect. This notice constitutes the City's sole and operative written revocation of Permit No. [ELEC-2026-00933] and is issued in full compliance with the requirements of N.C.G.S. § 160D-1115.

The reason for this revocation is that Permit No. [ELEC-2026-00933] was mistakenly issued in violation of applicable State or local law. Specifically, the use proposed and authorized by Permit No. [ELEC-2026-00933] is prohibited in the Community Commercial Zoning District. (See City of Fayetteville UDO Table 30-4.A.2 (Use Table); *see also* § 30-4.A.1(b)(f).

This revocation is effective immediately upon issuance of this notice. As of the effective date, Permit No. [ELEC-2026-00933] is no longer valid. No work authorized by this permit shall be performed after the effective date of this notice. Any work commenced or continued after the effective date is subject to violation and further action.

The permit holder may appeal this revocation to the Fayetteville Zoning Commission pursuant to N.C.G.S. § 160D-405 and Fayetteville UDO Section 30-2.C.18. Any appeal must be filed within thirty (30) days of receipt of this notice.

§ 160D-1115. Revocation of building permits.

The appropriate inspector may revoke and require the return of any building permit by notifying the permit holder in writing stating the reason for the revocation. Building permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State or local laws; or for false statements or misrepresentations made in securing the permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

"

Back Close

Email History

Number of Recipients: 1

Sent: 06/01/2026 4:10:30 PM

Sent by: joseph cunningham

To: fayheatair@yahoo.com

Cc:

Bcc:

Subject: Permit Mech-2026-07673 (Mechanical Permit) revoked

Attachments:

"Project: 4431 BRAGG BLVD
Address: 4431 BRAGG BLVD
Permit No.: Mech-2026-07673

PLEASE TAKE NOTICE that City of Fayetteville has REVOKED permit no. Mech-2026-07673 and considers it no longer valid. Any further work completed in conjunction with this permit may be subject to violation and further action.
Please contact our offices regarding next steps.

Dear Permit Holder and Stakeholders:

Pursuant to the authority granted under North Carolina General Statute § 160D-1104, and in accordance with North Carolina General Statute § 160D-1115, the City of Fayetteville hereby revokes Permit No. MECH-2026-07673] issued in connection with the above-referenced property and project.

The revocation notice issued on April 9, 2026, concerning Permit No. [MECH-2026-07673] is hereby withdrawn and is of no further force or effect. This notice constitutes the City's sole and operative written revocation of Permit No. [MECH-2026-07673] and is issued in full compliance with the requirements of N.C.G.S. § 160D-1115.

The reason for this revocation is that Permit No. [MECH-2026-07673] was mistakenly issued in violation of applicable State or local law. Specifically, the use proposed and authorized by Permit No. [MECH-2026-07673] is prohibited in the Community Commercial Zoning District. (See City of Fayetteville UDO Table 30-4.A.2 (Use Table); *see also* § 30-4.A.1(b)(f).

This revocation is effective immediately upon issuance of this notice. As of the effective date, Permit No. [MECH-2026-07673] is no longer valid. No work authorized by this permit shall be performed after the effective date of this notice. Any work commenced or continued after the effective date is subject to violation and further action.

The permit holder may appeal this revocation to the Fayetteville Zoning Commission pursuant to N.C.G.S. § 160D-405 and Fayetteville UDO Section 30-2.C.18. Any appeal must be filed within thirty (30) days of receipt of this notice.

§ 160D-1115. Revocation of building permits.

The appropriate inspector may revoke and require the return of any building permit by notifying the permit holder in writing stating the reason for the revocation. Building permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State or local laws; or for false statements or misrepresentations made in securing the permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

"

Back Close

Email History

Number of Recipients: 1

Sent: 06/01/2026 4:13:07 PM

Sent by: joseph cunningham

To: woodsplumbingllc@gmail.com

Cc:

Bcc:

Subject: Permit PLMB-2026-00549 (Plumbing Permit) revoked

Attachments:

"Project: 4431 BRAGG BLVD
Address: 4431 BRAGG BLVD
Permit No.: PLMB-2026-00549

PLEASE TAKE NOTICE that City of Fayetteville has REVOKED permit no. PLMB-2026-00549 and considers it no longer valid. Any further work completed in conjunction with this permit may be subject to violation and further action.
Please contact our offices regarding next steps.

Dear Permit Holder and Stakeholders:

Pursuant to the authority granted under North Carolina General Statute § 160D-1104, and in accordance with North Carolina General Statute § 160D-1115, the City of Fayetteville hereby revokes Permit No. [PLMB-2026-00549] issued in connection with the above-referenced property and project.

The revocation notice issued on April 9, 2026, concerning Permit No. [PLMB-2026-00549] is hereby withdrawn and is of no further force or effect. This notice constitutes the City's sole and operative written revocation of Permit No. [PLMB-2026-00549] and is issued in full compliance with the requirements of N.C.G.S. § 160D-1115.

The reason for this revocation is that Permit No. [PLMB-2026-00549] was mistakenly issued in violation of applicable State or local law. Specifically, the use proposed and authorized by Permit No. [PLMB-2026-00549] is prohibited in the Community Commercial Zoning District. (See City of Fayetteville UDO Table 30-4.A.2 (Use Table); *see also* § 30-4.A.1(b)(f).

This revocation is effective immediately upon issuance of this notice. As of the effective date, Permit No. [PLMB-2026-00549] is no longer valid. No work authorized by this permit shall be performed after the effective date of this notice. Any work commenced or continued after the effective date is subject to violation and further action.

The permit holder may appeal this revocation to the Fayetteville Zoning Commission pursuant to N.C.G.S. § 160D-405 and Fayetteville UDO Section 30-2.C.18. Any appeal must be filed within thirty (30) days of receipt of this notice.

§ 160D-1115. Revocation of building permits.

The appropriate inspector may revoke and require the return of any building permit by notifying the permit holder in writing stating the reason for the revocation. Building permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State or local laws; or for false statements or misrepresentations made in securing the permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

"

Back Close

Permit Detail

Return to Project

Project	4431 BRAGG BLVD
Permit #	BLDG 2026-00526
Reference	Copied from BLDG 2026-00350
Type	Building Permit
Location	4431 BRAGG BLVD
Applicant	RONALD SMITH DICKENS CONSTRUCTON COMPANY 3687 HORSE TRAIL RD 910.624.9678 cardsxramsxblues@gmail.com
Issue To	RONALD SMITH DICKENS CONSTRUCTON COMPANY 3687 HORSE TRAIL RD 910.624.9678 cardsxramsxblues@gmail.com
Description	4431 BRAGG BLVD
Status	**Revoked 6/1/26**
Expires	6/1/27
Fees Total	$0.00
Fees Due	$0.00
Document	

Milestones

Pending	6/1/26 03:43 PM	Alexander Magana
Issued	6/1/26 03:47 PM	Alexander Magana
Revoked	6/1/26 04:01 PM	joseph cunningham

Notes | Data | Conditions | Inspections | Fees | Activity

Date/Time	User	Activity	Detail
6/1/26 04:01	cunningham, joseph	Permit Status Changed	Revoked
6/1/26 03:47	Magana, Alexander	Permit Status Changed	Issued
6/1/26 03:47	Magana, Alexander	Permit Document Created	
6/1/26 03:43	Magana, Alexander	Permit Status Changed	Pending
6/1/26 03:43	Magana, Alexander	Permit Created	

Permit Detail

Return to Project

Project	4431 BRAGG BLVD
Permit #	ELEC-2026-00933
Reference	Copied from ELEC-2026-00552
Type	Electrical Permit
Location	4431 BRAGG BLVD
Applicant	Jack Stanfill Transform Electric LLC 6336 Pawling Ct 9104018903 transformelectric.nc@gmail.com
Issue To	Jack Stanfill Transform Electric LLC 6336 Pawling Ct 9104018903 transformelectric.nc@gmail.com
Description	4431 BRAGG BLVD
Status	**Revoked 6/1/26**
Expires	6/1/27
Fees Total	$0.00
Fees Due	$0.00
Document	

Milestones

Pending	6/1/26 03:48 PM	Alexander Magana
Issued	6/1/26 03:49 PM	Alexander Magana
Revoked	6/1/26 04:07 PM	joseph cunningham

Notes | Data | Conditions | Inspections | Fees | Activity

Date/Time	User	Activity	Detail
6/1/26 04:07	cunningham, joseph	Permit Status Changed	Revoked
6/1/26 03:49	Magana, Alexander	Permit Status Changed	Issued
6/1/26 03:49	Magana, Alexander	Permit Document Created	
6/1/26 03:48	Magana, Alexander	Permit Status Changed	Pending
6/1/26 03:48	Magana, Alexander	Permit Created	

Permit Detail

Return to Project

Project	4431 BRAGG BLVD
Permit #	Mech-2026-07673
Reference	Copied from Mech-2026-07334
Type	Mechanical Permit
Location	4431 BRAGG BLVD
Applicant	Kenneth Ray Packer Fayetteville Heating & AC Contractors Inc. 1200 S Eastern Blvd 910-484-2273 fayheatair@yahoo.com
Issue To	Kenneth Ray Packer Fayetteville Heating & AC Contractors Inc. 1200 S Eastern Blvd 910-484-2273 fayheatair@yahoo.com
Description	4431 BRAGG BLVD
Status	**Revoked 6/1/26**
Expires	6/1/27
Fees Total	$0.00
Fees Due	$0.00
Document	

Milestones

Pending	6/1/26 03:49 PM	Alexander Magana
Issued	6/1/26 03:49 PM	Alexander Magana
Revoked	6/1/26 04:10 PM	joseph cunningham

Notes | Data | Conditions | Inspections | Fees | Activity

Date/Time	User	Activity	Detail
6/1/26 04:10	cunningham, joseph	Permit Status Changed	Revoked
6/1/26 03:49	Magana, Alexander	Permit Status Changed	Issued
6/1/26 03:49	Magana, Alexander	Permit Document Created	
6/1/26 03:49	Magana, Alexander	Permit Status Changed	Pending
6/1/26 03:49	Magana, Alexander	Permit Created	

Permit Detail

Return to Project

Project	4431 BRAGG BLVD
Permit #	PLMB-2026-00549
Reference	Copied from PLMB-2026-00378
Type	Plumbing Permit
Location	4431 BRAGG BLVD
Applicant	Phillip Woods Woods Plumbing Service LLC 1234 Gillespie St 9109203908 woodsplumbingllc@gmail.com
Issue To	Phillip Woods Woods Plumbing Service LLC 1234 Gillespie St 9109203908 woodsplumbingllc@gmail.com
Description	4431 BRAGG BLVD
Status	**Revoked 6/1/26**
Expires	6/1/27
Fees Total	$0.00
Fees Due	$0.00
Document	

Milestones

Pending	6/1/26 03:50 PM	Alexander Magana
Issued	6/1/26 03:50 PM	Alexander Magana
Revoked	6/1/26 04:13 PM	joseph cunningham

Notes | Data | Conditions | Inspections | Fees | Activity

Date/Time	User	Activity	Detail
6/1/26 04:13	cunningham, joseph	Permit Status Changed	Revoked
6/1/26 03:50	Magana, Alexander	Permit Status Changed	Issued
6/1/26 03:50	Magana, Alexander	Permit Document Created	
6/1/26 03:50	Magana, Alexander	Permit Status Changed	Pending
6/1/26 03:50	Magana, Alexander	Permit Created	

Outlook

Fw: [EXTERNAL]FW: 4431 Bragg Blvd. (Project No. 1887777)

From Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Date Tue 7/7/2026 9:04 AM
To Breanna Richardson <BreannaRichardson@FayettevilleNC.gov>

Victoria C. Curtis
Assistant City Attorney
City Attorney's Office
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1985
Email: VictoriaCurtis@FayettevilleNC.gov
Web: www.FayettevilleNC.gov

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From: Charles Smith <Charles@andersonjohnson.com>
Sent: Thursday, March 12, 2026 11:09 AM
To: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Subject: [EXTERNAL]FW: 4431 Bragg Blvd. (Project No. 1887777)

Good morning, Victoria.

Wanted to address one other issue. Below, you'll see an email I sent to Sabrina McLaurin on February 25th.

At this point, I haven't gotten a response, but I still have the same questions. As you can read in the email below, on November 13, 2025, she entered a note in the portal indicating that the property's non-conforming use status was revoked. Was the non-conforming use status revoked? If so, are you able to determine when the revocation occurred?

As I understand the background, in January 2025, the property was vandalized, which led to the need for repairs and closure. Prior to January 2025, the commercial venture was operating at the property, at least to my knowledge. Thus, any revocation in or around November 2025 would seem to be premature (i.e., within a year of closure). On a related note, I do not believe that my client was notified of the City's intention to revoke the property's non-conforming use status. For this type of revocation, is notice to the property owner required? If so, did the City provide notice? It's possible notice was sent but not received.

Again, just trying to figure out the reasoning for the revocation, if it occurred. Any information that you can provide is appreciated.

Best,
Charels

From: Charles Smith
Sent: Wednesday, February 25, 2026 2:26 PM
To: 'SabrinaMcLaurin@fayettevillenc.gov' <SabrinaMcLaurin@fayettevillenc.gov>
Subject: 4431 Bragg Blvd. (Project No. 1887777)

Good afternoon, Ms. McLaurin.

Hope you're well. My name is Charles Smith, and I'm an attorney with Anderson, Johnson, Lawrence & Butler, LLP.

Last week, I was retained by the record property owner of 4431 Bragg Blvd., Fayetteville, NC 28303 (PIN: 0418-55-3607), specifically as it relates to the apparent revocation of the location's non-conforming use permit. To their concerns, I was able to locate a note that you entered within the development portal indicating the location's loss and/or revocation of its non-conforming use status, dated November 13, 2025. Given the content of your note, it seems that the loss and/or revocation would have arisen under Ordinance 30-7.B.2. or 30-7.B.5.

Prior to the loss and/or revocation of the location's nonconforming use status, was notice provided to my clients? Is notice required before the City acts under the authority of these ordinances? Without significant experience in code/ordinance enforcement, these questions aren't meant to be accusatory, but an effort to understand the process.

To the extent you're able, I'd also like to discuss the underlying justification for revocation. If you're not the appropriate person for that conversation, feel free to forward this email to the proper personnel. Just saw your name on the note and thought you'd be a good place to start.

Best,
Charles

** CAUTION: External email. Do not click links or open attachments unless sender is verified. Send all suspicious email as an attachment to ITSecurity@fayettevillenc.gov **

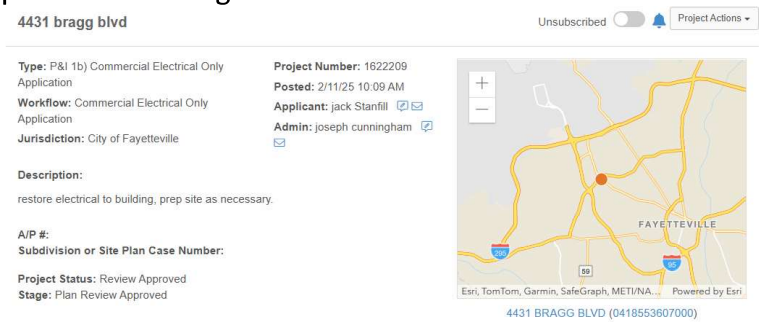
Outlook

Fw: [EXTERNAL]RE: 4431 Bragg Blvd - Fort News

From David Steinmetz <DavidSteinmetz@FayettevilleNC.gov>
Date Mon 3/23/2026 8:17 AM
To Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Cc James Rutherford <JamesRutherford@FayettevilleNC.gov>; Scott Walters <ScottWalters@FayettevilleNC.Gov>; Breanna Richardson <BreannaRichardson@FayettevilleNC.gov>

3 attachments (4 MB)
Feb. 2024 Repair Invoice.pdf; 869.jpg; 870.jpg;

Adding to JR's comment below, the open electrical permit indicates they are doing work to "restore power to building".



FAYETTEVILLE NC
AMERICA'S CAN DO CITY

Dave Steinmetz, Assistant Development Services Director
Development Services
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1705
Fax: 910.433.1588
E-mail: davidsteinmetz@fayettevillenc.gov
Web: http://www.fayettevillenc.org

From: James Rutherford <JamesRutherford@FayettevilleNC.gov>
Sent: Friday, March 20, 2026 4:30 PM
To: David Steinmetz <DavidSteinmetz@FayettevilleNC.gov>
Subject: FW: [EXTERNAL]RE: 4431 Bragg Blvd - Fort News

1. We have photos going back to 2018 showing the vacancy of the building via boarded building, discontinued signs
2. There are street views from 2021 showing the building being boarded up
3. PWC stated that service was discontinued to the building in 2018
4. The nonconforming use was abandoned by 2022 after being boarded up for a year. Just because they have been working on the building within the past year does not make it nonconforming again.

30-7.B.5. Discontinuance or Abandonment
A nonconforming use shall not be re-established after discontinuance for a period of 365 consecutive calendar days or more. Efforts to renovate or repair the use are not considered a vacancy, abandonment, or discontinuance, provided all appropriate development approvals are obtained, and provided the renovation or repair is completed within 365 days from commencement or repair or renovation, and the use is re-established within 30 days from the time the renovation or repairs are completed. Failure to complete the repairs or renovation within 365 days or re-establish the use within 30 days following repairs or renovation shall constitute discontinuance, and a nonconforming use shall not be re-established.

FAYETTEVILLE NC
AMERICA'S CAN DO CITY

James W. Rutherford
Housing & Code Enforcement Division Manager
Development Services Department
433 Hay Street | Fayetteville, NC 28301
910-433-1434 (O)
JamesRutherford@FayettevilleNC.gov
www.FayettevilleNC.gov

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From: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Sent: Friday, March 20, 2026 2:23 PM
To: David Steinmetz <DavidSteinmetz@FayettevilleNC.gov>; Scott Walters <ScottWalters@FayettevilleNC.Gov>
Cc: Breanna Richardson <BreannaRichardson@FayettevilleNC.gov>; James Rutherford <JamesRutherford@FayettevilleNC.gov>
Subject: Re: [EXTERNAL]RE: 4431 Bragg Blvd - Fort News

Good afternoon,

I received additional correspondence from the property owner's attorney regarding the nonconforming use determination at 4431 Bragg Blvd. I wanted to share the information and get your input before responding. The attorney is requesting the specific date of the department's

determination and is raising concerns regarding the timing of the discontinuance analysis, including an argument that repair efforts would toll the 365-day period under Section 30-7.B.5.

He also provided documentation that he contends reflects:

- Recent PWC activity and payments, including references to two different account numbers (see attached) and
- An invoice for boarding/repair work at the property (see attached).

Based on this, he is disputing the conclusions regarding electrical inactivity and the extent/duration of boarding. Before I respond, can you please confirm:

- What date the department considers to be the determination of discontinuance (separate from the portal entry date, if applicable)?
- Whether any additional information beyond what we previously discussed was relied upon in making the determination;
- Whether there is any documentation reflecting when electrical service was last active at the property; and
- Whether the February 2024 boarding was temporary or if the structure remained secured/boarded thereafter.

Please let me know if there is any additional information you believe would be helpful for the purposes of responding.

Kind regards,

FAYETTEVILLE NC
AMERICA'S CAN DO CITY

Victoria C. Curtis
Assistant City Attorney
City Attorney's Office
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1985
Email: VictoriaCurtis@FayettevilleNC.gov
Web: www.FayettevilleNC.gov

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From: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Sent: Friday, March 13, 2026 3:44 PM
To: David Steinmetz <DavidSteinmetz@FayettevilleNC.gov>
Cc: Angela Everage <AngelaEverage@FayettevilleNC.gov>
Subject: Re: [EXTERNAL]RE: 4431 Bragg Blvd - Fort News

Thank you, David. You have a good weekend as well.

Victoria C. Curtis
Assistant City Attorney
City Attorney's Office
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1985
Email: VictoriaCurtis@FayettevilleNC.gov
Web: www.FayettevilleNC.gov

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From: David Steinmetz <DavidSteinmetz@FayettevilleNC.gov>
Sent: Friday, March 13, 2026 3:01 PM
To: Victoria C. Curtis <VictoriaCurtis@FayettevilleNC.Gov>
Cc: Angela Everage <AngelaEverage@FayettevilleNC.gov>
Subject: Fw: [EXTERNAL]RE: 4431 Bragg Blvd - Fort News

We reached out to PWC again to get any new information. Power has been off since 2018. Dr. Newton would like to join our meeting but is unavailable this afternoon. Angela Everage will reach out to your office to set up a meeting, hopefully Monday to include Dr. Newton, Scott Walters from Planning and myself.

Have a good weekend.

Dave Steinmetz, Assistant Development Services Director
Development Services
433 Hay Street | Fayetteville, NC 28301-5537

Office: 910.433.1705
Fax: 910.433.1588
E-mail: davidsteinmetz@fayettevillenc.gov
Web: http://www.fayettevillenc.org

From: James Rutherford <JamesRutherford@FayettevilleNC.gov>
Sent: Friday, March 13, 2026 2:21 PM
To: Scott Walters <ScottWalters@FayettevilleNC.Gov>
Cc: David Steinmetz <DavidSteinmetz@FayettevilleNC.gov>; James Rutherford <JamesRutherford@FayettevilleNC.gov>
Subject: FW: [EXTERNAL]RE: 4431 Bragg Blvd - Fort News

Inactive since 2018

James W. Rutherford
Housing & Code Enforcement Division Manager
Development Services Department
433 Hay Street | Fayetteville, NC 28301
910-433-1434 (O)
JamesRutherford@FayettevilleNC.gov
www.FayettevilleNC.gov

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---

From: Angelia Rutherford <angelia.rutherford@faypwc.com>
Sent: Friday, March 13, 2026 1:55 PM
To: James Rutherford <JamesRutherford@FayettevilleNC.gov>
Subject: [EXTERNAL]RE: 4431 Bragg Blvd - Fort News

Good afternoon,

The water and waste water services are still active at 4431 Bragg Blvd. They are in the name of Mingle Entertainment. They receive their statements at : 3691 SR 580 W Ste H, Oldsmar, FL 34677. The electric services have not been active since 2018. I am not sure why they just have the water and waste water on.

I hope the information is helpful.

Angelia Rutherford
Senior Customer Service Representative
Fayetteville Public Works Commission
955 Old Wilmington Road
Fayetteville, NC 28302

(910) 223-4559 Telephone

From: James Rutherford <JamesRutherford@FayettevilleNC.gov>
Sent: Friday, March 13, 2026 1:46 PM
To: Angelia Rutherford <angelia.rutherford@faypwc.com>
Cc: Scott Walters <ScottWalters@FayettevilleNC.Gov>; James Rutherford <JamesRutherford@FayettevilleNC.gov>
Subject: 4431 Bragg Blvd - Fort News

CAUTION! External Email

Need the last service date for 4431 Bragg Blvd aka Fort News to determine if the business has been closed for at least a year. Our cases indicated it has been since at least 2018.

James W. Rutherford
Housing & Code Enforcement Division Manager
Development Services Department
433 Hay Street | Fayetteville, NC 28301
910-433-1434 (O)
JamesRutherford@FayettevilleNC.gov
www.FayettevilleNC.gov

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4431 bragg blvd

Unsubscribed Project Actions

Type: P&I 1b) Commercial Electrical Only Application

Workflow: Commercial Electrical Only Application

Jurisdiction: City of Fayetteville

Project Number: 1622209

Posted: 2/11/25 10:09 AM

Applicant: jack Stanfill

Admin: joseph cunningham

Description:

restore electrical to building, prep site as necessary.

A/P #:

Subdivision or Site Plan Case Number:

Project Status: Review Approved

Stage: Plan Review Approved

FORTNEWS_000037

4431 BRAGG BLVD (0418553607000)

FAYETTEVILLE NC
DEVELOPMENT

https://fayetteville.idtplans.com/secure/

Describe work to be performed: Removal of Damaged electrical and installation of New Devices to Restore Power To building.

FORTNEWS_000038

FORTNEWS_000039

HOPE MILLS GLASS - FAYETTEVILLE
211 S. EASTERN BOULEVARD
FAYETTEVILLE NC 28301
(910)485-8539 Fax:(910)485-2459
Tax# 20-2079327

Invoice: 1-68413
Date:02/28/2024

Sold To:

PEACHES ADULT BOUTIQUE
ATTN: ACCOUNTS PAYABLE
115 SWAIN STREET
FAYETTEVILLE NC 28303

Ph:(910)751-1460

Csr:AP Tech: PO Terms:NET 30

Acct:PEABOU

Qty	Part / Description	Material	Labor	Item Total
1	31-3/8" X 68-7/8" LAMI1/4CL - LAMINATED 1/4 CLEAR 1/4 CLEAR LAMINATED GLASS 15.5556SF @ 16.41	275.27	14.00	289.27
1	49" X 14-1/2" ANN1/16CLR - ANNEALED 1/16 CLEAR ANNEALED CLEAR SINGLE STRENGTH/SSB 5.5556SF @ 4.16	23.12	2.17	25.29
2	50" X 16" ANN1/16CLR - ANNEALED 1/16 CLEAR ANNEALED CLEAR SINGLE STRENGTH/SSB 5.5556SF @ 4.16	23.12	2.17	50.58
1	LABOR - INSTALLATION LABOR	0.00	350.00	350.00

Notes:CALLED IN BY WALT ROZNSTI...727-656-7982

Job Site: 4431 BRAGG BLVD
THE FORT
FAYETTEVILLE NC 28303
GLASS THAT IS BROKEN, IS BOARDED UP.

Pmt Info:Card: AE 1004 $765.20
Approval: 286546 02/28/2024 Rtn Ref: 70810786

X_____

Your flat invoice message here.

Signature _____

Material	Labor	Tax	Total	Payments	Balance
344.63	370.51	50.06	765.20	765.20	0.00

Store Copy vers:9.2.10 Page: 1

IntelliPay™

Hope Mills Glass Inc

Amount:	$765.2
Total Amount:	$765.2 USD
Payment Status:	Approved
Auth Code:	286546
Customer Account:	1-4724
Payment Date:	02/28/2024
Reference Number:	C419798107081078 6
Authorization Date:	Wednesday February 28 2024, 4:13:07 pm EST
Email:	
Name on card:	KEITH JOHNSON
Card#:	**********1004
Pay Method:	American Express
TransID:	C00 85513571
IMode:	Keyed
TranType:	Normal Transaction (Sale)

Signature

1 of 4

Fayetteville Public Works Commission

1 of 2

Fayetteville Public Works Commission
Call Center: 910-483-1382
(Mon-Fri 7AM-8PM)
customer.service@faypwc.com
Report Outages/Emergencies:
910-483-1382

Fayetteville's HOME TOWN UTILITY

Total Amount Due **$179.30**

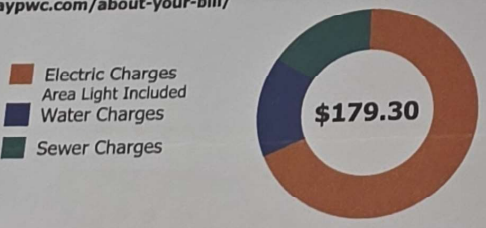
Thank you, we received your payment of $179.30 on 01/05/26.

Account Information

Account Number	**4009479774**
Account Name	Mingle Entertainment
Service Address	4431 BRAGG BLVD, FAYETTEVILLE

My Current Charge Breakdown

For an explanation of your bill charges visit **faypwc.com/about-your-bill/**



Account Summary

Previous Balance	$179.30
Payments Received - Thank you!	-$179.30
Balance Forward	**$0.00**

Current Charges & Adjustments — See back for charge details

Electric Charges Area Lighting Included	$123.05
Water Charges	$27.75
Sewer Charges	$28.50

Current Charges	
Past Due After 02/09/26	**$179.30**
Total Amount Due	**$179.30**

Scan the QR code to sign-up to receive the PWC Connections eBlast Newsletter in your inbox.

JAN 22 2026

1/22/26

Brad Mingle

1-30-26 WD
window envel

1/2

Did You Know?

Extreme winter temperatures and holiday activities can have a big impact on this month's bill. Use PWC's Online Account Manager to see your daily usage and use PWC's Energy Resource Center to find extra savings in your home. Learn more at www.FayPWC.com

Please bring entire statement when paying in person OR send the bottom portion of your statement if paying by mail.

Fayetteville's HOME TOWN UTILITY

PUBLIC WORKS COMMISSION
PO BOX 1089
Fayetteville NC 28302-1089

Current Charges	~~$225.20~~
Current Charges Past Due After	**11/10/25**
Total Amount Due	~~$382.62~~
AMOUNT ENCLOSED	$225.20

5368 2 MB 0.672 0282934-FPWS327839-ST.1GRP-1047484005368
4311 BRAGG LLC
3691 STATE ROAD 580 W STE H
T:15 OLDSMAR FL 34677-5635

SEND REMITTANCE TO:
FAYETTEVILLE PUBLIC WORKS COMMISSION
PO BOX 71113
CHARLOTTE NC 28272-1113

Sent 10/31/25

000038262 0433135148 000030738 0433135148 4

Fayetteville's HOME TOWN UTILITY

Fayetteville Public Works Commission
Call Center: 910-483-1382
(Mon-Fri 7AM-8PM)
customer.service@faypwc.com
Report Outages/Emergencies:

Total Amount Due
$382.62

Fayetteville's HOME TOWN UTILITY

Fayetteville Public Works Commission
Call Center: 910-483-1382
(Mon-Fri 7AM-8PM)
customer.service@faypwc.com
Report Outages/Emergencies:
910-483-1382

Total Amount Due
$56.18

Thank you, we received your payment of $56.18 on 01/05/26.

Account Information

Account Number	**5858727633**
Account Name	Mingle Entertainment
Service Address	4431 BRAGG BLVD - TEMP POWER POLE, FAYETTEVILLE

Account Summary

Previous Balance	$56.18
Payments Received - Thank you!	-$56.18
Balance Forward	**$0.00**

Current Charges & Adjustments See back for charge details

Electric Charges	$56.18

Current Charges	
Past Due After 02/09/26	**$56.18**
Total Amount Due	**$56.18**

Scan the QR code to sign-up to receive the PWC Connections eBlast Newsletter in your inbox.

RECEIVED
JAN 22 2026

ENV 22/26
Bragg/Mingle

1-30-26 WD
window envel

Message Center

WC's Online Account Manager is your online source for ditional account details, history and comparison tools as ll as convenient payment features. Visit ps://my.faypwc.com to learn more!

Did You Know?

Extreme winter temperatures and holiday activities can have a big impact on this month's bill. Use PWC's Online Account Manager to see your daily usage and use PWC's Energy Resource Center to find extra savings in your home. Learn more at www.FayPWC.com

Please bring entire statement when paying in person OR send the bottom portion of your statement if paying by mail.

CNE

AMOUNT ENCLOSED $225.20

5368 2 MB 0.672 0282934-FPWS327839-ST.1GRP-1047484005368
4311 BRAGG LLC
3691 STATE ROAD 580 W STE H
T:15 OLDSMAR FL 34677-5635

SEND REMITTANCE TO:
FAYETTEVILLE PUBLIC WORKS COMMISSION
PO BOX 71113
CHARLOTTE NC 28272-1113

Last 10/31/25

FORTNEWS_000042

4431 NC-24

July 2015

Image capture: Jul 2015 © 2026 Google

4431 NC-24

December 2016

Image capture: Dec 2016 © 2026 Google

4431 NC-24

May 2017

Image capture: May 2017 © 2026 Google

4431 NC-24

Google Maps

July 2018

Image capture: Jul 2018 © 2026 Google

4431 Bragg Blvd

4431 NC-24

Google Maps

July 2019

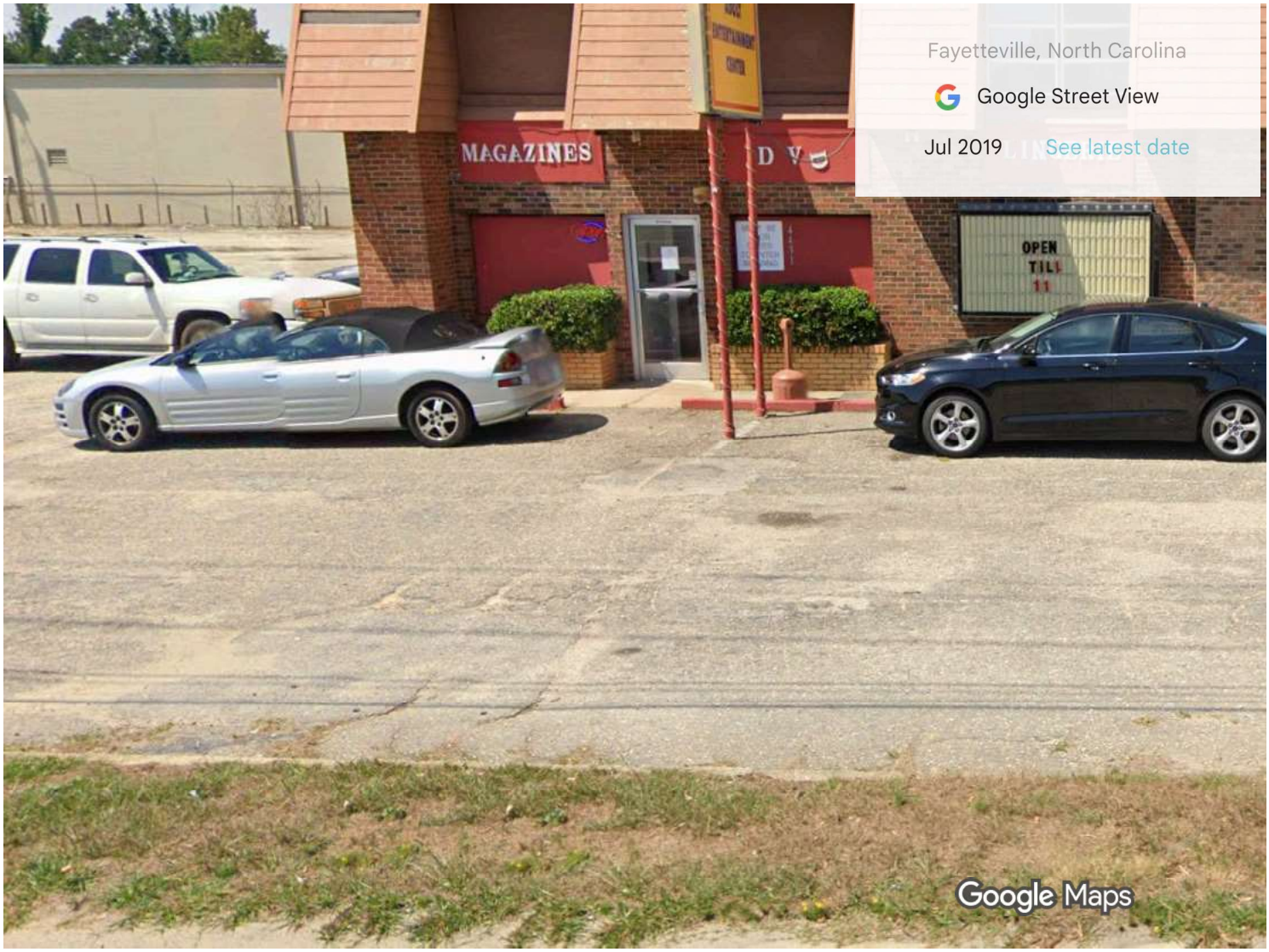


Image capture: Jul 2019 © 2026 Google

4431 Bragg Blvd

Google Maps 4431 NC-24

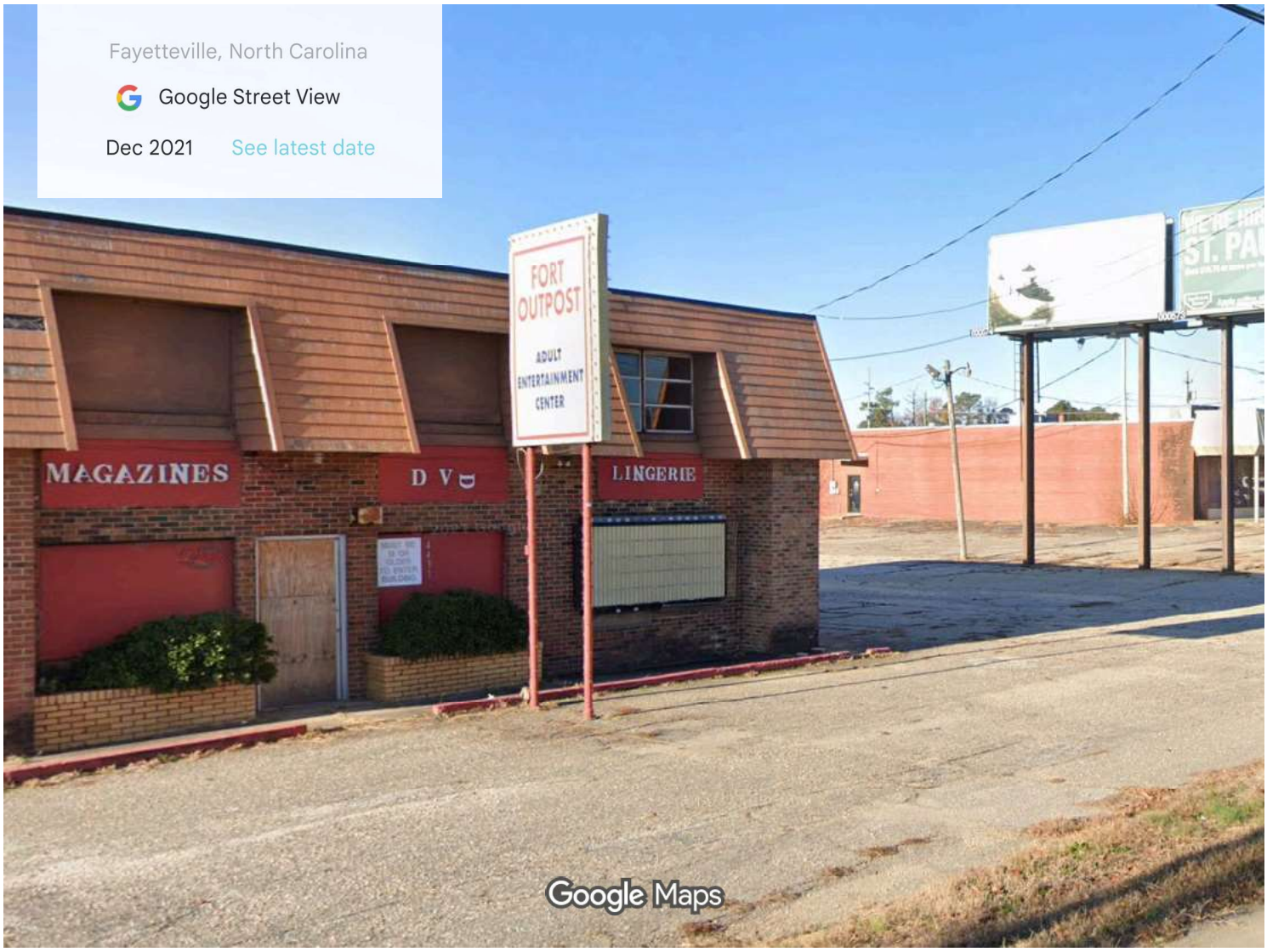
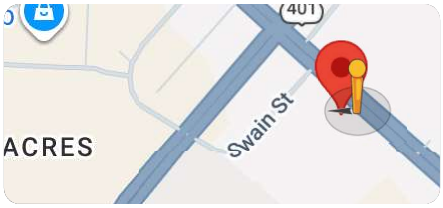


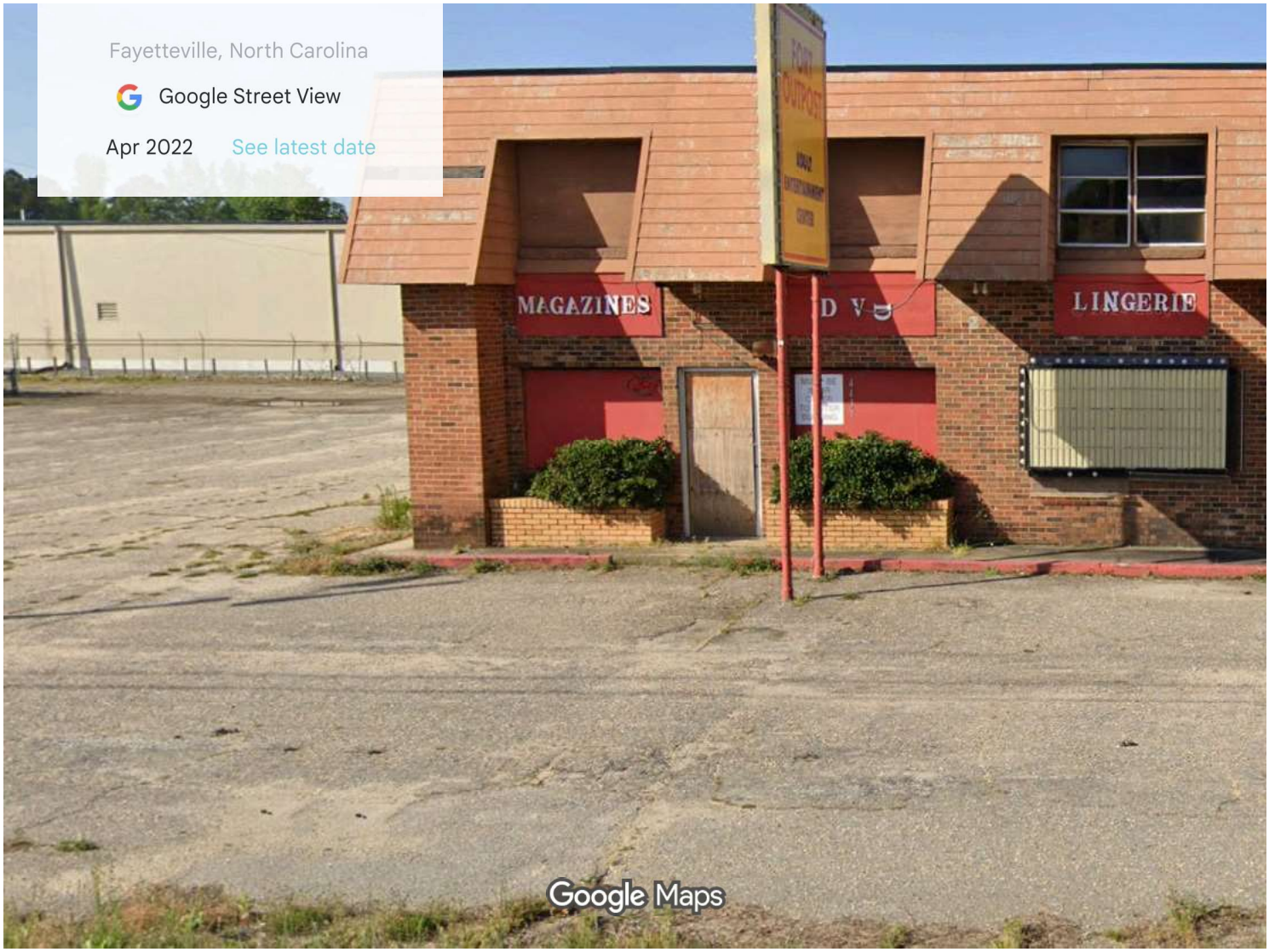
Image capture: Dec 2021 © 2026 Google



4431 NC-24

Google Maps

April 2022



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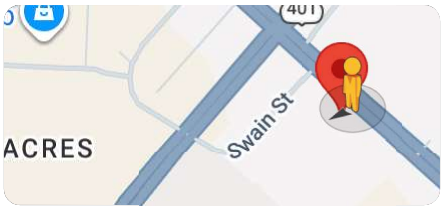
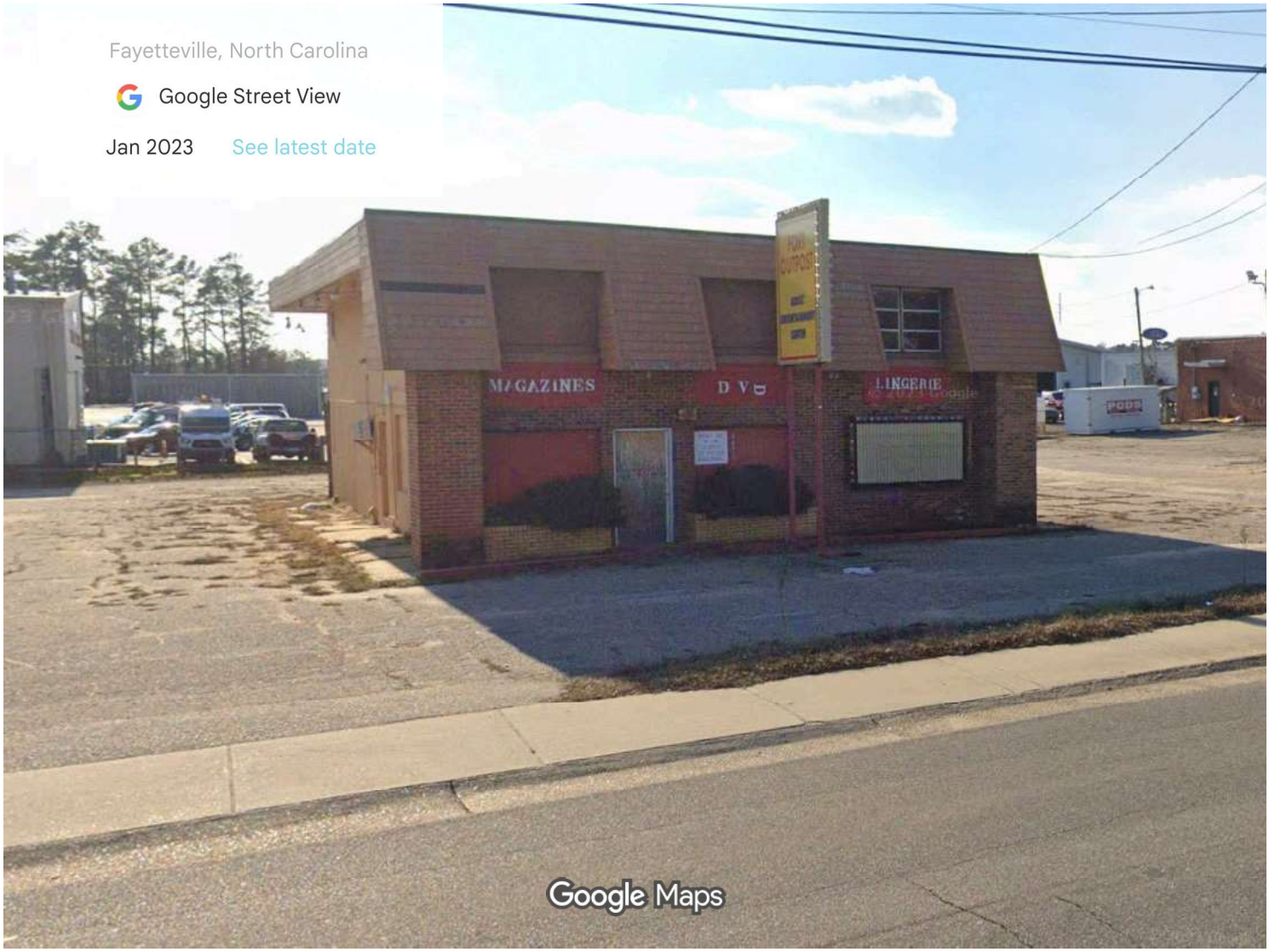


4431 NC-24

Google Maps

Jan 2023



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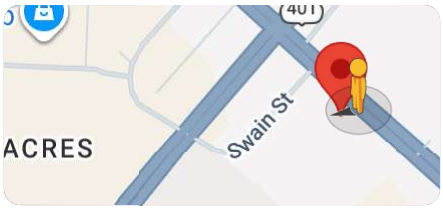
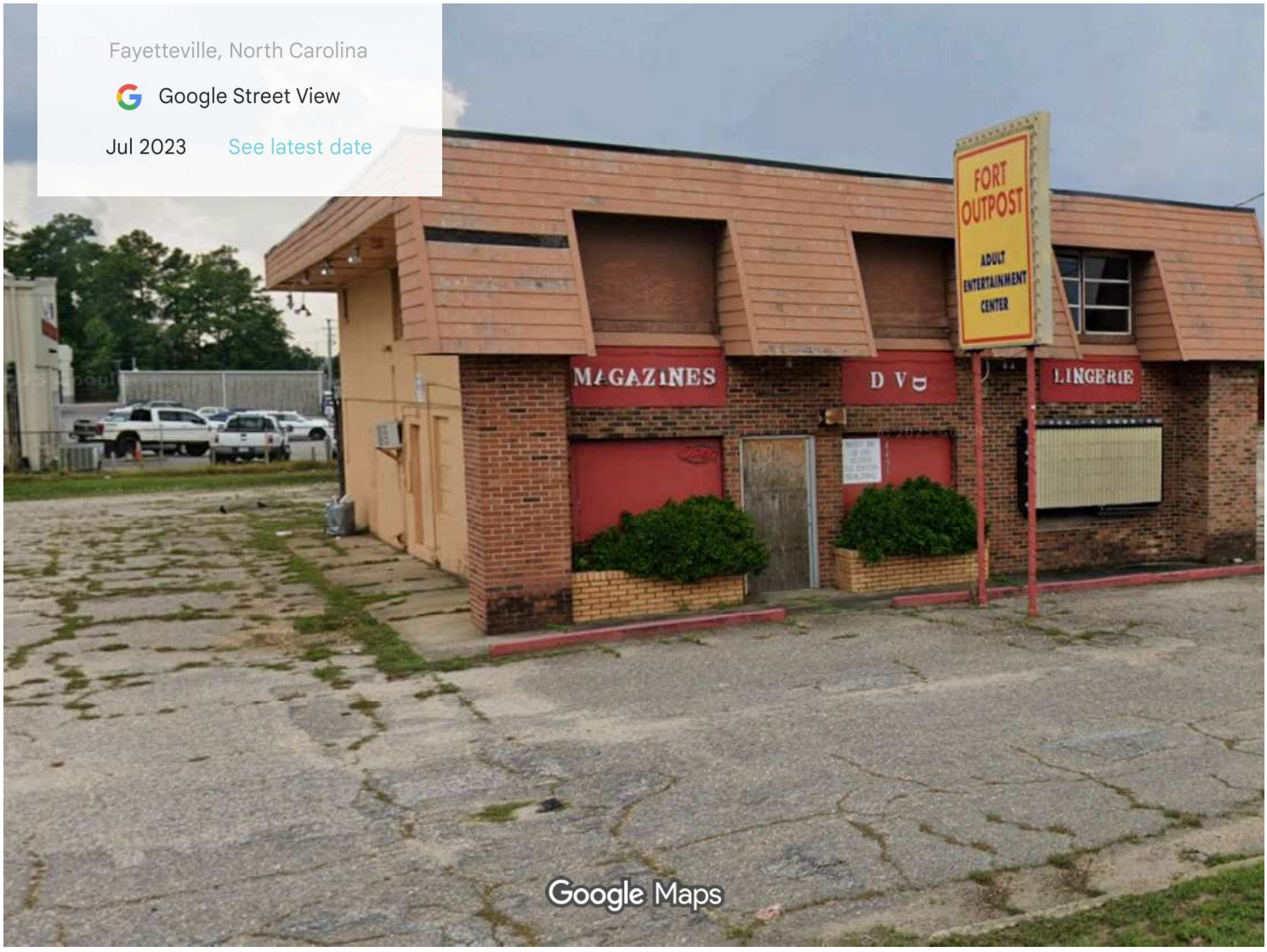


4431 NC-24

Google Maps

July 2023



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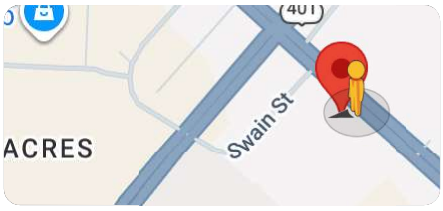
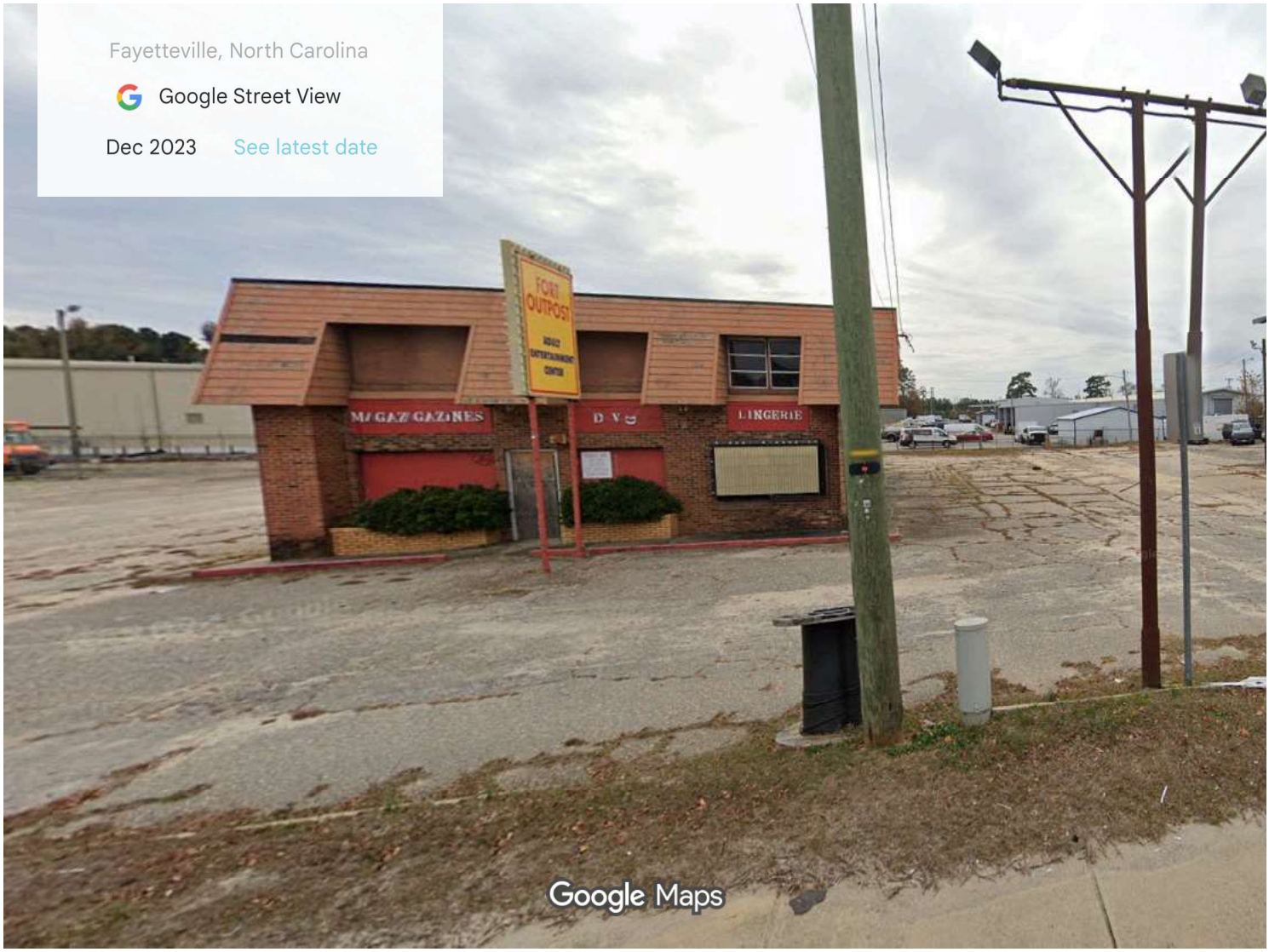


4431 NC-24

Google Maps

Dec 2023



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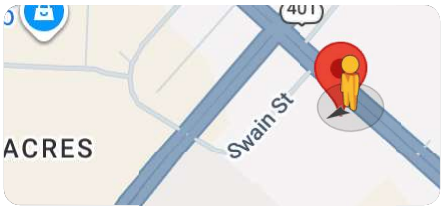
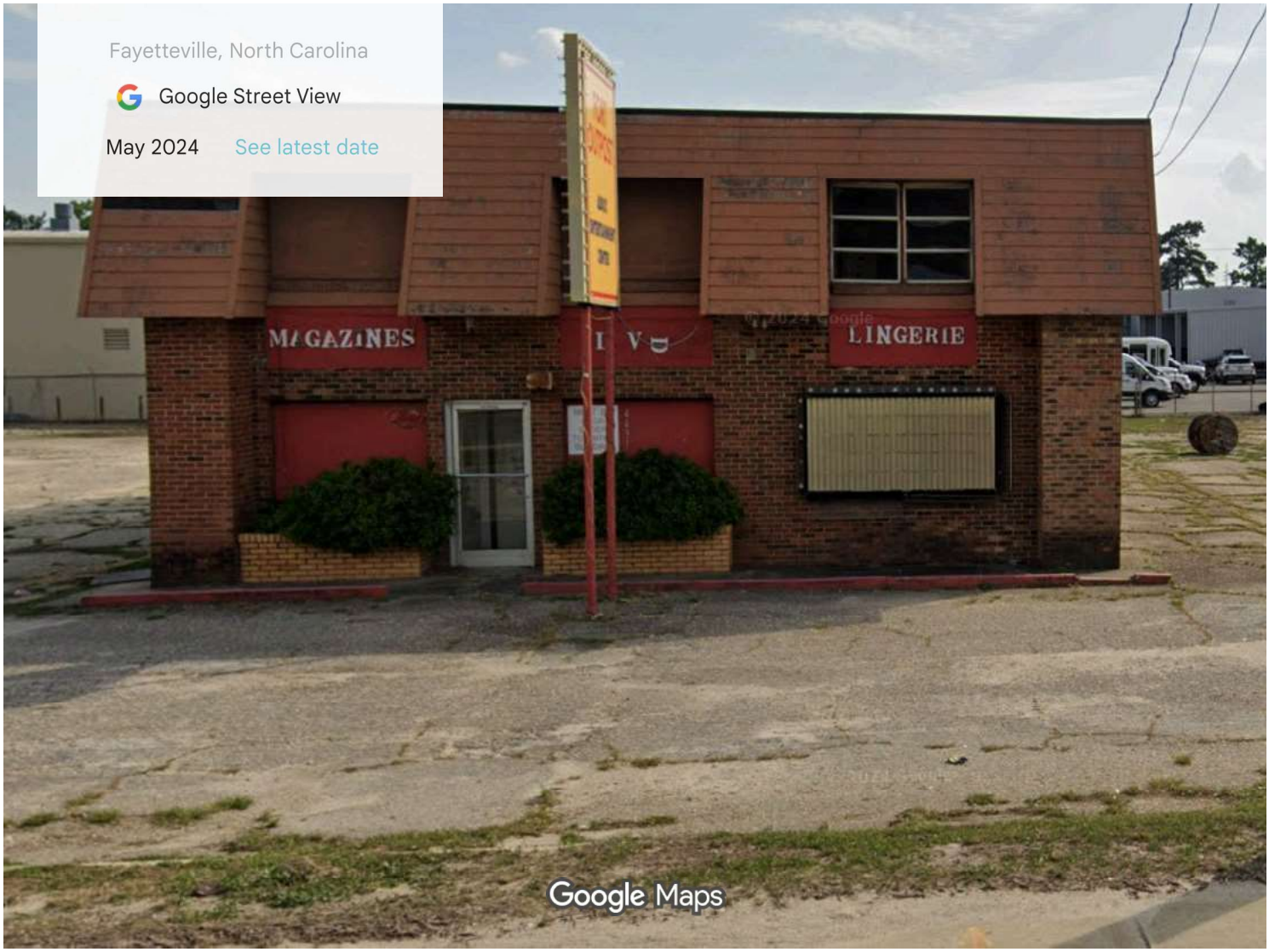


4431 NC-24

Google Maps

May 2024



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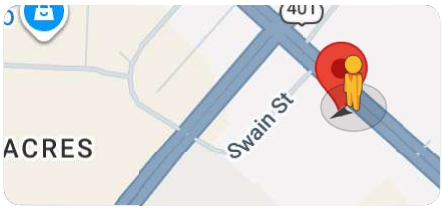
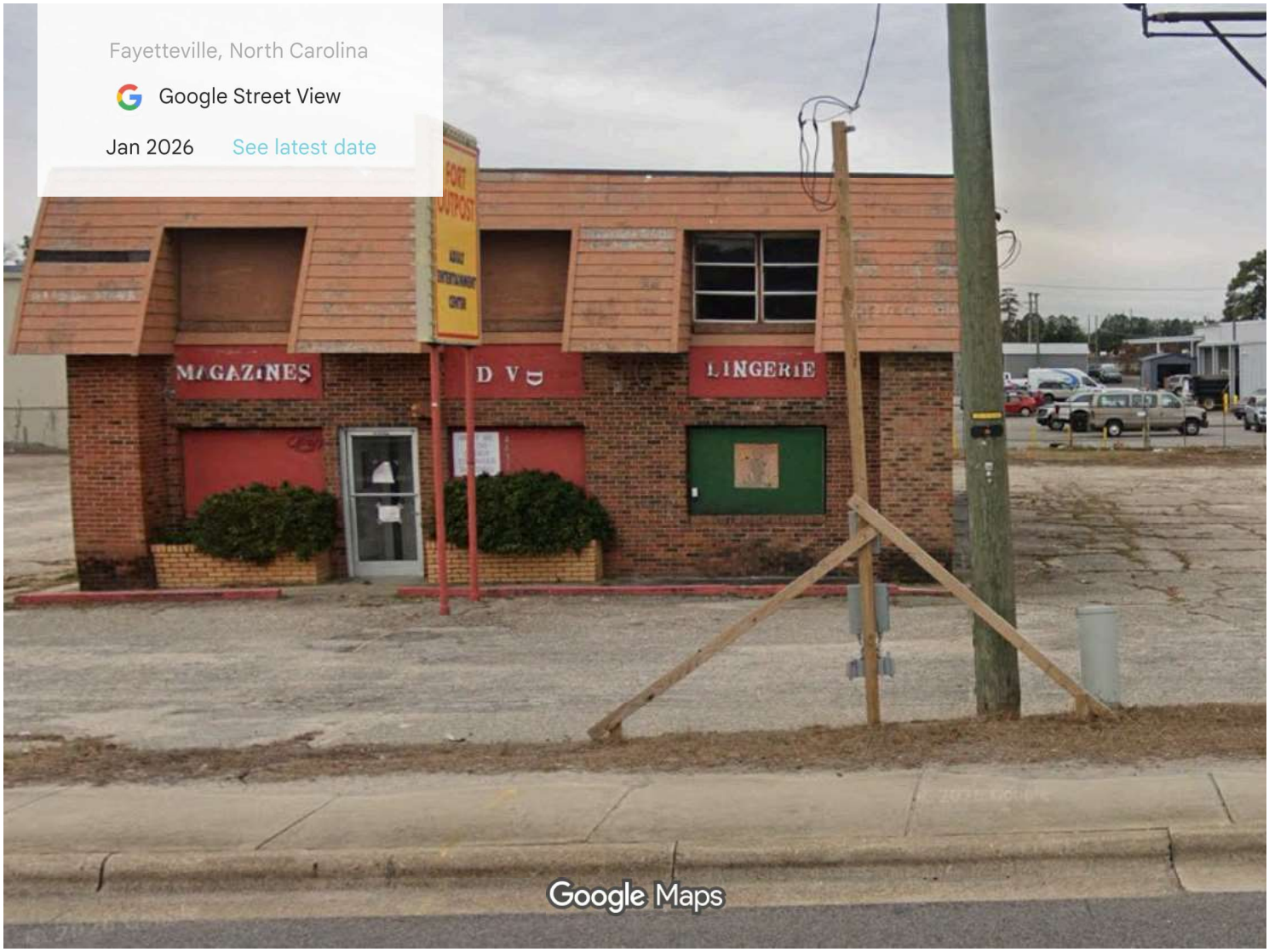


4431 NC-24

Google Maps

Jan 2026



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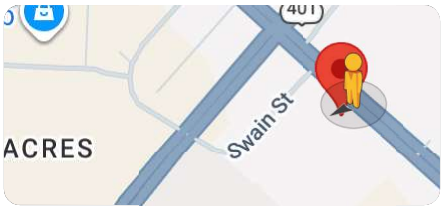


FAYETTEVILLE NC
DEVELOPMENT

Inspections
(Residential & Commercial Plan Review)
433 Hay Street
Fayetteville, NC 28301
910-433-1768
www.fayettevillenc.gov

Project Overview #1887777

Project Title: 4431 BRAGG BLVD
Application Type: P&I 1) Commercial Plan Review
Workflow: Commercial Plans Check - Building Review
Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Primary Contact Information

Project Owner
Ronald Smith
Dickens Construction
3687 Horse Trail Rd
Hope Mills, NC 28306
P:9108133428
cardsxramsxblues@gmail.com

Project Contact - Agent/Representative
Ronald Smith
Dickens Construction
3687 Horse Trail Rd
Hope Mills, NC 28306
P:9108133428
cardsxramsxblues@gmail.com

Indicate which of the following project contacts should be included on this project: Electrical Contractor 1,General Contractor,Mechanical Contractor 1,Plumbing Contractor 1

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds $40,000. :

Project Contact - Electrical Contractor
Jack Stanfill
Transform Electric LLC
6336 Pawling Ct
Fayetteville, NC 28306
P:9104018903
transformelectric.nc@gmail.com

NC State Electrical Contractor #1 License Number: 36283
NC State Electrical Contractor #2 License Number:
NC State Electrical Contractor #3 License Number:

Project Contact - General Contractor
RONALD SMITH
DICKENS CONSTRUCTON COMPANY
3687 HORSE TRAIL RD
FAYETTEVILLE, NC 28306
P:910.624.9678
cardsxramsxblues@gmail.com

NC State General Contractor's License Number: L.33651

Project Contact - Mechanical Contractor
Kenneth Ray Packer
Fayetteville Heating & AC Contractors Inc.
1200 S Eastern Blvd
Fayetteville, NC 28306
P:910-484-2273
fayheatair@yahoo.com

NC State Mechanical Contractor's #1 License Number:
18408

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

Project Contact - Plumbing Contractor
Phillip Woods
Woods Plumbing Service LLC
1234 Gillespie St
Fayetteville, NC 28306
P:9109203908
woodsplumbingllc@gmail.com

NC State Plumbing Contractor #1 License Number: 33076

NC State Plumbing Contractor #2 License Number:

Project Location

Project Address or PIN: 4431 BRAGG BLVD (0418553607000)

Zip Code: 28303

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: Cumberland County Tax Office GIS system

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 4431 BRAGG BLVD

New Commercial Building Data

Scope of Work:
Like for like remodel of building

Electrical remodel due to old wiring being robbed

Mini SPlit HVAC System

Repair plumbing, Installation of 1 toilet, 1 sinks,1 electric water heater.

Repair compromised wood

Is this property located in the Historic/Landmark Overlay District or on the National Historic Register? : No

Type of Renovation: Minor

Type of Improvement: Renovation

Type of Construction: II-B (Unprotected Non-Combustible)

Type of Occupancy: Business - B

Occupancy Capacity: n/a

Type of Foundation: Stem Wall Slab

Square footage of heated space: 0

Square footage of unheated space: 0

Square Footage of the Total Building: 3000

Will the building have sprinklers installed?: No

Will the building have any gas piping work?: No

Number of Off-Street Parking Spaces: 10

Depth of Pool:

The Cumberland County Health Department will need to provide approval in conjunction with your application. Please contact them directly at 910-433-3688 to determine the required next steps.

Well or Septic Tank: No

Well or Septic Type:

What type of work will be performed: Electrical,Plumbing

Building Units

Does the proposed project contain multiple units?: No

Number of Units - Proposed:

Number of Units per Building:

Building Square Footage

Square Footage of the Total Proposed Area of Work: 3,000
Square Footage of the Total Building: 3000
Square Footage per Story: 3000
Building Height (feet): 0
Building Length (feet): 0
Square Footage of Renovated Area: 3000
Square Footage of Upfit:
Type of Improvement: Renovation
Building Height (stories): 0
Building Width (feet): 0

Project Valuation

Current Assessed Value: $98,000.00
Project Valuation / Total Cost of Construction: $50,000.00

Permits Required

Square Footage of the Total Proposed Area of Work: 3,000
Will the building have any gas piping work?: No
Will there be plumbing work?: Yes
Will there be HVAC work?: Yes
Will there be electrical work?: Yes
Will the building have sprinklers installed?: No

Electrical Permit Information

Scope of Work:
Like for like remodel of building

Electrical remodel due to old wiring being robbed

Mini SPlit HVAC System

Repair plumbing, Installation of 1 toilet, 1 sinks,1 electric water heater.

Repair compromised wood

Electrical Wiring: 200 Amps and below

Number of Amps 200 or below: 1
Number of Amps above 800:
Number of Amps above 2000:
Low Voltage: NA
Number of Low Voltage Security:
Number of Low Voltage Comm:
Number of Devices: 89
Number of Complete Solar Systems:
Number of Pool/ Spa/Hot Tub/Fountain bonding:
Number of Pole Lights:
Number of Electric Vehicle Stations/Circuits :
Meter/Panels: NA
Number of Panels:
Number of Amps above 200:
Number of Amps above 1000:
Number of Amps above 3000:
Number of Low Voltage Fire Alarm:
Number of Low Voltage Data:
Additional: Devices
Number of Generators:
Number of Pool/ Spa/Hot Tub/Fountain equipment:
Number of Signs/Drive through Menu:
Number of Heating Appliances:
Number of Temporary Pole for Construction:
Number of Meters:

Mechanical Permit Information

Scope of Work:
Like for like remodel of building

Electrical remodel due to old wiring being robbed

Mini SPlit HVAC System

Gas Lines (select all that apply): NA

Repair plumbing, Installation of 1 toilet, 1 sinks,1 electric water heater.

Repair compromised wood

Appliances (select all that apply): Heat Pump,NA
Number of Heat Pumps: 2
Number of Furnace / Gas PKG Units:
Number of Manufactured Fireplace / Wood Stove Units:
Number of Condensing Units:
Number of A/C Coil Only Units:
Number of Chiller / Cooling Towers:
Number of Clothes Dryers:
Number of Commercial Refrigeration Units:
Type of Cooking Appliances: NA
Cooking Appliances:
Number of Ovens:
Number of Steam Kettles:
Number of Pasta Cookers:
Number of Steamers:
Number of Cheese Melters:
Number of Ranges:
Number of Griddles:
Number of Fryers:
Number of Conveyer Ovens:
Number of Rotisseries:
Number of Broilers:
Number of Wok Ranges:
Number of Smokers:
Equipment: NA
Number of Ductwork:
Number of Duct Insulation Only:
Number of Flue or Vent Piping Only:
Number of Exhaust System:
Number of Cooking Hood Systems:
Number of Hydronic Piping:
Number of Hydrogen Fuel Cells:
Number of Condensate Piping Only:

Plumbing Permit Information

Scope of Work:
Like for like remodel of building

Electrical remodel due to old wiring being robbed

Mini SPlit HVAC System

Repair plumbing, Installation of 1 toilet, 1 sinks,1 electric water heater.

Repair compromised wood

Building Water Piping: 2501 to 5000 Square Feet

Building Drain, Waste, and Venting Piping: 1 to 2500 Square Feet,NA
Service Water And Sewer Piping: NA
Appliances And Other Information: Water Heaters
Number of Water Heaters: 1
Number of Manholes:
Fixtures and Other Information: Flushing Fixture,Sinks
Number of Bathtubs:
Number of Shower Pans:
Number of Flushing Fixtures: 1
Number of Lavatories:
Number of Sinks: 1

Land Disturbing Activities and More

Will land disturbing activities on this project exceed one (1) acre?: No
Is the proposed development in a special flood hazard area?: No
Has a flood hazard development permit been obtained?: No
Is the property in a watershed?: No
Will there be new curb cuts or excavation in the right-of-way?: No

Utility Information

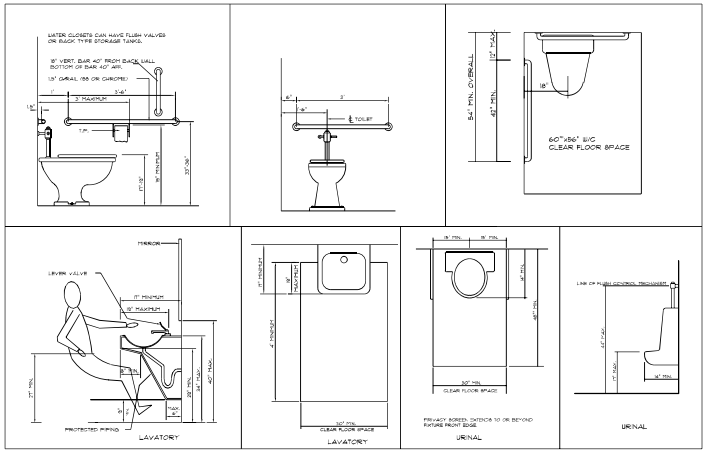
Electric Company: pwc

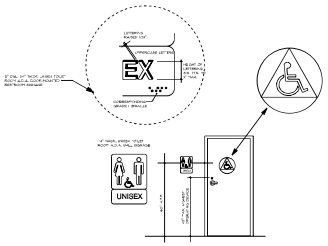
Water Utility: pwc

Sewer Utility: pwc

Plan Submittal

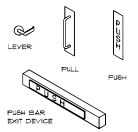
Requirements for plans - North Carolina Administration Code and Policies section 106.2.1 and North Carolina Administrative Code 21 NCAC 02 .0203: All Plans must be clear,concise, show the scope of work, and build-able. Plans that are not will be denied.: 1





RESTROOM SIGNAGE

DOOR CLEARANCE



ACCEPTABLE DOOR HARDWARE

NOTES:
1. ALL FINAL MATERIALS ARE TO BE CHOSEN BY HOME OWNER AT PRE-CONSTRUCTION MEETING.
2. ALL PLANS ARE SUBJECT TO CHANGE AS DETERMINED ON SITE BY GRADE.
3. ALL CONSTRUCTION MUST BE ENCLOSED ALL LOCAL BUILDING CODES (NC 2018).
4. DESIGNER ASSUMES NO RESPONSIBILITY FOR CONSTRUCTION PERFORMED BY OTHERS NOT UNDER DIRECT CONTROL OF DESIGNER.
5. ALL STRUCTURAL NOTATION SHOWN ON PLANS ARE FOR GENERAL REFERENCE ONLY. CONTRACTOR SHALL HAVE STRUCTURAL ENG. REVIEW AND DESIGN ALL STRUCTURAL ELEMENTS

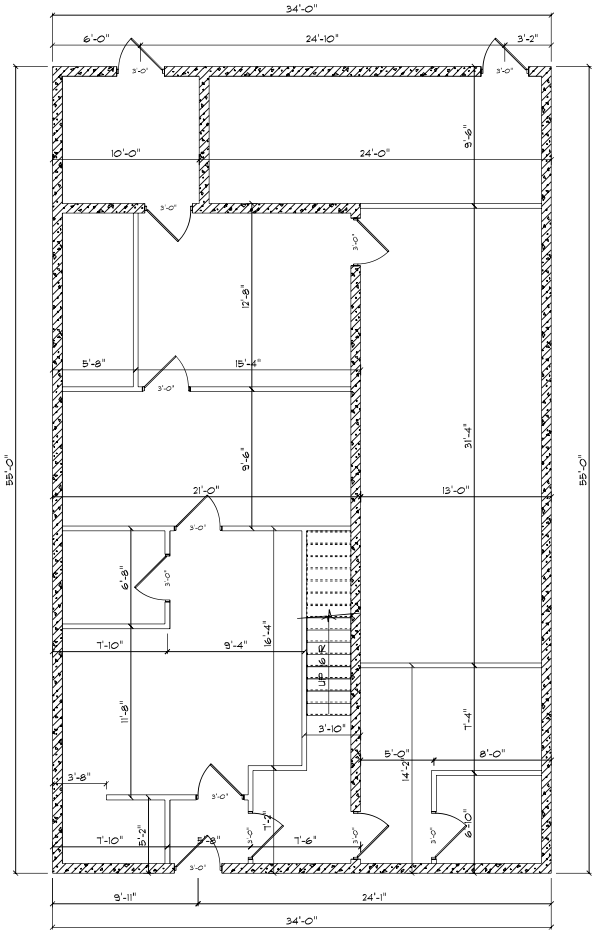
GCP Designs Group LLC
Designs You Can Trust

DATE: 10-20-2025
SUBDIVISION:
BUILDER:

TRANSFORM ELECTRIC
4431 BRAGG BLVD

4431
BRAGG BLVD

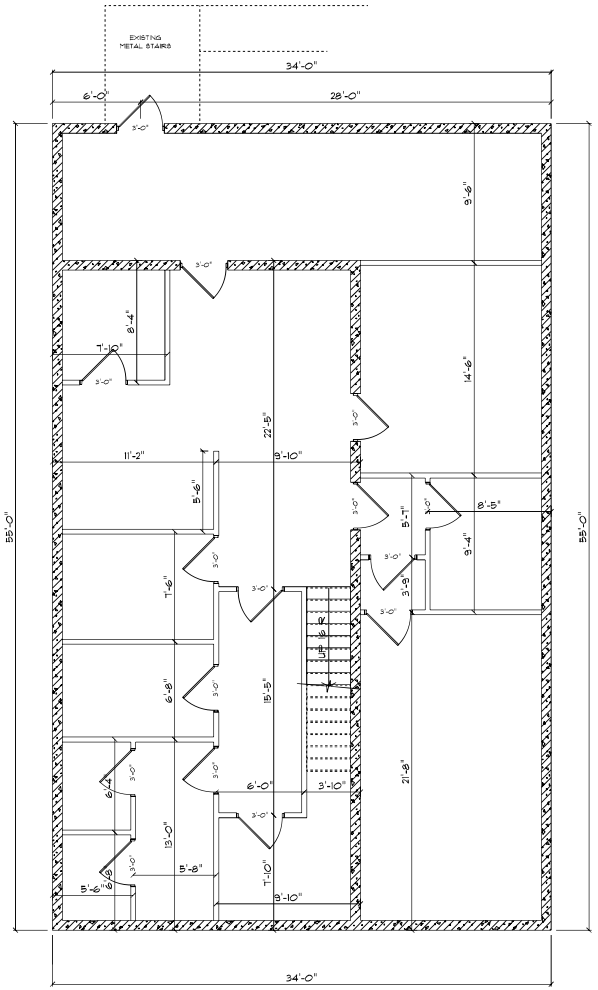
SITE:
BUILDING CONTRACTOR TO MEET LOCAL WIND LOADS PER LOCAL CODE AS IT PERTAINS TO LOCATION OF HOUSE
GSO, NC 120 MPH 3S-GUST, 1 FT/H



EXISTING FIRST FLOOR

SCALE: 1/4" = 1'0"

1870 S/F HEATED AREA ON FIRST FLOOR



EXISTING SECOND FLOOR

SCALE: 1/4" = 1'0"

1838 S/F HEATED AREA ON SECOND FLOOR
DOESN'T INCLUDE STAIRS

NOTES:
1.- ALL FINAL MATERIALS ARE TO BE CHOSEN BY HOME OWNER OR BUILDER
2.- ALL DIMENSIONS ARE APPROXIMATE AND WILL BE DETERMINED ON SITE BY GRADE
3.- CONSTRUCTION MUST BE SUPERVISED BY LOCAL BUILDING CODES (IRC 2018)
4.- DESIGNER ASSUMES NO RESPONSIBILITY FOR CONSTRUCTION PERFORMED BY BUILDER OR CONTRACTOR
5.- ALL STRUCTURAL NOTES SHOWN ON PLANS ARE FOR REFERENCE PURPOSES ONLY. CONTRACTOR SHALL HIRE STRUCTURAL ENG. REVIEW AND DESIGN ALL STRUCTURAL ELEMENTS

GCP Designs Group LLC
Designs You Can Trust

DATE: 10-20-2025

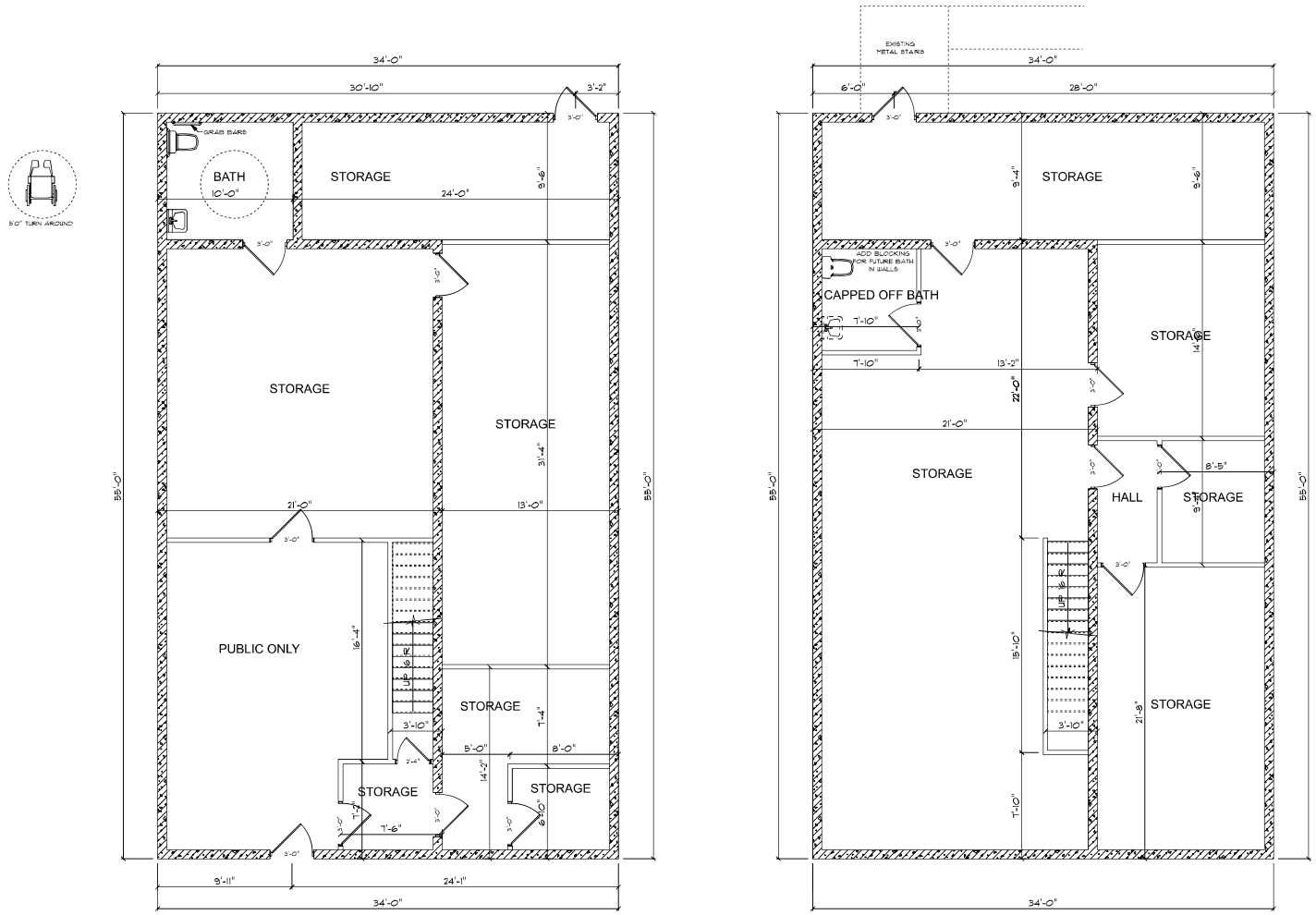
SUBDIVISION:

BUILDER:

TRANSFORM ELECTRIC
4431 BRAGG BLVD

4431
BRAGG BLVD

NOTE:
BUILDING CONTRACTOR TO MEET LOCAL WIND LOADS PER LOCAL CODE AS IT PERTAINS TO LOCATION OF HOUSE
GCP DESIGNS GROUP LLC
(910) 624-3421 FAX



NEW CONSTRUCTION
FIRST FLOOR
SCALE: 1/4" = 1'0"
1870 S/F HEATED AREA ON FIRST FLOOR

NEW CONSTRUCTION
SECOND FLOOR
SCALE: 1/4" = 1'0"
1838 S/F HEATED AREA ON SECOND FLOOR
DOESN'T INCLUDE STAIRS

4431
BRAGG BLVD

NOTES:
1. ALL FINAL MATERIALS ARE TO BE CHOSEN BY HOME OWNER AND / OR BUILDER.
2. FINAL NUMBER OF EXTERIOR STEPS WILL BE DETERMINED ON SITE BY GRADE
3. CONTRACTOR MUST MEET OR EXCEED ALL LOCAL BUILDING CODES (NC 2018)
4. DESIGNER ASSUMES NO RESPONSIBILITY FOR CHANGES TO DRAWINGS BY OTHERS DURING CONSTRUCTION
5. ALL STRUCTURAL INFO SHOWN ON PLANS ARE FOR REFERENCE PURPOSES ONLY, CONTRACTOR SHALL HAVE STRUCTURAL ENG. REVIEW AND DESIGN ALL STRUCTURAL ELEMENTS

GCP Designs Group LLC
Designs You Can Trust

DATE: 10-20-2025
SUBDIVISION:
BUILDER:

TRANSFORM ELECTRIC
4431 BRAGG BLVD

NOTE:
BUILDING CONTRACTOR TO MEET LOCAL WIND LOADS PER LOCAL CODE AS IT PERTAINS TO LOCATION OF HOUSE 100, 110, 120, 130, 140, 150, MPH

FORTNEWS_000062

AFFIDAVIT OF BUSINESS USE AND PRODUCT DESCRIPTION

State of North Carolina
County of Cumberland

I, Arianna Johnson, Manager of Mingle Entertainment Group LLC, located at 4431 Bragg BLVD, Fayetteville, NC 28303, hereby certify and affirm the following:

1. The business located at the above address has undergone remodeling; however, the nature and type of products sold have not changed from those offered prior to the remodel.
2. The store continues to sell the same categories of merchandise as previously approved. These items include adult novelty products, condoms, personal lubricants, and related accessories.
3. No new product categories have been added, and the purpose, use, and operation of the business remain unchanged.

I declare under penalty of perjury that the statements contained in this affidavit are true and correct to the best of my knowledge.

Owner Signature: Arianna Johnson MGR
Printed Name: ARIANNA JOHNSON MGR
Date: _____

NOTARY PUBLIC ACKNOWLEDGMENT

State of Florida
County of Pinellas

On this 2nd day of December, 2025, before me, Wendy Dassance WD ~~Arianna Johnson~~, a Notary Public in and for said State, personally appeared Arianna Johnson, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they executed the same in their authorized capacity, and that by their signature on the instrument, the individual executed the document.

Witness my hand and official seal.

Notary Public Signature: Wendy L Dassance
Printed Name: Wendy L Dassance
My Commission Expires: 4-1-28

NOTARY PUBLIC STATE OF FLORIDA
WENDY L. DASSANCE
Commission # HH 510695
Expires April 1, 2028

BUILDING CODE SUMMARY
FOR ALL COMMERCIAL PROJECTS
NC 2018 BUILDING CODE
(EXCEPT 1 AND 2-FAMILY DWELLINGS AND TOWNHOUSES)

NAME OF PROJECT: RENOVATION FOR STORAGE
ADDRESS: 4431 BRAGG BLVD , FAYETTEVILLE NC.
PROPOSED USE: RETAIL / WAREHOUSE
OWNER OR AUTHORIZED AGENT: RONNIE JERNIGAN
OWNED BY: ■ CITY/COUNTY ■ PRIVATE ☐ STATE
CODE ENFORCEMENT JURISDICTION: ☐ CITY OF FAYETTEVILLE, NORTH CAROLINA

LEAD DESIGN PROFESSIONAL: GRANT PITTMAN

DESIGNER	FIRM	NAME	LICENSE #	TELEPHONE #	E-MAIL
BUILDING	RONNIE JERNIGAN		N/A	N/A	N/A
CIVIL	N/A		N/A	N/A	N/A
ELECTRICAL	TRANSFORM ELECTRIC	N/A	N/A	(910) 401-8903	N/A
INTERIOR	N/A	N/A	N/A	N/A	N/A
PLUMBING	SOUTH PLUMBING	N/A	N/A	(910) 920-3909	N/A
MECHANICAL	FAYETTEVILLE HEATING AND AIR	N/A	N/A	(910) 484-2273	N/A
SPRINKLER STANDPIPE	N/A	N/A	N/A	N/A	N/A
STRUCTURAL	N/A	N/A	N/A	N/A	N/A
RETAINING WALLS 5' MAX	N/A	N/A	N/A	N/A	N/A
OTHER	N/A	N/A	N/A	N/A	N/A

2018 EDITION OF NC CODE FOR: ☐ NEW CONSTRUCTION ☐ ADDITION ☐ UNIT
EXISTING: ■ RECONSTRUCTION ☐ ALTERATION ■ REPAIR ☐ RENOVATION
CONSTRUCTED:(date) 2020's ORIGINAL USE(S) (Ch. 3): _____
RENOVATED: (date) - CURRENT USE(S) (Ch. 3): _____
PROPOSED USE(S) (Ch. 3): _____

BASIC BUILDING DATA:
CONSTRUCTION TYPE: (check all that apply) ☐ I-A ☐ II-A ☐ III-A ☐ IV ☐ V-A
☐ I-B ☐ II-B ☐ III-B ☐ V-B
MIXED CONSTRUCTION ■ NO ☐ YES TYPES - N/A
SPRINKLERS ■ NO ☐ PARTIAL ☐ YES ☐ NFPA 13 ☐ NFPA 13R ☐ NFPA 13D
STANDPIPES ■ NO ☐ YES CLASS ☐ I ☐ II ☐ III ☐ WET ☐ DRY
FIRE DISTRICT: ■ NO ☐ YES (Primary) FLOOD HAZARD AREA: ■ NO ☐ YES
BUILDING HEIGHT:(feet) 37'-0"

GROSS BUILDING AREA:

FLOOR	(S.F.)
1ST FLOOR	
MEZZANINE	
1ST FLOOR	18720 S.F.
TOTAL (S)	N/A

ALLOWABLE AREA

OCCUPANCY:
ASSEMBLY ☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ A-5
BUSINESS ☐
EDUCATIONAL ☐
FACTORY ☐ F-1 MODERATE ☐ F-2 LOW
HAZARD ☐ H-1 DETONATE ☐ H-2 DEFLAGRATE ☐ H-3 COMBUST ☐ H-4 HEALTH ☐ H-5 HPM
INSTITUTIONAL ☐ I-1 ☐ I-2 ☐ I-3 ☐ I-4
I-1 CONDITIONAL ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
MERCANTILE ■
RESIDENTIAL ☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4
STORAGE ☐ S-1 MODERATE ■ S-2 LOW ☐ HIGH-PILED
☐ PARKING GARAGE ☐ OPEN ☐ ENCLOSED ☐ REPAIR GARAGE
UTILITY AND MISCELLANEOUS ☐
ACCESSORY OCCUPANCY: NONE
INCIDENTAL USE (TABLE 509.2.5.): NONE
SPECIAL USES: ☐ 403 ☐ 405 ☐ 404 ☐ 405 ☐ 406 ☐ 407 ☐ 408 ☐ 409 ☐ 410 ☐ 411 ☐ 412 ☐ 413 ☐ 414 ☐ 415 ☐ 416 ☐ 417 ☐ 418 ☐ 419 ☐ 420 ☐ 421 ☐ 422 ☐ 423 ☐ 424
SPECIAL PROVISIONS: ☐ 509.2 ☐ 509.3 ☐ 509.4 ☐ 509.5 ☐ 509.6 ☐ 509.7 ☐ 509.8 ☐ 509.9
MIXED OCCUPANCY: ☐ NO ■ YES SEPARATION: ___ HR. EXCEPTION: _____

☐ INCIDENTAL USE SEPARATION (508.2)
THIS SEPARATION IS NOT EXEMPT AS A NON-SEPARATED USE (SEE EXCEPTIONS).

☐ NON-SEPARATED USE (508.3)
THEREQUIRED TYPE OF CONSTRUCTION FOR THE BUILDING SHALL BE DETERMINED BY APPLYING THE HEIGHT AND AREA LIMITATIONS FOR EACH OF THE APPLICABLE OCCUPANCIES TO THE ENTIRE BUILDING. THE MOST RESTRICTIVE TYPE OF CONSTRUCTION SO DETERMINED SHALL APPLY TO THE ENTIRE BUILDING.

☐ SEPARATED USE (508.4) - SEE BELOW FOR AREA CALCULATION
FOR EACH STORY, THE AREA OF THE OCCUPANCY SHALL BE SUCH THAT THE SUM OF THE RATIOS OF THE ACTUAL FLOOR AREA OF EACH USE DIVIDED BY THE ALLOWABLE FLOOR AREA FOR EACH USE SHALL NOT EXCEED 1.

ACTUAL AREA OF OCCUPANCY A _____ ACTUAL AREA OF OCCUPANCY B _____ < 1.00
ALLOWABLE AREA OF OCCUPANCY A _____ ALLOWABLE AREA OF OCCUPANCY B _____ < 1.00

STORY NO.	DESCRIPTION AND USE	(A) BLDG. AREA PER STORY (ACTUAL)	(B) TABLE 503 AREA	(C) AREA FOR FRONTAGE INCREASE[1]	(D) AREA FOR SPRINKLER INCREASE[2]	(E) ALLOWABLE AREA OR UNLIMITED [3]	(F) MAXIMUM BUILDING AREA[4]
FIRST	ASSEMBLY	18720		N/A	N/A	N/A	
SECOND		1838					
TOTAL		37456					

1 FRONTAGE AREA INCREASES FROM SECTION 506.2 ARE COMPUTED THUS:
A. PERIMETER WHICH FRONTS A PUBLIC WAY OR OPEN SPACE HAVING 20 FEET MINIMUM WIDTH = (S) N/A
B. TOTAL BUILDING PERIMETER = P
C. RATIO (F/P) = (F/P)
D. W = MINIMUM WIDTH OF PUBLIC WAY = N/A/A
E. PERCENT OF FRONTAGE INCREASE I = 100[(F/P) - 0.25] W / 30 = (%)
2 THE SPRINKLER INCREASE PER SECTION 506.3.3 IS AS FOLLOWS:
A. MULTI-STORY BUILDING I = 200 PERCENT
B. SINGLE STORY BUILDING I = 300 PERCENT
3 UNLIMITED AREA APPLICABLE UNDER CONDITIONS OF SECTION 507.2
GROUP A MOTION PICTURE (507.1.2) COVERED MALL BUILDINGS (402.8.1) AND H-3 AIRCRAFT PAINT HANGERS (507.8).
4 MAXIMUM BUILDING AREA = TOTAL NUMBER OF STORIES IN THE BUILDING N X (E) (506.4).
5 THE MAXIMUM AREA OF OPEN PARKING GARAGES MUST COMPLY WITH 406.3.5. THE MAXIMUM AREA OF AIR TRAFFIC CONTROL TOWERS MAY COMPLY WITH 412.3.

ALLOWABLE HEIGHT

	ALLOWABLE (TABLE 503)	INCREASE FOR SPRINKLERS	SHOWN ON PLANS	CODE REFERENCE
TYPE OF CONSTRUCTION				602
BUILDING HEIGHT IN FEET	60	% FEET = 24 + 12' = N/A	W/A	503
BUILDING HEIGHT IN STORIES	1	STORIES = 1 + N/A	1	503

FIRE PROTECTION REQUIREMENTS (EXISTING BUILDING)

BUILDING ELEMENT	FIRE SEPARATION DISTANCE (FEET)	RATING REQ'D	RATING PROVIDED (IF BY ——— REDUCTION)	DETAIL # AND SHEET #	DESIGN # FOR RATED ASSEMBLY	DESIGN # FOR RATED PENETRATIONS	DESIGN # FOR RATED JOINTS
STRUCTURAL FRAME INCLUDING COLS. GIRDERS, TRUSSES	N/A						N/A
BEARING WALLS							
EXTERIOR							
NORTH	30'-0"						
EAST	30'-0"						
SOUTH	30'-0"						
WEST	30'-0"						
INTERIOR							
NONBEARING WALLS AND PARTITIONS	N/A						N/A
EXTERIOR WALLS							
NORTH							
EAST							
SOUTH							
WEST							
INTERIOR WALLS & PARTITIONS							
FLOOR CONSTRUCTION INCLUDING SUPPORT BEAMS AND JOIST	N/A						N/A
ROOF CONSTRUCTION INCLUDING SUPPORT BEAMS AND JOIST	N/A						N/A
SHAFT ENCLOSURES - EXIT	N/A						N/A
SHAFT ENCLOSURES - OTHER	N/A						N/A
CORRIDOR SEPARATION	N/A						N/A
OCCUPANCY SEPARATION	N/A						N/A
PARTY/FIRE WALL SEPARATION	N/A						N/A
SMOKE BARRIER SEPARATION	N/A						N/A
TENANT SEP.	N/A						N/A
DWELLING UNIT SEPARATION	N/A						N/A
INCIDENTAL USE SEPARATION	N/A						N/A

INDICATES SECTION NUMBER PERMITTING REDUCTION

LIFE SAFETY SYSTEM REQUIREMENTS (EXISTING BUILDING)

EMERGENCY LIGHTING:	☐ NO	■ YES	
EXIT SIGNS:	■ NO	■ YES	
FIRE ALARMS:	■ NO	☐ YES	
SMOKE DETECTION SYSTEMS:	☐ NO	■ YES	☐ PARTIAL
PANIC HARDWARE	☐ NO	■ YES	

LIFE SAFETY PLAN REQUIREMENTS (NEW BUILDING)

LIFE SAFETY PLAN SHEET #: _____
☐ FIRE ANCHOR STOPS RATED WALL LOCATIONS (CHAPTER 7).
☐ ARMORED AND SEAL PROPERTY LINE LOCATIONS.
☐ EXTERIOR WALL-OPENING AREA WITH RESPECT TO DISTANCE TO ASSUMED PROPERTY LINES (705.8).
☐ EXISTING STRUCTURES WITHIN 30' OF THE PROPOSED BUILDING.
■ OCCUPANCY TYPES FOR EACH AREA AS IT RELATES TO OCCUPANT LOAD CALCULATION (TABLE 1004.1.1)
■ OCCUPANT LOAD PER EACH AREA.
■ EXIT ACCESS TRAVEL DISTANCE (1016).
■ COMMON PATH OF TRAVEL DISTANCES (1014.3 + 1029.8).
☐ DEAD END LENGTHS (1018.4).
■ CLEAR EXIT WIDTH FOR EACH DOOR.
■ MAXIMUM CALCULATED OCCUPANT LOAD CAPACITY EACH EXIT DOOR CAN ACCOMMODATE BASED ON EGRESS WIDTH (1005.1).
■ ACTUAL OCCUPANT LOAD FOR EACH EXIT DOOR.
☐ A SEPARATE SCHEMATIC PLAN INDICATING WHERE FIRE RATED FLOOR/CEILING AND/OR ROOF STRUCTURE IS PROVIDED FOR PURPOSES OF OCCUPANCY SEPARATION.
■ LOCATION OF DOORS WITH PANIC HARDWARE (1008.1.10).
☐ LOCATION OF DOORS WITH DELAYED EGRESS LOCKS AND THE AMOUNT OF DELAY (1008.1.8.7).
☐ LOCATION OF DOORS WITH ELECTROMAGNETIC EGRESS LOCKS (1008.1.8.8).
☐ LOCATION OF DOORS EQUIPPED WITH HOLD-OPEN DEVICES.
☐ LOCATION OF EMERGENCY ESCAPE WINDOWS (1030).
■ THE SQUARE FOOTAGE OF EACH FIRE AREA (903).
☐ THE SQUARE FOOTAGE OF EACH SMOKE COMPARTMENT (407.4).
☐ NOTE ANY CODE EXCEPTIONS OR TABLE NOTES THAT MAY HAVE BEEN UTILIZED REGARDING THE ITEMS ABOVE.

ACCESSIBLE DUELLING UNITS - NOT APPLICABLE
(SECTION 1107)

ACCESSIBLE PARKING - EXISTING
(SECTION 1106)

STRUCTURAL DESIGN (EXISTING BUILDINGS)

IMPORTANCE FACTORS: WIND I = 1.0 - I
SNOW I = 1.1 - I
SEISMIC I = 1.0 - I
LIVE LOADS: ROOF 20 PSF (LIVE)
FIRST FLOOR 100 PSF
SECOND FLOOR N/A
GROUND SNOW LOAD: 10 P.S.F.
WIND LOAD: BASIC WIND SPEED - 90 MPH CUMBERLAND COUNTY, N.C. (ASCE-7)
EXPOSURE CATEGORY - B
WIND BASE SHEARS (FOR FRAMES) V = ... W = ...
SEISMIC DESIGN CATEGORY - NOT APPLICABLE - EXISTING BUILDING
LATERAL DESIGN CONTROL: EARTHQUAKE ☐ WIND ☐
SOIL BEARING CAPACITIES: FIELD TEST (PROVIDE COPY OF LAB TEST REPORT): N/A
PRESCRIPTIVE BEARING CAPACITY 2000 P.S.F.
PILE SIZE, TYPE, AND CAPACITY N/A
SPECIAL INSPECTIONS REQUIRED: ☐ YES ☐ NO

OCCUPANT LOAD AND EXIT WIDTH

USE GROUP AND OR SPACE DESIGNATION	(A) AREA S.F.	(B) AREA PER OCCUPANT	(A / B) NUMBER OF OCCUPANTS	(C) EGRESS WIDTH PER OCCUPANT TABLE 1005.1		EXIT WIDTH (INCHES) REQUIRED WIDTH (SECTION 1005.1) (A ÷ B) × C		ACTUAL WIDTH SHOWN ON PLANS	
				STAIR	LEVEL	STAIR	LEVEL	STAIR	LEVEL
PRIVATE VEHICLE	37'8	1/1	38	N/A	0.3	N/A	11	N/A	36
RETAIL SPACE	1838	1/100	18	N/A	0.3	N/A	5.4	N/A	36
TOTAL OCCUPANT 56									

OCCUPANCY INFORMATION

SPACE DESCRIPTION	AREA - S.F.	OCCUPANT LOAD FACTOR	OCCUPANT LOAD	EXIT WIDTH	EXIT QUANTITY
TOTAL					

PLUMBING FIXTURE REQUIREMENTS - NO. PERSONS - 107
(TABLE 2902.1)

LOUNGE	WATER CLOSETS		URINALS	LAVATORIES		SHOWERS/ TUBS	DRINKING FOUNTAINS	
	MEN	WOMEN		MEN	WOMEN		REGULAR	ACCESSIBLE
	1	1	0	1	1	0	0	0

SPECIAL APPROVALS
SPECIAL APPROVAL (LOCAL JURISDICTION, DEPARTMENT OF INSURANCE, OSC, DPI, DHHS, ICC, ETC., DESCRIBE BELOW):
NONE

ENERGY SUMMARY - EXISTING BUILDING, PREVIOUSLY INSULATED

ENERGY REQUIREMENTS:

THE FOLLOWING DATA SHALL BE CONSIDERED MINIMUM AND ANY SPECIAL ATTRIBUTES REQUIRED TO MEET THE ENERGY CODE SHALL ALSO BE PROVIDED. EACH DESIGNER SHALL FURNISH THE REQUIRED PORTIONS OF THE PROJECT INFORMATION FOR THE PLAN DATA SHEET. IF PERFORMANCE METHOD, STATE THE ANNUAL ENERGY COST FOR THE STANDARD REFERENCE DESIGN VS ANNUAL ENERGY COST FOR THE PROPOSED DESIGN.

CLIMATE ZONE: ■ 3 ☐ 4 ☐ 5
METHOD OF COMPLIANCE:
☐ PRESCRIPTIVE (ENERGY CODE)
☐ PERFORMANCE (ENERGY CODE)
☐ PRESCRIPTIVE (ASHRAE 90.1)
☐ PERFORMANCE (ASHRAE 90.1)

THERMAL ENVELOPE
ROOF/CEILING ASSEMBLY (EACH ASSEMBLY)
DESCRIPTION OF ASSEMBLY:
U-VALUE OF TOTAL ASSEMBLY - N/A
R-VALUE OF INSULATION N/A
SKYLIGHTS IN EACH ASSEMBLY: N/A
U-VALUE OF SKYLIGHT:
TOTAL SQUARE FOOTAGE OF SKYLIGHTS IN EACH ASSEMBLY - N.A.

EXTERIOR WALLS (EACH ASSEMBLY):
DESCRIPTION OF ASSEMBLY:
U-VALUE OF TOTAL ASSEMBLY - N/A
R-VALUE OF INSULATION N/A
OPENINGS (WINDOW OR DOORS WITH GLAZING)
U-VALUE OF ASSEMBLY: N/A
SOLAR HEAT GAIN COEFFICIENT:
WINDOW U-VALUE N/A
DOOR R-VALUE N/A

WALLS BELOW GRADE (EACH ASSEMBLY) - N/A
DESCRIPTION OF ASSEMBLY:
U-VALUE OF TOTAL ASSEMBLY
R-VALUE OF INSULATION

FLOORS OVER UNCONDITIONED SPACE (EACH ASSEMBLY) N/A
DESCRIPTION OF ASSEMBLY: N/A
U-VALUE OF TOTAL ASSEMBLY:
R-VALUE OF INSULATION:

FLOOR SLABS ON GRADE -
DESCRIPTION OF ASSEMBLY:
U-VALUE OF TOTAL ASSEMBLY: N/A
R-VALUE OF INSULATION: N/A
VERTICAL REQUIREMENTS - N/A
SLAB HEATED - UNHEATED SLAB

MECHANICAL SUMMARY - EXISTING BUILDING NO CHANGES

MECHANICAL SYSTEMS, SERVICE SYSTEMS AND EQUIPMENT

THERMAL ZONE
N.C. ZONE 3
WINTER: DRY BULB 17F
SUMMER: DRY BULB 93F

INTERIOR DESIGN CONDITIONS
WINTER: DRY BULB 70F
SUMMER: DRY BULB 75F
RELATIVE HUMIDITY: 50%

BUILDING HEATING LOAD - N/A
BUILDING COOLING LOAD - N/A

MECHANICAL SPACING CONDITIONING SYSTEM:
UNITARY
DESCRIPTION OF UNIT - N/A
HEATING EFFICIENCY - N/A
COOLING EFFICIENCY - N/A

BOILER: NOT APPLICABLE
CHILLER: NOT APPLICABLE
LIST EQUIPMENT EFFICIENCIES - N/A

METHOD OF COMPLIANCE:
☐ PRESCRIPTIVE ☐ ENERGY COST BUDGET

ELECTRICAL SUMMARY

ELECTRICAL SYSTEM AND EQUIPMENT (EXISTING BUILDING - NO CHANGES)

METHOD OF COMPLIANCE:
ENERGY CODE: ☐ PRESCRIPTIVE ☐ PERFORMANCE
ASHRAE 90.1: ☐ PRESCRIPTIVE ☐ PERFORMANCE

LIGHTING SCHEDULE
LAMP TYPE REQUIRED IN FIXTURE N/A

FAYETTEVILLE NC DEVELOPMENT

NC Admin Code section 106.2.3: Reviewed for Code Compliance. No deviations from plans are allowed unless approved by the AHJ

NORTH CAROLINA PROFESSIONAL SEAL 059559 ENGINEER CARL P. SIMS 3/13/26

4431 BRAGG BLVD

NOTES:
1. ALL FINAL MATERIALS ARE TO BE CHOSEN BY
2. FINAL NUMBER OF EXTERIOR STEPS WILL BE
3. CONSTRUCTION MUST STRICTLY ADHERE ALL
4. LOCAL BUILDING CODE(NCIC 2018)
5. THE CONTRACTOR HAS SOLE RESPONSIBILITY FOR
6. ANY CHANGES TO DRAWINGS BY OTHERS DURING CONSTRUCTION
7. ALL DIMENSIONS ARE TO BE VERIFIED IN THE FIELD
REFERENCE PURPOSES ONLY. CONTRACTOR SHALL HAVE
STRUCTURAL ENG. REVIEW AND DESIGN ALL STRUCTURAL ELEMENTS

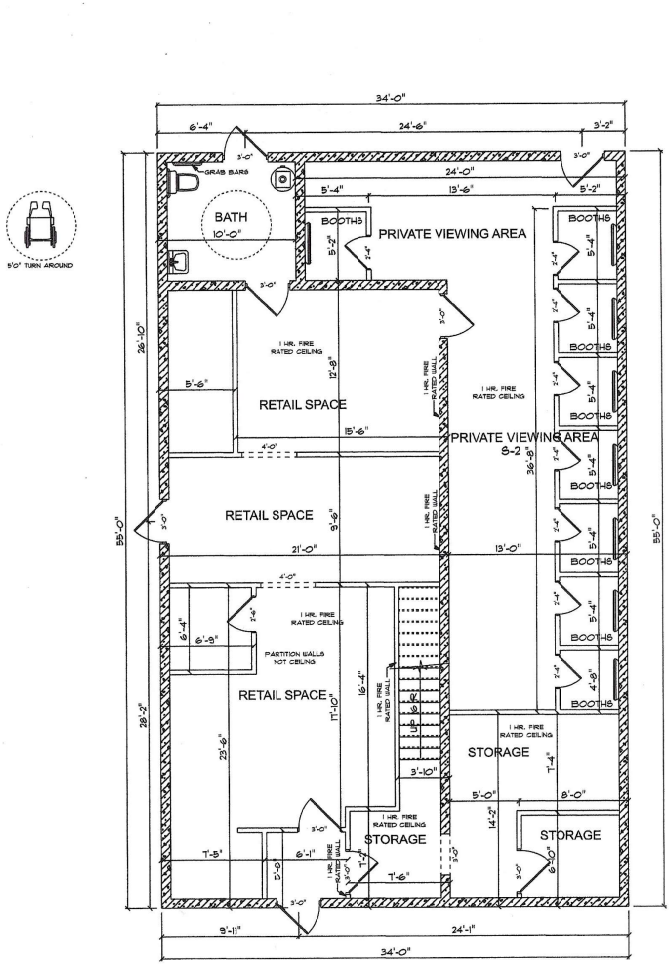
GCP Designs Group LLC
Designs You Can Trust

DATE: 10-20-2025
SUBDIVISION:
BUILDER:

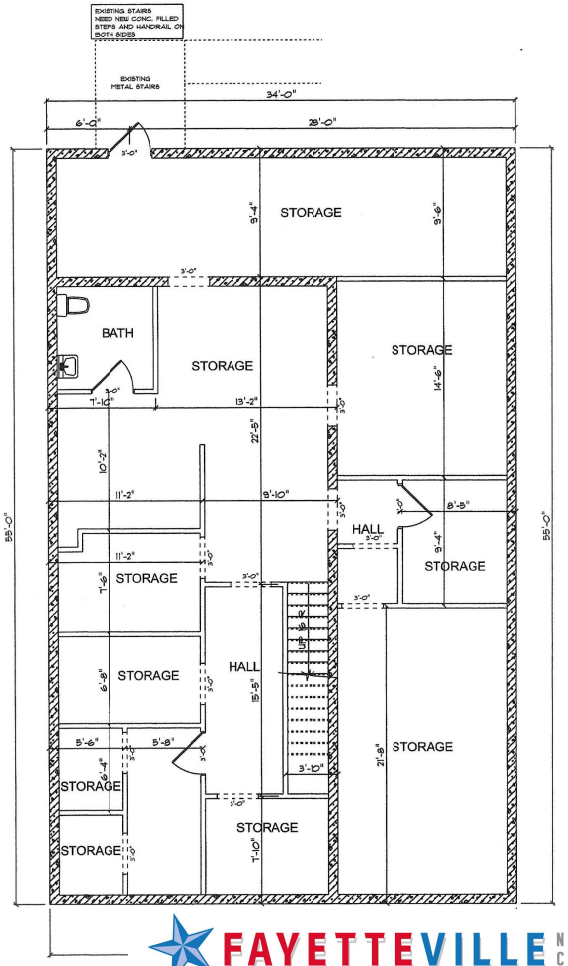
TRANSFORM ELECTRIC
4431 BRAGG BLVD

NOTE:
THE GENERAL CONTRACTOR TO MEET LOCAL BIND LOADS
PER LOCAL CODE AS IT PERTAINS TO LOCATION OF HOUSE
90, 110, 120, 130, 140, 150, MPH

FORTNEWS_000064



5'0" TURN AROUND



REMODEL
FIRST FLOOR
SCALE: 1/4" = 1'0"

1870 S/F HEATED AREA ON FIRST FLOOR
1838 S/F ON SECOND FLOOR
3708 S/F TOTAL HEATED AREA

ALL STORAGE AND RETAIL SPACE TO BE S-2 LOW HAZARD STORAGE

FAYETTEVILLE NC
DEVELOPMENT

NC Admin Code section 106.2.3: Reviewed for Code Compliance.
No deviations from plans are allowed unless approved by the AHJ

NORTH CAROLINA PROFESSIONAL SEAL 059559 ENGINEER CARL P. SIMS 3/12/26

4431 BRAGG BLVD

NOTES:
1. ALL FINAL MATERIALS ARE TO BE CHOSEN BY OWNER PRIOR TO PERMIT ISSUANCE.
2. FINAL NUMBER OF EXTERIOR STEPS WILL BE DETERMINED ON SITE BY GRADE
3. CONSTRUCTION SHALL NOT EXCEED ALL LOCAL MINIMUM ACCESSIBILITY FOR
4. ALL WORK SHALL COMPLY WITH
CHANGES TO DRAWINGS BY OTHERS DURING CONSTRUCTION
REFERENCE PURPOSES ONLY. CONTRACTOR SHALL HAVE
STRUCTURAL ENG. REVIEW AND DESIGN ALL STRUCTURAL ELEMENTS

BCP Designs Group, LLC
Designs You Can Trust

DATE: 10-20-2025
SUBDIVISION:
BUILDER:

TRANSFORM ELECTRIC
4431 BRAGG BLVD

NOTE:
BUILDING CONTRACTOR TO MEET LOCAL WIND LOADS
FOR CONSTRUCTION FROM 90 MPH TO 140 MPH
(90, 100, 110, 120, 130, 140, MPH)

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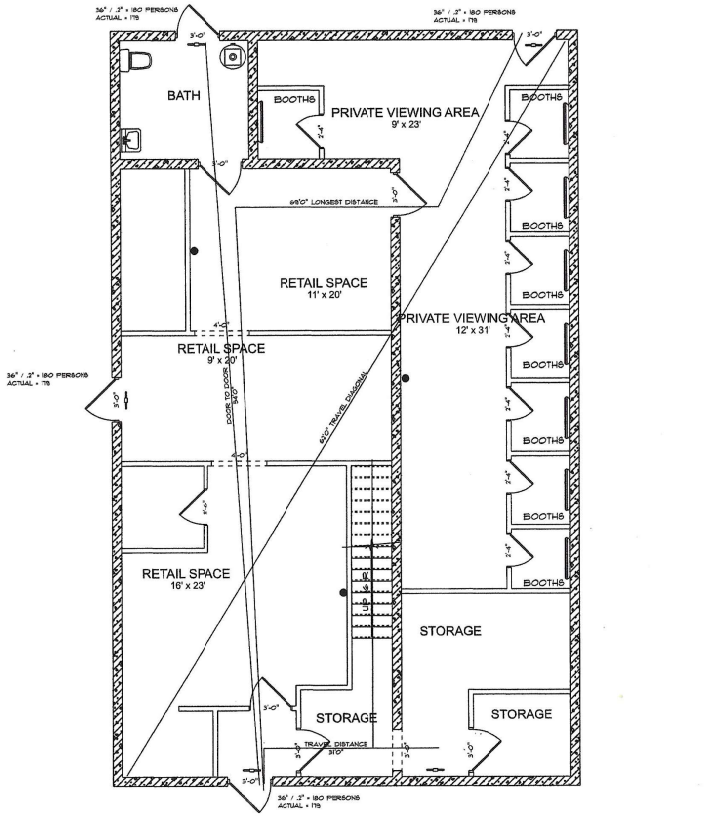

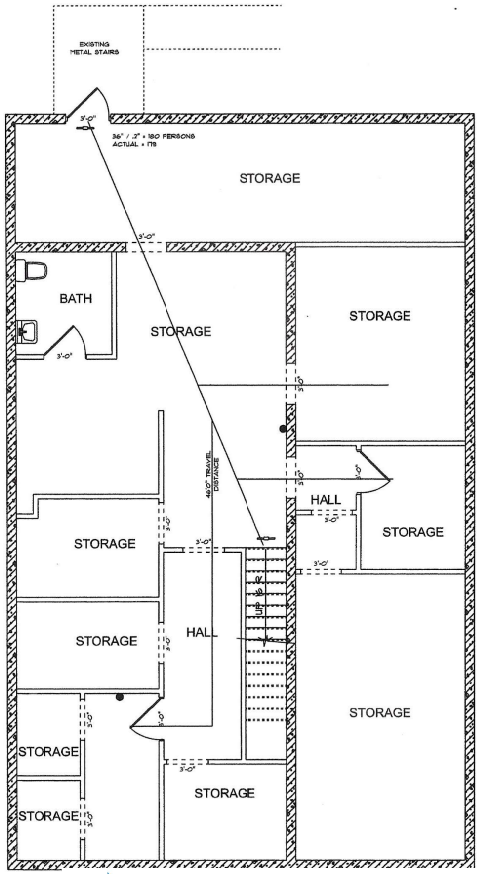

OCCUPANT CONTENT
PRIVATE VIEWING AREA TOTAL = 575 / 11 = 52 PERSONS
RETAIL SPACE AREA TOTAL = 768 / 100 = 8 PERSONS
OCCUPANT CONTENT TOTAL = 60 PERSONS

EXIT SIGN WITH EMG. EGRESS LIGHTS

FIRE EXTINGUISHER

LIFE SAFETY PLAN
SCALE: 1/4" = 1'0"

FAYETTEVILLE NC
DEVELOPMENT

NC Admin Code section 106.2.3: Reviewed for Code Compliance.
No deviations from plans are allowed unless approved by the AHJ

NORTH CAROLINA PROFESSIONAL SEAL 059559 ENGINEER CARL P. SIMS 9/17/26

4481 BRAGG BLVD

NOTES:
1. ALL FINAL MATERIALS ARE TO BE CHOSEN BY HOME OWNER AND / OR BUILDER.
2. ALL FINISH GRADES AROUND BUILDING SHALL BE DETERMINED ON SITE BY GRADE.
3. LOCATION OF UTILITIES ARE NOT EXCEED ALL LOCAL MINIMUM REQUIREMENTS.
4. BCP DESIGN GROUP LLC IS NOT RESPONSIBLE FOR CHANGES TO DRAWINGS BY OTHERS DURING CONSTRUCTION PROCESS. THESE PLANS ARE FOR PERMITTING AND REFERENCE PURPOSES ONLY. CONTRACTOR SHALL HAVE STRUCTURAL ENG. REVIEW AND DESIGN ALL STRUCTURAL ELEMENTS

BCP Designs Group, LLC
Designs You Can Trust

DATE: 10-30-2025
SUBDIVISION:
BUILDER:

TRANSFORM ELECTRIC
4431 BRAGG BLVD

NOTE:
BUILDING CONTRACTOR TO MEET LOCAL WIND LOADS
FOR CUMBERLAND COUNTY, NC AS FOLLOWS TO LOCATION OF HOME
120, 130, 150, 140, 160, MPH

FORTNEWS_000066

ECOMBO-R

Color: White

Weight: 3.0 lbs

Project:	**Type:**
Prepared By:	**Date:**

Technical Specifications

Performance

Product Type:
Exit Combo

Description:
Exit sign combo with 90-minute emergency battery backup unit.

Input Power:
3.4W @120V; 3.6W @277V

Lumens:
45lm

Lumens (per fixture):
90lm

Electrical

Power Factor:
0.9

Input Voltage:
Dual 120/277 Voltage

Operating Frequency:
60Hz

Input Current @ 120V (mA):
33mA

Input Current @ 277V (mA):
15mA

Maximum Output Current (Amps):
0.42A

Maximum Output Wattage:
4W

Dual Voltage Circuit Operation:
No

Operating Temperature:
32°F to 104°F (0°C to 40°C)

Emergency Illumination:
90 minutes

Battery Type:
Nickel Cadmium

Battery Voltage:
9.6V

Recharge Time Required:
24-hours

Battery Operating Temperature:
0°F to 40°F (32°C to 104°C)

Storage Temperature:
68°F to 86°F (20°C to 30°C)

Storage Shelf Life:
3 years before the initial charge. 5 years after initial charge.

Self Diagnostics:
No, manual test only

Remote Test Switch:
No

Emergency Backup

Battery Backup:
Yes

Installation

Mounting Method:
Back/Top

Mounting Type:
Wall/Ceiling Mount

Maximum Mounting Height (ft.):
8.5 ft

Spacing Criteria for Emergency Egress :
13 ft on center assuming 7.5 ft mounting height with egress path 3 ft out

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Technical Specifications (continued)

Cold Weather Rated:
No

Construction

Shape:
Rectangle

Housing Material:
Thermoplastic

Housing Color:
White

Panel Material:
Thermoplastic

Panel Color:
White

Letter Color:
Red

Number of Faces:
Universal Single/Double Face

Arrow Direction:
Field installable chevrons included

Sign Format:
Stencil

Remote Capacity:
Yes

No. of Heads:
2-Lamp Heads

Head Shape:
Square

Remote Head Power (W):
1W

Remote Head Lumens (lm):
45lm

Remote head Lumens (per fixture):
90lm

Remote Heads Replaceable:
Yes

Remote Power (W) Capacity:
3W

Compliance

Listings:
UL924 Listed

Environment:
Suitable for indoor use in dry and damp environments

IP Rating:
Indoor

Certification Model Number:
LEDCXTEU2RWRC

T20 Compliant:
Can be used to conform with the requirements of California Title 20

California Title 24 JA8 Compliant:
Not applicable

California Energy Commission (CEC) Status:
Lawful for Sales in California

FCC:
Complies with Part 15 of the FCC Rules

Other

Compatible Products:
EREMOTE-1
Single remote head
EREMOTE-1H
Single remote head high-output
EREMOTE
Double remote head
EREMOTE-H
Double remote head high-output
EREMOTE-1HB
Single remote head high-output, black
EREMOTE-B
Single remote head, black
EREMOTEOUT-1
Single remote head, outdoor
EREMOTEOUT
Double remote head, outdoor
EREMOTEOUT-1H
Single remote head high-output, outdoor
EREMOTEOUT-H
Double remote head high-output, outdoor
EREMOTEOUT-1HB
Single remote head high-output, black, outdoor
EREMOTEOUT-HB
Double remote head high-output, outdoor

5-Year, No-Compromise Warranty:
RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

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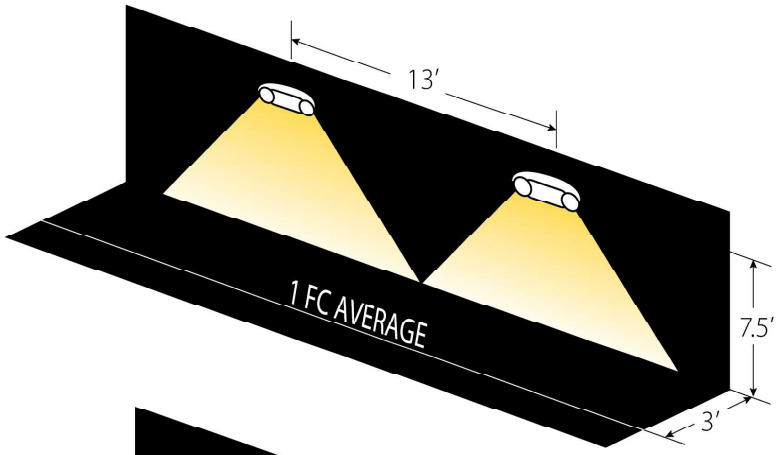
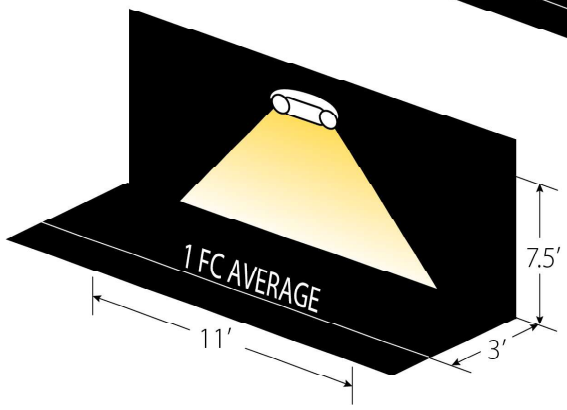
Maximum Spacing Guidelines

Mounting Height	Path of Egress, 3′ Out		Path of Egress, 6′ Out		Application Notes
	Single Luminaire	Multiple Luminaires	Single Luminaire	Multiple Luminaires	
7.5′	11′	13′	7′	9′	Room Size: 50′ L x 8′ W x 9′ H *Direct calculation method used. Reflectances excluded.*
	Tilt: 20°	Tilt: 20°	Tilt: 40°	Tilt: 40°	
	Orient: 30°	Orient: 30°	Orient: 0°	Orient: 0°	

Note: Meets NFPA 101 illumination requirements of 1 FC average, 0.1 FC minimum, and 40:1 max:min.



Example of multiple luminaires lighting a 3′ path of egress.



Example of a single luminaire lighting a 3′ path of egress.

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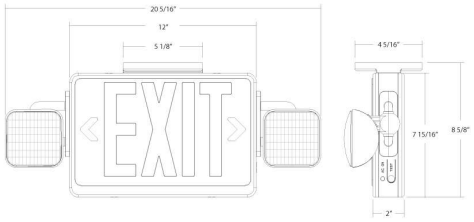
Dimensions



Features

- Exit & Emergency (Indoor)
- Universal faces with color letters
- Durable thermoplastic design

Ordering Matrix

Family	Face	Heads	Exit Sign Letter Color	High Lumen	Arrows	Remote Capable	Panel
ECOMBO						R	
	Blank = Universal Faces **1 =** 1 Face	**Blank =** 2 Heads	**G =** Green **Blank =** Red	**H =** High Lumen **Blank =** No High Lumen	**LRA =** Left Right Arrow **RA =** Right Arrow **Blank =** No Arrow **DA =** Double Arrow **LA =** Left Arrow	**Blank =** No Remote Capable **R =** Remote Capable	**Blank =** White Panel

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NLOPAC2-R6509T24

6" AC Opal 2 - LED Surface Mount
Source: 16.5W
Up to 1100lm

Type
Project
Catalog No.
Notes

PRODUCT DESCRIPTION
The AC Opal LED Series 2 LED fixture is designed to surface mount over a standard junction box. The low profile dimmable luminaire produces even illumination and is cETLus listed for wet locations.

FEATURES
- AC LED (No Driver)
- Dimmable
- 2700K, 3000K, 4000K or 5000K @ 90+ CRI
- Black or White finish
- Retrofit Kit available for 5" or 6" recessed housings (not included)

SPECIFICATION
Construction: One piece steel die formed housing and trim. Steel body dissipates heat and extends life.

Mounting: Surface mount luminaire is compatible with 3" or 4" junction boxes, 3" O boxes, and ½" deep pancake boxes for ceiling or wall mount applications (See instruction sheet for junction box compatibility).
Luminaires can also be retrofit over 5" or 6" recessed housings with retrofit kit (not included).

Optics: Nora specified and designed precision molded lens for optimal lumen output and even distribution.

Finishes: Available in black or white.

Ratings: IC rated when used with a 4" electrical junction box rated for direct contact with insulation. Fire rated when used with a fire rated junction box.

OPTIONAL ACCESSORY
NLOPAC-56RECKIT-2: Retrofit Kit with Torsion Spring Kit for 5" or 6" recessed housings (sold separately)

ELECTRICAL
Input Voltage: 120V
Lumens / Wattage: Up to 1100lm / 16.5W
Color Temperature: 2700K, 3000K, 4000K, 5000K
Color Rendering Index: 90+ CRI
Operating temperature: 0-30°C
Lifetime: 50,000 hours @ L70
Dimming: 5% with Triac or 10% with ELV
Click Here or check complete dimmer list at www.NoraLighting.com in the "Compatibility" page under "Resources" tab

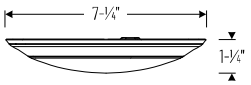
LISTING
- cETLus Listed for wet locations
- cETLus classified for retrofit
- 5-Year Limited Warranty
- Certified to the high efficacy requirements of California Title 24 JA8-2022
- Suitable for use in closets when installed in accordance to NEC Section 410.16 (A)(1) and 410.16 (C)(1)
- FCC Compliant to Standard 47 CFR Part 15 Subpart B

Performance Data		
Part Number	Lumens	CCT
NLOPAC2-R6509T2427W	1034lm	2700K
NLOPAC2-R6509T2430W	1072lm	3000K
NLOPAC2-R6509T2440W	1100lm	4000K
NLOPAC2-R6509T2450W	1082lm	5000K

PRODUCT IMAGES AND DIMENSIONS

NLOPAC2-R6509T24xxB
Black Finish

NLOPAC2-R6509T24xxW
White Finish



NLOPAC-56RECKIT-2
Retrofit Kit for 5" or 6" Recessed Housings
(not included, sold separately)

6" AC Opal 2 - LED Surface Mount

Color Temperature	Finish
NLOPAC2-R6509T2427 = 2700K	**B** = Black
NLOPAC2-R6509T2430 = 3000K	**W** = White
NLOPAC2-R6509T2440 = 4000K	
NLOPAC2-R6509T2450 = 5000K (white finish only)	

Optional Accessory

Description
NLOPAC-56RECEKIT-2 = Retrofit Kit for 5" or 6" Recessed Housings

Example: **NLOPAC2-R6509T2440W** = 6" AC Opal 2, 1100lm / 16.5W, 4000K, White finish

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PHOTOMETRICS

6" AC Opal 2 - LED Surface Mount

Type

Project

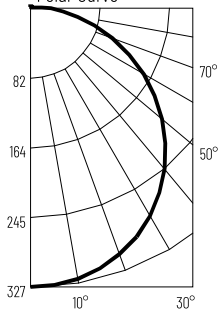
Catalog No.

Notes

Test Information

Test Number: NTS221R1
Part Number: NLOPAC2-R6509T2427W
Beam Spread: 116° Wide Flood
Lumens: 1034lm
Wattage: 16.35W
Efficacy: 63lpw
CCT / CRI: 2700K / 90 CRI
Spacing Criteria (0°-180°): 1.28
Spacing Criteria (90°-270°): 1.28

Polar Curve



Illuminance at a Distance

Distance from Luminaire	FC at Nadir	Beam Diameter
4'	20.5fc	12'-10"
6'	9.1fc	19'-4"
8'	5.1fc	25'-8"
10'	3.3fc	32'-1"
12'	2.3fc	38'-6"

Zonal Lumen Summary

Zone	Lumens	% Luminaire
0-30	256	24.8
0-40	421	40.7
0-60	753	72.9
0-90	1006	97.3
90-180	28	2.7
0-180	1034	100

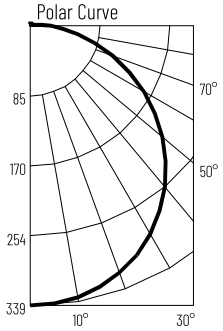
Candela Table

Vertical Angles	Candela
0	327
5	361
15	316
25	296
35	265
45	224

Test Information

Test Number: NTS222R1
Part Number: NLOPAC2-R6509T2430W
Beam Spread: 116° Wide Flood
Lumens: 1072lm
Wattage: 16.49W
Efficacy: 65lpw
CCT / CRI: 3000K / 90 CRI
Spacing Criteria (0°-180°): 1.28
Spacing Criteria (90°-270°): 1.28

Polar Curve



Illuminance at a Distance

Distance from Luminaire	FC at Nadir	Beam Diameter
4'	21.2fc	12'-10"
6'	9.42fc	19'-4"
8'	5.3fc	25'-8"
10'	3.4fc	32'-1"
12'	2.4fc	38'-6"

Zonal Lumen Summary

Zone	Lumens	% Luminaire
0-30	266	24.8
0-40	437	40.7
0-60	781	72.9
0-90	1043	97.3
90-180	29.4	2.7
0-180	1072	100

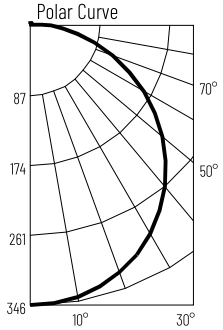
Candela Table

Vertical Angles	Candela
0	339
5	338
15	328
25	307
35	274
45	232

Test Information

Test Number: NTS223R1
Part Number: NLOPAC2-R6509T2440W
Beam Spread: 116° Wide Flood
Lumens: 1100lm
Wattage: 16.17W
Efficacy: 68lpw
CCT / CRI: 4000K / 90 CRI
Spacing Criteria (0°-180°): 1.28
Spacing Criteria (90°-270°): 1.28

Polar Curve



Illuminance at a Distance

Distance from Luminaire	FC at Nadir	Beam Diameter
4'	21.8fc	12'-10"
6'	9.7fc	19'-4"
8'	5.4fc	25'-8"
10'	3.5fc	32'-1"
12'	2.4fc	38'-6"

Zonal Lumen Summary

Zone	Lumens	% Luminaire
0-30	272	24.8
0-40	448	40.7
0-60	802	72.9
0-90	1070	97.3
90-180	30	2.7
0-180	1100	100

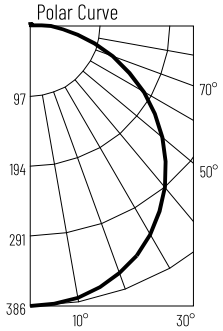
Candela Table

Vertical Angles	Candela
0	348
5	347
15	336
25	315
35	282
45	239

Test Information

Test Number: NTS224R1
Part Number: NLOPAC2-R6509T2450W
Beam Spread: 116° Wide Flood
Lumens: 1082lm
Wattage: 16.26W
Efficacy: 67lpw
CCT / CRI: 5000K / 90 CRI
Spacing Criteria (0°-180°): 1.28
Spacing Criteria (90°-270°): 1.28

Polar Curve



Illuminance at a Distance

Distance from Luminaire	FC at Nadir	Beam Diameter
4'	21.4fc	12'-10"
6'	9.5fc	19'-4"
8'	5.4fc	25'-8"
10'	3.4fc	32'-1"
12'	2.4fc	38'-6"

Zonal Lumen Summary

Zone	Lumens	% Luminaire
0-30	268	24.8
0-40	441	40.7
0-60	788	72.9
0-90	1052	97.3
90-180	30	2.7
0-180	1082	100

Candela Table

Vertical Angles	Candela
0	342
5	341
15	331
25	309
35	277
45	235

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NAME OF PROJECT: VANDALIZED REPAIRS
ADDRESS: 4431 BRAGG BLVD FAYETTEVILLE, NC ZIP CODE: 28303
PROPOSED USE: RETAIL STORE
OWNER/AUTHORIZED AGENT: RONNIE JERNIGAN PHONE #: 910-627-9678
OWNED BY: 4311 BRAGG LLC ☐ CITY/COUNTY ☒ PRIVATE ☐ STATE
CODE ENFORCEMENT JURISDICTION: ☒ CITY FAYETTEVILLE ☐ COUNTY

LEAD DESIGN PROFESSIONAL

WILLIAM (TODD) MOBLEY JR

DESIGNER	FIRM	NAME	LICENSE #	TELEPHONE #	EMAIL
BUILDING					
CIVIL					
ELECTRICAL		WILLIAM T. MOBLEY JR	32007	910-483-0643	wtmobleyjr@aol.com
FIRE ALARM					
PLUMBING		WILLIAM T. MOBLEY JR	32007	910-483-0643	wtmobleyjr@aol.com
MECHANICAL		WILLIAM T. MOBLEY JR	32007	910-483-0643	wtmobleyjr@aol.com
SPRINKLER-STANDPIPE					
STRUCTURAL					
RETAINING WALLS > 5' HIGH					
FOUNDATION					
PRE-ENGINEERED BLDG.					
OTHER					

2018 EDITION OF NC CODE FOR:

☐ NEW CONSTRUCTION ☐ ADDITION ☐ UPFIT

EXISTING ☐ RECONSTRUCTION ☐ ALTERATION ☒ REPAIR ☐ RENOVATION

CONSTRUCTED: (DATE) 1958
RENOVATED: (DATE) _____
ORIGINAL USE(S) (CH. 3): _____
CURRENT USE(S) (CH. 3): MERCANTILE
PROPOSED USE(S) (CH. 3): MERCANTILE

BUILDING DATA:

CONSTRUCTION TYPE: ☐ I-A ☐ II-A ☐ III-A ☐ IV ☐ V-A ☐ I-B ☐ II-B ☐ III-B ☒ V-B

SPRINKLERS ☒ NO ☐ PARTIAL ☐ YES ☐ NFPA 13 ☐ NFPA 13R ☐ NFPA 13D
STANDPIPES ☒ NO ☐ YES CLASS ☐ I ☐ II ☐ III ☐ WET ☐ DRY
FIRE DISTRICT ☒ NO ☐ YES(PRIMARY) FLOOD HAZARD AREA: ☐ NO ☐ YES
BUILDING HEIGHT: (FEET) 28

GROSS BUILDING AREA:

FLOOR	EXISTING(SQ. FT.)	NEW(SQ. FT.)	SUBTOTAL(SQ. FT.)
8th FLOOR			
7th FLOOR			
6th FLOOR			
5th FLOOR			
4th FLOOR			
3rd FLOOR			
2nd FLOOR	1848	0	
1st FLOOR	1848	0	
TOTAL	3696	0	

LIFE SAFETY SYSTEM REQUIREMENTS

EMERGENCY LIGHTING: ☐ NO ☒ YES
EXIT SIGNS: ☐ NO ☒ YES
FIRE ALARM: ☒ NO ☐ YES
SMOKE DETECTION SYSTEMS: ☒ NO ☐ YES ☐ PARTIAL _____
PANIC HARDWARE: ☒ NO ☐ YES

PLUMBING FIXTURE REQUIREMENTS

USE		WATERCLOSETS	URINALS	LAVATORIES	SHOWERS/ TUBS	DRINKING FOUNTAINS	
		UNISEX		UNISEX		REGULAR	ACCESSIBLE
M	EXISTING	2	0	2	0	0	0
	NEW	3	0	0	0	0	0
	REQUIRED	1	0	1	0	0	0

PLUMBING NOTE: EXISTING BUILDING WITH NO DRINKING FOUNTAIN. 403.2 EXCEPTION 3 - SEPARATE FACILITIES NOT REQUIRED IN MERCANTILE WITH LESS THAN 100 OCCUPANTS. PER ARCHITECT, OCCUPANT LOAD IS 75.

BUILDING REPAIRS FOR:

VANDALIZED RETAIL STORE

FAYETTEVILLE, NORTH CAROLINA

BUILDING CODE SUMMARY FOR PLUMBING, ELECTRICAL & HVAC

PROJECT SCOPE:

THIS 1958 CONSTRUCTED EXISTING BUILDING WAS PLACARD WITH AN UNSAFE BUILDING NOTICE BY THE CITY OF FAYETTEVILLE FIRE DEPARTMENT 1-27-25 FOLLOWING THE BUILDING BEING VANDALIZED. POWER WAS REMOVED THAT DAY FROM THE BUILDING PER CITY OF FAYETTEVILLE FIRE DEPARTMENT RECORDS. PROJECT SCOPE IS TO REPAIR THE BUILDING SYSTEMS TO RETURN THE BUILDING TO OPERATION. THE BUILDING WAS EVALUATED BY AN ENGINEER 10-15-25 AND FOUND IN GOOD SHAPE (DOCUMENT PROVIDED TO THE INSPECTION DEPARTMENT). THE PROJECT SCOPE DOES NOT INCLUDE FLOOR PLAN CHANGES, USE OR OCCUPANCY CHANGES. PROPOSED WORK TO COMPLY WITH CHAPTER 6 OF THE NC EXISTING BUILDING CODE.

INDEX OF DRAWINGS

C-100 COVER SHEET / APPENDIX B
P-101 PLUMBING
M-101 MECHANICAL
E-101 ELECTRICAL

FAYETTEVILLE DEVELOPMENT

NC Admin Code section 106.2.3: Reviewed for Code Compliance. No deviations from plans are allowed unless approved by the AHJ

REVISION

DATE	DESCRIPTION

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THIS DOCUMENT IS INTENDED TO COMPLY WITH THE AMERICAN WITH DISABILITIES ACT AND OTHER LAWS. THE DESIGN PROFESSIONAL IS NOT LICENSED TO INTERPRET LAWS OR GIVE ADVICE CONCERNING LAWS OR LEGAL MATTERS. THE OWNER SHOULD HAVE THIS DOCUMENT REVIEWED BY HIS ATTORNEY TO ENSURE COMPLIANCE WITH ADA AND OTHER LAWS.

CODE SUMMARY

4431 BRAGG BLVD
FAYETTEVILLE, NC 28303

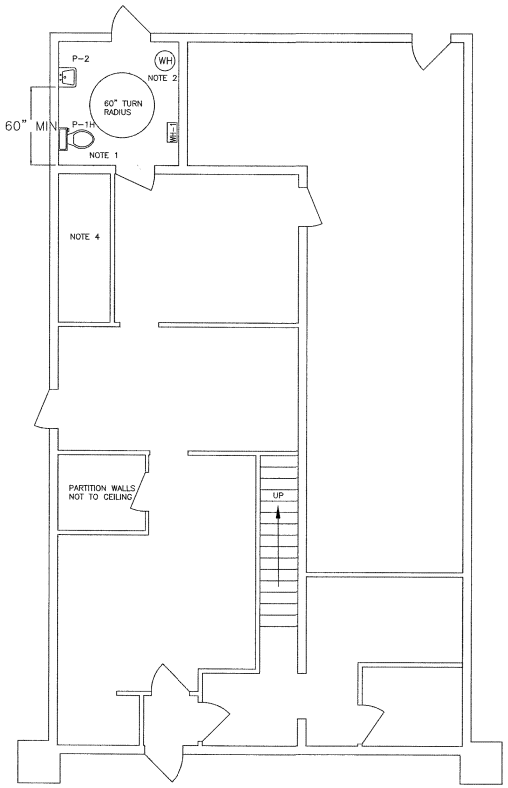
WILLIAM T MOBLEY
CONSULTING ENGINEER
6134 JAKE ROAD
STEDMAN, NC 28391
(910) 483-0643 EMAIL: wtmobleyjr@aol.com

NORTH CAROLINA PROFESSIONAL SEAL 32007 ENGINEER WILLIAM T. MOBLEY

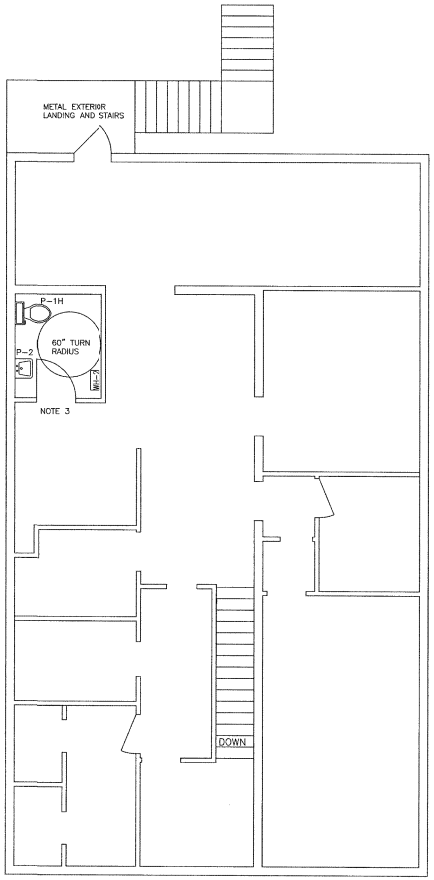
	BY
	WTM
/	WTM
	BY
	WTM
	BY

CS-1

DATE JANUARY 6, 2026



DOWNSTAIRS LAYOUT 1/4" = 1 FOOT



UPSTAIRS LAYOUT 1/4" = 1 FOOT

PLUMBING NOTES

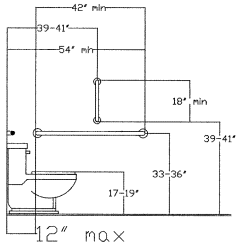
1. COPPER WATER LINES WERE REMOVED FROM THE BUILDING WHEN VANDALIZED. PLUMBING SCOPE OF WORK INCLUDES INSTALLING NEW WATER LINES, PARTIAL DRAIN LINES AS NEEDED FOR UPSTAIRS BATH REPAIR AND INSTALLING NEW FIXTURES TO RETURN TO ORIGINAL CONDITION IN COMPLIANCE WITH THE 2018 NC PLUMBING CODE.
2. WATER LINES SHALL BE PEX AND DRAINS SHALL BE PVC.
3. BATHROOMS SHALL INCLUDEACCESSIBLE FEATURES TO INCLUDE GRAB BARS AND PIPING PROTECTION UNDER LAVATORY.
4. DOWNSTAIRS BATHROOM HAS AN ELEVEN (11) INCH STEP DOWN BUT IS ACCESSIBLE FROM THE EXTERIOR.

SHEET NOTES

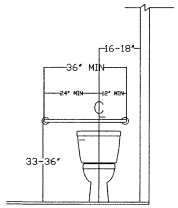
1. PROVIDE FRAMED WALL FOR THE PROPER DISTANCE FROM THE TOILET AND THE ADJACENT WALL. PROVIDE BLOCKING FOR THE GRAB BARS.
2. RELOCATE WATER HEATER TO ALLOW FOR ACCESSIBLE FIXTURE INSTALLATION.
3. ENSURE DOOR LOCATION ALLOWS FOR FULL SWING THROUGH THE 60" TURN RADIUS.
4. UNUSED AREA OF BUILDING WITH EXTERIOR OPENING THAT IS BOARDED UP TO PREVENT VANDALISM. BUILDING DRAINS ARE LOCATED AND ACCESSIBLE IN THIS AREA.

PLUMBING FIXTURE SCHEDULE

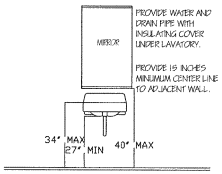
SYMBOL	DISCRIPTION	CONNECTION SIZES			REMARKS
		WASTE	COLD	HOT	
P-1	TOILET	3"	1/2"	-	NOT APPLICABLE
P-1H	TOILET HANDICAP	3"	1/2"	-	LOCATE 16-18 INCHES FROM ADJACENT WALL USE OPEN FRONT SEAT.
P-2	LAVATORY	1 1/2"	1/2"	1/2"	EXISTING. PROVIDE WHERE MISSING TRUEBRO #3102EZ UNDER SINK PIPE COVERS OR EQUAL.
P-3	WATER HEATER	-	3/4"	3/4"	EXISTING WATER HEATER WITH NEW WATER LINES. INSTALL NEW EXPANSION TANK. TERMINATE T&P PIPING 6 INCHES ABOVE FLOOR.



WATER CLOSET SIDE WALL



WATER CLOSET FRONT



LAVATORY FRONT ELEVATION

FAYETTEVILLE NC DEVELOPMENT

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PLUMBING REPAIRS

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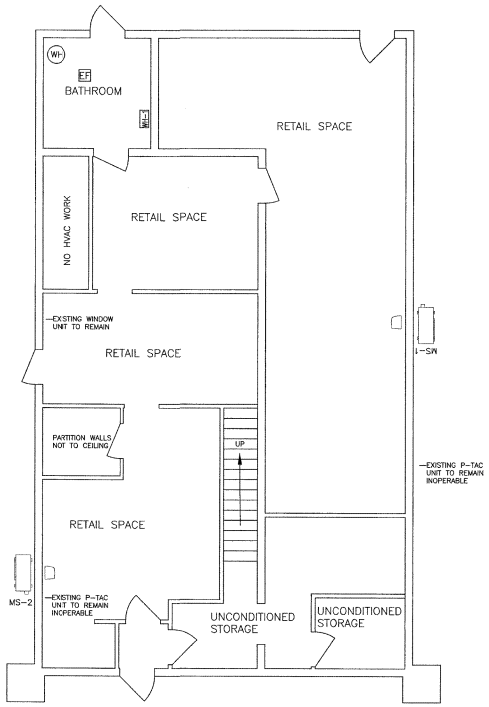
NORTH CAROLINA PROFESSIONAL SEAL 32007 ENGINEER WILLIAM T. MOBLEY

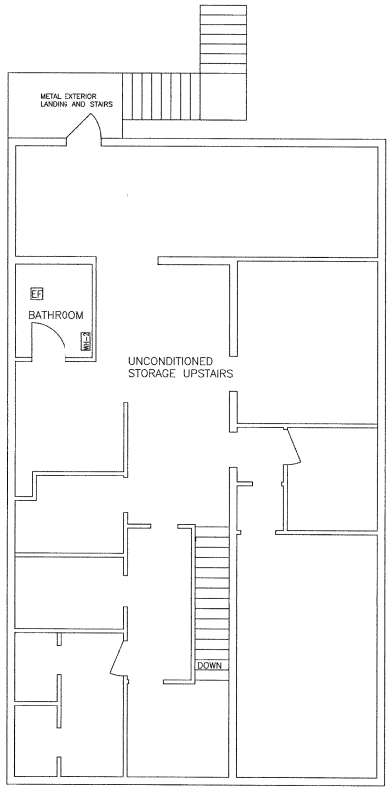
BY	
WTM	
WTM	
WTM	

P-101

DATE JANUARY 6, 2026



DOWNSTAIRS LAYOUT 1/4" = 1 FOOT



UPSTAIRS LAYOUT 1/4" = 1 FOOT

MECHANICAL NOTES

1. SCOPE OF WORK INCLUDES INSTALLING TWO (2) MINI SPLIT HEATING AND COOLING UNITS DOWNSTAIRS. INS'ALL BATH EXHAUST FANS AND HEATERS. STORAGE AREAS SHOWN WILL BE UNCONDITIONED STORAGE. EXISTING POORLY OPERATING P-TAC UNITS WILL BE REPLACED WITH THE MINI SPLIT UNITS. AN EXISTING WINDOW UNIT SHOWN WILL REMAIN.
2. VENTILATION WILL BE PROVIDED BY NATURAL MEANS. CONDITIONED SPACE DOWNSTAIRS EQUALS 1515 SQUARE FEET INCLUDING 95 SQUARE FEET OF NATURAL VENTILATED BATHROOM(RENDERING 1420 SQUARE FEET TO BE NATURALLY VENTILATED BY THE EXISTING THREE (3) EXTERIOR DOORS. REQUIRED NATURAL VENTILATION EQUALS 4 PERCENT OF 1420 SQUARE FEET - 56.8 SQUARE FEET. THREE (3) 3-0 DOORS RENDERS 60 SQUARE FEET.
3. CONTRACTOR SHALL INS'ALL TWO MINI SPLITS AS SHOWN AND PROVIDE CONDENSATE DRAIN TERUINATING 6 INCHES ABOVE GRADE. CONDENSING UNITS SHALL BE MOUNTED ON 'IHE WALL ABOVE GRADE TO REDUCE VANDALISM.
4. INDOOR UNITS SHALL BE WALL MOUNTED AS SHOWN.
5. 50 CFM BATHROOM EXHAJST FANS SHALL BE VENTED TO THE OUTSIDE OF THE BUILDING.
6. DESIGN BASED ON INTERDR DESIGN TEMPERATURE OF 75 DEGREES COOLING AND 72 DEGREES HEATING.
7. BUILDING CONDITIONED SPACE CALCULATED HEATING LOAD OF 51,000 BTU AND COOLING LOAD OF 42,000 STU.

MINI SPLIT SCHEDULE

UNIT NO.	TOTAL CFM	MIN. CKT AMPACITY	MAX OCPD	UNIT VOLT	UNIT PHASE	WIRE AWG	TOTAL COOLING	COOLING 95F DB	SEER2	TOTAL HEATING	HEATING 17F DB	REMARKS
MS-1	794	24	35	240	1	10	37,500	33,600	21	37,500	27,400	NEW UNIT
MS-2	794	24	35	240	1	10	37,500	33,600	21	37,500	27,400	NEW UNIT

NOTES:
1. SCHEDULE REFLECTS NOMINAL EQUIPMENT SIZES BASED ON GREE EQUIPMENT.

BATH WALL HEATER

UNIT NO.	TOTAL CFM	MIN. CKT AMPACITY	MAX OCPD	UNIT VOLT	UNIT PHASE	WIRE AWG	TOTAL WATTAGE	BTU/HR	REMARKS
WH-1	50	20	20	120	1	12	1500	5120	DAYTON 5ZK68E OR EQUAL
WH-2	50	20	20	120	1	12	1500	5120	DAYTON 5ZK68E OR EQUAL

REVISION

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HVAC REPAIRS

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FAYETTEVILLE, NC 28303

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(910) 483-0643 EMAIL: wtmobleyjr@aol.com

NORTH CAROLINA PROFESSIONAL SEAL 32007 ENGINEER WILLIAM T. MOBLEY JR.

FAYETTEVILLE NC DEVELOPMENT

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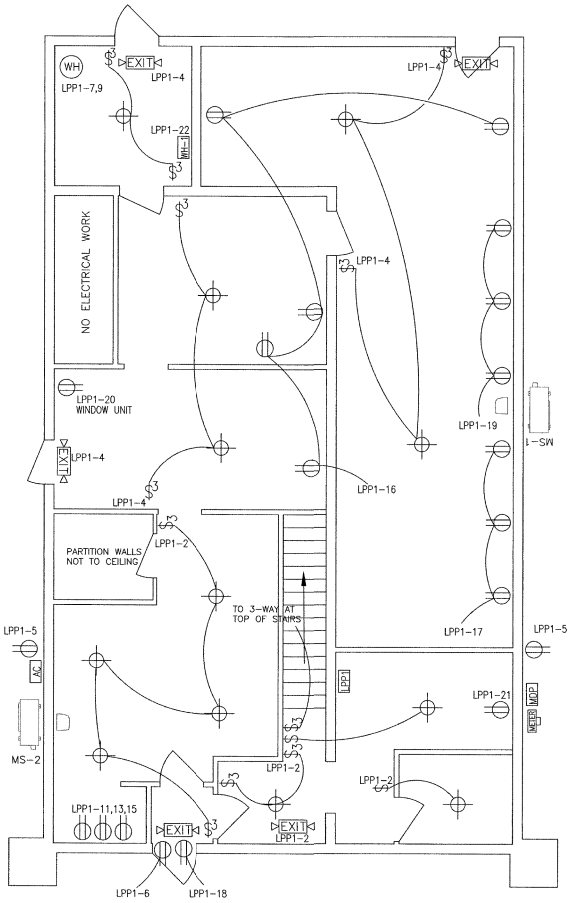
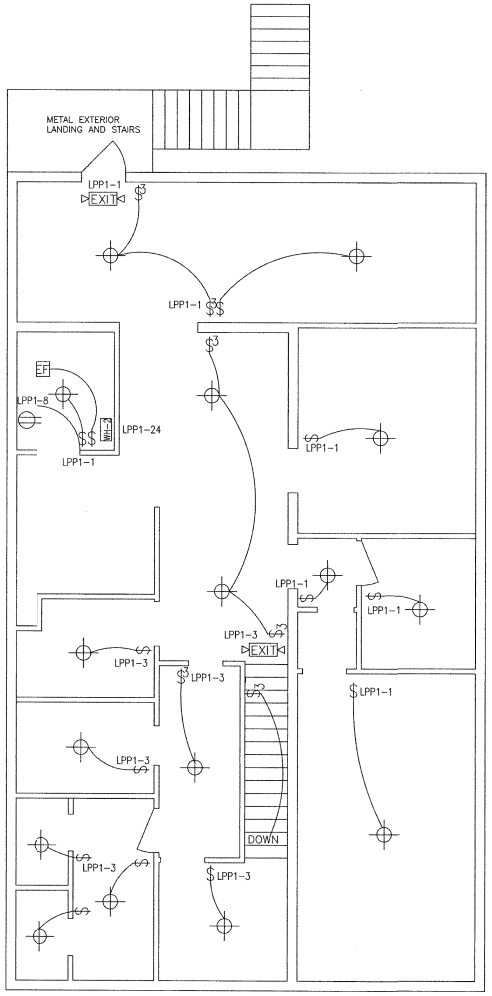
DRN	WTM
CK	WTM
KEY	WTM
SHT	

M-101

DATE JANUARY 6, 2026



DOWNSTAIRS LAYOUT 1/4" = 1 FOOT



UPSTAIRS LAYOUT 1/4" = 1 FOOT

ELECTRICAL NOTES

1. ELECTRICAL WIRING WAS REMOVED FROM THE BUILDING WHEN VANDALIZED. ELECTRICAL SCOPE OF WORK INCLUDES RE-WIRING THE BUILDING TO ORIGINAL CONDITION INCOMPLIANCE WITH THE 2020 NC ELECTRICAL CODE.
2. PROVIDE MC CABLE FOR ALL SINGLE PHASE BRANCH CIRCUITS 30 AMPS AND SMALLER. PROVIDE CONDUIT FOR ALL OTHER WIRING. EMT OR RIGID SHALL BE USED WHERE EXPOSED TO PHYSICAL DAMAGE.
3. WRITTEN PANEL SCHEDULES SHALL BE PROVIDED IN EACH PANEL INDICATING THE LOAD DESCRIPTION FOR EACH BREAKER. LABEL PANELS ON PANEL FACE WITH LABELS INDICATING PANEL NUMBER OR LETTER DESIGNATION, VOLTAGE AND PHASE.
4. PROVIDE EMERGENCY AND EXIT LIGHTS AS SHOWN ON PLANS. POWER SHALL BE PROVIDED FROM LIGHTING CIRCUITS ON THE UNSWITCHED LEG OF THE CIRCUIT SUCH THAT POWER TO THE EMERGENCY AND EXIT LIGHTS IS NOT DISCONNECTED WHEN NORMAL LIGHTING IS OFF. EMERGENCY LIGHT AT EXIT DOORS SHALL POWER LIGHT FOR EXIT DISCHARGE. THE BRANCH CIRCUIT THAT FEEDS THE UNIT EQUIPMENT SHALL BE CLEARLY IDENTIFIED AT THE DISTRIBUTION PANEL.
5. RECEPTACLESABOVE COUNTERTOPS, IN BATHROOMS, BREAKROOMS, AND LOUNGES SHALL BE GROUND FAULT.
6. RECEPTACLESINSTALLED OUTSIDE SHALL BE GROUND FAULT WITH WEATHERPROOF COVERS.
7. PROVIDE MIDISIZE WALL PLATES FOR ALL DEVICES AND BLANK WALL PLATES FOR JUNCTION BOXES. WALL PLATES SHALL BE HIGH IMPACT, SMOOTH NYLON, COLOR TO MATCH DEVICE.

PANEL BOARD: PANEL MDP

TYPE: MCB BREAKER: 200A VOLTS: 120/240 1 PHASE 3 WIRE
NEMA: 3R MIN UL INTERRUPTING RATE 10 KA SYM

CKT. NO.	BREAKER TRIP	LOAD DESCRIPTION	PHASE LOADING A	PHASE LOADING B	A	B	PHASE LOADING A	PHASE LOADING B	LOAD DESCRIPTION	BREAKER TRIP	CKT. NO.
1	200/2P	FEEDER LIG	14150				2400		MS-1	35/2P	2
3	200/2P	FEEDER LIG		13025				2400	MS-1	35/2P	4
5											6
7											8
9											10
11											12
13											14
15											16
17											18
19											20
SUBTOTAL			14150	13025			2400	2400			

NOTES: MOUNTING SURFACE
1. UL LISTED AND MEETING NEC REQUIREMENTS.
2. GROUND TO BE RUN WITH EACH CIRCUIT BASED ON SIZE OF OVERCURRENT DEVICE AND NEC TABLE 250-122.

NEUTRAL BAR ☒ GROUND BAR ☒
PHASE A= 16,550 WATTS =138 AMPS
PHASE B= 15,425 WATTS =129 AMPS

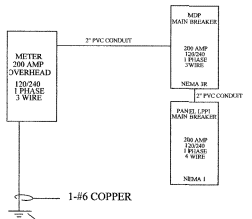
PANEL BOARD: PANEL LPP1

TYPE: MCB BREAKER: 200A VOLTS: 120/240 1 PHASE 4 WIRE
NEMA: 1 MIN UL INTERRUPTING RATE 10 KA SYM

CKT. NO.	BREAKER TRIP	LOAD DESCRIPTION	PHASE LOADING A	PHASE LOADING B	A	B	PHASE LOADING A	PHASE LOADING B	LOAD DESCRIPTION	BREAKER TRIP	CKT. NO.
1	15/1P	UPSTAIRS LIGHTS	900				1000		DOWNSTAIRS LIGHTS	15/1P	2
3	15/1P	UPSTAIRS LIGHTS		1000				800	DOWNSTAIRS LIGHTS	15/1P	4
5	15/1P	RECEPTACLES OUTSIDE	900				2000		SNOW WINDOW RECEPTACLE	20/1P	6
7	30/2P	WATER HEATER		2250				1875	RECEPTACLE BATH UPSTAIRS	20/1P	8
9	30/2P	WATER HEATER	2250				2400		MS-2	35/2P	10
11	20/1P	RECEPTACLES		900				2400	MS-2	35/2P	12
13	20/1P	RECEPTACLES	900						SPARE	20/1P	14
15	20/1P	RECEPTACLES		900				2000	RECEPTACLES	20/1P	16
17	20/1P	RECEPTACLES	900				2000		SIGN - OUTSIDE	20/1P	18
19	20/1P	RECEPTACLES		900				1200	WINDOW A/C	20/1P	20
21	20/1P	RECEPTACLES	900				1875		DOWNSTAIRS BATH HEAT	20/1P	22
23	20/1P							1875	UPSTAIRS BATH HEAT	20/1P	24
25	20/1P										26
27	20/1P										28
29	20/1P										30
SUBTOTAL			6750	5950			9275	10150			

NOTES: MOUNTING SURFACE
1. UL LISTED AND MEETING NEC REQUIREMENTS.
2. GROUND TO BE RUN WITH EACH CIRCUIT BASED ON SIZE OF OVERCURRENT DEVICE AND NEC TABLE 250-122.
3. PHASE LOADING ACCOUNTS FOR CONTINUOS LOADS.

NEUTRAL BAR ☒ GROUND BAR ☒
PHASE A= 16,025 WATTS =134 AMPS
PHASE B= 16,100 WATTS =134 AMPS



POWER DIAGRAM

FAYETTEVILLE DEVELOPMENT

NC Admin Code section 106.2.3: Reviewed for Code Compliance. No deviations from plans are allowed unless approved by the AHJ

REVISION

DATE	DESCRIPTION

DRAWINGS AND THE DESIGN ARE THE PROPERTY OF THE DESIGNER WHETHER THE PROJECT FOR WHICH THEY ARE PREPARED FOR IS EXECUTED OR NOT. THE DRAWINGS SHALL NOT BE USED BY THE OWNER OR ANYONE ELSE FOR ANY OTHER PROJECT.

ADA AND LEGAL DISCLAIMER
THIS DOCUMENT IS INTENDED TO COMPLY WITH THE AMERICAN WITH DISABILITIES ACT AND OTHER LAWS. ARCHITECTS AND ENGINEERS ARE LICENSED TO INTERPRET LAWS OR GIVE ADVICE CONCERNING LAWS OR LEGAL MATTERS. THE OWNER SHOULD HAVE THIS DOCUMENT REVIEWED BY HIS ATTORNEY TO ENSURE COMPLIANCE WITH ADA AND OTHER LAWS.

RE-WIRE EXISTING BUILDING

4431 BRAGG BLVD
FAYETTEVILLE, NC 28303

WILLIAM T MOBLEY
CONSULTING ENGINEER
6134 JAKE ROAD
STEDMAN, NC 28391
(910) 483-0643 EMAIL: wtmobleyjr@aol.com

NORTH CAROLINA PROFESSIONAL SEAL 32007 ENGINEER WILLIAM T. MOBLEY

DES	WTM
DR	WTM
CK	WTM
QA	

E-101

DATE JANUARY 6, 2026

T34FA-2X4

LED performance in an economical 2x4 troffer.

Color: White

Weight: 10.0 lbs

Project:	**Type:**
Prepared By:	**Date:**

Driver Info

Type	Constant Current
120V	0.34A
208V	0.20A
240V	0.17A
277V	0.15A
Input Watts	28.4-47.4W

LED Info

Watts	40W
Color Temp	3500/4000/5000K
Color Accuracy	81-84 CRI
L70 Lifespan	50,000 Hours
Lumens	3833-6027 lm
Efficacy	120.3-139 lm/W

Technical Specifications

Field Adjustability

Field Adjustable:
Field Adjustable Light Output:
2' x 4': 50W/40W/30W (factory default 40W)
Color temperature selectable by 3500K, 4000K and 5000K (factory default 4000K)

Compliance

UL Listed:
Suitable for damp locations

CCEA Compliant:
Luminaire Requirements used in Environmental Air Space per the electrical code specification of the City of Chicago

IESNA LM-79 & LM-80 Testing:
RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

Trade Agreements Act Compliant:
This product is a product of Cambodia and a "designated country" end product that complies with the Trade Agreements Act

DLC Listed:
This product is on the Design Lights Consortium (DLC) Qualified Products List and is eligible for rebates from DLC Member Utilities. Designed to meet DLC 5.1 requirements.
DLC Product Code: S-4LATM2

Construction

IC Rated:
Suitable for direct contact with insulation

Cold Weather Starting:
The minimum starting temperature is -4°F (-20°C)

Maximum Ambient Temperature:
Suitable for use in up to 104°F (40°C)

Lens:
Frosted polystyrene

Housing:
Plastic frame & galvanized steel back housing

Finish:
White

Green Technology:
Mercury and UV free. RoHS-compliant components.

LED Characteristics

LEDs:
Long-life, high-efficacy, discrete, surface-mount LEDs

Performance

Lifespan:
50,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

Wattage Equivalency:
Equivalent to (3) F32T8 or (3) F28T5

Electrical

Drivers:
30W: Constant Current, Class 2, 120-277V, 50/60 Hz, 120V: 0.25A, 208V: 0.15A, 240V: 0.13A, 277V: 0.11A
40W: Constant Current, Class 2, 120-277V, 50/60 Hz, 120V: 0.34A, 208V: 0.20A, 240V: 0.17A, 277V: 0.15A
50W: Constant Current, Class 2, 120-277V, 50/60 Hz, 120V: 0.42A, 208V: 0.25A, 240V: 0.21A, 277V: 0.18A

Dimming Driver:
Driver includes dimming control wiring for 0-10V dimming systems. Requires separate 0-10V DC dimming circuit. Dims down to 10%.

THD:
7.89% at 120V, 6.23% at 277V

Power Factor:
99.32% at 120V, 95.1% at 277V

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Technical Specifications (continued)

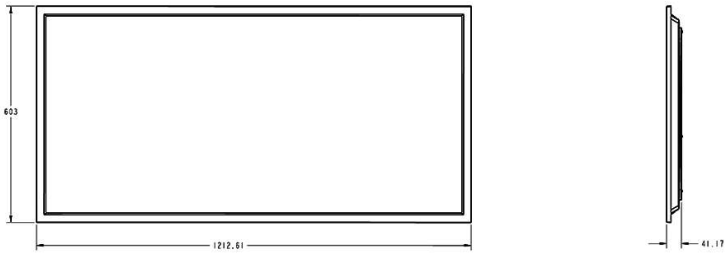
Installation

Mounting:
Recessed into T-grid ceiling. Surface and recessed mounting kits available for drywall ceilings.

Other

5-Year Limited Warranty:
The RAB 5-year, limited warranty covers light output, driver performance and paint finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

Dimensions



Features

- 0-10V dimming
- 50,000-Hour LED lifespan
- 5-Year, limited warranty
- 2 per case, must order in case quantity increments

Ordering Matrix

Family		Size/Wattage	Color Temp	Finish	Driver	Options
T34FA	–	2X4				
		2X2 = 2' x 2' 40/30/20W **1X4 =** 1' x 4' 40/30/20W **2X4 =** 2' x 4' 50/40/30W	**Blank =** 3500/4000/5000K	**Blank =** White	**Blank =** 0-10V Dimming, 120-277V	**Blank =** No Option **/LC =** Lightcloud **/MVS =** Microwave Occupancy Sensor **/E =** Battery Backup

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PART II - CODE OF ORDINANCES

CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

Article 30-4: Use Standards

30-4.A. Use Table

30-4.A.1. Explanation of Use Table Structure

a. **General**

1. Table 30-4.A, Use Table, lists land uses and indicates whether they are allowed by right, allowed as a special use, allowed in a planned development zoning district, or prohibited in each base zoning district and planned development district. The use table also includes references to any additional requirements or regulations applicable to the specific use type.
2. The status of a use in a conditional zoning district shall be the same as in the parallel base zoning district unless such status is modified by conditions imposed as part of the Conditional Rezoning designating the conditional zoning district.

b. **Organization of Uses**

The use table organizes allowable uses by use classifications, use categories, and use types. The use table and Section 30-4.B, Use Classifications, Categories, and Use Types, together provide a systematic basis for identifying and consolidating or distinguishing unidentified land uses to determine whether a particular land use is allowable in a particular zoning district and in addressing future land uses.

1. *Use Classifications*
   The use classifications identify broad general classifications of land use and include residential uses, institutional uses, agricultural uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general "use categories" and specific "use types."
2. *Use Categories*
   The use categories describe the major sub-groups of the respective use classifications and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories. Use categories are further broken down into a series of individual use types.

3. *Use Types*
   The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, live/work dwellings, single-family detached dwellings, duplex dwellings, attached residential, multi-family dwellings, and manufactured homes are use types in the Household Living Use Category.

c. **Permitted Uses**
   A "P" in a cell of the use table indicates that the corresponding use category or use type is allowed by right in the corresponding base zoning district or parallel conditional zoning district, subject to compliance with the use-specific standards referenced in the final column of the use table (and conditions imposed as part of a Conditional Rezoning, if applicable). An "MP" is used in the columns for the planned development districts, and specifies the allowable use types in a particular planned development district provided the use type is set out in an approved master plan. Permitted uses are subject to all other applicable regulations of this Ordinance, including those set forth in Article 5: Development Standards, and Article 6: Subdivisions.

d. **Special Uses**
   An "S" in a cell of the use table indicates that the corresponding use category or use type is allowed in the corresponding base zoning district or parallel conditional zoning district, only upon approval of a Special Use Permit in accordance with Section 30-2.C.7, Special Use Permit, any use-specific standards referenced in the final column of the use table, and any conditions imposed as part of a Conditional Rezoning (if applicable). Uses subject to a Special Use Permit are subject to all other applicable regulations of this Ordinance, including those set forth in Article 30-5: Development Standards, and Article 30-6: Subdivisions.

e. **Allowed Uses Subject to a Planned Development District Classification**
   An "MP" in a cell indicates that a use category or use type is allowed by right in a planned development district, subject to compliance with the use-specific regulations set forth in the final column of the table and provided the use is set out as a possible use type in an approved planned development master plan. Allowed uses are subject to other applicable regulations in this Ordinance, including those set forth in Section 30-3.G, Planned Development Zoning Districts. Use types that are blank are not allowable in a particular planned development district, and shall not be included in a master plan.

f. **Prohibited Uses**
   A cell with a slash "/" sign or that is blank in the use table indicates that the use type is prohibited in the corresponding zoning district.

g. **Use-Specific Standards**
   When a particular use category or use type is permitted in a zoning district, there may be additional regulations that are applicable to a specific use. The existence of these use-specific standards is noted through a section reference in the last column of the use table titled "Additional Requirements." References refer to Section 30-4.C, Use-Specific Standards. These standards shall apply to a particular use regardless of the base zoning district where it is proposed unless otherwise specified.

h. **Use Restricted or Prohibited by Overlay Zoning District**
Regardless of whether the use table identifies a particular use type as a permitted use, allowed use, or special use in a zoning district, or references additional requirements for the use type, the use type may be restricted or prohibited, or subject to more restrictive additional requirements, in accordance with applicable overlay district provisions in Section 30-3.H, Overlay Zoning Districts.

i. **Unlisted Uses**
The City Manager shall determine whether or not an unlisted use is part of an existing use category or use type defined in Section 30-4.B, Use Classifications, Categories, and Types, or is substantially similar to an already defined use type, using the standards in Section 30-4.B.1.d, Interpretation of Unlisted Uses. Uses that are not part of or substantially similar to an existing use type are prohibited.

j. **Review of Uses near Fort Bragg/Pope Airfield**
Within five miles of Fort Bragg and Pope Airfield any use over 200 feet in height proposed to be constructed or reconstructed, altered or expanded in ways that would aggravate or intensify a violation of requirements of G.S. 143.151.70 to 77 must first be endorsed by the State Building Code Council, following review and endorsement procedures specified in the referenced General Statutes sections.

(Ord. No. S2011-008, § 11.1, 7-25-2011; Ord. No. S2014-002, § 1, 1-13-2014; Ord. No. S2014-004, § 7, 1-13-2014)

Effective on: 11/18/2013

30-4.A.2. Use Table

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																						R
		SPECIAL		RESIDENTIAL					BUSINESS												PLANNED DEVELOPMENT			
		CD	AR	SF-15	SF-10	SF-6	MR-5	MH	OI	NC [3]	LC	CC	MAC	MU	DT-1	DT-2	UC	BP [4]	LI	HI	PD-R	PD-EC	PD-TN	
AGRICULTURAL USE CLASSIFICATION																								
Agriculture	Plant nursery	/	P	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	MP	/	MP	30
	All other agriculture	P	P	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	MP	/	MP	
	Urban Agriculture	/	/	/	/	/	/	/	/	P	P	P	/	/	/	/	/	/	P	/	/	/	/	30
Agricultural Support and Services	Equestrian facility	/	P	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	MP	/	MP	30
	All other agricultural support and services	/	P	/	/	/	/	/	/	/	/	P	/	/	/	/	/	/	P	/	/	/	/	30
RESIDENTIAL USE CLASSIFICATION																								
Household Living [1]	Cottage developments	/	P	P	P	P	P	/	/	/	/	/	/	/	/	P	/	/	/	/	/	/	/	30

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																							R
		SPECIAL		RESIDENTIAL					BUSINESS													PLANNED DEVELOPMENT			
		CD	AR	SF-15	SF-10	SF-6	MR-5	MH	OI	NC [3]	LC	CC	MAC	MU	DT-1	DT-2	UC	BP [4]	LI	HI	PD-R	PD-EC	PD-TN	
	Dwelling/Unit, live/work	/	/	/	/	/	P	/	P	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	30
	Dwelling, multi-family	/	/	/	/	/	P	/	P	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	30
	Dwelling, single-family attached [3]	/	/	/	P	P	P	/	P	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	30
	Dwelling, single-family detached	/	P	P	P	P	P	P	P	P	/	/	/	P	/	P	/	/	/	/	MP	/	MP	30
	Dwelling, multi-unit single-family, detached on one lot	/	/	/	/	/	P	/	P	P	/	/	/	/	/	/	/	/	/	/	/	/	/	30
	Dwelling, two- to four-family	/	/	S	P	P	P	/	P	P	P	/	/	P	/	P	/	/	/	/	MP	/	MP	30
	Dwelling, upper story	/	/	/	/	P	P	/	P	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	
	Manufactured home, Class A [2]	/	/	/	/	/	/	P	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	30
	Manufactured home park (Class A or B homes)	/	/	/	/	/	/	P	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	30
Group Living	Dormitory	/	/	/	/	/	P	/	P	/	P	/	P	P	P	P	P	/	/	/	MP	MP	MP	30
	Therapeutic home	/	P	P	P	P	P	P	P	P	/	/	P	P	/	P	/	/	/	/	MP	MP	MP	30
	Fraternity or sorority house	/	/	/	/	/	/	/	P	/	P	/	/	P	/	P	P	/	/	/	MP	MP	MP	
	Group home, Large	/	/	/	/	S	/	/	S	S	S	S	/	S	S	S	/	/	/	/	MP	/	MP	30
	Group home, Small	/	/	P	P	P	P	P	P	P	P	P	/	P	P	P	/	/	/	/	MP		MP	30
	Rooming or boarding house	/	/	/	/	P	P	/	P	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	30
	Transitional housing								S	S	S	S	/	S	S	S	/	/						30
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION																									
Community Services	Community center	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cultural facility	/	/	/	/	P	P	/	P	P	P	P	/	P	P	P	P	/	/	/	MP	MP	MP	
	Day Resource Center	/	/	/	/	/	/	/	/	/	/	S	/	S	/	S	/	/	S	P	/	/	/	30
	Library	/	/	P	P	P	P	/	P	P	P	P	/	P	P	P	P	/	/	/	MP	MP	MP	
	Museum	/	/	/	/	/	/	/	P	P	P	P	/	P	P	P	P	/	/	/	MP	MP	MP	
	Youth club facility	/	/	/	/	P	P	/	/	/	P	P	/	P	P	P	P	/	/	/	MP	/	MP	

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P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																						R
		SPECIAL		RESIDENTIAL					BUSINESS													PLANNED DEVELOPMENT			
		CD	AR	SF-15	SF-10	SF-6	MR-5	MH	OI	NC [3]	LC	CC	MAC	MU	DT-1	DT-2	UC	BP [4]	LI	HI	PD-R	PD-EC	PD-TN	
Day Care	Adult day care center	/	/	P	P	P	P	/	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Child care center	/	/	P	P	P	P	/	P	P	P	P	P	P	P	P	P	P	/	/	MP	MP	MP	30
Educational Facilities	College or university	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	School, elementary	/	P	P	P	P	P	/	P	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	30
	School, middle	/	P	P	P	P	P	/	P	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	30
	School, high	/	P	P	P	P	P	/	P	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	30
	Vocational or trade school	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30
Governmental facilities	Government maintenance, storage, or distribution facility	/	S	/	/	S	S	/	/	/	P	P	/	/	P	/	P	P	P	P	/	MP	/	
	Government office	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	P	P	/	MP	MP	MP	
	Post office	/	/	/	/	/	P	/	P	P	P	P	P	P	P	P	/	P	/		MP	MP	MP	
Health Care Facilities	Blood/tissue collection facility	/	/	/	/	/	/	/	/	/	/	P	P	/	P	P	/	/	P	/	/	MP	MP	
	Drug or alcohol treatment facility	/	/	/	/	/	/	/	/	/	P	P	P	S	/	S	/	/	P	/	MP	MP	MP	30
	Hospital	/	/	/	/	/	/	/	P	/	/	P	P	P	P	P	/	/	P	/	/	MP	/	30
	Medical or dental clinic [3]	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	/	P	/	MP	MP	MP	
	Medical or dental lab	/	/	/	/	/	/	/	P	/	P	/	P	P	P	P	/	P	P	/	/	MP	/	(R
	Medical treatment facility	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	/	/	P	/	/	MP	/	30
	Outpatient facility	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	/	/	P	/	/	MP	/	
Institutions	Assisted living facility	/	/	S	S	S	S	/	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Auditorium	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	30
	Club or lodge	/	/	/	/	/	/	/	P	P	P	P	/	P	P	P	P	/	/	/	MP	MP	MP	
	Convention center	/	/	/	/	/	/	/	P	/	/	P	/	P	P	P	P	/	/	/	/	MP	/	30
	Community Reintegration Center	/	/	/	/	/	/	/	/	/	/	S	/	S	/	/	/	/	/	/	MP	/	MP	30
	Nursing home	/	/	/	/	S	S	/	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Psychiatric treatment facility	/	/	/	/	/	/	/	P	/	P	P	P	/	/	P	/	/	/	/	/	MP	/	

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USE CATEGORY	USE TYPE	ZONING DISTRICTS																						R
		SPECIAL		RESIDENTIAL					BUSINESS												PLANNED DEVELOPMENT			
		CD	AR	SF-15	SF-10	SF-6	MR-5	MH	OI	NC [3]	LC	CC	MAC	MU	DT-1	DT-2	UC	BP [4]	LI	HI	PD-R	PD-EC	PD-TN	
	Religious institution	/	P/S	P/S	P/S	P/S	P	P	P	P	P	P	P	P	P	P	P	/	P	P	MP	MP	MP	30
Parks and Open Areas	Arboretum or botanical garden	P	P	P	P	P	P	/	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Cemetery	/	P	P	P	P	P	/	P	P	P	P	/	P	/	/	/	/	/	/	/	/	/	30
	Columbaria, mausoleum	P	P	P	P	P	P	/	P	P	P	P	/	P	P	P	/	P	/	/	/	/	/	
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	/	P	P	/	/	/	MP	MP	MP	
	Golf course, public	/	P	P	P	P	P	/	P	/	P	P	/	P	/	/	/	/	/	/	MP	MP	MP	
	Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Public square or plaza	/	/	P	P	P	P	P	P	P	P	P	/	P	P	P	/	P	P	P	MP	MP	MP	
Public Safety	Correctional facility	/	S	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	S	P	/	/	/	30
	Fire or EMS facility	/	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police substation	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police station	/	P	S	S	S	P	S	P	P	P	P	P	P	P	P	/	/	P	P	MP	MP	MP	
Transportation/ Communication	Airport	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	MP	/	
	Helicopter landing facility	/	/	/	/	/	/	/	S	/	S	S	S	S	S	S	S	P	/	/	/	MP	/	30
	Passenger terminal, surface transportation	/	/	/	/	/	/	/	P	/	P	P	/	P	P	P	/	P	P	P	MP	MP	MP	
	Small Wireless Facilities	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30
	Telecommunications antenna, collocation on existing tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30
	Telecommunications antenna, placement on existing building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30
	Telecommunications tower, freestanding	/	P	P	P	P	P	/	P	P	P	P	P	P	/	/	P	P	P	P	MP	MP	MP	30
	Utility, major	/	S	S	S	S	S	/	S	S	S	P	P	S	S	/	/	P	P	P	/	MP	/	30
	Utility, minor	/	P	P	P	P	P	P	P	P	/	P	P	P	P	P	P	P	P	P	MP	MP	MP	
COMMERCIAL USE CLASSIFICATION [1]																								

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Adult Entertainment	Adult entertainment	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30
Animal Care	Animal grooming	/	/	/	/	/	/	/	/	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	
	Animal shelter	/	S	/	/	/	/	/	/	/	/	S	/	/	/	/	/	/	P	P	/	/	/	
	Kennel, indoor	/	S	/	/	/	/	/	S	S	S	P	/	S	/	S	/	/	P	/	/	MP	/	30
	Kennel, outdoor	/	S	/	/	/	/	/	/	/	S	S	/	/	/	/	/	/	P	/	/	MP	/	
	Veterinary clinic	/	S	/	/	/	/	/	P	P	P	P	/	P	P	P	/	/	/	/	/	MP	/	
Conference and Training Centers	Conference or training center	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	30
Eating Establishments	Dinner theater	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Restaurant, with indoor or outdoor seating [4]	/	/	/	/	/	P	/	P	P	P	P	P	P	P	P	P	P	/	/	MP	MP	MP	30
	Restaurant, with drive-through service [4]	/	/	/	/	/	/	/	/	/	P	P	/	/	/	/	/	P	/	/	/	MP	/	30
	Specialty eating establishment [4]	/	/	/	/	/	P	/	P	P	P	P	P	P	P	P	P	P	/	/	MP	MP	MP	30
	Food truck court	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	P	P	/	/	/	30
Offices	Business services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	
	Corporate headquarters	/	/	/	/	/	/	/	/	/	P	P	/	P	P	P	/	P	P	P	/	MP	MP	
	Financial services	/	/	/	/	/	/	/	P	P	P	P	/	P	P	P	P	P	/	/	MP	MP	MP	
	Professional services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	30
	Radio and television broadcasting studio	/	/	/	/	/	/	/	P	/	P	P	/	P	P	P	/	P	/	/	/	MP	/	
	Sales (including real estate)	/	/	/	/	/	/	/	P	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	
Parking, Commercial	Parking lot	/	/	/	/	/	/	/	P	/	P	P	P	P	P	P	P	/	P	/	/	MP	/	30
	Parking structure	/	/	/	/	/	/	/	P	/	P	P	P	P	P	P	P	P	P	/	MP	MP	MP	30
	Parking Tractor Trailers etc.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30
Recreation/ Entertainment, Indoor	Commercial recreation, indoor	/	/	/	/	/	/	/	/	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	
	Theater	/	/	/	/	/	/	/	/	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	

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Recreation/ Entertainment, Outdoor	Arena, amphitheater, or stadium	/	/	/	/	/	/	/	/	/	S	P	S	S	P	P	P	P	/	/	/	MP	/	30
	Golf course, private	/	P	P	P	P	P	/	P	/	P	P	/	P	/	/	/	/	/	/	MP	MP	MP	
	Athletic field and clubhouse	P	P	S	S	S	P	P	P	P	P	P	/	P	/	P	/	P	/	/	MP	MP	MP	
	Golf driving range	/	/	/	/	/	/	/	P	/	P	P	/	/	/	/	/	/	/	/	MP	MP	MP	
	Swimming pool, private	/	P	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	/	/	MP	MP	MP	30
	Swimming pool, non-profit	/	P	P	P	P	P	P	P	P	P	P	P	P	/	P	/	P	/	/	MP	MP	MP	30
	Tennis court	/	P	P	P	P	P	P	P	P	P	P	P	P	/	/	/	P	/	/	MP	MP	MP	30
	Other commercial recreation, outdoor	/	/	/	/	/	/	/	/	/	P	P	/	P	P	P	/	/	P	P	MP	MP	MP	
Retail Sales & Services	Bar, nightclub, or cocktail lounge	/	/	/	/	/	/	/	/	/	P	P	/	P	P	P	/	/	P	/	MP	MP	MP	30
	Entertainment establishment	/	/	/	/	/	/	/	/	P	P	P	/	P	P	P	P	/	/	/	MP	MP	MP	
	Gasoline sales	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	/	/	/	/	MP	MP	MP	30
	Crematory	/	/	/	/	/	/	/	/	/	P	P	/	/	/	/	/	/	P	P	/	/	/	
	Financial institution, without drive-through service [4]	/	/	/	/	/	P	/	P	P	P	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Financial institution, with drive-through service [4]	/	/	/	/	/	/	/	P	/	P	P	/	P	/	P	P	P	/	/	/	MP	/	30
	Funeral home	/	/	/	/	/	/	/	/	/	P	P	/	/	P	P	/	/	/	/	/	MP	/	
	Laundromat	/	/	/	/	/	P	P	/	P	P	P	/	P	P	P	P	/	/	/	MP	MP	MP	
	Personal services establishment	/	/	/	/	/	P	/	P	P	P	P	P	P	P	P	P	/	P	/	MP	MP	MP	30
	Tattoo parlor/body piercing establishment	/	/	/	/	/	/	/	/	/	P	P	/	P	P	P	/	/	P	/	/	MP	/	
	Repair establishment	/	/	/	/	/	/	/	/	P	P	P	/	P	P	P	/	/	P	/	MP	MP	MP	30
	Convenience store, without gas sales	/	/	/	/	/	P	/	/	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	
	Convenience store, with gas sales [4]	/	/	/	/	/	/	/	/	P	P	P	/	/	/	P	/	P	/	/	MP	MP	MP	30

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	Drug store or pharmacy, without drive-through service [4]	/	/	/	/	/	P	/	/	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	
	Drug store or pharmacy, with drive-through service	/	/	/	/	/	/	/	/	P	P	P	P	P	/	P	/	P	P	/	/	MP	/	30
	Flea market	/	/	/	/	/	/	/	/	/	S	S	/	/	/	/	/	/	P	/	/	/	/	30
	Grocery store	/	/	/	/	/	/	/	/	P	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	30
	Liquor store	/	/	/	/	/	/	/	/	/	P	P	/	P	P	P	/	/	/	/	MP	MP	MP	
	Retail sales establishment, large [4]	/	/	/	/	/	/	/	/	/	P	P	/	P	P	P	/	/	/	/	/	MP	/	30
	Electronic gaming operation	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	/	/	/	MP	30
	Other retail sales establishments [3], [4]	/	/	/	/	/	/	/	/	P	P	P	/	P	P	P	/	P	/	/	MP	MP	MP	
	Brewpub	/	/	/	/	/	/	/	/	P	P	P	/	P	P	P	/	/	/	/				30
	Tobacco and Hemp Retail	/	/	/	/	/	/	/	/	P	P	P		/	/	/	/	/	/	/				30
Self-Service Storage	Mini-warehouse (with external access)	/	/	/	/	/	/	/	/	/	P	P	/	P	/	/	/	/	P	P	/	MP	/	30
	Mini-warehouse (internal access only)	/	/	/	/	/	/	/	/	/	P	P	/	P	P	P	/	/	P	P	/	MP	/	
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Automotive painting/body shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	S	/	/	P	P	/	/	/	30
	Automotive wrecker service	/	/	/	/	/	/	/	/	/	/	S	/	/	/	/	/	/	P	P	/	/	/	30
	Transmission shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	P	P	/	MP	/	30
	Boat and marine rental and sales	/	/	/	/	/	/	/	/	/	P	P	/	/	/	/	/	/	P	P	/	MP	/	
	Truck stop	/	/	/	/	/	/	/	/	/	/	P	/	/	/	/	/	/	P	P	/	/	/	

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Vehicle Sales and Services, Light	Automotive parts and installation	/	/	/	/	/	/	/	/	/	P	P	S	/	S	S	/	/	P	/	/	/	/	30
	Automobile repair and servicing (without painting/body-work)	/	/	/	/	/	/	/	/	/	S	P	S	S	/	S	/	/	P	P	/	MP	/	30
	Automobile sales or rentals	/	/	/	/	/	/	/	/	/	P	P	/	/	P	P	P	/	P	/	/	MP	/	30
	Car wash or auto-detailing	/	/	/	/	/	/	/	/	/	P	P	S	/	/	/	/	/	P	/	MP	MP	MP	30
	Taxicab service	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	/	/	/	/	/	MP	/	
	Tire/muffler sales and mounting	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	/	/	P	P	/	MP	/	30
Visitor Accommodations	Bed and breakfast inn	/	/	S	S	S	S	/	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30
	Hotel or motel [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	P	/	P	/	/	/	MP	/	30
	Hotel or motel, extended stay [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	P	/	P	/	/	/	MP	/	30
	Tourist Home	/	/	/	/	/	P	/	/	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30
INDUSTRIAL USE CLASSIFICATION [1]																								
Extractive Industry	All uses	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	P	/	/	/	30
Industrial Services	Building, heating, plumbing, or electrical contractor with outside storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	/	/	/	P	P	/	MP	/	
	Electric motor repair	/	/	/	/	/	/	/	/	/	/	P	/	/	/	/	/	/	P	P	/	MP	/	30
	Fuel oil/bottled gas distributor	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	
	General industrial service	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
	Heavy equipment sales, rental, or storage	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	30
	Heavy equipment servicing and repair	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	/	/	

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	Laundry, dry cleaning, and carpet cleaning plants	/	/	/	/	/	/	/	/	/	/	P	/	/	/	/	/	/	P	P	/	/	/	30
	Machine shop	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	30
	Office-warehouse	/	/	/	/	/	/	/	/	/	P	P	/	P	P	P	/	P	P	P	/	MP	MP	
	Repair of scientific or professional instruments	/	/	/	/	/	/	/	/	/	P	P	/	P	/	P	/	P	P	P	/	MP	/	30
	Research and development	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	/	P	P	P	/	MP	/	
	Tool repair	/	/	/	/	/	/	/	/	/	/	P	/	P	/	P	/	P	P	P	/	/	/	30
Manufacturing and Production	Manufacturing, heavy	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	/	P	/	MP	/	
	Manufacturing, high impact/hazardous	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	/	MP	/	30
	Manufacturing, light	/	/	/	/	/	/	/	/	/	/	S	/	/	/	/	/	P	P	P	/	MP	/	
	Research and Technology Production	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	/	/	P	P	/	/	/	
	Microbrewery	/	/	/	/	/	/	/	/	/	P	P	/	P	/	P	/	P	/	/	MP	MP	MP	30
	Microdistillery	/	/	/	/	/	/	/	/	/	P	P	/	P	/	P	/	P	/	/	MP	MP	MP	30
Warehouse and Freight Movement	Cold storage plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Outdoor storage (as a principal use)	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	30
	Parcel services	/	/	/	/	/	/	/	/	/	/	P	/	/	P	P	/	/	P	P	/	MP	/	
	Truck or freight terminal	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Warehouse (distribution)	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	30
	Warehouse (storage)	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
Waste-Related Services	Energy recovery plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	S	/	/	/	
	Hazardous waste collection sites	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	30
	Incinerator	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	./	S	S	P	/	/	/	
	Land application of wastes	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																						R
		SPECIAL		RESIDENTIAL					BUSINESS													PLANNED DEVELOPMENT			
		CD	AR	SF-15	SF-10	SF-6	MR-5	MH	OI	NC [3]	LC	CC	MAC	MU	DT-1	DT-2	UC	BP [4]	LI	HI	PD-R	PD-EC	PD-TN	
	Landfill, land clearing and inert debris or construction debris	/	S	/	/	/	/	/	S	/	/	S	/	S	/	/	/	/	S	S	/	/	/	30
	Landfill, sanitary	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30
	Recycling center	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30
	Recycling drop-off center	/	/	/	/	S	S	S	P	P	P	P	/	P	/	P	/	/	P	P	MP	MP	MP	30
	Salvage and junkyard	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	
	Tire disposal or recycling	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30
	Waste composting	/	S	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30
Wholesale sales	All uses	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	MP	/	30

NOTES:
[1] Some commercial, mixed-use, and industrial uses require additional separation or buffer standards or may require special use permit approval when locate across a local street or alley from single-family residential development in accordance with Section Transitional Standards. Cottage developments may require Neighborhood Compatibility Permit (see Section 30-2.C.21).
[2] Individual manufactured homes located outside of a manufactured home park may only be established on lots located within the Manufactured Home Overl
[3] New construction for individual retail uses over 2,500 square feet in the NC zoning district must be approved through the Special Use Permit process.
[4] In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total area, whichever is less, of each Business Park develo used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses as a park or recreational the BP development shall not be counted toward this commercial use or supportive use limitation. Restaurants with drive-thru service and Convenience Stores and drive-thru service shall be limited to the periphery of the BP and within the greater of 1500 feet from an interstate centerline or 1250 feet from the nearest a that interstate. All other commercial uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use ty Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article Commercial, Office and Mixed Use Design Standards.
[5] In MR-5 districts, permitted uses shall be established only on parcels abutting and accessed by an Arterial, Collector, or Major Street, as defined in Article 3

(Ord. No. S2011-008, §§ 7, 12.2a, 7-25-2011; Ord. No. S2011-013, §§ 1.5, 1.8, 2.2a, 8.3, 11-28-2011; Ord. No. S2011-014, § 3, 11-28-2011; Ord. No. S2012-001, § 5.1, 1-23-2012; Ord. No. S2012-011, § 1, 5-29-2012; Ord. No. S2012-024, §§ 5—7, 11-13-2012; Ord. No. S2012-025, § 16, 11-13-2012; Ord. No. S2013-002, § 11, 2-11-2013; Ord. No. S2014-002, § 2, 3a, 5b, 1-13-2014; Ord. No. S2014-012, § 2, 8-11-2014; Ord. S2014-015, §§ 2b, 4, 8-11-2014; Ord. S2016-007, § 2, 6-27-2016; Ord. S2017-004, § 1a-c, 6-26-2017; Ord. No. S2019-008, 1, 04/23/2019; Ord. No. S2019-009, § 1, 04/23/2019; Ord. No. Ord. No. S2020-011, § 2, 11/23/2020; Ord. No. S2021-004, § 3, 04/15/2021; Ord. No. S2021-042, § 1, 10/25/2021; Ord. No. S2021-043, § 1, 10/25/2021; Ord. No. S2021-044, § 1, 10/25/2021; Ord. No. S2022-003, § 1, 03/28/2022; Ord. No. S2022-023, § 1, 09/26/2022; Ord. No. S2023-001A, § 1, 01/26/2023; Ord. No. S2023-018, § 1, 03/23/2023; Ord. No. S2023-018D, § 1, 03/23/2023; Ord. No. S2024-017B, § 1, 10/28/2024; Ord. No. S2022-023, § 1, 11/25/2024; Ord. No. S2025-008, § 1, 04/14/2025; Ord. No. S2026-015, § 1, 05/26/2026)

Effective on: 5/26/2026

PART II - CODE OF ORDINANCES

CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

Article 30-7: Nonconformities

30-7.B. Nonconforming Uses

30-7.B.1. General

Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this subsection.

Effective on: 11/18/2013

30-7.B.2. Change of Use

a. **General**
A nonconforming use shall not be changed to any other nonconforming use. Once a nonconforming use has ceased to operate or been discontinued for a period of one year or longer, it shall only be replaced with a conforming use.

b. **Within Industrial or Commercial Districts**

1. Nonconforming residential, office, or personal services uses within an industrial or commercial base zoning district may be continued or replaced by another nonconforming residential, office, or personal service use, provided:
    a. The density or intensity of the proposed use does not exceed that associated with the use being replaced,
    b. The lot and building comply with the dimensional standards of the MR-5 district; and
    c. The value of any reconstruction or renovation associated with the use change does not exceed one-third of the structure's replacement value prior to the reconstruction or renovation. (In cases where the reconstruction or renovation value exceeds one-third of the structure's replacement value, then the use and structure must conform to the requirements of the district where located.)

Effective on: 11/18/2013

30-7.B.3. Expansion and Enlargement

Except in accordance with this subsection, a nonconforming use shall not be enlarged, expanded in area, or intensified. An existing nonconforming use may be enlarged into any portion of the structure where it is located provided the area proposed for expansion was designed and intended for such use prior to the date the use became a nonconformity. Such expansion may only be authorized through the review and approval of a Special Use Permit (see Section 30-2.C.7, Special Use Permit).

Effective on: 11/18/2013

30-7.B.4. Replacement of Manufactured Homes

Nonconforming Class B or C manufactured homes may be replaced by a Class A manufactured home, or another nonconforming Class B or Class C manufactured home, provided:

a. The lot proposed to contain a manufactured home is within the MHO district (see Section 30-2.C.1, Map Amendment (Rezoning)); and

b. The replacement nonconforming Class B or Class C manufactured home has a larger habitable floor area or newer construction date than the nonconforming manufactured home being replaced.

(Ord. No. S2021-019, § 1, 05/10/2021)

Effective on: 11/18/2013

30-7.B.5. Discontinuance or Abandonment

A nonconforming use shall not be re-established after discontinuance for a period of 365 consecutive calendar days or more. Efforts to renovate or repair the use are not considered a vacancy, abandonment, or discontinuance, provided all appropriate development approvals are obtained, and provided the renovation or repair is completed within 365 days from commencement or repair or renovation, and the use is re-established within 30 days from the time the renovation or repairs are completed. Failure to complete the repairs or renovation within 365 days or re-establish the use within 30 days following repairs or renovation shall constitute discontinuance, and a nonconforming use shall not be re-established.

Effective on: 11/18/2013

30-7.B.6. Continuation of Nonconforming Open-Air Uses

a. Nonconforming open-air uses made nonconforming by an amendment of this Ordinance or extension of the area in which this Ordinance is applicable shall be discontinued within three years after the date of such amendment or extension.

b. Uses to be discontinued under this section shall include nonconforming outdoor sales areas, certain parking lots not contiguous to the primary use or consistent with 30-5.A.8(d), and storage yards or similar uses not consistent with the standards for such uses in Article 30-4, Use Standards.

c. In cases where the building associated with an open-air use is removed or destroyed, the nonconforming open-air use shall cease and all subsequent uses shall be in conformity with the provisions of this Ordinance.

Effective on: 11/18/2013

30-7.B.7. Accessory Uses

Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operations within 30 days.

Effective on: 11/18/2013

30-7.B.8. Reconstruction after Casualty Damage

a. **Destruction or Damage Beyond 50 Percent of Value**

1. In the event a structure housing any nonconforming use is damaged or destroyed, by any means, to an extent more than 50 percent of its replacement value at the time of damage or destruction, it shall only be restored in a manner that conforms with the provisions of this Ordinance except as provided in subsection (3) below.
2. New construction (including the establishment of off-street parking, landscaping, signs, and other site features) shall be in accordance with the requirements of this Ordinance.
3. A lawfully nonconforming multifamily residential structure located in a residential zoning district, if damaged or destroyed, by any means, to an extent more than 50 percent of its replacement value at the time of damage or destruction, shall be eligible for reconstruction to its prior level of density if a Building Permit for such restoration is obtained within six months of the casualty damage, and repair is actually begun within 12 months after the date of such damage or destruction and is diligently pursued to completion provided all other requirements of Article 30-5 are met. The City Manager may extend these time periods, allowing up to a cumulative total of 36 months for completion of construction for due cause.
4. Such structures may be reconstructed to their previous form and location under the following circumstances, as applicable:

- A single multifamily structure has been damaged or destroyed.
- The structures are duplex, triplex or quadruplex multifamily types.
- The structures contain five or more units, are part of a larger complex of similar structures and not more than 50 percent of the total number of principal structures within the complex have been damaged or destroyed to an extent more than 50 percent of their replacement value.
- Conforming buffers are established prior to issuance of the Building Permit(s).

b. **Damage of 50 Percent or Less of Value**

1. In the event a structure housing a nonconforming use is damaged or destroyed, by any means, to an extent of 50 percent or less of its replacement value at the time of damage or destruction, it may be re-built to its previous form if a Building Permit for such repair or restoration is obtained within 180 days of the casualty damage, and repair or restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

2. In no event shall repair or restoration increase, expand, or enlarge the degree of nonconformity.

(Ord. No. S2011-014, § 7.1, 11-28-2011)

Effective on: 11/18/2013

PART II - CODE OF ORDINANCES

CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

Article 30-9: Definitions

30-9.D. Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section.

Adult Entertainment

An establishment which by law excludes minors by virtue of the fact that a substantial portion of its business is sexually explicit. Adult entertainment includes any place defined as an "adult establishment" or "sexually oriented establishment" by Section 14-202.10 of the North Carolina General Statutes. Such uses include, but are not limited to, adult arcades, adult book stores, adult video stores, adult theaters (drive-in, picture and min-picture), adult cabarets, massage parlors, or adult entertainment establishments.

Effective on: 11/18/2013

Exhibit 28

Produced as Native File

Charles Smith

From: Chris Saunders (Legislative Analysis) <Chris.Saunders@ncleg.gov>
Sent: Tuesday, March 24, 2026 5:33 PM
To: Charles Smith
Subject: RE: [EXTERNAL]RE: [EXTERNAL]FW: 4431 Bragg Blvd. (Project No. 1887777)

Representative Smith,

I've looked further into nonconformities and notice requirements. I have not been able to identify any requirement that a local government give notice when a property has been deemed to be abandoned for purposes of a nonconformity.

As a general rule in North Carolina, the law does not favor nonconformities because they run contrary to the general public policy principle that if a regulation is necessary to protect the public health, safety, and welfare, it should be applied uniformly to all citizens. *See JWL Investments, Inc. v. Guilford Cnty. Bd. of Adjustment, 133 N.C. App. 426, 430 (1999); CG & T Corp. v. Bd. of Adjustment of City of Wilmington,* 105 N.C. App. 32, 39 (1992); *Forsyth County. v. Shelton,* 74 N.C. App. 674, 676 (1985).

G.S. 160D-403(f) speaks to revocation of development approvals. G.S. 160D-102(13) defines a development approval as "An administrative or quasi-judicial approval made pursuant to this Chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Chapter, including plat approvals, permits issued, development agreements entered into, and building permits issued." The original building permit would have been a development approval, but grandfathering of a nonconforming use is not a quasi-judicial or administrative approval because it happens automatically by virtue of the UDO allowing nonconformities to continue subject to the provisions of the ordinance.

I have not found any statutes or case law requiring a local government to send a notice when a nonconforming use has been deemed to have been abandoned or discontinued. In general, it appears that local governments enforce this only upon the property owner seeking to resume a nonconforming use or obtain a permit to engage in a nonconforming use, at which time the local government will send a notice of violation in the former case or deny the permit application in the latter. By way of example:

- In *CG & T Corp. v. Bd. of Adj. of City of Wilmington*, the petitioner bought an oil refinery in a Heavy Manufacturing zoning district in Wilmington in 1986. Oil refining was a permitted use in the HM area until 1 August 1984, when the zoning ordinance was revised. Evidence indicated that the petitioner had no employees working at the site from March 1986 to July 1987 and again from November 1987 through February 1988, but sold 400,000 gallons of refined product stored on the site in 1989. In 1990, the city's code enforcement officer determined that use of the property as an oil refinery had discontinued in excess of 365 consecutive days and that the petitioner would need a special use permit in order to operate the refinery. Though the property had appeared to be inactive since 1986, notice was only given to the petitioner in 1990. The board of adjustment, superior court, and Court of Appeals all upheld the code officer's conclusion.

- In *Forsyth County v. Shelton*, a lake and picnic area in Forsyth County was used from around 1951 to 1971 as a "commercial swimming lake, picnic and amusement area." The Forsyth County zoning ordinance adopted in 1967 zoned the property for large-lot residential development, which permitted "recreational facilities" but not "commercial amusements." In 1973, the owner leased the property to the local YMCA, who used it from 1973 to 1977. Between 1977 and 1982 the lake property was not leased or otherwise open to the public as a commercial amusement facility. In 1982, defendants acquired the property, refurbished the buildings and the lake and

reopened it for paying customers. The county zoning officer notified the defendants that commercial operation of the lake was a nonconforming use in May 1982. Defendants reopened the lake for commercial use, and in April 1983 the county sued to enjoin use of the property as a commercial amusement. The Court of Appeals held that, given evidence that use of lake property was abandoned at least four years within meaning of ordinance, the nature and use of lake property was not the same as its previous nonconforming use and could not be reestablished as a commercial amusement. Defendants argued that "the nature of the use of the property remained the same ..., although no one was actually using it." However, the court held that "This argument, if adopted, would make the establishment of abandonment in such cases impossible, contrary both to the ordinance and to the public policy of this state.... We therefore reject defendants' position, which would allow non-conforming uses to continue indefinitely and effectively nullify the abandonment provisions of the ordinance."

- In *Dockside Discotheque, Inc. v. Bd. of Adjustment of Town of S. Pines*, 115 N.C. App. 303 (1994), a business in the central business district provided topless dancing on a "semi-regular basis" from 1983 to December 1989. On November 13, 1990, the Town amended its UDO, which was enacted in December 1989, to forbid under Section 179 "special use entertainment" such as topless entertainment in the Town's central business district and to allow such use only in the Town's general business district. The business was sold to a new owner, who on March 22, 1991, held the business's first topless show since December 1989. The land use administrator provided notice on March 22, 1991, that the use violated the town's ordinance. The Court of Appeals held that there was not a nonconforming use at the time of the ordinance amendment because the use had been discontinued for over 180 consecutive days, the time limit provided by ordinance.

In each case, there was no notice given to the property owner until the property owner actually engaged in a nonconforming use. If the property owner is given a notice of violation or has a permit application rejected, the property owner may then appeal to the board of adjustment. In an enforcement case, the local government has the initial burden of showing the use or structure to be in violation of applicable regulations. Once that is done, the burden shifts to the alleged violator to establish a legal nonconforming status or other affirmative defense. *Shearl v. Town of Highlands*, 236 N.C. App. 113, 118 (2014).

If you are interested in having language drafted to require local governments to affirmatively provide notice that it has determined that a nonconforming use has been abandoned or discontinued, I would be glad to assist. In practice, there may be situations where a local government does not know that a nonconforming use has been abandoned until some later point in time, though.

I hope that is helpful. Please let me know if you have any additional questions or concerns.

Thanks,
Chris

Chris Saunders

Staff Attorney
North Carolina General Assembly
Legislative Analysis Division
300 N. Salisbury St., Raleigh, NC 27603
919-733-2578

From: Charles Smith <Charles@andersonjohnson.com>
Sent: Tuesday, March 24, 2026 10:53 AM

Outlook

RE: Follow Up on Nonconformity Matter

From Michael Whitfield (Legislative Analysis) <Michael.Whitfield@ncleg.gov>
Date Thu 3/26/2026 2:42 PM
To Rep. Charles Smith <Charles.Smith@ncleg.gov>
Cc Ike McRee (Legislative Analysis) <Ike.McRee@ncleg.gov>; Chris Saunders (Legislative Analysis) <Chris.Saunders@ncleg.gov>

Representative Smith,

You are correct that an appeal of a denial of a permit application or notice of violation would go to Fayetteville's Zoning Commission. Section 30-2.A.5.(a)(2)(b)(4) of the Fayetteville UDO provides that review and determination of appeals of all administrative decisions, determinations, and orders of the City Manager or other city official in determining and enforcing provisions of the UDO is the responsibility of the Zoning Commission.

Best,

Michael

From: Rep. Charles Smith <Charles.Smith@ncleg.gov>
Sent: Wednesday, March 25, 2026 5:14 PM
To: Michael Whitfield (Legislative Analysis) <Michael.Whitfield@ncleg.gov>
Cc: Ike McRee (Legislative Analysis) <Ike.McRee@ncleg.gov>; Chris Saunders (Legislative Analysis) <Chris.Saunders@ncleg.gov>
Subject: Re: Follow Up on Nonconformity Matter

Thanks, Michael.

I'm meeting with the City Attorney's office next Tuesday. Currently, our plans are pending review (the City has until April 3rd to deny or accept them). At my meeting with the City Attorney, my plan was to request that the permitting department deny our plans, citing the nonconforming use. Alternatively, I suppose the plans can be approved (assuming they're structurally sound), and the City can provide a Notice of Violation, since it now has knowledge of the property owner's intent to resume the non-conforming use.

Once that notice or denial is received, it would trigger our 30-day clock to appeal the decision. Our appeal would go to the City's Zoning Commission, right?

At that enforcement hearing, whether there's a burden shift or concurrent burdens, I think the result is essentially the same. The City will be able show, and we would concede, that the intended use of the structure would be in violation of currently applicable regulations. In response, we'll present evidence to argue that the legal nonconforming use status was inappropriately revoked (i.e., that it hasn't been discontinued or abandoned for over a year), rendering our nonconforming use permissible. Upon our

presentation of evidence, I'd imagine the City would be naturally inclined to defend the revocation decision, putting all relevant evidence before the Zoning Commission.

Just ensuring that I can provide accurate guidance to the City on how we proceed. Having an opportunity to be heard will satisfy my client...this process seems to provide adequate due process, while allowing the City the opportunity to justify its decision at the same time.

Thanks again,
Charles

From: Michael Whitfield (Legislative Analysis) <Michael.Whitfield@ncleg.gov>
Sent: Wednesday, March 25, 2026 4:51 PM
To: Rep. Charles Smith <Charles.Smith@ncleg.gov>
Cc: Ike McRee (Legislative Analysis) <Ike.McRee@ncleg.gov>; Chris Saunders (Legislative Analysis) <Chris.Saunders@ncleg.gov>
Subject: Follow Up on Nonconformity Matter

Representative Smith,

I am following up on your conversation with Chris Saunders yesterday on nonconformities. We have reviewed the City of Fayetteville's UDO and applicable case law on the issue of the burden of proof in enforcement actions. In the event Fayetteville issues a notice of violation or rejects a permit application, the following legal framework would apply on appeal to the Zoning Commission.

Fayetteville UDO and Chapter 160D
Section 30-2.C.18. (Appeals of Administrative Decisions) of the Fayetteville UDO provides that, with few exceptions, appeals of administrative decisions are to be heard by the Zoning Commission. It indicates that appeals before the Zoning Commission shall follow (1) quasi-judicial procedure consistent with G.S. 160D-406, (2) the procedures set out in that section, and (3) all other relevant sections of the Fayetteville UDO. In a quasi-judicial proceeding consistent with G.S. 160D-406, the applicant, the local government, and other parties with standing have a right to participate in an evidentiary hearing. Section 30-2.B.14. (Evidentiary Hearing Procedures (Quasi-Judicial Decisions)) establishes burdens of proof for all parties involved in a quasi-judicial evidentiary hearing:

"The burden of demonstrating that an application complies with applicable review and approval standards of this Ordinance is on the applicant, which shall be demonstrated by competent, material, and substantial evidence. The burden of demonstrating that an application should be denied for failing to comply with applicable review and approval standards of this Ordinance is on the parties urging denial of the application, which shall be demonstrated by competent, material, and substantial evidence."

Furthermore, Section 3-7.A.3. (Determination of Nonconformity Status) provides that the burden of proving that a nonconformity lawfully exists is the responsibility of the owner of the land on which the alleged nonconformity is located.

While Section 3-2.B.14. does not seem to contemplate a traditional burden shifting between the parties, but rather a concurrent burden on those in favor of and those against the application, Section 3-7.A.3. appears to either add on to or clarify the burden of applicant.

Case Law

As Chris noted, the Court of Appeals in Shearl v. Town of Highlands, 236 N.C. App. 113, 117-118 (2014) and in City of Winston-Salem v. Hoots Concrete Co., Inc., 47 N.C. App. 405, 414 (1980), has contemplated a sort of burden shifting between the parties in an appeal of an administrative decision and subsequent enforcement action. The local government has the initial burden of showing the use or structure to be in violation of applicable regulations. If the local government meets its burden, the burden shifts to the alleged violator to establish a legal nonconforming status or other affirmative defense.

As an additional note, the Court of Appeals has clearly indicated that it will consider the burdens of proof set out in local ordinance in review of administrative appeals heard by boards of adjustment. Lamar Outdoor Advertising, Inc. v. City of Hendersonville, 155 N.C. App. 516, 522 (2002).

***

Whether the procedure set out in the Fayetteville UDO is consonant with Court of Appeals precedent is a question that could only be answered in the General Court of Justice. While there may be slight differences in the procedural posture of the appellant as contemplated by the UDO and Court of Appeals, both seem to acknowledge the city must demonstrate that a use or structure is not consistent with applicable regulations. The city is not necessarily charged with defending the validity of the initial revocation determination, but rather the basis for a notice of violations or rejection of a subsequent application.

non-conforming use is outside the scope of what city is required to defend.

Basis of NOV is.....

Basis of rejecting the permit is.....

I hope this was helpful. Please let me know if you have any questions.

Best,

Michael

Michael G. Whitfield, Jr.
Staff Attorney
North Carolina General Assembly
Legislative Analysis Division
300 N. Salisbury St., Raleigh, NC 27603
919-733-2578

Exhibit 29

Produced as Native File

Exhibit 30

Produced as Native File

Exported data

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
Permit							
CE20150324-02684	Code Enforcement - Solid Waste		Other	4431 BRAGG BLVD	CLOSED	3/24/2015 4:08:29 PM: 03/24/2015 - dumpster not screened and visible from row MDL 03/31/2015 - contact with Mr James Hathaway, 336.226.4554 the agent for the property who advised, according to Mr Winstead he did not need to screen the property. I made contact with Mr Winstead who advised the dumpster needs to be maintained in the rear and not visible. Contacted Mr Hathaway and advised of screening necessities found in the UDO, Article 30-5.B.4.e. Because of the previous agreement with Mr Winstead, this property will receive no violation. MDL (Created by Michele SmithRiordan)	Michele SmithRiordan
CE20150324-02684	Code Enforcement - Solid Waste		Other	4431 BRAGG BLVD	CLOSED	3/24/2015 4:08:29 PM: 03/24/2015 - dumpster not screened and visible from row MDL 03/31/2015 - contact with Mr James Hathaway, 336.226.4554 the agent for the property who advised, according to Mr Winstead he did not need to screen the property. I made contact with Mr Winstead who advised the dumpster needs to be maintained in	Michele SmithRiordan

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To	
						the rear and not visible. Contacted Mr Hathaway and advised of screening necessities found in the UDO, Article 30-5.B.4.e. Because of the previous agreement with Mr Winstead, this property will receive no violation. MDL (Created by Michele SmithRiordan)		
Permit								
CE20170829-09305	Code Enforcement - Solid Waste		Trash & Overgrowth	4431 BRAGG BLVD	CLOSED	8/29/2017 10:07:34 AM: 8/29/17 https://seeclickfix.com/issues/3668349 jm 08/30/17 Shopping carts in parking lot filled with trash, carts around rear of building. Trash around rear area of building adjoining multiple units. Old furniture and tires, cardboard boxes and other miscellaneous trash scattered around entire property. tgs 09/13/17 All trash and overgrowth and carts have been removed from property. tgs (Created by Jeffrey Morin)	TAMMY SMITH	
CE20170829-09305	Code Enforcement - Solid Waste		Trash & Overgrowth	4431 BRAGG BLVD	CLOSED	8/29/2017 10:07:34 AM: 8/29/17 https://seeclickfix.com/issues/3668349 jm 08/30/17 Shopping carts in parking lot filled with trash, carts around rear of building. Trash around rear area of building adjoining multiple units. Old furniture and tires,	TAMMY SMITH	

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To	
						cardboard boxes and other miscellaneous trash scattered around entire property. tgs 09/13/17 All trash and overgrowth and carts have been removed from property. tgs (Created by Jeffrey Morin)		
Permit								
CE20180726-08688	Code Enforcement - Signs		Discontinued	4431 BRAGG BLVD	CLOSED	7/26/2018 8:54:27 AM: https://seeclickfix.com/issues/4717958 07/27/18 Pole sign advertising discontinued business. tgs 8/6/18 - returned mail for cc: William Claydon - New addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 8/9/18 - returned mail - different addx - oasis attached - jk 8/23/18 - returned mail for cc: William Clayton - new addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 9/11/18 - returned mail for cc - new addx per USPS 5955 Yadkin Road, Fayetteville, NC 28303 - jk 09/21/18 Requesting title search as all mail returned. tgs 10/08/2018 No change. NOV re-generated to incorporate all sign (wall advertising signs). tgs 10/26/18 - citation mailed - jk 11/09/18 All signs removed. Pole cabinet left open will send new sign	TAMMY SMITH	

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
						maintenance case. tgs 12/26/18 - abated citation collection notice mailed - jk 3/8/19 sent to collections for 1 day penalty, jm (Created by Jeffrey Morin)	
CE20180726-08688	Code Enforcement - Signs		Discontinued	4431 BRAGG BLVD	CLOSED	7/26/2018 8:54:27 AM: https://seeclickfix.com/issues/4717958 07/27/18 Pole sign advertising discontinued business. tgs 8/6/18 - returned mail for cc: William Claydon - New addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 8/9/18 - returned mail - different addx - oasis attached - jk 8/23/18 - returned mail for cc: William Clayton - new addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 9/11/18 - returned mail for cc - new addx per USPS 5955 Yadkin Road, Fayetteville, NC 28303 - jk 09/21/18 Requesting title search as all mail returned. tgs 10/08/2018 No change. NOV re-generated to incorporate all sign (wall advertising signs). tgs 10/26/18 - citation mailed - jk 11/09/18 All signs removed. Pole cabinet left open will send new sign maintenance case. tgs 12/26/18 - abated citation collection notice mailed - jk 3/8/19	TAMMY SMITH

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
						sent to collections for 1 day penalty, jm (Created by Jeffrey Morin)	
CE20180726-08688	Code Enforcement - Signs		Discontinued	4431 BRAGG BLVD	CLOSED	7/26/2018 8:54:27 AM: https://seeclickfix.com/issues/4717958 07/27/18 Pole sign advertising discontinued business. tgs 8/6/18 - returned mail for cc: William Claydon - New addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 8/9/18 - returned mail - different addx - oasis attached - jk 8/23/18 - returned mail for cc: William Clayton - new addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 9/11/18 - returned mail for cc - new addx per USPS 5955 Yadkin Road, Fayetteville, NC 28303 - jk 09/21/18 Requesting title search as all mail returned. tgs 10/08/2018 No change. NOV re-generated to incorporate all sign (wall advertising signs). tgs 10/26/18 - citation mailed - jk 11/09/18 All signs removed. Pole cabinet left open will send new sign maintenance case. tgs 12/26/18 - abated citation collection notice mailed - jk 3/8/19 sent to collections for 1 day penalty, jm (Created by Jeffrey Morin)	TAMMY SMITH
CE20180726-08688	Code		Discontinued	4431	CLOSED	7/26/2018 8:54:27	TAMMY

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
	Enforcement - Signs			BRAGG BLVD		AM: https:// seeclickfix.com/ issues/4717958 07/27/18 Pole sign advertising discontinued business. tgs 8/6/18 - returned mail for cc: William Claydon - New addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 8/9/18 - returned mail - different addx - oasis attached - jk 8/23/18 - returned mail for cc: William Clayton - new addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 9/11/18 - returned mail for cc - new addx per USPS 5955 Yadkin Road, Fayetteville, NC 28303 - jk 09/21/18 Requesting title search as all mail returned. tgs 10/08/2018 No change. NOV re-generated to incorporate all sign (wall advertising signs). tgs 10/26/18 - citation mailed - jk 11/09/18 All signs removed. Pole cabinet left open will send new sign maintenance case. tgs 12/26/18 - abated citation collection notice mailed - jk 3/8/19 sent to collections for 1 day penalty, jm (Created by Jeffrey Morin)	SMITH
CE20180726-08688	Code Enforcement - Signs		Discontinued	4431 BRAGG BLVD	CLOSED	7/26/2018 8:54:27 AM: https:// seeclickfix.com/ issues/4717958 07/27/18 Pole sign advertising	TAMMY SMITH

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
						discontinued business. tgs 8/6/18 - returned mail for cc: William Claydon - New addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 8/9/18 - returned mail - different addx - oasis attached - jk 8/23/18 - returned mail for cc: William Clayton - new addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 9/11/18 - returned mail for cc - new addx per USPS 5955 Yadkin Road, Fayetteville, NC 28303 - jk 09/21/18 Requesting title search as all mail returned. tgs 10/08/2018 No change. NOV re-generated to incorporate all sign (wall advertising signs). tgs 10/26/18 - citation mailed - jk 11/09/18 All signs removed. Pole cabinet left open will send new sign maintenance case. tgs 12/26/18 - abated citation collection notice mailed - jk 3/8/19 sent to collections for 1 day penalty, jm (Created by Jeffrey Morin)	
CE20180726-08688	Code Enforcement - Signs		Discontinued	4431 BRAGG BLVD	CLOSED	7/26/2018 8:54:27 AM: https://seeclickfix.com/issues/4717958 07/27/18 Pole sign advertising discontinued business. tgs 8/6/18 - returned mail for cc: William Claydon - New addx	TAMMY SMITH

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
						per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 8/9/18 - returned mail - different addx - oasis attached - jk 8/23/18 - returned mail for cc: William Clayton - new addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 9/11/18 - returned mail for cc - new addx per USPS 5955 Yadkin Road, Fayetteville, NC 28303 - jk 09/21/18 Requesting title search as all mail returned. tgs 10/08/2018 No change. NOV re-generated to incorporate all sign (wall advertising signs). tgs 10/26/18 - citation mailed - jk 11/09/18 All signs removed. Pole cabinet left open will send new sign maintenance case. tgs 12/26/18 - abated citation collection notice mailed - jk 3/8/19 sent to collections for 1 day penalty, jm (Created by Jeffrey Morin)	
CE20180726-08688	Code Enforcement - Signs		Discontinued	4431 BRAGG BLVD	CLOSED	7/26/2018 8:54:27 AM: https://seeclickfix.com/issues/4717958 07/27/18 Pole sign advertising discontinued business. tgs 8/6/18 - returned mail for cc: William Claydon - New addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 8/9/18 - returned mail - different	TAMMY SMITH

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
						addx - oasis attached - jk 8/23/18 - returned mail for cc: William Clayton - new addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 9/11/18 - returned mail for cc - new addx per USPS 5955 Yadkin Road, Fayetteville, NC 28303 - jk 09/21/18 Requesting title search as all mail returned. tgs 10/08/2018 No change. NOV re-generated to incorporate all sign (wall advertising signs). tgs 10/26/18 - citation mailed - jk 11/09/18 All signs removed. Pole cabinet left open will send new sign maintenance case. tgs 12/26/18 - abated citation collection notice mailed - jk 3/8/19 sent to collections for 1 day penalty, jm (Created by Jeffrey Morin)	
CE20180726-08688	Code Enforcement - Signs		Discontinued	4431 BRAGG BLVD	CLOSED	7/26/2018 8:54:27 AM: https://seeclickfix.com/issues/4717958 07/27/18 Pole sign advertising discontinued business. tgs 8/6/18 - returned mail for cc: William Claydon - New addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 8/9/18 - returned mail - different addx - oasis attached - jk 8/23/18 - returned mail for cc: William Clayton - new addx	TAMMY SMITH

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
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CE20180726-08688	Code Enforcement - Signs		Discontinued	4431 BRAGG BLVD	CLOSED	7/26/2018 8:54:27 AM: https://seeclickfix.com/issues/4717958 07/27/18 Pole sign advertising discontinued business. tgs 8/6/18 - returned mail for cc: William Claydon - New addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 8/9/18 - returned mail - different addx - oasis attached - jk 8/23/18 - returned mail for cc: William Clayton - new addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 9/11/18 - returned mail for cc	TAMMY SMITH

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CE20180726-08688	Code Enforcement - Signs		Discontinued	4431 BRAGG BLVD	CLOSED	7/26/2018 8:54:27 AM: https://seeclickfix.com/issues/4717958 07/27/18 Pole sign advertising discontinued business. tgs 8/6/18 - returned mail for cc: William Claydon - New addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 8/9/18 - returned mail - different addx - oasis attached - jk 8/23/18 - returned mail for cc: William Clayton - new addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 9/11/18 - returned mail for cc - new addx per USPS 5955 Yadkin Road, Fayetteville, NC 28303 - jk 09/21/18 Requesting title search as all mail returned. tgs 10/08/2018 No change. NOV re-	TAMMY SMITH

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
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CE20180726-08688	Code Enforcement - Signs		Discontinued	4431 BRAGG BLVD	CLOSED	7/26/2018 8:54:27 AM: https://seeclickfix.com/issues/4717958 07/27/18 Pole sign advertising discontinued business. tgs 8/6/18 - returned mail for cc: William Claydon - New addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 8/9/18 - returned mail - different addx - oasis attached - jk 8/23/18 - returned mail for cc: William Clayton - new addx per USPS: 5955 Yadkin Road, Fayetteville, 28303 - jk 9/11/18 - returned mail for cc - new addx per USPS 5955 Yadkin Road, Fayetteville, NC 28303 - jk 09/21/18 Requesting title search as all mail returned. tgs 10/08/2018 No change. NOV re-generated to incorporate all sign (wall advertising signs). tgs 10/26/18 - citation	TAMMY SMITH

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
						mailed - jk 11/09/18 All signs removed. Pole cabinet left open will send new sign maintenance case. tgs 12/26/18 - abated citation collection notice mailed - jk 3/8/19 sent to collections for 1 day penalty, jm (Created by Jeffrey Morin)	
Permit							
CE20201124-13541	Code Enforcement - Building		No Permit	4431 BRAGG BLVD	CLOSED	11/24/2020 1:52:15 PM: Roof repair without permit on file. Spoke to contractor and provided an application for roof repair. Application completed and turned in to the zoning department. tgs 12/2/20 Permit obtained. DR11252020-00079 tgs (Created by TAMMY SMITH)	TAMMY SMITH
CE20201124-13541	Code Enforcement - Building		No Permit	4431 BRAGG BLVD	CLOSED	11/24/2020 1:52:15 PM: Roof repair without permit on file. Spoke to contractor and provided an application for roof repair. Application completed and turned in to the zoning department. tgs 12/2/20 Permit obtained. DR11252020-00079 tgs (Created by TAMMY SMITH)	TAMMY SMITH
Permit							
DR11252020-00079	Comm. Permit - Roof			4431 BRAGG BLVD	EXPIRED	11/25/2020 10:20:27 AM: PATCH EXISTING RUBBER ROOF AREA OF REPAIR 10X12, 8X5 SPOTS. (Created by Andrea Applewhite)	Jeremy Smith
DR11252020-00079	Comm. Permit - Roof			4431 BRAGG BLVD	EXPIRED	11/25/2020 10:20:27 AM: PATCH EXISTING	Jeremy Smith

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
						RUBBER ROOF AREA OF REPAIR 10X12, 8X5 SPOTS. (Created by Andrea Applewhite)	
DR11252020-00079	Comm. Permit - Roof			4431 BRAGG BLVD	EXPIRED	11/25/2020 10:20:27 AM: PATCH EXISTING RUBBER ROOF AREA OF REPAIR 10X12, 8X5 SPOTS. (Created by Andrea Applewhite)	Jeremy Smith
DR11252020-00079	Comm. Permit - Roof			4431 BRAGG BLVD	EXPIRED	11/25/2020 10:20:27 AM: PATCH EXISTING RUBBER ROOF AREA OF REPAIR 10X12, 8X5 SPOTS. (Created by Andrea Applewhite)	
DR11252020-00079	Comm. Permit - Roof			4431 BRAGG BLVD	EXPIRED	11/25/2020 10:20:27 AM: PATCH EXISTING RUBBER ROOF AREA OF REPAIR 10X12, 8X5 SPOTS. (Created by Andrea Applewhite)	Andrea Applewhite
Permit							
CE20221003-09321	Code Enforcement - Solid Waste		Trash & Overgrowth	4431 BRAGG BLVD	CLOSED	10/3/2022 1:26:52 PM: https://seeclickfix.com/issues/13463612 10/10/2022 - Unoccupied commercial property overgrown with tall grass, tall weeds, undergrowth, fallen limb(s), trash and debris. CC 11/30/2022 - Overgrowth removed; commercial property in compliance. CC (Created by Jacquie Haggerty)	Crystal Campbell
CE20221003-09321	Code Enforcement - Solid Waste		Trash & Overgrowth	4431 BRAGG BLVD	CLOSED	10/3/2022 1:26:52 PM: https://seeclickfix.com/issues/13463612 10/10/2022 - Unoccupied commercial property overgrown	Crystal Campbell

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
						with tall grass, tall weeds, undergrowth, fallen limb(s), trash and debris. CC 11/30/2022 - Overgrowth removed; commercial property in compliance. CC (Created by Jacquie Haggerty)	
Permit							
CE20240201-01110	Code Enforcement - Substandard Building		Boarded Building	4431 BRAGG BLVD	OPEN	2/2/2024 11:50:33 AM: 2/1/2024 - Commercial property with window(s) and/or door(s) boarded. CC 2/14/2024 - Contacted by Walt Rozanski, (727)656-7982, stating he just received the notice from the corporate office and is working to get the issue resolved. Completed the boarded building application and returned via FedEx to ensure fines were not assessed if the work was not completed within 10 days. Further states Hope Mills Glass has been hired to replace the windows and anticipates being able to provide a completion date asap. CC 3/19/2024 - Commercial property windows/ doors remain boarded; will follow-up with property owner regarding replacement and/or DW for received and completed boarded bldg application. CC	Dereke Planter

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
						3/21/24 Boarding building registration received and approve. Notice issued with 3/21/2027 expiration DW 3/29/2024 - Contacted by Walt Rozanski, (727)656-7982, stating the front door boards have been replaced, additional window(s) will be replaced as Hope Mills Glass is able to schedule it. Works is anticipated to be completed by end-of-week (4/12). CC (Created by Crystal Campbell)	
CE20240201-01110	Code Enforcement - Substandard Building		Boarded Building	4431 BRAGG BLVD	OPEN	2/2/2024 11:50:33 AM: 2/1/2024 - Commercial property with window(s) and/or door(s) boarded. CC 2/14/2024 - Contacted by Walt Rozanski, (727)656-7982, stating he just received the notice from the corporate office and is working to get the issue resolved. Completed the boarded building application and returned via FedEx to ensure fines were not assessed if the work was not completed within 10 days. Further states Hope Mills Glass has been hired to replace the windows and anticipates being able to provide a completion date asap. CC 3/19/2024 - Commercial	Dereke Planter

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
						property windows/ doors remain boarded; will follow-up with property owner regarding replacement and/or DW for received and completed boarded bldg application. CC 3/21/24 Boarding building registration received and approve. Notice issued with 3/21/2027 expiration DW 3/29/2024 - Contacted by Walt Rozanski, (727)656-7982, stating the front door boards have been replaced, additional window(s) will be replaced as Hope Mills Glass is able to schedule it. Works is anticipated to be completed by end-of-week (4/12). CC (Created by Crystal Campbell)	
CE20240201-01110	Code Enforcement - Substandard Building		Boarded Building	4431 BRAGG BLVD	OPEN	2/2/2024 11:50:33 AM: 2/1/2024 - Commercial property with window(s) and/or door(s) boarded. CC 2/14/2024 - Contacted by Walt Rozanski, (727)656-7982, stating he just received the notice from the corporate office and is working to get the issue resolved. Completed the boarded building application and returned via FedEx to ensure fines were not assessed if the work was not completed within	Dereke Planter

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
						10 days. Further states Hope Mills Glass has been hired to replace the windows and anticipates being able to provide a completion date asap. CC 3/19/2024 - Commercial property windows/ doors remain boarded; will follow-up with property owner regarding replacement and/or DW for received and completed boarded bldg application. CC 3/21/24 Boarding building registration received and approve. Notice issued with 3/21/2027 expiration DW 3/29/2024 - Contacted by Walt Rozanski, (727)656-7982, stating the front door boards have been replaced, additional window(s) will be replaced as Hope Mills Glass is able to schedule it. Works is anticipated to be completed by end-of-week (4/12). CC (Created by Crystal Campbell)	
CE20240201-01110	Code Enforcement - Substandard Building		Boarded Building	4431 BRAGG BLVD	OPEN	2/2/2024 11:50:33 AM: 2/1/2024 - Commercial property with window(s) and/or door(s) boarded. CC 2/14/2024 - Contacted by Walt Rozanski, (727)656-7982, stating he just received the notice from the corporate	Dereke Planter

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
						office and is working to get the issue resolved. Completed the boarded building application and returned via FedEx to ensure fines were not assessed if the work was not completed within 10 days. Further states Hope Mills Glass has been hired to replace the windows and anticipates being able to provide a completion date asap. CC 3/19/2024 - Commercial property windows/ doors remain boarded; will follow-up with property owner regarding replacement and/or DW for received and completed boarded bldg application. CC 3/21/24 Boarding building registration received and approve. Notice issued with 3/21/2027 expiration DW 3/29/2024 - Contacted by Walt Rozanski, (727)656-7982, stating the front door boards have been replaced, additional window(s) will be replaced as Hope Mills Glass is able to schedule it. Works is anticipated to be completed by end-of-week (4/12). CC (Created by Crystal Campbell)	
Parent Permit							
CE20250624-06708	Code		No Permit	4431	CLOSED	6/24/2025	Thomas

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
	Enforcement - Building			BRAGG BLVD		11:06:56 AM: 6/24/2025 work without permit. jr 09-24-2025 - QC complete - Missed follow-up; re-inspect; if still in violation; run Accurint; send out citation letter. ap 5/29/2026-permits was issued and then revoked, still working without permits new case will be created - DDP (Created by JAMES RUTHERFORD)	Keister
CE20250624-06708	Code Enforcement - Building		No Permit	4431 BRAGG BLVD	CLOSED	6/24/2025 11:06:56 AM: 6/24/2025 work without permit. jr 09-24-2025 - QC complete - Missed follow-up; re-inspect; if still in violation; run Accurint; send out citation letter. ap 5/29/2026-permits was issued and then revoked, still working without permits new case will be created - DDP (Created by JAMES RUTHERFORD)	Thomas Keister
Child Permit							
CE20250625-06764	Code Enforcement - Building		No Permit	4311 Bragg Blvd, 28303	CLOSED	6/25/2025 8:13:29 AM: 6/24/2025-stop work order was issued , inspector noticed Some new walls added and new floor joist replaced for the second floor area. Plumbing looks to be new. May need mechanical permit for the planned mini splits.-DDP 6/25/2025-douplicate case-DDP (Created by Dereke Planter)	Dereke Planter

Case Number	Type Description	SubType Description	Tag	Location	Status	Permit Notes	Task - Assigned To
CE20250625-06764	Code Enforcement - Building		No Permit	4311 Bragg Blvd, 28303	CLOSED	6/25/2025 8:13:29 AM: 6/24/2025- stop work order was issued , inspector noticed Some new walls added and new floor joist replaced for the second floor area. Plumbing looks to be new. May need mechanical permit for the planned mini splits.-DDP 6/25/2025- douplicate case- DDP (Created by Dereke Planter)	Dereke Planter

FAYETTEVILLE NC
DEVELOPMENT SERVICES

HOUSING & CODE ENFORCEMENT DIVISION 433 Hay Street, Fayetteville, NC 28301 - (910) 433-1056

NOTICE OF VIOLATION - WARNING LETTER

October 11, 2022

Case Number: CE20221003-09321

4311 BRAGG, LLC

3691 STATE RD 580 W STE H
OLDSMAR, FL 34677

RE: 4431 BRAGG BLVD, Fayetteville, NC PIN 0418553607000

Dear 4311 BRAGG, LLC,

Please be advised that Chapter 22, Section 22-16(a)(1) of the City Code prohibits any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects or other pests. We recently visited the above-referenced property and noticed the following condition(s) on your property which is contrary to the above code section:

Unoccupied commercial property overgrown with tall grass, tall weeds, undergrowth, fallen limb(s), trash and debris.

You are requested to abate the above condition(s) within 10 business days from the date of this notice. Before placing any debris at curbside, please call the Solid Waste Management Department at (910) 433-1329 to ensure conformance with the guidelines of yard/solid waste disposal.

If the violation is resolved as requested and not repeated, then there will be no further action or fine. Failure to comply with this request may result in a civil penalty. Repeated or continued non-compliance may lead to criminal charges. Also, for failure to abate this violation, The City of Fayetteville will correct the violation(s) and will collect from you the cost of the abatement action plus an administrative fee of $200.00. This cost is in addition to any penalties accumulated from your failure to correct the violation(s).

Please be advised that, pursuant to City Code Section 22-17(c), three or more City caused abatement's for the removal of trash and debris and/or the cutting of vegetation from this property or any other property owned by you within the City, within a 24 month period may result in a $1,000 Civil Penalty.

More than three verified violations for any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects or other pests; and/or, abandoned, nuisance, or junk vehicles within a 12 month period, may result in a Notice of Nuisance Property Finding being issued to you, subjecting you to a separate $500 civil penalty and a separate civil penalty of $1,000 thereafter for each additional verified violation within a 12 month period since the last verified violation.

Our goal is to obtain your voluntary compliance in abating the violation. Your prompt attention to this matter will be greatly appreciated. If you feel that this notice has been issued in error or you have any questions pertaining to this matter, please feel free to contact me at 910-354-4237.

Sincerely,

Crystal Campbell
Code Enforcement Administrator

cc: REG_AGENT Incorp Services, Inc. 176 Mine Lake Court, Suite 100 Raleigh NC 27615

Nov 30, 2022 at 1:03:07 PM
Crystal Campbell - Code Enforcement Administrator
214

BRAGG
BUSINESS CENTER
Nov 30, 2022 at 1:03:17 PM
Crystal Campbell - Code Enforcement Administrator
215

FORT
OUTPOST
ADULT
ENTERTAINMENT
CENTER
NEW DESTINY
LIFE CENTER
Nov 30, 2022 at 1:04:42 PM
Crystal Campbell - Code Enforcement
Administrator

SPEED
LIMIT
45
Oct 10, 2022 at 2:18:45 PM
Crystal Campbell - Code Enforcement
Administrator
217

Oct 10, 2022 at 2:18:59 PM
Crystal Campbell - Code Enforcement Administrator
218

FORT
OUTPOST
ADULT
ENTERTAINMENT
CENTER
LINGER
Oct 10, 2022 at 2:18:43 PM
Crystal Campbell - Code Enforcement
Administrator

AGAZINES
OPEN
D V
L GERIE
Open
NOTICE
MUST BE 18 OR OLDER TO ENTER BUILDING
4431
Oct 10, 2022 at 2:22:49 PM
Crystal Campbell - Code Enforcement Administrator
220

Oct 10, 2022 at 2:19:09 PM
Crystal Campbell - Code Enforcement Administrator

FAYETTEVILLE NC
DEVELOPMENT SERVICES

HOUSING & CODE ENFORCEMENT DIVISION - 433 Hay Street, Fayetteville, NC 28301 (910) 433-1056

NOTICE OF VIOLATION - WARNING LETTER

February 5, 2024

Case Number: CE20240201-01110

4311 BRAGG, LLC
3691 STATE RD 580 W STE H
OLDSMAR, FL 34677

RE: 4431 BRAGG BLVD, Fayetteville, NC PIN 0418553607000

Dear 4311 BRAGG, LLC

Please be advised that Chapter 14, Section 14-123(a)&(b) of the City Code provides that no owner shall board up a structure (doors, windows, and openings) that are clearly visible from the public right-of-way without registering the structure with the City no later than 48 hours after boarding it up. We recently visited the property referenced above and noticed boards covering window and/or door openings that are visible from the public right-of-way.

You are requested to complete and submit the attached Boarded Building Registration Application within 10 business days from the date of this notice.
Chapter 14 Section 124(b) of the City Code states an owner's registration of a boarded up structure shall expire three years from the date of registration
Chapter 14 Section 127 of the City Code states that failure abate the violation shall subject the owner to a civil penalty in accordance with the fee and penalty schedule as approved by city council.

Our goal is to obtain your voluntary compliance in abating the violation. Your prompt attention to this matter will be greatly appreciated. If you feel that this notice has been issued in error or you have any questions pertaining to this matter, please feel free to contact me at 910-354-4237.

Sincerely,

Crystal Campbell
Code Enforcement Administrator

cc: REG_AGENT Incorp Services, Inc. 176 Mine Lake Court, Raleigh NC 27615

CITY OF FAYETTEVILLE

HOUSING & CODE ENFORCEMENT DIVISION 433 Hay Street Fayetteville NC 28301 (910) 433-1056

BOARDED RESIDENTIAL BUILDING REGISTRATION APPLICATION

4431 BRAGG BLVD , Fayetteville, NC PIN 0418553607000 CE20240201-01110

The address requested on this form shall not be a public or private post office box or other similar address

Complete this section if the property is owned by an individual (PRINT)

Property Owner(s)_____
Address_____ **City**_____ **State**____ **Zip**_____
Home Phone_____ **Cell Phone**_____ **Business Phone**_____
Email Address _____

Complete this section if the property is owned by an entity other than an individual(s) (PRINT)

Business Name 4311 BRAGG, LLC
Address 3691 STATE RD 580 W STE H **City** OLDSMAR **State** FL **Zip** 34677
Name and Title of Agent WALT ROZANSKI
Home Phone_____ **Cell Phone** (727) 656-7982 **Business Phone** (813) 814-0358
Email Address ADMIN@TNTTAMPA.COM

Your plan for occupancy, repair or demolition of the subject residential building: (PRINT)

Your Plan for regular maintenance during the period that the subject residential building is boarded: (PRINT) CURRENTLY WE HAVE 1 GLASS DOOR (STOREFRONT) BOARDED, ONE WINDOW ON FRONT RIGHT HAND CORNER OF BUILDING BOARDED AND ONE WINDOW ON THE RIGHT SIDE OF THE BUILDING BOARDED. FOR PURPOSES OF THIS APPLICATION OUR PLAN IS TO REPAIR ANY DAMAGES TO THESE BOARDED AREAS. WE HAVE HAD A LOT OF VANDALISM AT THIS LOCATION WHEN WE ARE NOT OPEN. PLEASE BE ADVISED OUR INTENTIONS ARE TO ABIDE BY CHAPTER 14 SECTION 124(B) OF THE CITY CODE.
SINCE RECEIVING THIS NOTICE, WE HAVE CALLED HOPE MILLS GLASS COMPANY AND ASKED THEM TO PLEASE HAVE A REPRESENTATIVE COME OUT AND QUOTE THIS SITUATION FOR A FINAL SOLUTION.

I hereby submit this application. I affirm under penalty of perjury that the above information is true to the best of my knowledge. I also affirm that I understand and will comply with provisions of the City of Fayetteville Code of Ordinances, Chapter 14, Article VI.

Print Name WALT ROZANSKI REPRESENTATIVE. **Signature** [signature] **Date** 2-13-2024

FAYETTEVILLE NC
DEVELOPMENT SERVICES

HOUSING & CODE ENFORCEMENT DIVISION
433 HAY STREET FAYETTEVILLE, NC 28301
(910) 433-1056

BOARDED RESIDENTIAL BUILDING REGISTRATION APPLICATION APPROVAL

March 22, 2024

Case Number: CE20240201-01110

4311 BRAGG, LLC
3691 STATE RD 580 W STE H
OLDSMAR, FL 34677

RE: 4431 BRAGG BLVD, Fayetteville, NC PIN 0418553607000

Dear 4311 BRAGG, LLC

Please be advised that pursuant to Section 14-123(a)&(b) of the City Code, your Boarded Residential Building Registration Application for the above referenced residential structure has been received and **approved.** The following are code requirements in lawfully maintaining the boarded up structure and related time restrictions:

The property owner shall have a continuing duty to promptly provide the City with information changes in any way from what is stated on the original registration application.

Boarding must be done with boards fitted to the openings, screwed in place and painted a color consistent with the surrounding wall area.

Registration shall expire three years (03/21/2027) from the date of City approval at which time the property owner shall either remove all boards that are clearly visible from the public right-of-way or replace such window boards with at least one-half inch thick transparent shatter-proof acrylic material, fitted to the opening and screwed in place. Windows shall be free of any defects prior to covering with the acrylic material.

On or after ten business days from the date of this notice, your structure will be inspected for compliance with boarding up regulations.

Our goal is to obtain your voluntary compliance in the boarding up of your structure. Your prompt attention to this matter will be greatly appreciated. If you have any questions pertaining to this matter, please feel free to contact me at 910-433-1340

Sincerely,

Daniel West
Code Enforcement Supervisor

FORT OUTPOST
ADULT ENTERTAINMENT CENTER
LINGERIE
Feb 1, 2024 at 2:06:18 PM
Crystal Campbell - Code Enforcement Administrator

Feb 1, 2024 at 2:06:20 PM
Crystal Campbell - Code Enforcement Administrator
227

Feb 1, 2024 at 2:06:24 PM
Crystal Campbell - Code Enforcement Administrator

Open
MUST BE 18 OR OLDER TO ENTER BUILDING
4431
Feb 1, 2024 at 2:06:39 PM
Crystal Campbell - Code Enforcement Administrator

FORT
OUTPOST
ADULT
ENTERTAINMENT
CENTER
Mar 19, 2024 at 4:06:57 PM
Crystal Campbell - Code Enforcement
Administrator
230

Mar 19, 2024 at 4:07:08 PM
Crystal Campbell - Code Enforcement Administrator

Mar 19, 2024 at 4:07:16 PM
Crystal Campbell - Code Enforcement Administrator

FORT
OUTPOST
ADULT
ENTERTAINMENT
CENTER
GAZINES
D V D
LINGERIE
Jul 8, 2024 at 10:46:27 AM
Crystal Campbell - Code Enforcement
Administrator

Window World
Jul 8, 2024 at 10:46:50 AM
Crystal Campbell - Code Enforcement Administrator

LIBERTY FORD
TRUCK REPAIR CEN
Jul 8, 2024 at 10:47:18 AM
Crystal Campbell - Code Enforcement
Administrator
235

FAYETTEVILLE NC
DEVELOPMENT SERVICES

HOUSING & CODE ENFORCEMENT DIVISION - 433 Hay Street, Fayetteville, NC 28301 (910) 433-1056

NOTICE OF VIOLATION - WARNING LETTER

June 25, 2025

Case Number:CE20250624-06708

4311 BRAGG, LLC
3691 STATE RD 580 W STE H
OLDSMAR, FL 34677

RE: 4431 BRAGG BLVD, FAY, Fayetteville, NC PIN 0418553607000

Dear 4311 BRAGG, LLC

Please be advised that Article 30-2, Section C, Subsection 12(b)(1) of the City Code provides that no construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure may occur until a Building Permit has been applied for and issued in accordance with this section and the State Building Code. We recently visited the above-referenced property and noticed construction of new walls and floors. We have no record of a required Building Permit(s) (and/or required Trade Permits) for such construction.

Article 30-8, Section E, Subsection 4(b) (1) requires that this notice be provided to the owner of the property on which the violation exists and to the person causing or maintaining the violation. You are requested to take one of the following corrective options within 10 business days of the date of this notice:

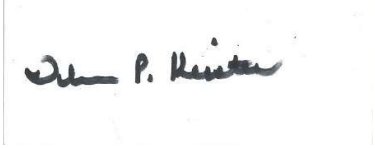
Either apply for and obtain a Demolition Permit within 10 business days and remove such construction within 30 days of obtaining such permit; or apply for an after-the-fact Building Permit (and/or required Trade Permits), and within 10 days of permit application approval obtain such Building permit and related Trade Permits (permit fee for an after-the-fact permit is two times the normal fee amount), and complete all related permit work and pass a City final building inspection within 60 days of obtaining such permit(s).

This violation will be resolved when either one of the above compliance options are completed. If the violation is resolved as requested and not repeated, then there will be no further action or fine. Failure to comply with this request may result in a civil penalty. Repeated or continued non-compliance may lead to other legal actions.

Future violations of this nature within 24 months of this notice may result in the issuance of a civil penalty and/or criminal charges without the benefit of another warning notice.

Our goal is to obtain your voluntary compliance in abating the violation. Your prompt attention to this matter will be greatly appreciated. If you feel that this notice has been issued in error or you have any questions pertaining to this matter, please feel free to contact me at 910391-7946

Sincerely,



Thomas Keister
Code Enforcement Administrator

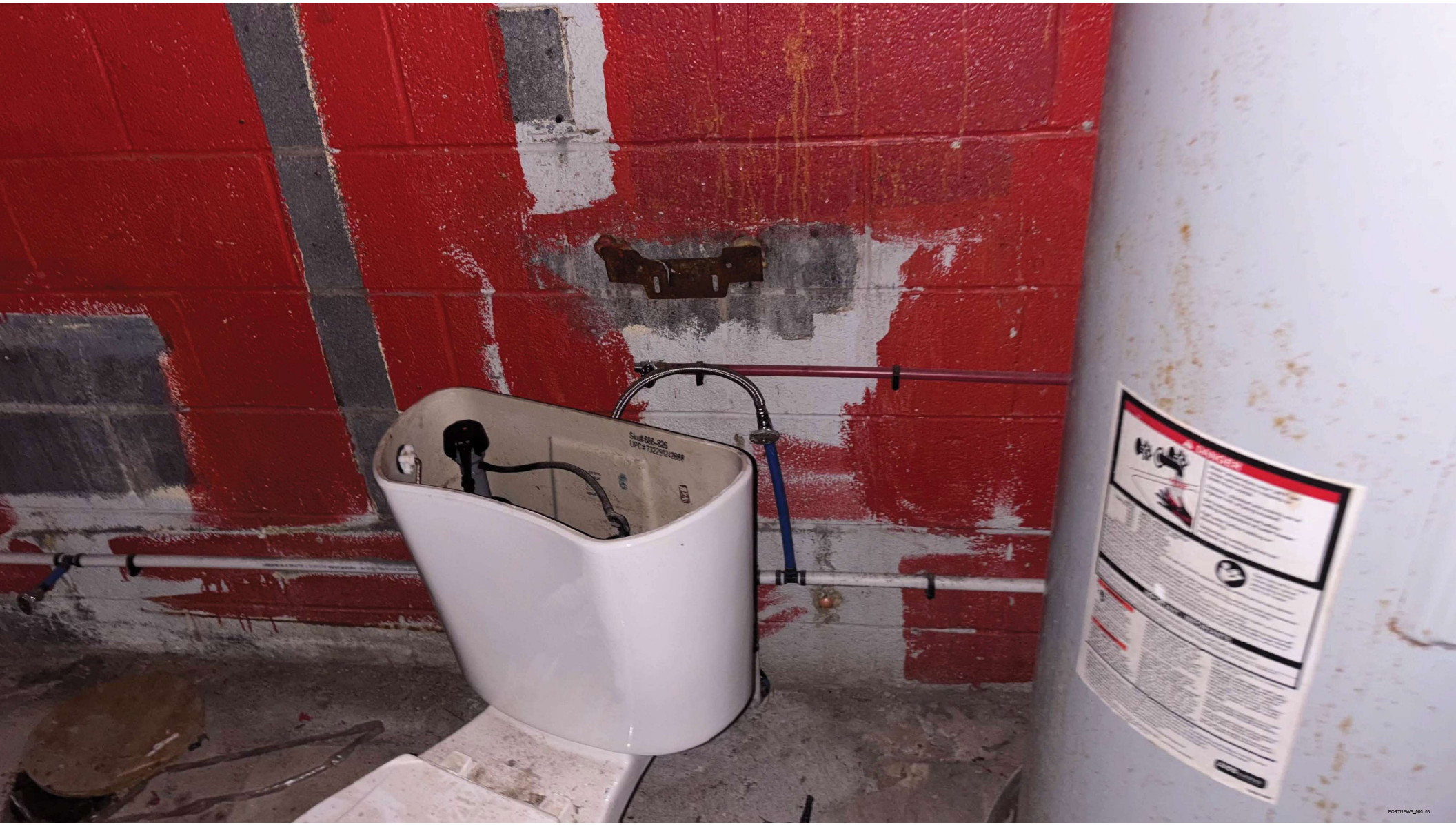
cc: REG_AGENT Incorp Services, Inc 176 Mine Lake Court, Raleigh NC 27615

Nov 7, 2025 at 11:21:12 AM
Anna George
Code Enforcement Administrator
MAGAZINES
LINGERIE
Open
4431

Nov 7, 2025 at 11:21:25 AM
Anna George
Code Enforcement Administrator
241

Nov 7, 2025 at 11:22:13 AM
Anna George
Code Enforcement Administrator
242

Nov 7, 2025 at 11:22:34 AM
Anna George
Code Enforcement Administrator
243


DANGER
FORTNEWS_000163

FAYETTEVILLE NC
DEVELOPMENT SERVICES

Chapter 14 - HOUSING, DWELLINGS AND BUILDINGS

Article II. - Standards of Fitness and Responsbilities of Owners and Occupants

Inspection Report

HOUSING & CODE ENFORCEMENT DIVISION 433 Hay Street, Fayetteville, NC 28301 - (910) 433-1056

Address	**4311 BRAGG BLVD aka 4431 BRAGG BLVD**
PIN	*0418-55-3607*
Date of Inspection	*11/7/2025*
Case #	*CE20251107-12044*
Owner Name	*4311 BRAGG, LLC*
Owner Address	*3691 STATE RD 580 W STE H,OLDSMAR, FL 34677*
Primary Inspector	*Dereke D. Planter Jr*
Type, QCT, LowMod	*Blight, LowMod*

CLEAR FORM

Meets Code	Not Inspected/ NA	Does Not Meet Code		Sec. 14-31. Space and Use Standards.	Description of Issue
☐	☑	☐	*14-31.a.1.*	*Every dwelling unit shall contain a principal room of not less than 120 square feet.*	
☐	☑	☐	*14-31.a.2.*	*Every dwelling unit shall contain a kitchen-dining room combination, if any, of not less than 80 square feet.*	
☐	☑	☐	*14-31.a.3.*	*Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area.*	
☐	☑	☐	*14-31.a.4.*	*Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.*	
☐	☑	☐	*14-31.a.5.*	*Every dwelling unit shall contain at least 70 square feet in each habitable room.*	
☐	☑	☐	*14-31.a.6.*	*Every dwelling unit shall contain at least 150 square feet of floor space in habitable rooms for the first occupant; at least 100 square feet for each of the next three occupants; and at least 75 square feet for each additional occupant over the number of four.*	
☐	☑	☐	*14-31.b.*	*Every habitable room in every dwelling unit shall be at least seven feet wide in any part with at least one-half of the floor area having a ceiling height of at least seven feet, six inches. That portion of any room where the ceiling height is less than five feet shall not be considered as a part of the floor area.*	
☐	☑	☐	*14-31.c.1.*	*No basement space shall be used as a habitable room unless the floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.*	

☐	☑	☐	14-31.c.2.	*No basement space shall be used as a habitable room unless the total window area in each room is equal to at least the window area sizes prescribed in this chapter for habitable rooms (see section 14-32, light and ventilation standards).*	
☐	☑	☐	14-31.c.3.	*No basement space shall be used as a habitable room unless:the total openable window area in each room is equal to at least the area prescribed in this chapter for habitable rooms (see section 14-32, light and ventilation standards), except where other approved ventilation is provided.*	
☐	☑	☐	14-31.c.4.	*No basement space shall be used as a habitable room unless toilet and bathing facilities shall be enclosed so as to provide privacy to a person within such toilet and bathing facilities.*	
☐	☑	☐	14-31.c.5.	*No basement space shall be used as a habitable room unless: access shall be provided to all rooms within a dwelling unit without passing through a public area.*	
☐	☑	☐	14-31.c.6.	*No basement space shall be used as a habitable room unless doors shall be provided at all doorways leading to bedrooms, toilet rooms and bathrooms, and all rooms adjoining a public area.*	
Meets Standard	**Not Inspected/ NA**	**Does Not Meet Standard**		**Sec. 14-32. Light and Ventilation Standards.**	**Description of Issue**
☐	☑	☐	14-32.a.	*Window area in each habitable room shall not be less than eight percent of the room floor area, unless lighted by at least six footcandles of artificial lighting and ventilated.*	
☐	☑	☐	14-32.b.	*Openable window area in each habitable room shall be equal to at least one-half of the required window area and face directly to the outside, unless the room is served by other approved ventilation.*	
☐	☑	☐	14-32.c.	*In all dwellings operable and openable windows and doors opening to the outside shall be adequately screened and each such door equipped with a self-closing device, during the period from May 1 to November 1 of each year unless the dwelling is served by other approved ventilation.*	
☐	☐	☑	14-32.d.	*Windows shall be reasonably weathertight with no broken glass.*	*Boarded windows and doors*
☐	☑	☐	14-32.e.	*Openable window area in each toilet room and bathroom shall be at least three square feet, unless served by other approved ventilation.*	
Meets Standard	**Not Inspected/ NA**	**Does Not Meet Standard**		**Sec. 14-33. Exit Standards.**	**Description of Issue**
☐	☑	☐	14-32.a.	*Every dwelling or other structure shall have exits which are in compliance with North Carolina State Building Code.*	
☐	☐	☑	14-32.b.	*Platforms and/or steps shall be provided to serve exits and shall be maintained in a safe condition.*	*No rails on stairs in rear*
☐	☑	☐	14-32.c.	*Safe, continuous and unobstructed exit shall be provided from interior of structure to the exterior at street or grade level.*	
Meets Standard	**Not Inspected/ NA**	**Does Not Meet Standard**		**Sec. 14-34 Structural Standards.**	**Description of Issue**
			a.	**Foundation**	
☐	☑	☐	14-34.a.1.	*a. Every dwelling unit or other structure shall be on firm ground. No water shall be permitted to stand under such dwelling or structure.*	
☐	☑	☐	14-34.a.2.	*b. Footings shall be sound with adequate bearing.*	
☐	☑	☐	14-34.a.3.	*c. Piers shall be sound.*	
☐	☑	☐	14-34.a.4.	*d. No piers shall be used for support in which plumbline from top center falls outside middle one-third of base of pier.*	

☐	☑	☐	14-34.a.5.	e. No isolated masonry piers exceeding in height ten times least dimension of pier shall be permitted.	
			b.	**Floors**	
☐	☑	☐	14-34.b.1.	a. Broken, overloaded, decayed or excessively sagging sills, beams, girders and joists shall be prohibited.	
☐	☑	☐	14-34.b.2.	b. Flooring shall be reasonably smooth, not rotten or worn through, and without holes or excessive cracks which permit air to penetrate rooms.	
☐	☑	☐	14-34.b.3.	c. Flooring shall not be loose.	
			c.	**c. Walls, exterior.**	
☐	☑	☐	14-34.c.1.	a. Any wall in which plumbline from top center of studs falls outside base plate at any point along the wall shall be prohibited.	
☐	☑	☐	14-34.c.2.	b. Studs shall provide sufficient support for sheathing or exterior finish.	
☐	☑	☐	14-34.c.3.	c. All exterior finish shall be weathertight without excessive holes, cracks or rotted boards which permit air or water to penetrate rooms.	
			d.	**d. Walls, interior.**	
☐	☑	☐	14-34.d.1.	a. Interior finish shall be free of holes and excessive cracks which permit air to penetrate rooms.	
☐	☑	☐	14-34.d.2.	b. Any wall in which plumbline from top center of studs falls outside base plate at any point along the wall shall be prohibited.	
☐	☑	☐	14-34.d.3.	c. Excessive loose plaster, loose boards, or other loose wall materials shall be prohibited.	
☐	☑	☐	14-34.d.4.	d. Cardboard, newspaper or other highly combustible or improper wall finish shall be prohibited.	
☐	☑	☐	14-34.d.5.	e. Studs shall provide sufficient support for the interior wall.	
			e.	**Ceilings.**	
☐	☑	☐	14-34.e.1.	Joists and supporting members shall provide sufficient support for the ceiling.	
☐	☑	☐	14-34.e.2.	No holes or excessive cracks which permit air to penetrate rooms shall be permitted.	
☐	☑	☐	14-34.e.3.	Plaster, boards, sheetrock or other ceiling finish shall not be excessively loose.	
☐	☑	☐	14-34.e.4.	Cardboard or other highly combustible finishes shall be prohibited.	
			f.	**Roof.**	
☐	☑	☐	14-34.f.1.	No rafters shall be rotted, broken, sagging excessively or having improperly supported ends.	
☐	☑	☐	14-34.f.2.	Attic shall have proper ventilation.	
☐	☑	☐	14-34.f.3.	Sheathing shall not be rotted, loose or sagging excessively.	
☐	☐	☑	14-34.f.4.	Roof covering shall not be loose, nor have holes or leaks.	
☐	☑	☐	14-34.f.5.	Proper flashing shall be provided at walls or chimneys.	
			g.	**Porches**	
☐	☑	☐	14-34.g.1.	a. Foundation, floor, ceiling and roof shall be equal to standards as set forth above, except: Sills and joists need not be level if providing drainage of floors; floors need not be weathertight; floors need not be level if providing for drainage; minimum ceiling height shall be seven feet, zero inches and the attic need not have ventilation.	
☐	☑	☐	14-34.g.2.	b. Adequate posts and railings, not rotted, broken or termite damaged, shall be provided. Every porch which is more than three feet high shall have rails not less than 30 inches above the floor.	
			h.	**Stairs and steps.**	
☐	☐	☑	14-34.h.1.	Stairs and steps shall be free of holes, grooves and cracks large enough to constitute accident hazards.	
☐	☑	☐	14-34.h.2.	Every exterior flight of stairs which is more than four feet high shall have rails not less than two feet, six inches, measured vertically from the nose of the treads to the top of the rail.	

☐	☑	☐	14-34.h.3.	*No flight of stairs shall be settled more than one inch out of its intended position or pulled away from supporting or adjacent members.*	
☐	☑	☐	14-34.h.4.	*Supports shall not be rotting, sagging or deteriorating.*	
☐	☑	☐	14-34.h.5.	*Every stair tread shall be uniform in width, and risers uniform in height, sound and securely fastened in position and strong enough to bear a concentrated load of at least 400 pounds without danger of breaking through.*	
Meets Standard	**Not Inspected/ NA**	**Does Not Meet Standard**		**Sec. 14-35 Property Maintenance.**	**Description of Issue**
☐	☐	☑	14-35.a.	*Structures. Floors, walls, ceilings and fixtures shall be maintained in a clean and sanitary condition.*	
			b.	**Open areas.**	
☐	☑	☐	14-35.b.1.	*Surface and subsurface water shall be appropriately drained to protect structures and to prevent development of stagnant ponds.*	
☐	☑	☐	14-35.b.2.	*Fences and all accessory structures shall be maintained in a safe and substantial condition.*	
☐	☑	☐	14-35.b.3.	*Yards and courts shall be kept clean and free of physical hazards, rubbish, trash and garbage.*	
☐	☑	☐	14-35.b.4.	*Heavy undergrowths or accumulations of plant growth which are noxious or detrimental to health shall be prohibited on the lot on which the structure is located.*	
			c.	**Infestation.**	
☐	☑	☐	14-35.c.1.	*Grounds and structures shall be maintained free of insect vermin and rodent harborage and infestation by generally accepted methods of extermination.*	
☐	☑	☐	14-35.c.2.	*Every basement window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.*	
☐	☑	☐	14-35.d.	*Garbage and rubbish. Adequate sanitary facilities and methods shall be provided and used by the occupant for the storage, handling and disposal of garbage and rubbish.*	
☐	☐	☑	14-35.e.	*Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition.* **Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.** *All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather-resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.*	
Meets Code	**Not Inspected/ NA**	**Does Not Meet Code**		**Sec. 14-36. Electrical Standards.**	**Description of Issue**
☐	☑	☐	14-36.a.	*All receptacles, ceiling fixtures or other fixtures shall be securely attached.*	
☐	☑	☐	14-36.b.	*All switches and fixtures shall be safely operable, or else sealed off and disconnected.*	
☐	☑	☐	14-36.c.	*No flexible cords shall be: Used as a substitute for the fixed wiring; run through holes in walls, ceiling or floors; run through doorways, windows or similar openings; attached to building surfaces; concealed behind building walls, ceilings or floors.*	

☐	☑	☐	14-36.d.	At least two convenient outlets shall be installed in each habitable room or one outlet and one ceiling fixture.	
☐	☑	☐	14-36.e.	At least one ceiling or wall-type electric light fixture shall be installed in each bathroom.	
☐	☑	☐	14-36.f.	Circuits shall not be overloaded.	
☐	☑	☐	14-36.g.	Fuses shall be sized correctly and not bridged out.	
☐	☑	☐	14-36.h.	Every public hall and stairway in every multifamily dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.	
☐	☑	☐	14-36.i.	Any other dangerous or hazardous electrical conditions shall also be prohibited.	
☐	☑	☐	14-36.j.	All electric wiring, device, appliances and fixtures shall be installed and maintained in accordance with the current issues of the city and state electrical codes, except as stated in this chapter.	
Meets Code	**Not Inspected/ NA**	**Does Not Meet Code**		**Sec. 14-37. Plumbing Standards.**	**Description of Issue**
☐	☑	☐	14-37.a.	Every structure for occupancy or dwelling unit shall be connected to city water supply and/or sanitary sewer system where they are available; unless a private water supply and sanitary sewer system for each house is approved by the county health department.	
☐	☑	☐	14-37.b.	Every dwelling unit used or intended for use as human habitation shall have a bathroom complete with commode, tub or shower, and lavatory and shall have also a kitchen sink, all of which shall be connected with such water and sewer mains or other approved system and operable.	
☐	☑	☐	14-37.c.	All fixtures shall be in proper working condition with no leaks existing.	
☐	☑	☐	14-37.d.	No fixtures shall be cracked, broken or badly chipped.	
☐	☑	☐	14-37.e.	Hopper bowl toilets are hereby prohibited.	
☐	☑	☐	14-37.f.	Access to toilet and bathing facilities shall be through a weathertight area.	
☐	☑	☐	14-37.g.	Every water closet compartment floor surface and bathroom floor surface shall be so constructed and maintained as to be reasonably impervious to water and so as to permit such floor to be readily kept in a clean and sanitary condition.	
☐	☑	☐	14-37.h.	All water piping shall be protected from freezing by proper installation in enclosed or concealed areas.	
☐	☑	☐	14-37.i.	At least one, three-inch minimum size main plumbing vent shall be properly installed for each building.	
☐	☑	☐	14-37.j.	Sewer and water lines shall be properly supported with no broken leaking lines.	
☐	☑	☐	14-37.k.	Water-heating facilities shall be provided which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines to each tub, shower, lavatory and kitchen sink, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required sink, lavatory, basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water-heating facilities shall be capable of meeting the requirements of the subsection when the dwelling or dwelling unit heating facilities required under the provisions of subsection 14-38(a) are not in operation.	

☐	☑	☐	14-37.l.	*At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the building inspector and in good working condition, shall be supplied for each eight persons or fraction thereof, residing within a rooming house, including members of the operator's family wherever they share the use of such facilities; provided, that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities required in this subsection shall be located in a basement, but nothing in this chapter shall prohibit the installation of such facilities in a basement in addition to those required in this section.*	
☐	☑	☐	14-37.m.	*All plumbing shall be installed and maintained in accordance with the regulation contained in the plumbing code of the city.*	
Meets Code	**Not Inspected/ NA**	**Does Not Meet Code**		**Sec. 14-38. Heating Standards.**	**Description of Issue**
☐	☑	☐	14-38.a.	*a. Required heating. Every structure for occupancy shall be provided with heating facilities capable of maintaining a minimum room temperature of 68 degrees Fahrenheit (20 degrees Celsius) at a point three feet (914 mm) above the floor and two feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.*	
☐	☑	☐	14-38.b.	*b. Liquid fuel shall be stored in accordance with the city fire prevention and building codes. (See Chapter 7 and Chapter 11.)*	
☐	☑	☐	14-38.c.	*c. Chimneys shall be tight and safe, and capable of maintaining proper draft for carriage of combustion byproducts to outside air.*	
☐	☑	☐	14-38.d.	*d. No holes shall be permitted in flue, except for necessary vent connections and cleanout doors.*	
☐	☑	☐	14-38.e.	*e. All existing hanging masonry chimneys shall be removed.*	
☐	☑	☐	14-38.f.	*f. Thimbles shall be grouted-in tight.*	
☐	☑	☐	14-38.g.	*g. Thimbles shall be located high enough to provide proper draft for the heating appliance served thereby.*	
☐	☑	☐	14-38.h.	*h. Fireplaces shall be used only for supplemental heat and not for basic heating.*	
☐	☑	☐	14-38.i.	*i. Hearths shall be of noncombustible material, and shall extend at least 12 inches beyond face and six inches beyond each side of the fireplace opening.*	
☐	☑	☐	14-38.j.	*j. No combustible materials shall be permitted within seven inches of the top and seven inches of either side of the fireplace opening.*	
☐	☑	☐	14-38.k.	*k. Where the fireplace is closed and converted to other use, there shall be masonry closure of face and proper lining or vent installed in chimney where proper lining or vent does not exist.*	
☐	☑	☐	14-38.l.	*l. Any stove within a dwelling shall be within six feet of thimble serving it.*	
☐	☑	☐	14-38.m.	*m. No combustible materials shall be within six inches of stovepipe at the thimble connection.*	
☐	☑	☐	14-38.n.	*n. No stovepipe shall be placed through combustible walls.*	
☐	☑	☐	14-38.o.	*o. Heating appliances and facilities shall be installed in accordance with the building code and shall be maintained in a safe and good working condition.*	

Meets Code	Not Inspected/ NA	Does Not Meet Code		Sec. 14-39. Responsibilities of Owners and Occupants.	Description of Issue
☐	☑	☐	14-39.a.	*Shared or public areas. Every owner of a multifamily dwelling containing four or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.*	
☐	☑	☐	14-39.b.	*Area occupied or controlled. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof, which he occupies and controls.*	
☐	☑	☐	14-39.c.	*Garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage, rubbish and any other organic waste in a clean and sanitary manner, by placing it in the disposal facilities or storage containers required by subsection 14-35(d) and chapter 22*	
☐	☑	☐	14-39.d.	*Extermination; insects, rodent or other pests. Every occupant of a house containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a house containing more than one dwelling unit shall be responsible for such extermination wherever his dwelling unit is the only one infested. Notwithstanding the provisions of the first sentence of this subsection, wherever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Wherever infestation exists in two or more of the dwelling units in any house, or in the shared public parts of any house containing two or more dwelling units, extermination thereof, shall be the responsibility of the owner.*	
☐	☑	☐	14-39.e.	*Plumbing fixtures. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.*	
☐	☑	☐	14-39.f.	*Dwellings to be fit for human occupancy. No owner shall occupy or let to any other occupant, any vacant dwelling unit unless it is reasonably clean, sanitary and fit for human occupancy.*	
☐	☑	☐	14-39.g.	*Disconnection of services, utilities. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter, to be removed or shut off from, or discontinued for any occupied structure or dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the building inspector.*	
☐	☑	☐	14-39.h.	*Screens. It shall be the responsibility of the owner to furnish and install all required screens, and it shall be the duty of the occupant to thereafter maintain the screens in good condition, reasonable wear and tear excepted.*	
☐	☑	☐	14-39.i.	*Buildings to be secured. It shall be the owner's responsibility to keep a vacant building secure at all times. Should it become necessary to board the windows and/or doors, it must be done with boards fitted to the openings, screwed in place and painted a color consistent with the surrounding wall area.*	

FAYETTEVILLE NC
DEVELOPMENT SERVICES
Housing & Code Enforcement Division

Dangerous Building - Hearing Notice

1/29/2026

Case Number:CE20251107-12044

4311 Bragg, LLC
c/o InCorp Services, Inc.
176 Mine Lake Court, Suite 100
Raleigh, NC 27615
(Ref. Deed 10248, Page 784)

4311 Bragg, LLC
3691 State Road 580 Unit H
Oldsmar, FL 34677

The Lamar Companies
c/o Doug Noble
P.O. Box 1837
Elizabethtown, NC 28337
(Ref. Deed 10302, Page 2)

Dear Property Owner(s):

An inspection of your building located at 4311 Bragg Boulevard also known as 4431 Bragg Boulevard, Fayetteville, NC (PIN 0418-55-3607), revealed that the structure is in a condition that appears to constitute a fire or safety hazard or to be dangerous to life, health, or other property. This building has been condemned as an Unsafe Building and a notice of the dangerous character of this building has been posted on the building pursuant to North Carolina General Statute 160D-1119. This building has been condemned due to the following building defects in need of repair:

Windows, Platforms/steps, Roof covering, Stairs, Walls & floors, Protective coatings,

A hearing will be held at 9:00 am on 2/12/2026. The hearing will be held using the Microsoft TEAMS remote meeting application. You may join using the Microsoft TEAMS application or you may call in using the supplied number and ID.

https://teams.microsoft.com/meet/29813893158573?p=T8kQlsmRr2qpFUt7pp
Meeting ID: 298 138 931 585 73 Passcode: hE7Hf6qA
Dial in by phone 929-352-1530 Phone conference ID: : 771 659 4#

During the hearing, you shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to this matter. Following the hearing, I will issue such order to repair, close, vacate and/or demolish the structure(s) as appears appropriate. You have the right to appeal the order to the Fayetteville Board of Appeals by giving notice of appeal in writing to the Inspector and City Clerk within 10 days following the issuance of the order. In the absence of an appeal, this order shall be final. For questions concerning repairs to the structure or the demolition process, please contact Code Enforcement Supervisor, Dereke Planter at 910-433-1706. If you have any other questions, I may be reached at 910-433-1434.

Thank you,

James Rutherford
Housing & Code Enforcement Division Manager

Cc: Branch Banking and Trust Company 2507 Bragg Boulevard Fayetteville, NC 28303
Harold and Theresa Johnson 1655 Shaker Dunedin, Florida 34698

FAYETTEVILLE NC
DEVELOPMENT SERVICES
Housing & Code Enforcement Division

Hearing Order

2/13/2026

Case Number:CE20251107-12044

4311 Bragg, LLC
c/o InCorp Services, Inc.
176 Mine Lake Court, Suite 100
Raleigh, NC 27615
(Ref. Deed 10248, Page 784)

4311 Bragg, LLC
3691 State Road 580 Unit H
Oldsmar, FL 34677

The Lamar Companies
c/o Doug Noble
P.O. Box 1837
Elizabethtown, NC 28337
(Ref. Deed 10302, Page 2)

Property Owner(s):

On 1/29/2026, you were informed that the building located 4311 Bragg Boulevard also known as 4431 Bragg Boulevard, Fayetteville, NC (PIN 0418-55-3607), had been condemned. This correspondence also informed you of a hearing scheduled on 2/12/2026 at 9:00 am, to present arguments and evidence pertaining to the matter. The hearing was to be conducted using the TEAMS meeting application. Notice of the hearing was sent first-class mail, certified mail and posted on the property. The owner did sign for certified delivery of the notice. The owner's representatives did respond during the hearing. The hearing was conducted and it was established that conditions do exist which constitute a fire, health and/or safety hazard rendering the building dangerous to life, health and other property. The defects needing repair include:

Windows, Platforms/steps, Roof covering, Stairs, Walls & floors, Protective coatings,

Pursuant to North Carolina General Statute 160D-1122, I do hereby order you to repair or demolish this building within a period of one hundred eighty days from the date of the order. Failure to abide by this order will result in this department seeking an ordinance for demolition of this structure from the City Council, the cost of which shall be a lien on the property. In addition, our office may issue you a civil penalty in the amount of $100.00 for each and every day you fail to comply with this order. North Carolina General Statute 160D-1123 states, you may appeal from this order to the Fayetteville Board of Appeals by giving notice of appeal in writing to me within 10 days following the issuance of this order.

For questions concerning permits, repairs to the structure or the demolition process, please contact the Code Enforcement Supervisor, Dereke Planter at 910-433-1706. If you have any other questions, please do not hesitate to call. I may be reached at 910-391-7605.

The City of Fayetteville's Economic & Community Development Department has programs that may assist with repair, demolition and redevelopment of your property. Call 910-433-1590 or visit https://www.fayettevillenc.gov/City-Departments/Economic-Community-Development for program descriptions and further information.

Thank you,

James Rutherford
Housing & Code Enforcement Division Manager

Cc: Branch Banking and Trust Company 2507 Bragg Boulevard Fayetteville, NC 28303
Harold and Theresa Johnson 1655 Shaker Dunedin, Florida 34698

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0507

Agenda Date: 8/11/2026 **Version:** 1 **Status:** Agenda Ready

In Control: Zoning Commission **File Type:** Evidentiary Hearing

Agenda Number: 4.02

TO: **Zoning Commission**

THRU: **Jennifer C. Baptiste, Planning & Zoning Division Manager**

FROM: **Craig Harmon, Senior Planner**

DATE: **August 11, 2026**

RE:
A26-33: A variance at 5103 Hayden Lane (0405976938000) to reduce the rear setback to 24 feet in a Single-Family Residential 10 (SF-10) zoning district owned by Raffaella Massa of Castle Rising Properties LLC.

COUNCIL DISTRICT(S):
5 - Councilman Lynn Greene

Relationship To Strategic Plan:
Strategic Operating Plan FY 2025
Goal III - The City of Fayetteville will be a city invested in Today and Tomorrow.

- Objective 3.2: To manage the city's future growth and strategic land use.

Goal IV - The City of Fayetteville will be a highly desirable place to live, work and recreate.

- Objective 4.5: To ensure a place for people to live in great neighborhoods.

Executive Summary:
Castle Rising Properties, LLC requests an 11-foot variance from the required 35-foot rear-yard setback for the property at 5103 Hayden Lane. The variance would allow a single-family residence to be located onto the SF-10-zoned lot with an approximate rear setback of 24 feet. The request applies only to the rear setback, and the applicant states that all other applicable zoning requirements will be met.
The applicant states that the lot's irregular shape, angled property lines, and curved road frontage limit the available buildable area and make compliance with both the required front and rear setbacks impractical.
According to the application, the requested relief is the minimum necessary to permit reasonable residential use of the property, maintain appropriate spacing from adjoining properties, and preserve the residential character of the surrounding area without adversely affecting public safety or welfare.

Background:
Owners: Castle Rising Properties, LLC
Applicant: Raffaella Massa, Castle Rising Properties LLC
Requested Action: Variance to reduce the rear yard setback by 11 feet to 24 feet in a zoning district where a 35 feet setback is required.
Zoning District: SF-10 - Single-Family Residential 10
Property Address: 5103 Hayden Ln

Size: 0.26 acres ±
Existing Land Use: Vacant
Surrounding Zoning and Land Uses

- North: CC - Single-family residential
- South: R10 - County Single-family residential
- East: SF-10 - Single-family residential
- West: SF-10 - Single-family residential

Letters Mailed: Notices sent to all owners within a 300-ft. buffer of the subject parcel (21 addresses on the culled mailing list).

Issues/Analysis:

Castle Rising Properties, LLC requests an 11-foot variance from the required 35-foot rear-yard setback for the SF-10-zoned property at 5103 Hayden Lane. The proposed placement of an existing single-family residence would be then be required to meet an approximate rear setback of 24 feet. The request is limited to the rear-yard setback, and the applicant states that all other applicable zoning requirements will be satisfied. The Zoning Commission must determine whether the evidence presented demonstrates that all five variance standards are met.

1. Practical Difficulties and Unnecessary Hardship

Applicant's Response: The applicant states that strict application of the 35-foot rear setback creates a hardship because the lot's irregular shape and dimensions significantly limit the available buildable area. According to the application, the residence cannot reasonably be placed on the lot while complying with all other required setbacks, and the requested 11-foot reduction is the minimum relief necessary to allow reasonable residential use.

2. Unique Circumstances Related to the Land

Applicant's Response: The applicant identifies the lot's angled property lines, curved road frontage, and overall configuration as circumstances unique to the property. The application states that these conditions were not created by the property owner and are not common to the surrounding neighborhood. It further states that complying with both the 30-foot front setback and the 35-foot rear setback is impractical because of the parcel's layout.

3. Minimum Action Necessary

Applicant's Response: The applicant states that the requested variance is the minimum action necessary to permit reasonable residential use of the property. The proposed placement is described as providing a practical and balanced site layout while maintaining reasonable spacing from adjoining properties and remaining compatible with surrounding development.

4. Harmony with the Ordinance

Applicant's Response: The applicant states that the variance would allow reasonable residential use of a legally created lot while preserving the residential character of the surrounding neighborhood. The proposed use is a single-family residence, and the applicant states that the placement would not adversely affect adjoining properties, public safety, or general welfare.

5. Public Safety, Welfare, and Substantial Justice

Applicant's Response: The applicant states that granting the variance would not negatively affect public safety or welfare because the property would remain in residential use and the requested relief is limited to the amount necessary to address

the lot's configuration. The applicant further states that approval would allow reasonable use of the property while maintaining compatibility with nearby residences. The Commission should determine whether the applicant has presented competent evidence that all five variance standards are met based on the information presented in the application and testimony given during the evidentiary hearing. Any approval should include specific findings for each standard and remain subject to all other applicable zoning, building, fire, stormwater, and permitting requirements.

Budget Impact:
No significant City budget impact is anticipated. Staff review and administrative costs are expected to be absorbed within existing departmental resources.

Options:
The Board may approve, deny, or approve with conditions. Its decision must rely solely on the record and the five required findings of fact. Approval is appropriate only if competent, material, and substantial evidence supports each finding. If any single finding is not supported, the correct action is denial.
A member who believes the evidence satisfies all findings may move to approve and should briefly recap the evidence for each finding. If one or more findings are not met, a motion to deny should identify the specific finding(s) and explain why, with citation to the record.
When granting approval, the Board may attach reasonable, related, evidence-based conditions to ensure the findings are met. Deliberations should focus on concise discussion tied to each required finding.

Case A26-33 - Possible Motions and Required Findings
(Rear-yard setback variance for a single-family home at 5103 Hayden Ln., PIN 0405976938000; SF-10 zoning with a 35-ft. rear setback standard. Requested reduction: 11 ft. - proposed rear setback 24 ft.)

Motion to Approve (as requested)
Motion: Approve a variance to reduce the required SF-10 rear yard setback in UDO §30-3.D.3 from 35 feet to 24 feet (an 11-foot variance) to allow a single family home at 5103 Hayden Ln., as depicted on the submitted site plan in the record.
Findings of Fact required for approval (all five must be supported by competent, material, and substantial evidence):

1. Practical difficulties / unnecessary hardships: Strict application would cause practical difficulties or unnecessary hardships, shown by:
2. Unique land-related circumstances / not self-created: Any hardship stems from unique, land-related circumstances and not the applicant's actions, shown by:
3. Minimum action: This is the least modification necessary to enable a reasonable use, shown by:
4. Harmony with the Ordinance; spirit preserved: The variance is in harmony with the UDO's purpose and preserves its spirit, shown by:
5. Public safety, welfare, and substantial justice: Granting assures public safety and welfare and achieves substantial justice, shown by:

Motion to Approve with Conditions
Motion: Approve a variance to reduce the required SF-10 rear yard setback in UDO §30-3.D.3 from 35 feet to 24 feet (an 11-foot variance) to allow a single family home at 5103 Hayden Ln., as depicted on the submitted site plan in the record. **with the following conditions** tied to the exhibits and findings:

Findings of Fact for conditional approval (all five must be supported):

1. Practical difficulties / unnecessary hardships (as conditioned):
2. Unique land-related circumstances / not self-created (as conditioned):
3. Minimum action (as conditioned):
4. Harmony with the Ordinance; spirit preserved (as conditioned):
5. Public safety, welfare, and substantial justice (as conditioned):

Example conditions (tailor to the record):

1. **Location & setback floor:** The garage shall be constructed substantially as shown on the submitted site plan; the rear setback shall be **no less than 18.88 feet** at any point. Any relocation requires new approval.
2. **Lot coverage compliance:** Total building coverage shall remain at or below the SF-10 **30% lot coverage maximum**; zoning review shall verify at permitting stage.
3. **Drainage control:** Roof runoff from the addition shall be directed on-site (gutters/downspouts/splash blocks or equivalent) so as not to discharge onto adjacent lots or rights-of-way; no grading into adjoining properties.
4. **Code/permit conformance:** The project must comply with all applicable codes and obtain required permits; staff shall verify conformance with the approved exhibits and these conditions at permit and inspection.

Motion to Deny

Motion: Deny the variance to reduce the SF-10 rear yard setback for a single family home at 5103 Hayden Ln.

Findings statements supporting denial (identify which findings are not met and why):

1. Insufficient evidence that strict application causes practical difficulties or unnecessary hardships, because:
2. Insufficient evidence that any hardship arises from unique land-related circumstances rather than the applicant's actions, because:
3. Insufficient evidence that the request is the minimum action necessary to allow reasonable use, because:
4. Insufficient evidence that the request is in harmony with the Ordinance and preserves its spirit, because:
5. Insufficient evidence that public safety and welfare are assured and that substantial justice would be done, because:

Recommended Action:

Because A26-33 is a quasi-judicial variance, staff does not recommend approval or denial. The Board must base its decision solely on competent, material, and substantial evidence presented at the evidentiary hearing. Due-process requirements prohibit staff from advocating either way.

The burden of proof remains with the applicant. The Board - not staff - must make the findings and the final determination.

Attachments:

1. Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Map
5. Subject Property Photos
6. Surrounding Property Photos

7. Plot Plan

Planning & Zoning
433 Hay Street
Fayetteville, NC 28301
910-433-1612
www.fayettevillenc.gov

Project Overview #2156130

Project Title: 5103 Hayden Lane House Placement Variance
Application Type: 5.4) Variance
Workflow: Staff Review
Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 5103 HAYDEN LN (0405976938000)
Zip Code: 28304

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: Cumberland County Tax Office GIS system

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 5103 HAYDEN LN

Variance Request Information

Requested Variances: Minimum yard/setback

Section of the City Code from which the variance is being requested.: Minimum residential yard setback requirements

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:
Castle Rising Properties, LLC requests an 11-foot variance from the required 35-foot rear yard setback to allow the relocation of an existing single-family residence onto the property at 5103 Hayden Lane. The proposed residence will have an approximate 24-foot rear setback. The request is limited to the rear setback requirement, and all other applicable zoning standards will be met.

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:
The subject property is zoned SF-10. The surrounding properties consist of a mix of single-family residential uses and commercial property. The properties adjacent to the north, east, and south are developed with or intended for residential use, while a commercial property is located adjacent to the west. The requested variance will not alter the residential character of the neighborhood and is compatible with surrounding development

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that **all** of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

2. Any practical difficulties or unnecessary hardships result from unique
3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Please describe how strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.:
Strict application of the 35-foot rear setback requirement creates a practical difficulty because of the unique shape and dimensions of the lot. Although the property is a legally created residential lot, its irregular configuration significantly limits the available buildable area. The proposed project involves relocating an existing single-family residence to the property. Without the requested rear setback variance, the home cannot be reasonably placed on the lot while meeting all required setbacks. The hardship results from the physical characteristics of the property rather than any action of the applicant. The requested 11-foot rear setback variance is the minimum necessary to allow reasonable residential use of the property.

Please describe how 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 actions of the landowner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance.:
The practical difficulty results from the unique shape and configuration of the property, including angled property lines and curved road frontage. These conditions are specific to the lot itself and are not the result of actions by the property owner or conditions common to the surrounding neighborhood. Due to the layout of the parcel, meeting both the required 30-foot front setback and 35-foot rear setback is impractical while reasonably placing the residence on the property.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:
The requested variance is necessary to allow reasonable residential use of the property given its unique shape and configuration. The proposed placement of the existing single-family residence provides a practical and balanced site layout that is compatible with surrounding development. The requested rear setback relief allows the home to be located in an appropriate position on the lot while maintaining reasonable spacing from adjacent properties and supporting a functional site design.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:
The requested variance is consistent with the purpose and intent of the zoning ordinance because it allows reasonable residential use of a legally created lot while respecting the character of the surrounding neighborhood. The proposed relocation of an existing single-family residence is compatible with nearby development and will not adversely affect adjacent properties, public safety, or the general welfare. Granting the requested variance preserves the spirit of the ordinance while addressing the unique physical characteristics of this property.

Height of Sign Face : 0

Height of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:

Height of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

> Granting the requested variance will not negatively impact public safety or welfare because the property will continue to be used for a residential purpose consistent with the surrounding neighborhood. The variance request is limited to the minimum setback relief necessary due to the unique shape and layout of the lot. Approval of the variance will allow reasonable use of the property while maintaining compatibility with nearby residential properties and preserving the intent of the zoning ordinance.

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Primary Contact Information

Project Owner
Raffaella Massa
Castle Rising Properties LLC
2448 Hope Mills Road
Fayetteville , NC 28304
P:910-725-5200
Crpllc@yahoo.com

Project Contact - Agent/Representative
Raffaella Massa
Castle Rising Properties LLC
2448 Hope Mills Road
Fayetteville , NC 28304
P:910-725-5200
Crpllc@yahoo.com

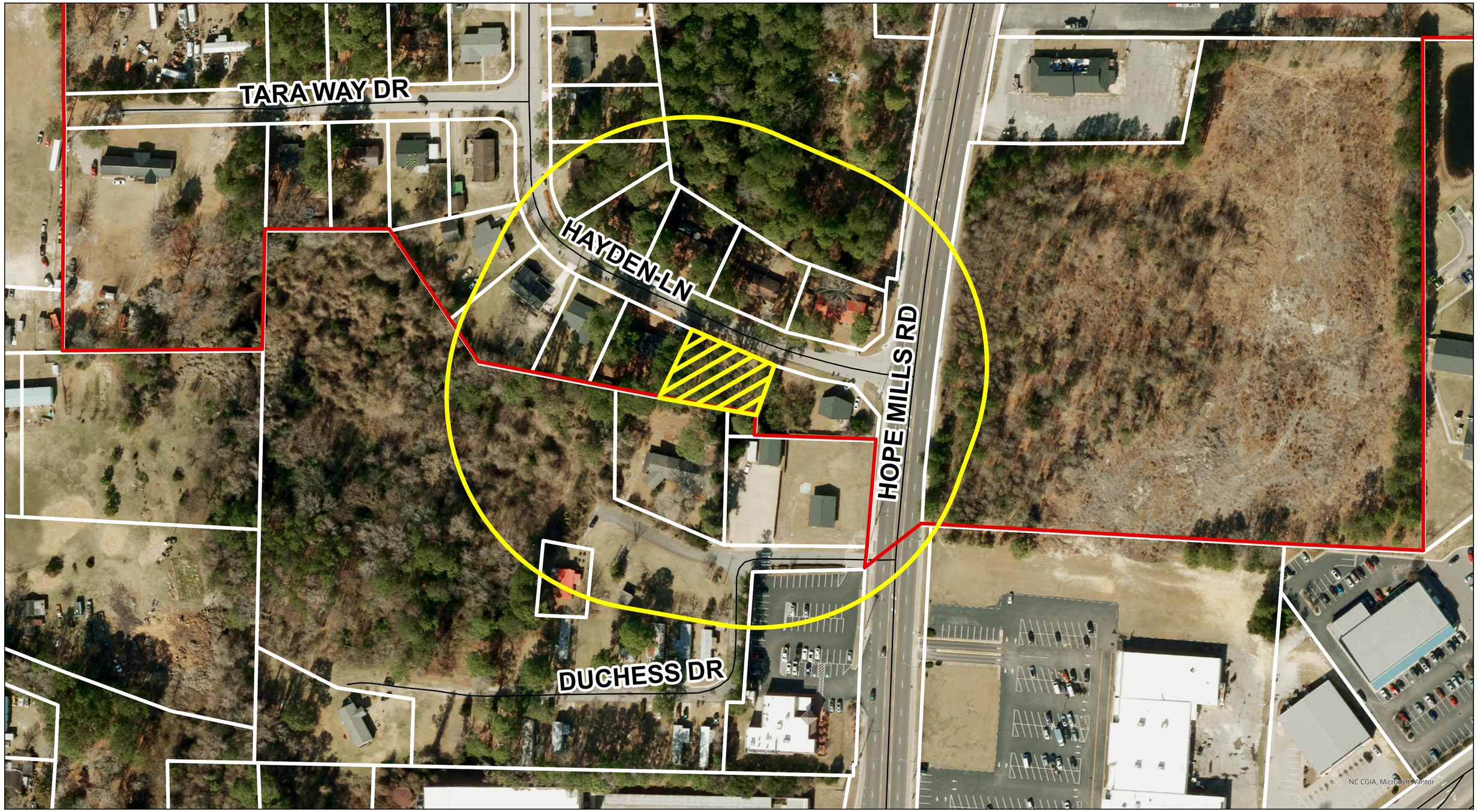
Indicate which of the following project contacts should be included on this project:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds $40,000. :

NC State Electrical Contractor #1 License Number:
NC State Electrical Contractor #2 License Number:
NC State Electrical Contractor #3 License Number:

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:
NC State Mechanical Contractor's #2 License Number:
NC State Mechanical Contractor #3 License Number:
NC State Plumbing Contractor #1 License Number:
NC State Plumbing Contractor #2 License Number:



Aerial Notification Map

Case #: A26-33

Request: Reduction of rear setback
Location: 5103 Hayden Ln (0405976938000)

City Boundary

Streets

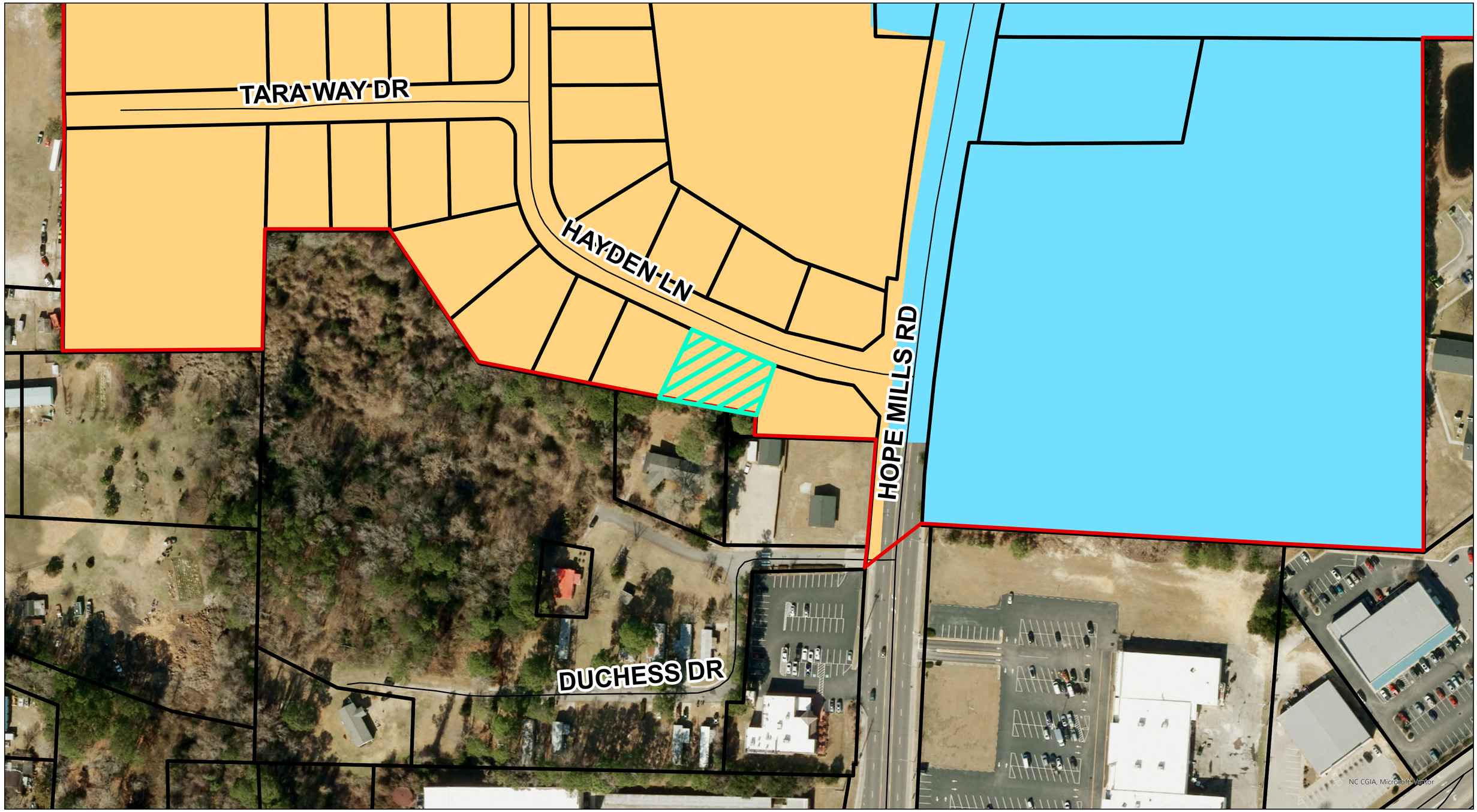
A26-33

A26-33 Buffer

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE N.C.
AMERICA'S CAN DO CITY



Future Land Use Map

Case #: A26-33

Request: Reduction of rear setback

Location: 5103 Hayden Ln (0405976938000)

City Boundary

MDR - MEDIUM DENSITY

OI - OFFICE / INSTITUTIONAL

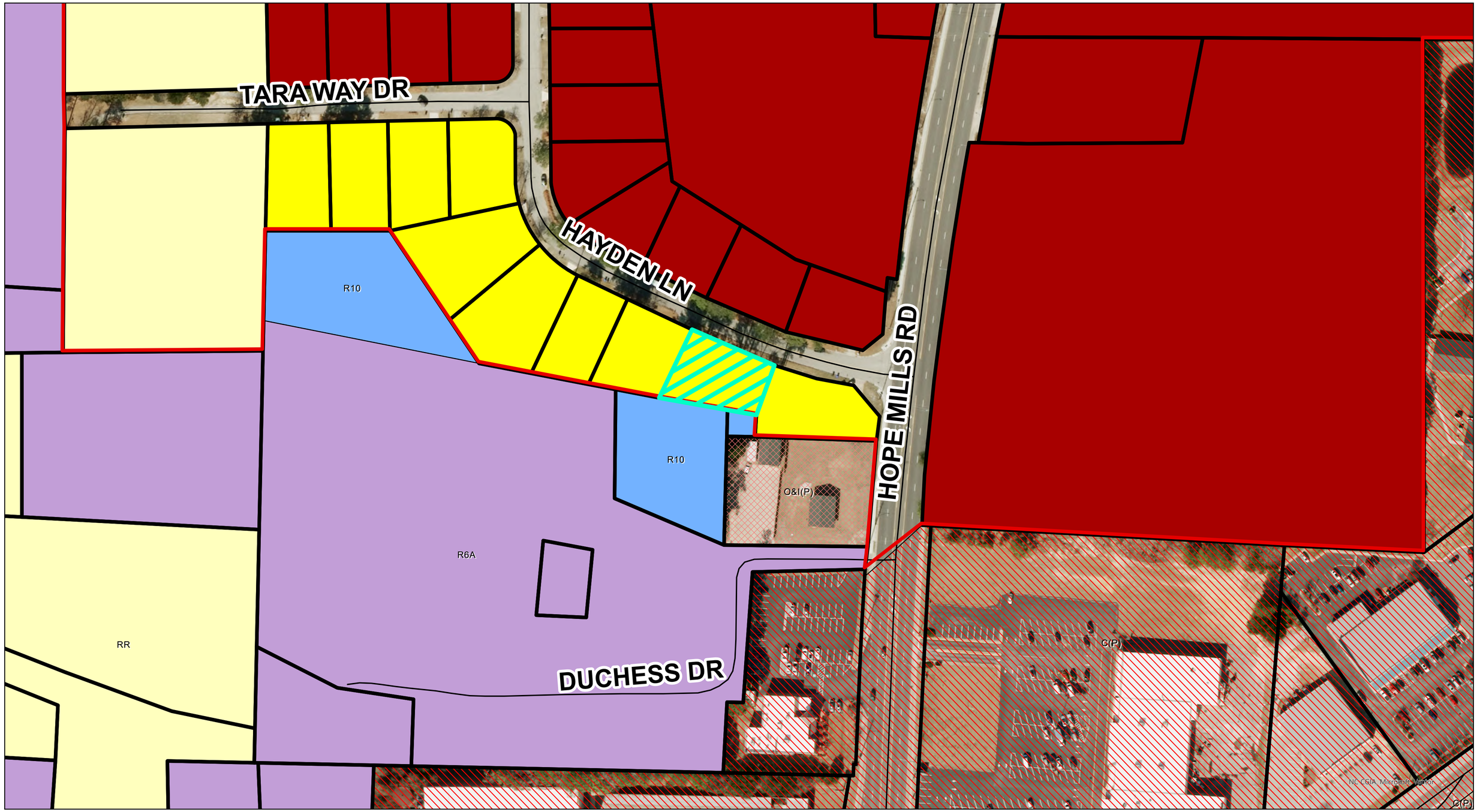
Streets

A26-33

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE NC
AMERICA'S CAN DO CITY



Zoning Map

Case #: A26-33

Request: Reduction of rear setback

Location: 5103 Hayden Ln (0405976938000)

- CC - Community Commercial
- SF-6 - Single-Family Residential 6
- SF-10 - Single-Family Residential 10
- City Boundary
- Streets
- A26-33

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

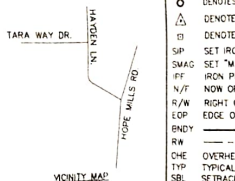
N

FAYETTEVILLE NC
AMERICA'S CAN DO CITY

Subject Property

FAYETTEVILLE NC

Surrounding Properties



LEGEND

O	DENOTES A BOUNDARY CORNER SET/FOUND
△	DENOTES A "MAG"/PK (CONTROL)
⊡	DENOTES A CONCRETE MONUMENT
SIP	SET IRON PIPE
SMAG	SET "MAG" NAIL CONTROL
IPF	IRON PIPE FOUND
N/F	NOW OR FORMERLY
R/W	RIGHT OF WAY
EOP	EDGE OF PAVEMENT
BNDY	———
RW	— — — — — —
OHE	OVERHEAD ELECTRICAL
TYP	TYPICAL
SBL	SETBACK LINE

ALL PROPERTY CORNERS DISTINGUISHED BY IRON PIPES UNLESS OTHERWISE NOTED.

NOTES:

1. NO HORIZONTIAL CONTROL FOUND WITHIN 2,000 FEET OF SUBJECT PROPERTY.
2. "NON CONFORMING STRUCTURES HAVE NOT BEEN CREATED BY THIS PLAT MAP".
3. AREA COMPUTED BY CO-ORDINATES.
4. REFERENCES. SEE DRAWING
5. P.I.N./REID. SEE DRAWING
6. ALL ACREAGE IS MORE OR LESS.
7. PROPERTY IS SUBJECT TO ALL EASEMENTS OF RECORD OR OTHERWISE.

NOTE: THIS SURVEY WAS DONE WITHOUT A TITLE SEARCH PROVIDED OR OTHERWISE, AND IS BASED ON REFERENCED INFORMATION. THERE MAY EXIST OTHER DOCUMENTS WHICH COULD AFFECT THIS PROPERTY. NO RESPONSIBILITY IS ASSUMED BY THIS SURVEYOR FOR ANY CONDITIONS WHICH MAY PRESENTLY OR OTHERWISE EXIST BUT ARE UNKNOWN SUCH AS A "GEOGRAPHIC INFORMATION SYSTEM", "TOXIC OR HAZARDOUS WASTE MATERIALS", OR "CEMETERIES AND FLOOD AREAS".

ZONED: SF-10
FRONT: 30'
SIDE: 10'
REAR: 35'; 20' When corner side setback is 30' or more

NOTE: OWNERS NAME & ADDRESS:
CASTLE RISING PROPERTIES, LLC
P.O. BOX 87246,
FAYETTEVILLE, NC-28304

CERTIFICATE OF SURVEY AND ACCURACY

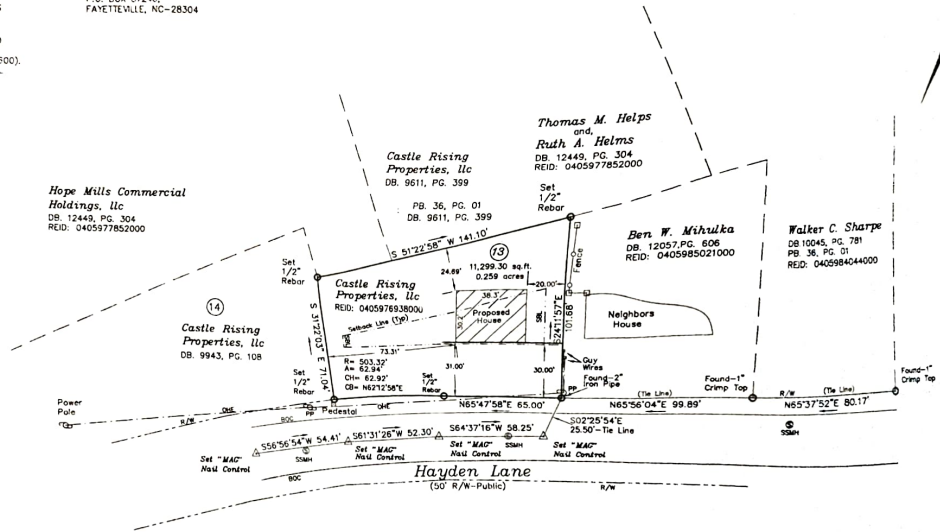
I, DENVER LEE McCULLOUGH, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DB. 9611, PG. 399, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN PB. 36, PG. 01; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THE PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21NCAC 56.1600). WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL

THIS 19th DAY OF JUNE, A.D., 2026.

DENVER LEE McCULLOUGH, PLS L-4182

I, DENVER LEE McCULLOUGH, HEREBY CERTIFY THAT THE STATEMENT BELOW APPLIES TO THIS MAP.

(C.) THAT THE SURVEY IS OF AN EXISTING PARCEL, OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.



MAP OF ADJUSTMENT FOR A ZONING VARIANCE
Physical Survey Of
DB. 9611, PG. 399
(See PB. 36, PG. 01)

GRAPHIC SCALE
40 0 20 40 80 160
(IN FEET)
1 inch = 40 ft.

"PRELIMINARY PLAT"
NOT FOR CONSTRUCTION,
RECORDATION,

Castle Rising Properties, LLC

Denver McCullough &
P.L.S. 4182
404 HOPE MILLS RD., SUITE B-4
FAYETTEVILLE, NC 28304
PHONE: 910-867-6024

273

TOWNSHIP: ROCKFISH | COUNTY: CUMBERLAND | DATE: 26 MAY 2026 | DRAWING

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0483

Agenda Date: 8/11/2026 **Version:** 1 **Status:** Agenda Ready

In Control: Zoning Commission **File Type:** Evidentiary Hearing

Agenda Number: 4.03

TO: **Zoning Commission**

THRU: **Jennifer C. Baptiste - Planning & Zoning Division Manager**

FROM: **Alannah Hudson - Planner I**

DATE: **August 11, 2026**

RE:
A26-34: A variance at 521 Suffolk Court (0530350151000) to reduce the corner side setback from 30 feet to 16.05 feet in a Single-Family Residential 10 (SF-10) zoning district owned by Pertrilla Poe.

COUNCIL DISTRICT(S):
District 1 - Council Member Dr. Stephon Ferguson

Relationship To Strategic Plan:
Goal 4: A Thriving, Livable Community

Objective 4.5: Support the development of vibrant, well-connected neighborhoods that enrich the quality of life for all residents.

Executive Summary:
The applicant is requesting a variance from the Unified Development Ordinance to reduce the required corner side setback, from 30 feet to 16.05 feet.

Per Section 30.2.C.14, variances are intended to provide relief from dimensional standards in cases where exceptional conditions - beyond the landowner's control - create a unique hardship under the strict application of the Ordinance. Variances do not authorize changes to permitted uses or modify conditions of approval, and they are to be granted only under limited and specific circumstances.

Background:
Owner: Pertrilla M. Poe
Applicant: Michael Brown
Requested Action: Reduce setbacks to allow construction of a residential carport
Zoning District: SF-10 (Single Family Residential 10 District)
Property Address: 521 Suffolk Ct
Size: 0.28 acres ±
Existing Land Use: Single Family Residential
Surrounding Zoning and Land Uses:

- North - SF-10 Single Family Residential
- South - SF-10 Single Family Residential
- East - SF-10 Single Family Residential
- West - SF-10 Single Family Residential

Issues/Analysis:

The request is for a variance from the minimum setbacks established in Article 30-3.D.5 of the Unified Development Ordinance (UDO) for properties zoned SF-10 (Single Family Residential 10), which requires buildings to be 30 feet from the corner side property line.Per the applicant, complying with the required setbacks in this zoning district would restrict the property owner from constructing a desired carport to store vehicles out of the elements. Applicant states this variance is needed because the lot is a corner lot, reducing the amount of usable square footage of their property.

Insufficient Justification for a Variance:

The following do not constitute valid grounds for granting a Variance:

- The existence of conforming or nonconforming uses or structures elsewhere in the same or other zoning districts;
- A request to establish a use that is expressly or implicitly prohibited within the zoning district; or
- Claims of economic hardship or increased profitability that would result from approval of the Variance.

Findings of Fact (Based on Applicant's Responses):

1. **There is sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:**

The applicant states the subject property is a corner lot with two street frontages, which results in larger required setback areas than a typical interior lot. According to the applicant these additional setback requirements significantly reduce the available buildable area on the property. The existing residence and driveway location further limit where an attached residential carport can reasonably be constructed.

The proposed 20-foot by 20-foot open carport is designed to be located over the existing driveway and attached to the home. Strict application of the 30-foot setback requirement creates a practical difficulty by preventing construction in the only functional location available. The applicant states that the requested 13.95-foot setback variance is the minimum relief necessary to allow a customary residential improvement while maintaining compatibility with the surrounding neighborhood. According to the applicant the proposed carport will not adversely affect public safety, traffic visibility, drainage, or neighboring properties.

2. **There is sufficient evidence that any practical difficulties or unnecessary hardships result from unique circumstances related to the land and are not the result of the actions of the landowner, as shown by the following evidence:**

The applicant states that the practical difficulties associated with the request result from the property's unique physical characteristics. The subject property is a corner lot with frontage on both Suffolk Court and Westminster Drive, which creates larger required setback areas than would apply to a typical interior lot. According to the applicant, these setback requirements, together with the existing location of the residence and driveway, substantially limit the area available for construction of an

attached carport.

The applicant further states that these conditions are inherent to the property and were not created by the current owner. The requested variance is based solely on the lot's configuration and location and is not related to personal circumstances or actions by the owner. The applicant maintains that the requested setback reduction is the minimum relief necessary to construct a customary residential carport over the existing driveway while remaining compatible with surrounding single-family residences.

3. **There is sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:**

The applicant states that the requested variance represents the minimum action necessary to allow reasonable use of the property. The proposed 20-foot by 20-foot attached open carport would be constructed over the existing driveway, which the applicant identifies as the only practical location because of the corner-lot configuration, required setbacks, and existing placement of the residence.

The applicant further states that reducing the required 30-foot setback to 16.05 feet, a variance of 13.95 feet, is the minimum relief needed to accommodate the structure. According to the applicant, any further reduction in the requested variance would prevent construction of a functional two-car carport in the only feasible location. The applicant maintains that no additional relief is being requested, and that the improvement would remain compatible with the residential character of the surrounding neighborhood.

4. **There is sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:**

The applicant states that granting the requested variance would remain in harmony with the general purpose and intent of the City of Fayetteville Unified Development Ordinance by allowing a customary residential accessory structure while preserving the character of the surrounding neighborhood. The proposed 20-foot by 20-foot attached open carport would be constructed with materials and a roof design that match the existing residence, helping maintain a consistent appearance with the property and nearby homes.

The applicant further states that the variance would not adversely affect public health, safety, or welfare. According to the applicant, the proposed carport would not obstruct traffic visibility, interfere with drainage, or negatively affect neighboring properties. The applicant maintains that the request is limited to the minimum setback relief necessary because of the property's corner-lot configuration and existing improvements, and that approval would preserve the intent of the ordinance while allowing a reasonable residential improvement.

5. **There is sufficient evidence that in the granting of the Variance, the public**

safety and welfare have been assured, and substantial justice has been done, as shown by the following evidence:
The applicant states that granting the requested variance would protect public safety and welfare while allowing reasonable use of the property. The proposed 20-foot by 20-foot attached open carport would be constructed in accordance with all applicable North Carolina Building Code and City permitting requirements. According to the applicant, the open-sided structure would not obstruct traffic visibility, interfere with drainage, or impede access for emergency services or utilities.

The applicant further states that the proposed carport would be compatible with the surrounding single-family neighborhood by matching the existing residence in design, roof pitch, and exterior materials. The applicant maintains that approval of the requested 13.95-foot setback variance would not adversely affect neighboring properties or the public interest. Instead, it would allow a customary residential improvement on a uniquely constrained corner lot while preserving the intent of the Unified Development Ordinance and providing substantial justice.

Budget Impact:
There is no immediate budgetary impact associated with this request.

Options:
The board has the authority to approve or deny the request based on the five required findings of fact. Members must assess the evidence and determine whether the applicant has sufficiently demonstrated practical difficulties or unnecessary hardships based on the land's unique characteristics.

If a member believes that the evidence presented is substantial, competent, and sufficient to meet the required findings of fact, then the member may make a motion to approve the variance. The members must state all five findings of fact, along with the evidence presented to support each finding.

If the members cannot find specific supporting facts under any of the five findings of fact, they must consider a motion to deny the claim. The motion should indicate which of the five findings of fact cannot be met.

The board can also place reasonable conditions on the variance approval.

If a member wishes to make a motion to approve the variance, they should provide a brief statement recapping the evidence that supports each of the five findings of fact. Any discussion by the Board following a motion may include a recap of the evidence supporting each of the five factual findings.

Possible Motions and Factual Findings:

Motion to approve a variance to reduce the corner side yard setback from 30 feet to 16.05 feet.

Findings of Fact Required to Approve this Request:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

_____
__

2. Any practical difficulties or unnecessary hardships resulting from unique circumstances related to the land. They are not the result of the actions of the landowner, as shown by the following evidence:

_____
__

3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

_____
_

4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

_____
__

5. In the granting of the Variance, the public safety and welfare have been assured, and substantial justice has been done, as shown by the following evidence:

_____
__

The motion is to approve the variance(s) as requested but with added conditions.

Findings of Fact Required to Approve this Request with added conditions:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

_____

2. Any practical difficulties or unnecessary hardships resulting from unique circumstances related to the land. They are not the result of the actions of the landowner, as shown by the following evidence:

_____

3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

_____

4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

_____

5. In the granting of the Variance, the public safety and welfare have been assured, and substantial justice has been done, as shown by the following evidence:

_____

Motion to deny the variance as requested.

Findings of Fact Statements Required to Deny this Request:

1. There is not sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

_____

2. There is not sufficient evidence that any practical difficulties or unnecessary hardships result from unique circumstances related to the land and are not the result of the actions of the landowner, as shown by the following evidence:

_____

3. There is not sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

_____

4. There is not sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

_____

5. There is not sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:

_____

Recommended Action:
N/A

Attachments:

1. Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Map
5. Subject Property Photos
6. Surrounding Property Photos
7. Site Plan

Planning & Zoning
433 Hay Street
Fayetteville, NC 28301
910-433-1612
www.fayettevillenc.gov

Project Overview #2241509

Project Title: 521 Suffolk ct
Application Type: 5.4) Variance
Workflow: Staff Review
Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 521 SUFFOLK CT (0530350151000)
Zip Code: 28311
Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: Cumberland County Tax Office GIS system

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 521 SUFFOLK CT

Variance Request Information

Requested Variances: Minimum yard/setback

Section of the City Code from which the variance is being requested.: Chapter 30 Article 3, Dimensional Standards, SF-10 Minimum Yard/Setback Requirements (Front/Corner Side Yard).

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:

Requesta variance from the minimum required 30-foot front/corner yard setback to allow construction of an attached 20-foot by 20-foot open residential carport with a proposed setback of 16.05 feet.

The property is located on a corner lot and is subject to two street

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:

The subject property is zoned SF-10 (Single-Family Residential). The properties immediately adjacent to the north, south, east, and west, as well as the properties across Suffolk Court and Westminster Drive, are also developed and used as single-family residential properties. The proposed attached open carport is compatible with the existing residential character of the neighborhood and will not alter the surrounding land uses.

frontages, which significantly reduce the available buildable area. The proposed carport is designed to be constructed over the existing driveway and attached to the residence. Due to the unique configuration of the lot and the location of the existing home, strict application of the setback requirements creates an unnecessary hardship by limiting the reasonable use of the property.

The requested 13.95-foot variance is the minimum relief necessary to allow construction of the proposed carport while maintaining compatibility with the surrounding neighborhood. The proposed structure will be open-sided, will match the existing residence, will not interfere with traffic visibility or drainage, and will not adversely affect neighboring properties.

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that **all** of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique
3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Please describe how strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.:

The subject property is a corner lot with two street frontages, which results in larger required setback areas than a typical interior lot. These additional setback requirements significantly reduce the available buildable area on the property. The existing residence and driveway location further limit where an attached residential carport can reasonably be constructed.

The proposed 20-foot by 20-foot open carport is designed to be located over the existing driveway and attached to the home. Strict application of the 30-foot setback requirement creates a practical difficulty by preventing construction in the only functional location available. The requested 13.95-foot setback variance is the minimum relief necessary to allow a customary residential improvement while maintaining compatibility with the surrounding neighborhood. The proposed carport will not adversely affect public safety, traffic visibility, drainage, or neighboring properties.

Please describe how 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 actions of the landowner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance.:

The practical difficulties associated with this request are caused by the unique physical characteristics of the property. The subject property is a corner lot with frontage on Suffolk Court and Westminster Drive, which results in larger required setback areas than a typical interior lot. These setback requirements significantly reduce the available buildable area. In addition, the existing location of the residence and driveway further limits where an attached carport can be reasonably constructed.

These conditions are inherent to the property and were not created by the current property owner. The requested variance is based solely on the unique configuration and location of the lot and is not the result of personal circumstances or actions taken by the owner. The requested

setback reduction is the minimum relief necessary to allow construction of a customary residential carport over the existing driveway while maintaining compatibility with surrounding single-family residences.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:

The requested variance is the minimum action necessary to allow reasonable use of the property. The proposed attached 20-foot by 20-foot open carport is designed to be constructed over the existing driveway, which is the only practical location due to the corner lot configuration, required setbacks, and existing location of the residence.

The requested reduction from the required 30-foot setback to a proposed 16.05-foot setback (13.95-foot variance) is the minimum relief necessary to accommodate the structure. Reducing the size of the variance further would prevent construction of a functional two-car carport in the only feasible location. The request does not seek any additional relief beyond what is necessary and will preserve the residential character of the neighborhood while allowing a customary residential improvement.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:

Granting the requested variance will remain in harmony with the general purpose and intent of the City of Fayetteville Unified Development Ordinance by allowing a customary residential accessory structure while preserving the character of the surrounding neighborhood. The proposed 20-foot by 20-foot attached open carport will be constructed using materials and a roof design that match the existing residence, maintaining the appearance of the property and surrounding homes.

The requested variance will not adversely affect public health, safety, or welfare, will not obstruct traffic visibility, interfere with drainage, or negatively impact neighboring properties. The request is limited to the

minimum setback relief necessary because of the propertys unique corner-lot configuration and existing improvements. Approval of this variance will preserve the spirit and intent of the ordinance while allowing a reasonable residential improvement consistent with the surrounding single-family neighborhood.

Height of Sign Face : 0

Height of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:

Granting the requested variance will protect the public safety and welfare while allowing the reasonable use of the property. The proposed 20-foot by 20-foot attached open carport will be constructed in accordance with all applicable North Carolina Building Code requirements and City permitting requirements. The structure will remain open-sided, will not obstruct traffic visibility at the intersection, interfere with drainage, or impede access for emergency services or utilities.

The proposed carport will be compatible with the surrounding single-family neighborhood by matching the existing residence in design, roof pitch, and exterior materials. Approval of the requested 13.95-foot setback variance will not adversely affect

Height of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

neighboring properties or the public interest. Instead, it will allow the owner to make reasonable use of a uniquely constrained corner lot while preserving the intent of the Unified Development Ordinance. Granting this variance ensures substantial justice by recognizing the unique physical characteristics of the property and allowing a customary residential improvement without creating harm to the community.

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Primary Contact Information

Project Owner
Pertrilla Mcphail

521 Suffolk Court
Fayetteville, NC 28311
P:(910) 322-7310
Pertrillamcphail@yahoo.com

Project Contact - Agent/Representative
Michael Brown
Platinum General Contractor LLC
1802 Slater Ave
Fayetteville, NC 28301
P:9107052565
Platinumgeneralcontractorllc@gmail.com

Indicate which of the following project contacts should be included on this project:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds $40,000. :

NC State Electrical Contractor #1 License Number:
NC State Electrical Contractor #2 License Number:
NC State Electrical Contractor #3 License Number:

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:
NC State Mechanical Contractor's #2 License Number:
NC State Mechanical Contractor #3 License Number:
NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Aerial Notification Map

Case #: A26-34

Request: Reduce the corner side setback from 30 feet to 16.05 feet
Location: 521 Suffolk Court (0530350151000)

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

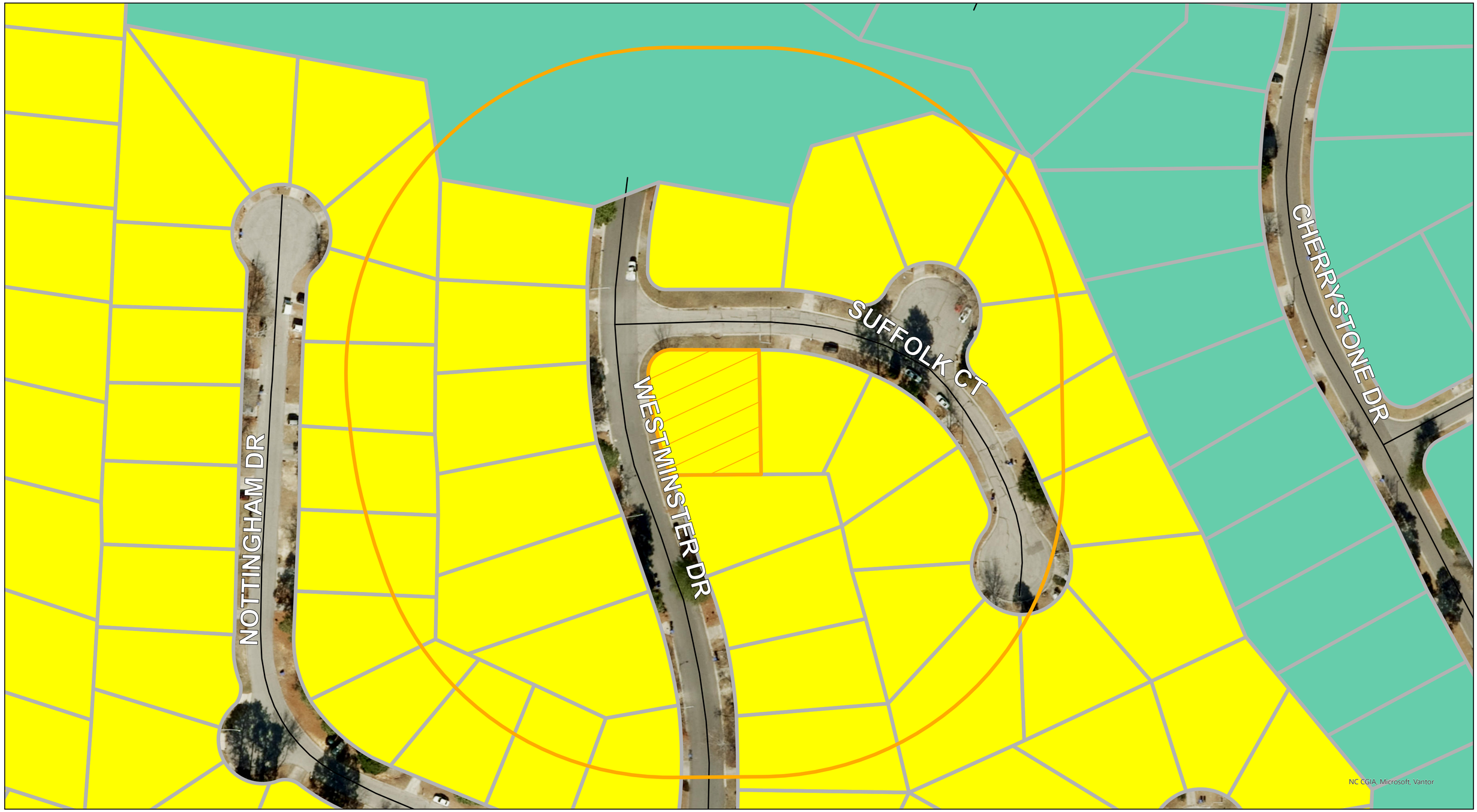
Streets

A26-34 Buffer

A26-34 Subject Parcel

N

FAYETTEVILLE NC
AMERICA'S CAN DO CITY



Zoning Map

Case #: A26-34

Request: Reduce the corner side setback from 30 feet to 16.05 feet
Location: 521 Suffolk Court (0530350151000)

PND - Planned Neighborhood Development

SF-10 - Single-Family Residential 10

Streets

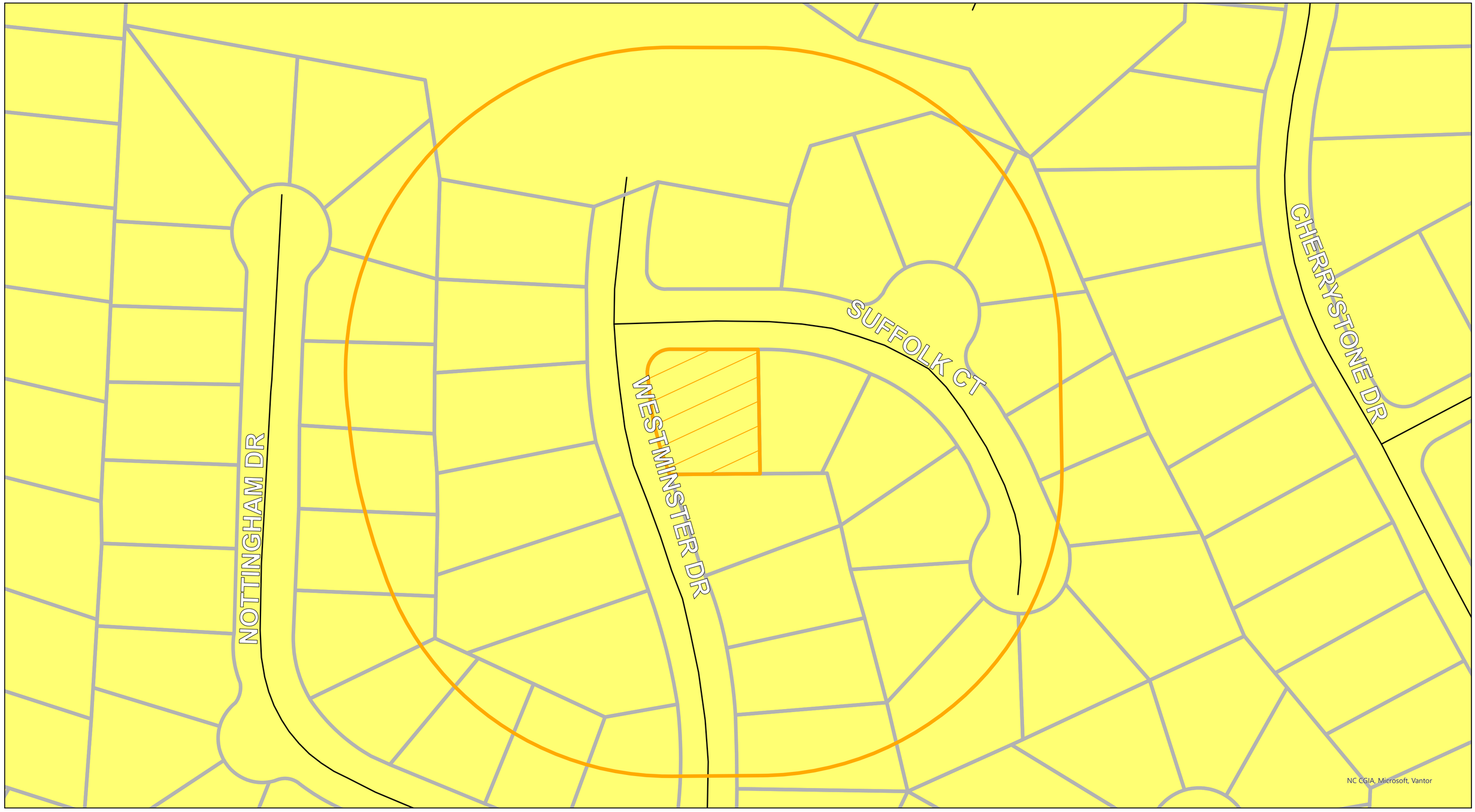
A26-34 Buffer

A26-34 Subject Parcel

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE NC
AMERICA'S CAN DO CITY



Future Land Use Map

Case #: A26-34

Request: Reduce the corner side setback from 30 feet to 16.05 feet
Location: 521 Suffolk Court (0530350151000)

LDR - LOW DENSITY

Streets

A26-34 Buffer

A26-34 Subject Parcel

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE NC
AMERICA'S CAN DO CITY

FAYETTEVILLE NC

Subject Property

FAYETTEVILLE NC

Surrounding Properties

North

South

East

West

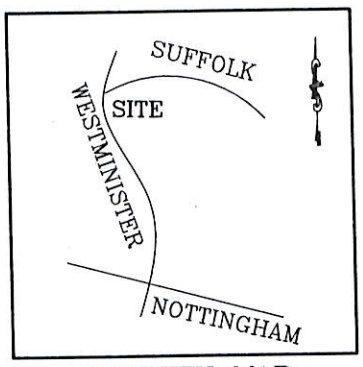
NOTE : CONTRACTOR TO VERIFY ALL BUILDING SETBACKS & DIMENSIONS PRIOR TO CONSTRUCTION.

LEGEND

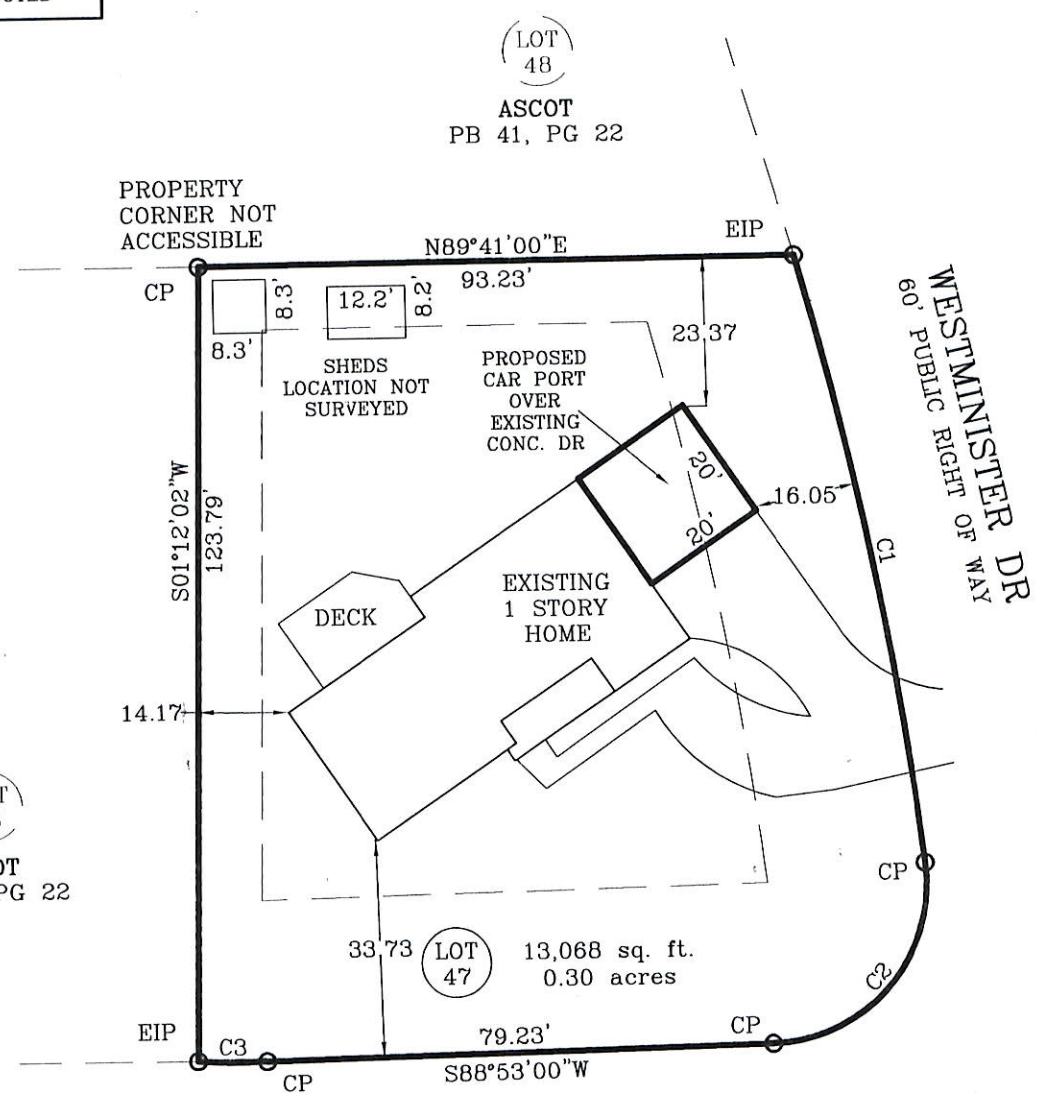
○	DENOTES IRON PIPE OR BREAK IN LINE
△	DENOTES CONTROL CORNER
□	CONCRETE MONUMENT
EIP	EXISTING IRON PIPE
EIR	EXISTING IRON REBAR
SIR	SET IRON REBAR
EPK	EXISTING "PK" NAIL
CP	COMPUTED POINT

NOTE: 1/2" REBAR SET AT ALL PROPERTY CORNERS FLUSH WITH THE GROUND UNLESS OTHERWISE NOTED

PB 41, PG 22



VICINITY MAP
(NO SCALE)



SUFFOLK CT
60' PUBLIC RIGHT OF WAY

ZONED FAYETTEVILLE SF-10
SETBACKS:
FRONT- 30' OR 55' FROM CL R/W
SIDE- 10'
REAR- NA

LOT AREA- 13068 SQ FT
HOUSE, DECK AND DRIVE- 3353 SQ FT
SHEDS- 169 SQ FT
IMPERVIOUS- 3522 SQ FT; 26.95%

PLOT PLAN

BUILDER: BROWN
OWNER: POE
ADDRESS: 521 SUFFOLK CT
CITY OF: FAYETTEVILLE
COUNTY OF: CUMBERLAND

TOWNSHIP OF: CROSS CREEK
DATE: 12 JUN 26
SCALE: 1" = 30'
REFERENCE: PB 41, PG 22

NORTH CAROLINA PROFESSIONAL SEAL L-4908 LAND SURVEYOR MICHAEL E ROGERS

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD BRNG	CHORD DIST
C1	97.00	610.65	N11°03'45"W	96.90'
C2	41.62	25.01	N41°10'25"E	36.98'
C3	10.86	95.77	S88°55'00"E	10.85'

GRAPHIC SCALE
30 0 15 30
(IN FEET)
1 inch = 30 ft.

THIS MAP CAN NOT BE USED FOR RECORDATION OR ATTACHED TO A DEED TO BE RECORDED. THIS MAP IS NOT DRAWN IN ACCORDANCE WITH GS 47-30.

I, MICHAEL E. ROGERS, CERTIFY THAT THIS MAP IS FOR THE PURPOSE OF PERMITTING ONLY, IT IS NOT A SURVEY AND NO RELIANCE MAY BE PLACED ON ITS ACCURACY. THE STRUCTURE SHOWN ON THIS PLOT PLAN IS PLACED ACCORDING TO THE INSTRUCTIONS GIVEN BY THE BUILDER. ALL DIMENSIONS AND SETBACKS SHOULD BE VERIFIED FOR COMPLIANCE WITH ZONING AND COVENANTS.

THE BOUNDARY AND LOT INFORMATION SHOWN ON THIS MAP IS TAKEN FROM THAT DOCUMENT DESCRIBED IN THE "REFERENCE" LINE SHOWN HEREON. THIS INFORMATION SHOULD BE CONFIRMED AS THE MOST CURRENT FOR THIS PROPERTY BEFORE ISSUANCE OF PERMITS OR COMMENCEMENT OF CONSTRUCTION. NO TITLE SEARCH WAS PERFORMED ON THIS PROPERTY BY THIS SURVEYOR.

MICHAEL E. ROGERS
PLS, L-4908; 1SG, USA (RET)
ROGERS SURVEYING
4849 LAURINBURG RD
RAEFORD, NC 28376
Phone: (910) 479-1744
mrogerssurvey.com

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0484

Agenda Date: 8/11/2026 **Version:** 1 **Status:** Agenda Ready

In Control: Zoning Commission **File Type:** Evidentiary Hearing

Agenda Number: 4.04

TO: **Zoning Commission**

THRU: **Jennifer C. Baptiste - Planning & Zoning Division Manager**

FROM: **Alannah Hudson - Planner I**

DATE: **August 11, 2026**

RE:
A26-35: A variance request to reduce required setbacks at 514 Quality Rd (0426944091000), owned by Saribet M. Sandoval and Carmelo S. Noyola.

COUNCIL DISTRICT(S):
District 2 - Malik Davis

Relationship To Strategic Plan:
Goal 2: A Responsive City Government Driving Economic Diversity and Sustainability
· **Objective 2.1:** Expand and diversify the City's tax base to promote long-term fiscal resilience and economic stability.
Goal 4: A Thriving, Livable Community
· **Objective 4.5:** Support the development of vibrant, well-connected neighborhoods that enrich the quality of life for all residents.

Executive Summary:
The applicant is requesting a variance from the Unified Development Ordinance to reduce the required side yard setback, from 10 feet to 3.6 feet, post-construction.

Per Section 30.2.C.14, variances are intended to provide relief from dimensional standards in cases where exceptional conditions - beyond the landowner's control - create a unique hardship under the strict application of the Ordinance. Variances do not authorize changes to permitted uses or modify conditions of approval, and they are to be granted only under limited and specific circumstances.

Background:
Owner: Saribet M. Sandoval and Carmelo S. Noyola
Applicant: Saribet M. Sandoval
Requested Action: Reduce setbacks to allow construction on small parcel.
Zoning District: SF-6 (Single Family Residential 6 District)
Property Address: 514 Quality Rd
Size: 0.10 acres ±
Existing Land Use: Single Family Residential
Surrounding Zoning and Land Uses:
- North - SF-6 Single Family vacant land abutting subject property
- South - SF-6 Single Family Residential and Quality Road frontage

- East - SF-6 Single Family Residential abutting subject property
- West - SF-6 Single Family Residential abutting subject property

Issues/Analysis:

The request is for a variance from the minimum setbacks established in Article 30-3.D.4 of the Unified Development Ordinance (UDO) for properties zoned SF-6 (Single Family Residential 6), which requires buildings to be 10 feet from the side property lines. The subject property, located at 514 Quality Road, has already been constructed 3.6 feet from the side property line at its closest.

Insufficient Justification for a Variance:

The following do not constitute valid grounds for granting a Variance:

- The existence of conforming or nonconforming uses or structures elsewhere in the same or other zoning districts;
- A request to establish a use that is expressly or implicitly prohibited within the zoning district; or
- Claims of economic hardship or increased profitability that would result from approval of the Variance.

Findings of Fact (Based on Applicant's Responses):

1. **There is sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:**

The applicant states the house is an investment property that we have been working on for over a year and the absence of the variance doesn't allow us to complete the project. There have been many set back from the inspectors requesting things like getting an engineer from the foundation and framing of the house. We had so many expenses to follow all the requirements for the inspectors and by now requesting this variance.

2. **There is sufficient evidence that any practical difficulties or unnecessary hardships result from unique circumstances related to the land and are not the result of the actions of the landowner, as shown by the following evidence:**

The applicant states that we have invested a lot of time and money but we don't see the end of the tunnel. We live in Charlotte and the commute has been difficult, we have people that work with us on our projects but we had to use people in the community of Fayetteville to work with us. We had so many requests from the inspectors from getting an engineer for the foundation and the framing of the house, also had to rent a portable potty for 4 to 5 months and the endless inspections fees.

3. **There is sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:**

The applicant states that by granting the Variance will give the opportunity for a family

in the community to enjoy a beautiful home and the land and structures will be the key for a family to build memories. Also the house gives a better appearance to the community and may inspire others in the community to upgrade their homes.

4. **There is sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:**

The applicant states the variance will provide peace of mind to my husband that wants to finish with this project and see the opportunity to invest on another home in Fayetteville hoping the process will not be to difficult the next time. I think the Variance will bring the spirit back and preserve to this project.

5. **There is sufficient evidence that in the granting of the Variance, the public safety and welfare have been assured, and substantial justice has been done, as shown by the following evidence:**

The applicant states by granting the Variance the public safety and welfare of the community will not be harmed and the right thing has been done. I truly believe if the inspection of the foundation had been done the Variance would have not been something that will be doing right now.

Budget Impact:
There is no immediate budgetary impact associated with this request.

Options:
The board has the authority to approve or deny the request based on the five required findings of fact. Members must assess the evidence and determine whether the applicant has sufficiently demonstrated practical difficulties or unnecessary hardships based on the land's unique characteristics.

If a member believes that the evidence presented is substantial, competent, and sufficient to meet the required findings of fact, then the member may make a motion to approve the variance. The members must state all five findings of fact, along with the evidence presented to support each finding.

If the members cannot find specific supporting facts under any of the five findings of fact, they must consider a motion to deny the claim. The motion should indicate which of the five findings of fact cannot be met.

The board can also place reasonable conditions on the variance approval.

If a member wishes to make a motion to approve the variance, they should provide a brief statement recapping the evidence that supports each of the five findings of fact. Any discussion by the Board following a motion may include a recap of the evidence supporting each of the five factual findings.

Possible Motions and Factual Findings:

Motion to approve a variance to reduce the side setback from 10 feet to 3.6 feet.

Findings of Fact Required to Approve this Request:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

_____

__

2. Any practical difficulties or unnecessary hardships resulting from unique circumstances related to the land. They are not the result of the actions of the landowner, as shown by the following evidence:

_____

__

3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

_____

_

4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

_____

__

5. In the granting of the Variance, the public safety and welfare have been assured, and substantial justice has been done, as shown by the following evidence:

_____

__

The motion is to approve the variance(s) as requested but with added conditions.

Findings of Fact Required to Approve this Request with added conditions:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

_____

2. Any practical difficulties or unnecessary hardships resulting from unique circumstances related to the land. They are not the result of the actions of the landowner, as shown by the following evidence:

_____

3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

_____

4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

_____

5. In the granting of the Variance, the public safety and welfare have been assured, and substantial justice has been done, as shown by the following evidence:

_____

Motion to deny the variance as requested.

Findings of Fact Statements Required to Deny this Request:

1. There is not sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

_____

2. There is not sufficient evidence that any practical difficulties or unnecessary hardships result from unique circumstances related to the land and are not the result of the actions of the landowner, as shown by the following evidence:

_____

3. There is not sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

_____

4. There is not sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

_____

5. There is not sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:

Recommended Action:
N/A

Attachments:
1. Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Map
5. Subject Property Photos
6. Surrounding Property Photos
7. Site Plan

Planning & Zoning
433 Hay Street
Fayetteville, NC 28301
910-433-1612
www.fayettevillenc.gov

Project Overview #2241558

Project Title: 514 Quality Rd
Application Type: 5.4) Variance
Workflow: Staff Review
Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 514 QUALITY RD (0426944091000)
Zip Code: 28306

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: Cumberland County Tax Office GIS system

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 514 QUALITY RD

Variance Request Information

Requested Variances: Minimum yard/setback

Section of the City Code from which the variance is being requested.: UDO Section for SF-6 Dimensional Standars: 30-3.D.4

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:
A permit was requested to do the foundation of the house. When the foundation of the house was done, the final inspection of the foundation was never completed. We requested the final inspection of the house and the inspector that went out requested a variance.

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:
Single Family 6 (SF-6)

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that **all** of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique

3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Please describe how strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.:
1.The house is an investment property that we have been working on for over a year and the absence of the variance doesn't allow us to complete the project. There have been many set back from the inspectors requesting things like getting an engineer from the foundation and framing of the house. We had so many expenses to follow all the requirements for the inspectors and by now requesting this variance.

Please describe how 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 actions of the landowner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance.:
We have invested a lot of time and money but we don't see the end of the tunnel. We live in Charlotte and the commute has been difficult, we have people that work with us on our projects but we had to use people in the community of Fayetteville to work with us. We had so many requests from the inspectors from getting an engineer for the foundation and the framing of the house, also had to rent a portable potty for 4 to 5 months and the endless inspections fees.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:
By granting the Variance will give the opportunity for a family in the community to enjoy a beautiful home and the land and structures will be the key for a family to build memories. Also the house gives a better appearance to the community and may inspire others in the community to upgrade their homes.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:
Definitely the variance will provide peace of mind to my husband that wants to finish with this project and see the opportunity to invest on another home in Fayetteville hoping the process will not be to difficult the next time. I think the Variance will bring the spirit back and preserve to this project.

Height of Sign Face : 0
Height of Sign Face: 0
Square Footage of Sign Face : 0
Square Footage of Sign Face: 0
Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:
Yes by granting the Variance the public safety and welfare of the community will not be harmed and the right thing has been done. I truly believe if the inspection of the foundation had been done the Variance would have not been something that will be doing right now.

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Height of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Project Owner
Saribet Sandoval

514 Quality Road
Fayetteville , NC 28306
P:9089220118
saribet04@icloud.com

Indicate which of the following project contacts should be included on this project: Other

Project Contact - Agent/Representative
Saribet Sandoval

514 Quality Road
Fayetteville , NC 28306
P:9089220118
saribet04@icloud.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds $40,000. :

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Aerial Notification Map

Case #: A26-35

Request: Reduce the side setback from 10 feet to 3.6 feet.
Location: 514 Quality Road (0426944091000)

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

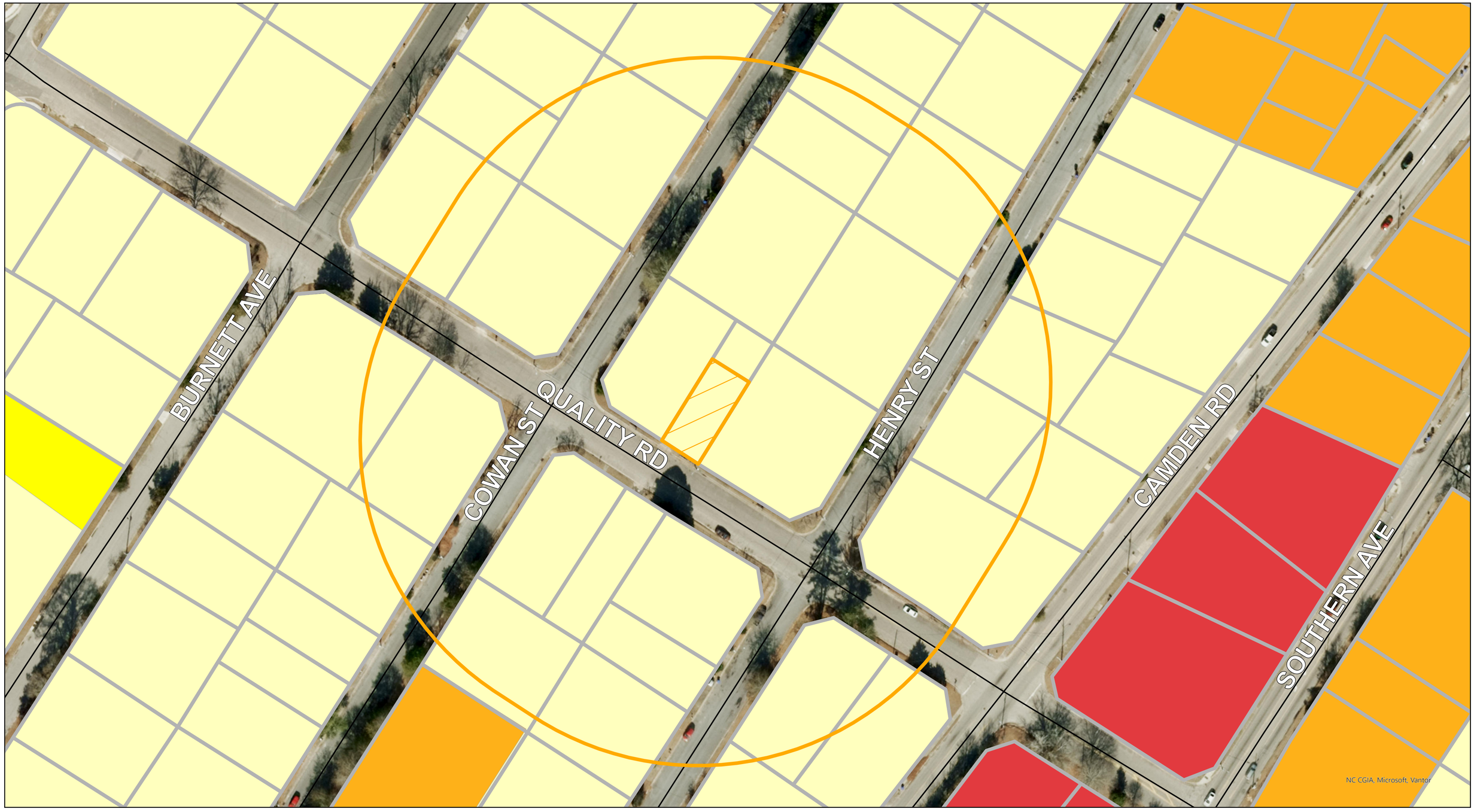
Streets

A26-35 Buffer

A26-35 Subject parcel

N

FAYETTEVILLE NC
AMERICA'S CAN DO CITY



Zoning Map

Case #: A26-35

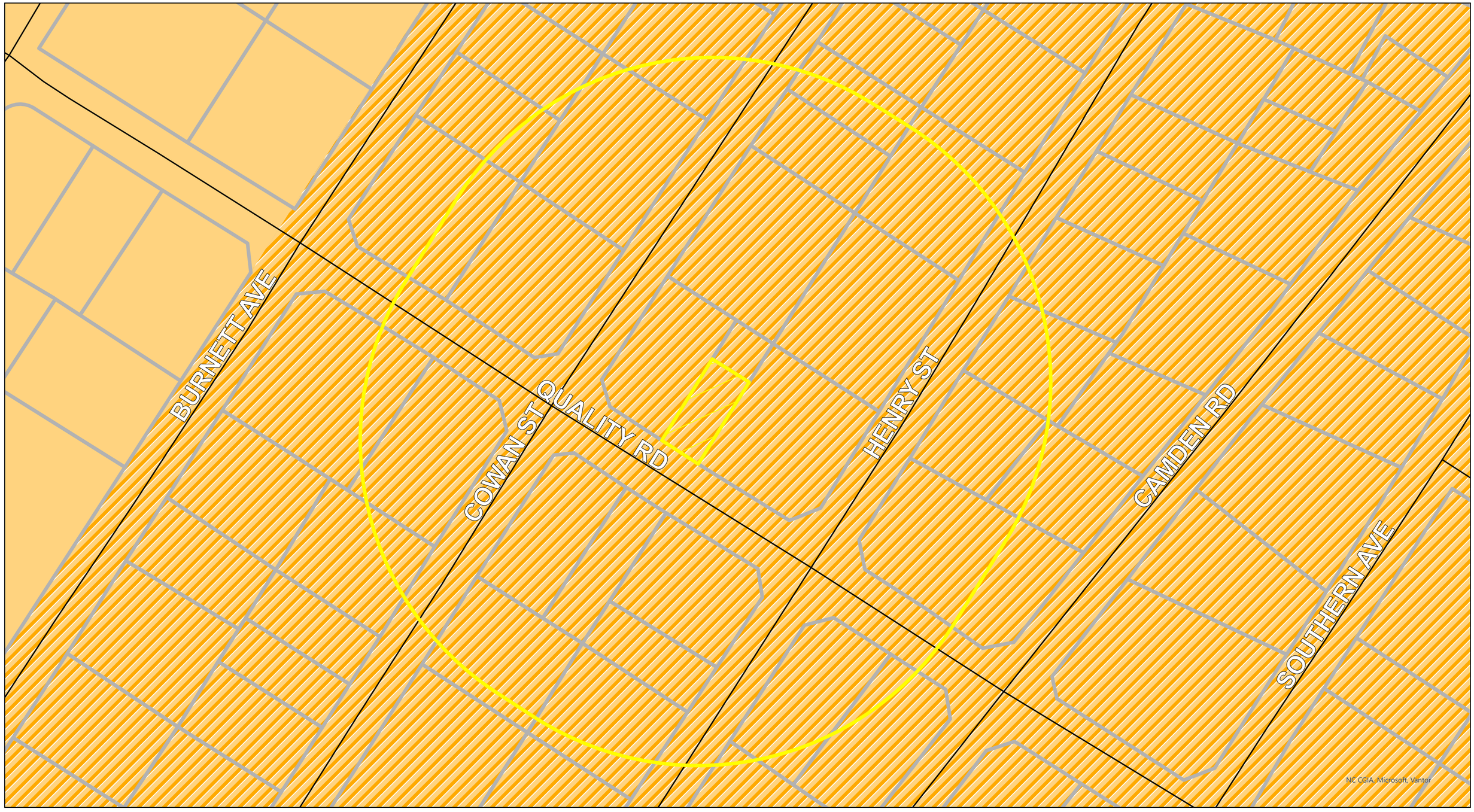
Request: Reduce the side setback from 10 feet to 3.6 feet.
Location: 514 Quality Road (0426944091000)

- MR-5 - Mixed Residential 5
- NC - Neighborhood Commercial
- SF-6 - Single-Family Residential 6
- SF-10 - Single-Family Residential 10
- Streets
- A26-35 Buffer
- A26-35 Subject parcel

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE NC
AMERICA'S CAN DO CITY



Future Land Use Map

Case #: A26-35

Request: Reduce the side setback from 10 feet to 3.6 feet.
Location: 514 Quality Road (0426944091000)

MDR - MEDIUM DENSITY

NIR - NEIGHBORHOOD IMPROVEMENT

Streets

A26-35 Buffer

A26-35 Subject parcel

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE NC
AMERICA'S CAN DO CITY

FAYETTEVILLE NC

Subject Property

FAYETTEVILLE NC

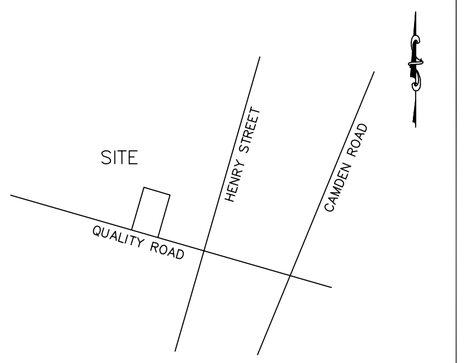
Surrounding Properties

North

South

East

West



VICINITY MAP N.T.S.

NORTH CAROLINA, CUMBERLAND COUNTY

I, JEFFREY B. RIDDLE, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED AND DESCRIPTION RECORDED IN PLAT BOOK 10, PAGE 50; DEED BOOK 11653, PAGE 180, OR OTHER REFERENCE SOURCE _____; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN PLAT BOOK 10, PAGE 50 OR OTHER REFERENCE SOURCE _____; THAT THE RATIO OF PRECISION BEFORE ADJUSTMENTS IS , 1: 10,600, AND THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE OF LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600) THIS 29 DAY OF MAY, 2026.

PRELIMINARY PLAT NOT FOR RECORDATION, CONVEYANCES, OR SALES.

LAND SURVEYOR

LICENSE NO. PLS-3653

SURVEYOR SEAL

NORTH CAROLINA PROFESSIONAL SEAL L-3653 LAND SURVEYOR JEFFREY B. RIDDLE

REFERENCES

0426-94-4091-
DB. 11653 , PG. 180
PB. 10 , PG. 50

LEGEND

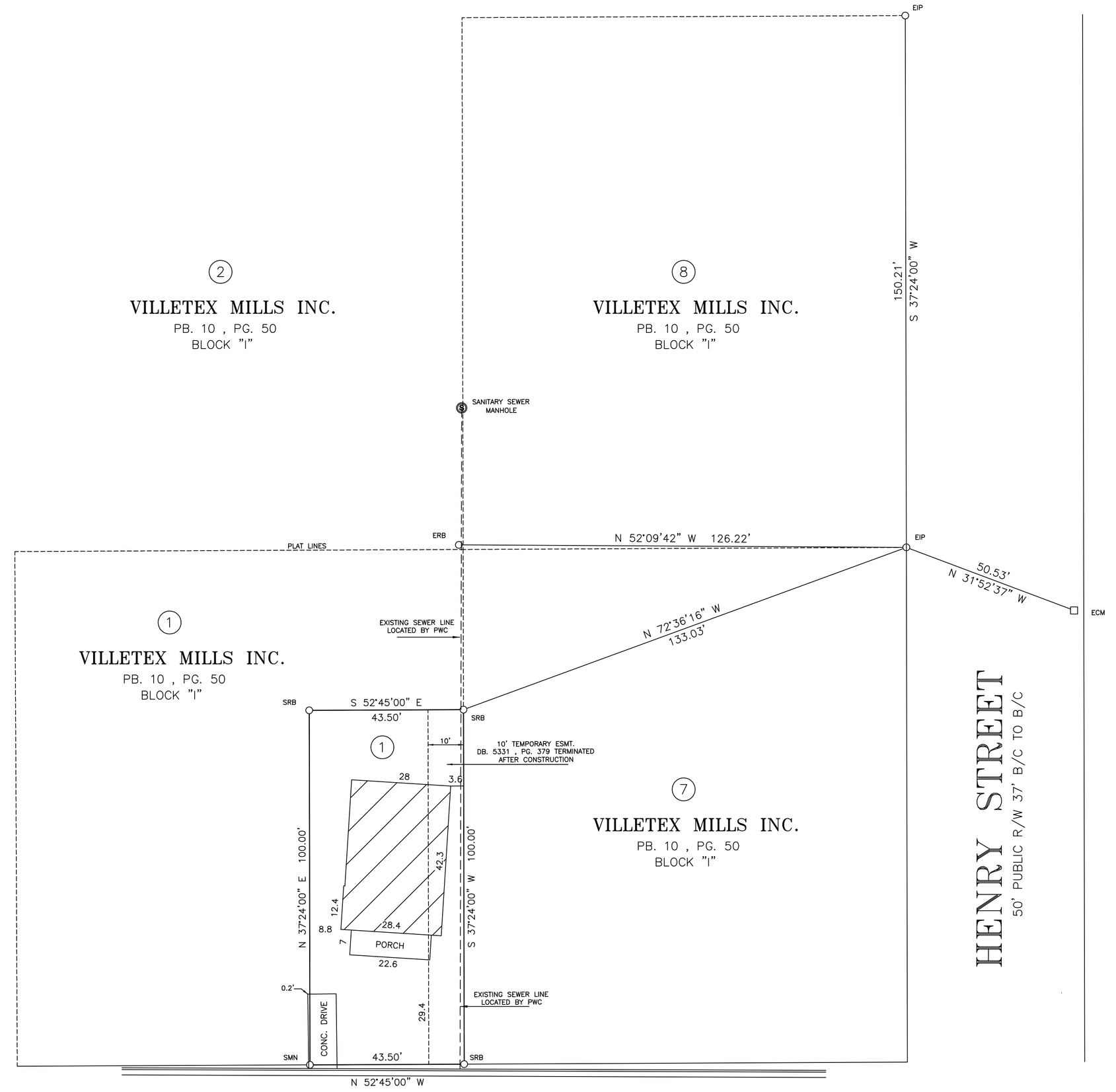
ECM = EXISTING CONCRETE MONUMENT
SRB = SET IRON REBAR
EIP = EXISTING IRON PIPE
R/W = RIGHT-OF-WAY
SMN = SET MAG NAIL
NTS = NOT TO SCALE
INT = INTERSECTION
DB = DEED BOOK
PB = PLAT BOOK
PG = PAGE
BG = BELOW GROUND
AG = ABOVE GROUND

N = NORTH
S = SOUTH
E = EAST
W = WEST
AC = ACRE(S)

SURVEYED LINE
DEED OR PLAT LINE
EASEMENT LINE
RIGHT OF WAY

NOTES

1. THERE IS NO HORIZONTAL CONTROL WITHIN 2000 FEET.
2. PROPERTY SUBJECT TO ANY EASEMENTS OF RECORD.
3. ACREAGE BY COORDINATE COMPUTATION.
4. SANITARY SEWER LINE RUNS NEXT TO EXISITING HOME. I COULD NOT FIND AN EASEMENT FOR THE SEWER LINE.



QUALITY ROAD

PUBLIC RIGHT OF WAY VARIES
45' B/C TO B/C

HENRY STREET

50' PUBLIC R/W 37' B/C TO B/C

PART OF LOT 1 BLOCK "I"
4350 SF
PROPERTY OF

CARMELO SANDOVAL NOYOLA
SARIBET M. SANDOVAL

PEARCES MILL TOWNSHIP
FAYETTEVILLE
SCALE: 1" = 20'

CUMBERLAND COUNTY
NORTH CAROLINA
DATE SURVEYED - 05-27-26

JEFFREY B. RIDDLE, PLS-3653
5965 HALL PARK ROAD FAYETTEVILLE,NC 28306
1-910-308-9330

20 10 0 20 40
BAR SCALE (IN FEET)

DRAWN BY: JR

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0481

Agenda Date: 8/11/2026 **Version:** 1 **Status:** Agenda Ready

In Control: Zoning Commission **File Type:** Evidentiary Hearing

Agenda Number: 4.05

TO: **Zoning Commission Members**

THRU: **Jennifer C. Baptiste - Planning & Zoning Division Manager**

FROM: **Mikayla Layral - Planner II**

DATE: **August 11, 2026**

RE:
A26-36: A variance at 505 Broadgate Road (0531664085000) to reduce the rear yard setback from 35 feet to 25 feet a Single-Family Residential 10 (SF-10) zoning district owned by Rose Builders Inc.

COUNCIL DISTRICT(S):
1 - Councilman Dr. Stephon Ferguson

Relationship To Strategic Plan:
Goal III - City Investment in Today & Tomorrow

- Objective 3.2 - To manage the City's future growth and strategic land use.

Goal IV - Desirable Place to Live, Work, & Recreate

- Objective 4.5 - To ensure a place for people to live in great neighborhoods.

Executive Summary:
The applicant is requesting a variance in the setback requirements associated with the City's Unified Development Ordinance as it relates to single-family homes within a Single Family Residential -10 (SF-10) zoning district. The variance would reduce the required 35 ft. rear yard setback by 10 ft., allowing a 25 ft. rear yard setback to accommodate the construction of a new single-family dwelling.

Background:
Owner: Adam Rose, Rose Builders Inc.
Request: Reduction of the minimum rear setback from 35 ft. to 25 ft. to allow for construction of a detached single-family dwelling.
Address: 505 Broadgate Rd
Parcel Identification Number (PIN): 0531664085000
Parcel Size: 0.38 acres ±
Existing Site Conditions: Vacant lot
Immediate Context: Single family residential neighborhood
Utilities: Public water, sewer, and power
Public Notice: Notification letters were sent to property owners within 300 ft. of the subject site equating to 35 notices sent.

Issues/Analysis:

Variance Criteria

In accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.f, five standards must be met for a variance to be granted.

1. **Unnecessary hardship** - Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
2. **Peculiar Conditions** - 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 actions of the land owner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance; and
3. **Minimum Action** - The variance is the minimum action that will make possible a reasonable use of land or structures; and
4. **Spirit of the Ordinance** - The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
5. **Public Safety** - In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

Applicable Standards and Request

UDO Section 30-3.D.3 outlines setbacks and buildable area requirements for SF-10 zoned parcels.

- Existing Rear Setback (minimum ft.): 35 ft.
    - Proposed Variance: 25 ft. (reduction of 10 ft.)

Claim Summary

The applicant states that the required rear setback, together with the site's physical constraints, limits the available building area and restricts the ability to construct a home comparable to other residences within the subdivision while complying with the minimum setback standards.

Required Variance Findings

The Commission must determine whether the evidence supports EACH of the five criteria and associated findings.

1. Unnecessary Hardship
    - The applicant states the current setbacks on this lot hinder the ability to build a comparable product to the existing homes within the subdivision. Additionally, the presence of wetlands as well as a 30' drainage & utility easement severely limit the width of a house that could be constructed. n.

2. Peculiar Conditions, Not Self-Created
    - The applicant states the size and shape of the lot create practical difficulties by limiting the actual building area of the lot. More specifically, the wetlands and 30' drainage and utility easement on the lot hinder the ability to build a wider home that could potentially stay within the current setbacks. The granting of the variance would negate any practical difficulties or unnecessary hardship.
3. Minimum Action Necessary
    - The applicant states granting a variance for the reduction of the rear setback from 35 feet to 25 feet (10 foot reduction) would allow for the construction of a new single family detached dwelling on this lot thus allowing for this property to be what it was ultimately developed for - to have a single family dwelling constructed on the lot.
4. Spirit of the Ordinance
    - The applicant states receiving the variance on the project would allow for the construction of a new single family detached dwelling, which is the intended purpose of this lot.
5. Public Safety
    - The applicant states that with the granting of this variance, public safety and welfare will benefit from the increase of property taxes being paid on a single family detached dwelling rather than an unimproved lot.

Budget Impact:
Approval or denial of the requested variances does not create immediate or direct impacts on the budget aside from the normal administrative costs for notice, staff review, and the quasi-judicial evidentiary hearing. There will be little to no downstream or indirect impacts on the budget from approving or denial of the request.

Options:
The board has the authority to approve or deny the request based on the five required findings of fact. Members must assess the evidence and determine whether the applicant has sufficiently demonstrated practical difficulties or unnecessary hardships based on the land's unique characteristics.

If a member believes that the evidence presented is substantial, competent, and sufficient to meet the required findings of fact, then the member may make a motion to approve the variance. The members must state all five findings of fact, along with the evidence presented to support each finding.

If the members cannot find specific supporting facts under any of the five findings of fact, they must consider a motion to deny the claim. The motion should indicate which of the five findings of fact cannot be met.

The board can also place reasonable conditions on the variance approval.

If a member wishes to make a motion to approve the variance, they should provide a brief statement recapping the evidence that supports each of the five

findings of fact. Any discussion by the Board following a motion may include a recap of the evidence supporting each of the five factual findings.

Possible Motions and Factual Findings:

Motion to approve a variance to reduce the corner side yard setback from 35 feet to 25 feet.

Findings of Fact Required to Approve this Request:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

_____
__

2. Any practical difficulties or unnecessary hardships resulting from unique circumstances related to the land. They are not the result of the actions of the landowner, as shown by the following evidence:

_____
__

3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

_____
_

4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

_____
__

5. In the granting of the Variance, the public safety and welfare have been assured, and substantial justice has been done, as shown by the following evidence:

_____
__

The motion is to approve the variance(s) as requested but with added conditions.

Findings of Fact Required to Approve this Request with added conditions:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

_____

2. Any practical difficulties or unnecessary hardships resulting from unique circumstances related to the land. They are not the result of the actions of the landowner, as shown by the following evidence:

_____

3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

_____

4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

_____

5. In the granting of the Variance, the public safety and welfare have been assured, and substantial justice has been done, as shown by the following evidence:

_____

Motion to deny the variance as requested.

Findings of Fact Statements Required to Deny this Request:

1. There is not sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

_____

2. There is not sufficient evidence that any practical difficulties or unnecessary hardships result from unique circumstances related to the land and are not the result of the actions of the landowner, as shown by the following evidence:

_____

3. There is not sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

_____

4. There is not sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

_____

5. There is not sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:

_____

Recommended Action:
N/A

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Site Plan

Planning & Zoning
433 Hay Street
Fayetteville, NC 28301
910-433-1612
www.fayettevillenc.gov

Project Overview #2235205

Project Title: Fairfield Farms - Lot 110
Application Type: 5.4) Variance
Workflow: Staff Review
Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 505 BROADGATE RD (0531664085000)
Zip Code: 28311

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: Cumberland County Tax Office GIS system

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 505 BROADGATE RD

Variance Request Information

Requested Variances: Minimum yard/setback

Section of the City Code from which the variance is being requested.: 30-3.D.3 Single Family Residential 10 (SF-10) District

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:
Requesting a variance for the reduction of the rear setback from 35 feet to 25 feet (10 foot reduction) to accommodate the construction of a new single-family detached dwelling within an existing zero lot line development.

The standard(s)/requirement(s) of the City Code proposed to be varied: 30-3.D.3

The current setbacks on this particular lot severely hinder the ability to build a comparable product to the existing homes within the subdivision, while also meeting the minimum setback standards.

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:
Single Family Residential 10 (SF-10) District

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that **all** of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique
3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Please describe how strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.:
The current setbacks on this lot hinder the ability to build a comparable product to the existing homes within the subdivision. Additionally, the presence of wetlands as well as a 30' drainage & utility easement severely limit the width of a house that could be constructed.

Please describe how 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 actions of the landowner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance.:
The size and shape of the lot create practical difficulties by limiting the actual building area of the lot. More specifically, the wetlands & 30' drainage & utility easement on the lot hinder the ability to build a wider house that could potentially stay within the current setbacks. The granting of the variance would negate any practical difficulties or unnecessary hardships.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:
Granting a variance for the reduction of the rear setback from 35 feet to 25 feet (10 foot reduction) would allow for the construction of a new single family detached dwelling on this lot thus allowing for this property to be what it was ultimately developed for - to have a single family dwelling constructed on the lot.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:
Receiving a variance on the project would allow for the construction of a new single family detached dwelling, which is the intended purpose of this lot.

Height of Sign Face : 0
Height of Sign Face: 0
Square Footage of Sign Face : 0
Square Footage of Sign Face: 0

Height of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:
With the granting of this variance, public safety and welfare will benefit from the increase of property taxes being paid on a single family detached dwelling rather than an unimproved lot.

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Project Owner
Adam Rose
Rose Builders Inc
P.O. Box 53502
Fayetteville, NC 28305
P:9109873668
rosebuildersinc@gmail.com

Project Contact - Agent/Representative
Adam Rose
Rose Builders Inc
P.O. Box 53502
Fayetteville, NC 28305
P:9109873668
rosebuildersinc@gmail.com

Indicate which of the following project contacts should be included on this project:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds $40,000. :

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State General Contractor's License Number:

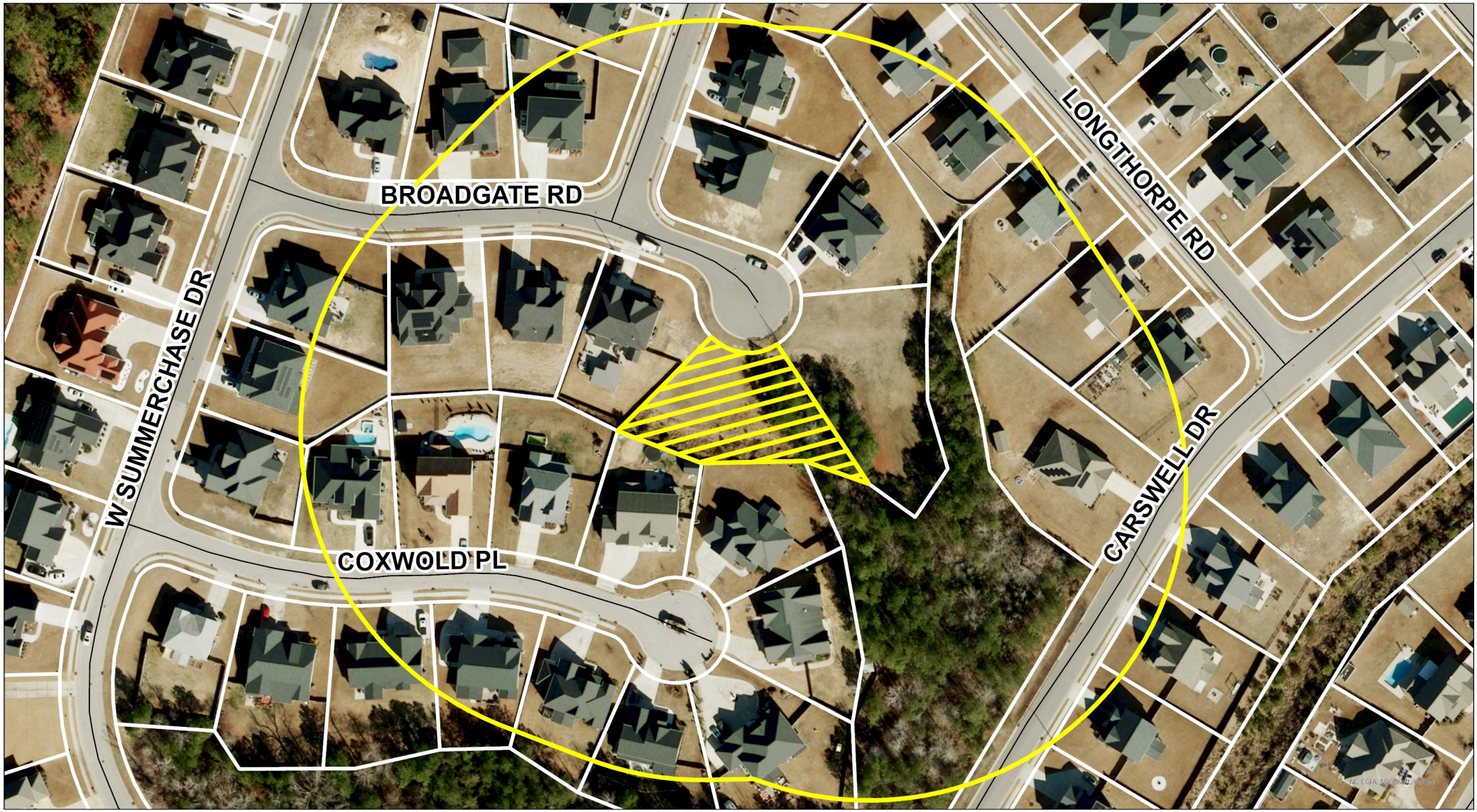
NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:



Aerial Notification Map

Case #: A26-36

Request: Reduction of rear setback
Location: 505 Broadgate Rd
(0531664085000)

Streets

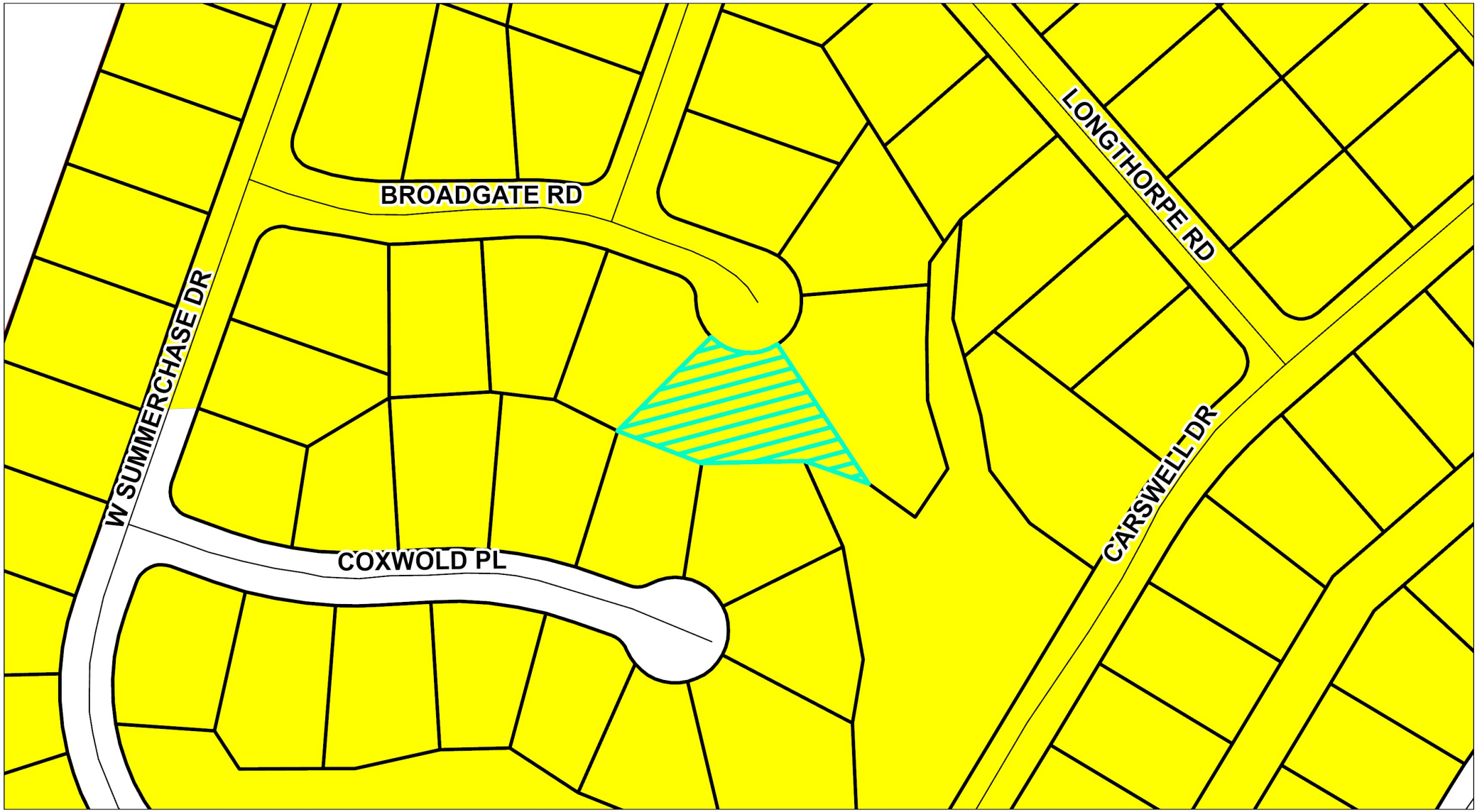
A26-36

A26-36 Buffer

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
AMERICA'S CAN DO CITY 321



Zoning Map

Case #: A26-36

Request: Reduction of rear setback
Location: 505 Broadgate Rd
(0531664085000)

SF-10 - Single-Family Residential 10

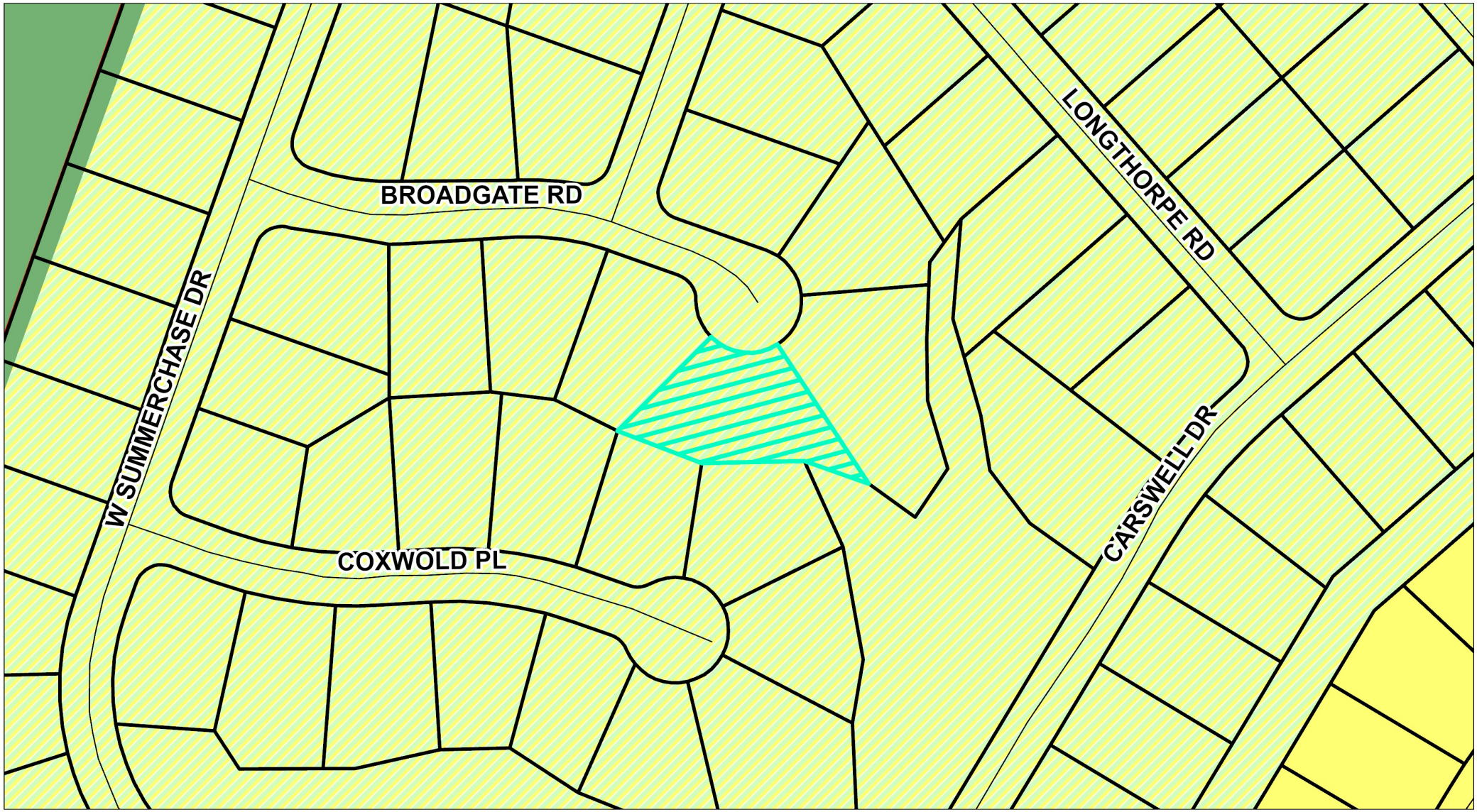
Streets

A26-36

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
AMERICA'S CAN DO CITY 322



Future Land Use Map

Case #: A26-36

Request: Reduction of rear setback
Location: 505 Broadgate Rd
(0531664085000)

PARKOS - PARK / OPEN SPACE

OSS - OPEN SPACE SUBDIVISIONS

LDR - LOW DENSITY

Streets

A26-36

Letters are being sent to all property owners within the 300' buffer. Subject Property is shown in the hatched pattern.

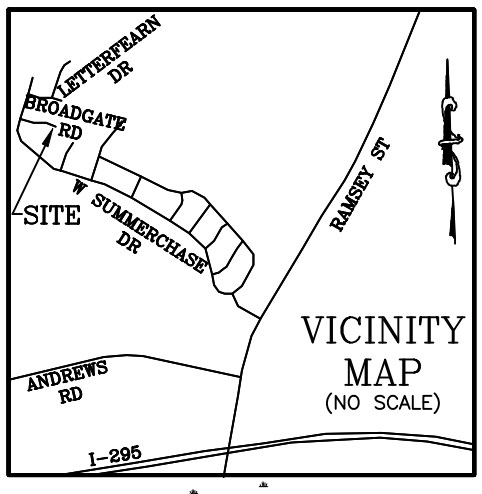
N

FAYETTEVILLE
AMERICA'S CAN DO CITY

FAYETTEVILLE NC

Subject Property

Surrounding Properties



NOTE : CONTRACTOR TO LOCATE UTILITY TIE-INS AND CONTACT LOCAL REGULATORY AGENCY PRIOR TO PAVING OVER WITH DRIVEWAY.

NOTE : CONTRACTOR TO VERIFY ALL BUILDING SETBACKS PRIOR TO CONSTRUCTION.

P.B. 141, PG. 195

SECTION FOUR
FAYETTEVILLE FAIRFIELD FARMS PROPERTY OWNERS ASSOCIATION INC
P.B. 142, PG. 162
D.B. 11623, PG. 560

120
FAIRFIELD FARM
SECTION FOUR, PART 2
P.B. 132, PG. 128

119
FAIRFIELD FARM
SECTION FOUR, PART 2
P.B. 132, PG. 128

30' DRAINAGE & UTILITY EASEMENT

WETLANDS

N70°40'07"W 64.84'

S88°45'44"W 97.00'

20' DRAINAGE EASEMENT

N68°54'21"W 85.15'

110
0.38 ACRES
16,639 SQ. FT.

26.50'

32.11'

4.61'

20.5'

5.0'

5.5'

4.0'

11.7'

PATIO

4.0'

2.89'

8.50'

31.7'

SCREENED PORCH

15.2'

11.2'

11.3'

PROPOSED HOUSE
ELMHURST

11.0'

1.0'

20.0'

6.0'

COVERED PORCH

11.2'

32.7'

23.0'

PROPOSED DRIVE & WALK

32.00'

6.93'

5' MAINTENANCE EASEMENT

N44°56'25"E 124.88'

WETLANDS

S33°16'42"E 157.90'

C1

109
FAIRFIELD FARM
SECTION FIVE, PART 2
P.B. 141, PG. 195

111
FAIRFIELD FARM
SECTION FIVE, PART 2
P.B. 141, PG. 195

BROADGATE ROAD
50 FT. PUBLIC R/W

IMPERVIOUS AREA:

HOUSE, PORCHES	2,232	SQ. FT.
DRIVEWAY, SIDEWALK	786	SQ. FT.
TOTAL	3,018	SQ. FT.

CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	68.26'	50.00'	63.08'	S84°10'26"E

PLOT PLAN

ZONING: SF-10
(ZERO LOT LINE)
SETBACKS:
FRONT - 30'
REAR - 35'
SIDE - 10'/15'
INTERNAL - 5'

PLOT PLAN FOR: ROSE BUILDERS

ADDRESS: BROADGATE ROAD

CITY OF: FAYETTEVILLE, NC

COUNTY OF: CUMBERLAND

TOWNSHIP OF: CARVERS CREEK

DATE: JULY 14TH 2026

SCALE: 1" = 30'

REFERENCE: LOT 110
FAIRFIELD FARM
SECTION FIVE, PART 2
P.B. 141, PG. 195

PRELIMINARY PLAT
Not for construction, recordation, conveyance, or sale

GRAPHIC SCALE
0 15 30 60

I, W. LARRY KING, CERTIFY THAT THIS MAP IS FOR THE PURPOSE OF PERMITTING ONLY, IT IS NOT A SURVEY AND NO RELLIANCE MAY BE PLACED ON ITS ACCURACY. THE STRUCTURE SHOWN ON THIS PLOT PLAN IS PLACED ACCORDING TO THE INSTRUCTIONS GIVEN BY THE BUILDER. ALL DIMENSIONS AND SETBACKS SHOULD BE VERIFIED FOR COMPLIANCE WITH ZONING AND COVENANTS.

W. LARRY KING, PLS - L-1339

Larry King & Associates, R.L.S., P.A.
P.O. Box 53787
1333 Morganton Road, Suite 201
Fayetteville, NC 28305
Phone: (910)483-4300
Fax: (910)483-4052
www.LKandA.com
NC Firm License C-0887

THIS MAP CAN NOT BE USED FOR RECORDATION OR ATTACHED TO A DEED TO BE RECORDED. THIS MAP IS NOT DRAWN IN ACCORDANCE WITH GS 47-30.

THE BOUNDARY AND LOT INFORMATION SHOWN ON THIS MAP IS TAKEN FROM THAT DOCUMENT DESCRIBED IN THE "REFERENCE" LINE SHOWN HEREON. THIS INFORMATION SHOULD BE CONFIRMED AS THE MOST CURRENT FOR THIS PROPERTY BEFORE ISSUANCE OF PERMITS OR COMMENCEMENT OF CONSTRUCTION. NO TITLE SEARCH WAS PERFORMED ON THIS PROPERTY BY THIS SURVEYOR.

K:\sdsk\proj\ROSE BUILDERS\FAIRFIELD FARM\LOT 110\LOT 110 - PLOT PLAN (PRELIM) 7-14-26.dwg Model 7/14/2026 15:38:46 Scale:1 : 30

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0493

Agenda Date: 8/11/2026 **Version:** 1 **Status:** Agenda Ready

In Control: Zoning Commission **File Type:** Public Hearing (Public & Legislative)

Agenda Number: 5.01

TO: **Zoning Commission**

THRU: **Jennifer C. Baptiste - Planning & Zoning Division Manager**

FROM: **Mikayla Layral - Planner II**

DATE: **August 11, 2026**

RE:
P26-37: A request to rezone 4201, 4203, & 4207Sweetwater Dr. (0439494376000, 0439495387000, 0439496388000) consisting of 1.61 acres ±, owned by Kendra Earwood from Single Family Residential 6 (SF-6) to Limited Commercial (LC).

COUNCIL DISTRICT(S):
1 - Councilman Stephon Ferguson

Relationship To Strategic Plan:
Goal II: Responsive City Government Supporting a Diverse and Viable Economy
- 2.1 - To ensure a diverse city tax base
- 2.4 - To sustain a favorable development climate to encourage business growth

Goal III: City Invested in Today and Tomorrow
- 3.2 - To manage the City's future growth and strategic land use

Goal IV: Desirable Place to Live, Work, and Recreate
- 4.2 - To enhance diverse recreation, leisure, and cultural opportunities
- 4.5 - To ensure a place for people to live in great neighborhoods

Executive Summary:
The request is to rezone 4201, 4203, & 4207 Sweetwater Dr. (0439494376000, 0439495387000, 0439496388000) consisting of approximately 1.61 acres from Single Family Residential 6 (SF-6) to Limited Commercial (LC) for the purpose of creating a parking lot to serve the business to the west.

The subject properties are currently vacant following the issuance of demolition permits of existing structures at 4201 and 4203 Sweetwater Dr. on May 6, 2025. Aside from the demolition permits, the properties have not been the subject of any City action within the last five years. The surrounding area consists of a mix of commercial and residential uses, with the adjacent commercial property under the same ownership as the subject parcels.

Background:
Owner: Kendra Earwood
Request: SF-6 to LC
REID numbers: 0439494376000, 0439495387000, 0439496388000
Parcel Size: 1.6 acres ±
Existing Site Conditions: Vacant

Adjacent Zoning:

- North: CC - Community Commercial
- South: SF-6 - Single Family Residential 6
- East: CC - Community Commercial
- West: LC - Limited Commercial

Utilities: Access to public water, sewer, and power

Applicant Narrative (Summary): The applicant requests the rezoning of the subject properties from SF-6 to LC to provide adequate off-street parking in support of the owner's adjoining business.

Public Notice: Notification letters were sent to property owners within 1,000 feet of the
subject site equating to 45 notices sent.

Issues/Analysis:

The request is to rezone three parcels located at 4201, 4203, & 4207 Sweetwater Dr. from Single Family 6 (SF-6) to Limited Commercial (LC). Pursuant to NCGS § 160D, a rezoning without conditions entitles the landowner to the full range of uses specified for that base zoning district but bounded by the Unified Development Ordinance (UDO).

The applicants request supports the continued operation and expansion of an existing business by providing additional off-street parking, contributing to a favorable environment for local business investment. The request allows underutilized residential properties to be incorporated into an existing commercial site, promoting efficient land use and supporting the area's commercial development plan.

The Limited Commercial (LC) District is intended to accommodate moderate-intensity retail, business, and service uses that serve groups of neighborhoods while remaining compatible with surrounding residential development. The applicant intends to incorporate the subject properties into the adjoining commercially zoned property under common ownership for use as accessory off-street parking.

The Future Land Use Plan (FLUP) designates the subject properties as Community Center (CC). The Community Center designation is intended to accommodate community-scale centers consisting of commercial, office, and mixed-use development, with single-family residential uses generally located along the edges of the activity center.

The proposed LC district is consistent with the Community Center designation. Although the subject properties are currently zoned SF-6, they are contiguous to an existing commercially zoned parcel under the same ownership and are proposed to support the existing commercial use through additional parking. The request represents a logical expansion of the existing commercial development rather than the establishment of a new standalone commercial use.

The surrounding area contains a mix of commercial and residential zoning districts, including LC, CC, and SF-6. While the property immediately south of the subject site is zoned SF-6, it currently functions as a storm water control measure serving the

adjacent commercial development. Given the surrounding zoning pattern and existing land uses, the proposed LC district is compatible with the surrounding area.

Overall, the request is reasonable because it extends commercial zoning to parcels adjoining an existing commercial property while supporting the continued operation of an established business. The proposed accessory parking area is less intensive than many principal uses permitted within the LC district and is consistent with the Community Center designation and the long-term vision of the Future Land Use Plan.

Budget Impact:
Approval or denial of the requested map amendment does not create immediate and direct impacts on the budget. There is the potential for indirect budgetary impacts from development of the vacant parcel via additional property taxes and the downstream economics of new construction.

Options:

- **Approval (Recommended Action):**
  Recommend approval of the zoning map amendment as requested - finding that the request is consistent with the Future Land Use Plan and reasonable to local context as outlined by the Consistency and Reasonableness Statements.
- **Approval, but to a more restrictive district:**
  Recommend approval of the zoning map amendment from SF-6 to one that is more restrictive, but consistent with the Future Land Use Plan and Reasonable to the local contexts with amended Consistency and Reasonableness Statements.
- **Denial:**
  Deny the proposed map amendment - find that the request is inconsistent with the Future Land Use Plan and unreasonable to the local context.

Recommended Action:
The Planning Staff recommends that the Zoning Commission recommends to City Council a motion to APPROVE the request to rezone the 1.61 acres ± at 4201, 4203 & 4207 Sweetwater Dr. from SF-6 to LC.

Attachments:
1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Consistency and Reasonableness Statements

Planning & Zoning
433 Hay Street
Fayetteville, NC 28301
910-433-1612
www.fayettevillenc.gov

Project Overview #2223966

Project Title: Sweetwater Drive
Application Type: 5.1) Rezoning (Map Amendment)
Workflow: Staff Review
Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN:
- 0439-49-4376 (Unverified)
- 0439-49-5387 (Unverified)
- 0439-49-6388 (Unverified)

Zip Code: 28311

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: Cumberland County Tax Office GIS system

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address:

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No
Previous Amendment Case #:
Acreage to be Rezoned: 1.61
Water Service: Public
A) Please describe all existing uses of the land and existing structures on the site, if any:
Property is currently vacant. Previous buildings, pools, etc. have been removed.

Previous Amendment Approval Date:
Proposed Zoning District: Limited Commercial
Is this application related to an annexation?: No
Sewer Service: Public
B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:
The property to the west (owned by the same entity) is zoned LC.

The property to the north and east is zoned CC (Walmart)

The property to the south, across Sweetwater Drive, is zoned SF-6 but is used as a stormwater control measure.

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:
Adjoining used are commercial in nature. By rezoning these tracts to LC, it will allow the owner to provide parking for their current businesses (located to the west).

B) Are there changed conditions that require an amendment? :
No

C) State the extent to which the proposed amendment addresses a demonstrated community need.:
It will allow the owner to provide adequate parking for their adjoining businesses.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:
Zoning to the west is LC; zoning to the north and east is CC; zoning to the south is zoned SF-6 but is used as a stormwater control measure for a commercial development. This rezoning would make the properties compatible with the surrounding zoning classifications and uses.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:
This rezoning will allow the owner to provided needed parking facilities for their existing businesses.

F) State the extent to which the proposed amendment might encourage premature development.:
This will not encourage premature development. Once the parking lot is constructed, there will no room for any further development on these properties. There is a current need for adequate parking.

G) State the extent to which the proposed amendment results in strip-style commercial development.:
Not applicable.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:
See above. This rezoning would be compatible with the surrounding zoning districts.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:
No adverse impacts. The parcels are currently vacant.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:
None. A Stormwater Control Measure (SCM) will be constructed to control and treat stormwater runoff from the proposed improvements. No SCM currently exists on the property.

Primary Contact Information

Project Owner
Kendra Earwood

5 Dowd Circle, Suite A
Pinehurst, NC 28374
P:910-295-2609
Kendra_earwood@myspeechconnections.com

Indicate which of the following project contacts should be included on this project: Engineer,General Contractor

Project Contact - Agent/Representative
Ned Garber
Rubicon Group
565 Gillespie Street
Fayetteville, NC 28301
P:910-323-1101
nedgarber@rubiconnc.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds $40,000. :

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

Project Contact - Engineer
Gordon Rose
Gradient, PLLC
230 Donaldson Street, 500A
Fayetteville, NC 28301
P:9108247731
grose@gradientnc.com

Project Contact - General Contractor
Ned Garber
Rubicon Group
565 Gillespie Street
Fayetteville, NC 28301
P:910-323-1101
nedgarber@rubiconnc.com

NC State General Contractor's License Number: L.2846

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Aerial Notification Map

Case #: P26-37

Request: SF-6 to LC
Location: 4201, 4203, and 4207 Sweetwater Dr (0439494376000) (0439495387000) (0439496388000)

Streets

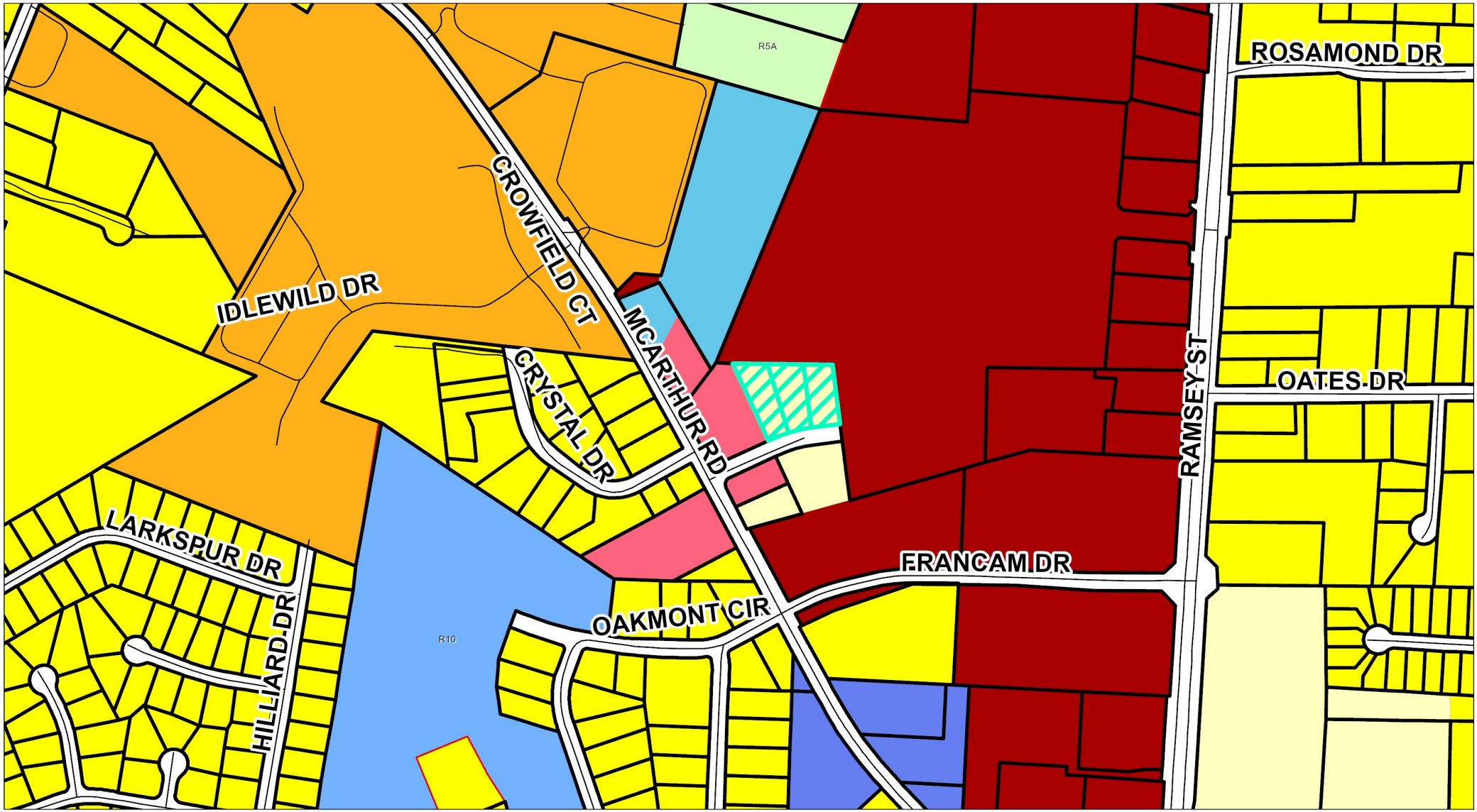
P26-37

P26-37 Buffer

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
AMERICA'S CAN DO CITY 334



Zoning Map

Case #: P26-37

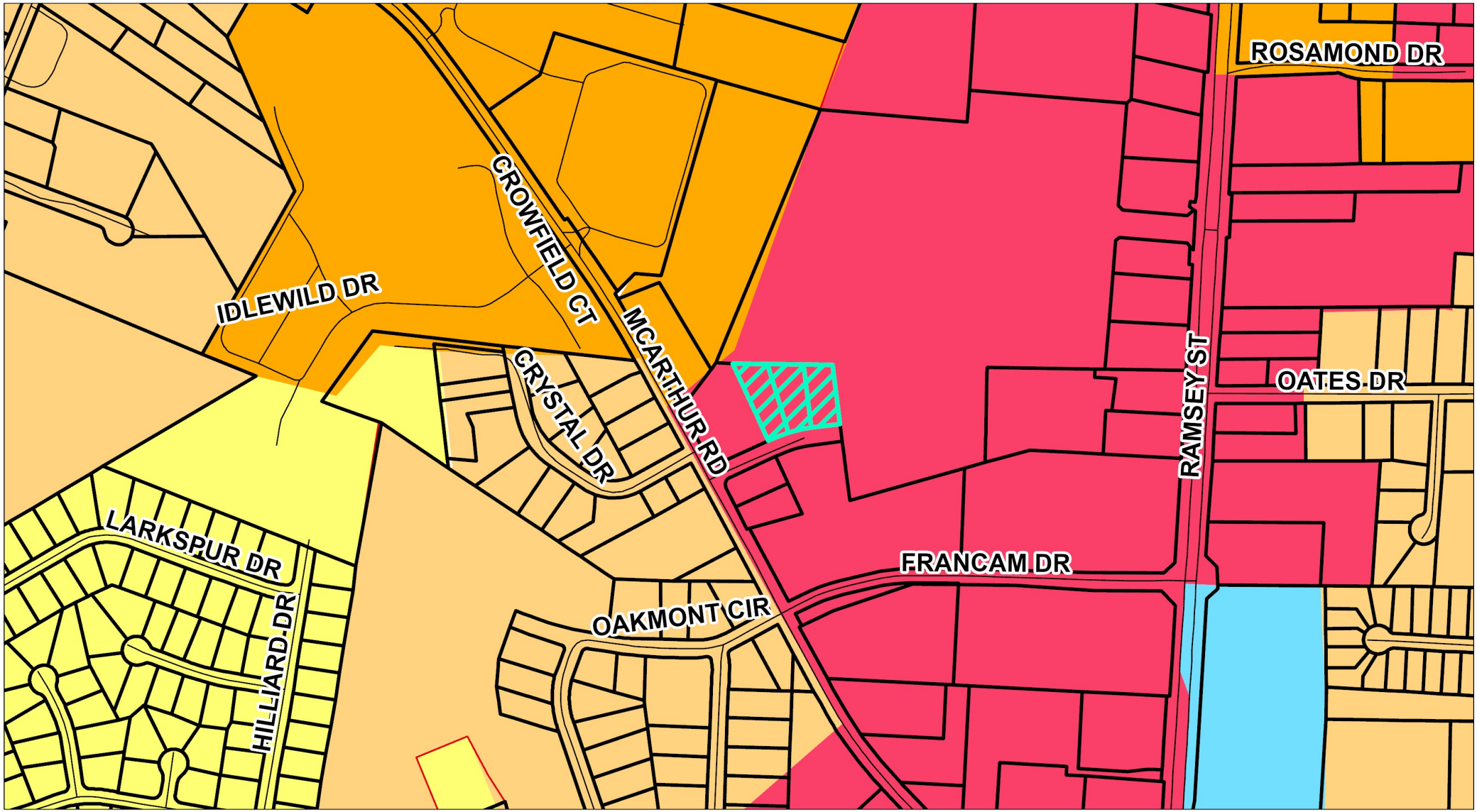
Request: SF-6 to LC
Location: 4201, 4203, and 4207 Sweetwater Dr (0439494376000) (0439495387000) (0439496388000)

- CC - Community Commercial
- LC - Limited Commercial
- LI - Light Industrial
- MR-5 - Mixed Residential 5
- OI - Office & Institutional
- SF-6 - Single-Family Residential 6
- SF-10 - Single-Family Residential 10
- Streets
- P26-37

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
AMERICA'S CAN DO CITY 335



Future Land Use Map

Case #: P26-37

Request: SF-6 to LC
Location: 4201, 4203, and 4207 Sweetwater Dr (0439494376000) (0439495387000) (0439496388000)

- LDR - LOW DENSITY
- MDR - MEDIUM DENSITY
- HDR - HIGH DENSITY RESIDENTIAL
- CC - COMMUNITY CENTER
- OI - OFFICE / INSTITUTIONAL
- Streets
- P26-37

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
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Subject Property

4201

4203

4207

Surrounding Properties

Adjacent – Autism Center for Enrichment

Across – 4201

Across – 4203

Across – 4207

Adjacent

Adjacent

Adjacent

Consistency and Reasonableness Statement

Map Amendments

Pursuant to N.C.G.S. § 160D-604 and § 160D-605, the Zoning Commission determines that the proposed zoning map amendment in case P26-37 is consistent with the City of Fayetteville's Future Land Use Map as well as the Comprehensive Plan and Strategic Plan.

The following analysis reviews the proposed amendment in relation to the goals and policies of the Future Land Use Map, Comprehensive Plan, and Strategic Plan following the Commission's established review format.

Consistency

1. **STRATEGOC PLAN GOALS**

GOAL(S)	CONSISTENT	INCONSISTENT
Goal II: Responsive City Government Supporting a Diverse & Viable Economy (2.1 & 2.4)		
• The request supports the continued operation and expansion of an existing business by providing additional off-street parking, contributing to a favorable environment for local business investment	**X**	
Goal III: City Investment in Today & Tomorrow (3.2)		
• The request allows underutilized residential properties to be incorporated into an existing commercial site, promoting efficient land use and supporting the area's commercial development plan.	**X**	
Goal IV: Desirable Place to Live, Work, and Recreate (4.2 & 4.5)		
• Redevelopment of the vacant properties as a landscaped parking area will improve the appearance of the site while supporting compatible commercial development adjacent to the neighborhood.	**X**	

2. FUTURE-LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LU-1: Encourage growth in areas well served by infrastructure and urban services (1.2, 1.3, & 1.6,) • Sweetwater Dr. and the local area is well served by infrastructure that has the capacity to accept further commercial development.	**X**	
LU-2: Encourage strategic urban development (2.1) • The proposal represents a logical expansion of an existing commercial property under common ownership by utilizing land for accessory parking.	**X**	
LU-3: Encourage redevelopment along underutilized strip corridors and reinvestment in distressed residential neighborhoods (3.1) • The request promotes redevelopment and infill by incorporating three vacant residential parcels into an existing commercial development, resulting in a more efficient use of land within an established commercial area**.**	**X**	
LU-6: Encourage development standards that result in quality neighborhoods (6.2) • The redevelopment of vacant parcels into an existing commercial site are liable to reduce encounters with nuisance fauna and vagrants.	**X**	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

X	The requested map amendment is consistent or aligns with the area's designation on the FLUM	**OR**		The requested map amendment is **NOT** consistent or **DOES NOT** align with the area's designation on the FLUM
X	As requested, the proposed designation would permit uses complementary to those existing on adjacent tracts.	**OR**		As requested, the proposed designation would permit uses incongruous to those existing on adjacent tracts.

Reasonableness

The proposed zoning map amendment of SF-6 to LC is both reasonable and in the interest of the public. It supports the policies of the Comprehensive and Strategic Plans because: [select all that apply]

X The size, features, and other conditions of the site support the request and potential use cases.

____ The amendment includes conditions that limit potential negative impacts on neighboring uses.

X The proposed use addresses the needs of the area by enabling nuisance parcels to be repurposed.

X The proposal promotes orderly development by aligning with surrounding land uses.

The amendment is also in the public interest because it: [select all that apply]

X Improves net total consistency with the Future Land Use Map and Comprehensive Plan.

X Improves the net health and safety of the community.

____ Preserves environmental and/or cultural resources.

X Facilitates desired development such as infill and/or in an infrastructure-served area.

X Provides needed housing/commercial area.

Additional comments:

August 11, 2026
Date

Chair Signature

Print

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0513

Agenda Date: 8/11/2026 **Version:** 1 **Status:** Agenda Ready

In Control: Zoning Commission **File Type:** Public Hearing (Public & Legislative)

Agenda Number: 5.02

TO: **Zoning Commission**

THRU: **Jennifer C Baptiste - Planning & Zoning Division Manager**

FROM: **Thomas Cohen - Planner I**

DATE: **August 11, 2026**

RE:
P26-38: A request to conditionally rezone 5113 Meadowbrook Drive (0416004821000) consisting of 0.40 acres ±, owned by Anchorpoint Properties, LLC represented by Robyn Mirassou of Divine Wellness Therapeutic Center Therapeutic Center, PLLC from Single-Family 10 (SF-10) to Conditional Office and Institutional (OI/CZ).

COUNCIL DISTRICT(S):
5 - Lynne Greene

Relationship To Strategic Plan:
Goal II - Responsive City Government Support a Diverse & Viable Economy

- Objective 2.1 - To ensure a diverse City tax base.
- Objective 2.4 - To sustain a favorable development climate to encourage business growth.

Goal III - City Investment in Today & Tomorrow

- Objective 3.2 - To manage the City's future growth and strategic land use.

Goal VI - Collaborative Citizen & Business Engagement Base

- Objective 6.1 - To ensure collaborative relationships with the business community, local governments, military, and stakeholders.

Executive Summary:
The case is a request by the owner to conditionally rezone the property located at 5113 Meadowbrook Drive (0416004821000) from Single Family Residential 10 (SF-10) to Conditional Office and Institutional (OI/CZ). The intent is for the property to be an expansion of the adjacent Divine Wellness Therapeutics business.

Background:
Owner: Anchorpoint Properties, LLC
Request: SF-10 to OI/CZ
REID or PIN: 0416004821000
Parcel Size: 0.40 acres ±
Existing Site Conditions: Single family home with carport
Adjacent Zoning:

- **North:** OI / SF-10 - Businesses and single-family homes
- **South:** OI / SF-10 - Businesses and single-family homes

- **East:** OI / SF-10 - Businesses and single-family homes
- **West:** SF-10 - Single-family homes

Future Land Use Designation: Low Density Residential
Public Notice: Notification letters were sent to property owners within 1,000 feet of the subject site equating to 195 notices sent.

Issues/Analysis:
The applicant requests to conditionally rezone approximately 0.40 acres located at 5113 Meadowbrook Drive (0416004821000) from Single Family Residential 10 (SF-10) to Conditional Office and Institutional (OI/CZ) to enable its use as an extension of the adjacent business, Divine Wellness Therapeutics, PLLC.

The conditions proposed by the applicant are as follows:

1. The principal structure shall maintain a general residential character unless modifications are required to comply with commercial building or specific use standards.
2. Permitted uses shall be limited to the following except where a specific use type within a use category is unpermitted within the base Office and Institutional zoning district.
    - Single family, detached
    - Use Category: Health Care Facilities
    - Use Category: Offices
3. Free-standing and pole signs shall be prohibited.

The request allows for the expansion of the business, which would allow for the hiring of additional clinicians. This would provide more tax revenue directly via reclassification of the residential property as commercial and indirectly via salaries and revenue. In addition, the request allows the business to expand without moving location or excessive modifications of existing space.

The proposed conditions and agreement enable little to no additional impact on the existing neighborhood while providing an increasingly necessary service. Deteriorating mental health is a common cause of poverty and homelessness.

The 2040 Future Land Use Plan (FLUP) is central to the analysis of requests and are affixed by reasonableness to local contexts and service of the public good. According to the FLUP, the subject property is designated as Low Density Residential (LDR) which is defined within the plan as “mainly single-family residential with some accessory dwellings; occasionally with duplexes (if isolated) or townhomes. Lots typically 1-4 dwellings per acre. Suburban, auto-oriented, character with utility services.”

This designation aligns with the current zoning district of Single Family Residential 10 (SF-10) which is meant to accommodate principally single-family, detached, residential development that is of low-density while remaining flexible enough to permit single-family, attached as well as two-to-four family if lot size permits. The requested zoning district is Conditional Office and Institutional (OI/CZ) which is intended to accommodate a mix of small-scale and low-intensity professional and business offices

and institutions that are often near residential neighborhoods and act as a buffer between neighborhoods or more intense districts.

While the request is not in direct alignment with the Future Land Use Map, the proposed conditions and parking agreement bring the request into general alignment with plan intent and align with numerous strategic and land use goals while being reasonable to the locality.

The subject property is located on Meadowbrook Drive, a short street branching from Hope Mills Road that connects 18 residentially zoned properties. These properties are buffered from Hope Mills Road by businesses zoned either Office and Institutional (OI) or Limited Commercial (LC). This is a common setup along Hope Mills Road.

The subject property is adjacent to 2212 and 2216 Hope Mills Road, which are both owned by Anchorpoint Properties LLC. These businesses share a rear parking lot that is only able to be accessed via Meadowbrook Drive. A fence separates the subject property from said parking lot with a gate that enables access.

The intention is to convert the existing single-family home into an expansion of the Divine Wellness Therapeutics businesses located at 2216 Hope Mills Road while maintaining the single-family character of the property. The proposed conditions are in recognition of the inherent incongruity between the base Office and Institutional zoning district (OI) and the FLUP designation of LDR.

Condition One requires the property to retain its single-family character wherever possible unless commercial building code or use type dictates standards that conflict. To operate the expanded business from the property may require renovation to comply with commercial building standards.

Condition Two is to limit the potential future impact on the neighborhood while not limiting the future use of the property. Single-family, detached is to enable the property to return to its original use type without requiring a rezoning. The use categories of Offices and Health Care Facilities permit the property to be used in a similar, low-impact manner, such as the applicant’s current intention.

Condition Three is to commit to the low-impact and single-family character intention of the applicant by limiting signs to only wall-mounted signage. Wall-mounted signs allow patients to identify the building’s use.

Taking all this into account, the request is highly reasonable both in relation to adherence to the Future Land Use Plan and local context. The conditions and parking agreement will enable the use intensity to match with the designation and expected level of disturbance as any single-family neighbor could generate while enabling the expansion of a business and economic growth of the city. This is to say nothing of the growing necessity of mental health services in a city heavily populated by veterans and distressed individuals who are otherwise wait-listed or unable to find the necessary services.

Budget Impact:
Approval or denial of the requested map amendment does not create immediate and direct impacts on the budget other than the collection of the application fee and cost for relevant staff. If the request is approved there will be indirect impacts on city budget via alterations to property taxes through status change and increased business potential.

Options:

- **Approval (Recommended Action):**

Recommend approval of the application based on the evidence submitted and the consistency with the Future Land Use Plan as outlined by the attached Consistency and Reasonableness Statement but subject to the conditions presented within the application.

- **Approval, but with revised conditions**

Recommend approval of the application based on the evidence submitted and the consistency with the Future Land Use Plan as outlined by the attached Consistency and Reasonableness Statement but subject to any revised conditions agreed to by the applicant, in writing.

- **Denial**

Deny the application based on the evidence submitted and inconsistency with the Future Land Use Plan.

Recommended Action:
The Professional Planning Staff recommends that the Zoning Commission recommends to City Council a motion to **APPROVE** the request as presented - to conditionally rezone the approximately 0.40 at 5113 Meadowbrook Dr from Single Family Residential 10 (SF-10) to Conditional Office and Institutional (OI/CZ) with the following conditions:

1. The principal structure shall maintain a general residential character unless modifications are required to comply with commercial building or specific Use Type standards.
2. Permitted Uses shall be limited to the following except where a specific Use Type within a Use Category is unpermitted within the base Office and Institutional zoning district.
    - Single family, detached
    - Use Category: Health Care Facilities
    - Use Category: Offices
3. Free-standing and pole signs shall be prohibited.

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Consistency and Reasonableness Statements
8. Site Plan

Planning & Zoning
433 Hay Street
Fayetteville, NC 28301
910-433-1612
www.fayettevillenc.gov

Project Overview #2233976

Project Title: 5113 Meadowbrook rezoning
Application Type: 5.2) Conditional Rezoning
Workflow: Staff Review
Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 5113 MEADOWBROOK DR (0416004821000)
Zip Code: 28304

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: Cumberland County Tax Office GIS system

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 5113 MEADOWBROOK DR

General Project Information

Proposed Conditional Zoning District: OI/CZ - Conditional Office and Instituional
Lot or Site Acreage to be rezoned: .40
Was a neighborhood meeting conducted?: No
Date of Neighborhood Meeting:
Number of Residential Units:
Nonresidential Square Footage: 1766

Landowner Information

Landowner Name: Anchorpoint Properties, LLC
Deed Book and Page Number: 12446--0490

Written Description of Request - Answer all the questions under this section (upload additional sheets as needed).

A) Describe the proposed use of the rezoned land, including the proposed types of site improvements, buildings, uses, proposed activities, hours of operation, and operating characteristics.:
The existing residential structure will serve as an expansion of the adjacent Divine Wellness Therapeutic Center by providing additional counseling and office space for outpatient behavioral health services. The building will not operate as a separate standalone business.

B) Describe the proposed conditions that should be applied.:
- The property shall be developed in substantial conformance with the approved site plan.
- The existing residential structure shall be retained, and the residential character of the property shall be preserved to the greatest extent practicable.
- The property may be used for residential purposes or for professional office uses permitted within the approved

The residential appearance of the structure will be maintained. The front entrance facing the residential neighborhood will remain closed and will not be used for client access. Client and staff access will be through the side and rear entrances, with access provided from the existing shared parking area serving Divine Wellness Therapeutic Center.

No new buildings are proposed. Any renovations will be limited to those necessary to comply with applicable building and fire codes. Client visits will be by appointment only, resulting in minimal traffic. Business hours are anticipated to be generally Monday through Friday, approximately 8:00 a.m. to 7:00 p.m., with occasional Saturday appointments as needed.

The proposed rezoning will allow the property to function as an extension of the adjacent Divine Wellness Therapeutic Center while minimizing impacts on the surrounding residential neighborhood.

C) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:
The subject property is adjacent to Divine Wellness Therapeutic Center and First Steps Day Treatment, both existing outpatient behavioral health facilities. The surrounding area includes residential development as well as these established professional uses, making the proposed rezoning compatible with the existing character of the area.

- conditional zoning district.
- Any signage shall be limited to building-mounted signage in compliance with applicable City ordinances. No freestanding monument or pole signage is proposed.

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:
The proposed conditional rezoning is consistent with sound land use planning because it expands an existing professional office use without introducing a new standalone commercial use into the neighborhood. The existing residential structure will remain in place and maintain its residential appearance while being adapted to provide additional space for the adjacent Divine Wellness Therapeutic Center. Existing parking has been determined to be adequate through the City's alternative parking review, minimizing impacts on the surrounding neighborhood. The proposed use represents a logical transition between existing professional office uses and nearby residential properties while providing expanded access to outpatient behavioral health services for the community.

B) Are there changed conditions that require an amendment? :
Not applicable. This is a new conditional rezoning request, not an amendment to an existing conditional zoning.

C) State the extent to which the proposed amendment addresses a demonstrated community need.:
The proposed rezoning will allow an established outpatient behavioral health practice that has been serving the Fayetteville community to expand its capacity and better meet the growing demand for counseling and mental health services. Rather than creating a new commercial use, the proposal expands an existing practice in a manner that minimizes impacts on the surrounding neighborhood while improving access to care.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:

The proposed conditional zoning is appropriate because it does not establish a new standalone commercial use, but instead allows the adjacent property to function as an expansion of the existing Divine Wellness Therapeutic Center campus. The building will provide additional counseling and office space while maintaining its residential appearance and utilizing the existing shared parking area, which has been determined by the City to provide adequate parking. Because the property directly adjoins existing outpatient behavioral health facilities, the proposed use is a logical extension of the existing professional office campus and is compatible with the surrounding area while continuing to provide an appropriate transition to nearby residential properties. The additional space will allow Divine Wellness Therapeutic Center to expand its capacity to serve the growing demand for outpatient behavioral health services in the community while preserving the character of the surrounding neighborhood.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:
The proposed conditional rezoning promotes a logical and orderly development pattern by allowing an existing outpatient behavioral health campus to expand onto the immediately adjacent property rather than establishing a new commercial use at another location. The expansion makes efficient use of an existing structure and existing parking infrastructure while maintaining the residential appearance of the building. This approach minimizes impacts on the surrounding neighborhood, creates a cohesive professional office campus, and allows Divine Wellness Therapeutic Center to expand its capacity to meet the growing demand for outpatient behavioral health services in the community.

F) State the extent to which the proposed amendment might encourage premature development.:
The proposed conditional rezoning is not expected to encourage premature development because it is limited to the expansion of an existing adjacent professional office. The proposal utilizes an existing building and existing infrastructure and does not create new commercial development or encourage additional commercial expansion into the surrounding residential neighborhood.

G) State the extent to which the proposed amendment results in strip-style commercial development.:
The proposed conditional rezoning will not result in strip-style commercial development. The proposal is limited to the expansion of an existing outpatient behavioral health office onto the immediately adjacent property and does not establish a new standalone commercial use. The existing residential structure will be retained, its residential appearance will be maintained, and no new commercial frontage or retail-style development is proposed. The proposal represents the logical expansion of an existing professional office campus rather than the creation of strip-style commercial development.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:
The proposed conditional rezoning will not create an isolated zoning district unrelated to adjacent and surrounding uses. Instead, it allows the orderly expansion of the existing Divine Wellness Therapeutic Center and First Steps Day Treatment onto the immediately adjacent property. The building will continue to maintain its residential appearance, no freestanding street-facing signage is proposed, and the existing shared parking area will continue to serve the property. The proposed use is integrated with the existing adjacent professional office uses while remaining compatible with the surrounding neighborhood.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:
The proposed conditional rezoning is not expected to result in significant adverse impacts on the value of surrounding properties because the existing residential structure will be retained and its residential appearance will be maintained. No freestanding street-facing signage or new commercial parking areas are proposed, and the property will function as an expansion of the adjacent Divine Wellness Therapeutic Center rather than as a new standalone commercial use. These measures are intended to minimize impacts on the surrounding neighborhood while allowing for the expansion of needed outpatient behavioral health services.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:
The proposed conditional rezoning is not expected to result in significant adverse impacts on the natural environment. The proposal utilizes an existing residential structure and existing developed site, with no substantial land disturbance, expansion of impervious surface, or new commercial parking areas proposed. The project represents the adaptive reuse of an existing building rather than new development, thereby minimizing environmental impacts.

Primary Contact Information

Project Owner
Robyn Mirassou
Divine Wellness Therapeutic Center,PLLC
2216 Hope Mills Rd
Fayetteville, NC 28304
P:9102755766
robyn@divinewellnesstherapeutics.com

Project Contact - Agent/Representative
Robyn Mirassou
Divine Wellness Therapeutic Center,PLLC
2216 Hope Mills Rd
Fayetteville, NC 28304
P:9102755766
robyn@divinewellnesstherapeutics.com

Indicate which of the following project contacts should be included on this project:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds $40,000. :

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State General Contractor's License Number:

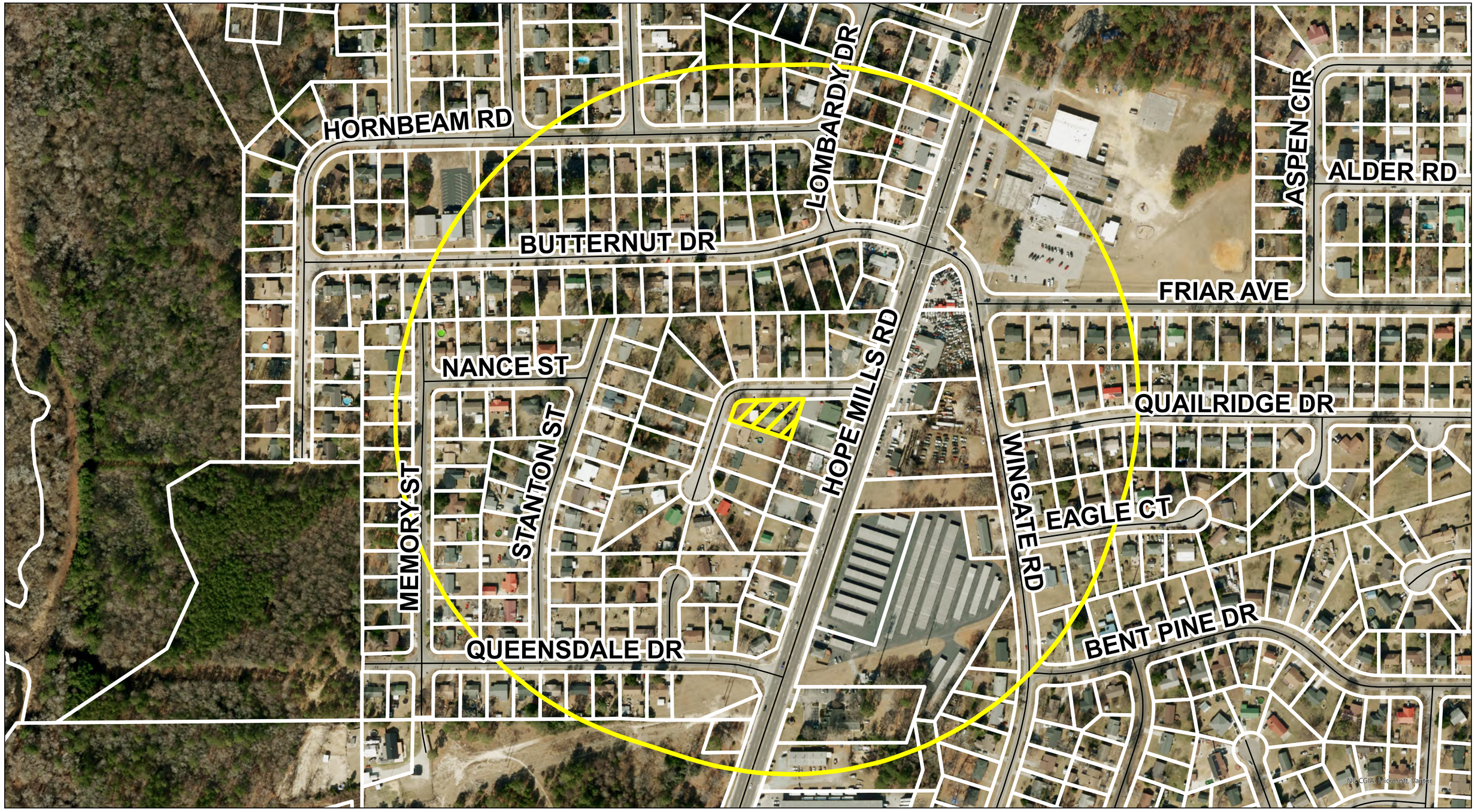
NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:



Aerial Notification Map

Case #: P26-38

Request: SF-10 to OI/CZ
Location: 5113 Meadowbrook Dr
(0416004821000)

Streets

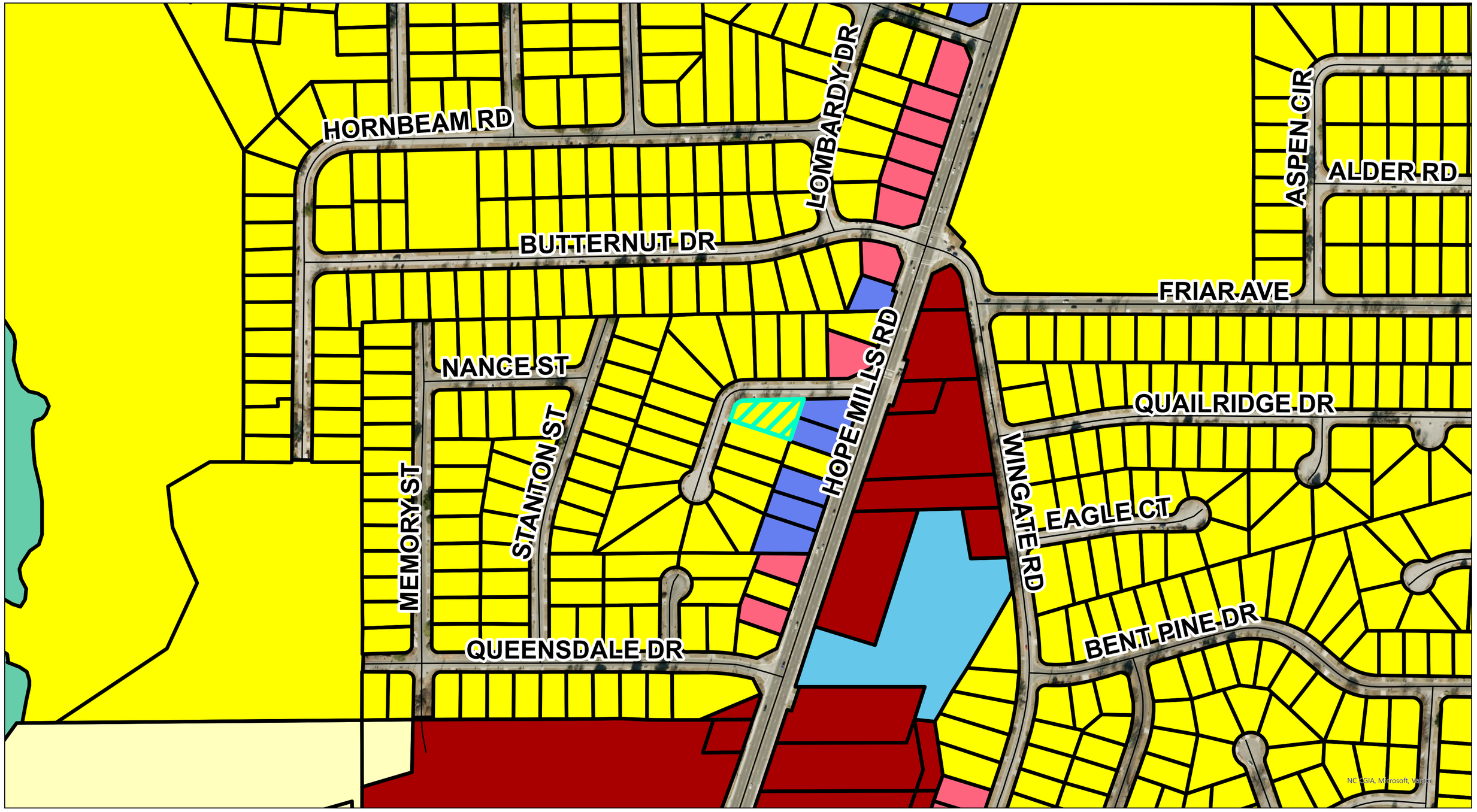
P26-38 Buffer

P26-38

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE NC
AMERICA'S CAN DO CITY



Zoning Map

Case #: P26-38

Request: SF-10 to OI/CZ
Location: 5113 Meadowbrook Dr
(0416004821000)

- CC - Community Commercial
- LC - Limited Commercial
- LI - Light Industrial
- OI - Office & Institutional
- PND - Planned Neighborhood Development
- SF-6 - Single-Family Residential 6
- SF-10 - Single-Family Residential 10
- Streets
- P26-38

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

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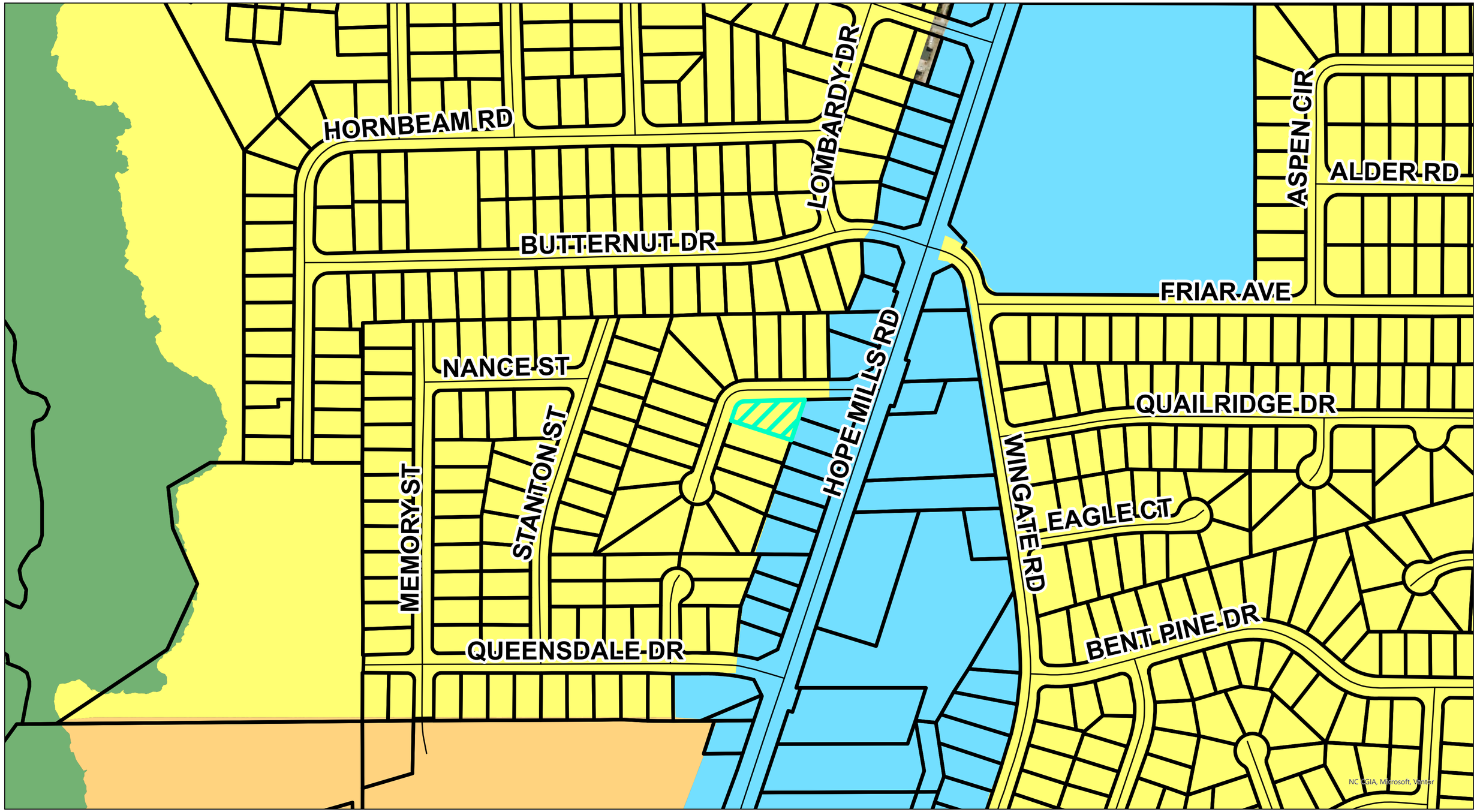
FAYETTEVILLE NC
AMERICA'S CAN DO CITY



Future Land Use Map

Case #: P26-38

Request: SF-10 to OI/CZ
Location: 5113 Meadowbrook Dr
(0416004821000)

PARKOS - PARK / OPEN SPACE

LDR - LOW DENSITY

MDR - MEDIUM DENSITY

OI - OFFICE / INSTITUTIONAL

Streets

P26-38

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE NC
AMERICA'S CAN DO CITY

FAYETTEVILLE NC

Subject Property

Surrounding Properties

Across

Across

Across

Adjacent

Adjacent

SITE PLAN LEGEND

- Existing Building
- Existing Parking/Drive
- Primary Client/Staff Access
- Accessible Ramp
- Parcel Boundary

SITE NOTES

- Existing residential structure to be retained.
- Residential appearance of the property will be maintained to the greatest extent practicable.
- No new buildings or parking areas proposed.
- Shared parking is sufficient for all uses.
- No freestanding street sign proposed.
- Professional office use expansion of the adjacent Divine Wellness Therapeutic Center.

This is a conceptual site plan for rezoning purposes only. All features are existing. No changes to site circulation, parking layout, or access are proposed.

N

CONCEPTUAL SITE PLAN

5113 Meadowbrook Dr.
Fayetteville, NC 28306

Parcel ID:	0416-00-4821
Current Zoning:	R10
Proposed Zoning:	OI Conditional
Acreage:	0.41 Acres (±)
Date:	July 6, 2026
Scale:	1" = 30' (Approx.)

0 0.01 0.01 mi

Consistency and Reasonableness Statement

Map Amendments

Pursuant to N.C.G.S. § 160D-604 and § 160D-605, the Zoning Commission determines that the proposed zoning map amendment in case P26-38 is consistent with the City of Fayetteville's Future Land Use Map as well as the Comprehensive Plan and Strategic Plan.

The following analysis reviews the proposed amendment in relation to the goals and policies of the Future Land Use Map, Comprehensive Plan, and Strategic Plan following the Commission's established review format.

Consistency

1. **STRATEGOC PLAN GOALS**

GOAL(S)	CONSISTENT	INCONSISTENT
Goal II – Responsive City Government Support a Diverse & Viable Economy (2.1, 2.2, and 2.4)		
• Approval of the request would enable expanding the business, which would necessitate hiring more clinicians. This would provide more tax revenue directly via reclassification of the residential property as commercial and indirectly via salaries and revenue.	X	
Goal III – City Investment in Today & Tomorrow (3.2)		
• The business can expand without moving location or egregious modification of existing space.	X	
Goal IV – Desirable Place to Live, Work, & Recreate (4.2, 4.5, and 4.6)		
• The proposed conditions and agreement enable little to no additional impact on the existing neighborhood while providing an increasingly necessary service. Deteriorating mental health is a common cause of poverty and homelessness.	X	
Goal VI – Collaborative Citizen & Business Engagement Base (6.1)		
• Conditionality minimally requires the collaboration between property owners and local government and commonly with stakeholders such as neighbors as conditions serve to assuage potential problems that a base zoning district or a specific development can cause.	X	

2. FUTURE-LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LU-1: Encourage Growth in Areas Well-Served by Infrastructure and Urban Services (1.2 and 1.7) • Hope Mills Road is a commercial and residential corridor that is well-served by infrastructure and adjacent zoning includes OI properties.	X	
LU-2: Encourage Strategic Economic Development (2.1 and 2.5) • The request is to serve reuse of an existing structure for commercial purposes along a commercial corridor.	X	
LU-3: Encourage Redevelopment (3.1 and 3.2) • Reusing an existing structure that would be modified to fit a commercial designation is classic redevelopment and infill development.	X	
LU-4: Encourage Well-Designed and Walkable Commercial and Mixed-Use Districts (4.1 and 4.2) • Conditions create context-sensitive design requirements especially as it relates to parking by reducing visual and traffic intensity to equivalent to residential.	X	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

X	The requested map amendment is consistent or aligns with the area's designation on the FLUM	**OR**		The requested map amendment is **NOT** consistent or **DOES NOT** align with the area's designation on the FLUM
X	As requested, the proposed designation would permit uses complementary to those existing on adjacent tracts.	**OR**		As requested, the proposed designation would permit uses incongruous to those existing on adjacent tracts.

Reasonableness

The proposed zoning map amendment of SF-10 to OI/CZ is both reasonable and in the interest of the public. It supports the policies of the Comprehensive and Strategic Plans because: [select all that apply]

X The size, features, and other conditions of the site support the request and potential use cases.

X The amendment includes conditions that limit potential negative impacts on neighboring uses.

X The proposed use addresses the needs of the area by enabling expanded mental health services.

X The proposal promotes orderly development by aligning with surrounding land uses.

The amendment is also in the public interest because it: [select all that apply]

X Improves net total consistency with the Future Land Use Map and Comprehensive Plan.

X Improves the net health and safety of the community.

X Preserves environmental and/or cultural resources.

X Facilitates desired development such as infill and/or in an infrastructure-served area.

X Provides needed housing/commercial area.

Additional comments:

Date

Chair Signature

Print

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0512

Agenda Date: 8/11/2026 **Version:** 1 **Status:** Agenda Ready

In Control: Zoning Commission **File Type:** Public Hearing (Public & Legislative)

Agenda Number: 5.03

TO: **Zoning Commission**

THRU: **Jennifer C. Baptiste - Planning & Zoning Division Manager**

FROM: **Craig Harmon - Senior Planner**

DATE: **August 11, 2026**

RE:
P26-39: A request to rezone 5210 Arbor Road (0530630070000) consisting of 0.44 acres ±, represented by Kevin Cole of Kevin Cole Designs for owner Arland Nguefack Tsobgou from Single-Family 10 (SF-10) to Single-Family 6 (SF-6).

COUNCIL DISTRICT(S):
1 - Councilman Dr. Stephon Ferguson

Relationship To Strategic Plan:
Goal II: Responsive city government supporting a diverse & viable economy

- Objective 2.1 - To insure a diverse city tax base

Developed land generates more property tax revenue than undeveloped land.

Goal III: City investment in today & tomorrow

- Objective 3.2 - To manage the City's future growth and strategic land use

Allowing for higher density residential adjacent to a shopping complex complete with a grocery store allows a larger number of residents to make important and necessary life trips within easy walking distance. This reduces reliance on automobile trips and lower traffic along already burdened major arterials.

Goal IV: Desirable place to live, work, & recreate

- 4.5 - To ensure a place for people to live in great neighborhoods

Walkability is increasingly important in neighborhood choice as is managed land.

Executive Summary:
The applicant requests a rezoning of approximately 0.44 acres at 5210 Arbor Road from SF-10 to SF-6 to support the proposed development of a four-unit townhouse project. The property is currently vacant and undeveloped, with no existing structures or active land uses, and is served by public water and sewer. Surrounding zoning includes SF-10, MR-5, and Light Commercial districts, with nearby single-family, multifamily, and commercial uses.

The applicant states that the proposed SF-6 zoning is consistent with the Comprehensive Plan because it supports additional housing, efficient land use, and compatible residential development. The application describes the rezoning as an appropriate transition among the surrounding zoning districts and states that it would not create strip commercial development, an isolated zoning district, or premature development. The applicant further states that future development would be subject to

applicable environmental and stormwater regulations and is not expected to significantly affect surrounding property values or the natural environment.

A rezoning request for this same property was to go from SF-10 to MR-5, P26-05, was denied by the City Council in March of this year. Staff and the Zoning Commission recommended SF-6, which would allow additional single-family development flexibility while maintaining a low-density residential framework consistent with the Future Land Use Plan. The Zoning Commission completed its legislative hearing on February 10, 2026, and adopted a Consistency and Reasonableness Statement supporting SF-6; the applicant appealed that recommendation, requiring a City Council public hearing. During the hearing, staff noted concerns that MR-5 could allow substantially greater density and buildings up to six stories without a required concept plan or commitments regarding unit count, placement, height, buffering, or lighting. After discussion, the applicant's representative indicated a willingness to withdraw and resubmit a conditional rezoning request, and the City Council moved to deny the MR-5 request and encouraged the applicant to reapply with conditions.

The current rezoning request P26-39 is a straight rezoning to SF-6, no conditions are included.

Background:
Owner: Arland Nguefack
Applicant: Kevin Cole
Request: SF-10 to SF-6
Address: 5210 Arbor Rd
Parcel Size: ± 0.44
Existing Site Conditions: Wooded and vacant
Adjacent Zoning:

- **North:** LC - Shopping Center
- **South:** SF-10 - Single Family Residential
- **East:** LC - Applebee's & Aldi
- **West:** SF-10 - Single Family Residential

Utilities: Public sewer and water
Public Notice: Notification letters were sent to property owners within 1,000 feet of the subject site equating to 104 notices sent.

Issues/Analysis:
The request is to rezone approximately 0.44 acres at 5210 Arbor Road from SF-10 (Single-Family Residential 10) to SF-6 (Single-Family Residential 6). The proposed change would allow greater flexibility for residential development while retaining a low-density, single-family zoning framework. The parcel is wooded and currently serves as a visual and vegetative transition between Arbor Road and the more intensive commercial development along Ramsey Street. Commercial uses, large parking areas, Methodist University, and multifamily development are located to the east and southeast, while detached single-family homes characterize the west side of Arbor Road and the surrounding neighborhood.
The subject property and the adjoining neighborhood are designated LDR (Low Density Residential) on the Future Land Use Map. Neighborhood Mixed Use lies

directly north, and Highway Commercial lies immediately east. SF-6 remains within the low-density residential family and is generally consistent with the LDR designation. It also provides a reasonable transition between the established SF-10 neighborhood and the more intensive land-use categories located near Ramsey Street.
Compared with SF-10, SF-6 permits smaller residential lots and offers additional flexibility for compatible infill development. However, it does not allow the height, density, or building scale associated with Mixed Residential 5 (MR-5) zoning. This reduces concerns related to building mass, lighting, parking demand, service areas, and traffic on Arbor Road. Although development could remove part of the existing vegetative buffer, future construction would remain subject to applicable dimensional, access, drainage, and development standards.
Overall, SF-6 represents an incremental zoning change that recognizes the property's location at the edge of commercial and institutional development while preserving the low-density residential character of Arbor Road. The proposed district supports additional housing opportunities without introducing substantially higher-density development into the neighborhood. Based on the surrounding zoning, Future Land Use designation, and local street context, SF-6 provides a reasonable transition and a more compatible development framework for the property.

NOTE: The applicant has submitted plans depicting a four-unit, townhome-style development on the property (attached). However, this is a conventional rezoning request with no conditions to bind the developer to those plans Therefore, approval of the rezoning would not require the owner or developer to construct the project as shown, and the property could be developed with any use permitted in the SF-6 zoning district, subject to applicable development standards.

Budget Impact:
No immediate budget impact, however any development will provide the City with future tax revenue.

Options:

- **Approval (Recommended Action):**

Recommend approval of the zoning map amendment as requested - finding that the request is consistent with the Future Land Use Plan and reasonable to local context as outlined by the Consistency and Reasonableness Statements.

- **Approval, but to a more restrictive district:**

Recommend approval of the zoning map amendment from SF-6 to one that is more restrictive, but consistent with the Future Land Use Plan and Reasonable to the local contexts with amended Consistency and Reasonableness Statements.

- **Denial:**

Recommend denial of the proposed map amendment - find that the request is inconsistent with the Future Land Use Plan and unreasonable to the local context.

Recommended Action:
The Planning Staff recommends that the Zoning Commission recommend that the City Council **APPROVE** the request of rezoning the approximately 0.44 acres at 5210 Arbor Road from SF-10 to SF-6.

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Survey
8. Townhome Drawings
9. Consistency and Reasonableness Statements

Planning & Zoning
433 Hay Street
Fayetteville, NC 28301
910-433-1612
www.fayettevillenc.gov

Project Overview #2238051

Project Title: PROPOSED 4 UNIT TOWN HOUSE 5210 ARBOR RD FAYETTEVILLE NC

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 5210 ARBOR RD (0530630070000)

Zip Code: 28311

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: Cumberland County Tax Office GIS system

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 5210 ARBOR RD

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No

Previous Amendment Approval Date:

Previous Amendment Case #:

Proposed Zoning District: SF-6

Acreage to be Rezoned: .44

Is this application related to an annexation?: No

Water Service: Public

Sewer Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any:
The subject property is currently a vacant, undeveloped parcel of land with no existing structures or improvements. The site is presently unused and contains natural vegetation. No active residential, commercial, industrial, or institutional uses currently exist on the property.

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:
The subject property is zoned **SF-10** and is adjacent to **SF-10**, **MR-5 (Multi-Residential)**, and **Light Commercial** zoning districts, with surrounding uses consisting of single-family residential, multifamily

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:

The proposed rezoning is consistent with the Comprehensive Plan by supporting compatible residential development, encouraging efficient land use, and providing a transition between nearby residential, multifamily, and light commercial uses.

B) Are there changed conditions that require an amendment? :
The proposed amendment is requested to better utilize the property while remaining compatible with the surrounding zoning and existing land uses.

C) State the extent to which the proposed amendment addresses a demonstrated community need.:
The proposed amendment addresses the community's need for additional residential housing by allowing development that is compatible with the surrounding area and existing infrastructure.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:
The proposed **SF-6** zoning is compatible with the surrounding single-family, multifamily, and light commercial uses and provides an appropriate transition between the existing zoning districts while supporting orderly residential development.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:
The proposed amendment promotes a logical and orderly development pattern by aligning the property's zoning with surrounding development and supporting compatible residential growth.

F) State the extent to which the proposed amendment might encourage premature development.:
The proposed amendment is not expected to encourage premature development, as the property is located in an area with existing development and available public infrastructure.

G) State the extent to which the proposed amendment results in strip-style commercial development.:
The proposed amendment will not result in strip-style commercial development, as it is intended solely for residential use.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:

The proposed amendment will not create an isolated zoning district, as it is compatible with and surrounded by existing residential, multifamily, and light commercial zoning districts.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:
The proposed amendment is not expected to have any significant adverse impact on the property values of surrounding lands, as the proposed

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:
The proposed amendment is not expected to result in any significant adverse impacts on the natural environment, as development will be subject to all applicable environmental and stormwater regulations.

Primary Contact Information

Project Owner
ARLAND NGUEFACK

5210 ARBOR RD
fayetteville, NC 28311
P:2405292540
nguefackleo@gmail.com

Indicate which of the following project contacts should be included on this project: Architect

Project Contact - Agent/Representative
Kevin Cole

7038 Rockridge Ln
Fayetteville, FL 28306
P:3057487291
kevincoledesigns@gmail.com

Project Contact - Architect
Kevin Cole

7038 Rockridge Ln
Fayetteville, FL 28306

P:3057487291
kevincoledesigns@gmail.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds $40,000. :

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Aerial Notification Map
Case #: P26-39

Request: SF-10 to SF-6
Location: 5210 Arbor Rd
(0530630070000)

Streets

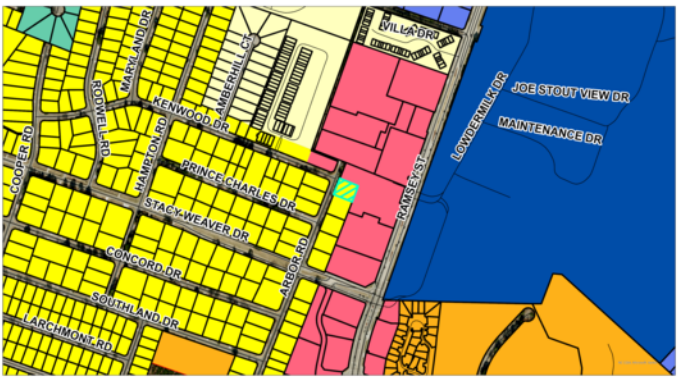
P26-39

P26-39 Buffer

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE NC
AMERICA'S CAN DO CITY



Zoning Map
Case #: P26-39

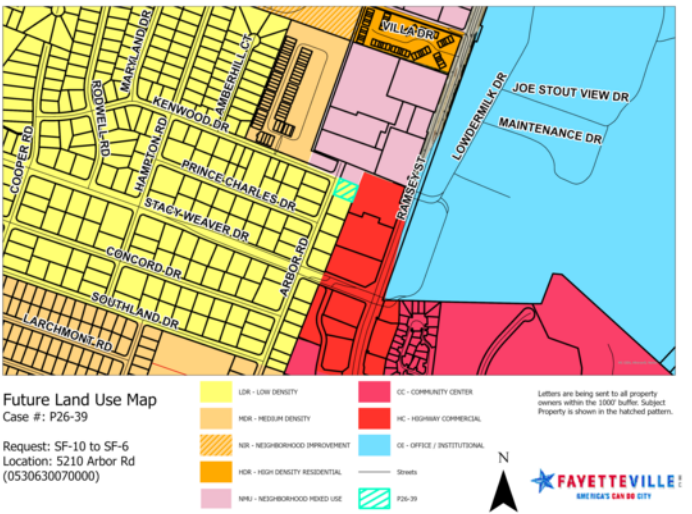
Request: SF-10 to SF-6
Location: 5210 Arbor Rd
(0530630070000)

LC - Limited Commercial
MR-5 - Mixed Residential 5
OI - Office & Institutional
PND - Planned Neighborhood Development
SF-6 - Single-Family Residential 6
SF-10 - Single-Family Residential 10
UC - Universities/Colleges
Streets
P26-39

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE NC
AMERICA'S CAN DO CITY



Future Land Use Map
Case #: P26-39

Request: SF-10 to SF-6
Location: 5210 Arbor Rd
(0530630070000)

LDR - LOW DENSITY
MDR - MEDIUM DENSITY
NIR - NEIGHBORHOOD IMPROVEMENT
HDR - HIGH DENSITY RESIDENTIAL
NMU - NEIGHBORHOOD MIXED USE
CC - COMMUNITY CENTER
HC - HIGHWAY COMMERCIAL
OI - OFFICE / INSTITUTIONAL
Streets
P26-39

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

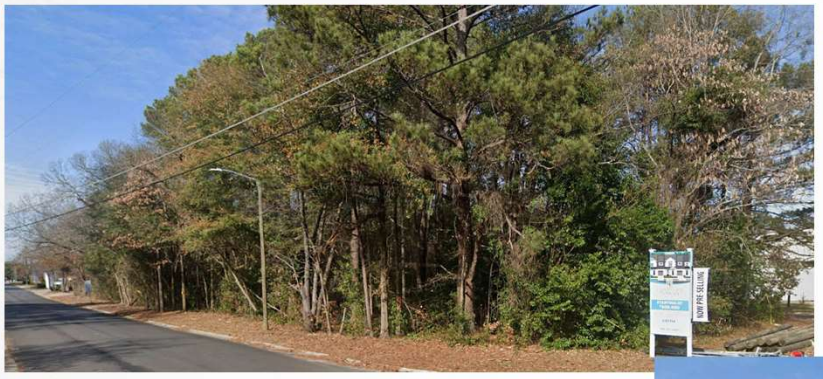
FAYETTEVILLE NC
AMERICA'S CAN DO CITY

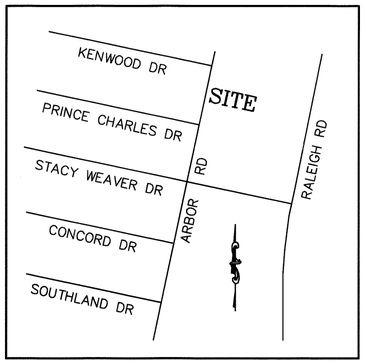
FAYETTEVILLE NC

Subject Property

FAYETTEVILLE NC

Surrounding Properties





VICINITY MAP
(NO SCALE)

NOTES:
1. PROPERTY SUBJECT TO ALL EASEMENTS, RIGHTS–OF–WAY AND RESTRICTIVE COVENANTS OF RECORD.
2. AREAS COMPUTED BY COORDINATE METHOD.
3. RATIO OF PRECISION > 1:10,000
4. DASHED LINES NOT SURVEYED.
5. TAX PIN ~~0530-75-0627, 0530-63-1122, 0530-52-9773, 0530-62-2730~~
6. ANY LOCATION OF UNDERGROUND UTILITIES AS SHOWN ARE BASED ON VISIBLE EVIDENCE AND DRAWINGS IF PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON, AND ADDITIONAL BURIED UTILITIES MAY EXIST. CONTACT THE APPROPRIATE UTILITY COMPANIES FOR INFORMATION REGARDING BURIED UTILITIES.
7. EXCEPT AS SPECIFICALLY STATED OR SHOWN, THIS SURVEY DOES NOT REPORT ANY OF THE FOLLOWING: EASEMENTS, OTHER THAN THOSE VISIBLE DURING FIELD EXAMINATION OR AS IN DOCUMENTATION PROVIDED BY THE CLIENT OR ATTORNEY, BUILDING SETBACKS, RESTRICTIVE COVENANTS, ZONING OR LAND USE REGULATIONS AND ANY FACTS WHICH A TITLE SEARCH MAY DISCLOSE.
8. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
9. THIS SURVEY WAS DONE WITHOUT A TITLE SEARCH AND IS BASED ON REFERENCED INFORMATION. THERE MAY EXIST OTHER DOCUMENTS OF RECORD, WHICH COULD AFFECT THIS PROPERTY. ALL RESEARCH DATA CURRENT AS OF 11/15/2006.
10. ALL BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THIS PROPERTY ARE SHOWN, IF REQUIRED.
11. WHILE BUILDING SETBACKS ARE SHOWN ON THIS PLAT, THE ORDINANCE ALLOWS FOR ALTERNATIVE CONFIGURATIONS. THE BUILDING INSPECTOR WILL MAKE FINAL DETERMINATIONS AS TO INDIVIDUAL REQUESTS.
12. IF THIS PLAT IS OF THE CATEGORY DETERMINED TO BE A RECOMBINATION OF PREVIOUSLY PLATTED OR RECORDED PROPERTY, ANY RESTRICTIONS AND SPECIFICS APPLICABLE TO THAT PREVIOUSLY FILED DOCUMENT APPLY TO THIS SUBJECT PROPERTY ALSO, EXCEPT AS ALLOWED FOR BY THE ORDINANCE FOR THE JURISDICTION THAT OVERSEES AND GOVERNS THIS SUBJECT PROPERTY.
13. UNLESS OTHERWISE NOTED, THIS PROPERTY HAS NOT BEEN INVESTIGATED WITH REGARDS TO WETLANDS AND NO DETERMINATION HAS BEEN MADE AS TO THE EXISTENCE OF WETLANDS WITHIN THE BOUNDARIES SHOWN HEREON.
14. IF WETLAND AREAS ARE SHOWN ON THIS SUBJECT PROPERTY, THOSE AREAS WERE STAKED AND DETERMINED TO BE SUCH BY OTHERS. THE SURVEYOR'S CERTIFICATION HEREON CERTIFIES TO THE LOCATION OF THOSE AREAS, AS STAKED BY OTHERS, BUT LOCATED UNDER THIS SURVEYOR'S SUPERVISION AND PLATTED HEREON.
15. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED DURING THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONTAINERS, WHICH MAY AFFECT THE USE OF THIS TRACT.
16. NON–CONFORMING STRUCTURES HAVE NOT BEEN CREATED BY THIS SUBDIVISION.
17. UNLESS NOTED OTHERWISE, THERE WERE NO U.S.G.S., N.C.G.S. OR OTHER GOVERNMENTALLY RECOGNIZED HORIZONTAL CONTROL MONUMENTATION FOUND WITHIN 2,000 FEET OF THIS SUBJECT PROPERTY.
18. IF THE STREETS AND ROADS SHOWN ON THIS MAP ARE LABELED AS PRIVATE STREETS, THE FOLLOWING NOTICE APPLIES TO THOSE STREETS: NO PUBLIC AGENCY IS PRESENTLY RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE STREETS SHOWN ON THIS PLAT. PRIVATE STREETS ARE FOR THE USE OF ALL OWNERS OF PROPERTY WITHIN THIS SUBDIVISION, THEIR GUESTS AND ALL REPRESENTATIVES OF GOVERNMENTAL AGENCIES FOR INGRESS AND EGRESS, AND FOR THE CONSTRUCTION, INSPECTION AND MAINTENANCE OF PUBLIC STREETS, UTILITIES, AND DRAINAGE STRUCTURES. THE STREETS ARE THE SOLE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
19. "NO PUBLIC AGENCY IS PRESENTLY RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE STREETS SHOWN ON THIS PLAT. PRIVATE STREETS ARE FOR THE USE OF ALL OWNERS OF PROPERTY WITHIN THIS DEVELOPMENT AND THEIR GUESTS; AND ANY GOVERNMENTAL AGENCY OR PERSONNEL OR EQUIPMENT THEREOF WHO SHALL BE GRANTED PERPETUAL ACCESS OVER ALL SUCH PRIVATE STREETS TO ACCOMPLISH OR FULFILL ANY SERVICE OR FUNCTION FOR WHICH THE AGENCY IS RESPONSIBLE AND THAT ANY AGENCY OR ORGANIZATION DESIGNATED BY A GOVERNMENTAL AGENCY TO PERFORM A DESIGNATED FUNCTION SHALL ALSO RETAIN ACCESS THE SAME AS ANY GOVERNMENT AGENCY. ANY GOVERNMENTAL AGENCY EXERCISING ITS ACCESS RIGHTS SHALL HAVE THE SAME RIGHTS AND ONLY SUCH LIABILITIES AS IT WOULD HAVE ON ANY PUBLIC LANDS, RIGHTS–OF–WAY, OR EASEMENTS."
20. "ALL CURRENT AND FUTURE OWNERS OF THESE TRACT BE AWARE THAT MAINTENANCE FOR THE CLASS "A" PRIVATE STREETS SHOWN ON THIS PLAT ARE THE RESPONSIBILITY OF THE OWNERS" ASSOCIATION OF THE TRACTS SERVED BY AND HAVING ACCESS TO THE CLASS "A" PRIVATE STREETS."

LEGEND

◎	DENOTES IRON PIPE OR BREAK IN LINE
△	DENOTES CONTROL CORNER
□	CONCRETE MONUMENT
EIP	EXISTING IRON PIPE
ER	EXISTING REBAR
SIR	SET REBAR
⊕	SANITARY SEWER MANHOLE

NOTE – IRON REBAR SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

CITY OF FAYETTEVILLE
INSPECTION DEPARTMENT
Certificate of Approval for Recording
Watershed Protection
I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Public Works Commission for recording in the Register of Deeds office
Billy McLaurin
Inspections Director
9-2-09
Date
NOTICE:
This Property is within a water supply watershed and development restrictions may apply.

CERTIFICATE OF SURVEY AND ACCURACY

I, W. LARRY KING, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DESCRIBED IN PLAT/DEED BOOK_____PAGE_____); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN PLAT/DEED BOOK_____ PAGE_____; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47–30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 25 DAY OF AUG, A.D., 2009.

W. Larry King
SURVEYOR
(W. LARRY KING, P.L.S.)
REGISTRATION NUMBER L–1339

I, W. LARRY KING, HEREBY CERTIFY THAT THE CHECKED ITEM(S) BELOW APPLY TO THIS MAP.

(A) THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;

B. THAT THE SURVEY IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;

C. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND;

D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;

E. THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF HIS OR HER PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT THE LAND SHOWN ON THIS PLAT IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF HOKE COUNTY AND THAT THIS PLAT IS OUR FREE ACT AND DEED. I DO HEREBY DEDICATE FOR PUBLIC USE OF ALL RIGHTS–OF–WAY AND EASEMENTS AS SHOWN ON THIS MAP.

Mary Linda Faulk
PROPERTY OWNER

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, LORI SIMPSON EPLER, A NOTARY OF THE COUNTY AND STATE, AFORESAID, CERTIFY THAT Mary Linda Faulk SUBJECT PROPERTY OWNER PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL. THIS 1st DAY OF September, 2009.

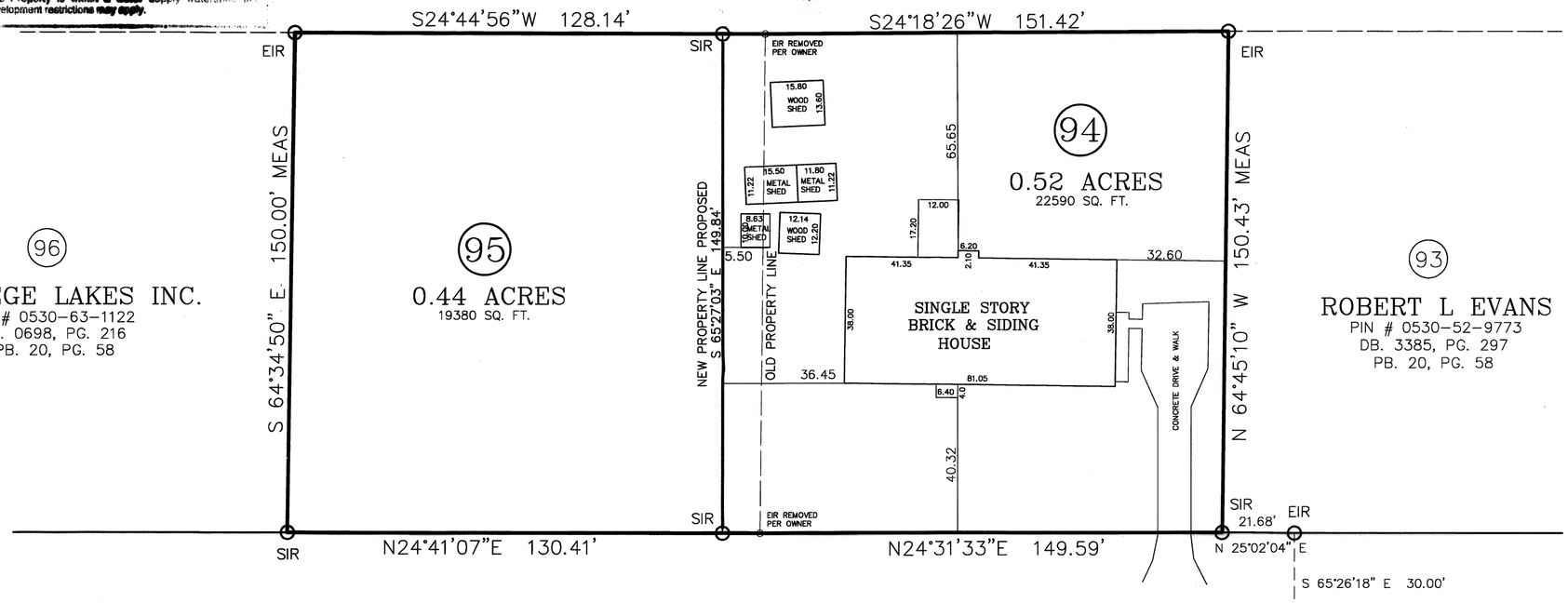
Lori Simpson Epler
NOTARY PUBLIC
11-14-09
MY COMMISSION EXPIRES

Notary Public
Lori Simpson Epler
Cumberland County
North Carolina

NO APPROVAL REQUIRED BY THE CITY OF FAYETTEVILLE
Marsha Bryant
SIGNATURE
Planning 9-3-2009
TITLE DATE

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND
I, Annie Faircloth, Review Officer of Cumberland County, certify that the map or plat to which this certificate is affixed meets all statutory requirements for recording.
Annie Faircloth
Review Officer
Date: 9-3-09

GRAPHIC SCALE
0 15 30 60



PB. 20, PG. 58

FILED Sep 03, 2009 10:59:00 am
BOOK 00125
PAGE 0045 THRU 0045
INSTRUMENT # 33235
RECORDING $21.00
EXCISE TAX (None)
FILED CUMBERLAND COUNTY NC J. LEE WARREN JR. REGISTER OF DEEDS
RF

REVISIONS

RECOMBINATION OF
LOTS 94 & 95
SECTION ONE
COLLEGE LAKES

TOWNSHIP: CARVERS CREEK COUNTY: CUMBERLAND
STATE: NORTH CAROLINA
PROPERTY OF: BOBBY LANCASTER CASE NO.

LARRY KING & ASSOCIATES, R.L.S., P.A.
P.O. BOX 53787
1333 MORGANTON ROAD SUITE 201
FAYETTEVILLE, NORTH CAROLINA 28305
TELEPHONE (910) 483–4300
FAX (910) 483–4052

DATE: AUGUST 24TH, 2009	SURVEYED BY: LKA	FIELD BOOK:
SCALE: 1" = 30'	DRAWN BY: B. CARVER	CAD DIRECTORY
CHECKED & CLOSURE BY:	LARRY KING	FILENAME

K:\sdsk\proj\BRADFORD BUILDERS\COLLEGE LAKES\LOTS 94 & 95\LOTS 94 & 95 RECOMBINATION.dwg, 8/25/2009 9:31:48 AM, bcarver, 1:30

4-UNIT TOWNHOUSE

5210 ARBOR RD

FAYETTEVILLE,NC

1 **PERSPECTIVE VIEW**

SCALE: NOT TO SCALE

GENERAL NOTES

ALL WORK UNDER THIS CONTRACT SHALL COMPLY WITH THE PROVISIONS OF THE SPECIFICATIONS AND DRAWINGS, AND SHALL SATISFY ALL APPLICABLE CODES, ORDINANCES AND REGULATIONS OF ALL GOVERNING BODIES INVOLVED. ANY MODIFICATIONS TO THE CONTRACT WORK REQUIRED BY SUCH AUTHORITIES SHALL BE AT THE EXPENSE OF THE OWNER, SUBJECT TO THE RECEIPT OF AN AFFIDAVIT OR LETTER FROM THE GOVERNING BODY, AND OWNER'S PRIOR APPROVAL OF ANY ADDITIONAL COST TO BE INCURRED. ALL PERMITS AND LICENSES NECESSARY FOR THE PROPER EXECUTION OF THE WORK SHALL BE SECURED AND PAID FOR UNDER THE PROVISIONS OF THE BUILDER'S CONTRACT WITH THE OWNER. APPLICABLE CODES INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:

CODE INFORMATION

CONSTRUCTION TYPE:	TYPE V
OCCUPANCY CLASS:	MULTI-FAMILY RESIDENCE - R-3 PER NC 2018
NUMBER OF STOREYS:	2
BUILDING CODE:	NC 2018 RESIDENTIAL BUILDING CODE
OCCUPANT LOAD:	200 SQFT GROSS PER PERS. PER NC 2018 TABLE 1004.1.2
OCCUPANT LOAD CALC:	1,691.75SQFT / 200 = 8.4 PERSONS PER UNIT
BUILDING HEIGHT:	SEE EXTERIOR ELEVATIONS
ALTERATION LEVEL:	N/A

THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH AND MEETS THE REQUIREMENTS OF ALL APPLICABLE STRUCTURAL SECTIONS OF NORTH CAROLINA CODE 2018 EDITIONS AND ASCE 7-10

SITE DATA

ADDRESS/PIN:	0530-63-0070
EXISTING LAND USE:	VACANT
PROPOSED LAND USE:	4-UNIT TOWNHOUSE
ZONING DESIGNATION:	SF-6

BUILDING HEIGHTS AND SETBACKS

SETBACK TYPE	REQUIRED	PROPOSED
FRONT	25'-00"	25'-09"
REAR	30'-00"	30"
SIDE (LEFT)	10'-00"	20' - 9 3/4"
SIDE (RIGHT)	10'-00"	20' - 9 3/4"
BUILDING HEIGHT	35'-00"	SEE ELEVATION
MAX LOT COVERAGE	40%	31.42%

SCOPE OF WORK

THE CONSTRUCTION OF A NEW FOUR (4) UNIT WOOD-FRAMED TOWNHOUSE BUILDING, INCLUDING SITE PREPARATION, CONCRETE FOUNDATIONS, WOOD STRUCTURAL FRAMING, FLOOR AND ROOF SYSTEMS, EXTERIOR CLADDING, ROOFING, WINDOWS AND DOORS, AND ALL ASSOCIATED BUILDING COMPONENTS REQUIRED FOR A COMPLETE AND HABITABLE STRUCTURE.

Floor Area Schedule

Name	Level	Area
GARAGE	Level 1	1246 SF
HEATED	Level 1	2592 SF
PATIO	Level 1	111 SF
HEATED	Level 2	4175 SF
Grand total		8124 SF

PROJECT FOR:

ARLAND LEONEL NGUEFACK TSOBGOU

CONSULTANTS

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REVISIONS

No.	Date	Action

PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE,NC

DRAWING NAME
COVER SHEET

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	01/26/21
Scale	:	
Job No.	:	19001

A-0

SEAL

GENERAL NOTES

GENERAL CONSTRUCTION NOTES:

1. GENERAL CONDITIONS OF THE CONTRACT (AIA DOCUMENT A-201) APPLY TO THIS PROJECT.

2. ALL CONSTRUCTION WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE BUILDING CODES AND ORDINANCES OR AGENCIES HAVING JURISDICTION OVER THIS PROJECT.

3. ALL BUILDING FACILITIES AND CONDITIONS, BOTH INTERIOR AND EXTERIOR, SHALL BE COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT (A.D.A) AND ALL FEDERAL, STATE, AND LOCAL CODES TO ENSURE ACCESSIBILITY FOR ALL.

4. ESTABLISH AND MAINTAIN PROJECT SAFETY DURING CONSTRUCTION TO PROTECT PERSONNEL, TENANTS, AND BUILDING OCCUPANTS. REQUIREMENTS INCLUDE, BUT SHALL NOT BE LIMITED TO OSHA PART 1926 LATEST EDITION.

5. THE GENERAL CONTRACTOR SHALL ARRANGE ALL INSPECTIONS AND TESTS AS SPECIFIED OR REQUIRED BY THE BUILDING DEPARTMENT AND SHALL PAY ALL COSTS AND FEES FOR SAME. THE CONTRACTOR SHALL SECURE ALL BUILDING PERMITS AND UPON COMPLETION OF THE PROJECT (PRIOR TO FINAL PAYMENT) DELIVER TO THE OWNER A CERTIFICATE OF OCCUPANCY OR USE FROM THE BUILDING DEPARTMENT.

6. ALL PLUMBING AND ELECTRICAL WORK SHALL BE PERFORMED BY STATE LICENSED CONTRACTORS. CONTRACTORS SHALL SUBMIT ALL REQUIRED PERMITS, CERTIFICATES, AND SIGN-OFFS TO OWNER AND ARCHITECT FOR THEIR RECORDS.

7. THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS, BE FAMILIAR WITH THE EXISTING CONDITIONS, AND BRING ANY DISCREPANCIES TO THE ATTENTION OF THE ARCHITECT PRIOR TO SUBMISSION OF CONSTRUCTION PROPOSAL AND BEFORE COMMENCEMENT OF THE WORK. THE DRAWINGS REFLECT CONDITIONS REASONABLY INFERRED FROM THE EXISTING VISIBLE CONDITIONS BUT CANNOT GUARANTEED BY THE ARCHITECT. DRAWINGS MAY BE SCALED FOR ESTIMATING PURPOSES AND FOR GENERAL REFERENCE ONLY. FOR ALL OTHER DIMENSIONS OR LOCATIONS CONSULT THE ARCHITECT OR REFER TO DIMENSIONS ON DRAWINGS. VERIFY ALL DIMENSIONS IN THE FIELD.

8. CONTRACTOR SHALL FIELD VERIFY ALL MEASUREMENTS, LOCATIONS, AND CHARACTERISTICS OF ALL WORK AND EQUIPMENT (WHETHER SUPPLIED BY THE OWNER OR OTHERS) WITH THE SUPPLIER OR MANUFACTURER PRIOR TO THE START OF RELATED WORK.

9. THE GENERAL CONTRACTOR SHALL LAY OUT ALL WORK AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS FOR TRADES SUCH AS ELECTRICAL, PLUMBING, ETC.

10. THE GENERAL CONTRACTOR/CONSTRUCTION MANAGER SHALL PROVIDE AND MAINTAIN ACCESS TO THE PREMISES AT ALL TIMES.

11. THE GENERAL CONTRACTOR SHALL KEEP THE CONSTRUCTION SITE FREE AND CLEAR OF ALL DEBRIS AND KEEP OUT ALL UNAUTHORIZED PERSONS. UPON COMPLETION OF WORK, THE ENTIRE CONSTRUCTION AREA IS TO BE THOROUGHLY CLEANED AND PREPARED FOR OCCUPANCY BY OWNER. ALL MATERIALS AND DEBRIS RESULTING FROM THE CONTRACTOR'S WORK SHALL BE REMOVED FROM THE SITE AND DISPOSED OF PROPERLY. CARE SHALL BE TAKEN DURING CONSTRUCTION THAT NO DEBRIS OR MATERIALS ARE DEPOSITED IN ANY RIGHT OF WAY AREA.

12. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING AND NEW CONDITIONS AND MATERIALS ON THE SITE. ANY DAMAGE CAUSED BY OR DURING THE EXECUTION OF THE WORK IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE CONTRACTOR'S EXPENSE.

13. ANY VARIATIONS FROM INDICATED DIMENSIONS OR CONDITIONS SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE ARCHITECT.

14. NO CHANGES ARE TO BE MADE WITHOUT THE APPROVAL OF THE ARCHITECT.

15. NO CUTTING OR DAMAGE TO BUILDING STRUCTURAL COMPONENTS WILL BE ALLOWED WITHOUT WRITTEN AUTHORIZATION FROM THE ARCHITECT.

16. PROVIDE BRACING, BLOCKING, AND/OR STRUCTURE AS REQUIRED TO FACILITATE INSTALLATION OF ALL WALL AND MILLWORK MOUNTED EQUIPMENT, IN NEW AND EXISTING WALLS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE SUPPORT REQUIRED TO MAINTAIN THE INTEGRITY OF THE WALLS AND THE SECURITY OF THE EQUIPMENT.

17. ALL WOOD BLOCKING SHALL BE FIRE RETARDANT TREATED. PROVIDE WOOD BLOCKING IN ALL STUD WALLS AT MILLWORK AND SPECIAL ITEM ANCHORING POINTS. WOOD BLOCKING SHALL BE MOISTURE TREATED IF LOCATED IN DAMP LOCATIONS OR ADJACENT TO CONCRETE OR MASONRY CONSTRUCTION. IF WOOD BLOCKING IS NOT PERMITTED BY CODE, THEN METAL STRIPS SHALL BE USED.

18. THE CONTRACTOR IS RESPONSIBLE FOR FIELD DIMENSIONS OF ALL MILLWORK, GLASS, DOOR OPENINGS, AND OTHER STRUCTURES PRIOR TO COMMENCEMENT OF FABRICATION.

19. ALL WORK SHALL CONFORM IN QUALITY TO ACCEPTED INDUSTRY STANDARDS. ALL MILLWORK SHALL CONFORM TO A.W.I. PREMIUM GRADE STANDARDS, UNLESS OTHERWISE NOTED.

20. THE MATERIALS USED FOR CONSTRUCTION OF SPACE SHALL NOT CONTAIN ASBESTOS, P.C.B, OR ANY OTHER HAZARDOUS MATERIALS OF ANY TYPE. MANUFACTURERS' NAMES AND TRADEMARKS SHALL NOT BE PROMINENTLY VISIBLE TO THE PUBLIC.

21. ALL WALLS TO BE LAID OUT AT 90-DEGREE ANGLES UNLESS OTHERWISE NOTED.

22. THE SCOPE OF WORK OF ALL TRADES IS TO INCLUDE ALL MATERIALS AND LABOR REQUIRED TO TOTALLY COMPLETE THE PROJECT AND BE FUNCTIONALLY CONSISTENT WITH THE DESIGN INTENT AS EXPRESSED IN THE CONSTRUCTION DOCUMENTS.

23. ALL UTILITIES SHALL BE CONNECTED TO PROVIDE GAS, ELECTRIC, AND WATER TO ALL EQUIPMENT WHETHER SAID EQUIPMENT IS IN CONTRACT OR NOT. EQUIPMENT SHALL BE GUARANTEED TO FUNCTION PROPERLY UPON COMPLETION.

24. MANUFACTURER'S STANDARD SPECIFICATIONS AND MATERIALS APPROVED FOR PROJECT USE ARE HEREBY MADE PART OF THESE NOTES WITH SAME FORCE AND EFFECT AS IF WRITTEN OUT IN FULL HEREIN. ALL APPLIANCES, FIXTURES, EQUIPMENT, HARDWARE, ETC. SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND PROCEDURES.

25. THERMOSTATS SHALL NOT BE LOCATED IN THE CENTER OF A WALL, ON AN ACCENT/SPECIALTY WALL, OR IN A LOCATION WHICH CONFLICTS WITH FURNISHINGS WITHOUT THE ARCHITECT'S APPROVAL.

26. WRITTEN WORDS TAKE PRECEDENCE OVER DRAWN LINES. LARGE-SCALE DETAILS AND PLANS TAKE PRECEDENCE OVER SMALLER DETAILS AND PLANS. SHOULD A CONFLICT ARRIVE BETWEEN THE SPECIFICATIONS AND DRAWINGS, THE REQUIREMENTS DEEMED MOST STRINGENT SHALL BE USED.

27. MINOR DETAILS NOT USUALLY SHOWN OR SPECIFIED BUT NECESSARY FOR PROPER AND ACCEPTABLE CONSTRUCTION, INSTALLATION, OR OPERATION OF ANY PART OF THE WORK AS DETERMINED BY THE ARCHITECT SHALL BE INCLUDED IN THE WORK AS IF IT WERE SPECIFIED OR INDICATED ON THE DRAWINGS.

28. ALL ARCHITECTURAL DRAWINGS AND CONSTRUCTION NOTES ARE COMPLIMENTARY. WHAT IS INDICATED AND CALLED FOR BY ONE SHALL BE BINDING AS THOUGH CALLED FOR BY ALL. NO DEVIATION FROM THE DRAWINGS OR SPECIFICATIONS OR INTENT OF SAME SHALL BE MADE WITHOUT THE ARCHITECT'S WRITTEN AUTHORIZATION.

29. ALL WORK SHALL BE GUARANTEED FOR ONE YEAR AFTER FINAL APPROVAL. THE GENERAL CONTRACTOR SHALL SIGN THE WRITTEN GUARANTEE AS PROVIDED BY THE OWNER. THE GUARANTEE SHALL COVER ALL GENERAL AND SUBCONTRACTOR WORK. ALL DEFECTS DISCOVERED DURING THIS PERIOD SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE CONTRACTOR'S EXPENSE.

30. ALL DIMENSIONS ARE TO FACE OF STUD OR CENTERLINE OF STRUCTURE UNLESS OTHERWISE NOTED.

31. DOOR AND WINDOW DETAILS ARE INDICATED ON THE DOOR AND WINDOW SCHEDULES. DOOR AND WINDOW DIMENSIONS ARE TO CENTERLINES OF UNITS UNLESS OTHERWISE NOTED.

LEGEND

- A — Wall Type (see wall type schedule)
- 101B — Door Type (see door schedule)
- 1i — Window Type (see window schedule)
- 1 / A101 — Building Section
- 1 / A101 — Wall Section
- 1 / A101 — Detail Number
- 1 / A101 — Building Elevation
- 1 / A101 (1 / 1 / 1) — Interior Elevation
- +2'-0" — Elevation Mark
- ROOM 101 — Room Name / Number
- A — Column Line
- ℄ — Centerline
- 3 — Revision Tag

A.C.I.	AMERICAN CONCRETE INSTITUTE
BLDG.	BUILDING
CONC.	CONCRETE
C.J.	CONTROL JOINT
COL.	COLUMN
DET.	DETAIL
DIA.	DIAMETER
DN.	DOWN
EL/ELEV.	ELEVATION
ELEC.	ELECTRICAL
EQ.	EQUAL
FIN.	FINISH
FLR.	FLOOR
GALV.	GALVANIZED
GYP.	GYPSUM
I.D.	INSIDE DIAMETER
JT.	JOINT
MECH.	MECHANICAL
MIN.	MINIMUM
N.T.S.	NOT TO SCALE
NO.	NUMBER
O.C.	ON CENTER
OPG.	OPENING
O.D	OUTSIDE DIAMETER
U.N.O.	UNLESS NOTED OTHERWISE
REF.	REFERENCE
R.	RISER
R.O.	ROUGH OPENING
RM.	ROOM
S/STL.	STAINLESS STEEL
STRUCT.	STRUCTURAL
SPEC.	SPECIFICATIONS
T.O.	TOP OF (...)
T.O.CONC.	TOP OF CONCRETE
T.O.F.	TOP OF FRAMING
T.O.STL.	TOP OF STEEL
T.O.W.	TOP OF WALL
T.	TREAD
TYP.	TYPICAL
@	AT
+	AND
BD.	BOARD
A.F.F.	ABOVE FINISHED FLOOR
U.N.O.	UNLESS OTHERWISE NOTED
V.I.F	VERIFY IN FIELD

DRAWING LIST

A-0	COVER SHEET
A-001	GENERAL NOTES AND SYMBOLS
A-101	SITE PLAN
A-101A	MAILBOX DETAIL
A-102	FIRST FLOOR PLAN
A-103	SECOND FLOOR PLAN
A-104	FIRST FLOOR RCP
A-105	SECOND FLOOR RCP
A-106	ROOF PLAN
A-107	FOUNDATION PLAN
A-201	EXTERIOR ELEVATIONS
A-202	EXTERIOR ELEVATIONS
A-203	INTERIOR ELEVATIONS
A-301	BUILDING SECTIONS
A-302	BUILDING SECTIONS
A-303	WALL SECTIONS
A-304	WALL SECTIONS
A-401	STAIRS PLAN AND SECTION
A-501	WINDOWS, DOORS AND FINISH SCHEDULES
E1	ELECTRICAL COVER SHEET
E2	ELECTRICAL PANEL SCHEDULE, CALCULATION & SINGLE LINE DIAGRAM BUILDING-1
E3	ELECTRICAL LIGHTING PLAN
E4	ELECTRICAL LIGHTING PLAN
E5	ELECTRICAL POWER PLAN
E6	ELECTRICAL POWER PLAN
E7	DETAILS FOR PROTECTION OF FIRE RATED ASSEMBLY PENETRATIONS
L-101	LANDSCAPE PLAN
L-102	PLANTING DETAILS
M1	MECHANICAL COVER SHEET
M2	MECHANICAL PLAN
M3	MECHANICAL PLAN
M4	MECHANICAL DETAILS
M5	MECHANICAL HEAT LOAD CALCULATION
P2	PLUMBING CALCULATIONS
P3	PLUMBING WATER SUPPLY PLAN
P4	PLUMBING WATER SUPPLY PLAN
P5	PLUMBING SANITARY PLAN
P6	PLUMBING SANITARY PLAN
P7	PLUMBING RISER DIAGRAM
P8	PLUMBING DETAILS
P101	HYDRANT LOCATION

ENERGY CODE

SYSTEM	(YEAR) IECC CODE REQUIRED MINIMUMS
Windows:	U-Value: 0.00
Skylights:	U-Value: 0.00
Ceiling:	RXX
Walls:	RXX or XX (cavity) + X (insulated shtg)
Floor:	RXX (or fill framing cavity RXX min)
Crawlspace:	RXX/XX (continuous/cavity) either complies
Slab:	RXX/XX (continuous/cavity) either complies

SCHEDULES

- WALL TYPE SCHEDULE
- DOOR SCHEDULE
- HARDWARE SCHEDULE
- WINDOW SCHEDULE
- PLUMBING SCHEDULE
- ELECTRICAL SCHEDULE
- APPLIANCE SCHEDULE
- FINISH SCHEDULE

SPECIFICATIONS

01	GENERAL REQUIREMENTS
02	SITE WORK
03	CONCRETE
04	MASONRY
05	METALS
06	WOOD
07	THERMAL + MOISTURE PROTECTION
08	DOORS + WINDOWS
09	FINISHES
10	SPECIALTIES
11	EQUIPMENT
12	MECHANICAL
13	ELECTRICAL

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REVISIONS

No.	Date	Action

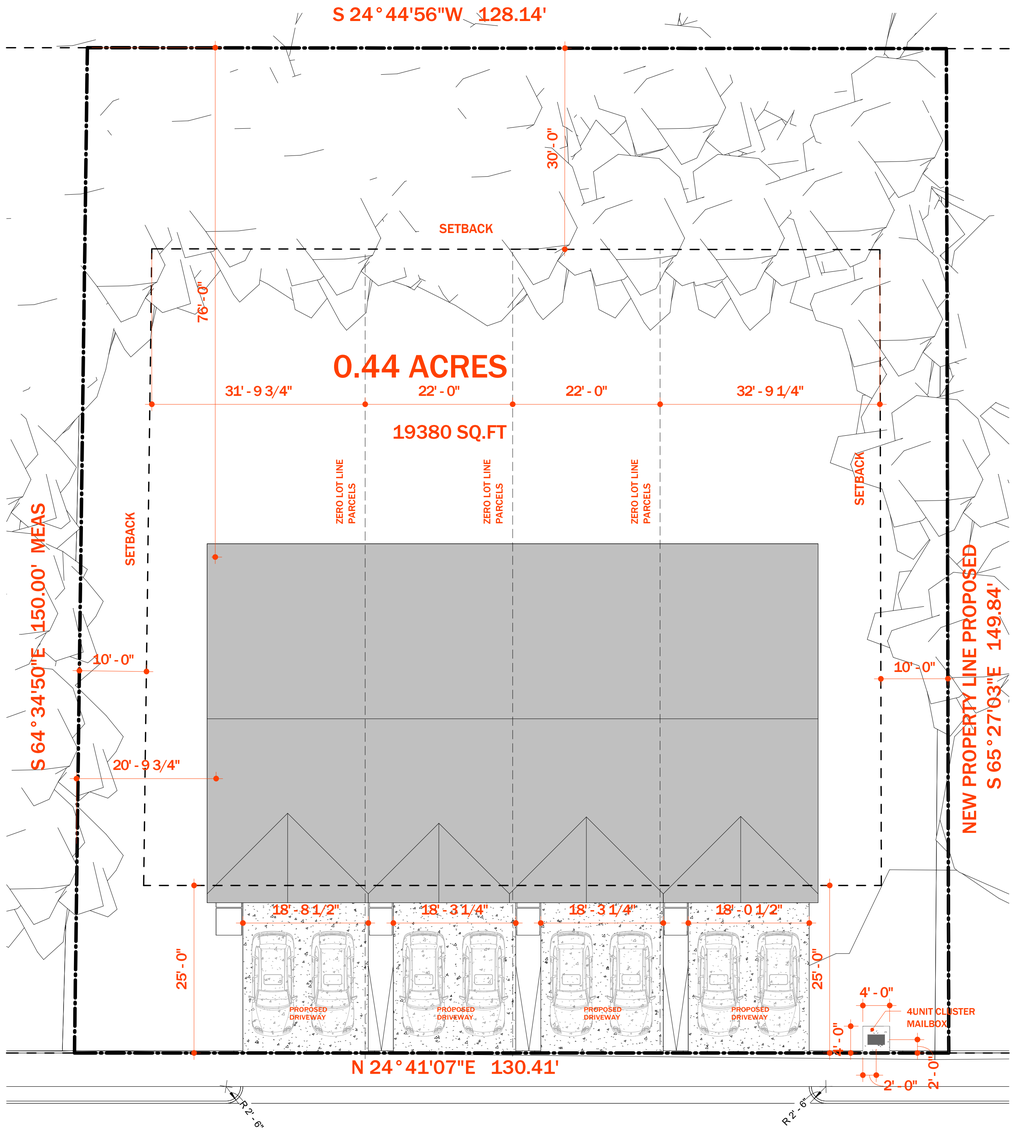
PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE NC

DRAWING NAME
GENERAL NOTES AND SYMBOLS

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	01/26/21
Scale	:	1/4" = 1'-0"
Job No.	:	19001

A-001

SEAL



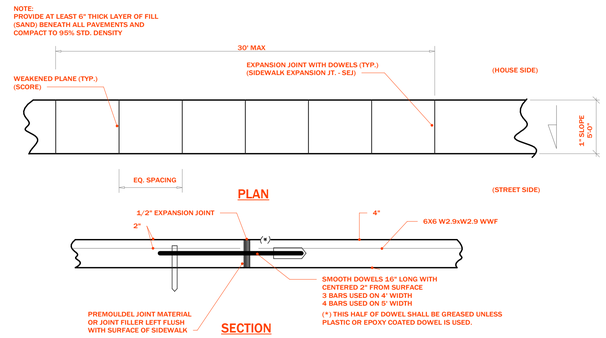
1 SITE PLAN

SCALE: 3/32" = 1'-0"

ARBOR ROAD

60' PUBLIC RIGHT OF WAY

SITE COVERAGE CALCULATIONS			
LOT SIZE SQUARE FEET:			19166.4
NAME	AREAR S.F	NOTE	PERCENTAGE
ROOFED AREAS - BUILDING FOOTPRINT			
BUILDING AREA	4,155.67	"	21.68%
EXISTING PATIO	0.00	"	0.00%
NEW PATIO	112.38	"	0.59%
EXISTING CARPORT	0.00	"	0.00%
NEW CARPORT	0.00	"	0.00%
TOTAL	4,268.05		22.27%
UNROOFED IMPERVIOUS AREAS			
EXISTING DRIVEWAY	0.00	IMPERVIOUS	0.00%
NEW DRIVEWAY	1,888.61	IMPERVIOUS	9.85%
EXISTING WALKWAY	0.00	"	0.00%
NEW WALKWAY	122.64	"	0.64%
EXISTING CONC. SLAB	0.00	"	0.00%
NEW CONC. SLAB	0.00	"	0.00%
EXISTING A/C PAD	0.00	"	0.00%
NEW A/C PAD	0.00	"	0.00%
SHED	0.00	"	0.00%
TOTAL	2,011.25		10.49%
PERVIOUS AREAS			
GREEN AREA	12,887.10	LANDSCAPED	67.24%
TOTAL	12,887.10		67.24%
TOTAL PERVIOUS / IMPERVIOUS AREAS			
IMPERVIOUS AREA	6,279.30	19,166.40	32.76%
PERVIOUS AREA	12,887.10		67.24%
TOTAL			100.00%
FLOOR AREA RATIO			
DESCRIPTION	AREA S.F.	TOTAL	ALLOWABLE
LOT SIZE	19,166.40	1.00	1.00
HABITABLE FOOTPRINT	4,268.05	0.22	



2 TYP. SIDEWALK & WALKWAY PAVEMENT

SCALE: 3/16" = 1'-0"

GENERAL SITE PLAN NOTES

1) ALL DIMENSIONS ON THE FLOOR PLANS, UNLESS OTHERWISE NOTED, ARE TAKEN FROM OUTSIDE FACES OF EXTERIOR WALLS, CENTER LINES OF INTERIOR PARTITIONS, AND FACES OF STRUCTURAL COLUMNS.

2) IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR IS RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF WORK. THIS APPLIES CONTINUOUSLY AND IS NOT LIMITED TO NORMAL WORKING HOURS. ALL NECESSARY PRECAUTIONS SHOULD BE TAKEN TO INSURE THE SAFETY OF THE PUBLIC AND/OR WORK PERSONS ON THE JOB AND TO PREVENT ACCIDENTS OR INJURY TO ANY PERSON ON, ABOUT OR ADJACENT TO THE PREMISES. IT IS NECESSARY TO COMPLY WITH ALL LAWS, ORDINANCES, CODES, RULES AND REGULATIONS RELATIVE TO SAFETY AND THE PREVENTION OF ACCIDENTS.

3) WHETHER OR NOT SPECIFICALLY INDICATED ON THE DRAWINGS, EXISTING CONSTRUCTION (INCLUDING UTILITIES) WHICH WILL INTERFERE WITH NEW WORK, SHALL BE REMOVED.

4) COORDINATE WITH OWNER'S REPRESENTATIVE LOCATION OF CONTRACTORS' EQUIPMENT AND MATERIAL STORAGE.

5) CONSTRUCTION DEBRIS SHALL BE GATHERED TO A CENTRAL LOCATION ON THE SITE AND DEPOSITED INTO A DUMPSTER DAILY. NO DEBRIS (WOOD SCRAPS, PAPER, TRASH, ETC.) SHALL REMAIN SCATTERED OR PILED ON-SITE OVERNIGHT. ALL DEBRIS MUST BE DEPOSITED IN A TRASH DUMPSTER.

WALKWAY

1) ALL WALKWAYS SHALL BE CONSTRUCTED OF P.C.C. PAVE- MENT, AND SHALL ATTAIN A COMPRESSIVE STRENGTH OF 2,500psi AT TWENTY-EIGHT (28) DAYS, AND HAVE A MINIMUM THICKNESS OF 5 INCHES, W/6 x 12 0/1 WWF.

2) ALL WALKWAYS SHALL BE SCORED TO A DEPTH OF 3/4" AT FOUR (4) FOOT INTERVALS.

3) EXPANSION JOINTS SHALL BE PLACED AT A MAXIMUM TWENTY (20) FOOT INTERVALS AND SHALL BE CONSTRUCTED OF 1/2" THICK PRE-MOLDED EXPANSION MATERIAL.

4) WALKWAYS SHALL BE SLOPED GRADUALLY AS INDICATED TO ACHIEVE A HILL-TYPE OF GRADE TRANSITIONS.

5) SIDEWALK SURFACE SHALL RECEIVE A BROOM FINISH.

DRIVEWAY

1) VEHICULAR DRIVEWAY PAVEMENT SHALL BE CONSTRUCTED OF PORTLAND CONCRETE CEMENT PAVEMENT AND SHALL ATTAIN A COMPRESSIVE STRENGTH OF 4,000psi AT TWENTY-EIGHT (28) DAYS AND SHALL BE 6" THICK (MIN.) (U.N.O.).

2) ALL DRIVEWAYS BETWEEN STREET AND PROPERTY LINE CONNECTING WITH AN EXISTING ROADWAY TO BE CONSTRUCTED IN ACCORDANCE WITH DETAIL AS SHOWN ON THIS PLAN AND SHALL RECEIVE A BROOM FINISH.

3) EXACT LOCATIONS OF ROADWAY AND DRIVEWAY CURBING WILL BE DETERMINED IN THE FIELD BY A REPRESENTATIVE FROM THE DEPARTMENT OF PUBLIC WORKS.

4) CONTRACTOR TO CONTACT THE DEPARTMENT OF PUBLIC WORKS TWO (3) BUSINESS DAYS PRIOR TO THE FORMING OF DRIVEWAYS CONNECTING TO THE ROADWAY FOR APPROVAL.

TRAFFIC CONTROL

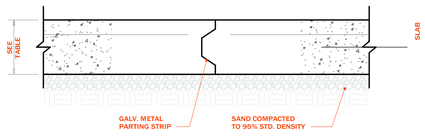
1) ANY WORK IN OR ADJACENT TO THE ROADWAY THAT MAY CAUSE INTERFERENCE TO VEHICULAR TRAFFIC REQUIRES PRIOR APPROVAL FROM CITY OF NEW ORLEANS PUBLIC WORKS DEPT.

2) TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE REQUIREMENTS OF THE UNIFORM MANUAL ON TRAFFIC CONTROL DEVICES FOR THE STATE OF NORTH CAROLINA. THE CONTRACTOR MUST FURNISH ALL NECESSARY TRAFFIC SIGNS AND/OR BARRICADES, AND MAINTAIN THEM DURING CONSTRUCTION ACTIVITY.

SPECIAL NOTE

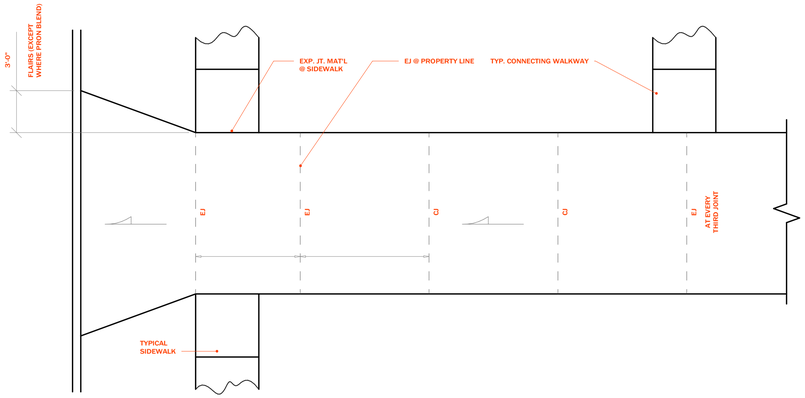
PROVIDE AT LEAST 6" THICK LAYER OF FILL (SAND) BENEATH ALL PAVEMENTS AND COMPACT TO 95% STD. DENSITY.

PAVEMENT SCHEDULE				
LOCATION	THICKNESS	REINFORCEMENT	FINISH	REMARKS
PEDESTRIAN WALKWAY	4"	6x6 - W2.9xW2.9	LIGHT BROOM	SLOPE AS INDICATED
VEHICULAR DRIVEWAY	6"	6x6 - W2.9xW2.9	LIGHT BROOM	SLOPE AS INDICATED
HANDICAP CORNER RAMP	6"	6x6 - W4.0xW4.0	LIGHT BROOM	SLOPE AS INDICATED



3 TYP. CONSTRUCTION JOINT (CJ)

SCALE: 3/16" = 1'-0"



4 TYP. DRIVEWAY DETAIL

SCALE: 3/16" = 1'-0"

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REVISIONS

No.	Date	Action

PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE,NC

DRAWING NAME

SITE PLAN

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	01/01/23
Scale	:	As indicated
Job No.	:	19001

A-101

SEAL

Visit us at: www.mailboxes.com

CLUSTER BOX UNITS (CBU's) INSTALLATION MANUAL

"F" SPECIFICATIONS

TYPE	I	II	III	IV	V	VI
MODEL	3308	3312	3316	3313	3305	3306

TABLE OF CONTENTS

DESCRIPTION	PAGE
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SITE PREPARATION AND PEDESTAL INSTALLATION	3
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INSTALLATION OF AN ARROW LOCK	5
PARCEL ARROW LOCK INSTALLATION	7
PEDESTAL TO CBU INSTALLATION	9

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Installation instructions are provided as general guidelines. It is advised that a professional installer be consulted. Salsbury Industries assumes no product assembly or installation liability
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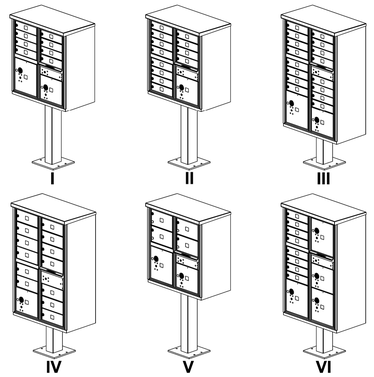

	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V	TYPE VI
QTY OF TENANT COMPARTMENTS	8	12	16	13	4	8
QTY OF PARCEL COMPARTMENTS	2	1	2	1	2	4
PARCEL COMPARTMENT HEIGHT	10", 13"	10"	10", 13"	10"	10", 13"	10", 13" (3X)

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Installation instructions are provided as general guidelines. It is advised that a professional installer be consulted. Salsbury Industries assumes no product assembly or installation liability
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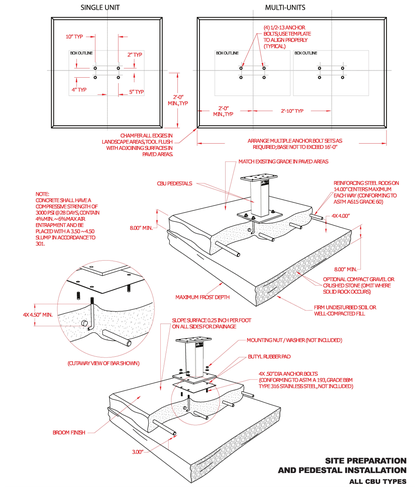

SITE PREPARATION AND PEDESTAL INSTALLATION
ALL CBU TYPES

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IMPORTANT NOTICE FOR USPS INSTALLERS

ALL CBU TYPES

INSTALLER MUST ORDER McGARD SCREW DRIVER
(USPS – MAIL EQUIPMENT SHOP PART NUMBER 110050)
TO INSTALL AND SERVICE THE PARCEL ARROW LOCK COVER

IF THE
McGARD SCREW DRIVER MES NO. 110050
NEEDS TO BE ORDERED
CONTACT YOUR LOCAL POSTAL AUTHORITY OR VISIT WWW.USPS.COM

NOTE: SALSBURY INDUSTRIES DOES NOT PROVIDE OR SELL THE MCGARD SCREWDRIVER

NOTE:
FOR USPS APPLICATIONS:
1) *ARROW LOCK IS INSTALLED BY US POSTAL SERVICE PERSONNEL ONLY. CONTACT YOUR LOCAL POST OFFICE TO ARRANGE INSTALLATION OF ARROW LOCK AND PLACE UNIT INTO SERVICE.*

FOR NON-USPS APPLICATIONS:
1) *PLEASE DISREGARD INSTRUCTIONS RELATED TO ARROW LOCK THROUGHOUT THIS MANUAL.*
2) *MASTER ACCESS DOOR AND PARCEL DOOR PRIVATE LOCK MECHANISMS WILL BE INSTALLED AT FACTORY UNLESS OTHERWISE SPECIFIED BY CUSTOMER.*
3) *MCGARD FASTENERS AND SCREWDRIVER NOT NECESSARY FOR NON-USPS (PRIVATE DELIVERY) APPLICATIONS.*

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INSTALLATION OF AN ARROW LOCK

ALL CBU TYPES

1. *OPEN ARROW LOCK DOOR.*
2. *REMOVE FIVE (5) 10-32 STAINLESS STEEL LOCK NUTS W/ NYLON INSERT, AS WELL AS 1055372 LOCK SUPPORT PLATE (DISPOSE OF PLASTIC SHIPPING SPACER.)*
3. *PLACE ARROW LOCK INTO 1055290 ARROW LOCK SECURITY BRACKET AND POSITION ON DOOR.*
4. *REPLACE ONE (1) 96091 10-32 STAINLESS STEEL LOCK NUT W/ NYLON INSERT IN THE REAR POSITION TO SECURE ARROW LOCK SECURITY BRACKET.*
5. *INSTALL 1055372 LOCK SUPPORT PLATE AS SHOWN.*
6. *REPLACE FOUR (4) 10-32 STAINLESS STEEL LOCK NUTS W/ NYLON INSERT. TORQUE TO 25 TO 30 INCH-POUNDS.*

REQUIRED TOOLS
3/8" SOCKET WRENCH

PART #	DESCRIPTION
129155	10-32 STAINLESS STEEL LOCK NUT W/ NYLON INSERT
1055372	LOCK SUPPORT PLATE
	ARROW LOCK
1055290	ARROW LOCK SECURITY BRACKET

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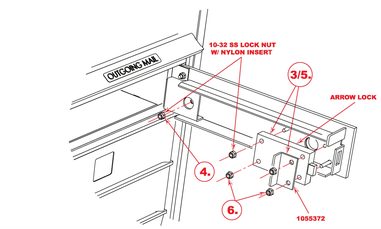
INSTALLATION OF AN ARROW LOCK



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PARCEL ARROW LOCK INSTALLATION

ALL CBU TYPES

1. *OPEN PARCEL DOOR. REMOVE AND DISCARD FOUR (4) PLASTIC SHIPPING RETAINERS (TWO ON LATCHING ASSEMBLY COVER AND TWO ON ARROW LOCK COVER).*
2. *REMOVE PLASTIC BAG OF FASTENERS (IT CONTAINS ALL FASTENERS NECESSARY TO INSTALL POSTAL LOCK ON ONE PARCEL DOOR).*
3. *INSTALL ARROW LOCK AS SHOWN AND SECURE WITH FOUR (4) 10-32 STAINLESS STEEL LOCK NUTS W/ NYLON INSERT. TORQUE 25 TO 30 INCH-POUNDS.*
4. *INSTALL 1055359 LATCHING ASSEMBLY COVER USING THREE (3) 1055293 10-32 x .375 UNF-2A 18-8 SS PASSIVATED 1-WAY TAMPER PROOF FASTENERS.*
5. *INSTALL 1055361 ARROW LOCK COVER USING TWO (2) 1055292 10-32 x .312 UNF-2A 18-8 SS PASSIVATED MCGARD FASTENERS.*
6. *REMOVE LABEL FROM COVER.*

REQUIRED TOOLS
FLAT SCREWDRIVER
USPS PROPRIETARY MCGARD TOOL
3/8" SOCKET WRENCH
PLIERS

PART #	DESCRIPTION
1055292	10-32 X .312 UNF-2A 18-8 SS PASSIVATED MCGARD FASTENER
1055293	10-32 X .312 UNF-2A 18-8 SS PASSIVATED 1-WAY TAMPER PROOF
129155	10-32 STAINLESS STEEL LOCK NUT W/ NYLON INSERT
1055359	LATCHING ASSEMBLY COVER
1055361	ARROW LOCK COVER
	ARROW LOCK

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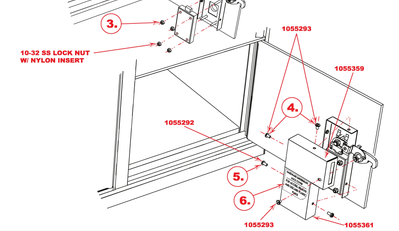
PARCEL ARROW LOCK INSTALLATION



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PEDESTAL TO CBU INSTALLATION

ALL CBU TYPES

1. *OPEN MASTER LOADING DOORS.*
2. *REMOVE LEFT AND RIGHT SIDE 1055344 FLOATING SHELVES, EXPOSING MOUNTING HOLES.*
3. *PLACE UNIT ON PEDESTAL.*
4. *FROM UNDERNEATH UNIT, INSERT FOUR (4) 3/8-16 x 1.25 STAINLESS STEEL CARRIAGE BOLTS UPWARD.*
5. *FROM INSIDE LOWEST COMPARTMENTS, ADD FOUR (4) 3/8" X .688 OD STAINLESS STEEL LOCK WASHERS AND TIGHTEN FOUR (4) 3/8-16 STAINLESS STEEL PASSIVATED HEX NUTS. TORQUE TO 22 FOOT-POUNDS.*
6. *REPLACE LEFT AND RIGHT SIDE 1055344 FLOATING SHELVES.*

REQUIRED TOOLS
9/16" SOCKET WRENCH

PART #	DESCRIPTION
3632SS12	3/8-16 STAINLESS STEEL PASSIVATED HEX NUT
74437	3/8-16 X 1.25 STAINLESS STEEL CARRIAGE BOLT
1055344	FLOATING SHELF
1055280-2	PEDESTAL FOR TYPE I, II, V
1055280-1	PEDESTAL FOR TYPE III, IV, VI
903168SS12	3/8-16 X .688 OD STAINLESS STEEL LOCK WASHER

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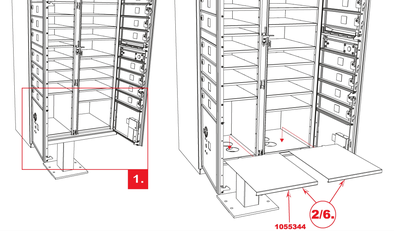
PEDESTAL TO CBU INSTALLATION



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website: https://kcadesignstudios.net

REVISIONS

No.	Date	Action

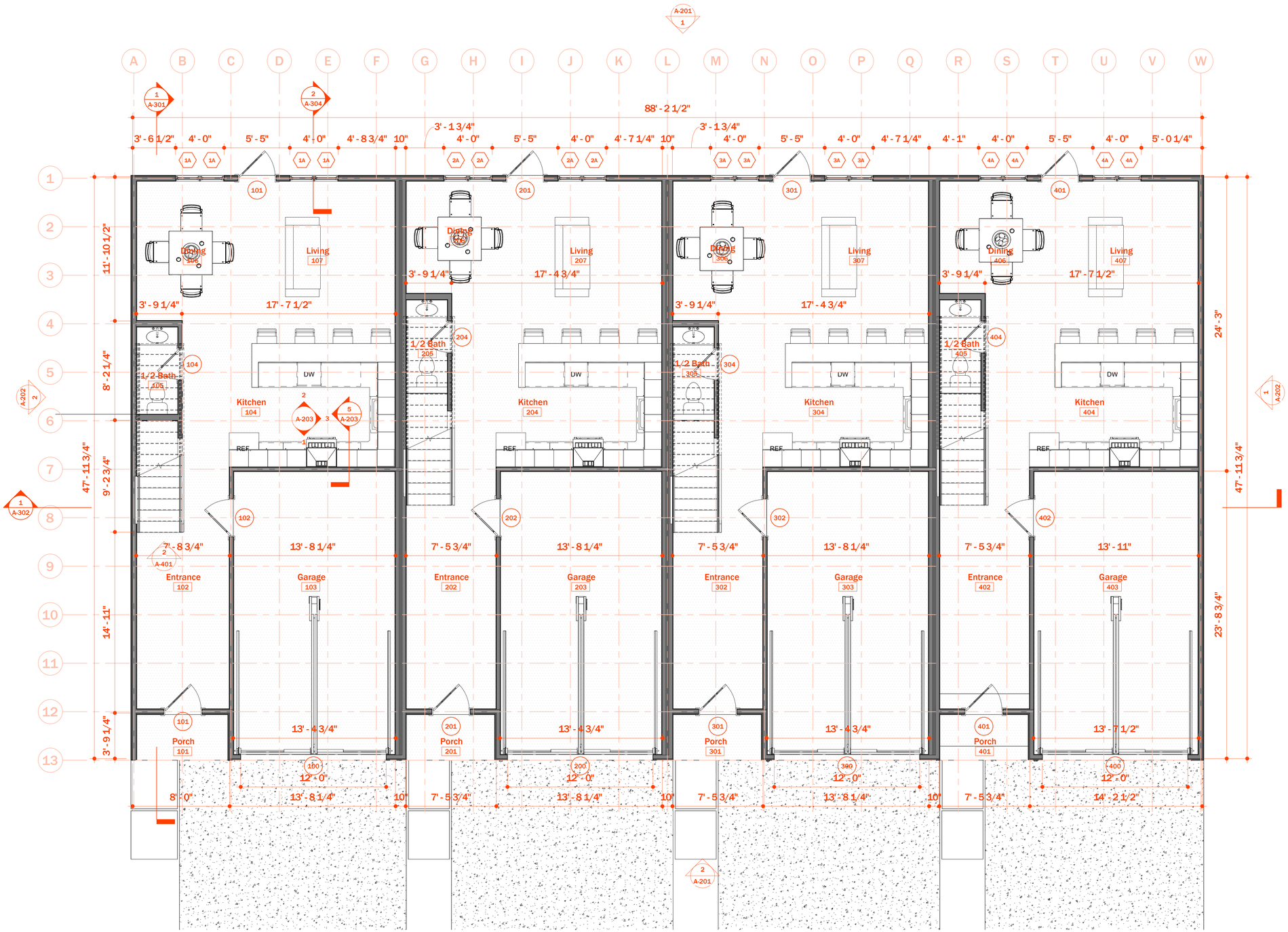
PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE,NC

DRAWING NAME
MAILBOX DETAIL

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	01/01/23
Scale	:	
Job No.	:	19001

A-101A

SEAL



Level 1

1 SCALE: 1/4" = 1'-0"

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REVISIONS

No.	Date	Action

PROJECT NAME

5210 ARBOR RD

FAYETTEVILLE,NC

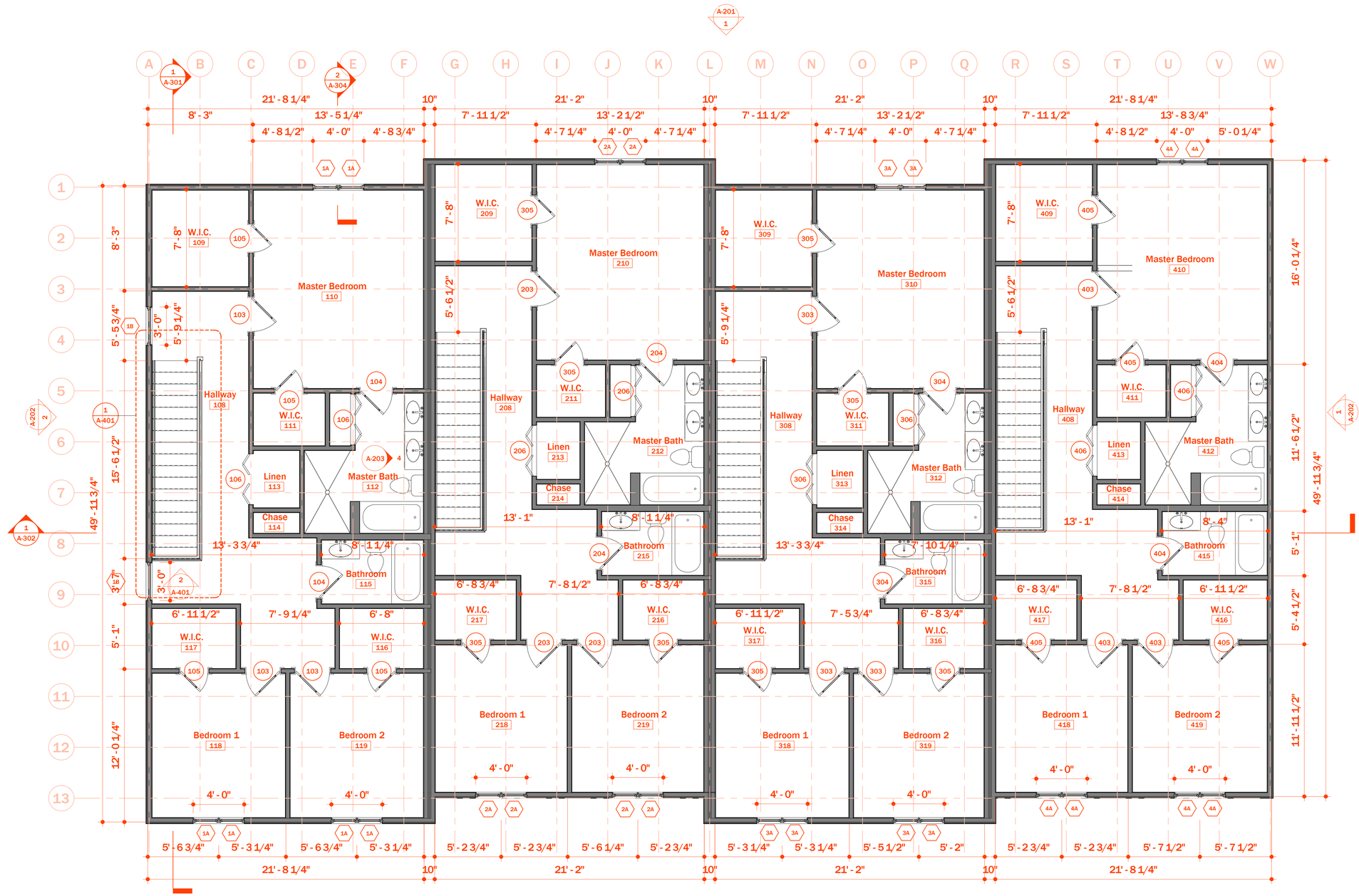
DRAWING NAME

FIRST FLOOR PLAN

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	01/01/23
Scale	:	1/4" = 1'-0"
Job No.	:	19001

A-102

SEAL



Level 2

SCALE: 1/4" = 1'-0"

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No.	Date	Action

PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE NC

DRAWING NAME
SECOND FLOOR PLAN

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	01/01/23
Scale	:	1/4" = 1'-0"
Job No.	:	19001

A-103

SEAL

LEGEND

GYPSUM BOARD CEILING

PLYWOOD CEILING

RECESSED CEILING LIGHT

LINEAR BOX CEILING LIGHT

1 Level 1

SCALE: 1/4" = 1'-0"

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No.	Date	Action

PROJECT NAME

5210 ARBOR RD

FAYETTEVILLE NC

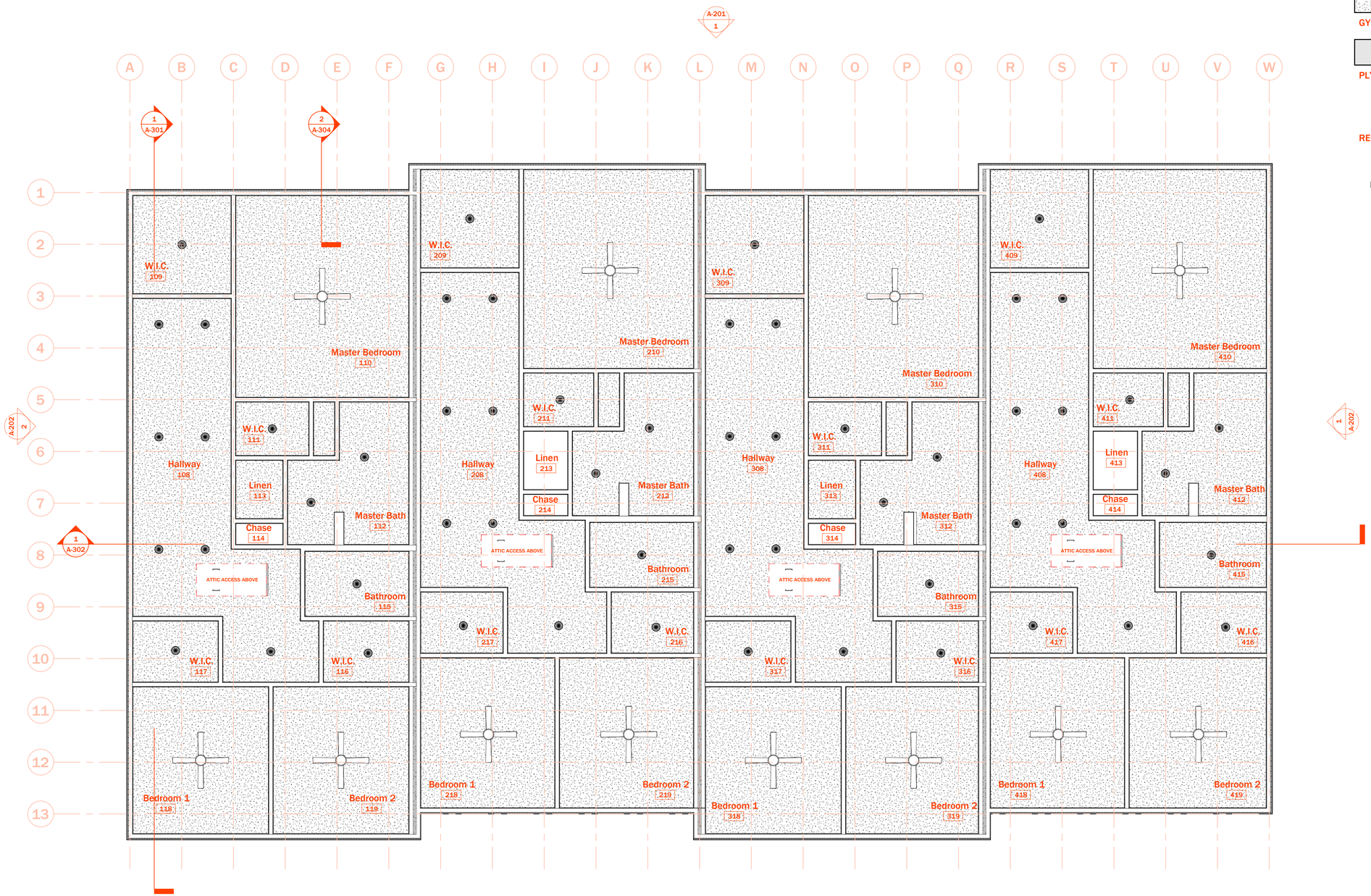
DRAWING NAME

FIRST FLOOR RCP

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	01/01/23
Scale	:	1/4" = 1'-0"
Job No.	:	19001

A-104

SEAL



1 Level 2

SCALE: 1/4" = 1'-0"

LEGEND

GYPSUM BOARD CEILING

PLYWOOD CEILING

RECESSED CEILING LIGHT

CEILING FAN

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PROJECT NAME

5210 ARBOR RD

FAYETTEVILLE,NC

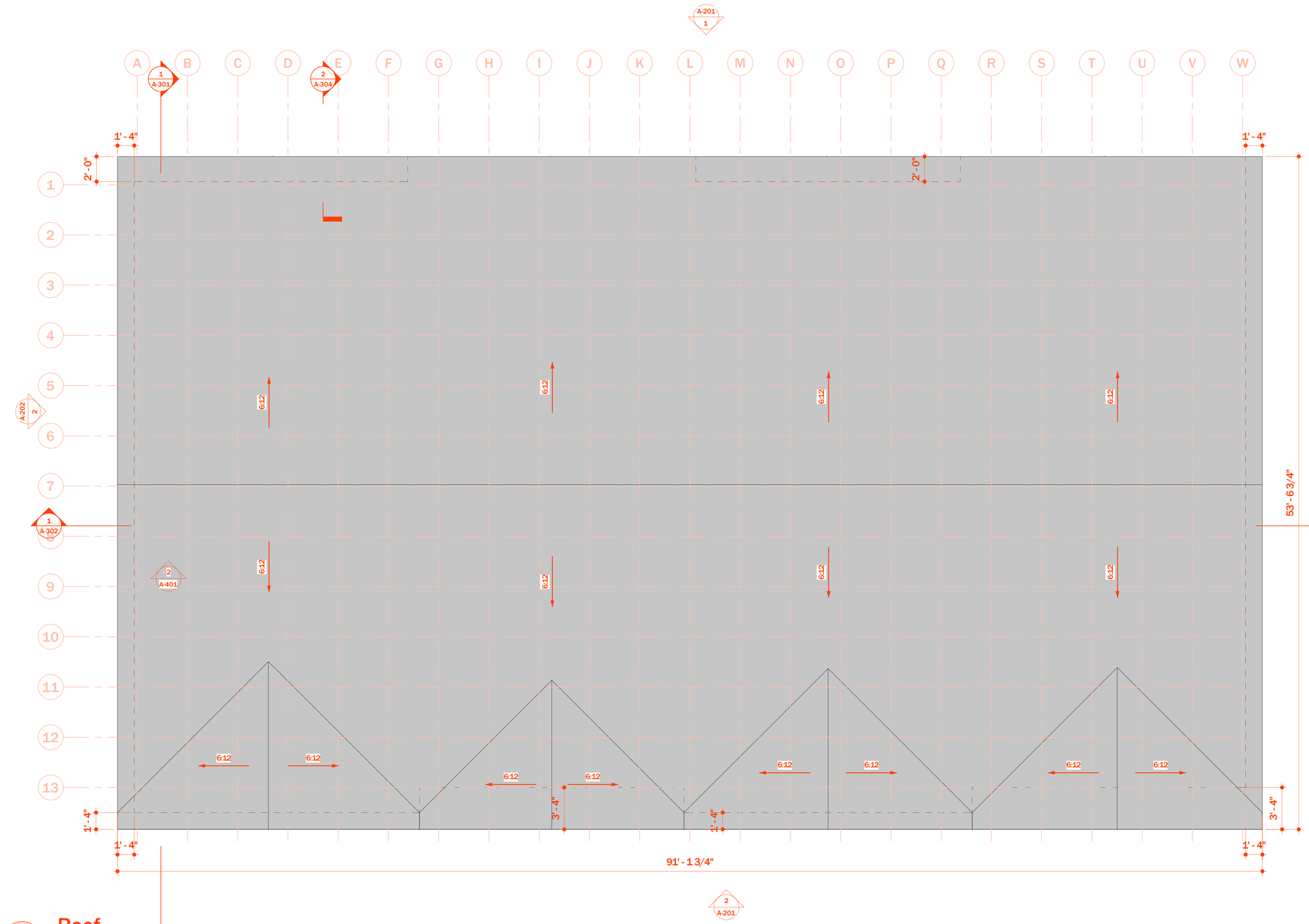
DRAWING NAME

SECOND FLOOR RCP

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	01/01/23
Scale	:	1/4" = 1'-0"
Job No.	:	19001

A-105

SEAL



1 Roof

SCALE: 1/4" = 1'-0"

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No.	Date	Action

PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE,NC

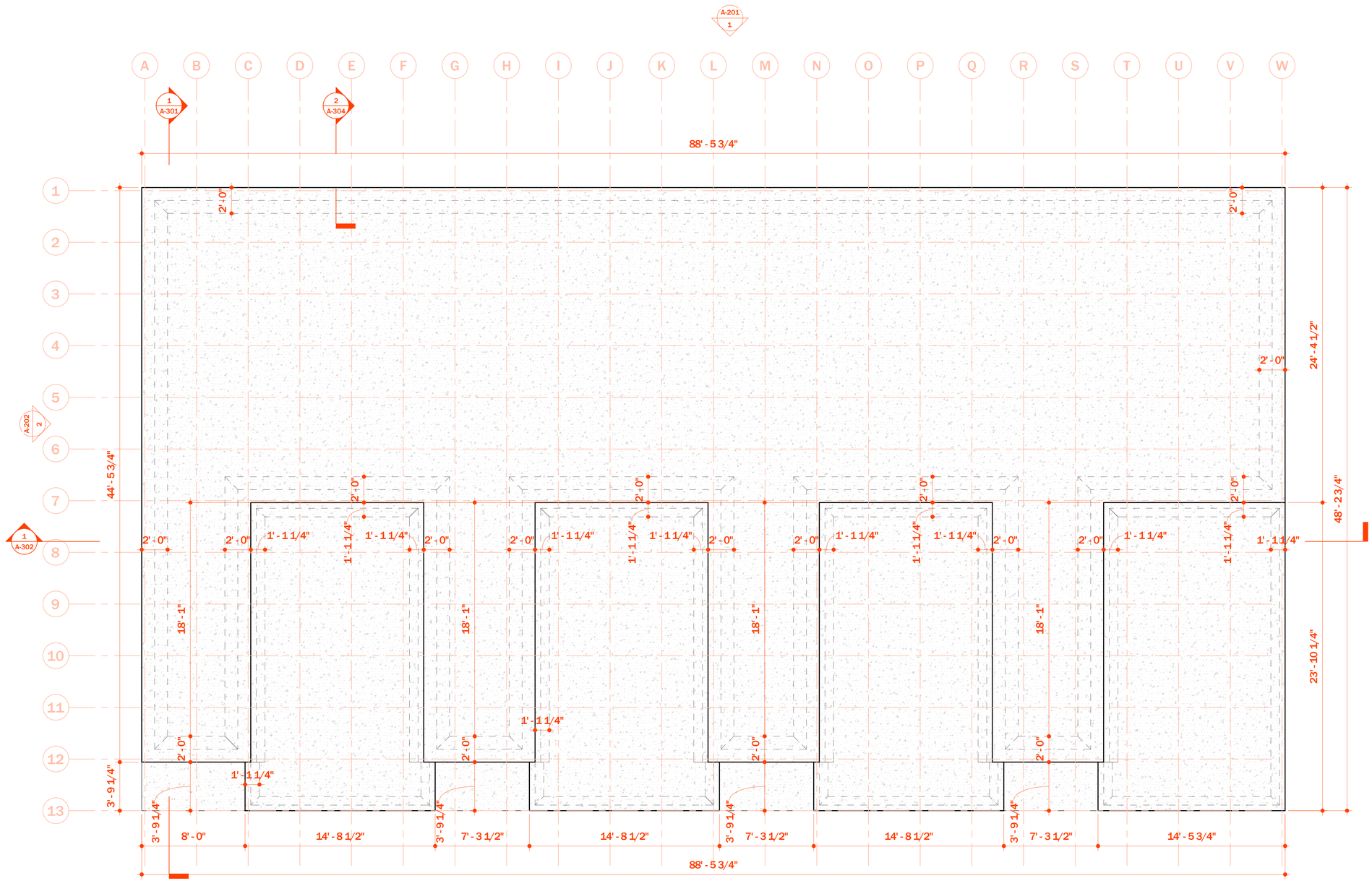
DRAWING NAME

ROOF PLAN

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	01/01/23
Scale	:	1/4" = 1'-0"
Job No.	:	19001

A-106

SEAL



1 Level 1

SCALE: 1/4" = 1'-0"

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No.	Date	Action

PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE,NC

DRAWING NAME
FOUNDATION PLAN

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	01/01/23
Scale	:	1/4" = 1'-0"
Job No.	:	19001

A-107

SEAL

1 NORTH ELEVATION

SCALE: 1/4" = 1'-0"

2 SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

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No.	Date	Action

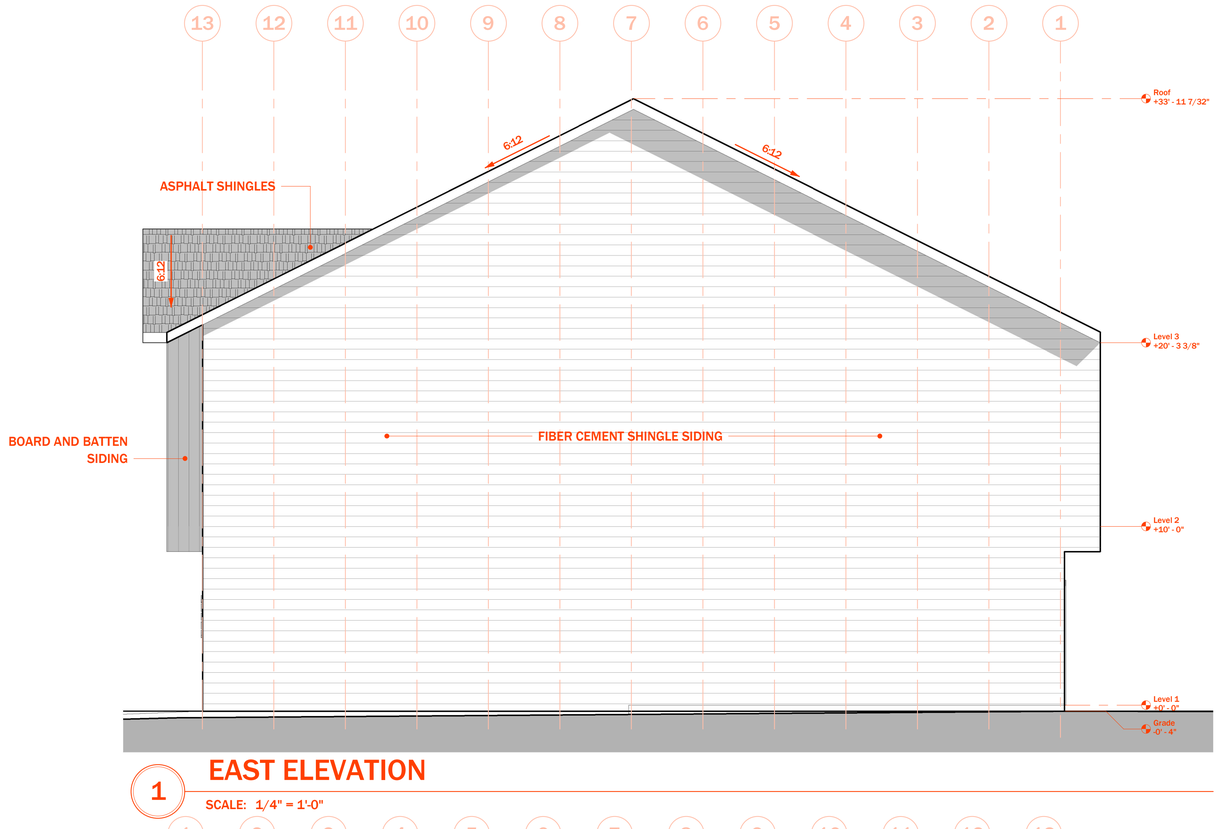
PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE,NC

DRAWING NAME
EXTERIOR ELEVATIONS

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	10/25/23
Scale	:	1/4" = 1'-0"
Job No.	:	19001

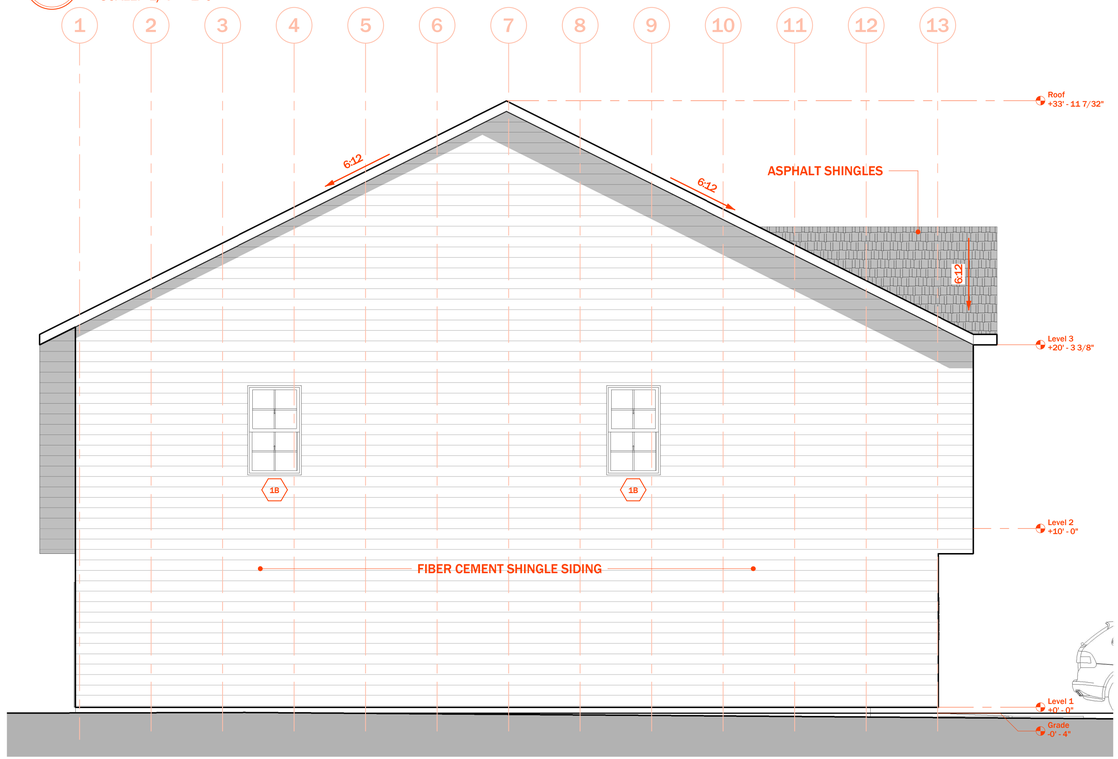
A-201

SEAL



1 EAST ELEVATION

SCALE: 1/4" = 1'-0"



2 WEST ELEVATION

SCALE: 1/4" = 1'-0"

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No.	Date	Action

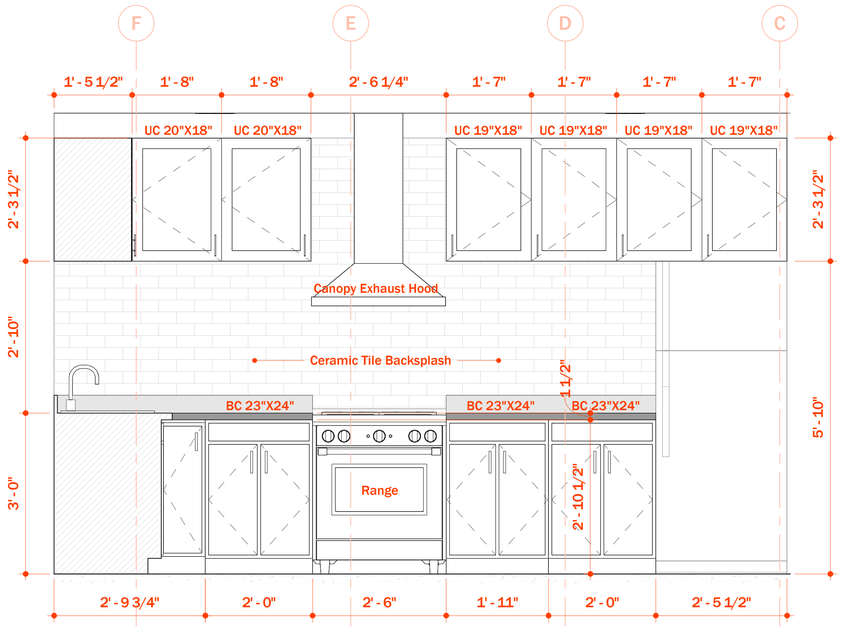
PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE,NC

DRAWING NAME
EXTERIOR ELEVATIONS

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	10/25/23
Scale	:	1/4" = 1'-0"
Job No.	:	19001

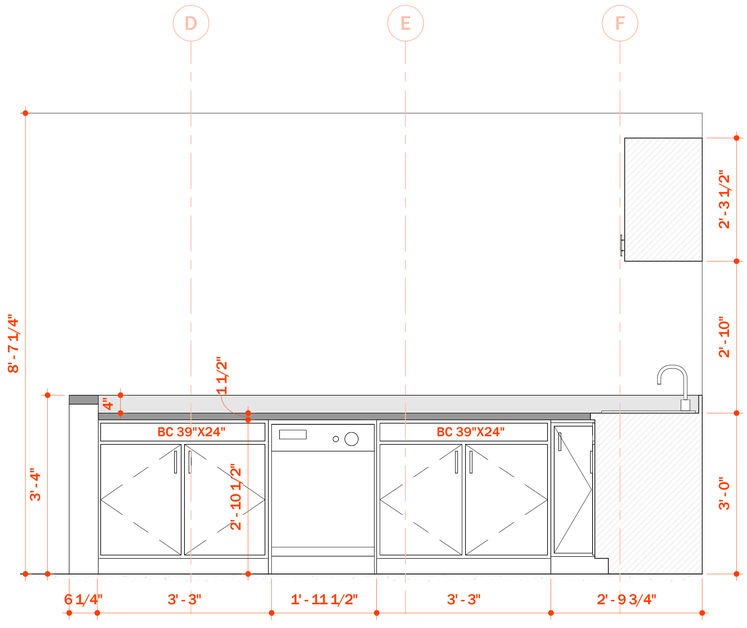
A-202

SEAL



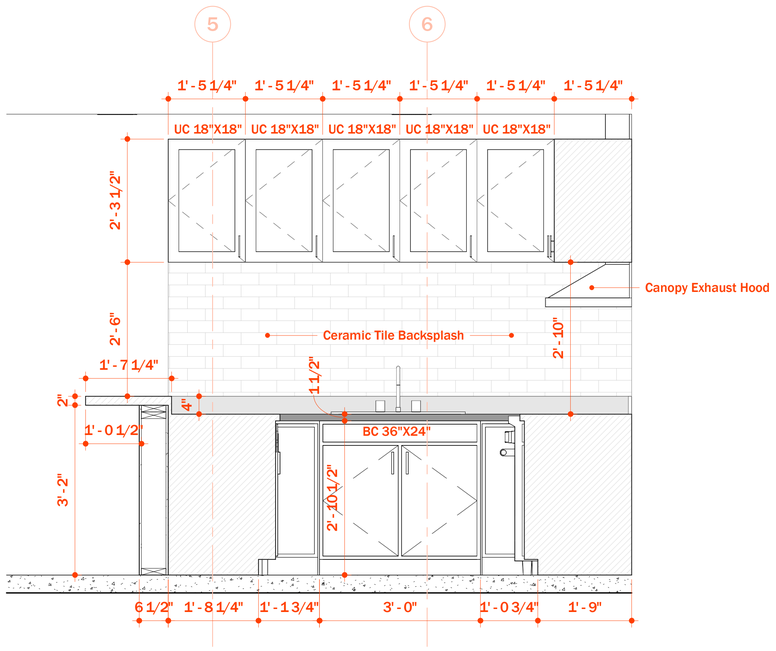
1 Elevation 1 - a

SCALE: 3/4" = 1'-0"



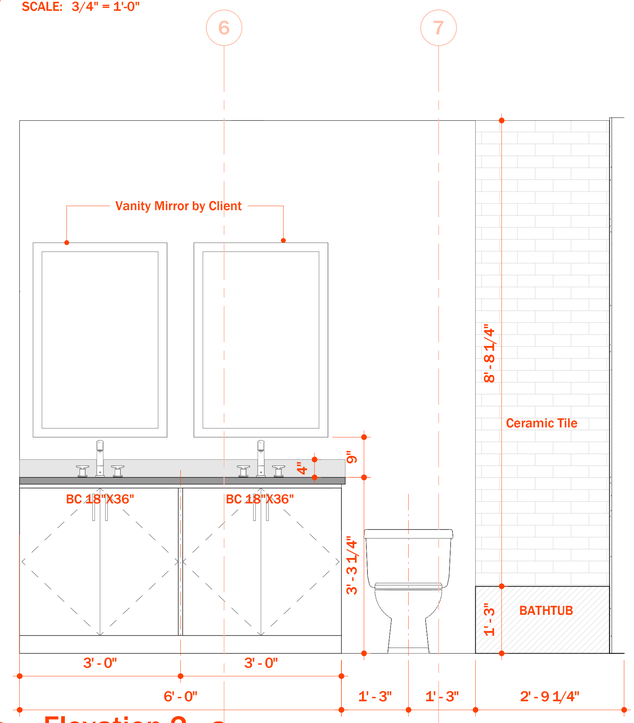
2 Elevation 1 - b

SCALE: 3/4" = 1'-0"



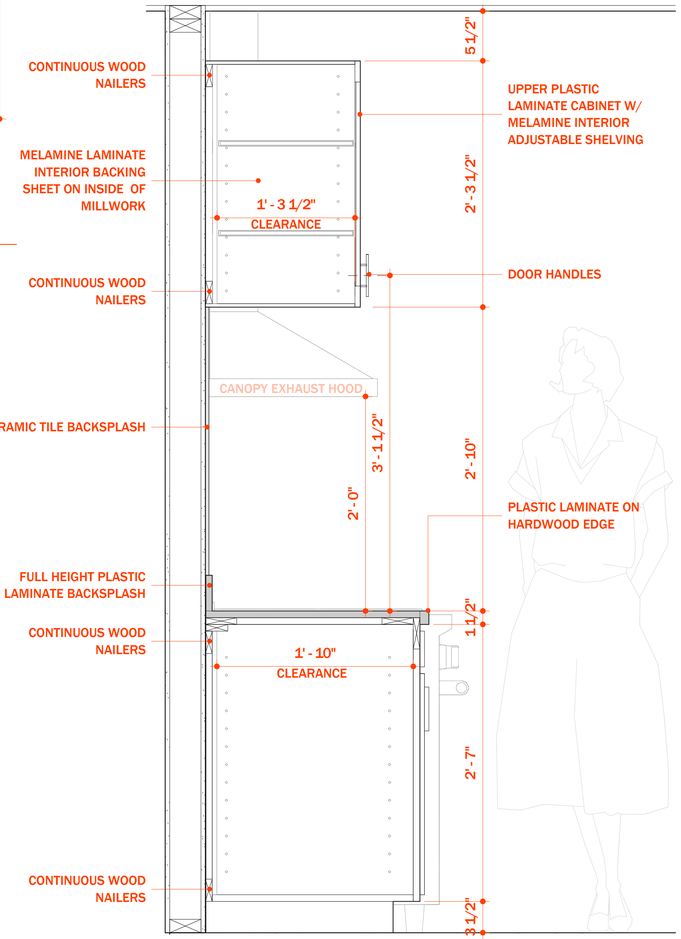
3 Elevation 1 - c

SCALE: 3/4" = 1'-0"



4 Elevation 2 - a

SCALE: 3/4" = 1'-0"



5 KITCHEN CABINET DETAILS

SCALE: 1 1/2" = 1'-0"

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REVISIONS

No.	Date	Action

PROJECT NAME

5210 ARBOR RD

FAYETTEVILLE,NC

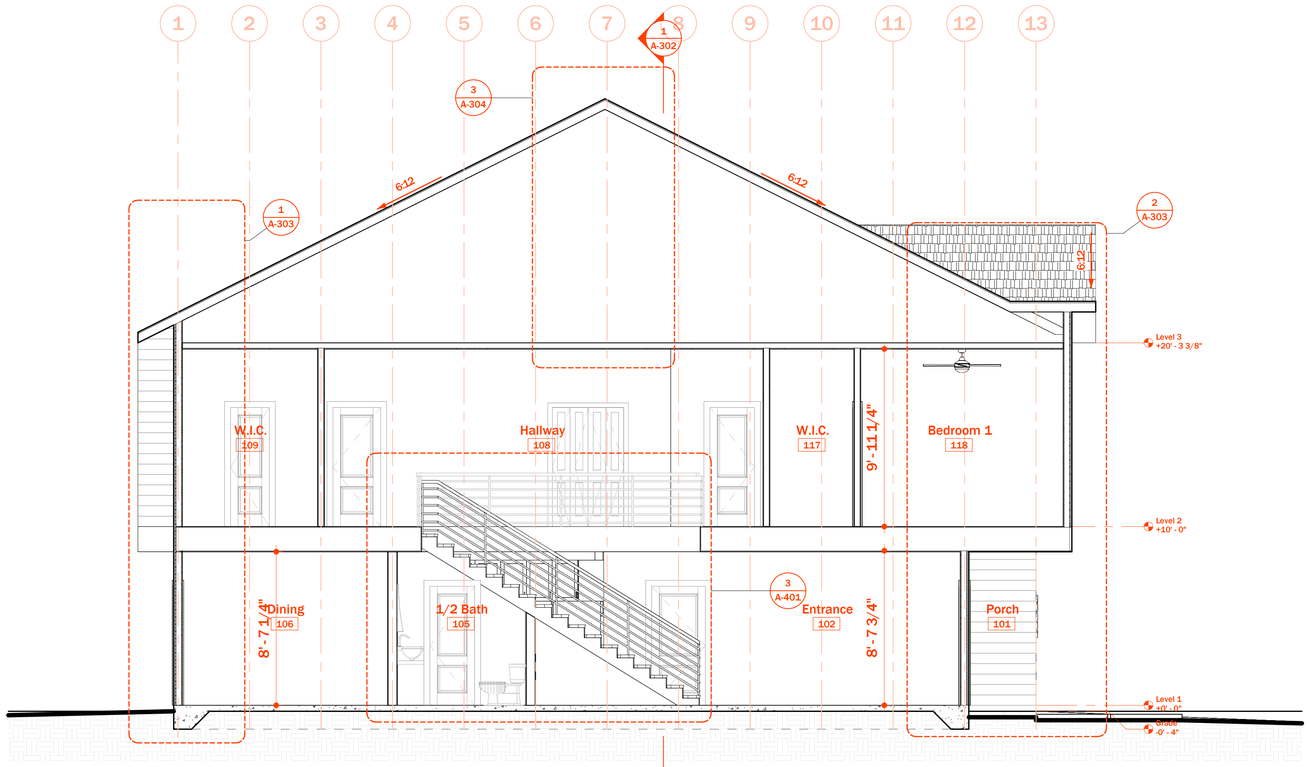
DRAWING NAME

INTERIOR ELEVATIONS

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	10/25/23
Scale	:	As indicated
Job No.	:	19001

A-203

SEAL



1 **Section 1**

SCALE: 1/4" = 1'-0"

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REVISIONS

No.	Date	Action

PROJECT NAME

5210 ARBOR RD

FAYETTEVILLE,NC

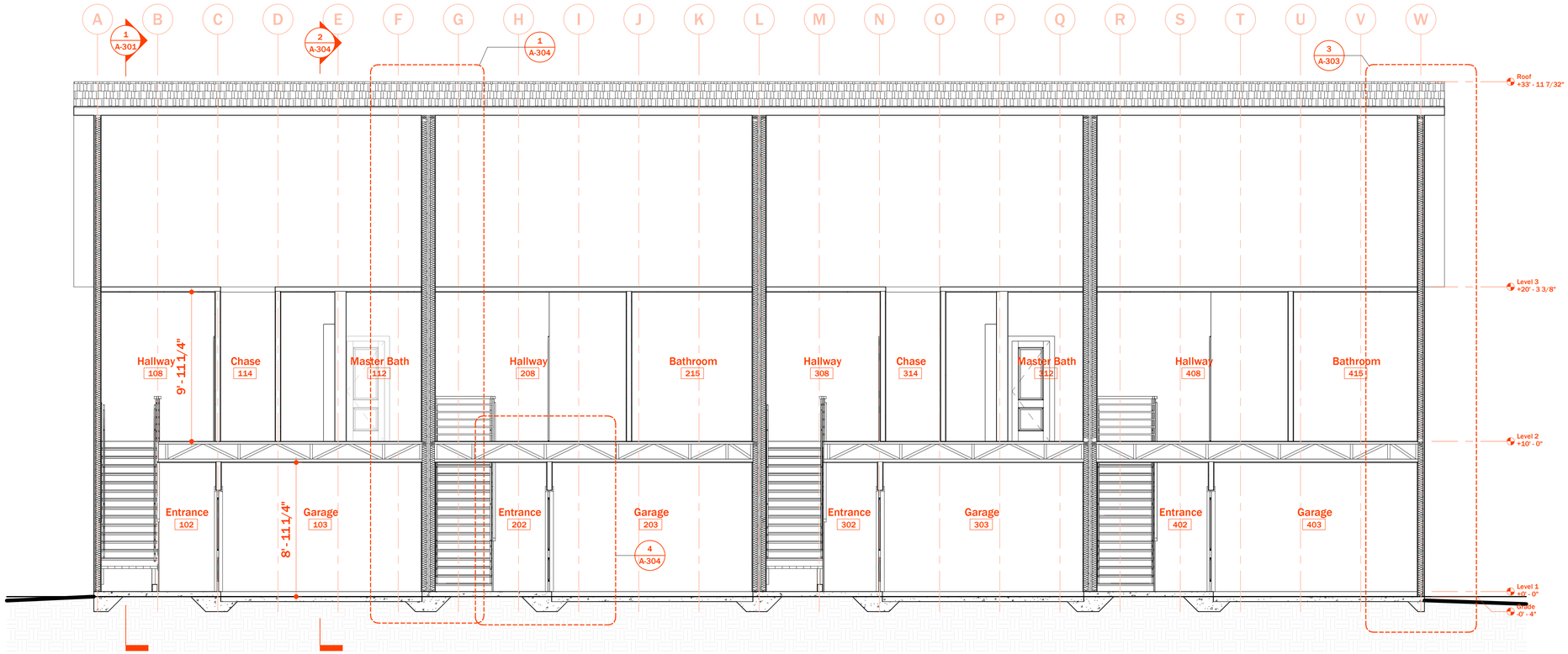
DRAWING NAME

BUILDING SECTIONS

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	10/25/23
Scale	:	1/4" = 1'-0"
Job No.	:	19001

A-301

SEAL



1 Section 2

SCALE: 1/4" = 1'-0"

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REVISIONS

No.	Date	Action

PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE,NC

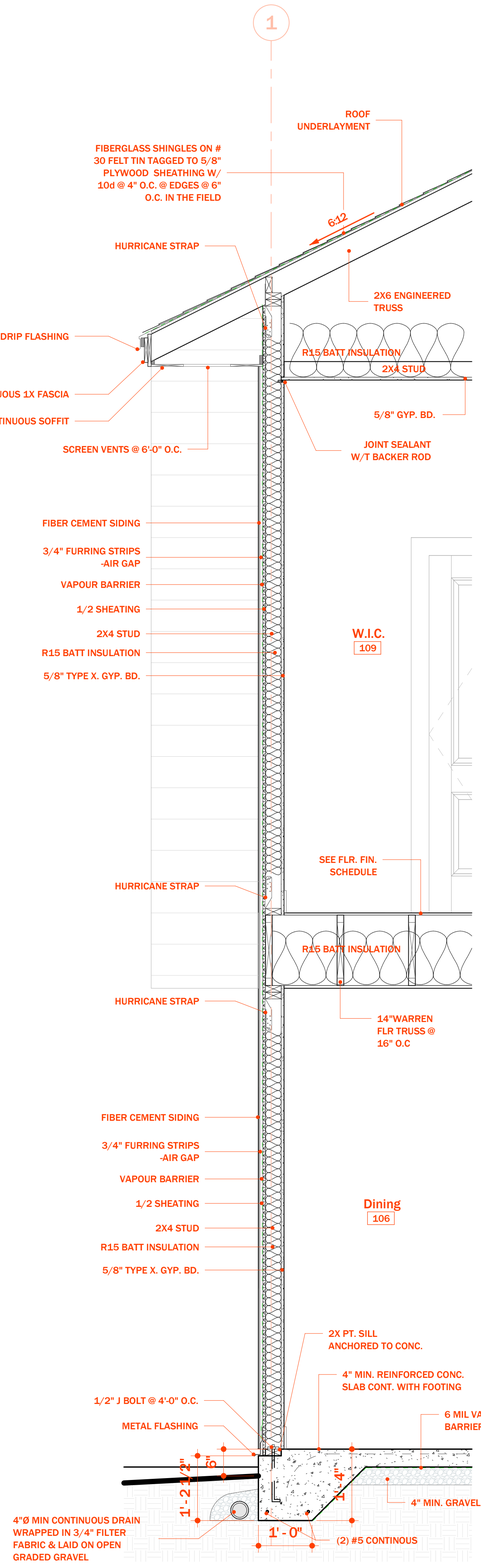
DRAWING NAME

BUILDING SECTIONS

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	10/25/23
Scale	:	1/4" = 1'-0"
Job No.	:	19001

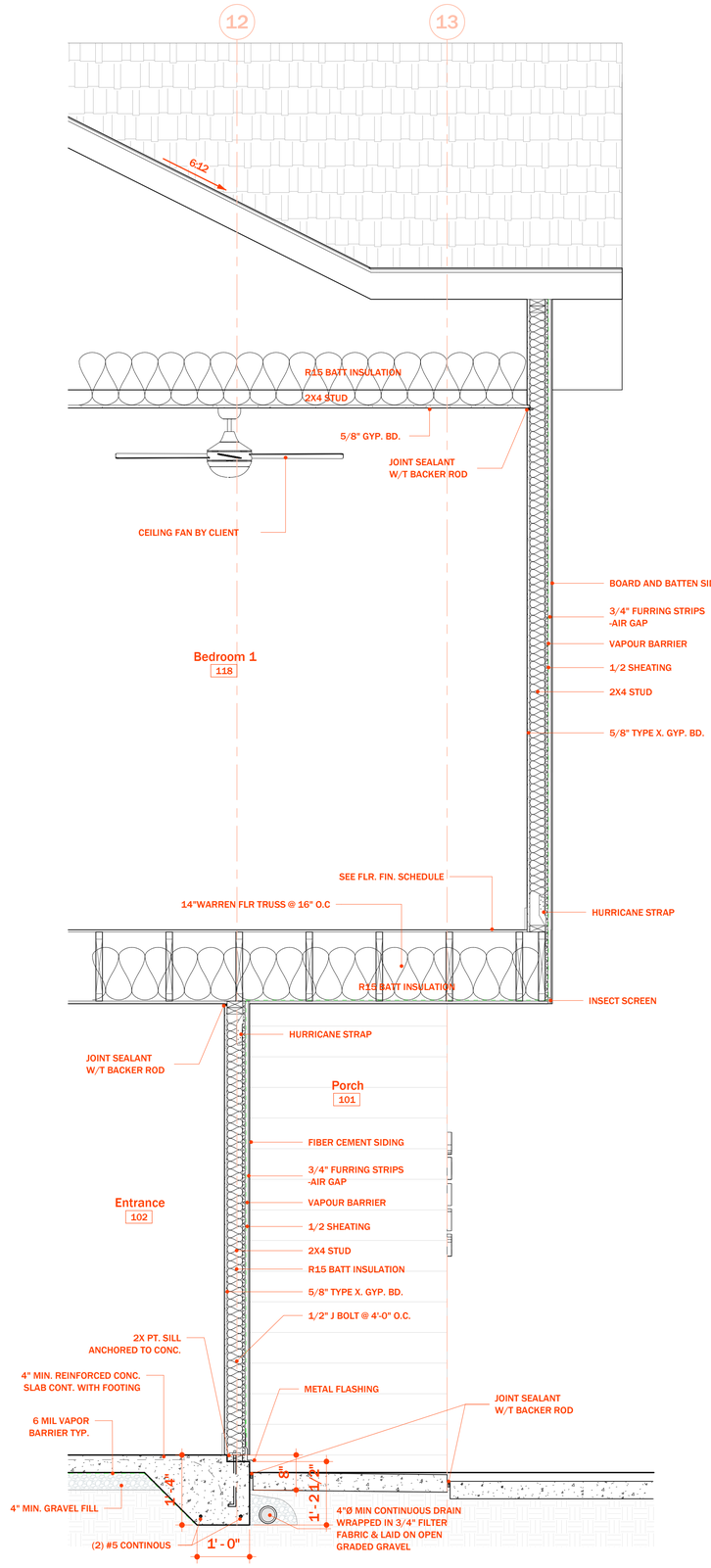
A-302

SEAL



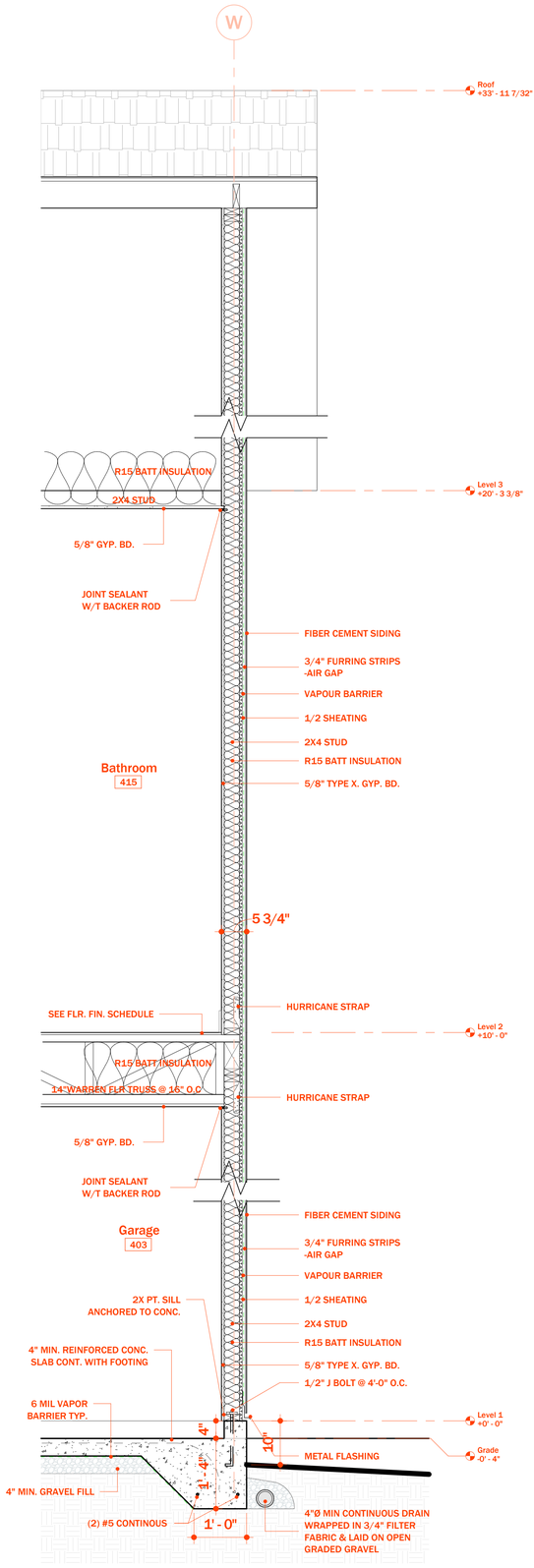
1 **Section 1 - Callout 1**

SCALE: 3/4" = 1'-0"



2 **Section 1 - Callout 2**

SCALE: 3/4" = 1'-0"



3 **Section 2 - Callout 1**

SCALE: 3/4" = 1'-0"

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REVISIONS

No.	Date	Action

PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE,NC

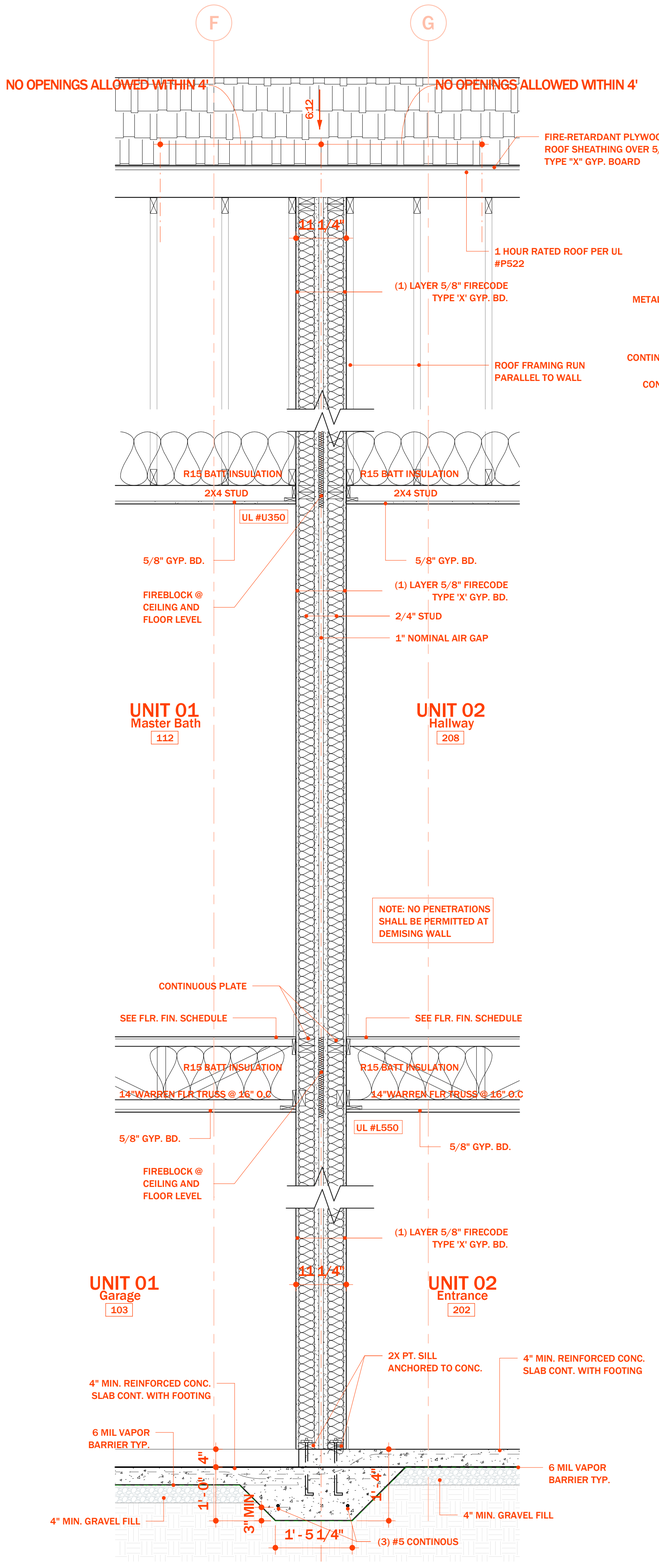
DRAWING NAME

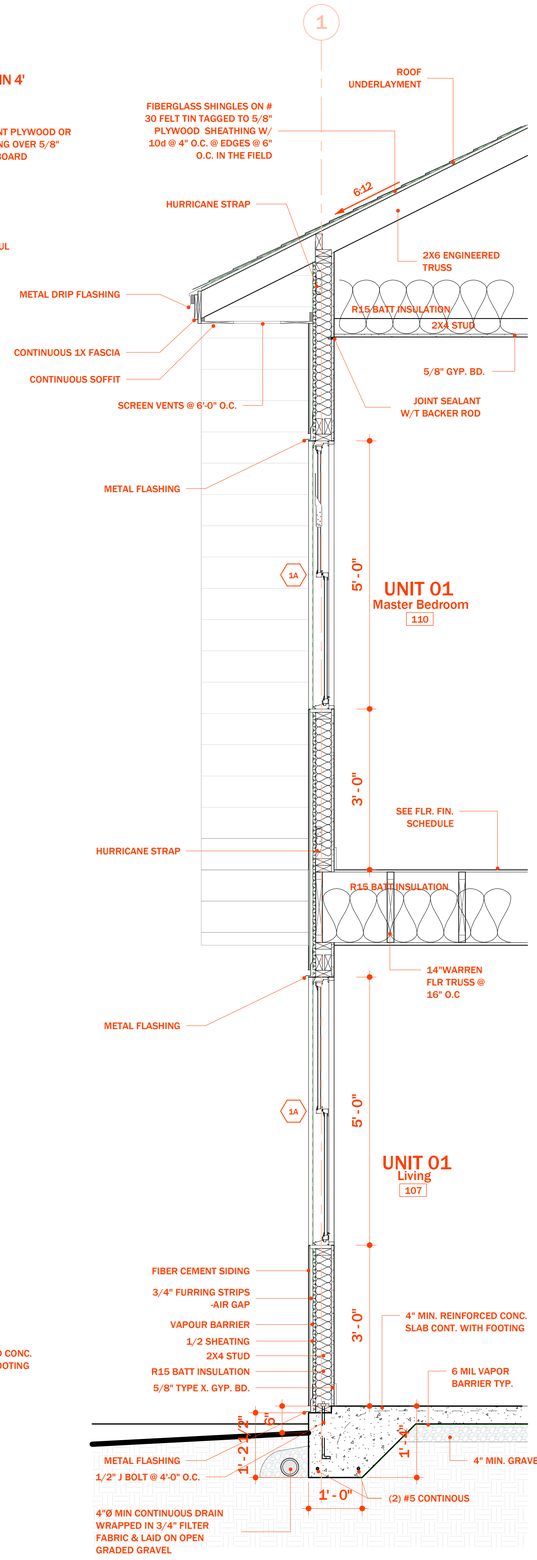
WALL SECTIONS

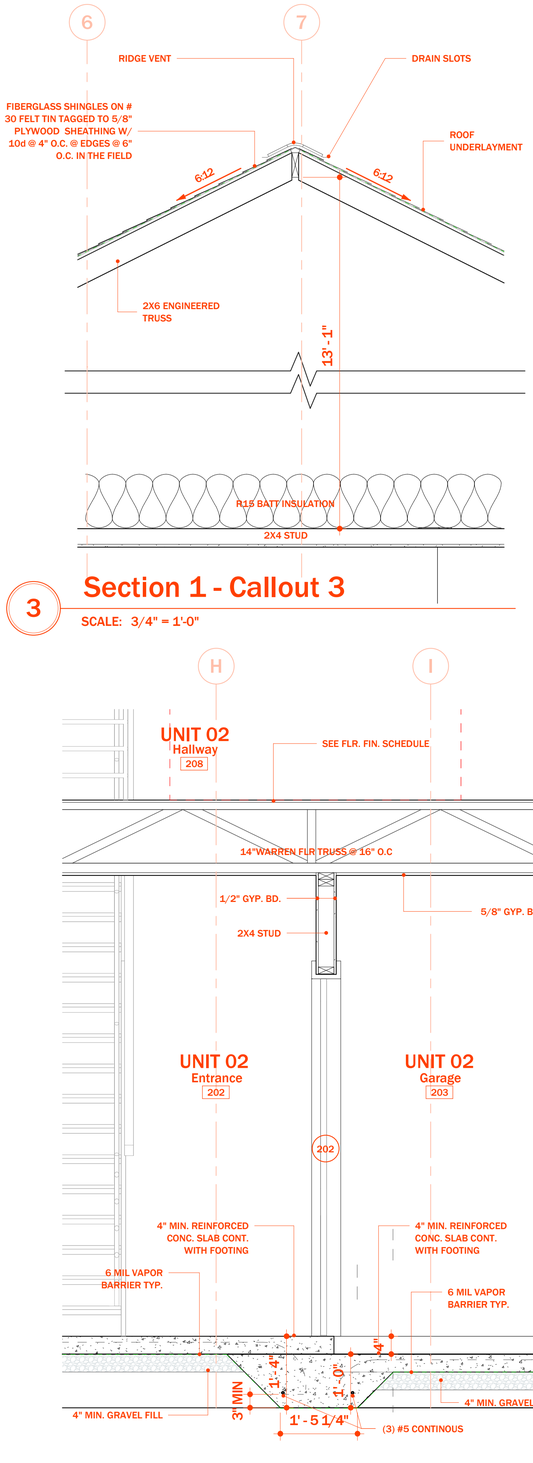
Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	10/25/23
Scale	:	3/4" = 1'-0"
Job No.	:	19001

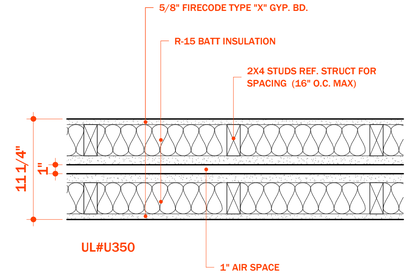
A-303

SEAL









2-HR WALL PLAN DETAIL

5 SCALE: 1 1/2" = 1'-0"

Section 1 - Callout 3

3 SCALE: 3/4" = 1'-0"

Section 2 - Callout 2

1 SCALE: 3/4" = 1'-0"

Section 3

2 SCALE: 3/4" = 1'-0"

Section 2 - Callout 3

4 SCALE: 3/4" = 1'-0"

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REVISIONS

No.	Date	Action

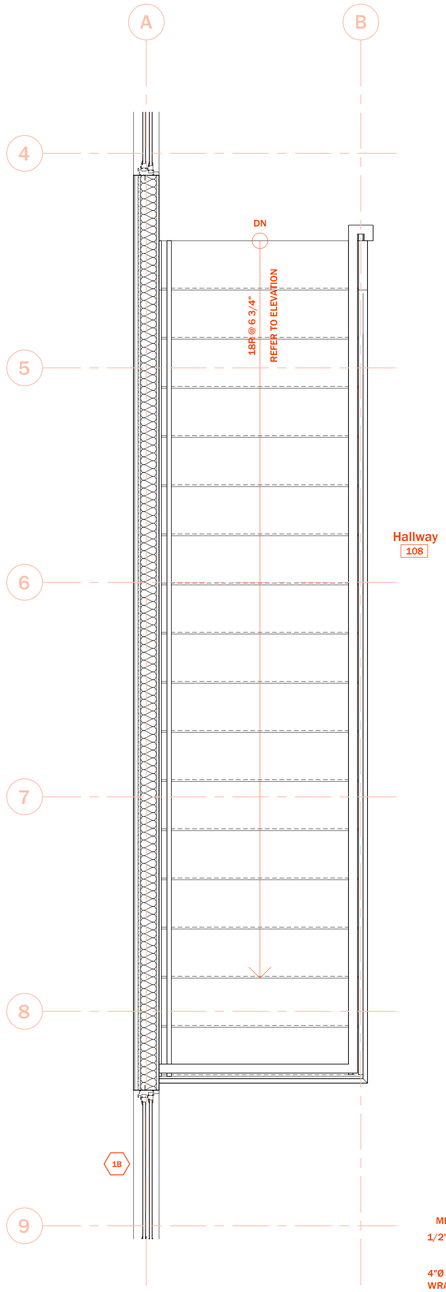
PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE NC

DRAWING NAME
WALL SECTIONS

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	10/25/23
Scale	:	As indicated
Job No.	:	19001

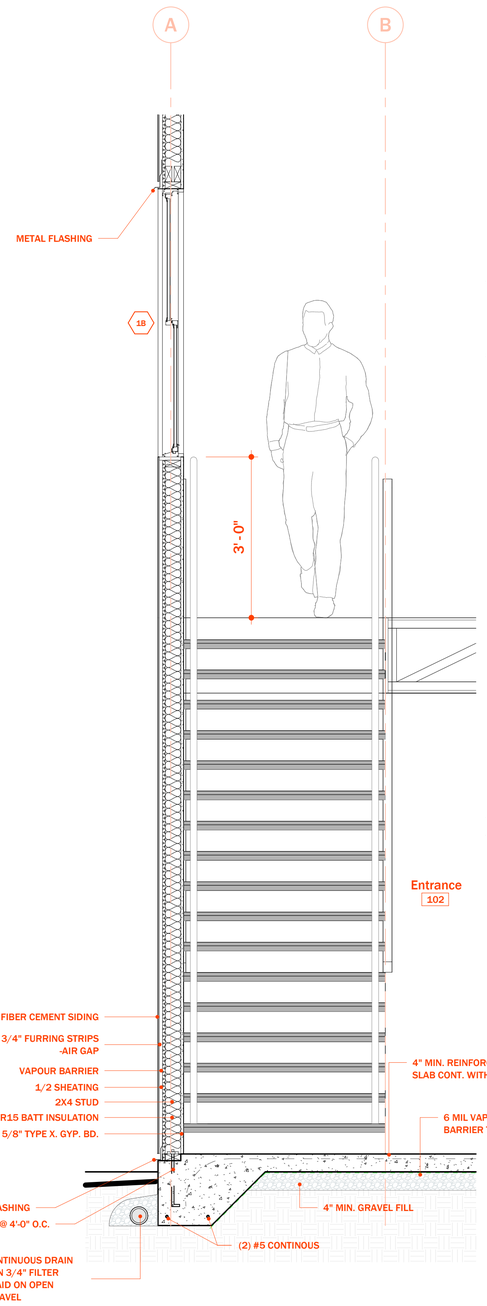
A-304

SEAL



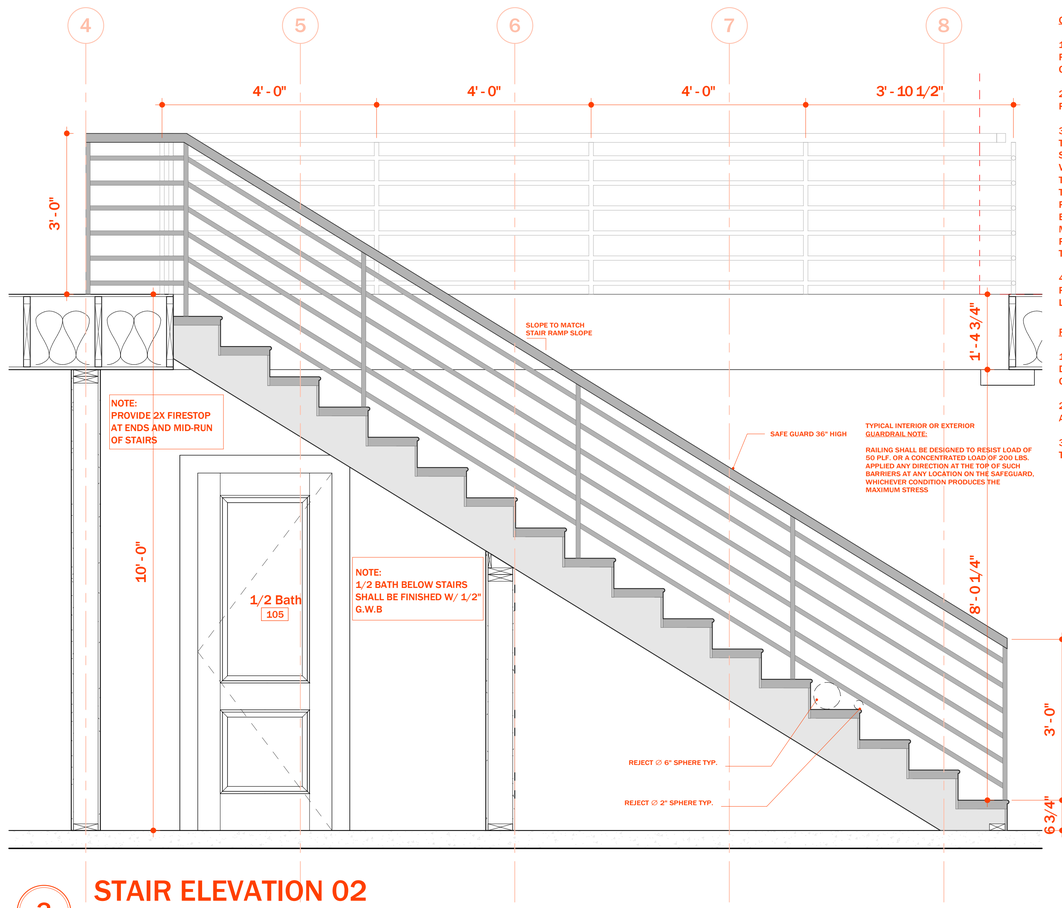
1 STAIR PLAN

SCALE: 3/4" = 1'-0"



2 STAIR ELEVATION 01

SCALE: 3/4" = 1'-0"



3 STAIR ELEVATION 02

SCALE: 3/4" = 1'-0"

GUARDRAIL NOTES:

1. ALL OPEN GUARDRAILS SHALL REJECT PASSAGE OF 4" DIA. SPHERE THRU VERTICAL COMPONENTS.

2. ALL GUARDRAILS, BOTTOM RAIL SHALL REJECT 2" DIA. SPHERE @ NOSING.

3. STAIR HANDRAILS SHALL BE NOT LESS THAN 34" NOT MORE THAN 38" ABOVE THE SURFACE OF THE THREAD, MEASURED VERTICALLY TO THE TOP OF THE RAIL FROM THE LEADING EDGE OF THE THREAD.(EXCEPTION: HANDRAILS THAT FORM PART OF A GUARD SHALL BE PERMITTED TO EXCEED 38" BUT SHALL NOT EXCEED 42", MEASURED VERTICALLY TO THE TOP OF THE RAIL FROM THE LEADING EDGE OF THE THREAD)

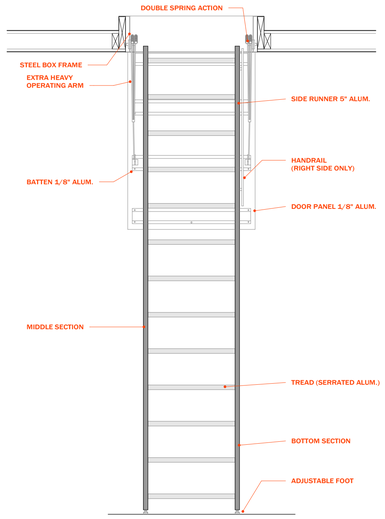
4. HANDRAIL TO TERMINATE ON A POST OR RETURN INTO THE WALL. (SEE PLAN FOR LAYOUT)

RAILING NOTES:

1. HANDRAILS & GUARDRAILS SHALL BE DESIGNED & CONSTRUCTED FOR A CONCENTRATED LOAD OF 200 lb.

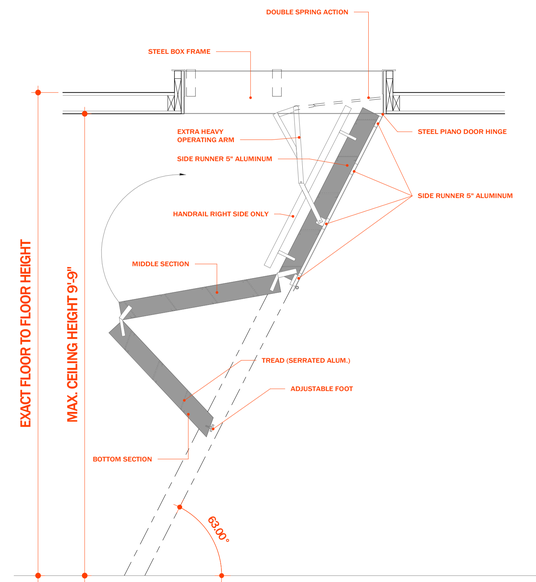
2. SHOP DRAWINGS TO BE SUBMITTED TO ARCHITECT FOR APPROVAL.

3. SHOP DRAWINGS TO BE APPROVED PRIOR TO FRAME INSPECTION.



4 DROPDOWN LADDER FRONT ELEVATION

SCALE: 3/4" = 1'-0"



5 DROPDOWN LADDER RIGHT SIDE ELEVATION

SCALE: 3/4" = 1'-0"

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REVISIONS

No.	Date	Action

PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE,NC

DRAWING NAME
STAIRS PLAN AND SECTION

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	10/25/23
Scale	:	3/4" = 1'-0"
Job No.	:	19001

A-401

SEAL

DOOR SCHEDULE

Door #	Count	Type	Width	Height	Thickness	Manufacturer	Model #	Finish	Hdw.	Elev	Details			Notes
											Jamb	Head	Sill	
100	1		0' - 0"	0' - 0"	2"	Raynor Garage Doors	Alumaview AP200							
101	2		3' - 0"	6' - 8"	1 3/8"	TruStile Doors, LLC	AD1030							
102	1		3' - 0"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
103	3		2' - 8"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
104	3		2' - 6"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
105	4		2' - 2"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
106	2		4' - 0"	6' - 8"	1 1/2"									
200	1		0' - 0"	0' - 0"	2"	Raynor Garage Doors	Alumaview AP200							
201	2		3' - 0"	6' - 8"	1 3/8"	TruStile Doors, LLC	AD1030							
202	1		3' - 0"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
203	3		2' - 8"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
204	3		2' - 6"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
206	2		4' - 0"	6' - 8"	1 1/2"									
300	1		0' - 0"	0' - 0"	2"	Raynor Garage Doors	Alumaview AP200							
301	2		3' - 0"	6' - 8"	1 3/8"	TruStile Doors, LLC	AD1030							
302	1		3' - 0"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
303	3		2' - 8"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
304	3		2' - 6"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
305	8		2' - 2"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
306	2		4' - 0"	6' - 8"	1 1/2"									
400	1		0' - 0"	0' - 0"	2"	Raynor Garage Doors	Alumaview AP200							
401	2		3' - 0"	6' - 8"	1 3/8"	TruStile Doors, LLC	AD1030							
402	1		3' - 0"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
403	3		2' - 8"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
404	3		2' - 6"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
405	4		2' - 2"	6' - 8"	1 3/8"	TruStile Doors, LLC	TS2060							
406	2		4' - 0"	6' - 8"	1 1/2"									

WINDOW SCHEDULE

MARK	Count	TYPE	WIDTH	HEIGHT	MANUFACTURER	MODEL	DETAILS			NOTES
							HEAD	JAMB	SILL	
1A	10		2' - 0"	5' - 0"	JELD-WEN	BLVDH				
1B	2		3' - 0"	5' - 0"	JELD-WEN	BLVDH				
2A	10		2' - 0"	5' - 0"	JELD-WEN	BLVDH				
3A	10		2' - 0"	5' - 0"	JELD-WEN	BLVDH				
4A	10		2' - 0"	5' - 0"	JELD-WEN	BLVDH				

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REVISIONS

No.	Date	Action

PROJECT NAME

5210 ARBOR RD

FAYETTEVILLE,NC

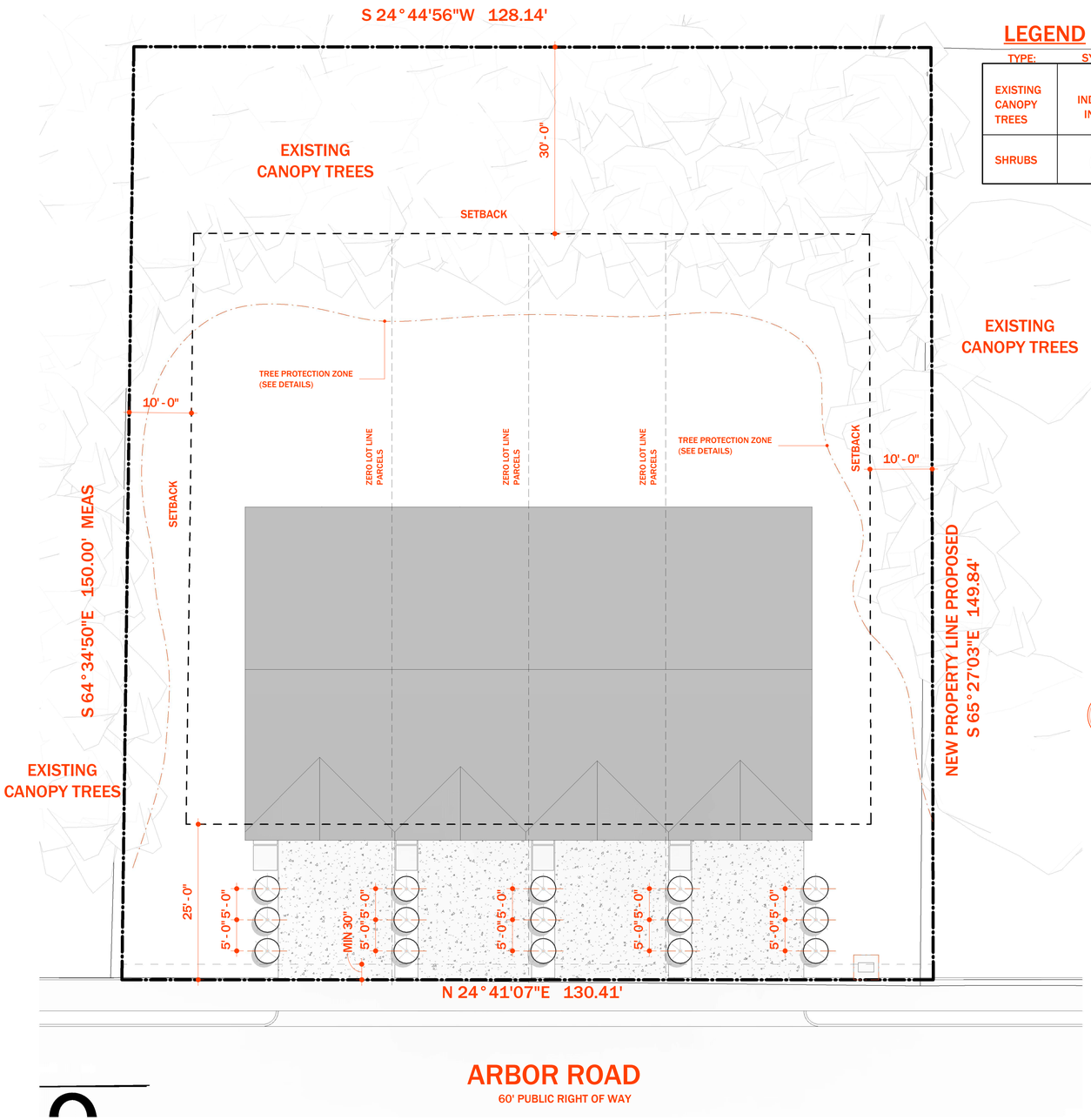
DRAWING NAME

WINDOWS, DOORS AND FINISH SCHEDULES

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	10/25/23
Scale	:	
Job No.	:	19001

A-501

SEAL

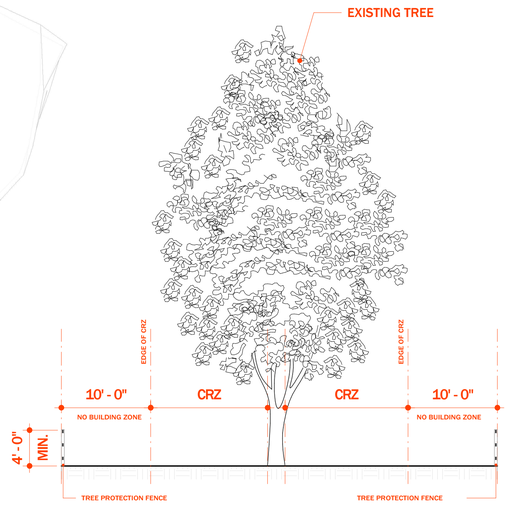


1 LANDSCAPE PLAN

SCALE: 1" = 10'-0"

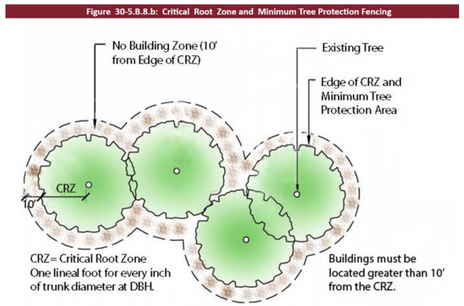
LEGEND

TYPE:	SYMBOL	COUNT:	SIZE
EXISTING CANOPY TREES	AS INDICATED IN PLAN	20+	EXISTING
SHRUBS		15	5 GAL



2 TREE PROTECTION ZONE DETAILS

SCALE: 1/8" = 1'-0"



3 TREE PROTECTION FENCING

SCALE: 1/8" = 1'-0"

LANDSCAPE NOTES:

1) SHRUBBERY IS TO BE PLANTED AT LEAST 30" FROM CURBING AND FROM END OF PARKING SPACES TO PREVENT DAMAGE FROM CAR OVERHANG.

2) SHRUBS INSTALLED AS VEHICULAR USE SCREENING ARE TO BE MAINTAINED AT A MIN. HEIGHT OF 36"; MIN. INSTALLATION HEIGHT IS 24".

3) SITE LIGHTING PLANS REQUIRE LIGHTS TO BE A MIN. OF 15 FEET FROM TREES. ANY ADJUSTMENTS IN THE FIELD NEED TO COMPLY WITH THIS STANDARD AND BE APPROVED BY STAFF.

4) EACH TREE MUST BE PLANTED SUCH THAT THE ROOT FLARE IS VISIBLE AT THE TOP OF THE ROOT BALL. TREES WHERE THE ROOT FLARE IS NOT VISIBLE WILL BE REJECTED. DO NOT COVER THE ROOT FLARE WITH MULCH.

5) DO NOT PLACE MULCH IN CONTACT WITH THE TREE TRUNK. KEEP MULCH A MIN. OF 4" AWAY FROM THE TRUNK BASE.

6) ANY CHANGES TO THE PROPOSED PLANT SCHEDULE MUST BE APPROVED BY THE DESIGNER OF RECORD AND STAFF. IN CASES WHERE THE PLANT SCHEDULE ONLY INCLUDES THE PLANT TYPE AND DOES NOT INCLUDE THE PLANT SPECIES, THE CONTRACTOR SHALL BE REQUIRED TO SUBMIT TO THE CITY FOR APPROVAL, A DETAILED PLANT SCHEDULE AND ASSOCIATED PLANTING PLAN PREPARED BY SOMEONE KNOWLEDGEABLE ABOUT PLANT MATERIAL AND DESIGN, PRIOR TO PROCEEDING WITH INSTALLATION.

7) PROPERTY PERIMETER BUFFER - IN AREAS WHERE EXISTING VEGETATION IS TO BE USED TO SATISFY PERIMETER LANDSCAPE BUFFER, THE CITY MAY DETERMINE, AFTER AN ON-SITE INSPECTION, THAT ADDITIONAL PLANTING IS REQUIRED TO SATISFY THE REQUIRED BUFFER.

TREE PROTECTION NOTES:

1) ALL TREES DESIGNATED FOR PRESERVATION MUST BE PROTECTED BY BARRIER BEFORE DEMOLITION, GRADING, OR ANY OTHER LAND DISTURBING ACTIVITY BEGINS. PROTECTIVE BARRIERS SHALL BE INSTALLED WHEN THE CRITICAL ROOT ZONE OF ANY TREES TO BE PRESERVED ARE WITHIN 50 FEET OF ANY PROPOSED GRADING OR CONSTRUCTION ACTIVITY.

2) WHERE COMPACTION MIGHT OCCUR DUE TO CONSTRUCTION TRAFFIC OR MATERIALS DELIVERY THROUGH A TREE PROTECTION ZONE, THE AREA MUST FIRST BE MULCHED WITH A MINIMUM FOUR-INCH LAYER OF WOOD CHIPS. EQUIPMENT OR MATERIALS STORAGE SHALL NOT BE ALLOWED WITHIN A TREE SAVE AREA.

3) ALL FENCING SHALL BE A MINIMUM OF FOUR FEET HIGH, VISIBLE, AND OF DURABLE CONSTRUCTION WITH SIGNAGE INDICATING "KEEP OUT." PROTECTIVE BARRIERS SHALL CONSIST OF EITHER:

A. A FENCE WHICH IS AT LEAST FOUR FEET HIGH AND CONSTRUCTED IN A POST AND RAIL CONFIGURATION, USING TWO BY FOUR RAILS; OR

B. A FENCE WITH TWO BY FOUR POSTS PLACED A MAXIMUM DISTANCE OF TEN FEET APART COVERED WITH FOUR FOOT ORANGE POLYETHYLENE LAMINAR SAFETY FENCING.

SITE COVERAGE CALCULATIONS

LOT SIZE SQUARE FEET: 19166.4

NAME	AREAR S.F	NOTE	PERCENTAGE
ROOFED AREAS - BUILDING FOOTPRINT			
BUILDING AREA	4,155.67	"	21.68%
EXISTING PATIO	0.00	"	0.00%
NEW PATIO	112.38	"	0.59%
EXISTING CARPORT	0.00	"	0.00%
NEW CARPORT	0.00	"	0.00%
TOTAL	4,268.05		22.27%
UNROOFED IMPERVIOUS AREAS			
EXISTING DRIVEWAY	0.00	IMPERVIOUS	0.00%
NEW DRIVEWAY	1,888.61	IMPERVIOUS	9.85%
EXISTING WALKWAY	0.00	"	0.00%
NEW WALKWAY	122.64	"	0.64%
EXISTING CONC. SLAB	0.00	"	0.00%
NEW CONC. SLAB	0.00	"	0.00%
EXISTING A/C PAD	0.00	"	0.00%
NEW A/C PAD	0.00	"	0.00%
SHED	0.00	"	0.00%
TOTAL	2,011.25		10.49%
PERVIOUS AREAS			
GREEN AREA	12,887.10	LANDSCAPED	67.24%
TOTAL	12,887.10		67.24%
TOTAL PERVIOUS / IMPERVIOUS AREAS			
IMPERVIOUS AREA	6,279.30	19,166.40	32.76%
PERVIOUS AREA	12,887.10		67.24%
TOTAL			100.00%
FLOOR AREA RATIO			
DESCRIPTION	AREA S.F.	TOTAL	ALLOWABLE
LOT SIZE	19,166.40	1.00	1.00
HABITABLE FOOTPRINT	4,268.05	0.22	

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REVISIONS

No.	Date	Action

PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE,NC

DRAWING NAME
LANDSCAPE PLAN

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	01/01/23
Scale	:	As indicated
Job No.	:	19001

L-101

SEAL

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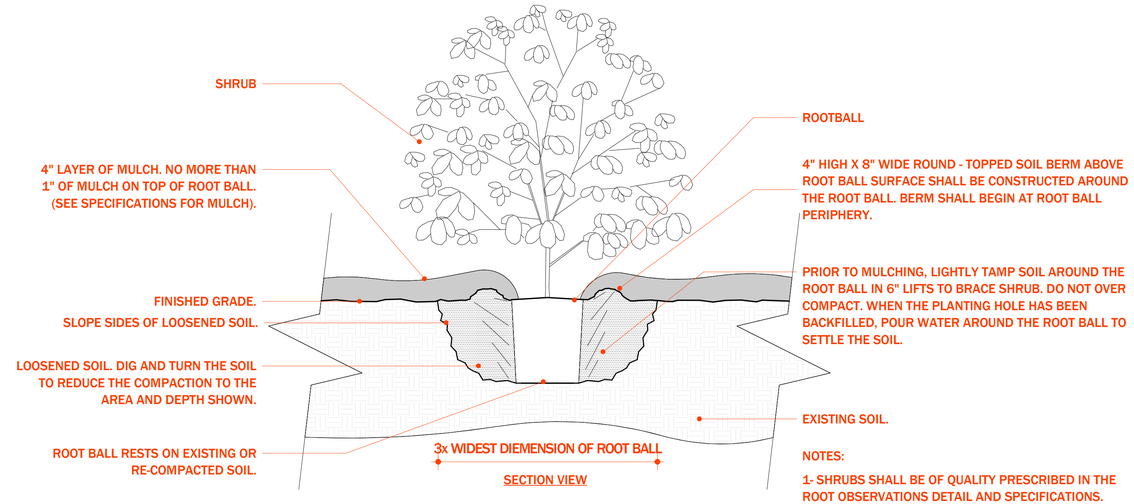


SECTION VIEW

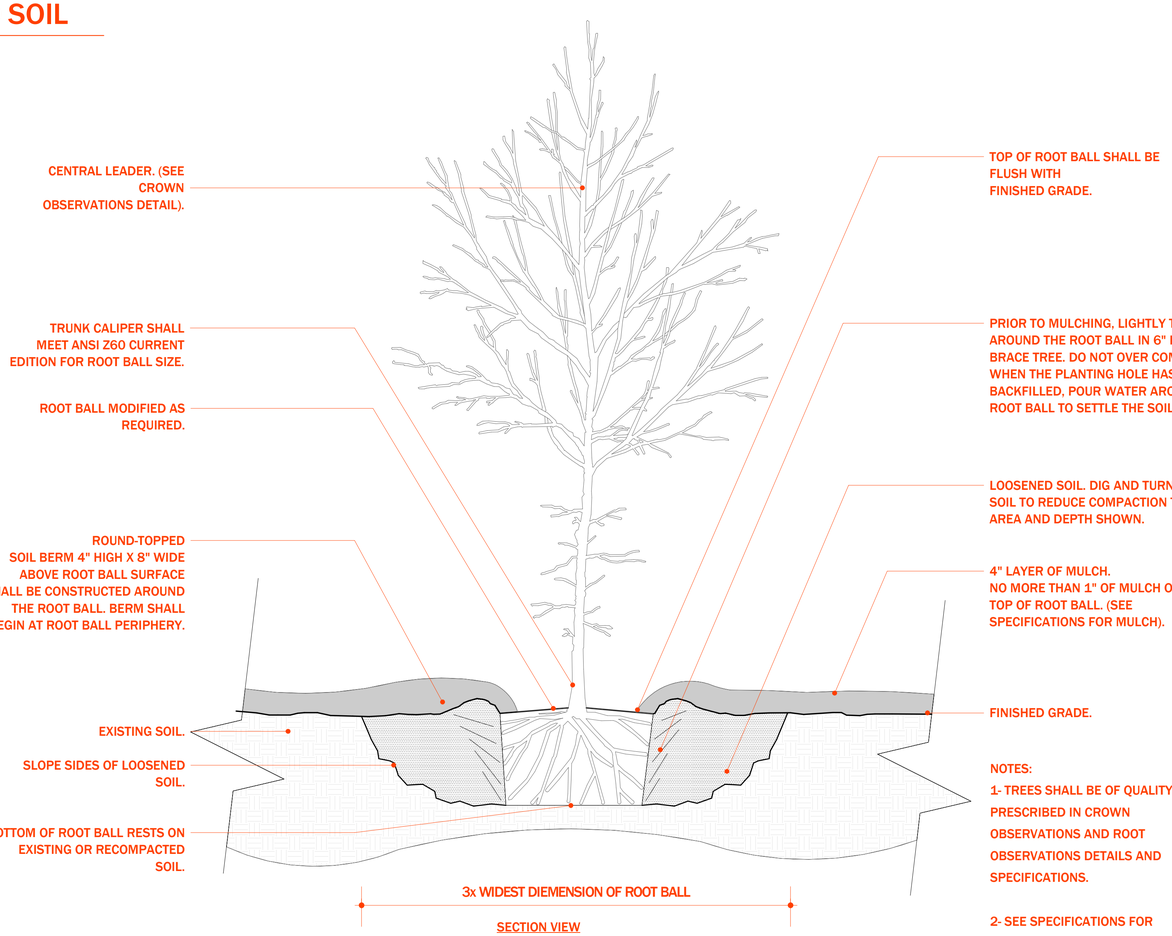
NOTES:

1- SHRUBS SHALL BE OF QUALITY PRESCRIBED IN THE ROOT OBSERVATIONS DETAIL AND SPECIFICATIONS.

2- SEE SPECIFICATIONS FOR FURTHER REQUIREMENTS RELATED TO THIS DETAIL.

1 SHRUB- UNMODIFIED SOIL

SCALE: 1" = 1'-0"



SECTION VIEW

NOTES:

1- TREES SHALL BE OF QUALITY PRESCRIBED IN CROWN OBSERVATIONS AND ROOT OBSERVATIONS DETAILS AND SPECIFICATIONS.

2- SEE SPECIFICATIONS FOR FURTHER REQUIREMENTS RELATED TO THIS DETAIL.

2 TREE w/ BERM (EXISTING SOIL NOT MODIFIED)

SCALE: 1" = 1'-0"

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REVISIONS

No.	Date	Action

PROJECT NAME

5210 ARBOR RD

FAYETTEVILLE,NC

DRAWING NAME

PLANTING DETAILS

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	01/01/23
Scale	:	1" = 1'-0"
Job No.	:	19001

L-102

SEAL

NOT VALID WITHOUT SEAL

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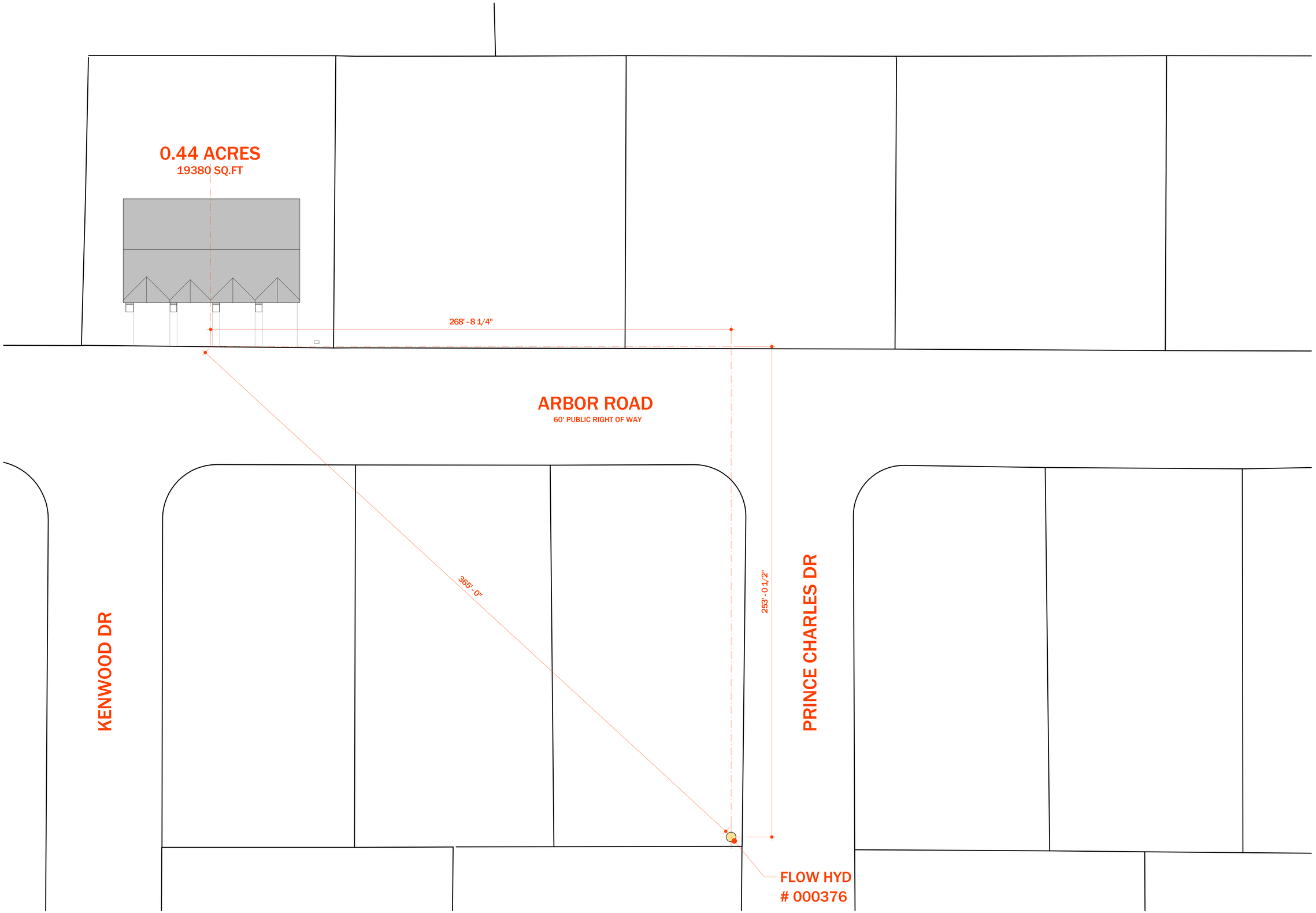

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REVISIONS

No.	Date	Action

PROJECT NAME
5210 ARBOR RD
FAYETTEVILLE,NC

DRAWING NAME
HYDRANT LOCATION

Drawn By	:	Author
Checked By	:	Checker
Issue Date	:	10/25/23
Scale	:	3/64" = 1'-0"
Job No.	:	19001

P101

SEAL

Consistency and Reasonableness Statement

Map Amendments

Pursuant to N.C.G.S. § 160D-604 and § 160D-605, the Zoning Commission determines that the proposed zoning map amendment in case P26-39 is consistent with the City of Fayetteville's Future Land Use Map as well as the Comprehensive Plan and Strategic Plan.

The following analysis reviews the proposed amendment in relation to the goals and policies of the Future Land Use Map, Comprehensive Plan, and Strategic Plan following the Commission's established review format.

Consistency

1. **STRATEGOC PLAN GOALS**

GOAL(S)	CONSISTENT	INCONSISTENT
Goal II: Responsive City Government Supporting a Diverse & Viable Economy (2.1 & 2.4)		
• The request supports the continued operation and expansion of an existing business by providing additional off-street parking, contributing to a favorable environment for local business investment	**X**	
Goal III: City Investment in Today & Tomorrow (3.2)		
• The request allows underutilized residential properties to be incorporated into an existing commercial site, promoting efficient land use and supporting the area's commercial development plan.	**X**	
Goal IV: Desirable Place to Live, Work, and Recreate (4.2 & 4.5)		
• Redevelopment of the vacant properties as a landscaped parking area will improve the appearance of the site while supporting compatible commercial development adjacent to the neighborhood.	**X**	

2. FUTURE-LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LU-1: Encourage growth in areas well served by infrastructure and urban services (1.2, 1.3, & 1.6,) • Sweetwater Dr. and the local area is well served by infrastructure that has the capacity to accept further commercial development.	**X**	
LU-2: Encourage strategic urban development (2.1) • The proposal represents a logical expansion of an existing commercial property under common ownership by utilizing land for accessory parking.	**X**	
LU-3: Encourage redevelopment along underutilized strip corridors and reinvestment in distressed residential neighborhoods (3.1) • The request promotes redevelopment and infill by incorporating three vacant residential parcels into an existing commercial development, resulting in a more efficient use of land within an established commercial area**.**	**X**	
LU-6: Encourage development standards that result in quality neighborhoods (6.2) • The redevelopment of vacant parcels into an existing commercial site are liable to reduce encounters with nuisance fauna and vagrants.	**X**	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

X	The requested map amendment is consistent or aligns with the area's designation on the FLUM	**OR**		The requested map amendment is **NOT** consistent or **DOES NOT** align with the area's designation on the FLUM
X	As requested, the proposed designation would permit uses complementary to those existing on adjacent tracts.	**OR**		As requested, the proposed designation would permit uses incongruous to those existing on adjacent tracts.

Reasonableness

The proposed zoning map amendment of SF-6 to LC is both reasonable and in the interest of the public. It supports the policies of the Comprehensive and Strategic Plans because: [select all that apply]

X The size, features, and other conditions of the site support the request and potential use cases.

____ The amendment includes conditions that limit potential negative impacts on neighboring uses.

X The proposed use addresses the needs of the area by enabling nuisance parcels to be repurposed.

X The proposal promotes orderly development by aligning with surrounding land uses.

The amendment is also in the public interest because it: [select all that apply]

X Improves net total consistency with the Future Land Use Map and Comprehensive Plan.

X Improves the net health and safety of the community.

____ Preserves environmental and/or cultural resources.

X Facilitates desired development such as infill and/or in an infrastructure-served area.

X Provides needed housing/commercial area.

Additional comments:

August 11, 2026
Date

Chair Signature

Print

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0523

Agenda Date: 8/11/2026 **Version:** 1 **Status:** Agenda Ready

In Control: Zoning Commission **File Type:** Public Hearing (Public & Legislative)

Agenda Number: 5.04

TO: **Zoning Commission**

THRU: **Jennifer C Baptiste - Planning & Zoning Division Manager**

FROM: **Thomas Cohen - Planner I**

DATE: **August 11, 2026**

RE:
P26-40: A request to conditionally rezone 131 Pepsi Lane (0447025655000) consisting of 4.56 acres ±, by Patrick Byker of Morning Star Law Group representing Carvana owned by BG Properties LLC at from Heavy Industrial (HI) to Conditional Heavy Industrial (HI/CZ).

COUNCIL DISTRICT(S):
2 - Council Member Malik Davis

Relationship To Strategic Plan:
Goal II: Responsive City Government Supporting a Diverse & Viable Economy

- Objective 2.3 - To leverage partnerships for job creation and retention, with a focus on the local and regional workforce to increase per capita income.
- Objective 2.4 - To sustain a favorable development climate to encourage business growth.

Goal VI: Collaborative Citizen & Business Engagement Base

- Objective 6.1: To ensure collaborative relationships with the business community, local governments, military, and stakeholders

Executive Summary:
The request is to conditionally rezone the property located at 131 Pepsi Lane (0447025655000) from Heavy Industrial (HI) to Conditional Heavy Industrial (HI/CZ). The stated intent is to operate a vehicle repair, cleaning, and storage operation for the internal use only of Carvana.

Background:
Owner: BG Properties LLC
Request: HI to HI/CZ
REID or PIN: 0447025655000
Parcel Size: ± 4.56
Existing Site Conditions: Large warehouse with garage
Adjacent Zoning:

- **North:** HI - Industrial uses
- **South:** HI - Industrial uses
- **East:** HI, LI, & CC - Industrial uses
- **West:** CC & LC - Park and Fire Station

Future Land Use: Employment Center
Public Notice: Notification letters were sent to property owners within 1,000 feet of the subject site equating to 106 notices sent.

Issues/Analysis:
The applicant requests to conditionally rezone the approximately 4.56 acres located at 131 Pepsi Lane (044702565500) from Heavy Industrial (HI) to Conditional Heavy Industrial (HI/CZ) to enable Carvana to have expanded use of the subject property.

The conditions proposed by the applicant are as follows:

1. Since the UDO limits Temporary Outdoor Vehicle Storage to 25% of the buildable area on the Carvana site, the Temporary Outdoor Vehicle Storage is increased to the extent shown on the site plan submitted by Carvana's engineers showing the areas of the site to be used for Temporary Outdoor Vehicle Storage. Accordingly, the site plan for the Carvana facility in the staff report shall be a condition to be applied to this site.
2. All chain link fencing and barbed wire on site will be removed. Carvana shall install a six foot high opaque fence to screen all outdoor storage on site at a minimum. The opaque fence shall be either wood or vinyl.

The 2040 Future Land Use Plan (FLUP) is central to the analysis of requests and are affixed by reasonableness to local contexts and service of the public good. According to the FLUP, the subject property is designated as an Employment Center (EC) which is meant for high intensity, nonresidential, uses with high impact or likelihood for nuisance.

This designation aligns directly with the existing Heavy Industrial zoning district and thus it aligns with the base zoning district to be conditioned. Heavy Industrial is intended for high intensity and large-scale uses such as heavy manufacturing, assembly, storage, and other related uses. The applicant represents Carvana whose intended use case was determined by official Zoning Verification Letter to be under Automobile Repair and Servicing (without painting/ body-work) via Project Number 2185731 which is permitted by right within the HI base district.

As part of routine operations, vehicles would need to be temporarily stored on the property before being worked on or sent elsewhere for sale or long-term storage. UDO Section 30-4.C.4.k.3.b requires that temporary outdoor vehicle storage may occur alongside this use provided that storage does not exceed 25% of the buildable area of the lot and is located to either the back or side of the principal structure with a wooden fence or masonry wall as a form of screening adhering to UDO Section 30-5.D, Fencing Standards. This section is the impetus for the request as the subject property is fronted on three sides by street, limiting temporary outdoor vehicle storage potential to only the small area on the north side of the subject property.

In simple terms, the applicant is proposing conditions to enable use of the southern lot on the subject property that fronts Pepsi Ln, N Eastern Blvd, and Person St to enable fuller use of the subject property for the necessary storage for the intended operation.

The surrounding area is predominantly commercial or industrial properties that would not be impacted by any increase in permitted temporary outdoor vehicle storage. However, to the west of the subject property is a playground provided by Fayetteville Fire Station 1 for local children and families who either attend the adjacent churches or live in the nearby residential area.

While UDO Section 30-4.C.4.k.3.b requires screening the outdoor storage, it dictates this is done in compliance with UDO Section 30-5.D in which solid fencing is not permitted within the front yard setback. This circle is squared by Condition Two which essentially overrides the requirements of the latter UDO section with the former.

The current fencing is a chain-link fence that is partially lined with barb wire. Such fencing is no longer permitted within the City of Fayetteville outside of specific exemptions that the current property does not meet the requisite standards for. Condition Two would require a solid wooden or vinyl fence to replace the currently non-conforming fence. Such fencing would be a marked improvement over the current fencing aesthetically and for screening purposes.

While the conditions ultimately increase the intensity of use on the subject property, such an increase is not inconsistent or unreasonable with the Future Land Use Plan or the local content respectively. The request would enable use of a longstanding dormant property in a key area of industrial development while providing better aesthetics and screening than is otherwise present.

Budget Impact:
Approval or denial of the requested map amendment does not create immediate and direct impacts on the budget other than the collection of the application fee and cost for relevant staff. Potential for indirect budget impact via business and property taxes.

Options:

- **Approval (Recommended Action):**

Recommend approval of the application based on the evidence submitted and the consistency with the Future Land Use Plan as outlined by the attached Consistency and Reasonableness Statement but subject to the conditions presented within the application.

- **Approval, but with revised conditions**

Recommend approval of the application based on the evidence submitted and the consistency with the Future Land Use Plan as outlined by the attached Consistency and Reasonableness Statement but subject to any revised conditions agreed to by the applicant, in writing.

- **Denial**

Deny the application based on the evidence submitted and inconsistency with the Future Land Use Plan.

Recommended Action:
The Professional Planning Staff recommends that the Zoning Commission recommends to City Council a motion to **APPROVE** the request as presented - to conditionally rezone the approximately 4.56 at 131 Pepsi Lane from Heavily Industrial

(HI) to Conditional Heavy Industrial (HI/CZ) with the following conditions:

1. Since the UDO limits Temporary Outdoor Vehicle Storage to 25% of the buildable area on the Carvana site, the Temporary Outdoor Vehicle Storage is increased to the extent shown on the site plan submitted by Carvana's engineers showing the areas of the site to be used for Temporary Outdoor Vehicle Storage. Accordingly, the site plan for the Carvana facility in the staff report shall be a condition to be applied to this site.
2. All chain link fencing and barbed wire on site will be removed. Carvana shall install a minimum six foot high opaque fence to screen all outdoor storage on site. The opaque fence shall be either wood or vinyl.

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Consistency and Reasonableness Statements
8. Site Plan

FAYETTEVILLE NC
DEVELOPMENT

Planning & Zoning
433 Hay Street
Fayetteville, NC 28301
910-433-1612
www.fayettevillenc.gov

Project Overview #2240779

Project Title: Carvana Facility
Application Type: 5.2) Conditional Rezoning
Workflow: Staff Review
Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 131 PEPSI LN (0447025655000)
Zip Code: 28301

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: Cumberland County Tax Office GIS system

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 131 PEPSI LN

General Project Information

Proposed Conditional Zoning District: HI/CZ - Conditional Heavy Industrial
Lot or Site Acreage to be rezoned: 4.56
Was a neighborhood meeting conducted?: No
Date of Neighborhood Meeting:
Number of Residential Units:
Nonresidential Square Footage: 50000

Landowner Information

Landowner Name: BG Properties LLC
Deed Book and Page Number: Deed Book 10255, Page 855

Written Description of Request - Answer all the questions under this section (upload additional sheets as needed).

A) Describe the proposed use of the rezoned land, including the proposed types of site improvements, buildings, uses, proposed activities, hours of operation, and operating characteristics.:
The proposed use is a customer fulfilment center for Carvana. We do not anticipate any expansion of the existing building footprints. There will be vehicle detailing and preparation for customer delivery inside the existing building. Hours of operation will be typical business hours. Due to customer demand in the Fayetteville region, Carvana requires utilization

B) Describe the proposed conditions that should be applied.:
1. Since the UDO limits Temporary Outdoor Vehicle Storage to 25% of the buildable area on the Carvana site, the Temporary Outdoor Vehicle Storage is increased to the extent shown on the site plan submitted by Carvana's engineers showing the areas of the site to be used for Temporary Outdoor Vehicle Storage. Accordingly, the site plan for the Carvana facility in the staff report shall be a condition to be applied to this site.
2. All chain link fencing and barbed wire on site will be removed. Carvana shall install a minimum six foot high opaque fence to screen all outdoor storage on site. The opaque fence shall be either wood or vinyl.

of all the extensive paved parking on site for vehicle parking in advance final preparation and delivery to customers

C) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:
Adjacent zoning district designation is HI; across the street zoning designations are predominantly HI along with LI, CC and LC; uses are industrial and commercial

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:
An important theme in the 2040 Comprehensive Plan is stimulating reinvestment in older commercial corridors (see Strategy #3, pages 39-40), such as Eastern Boulevard and Person Street. Since this site was discontinued from serving as City's Fleet Management facility, it has languished. It is important to bring jobs to these types of abandoned facilities since they are relatively close to existing neighborhoods and will support nearby restaurants and retail, thereby strengthening our local economy

B) Are there changed conditions that require an amendment? :
Carvana requires parking to be available on all sides of the existing building. Since the site is fully paved, it is more efficient to allow parking where the pavement is in place, just as when the City used this site for its Fleet Management operations. Other than allowing parking on all sides of the existing building, Carvana expects to contain its operations within the existing footprint of the buildings on site.

C) State the extent to which the proposed amendment addresses a demonstrated community need.:
This proposed amendment will allow for the revitalization of an abandoned facility located at the important intersection of Person Street and Eastern Boulevard. This proposed amendment will bring jobs to an important section of the City that is only about a mile away from the Cool Spring Downtown District. Accordingly, there will be new employees here on Pepsi Lane who will frequent downtown restaurants, perhaps at lunch or after work, along with the other restaurants and shops in the vicinity.

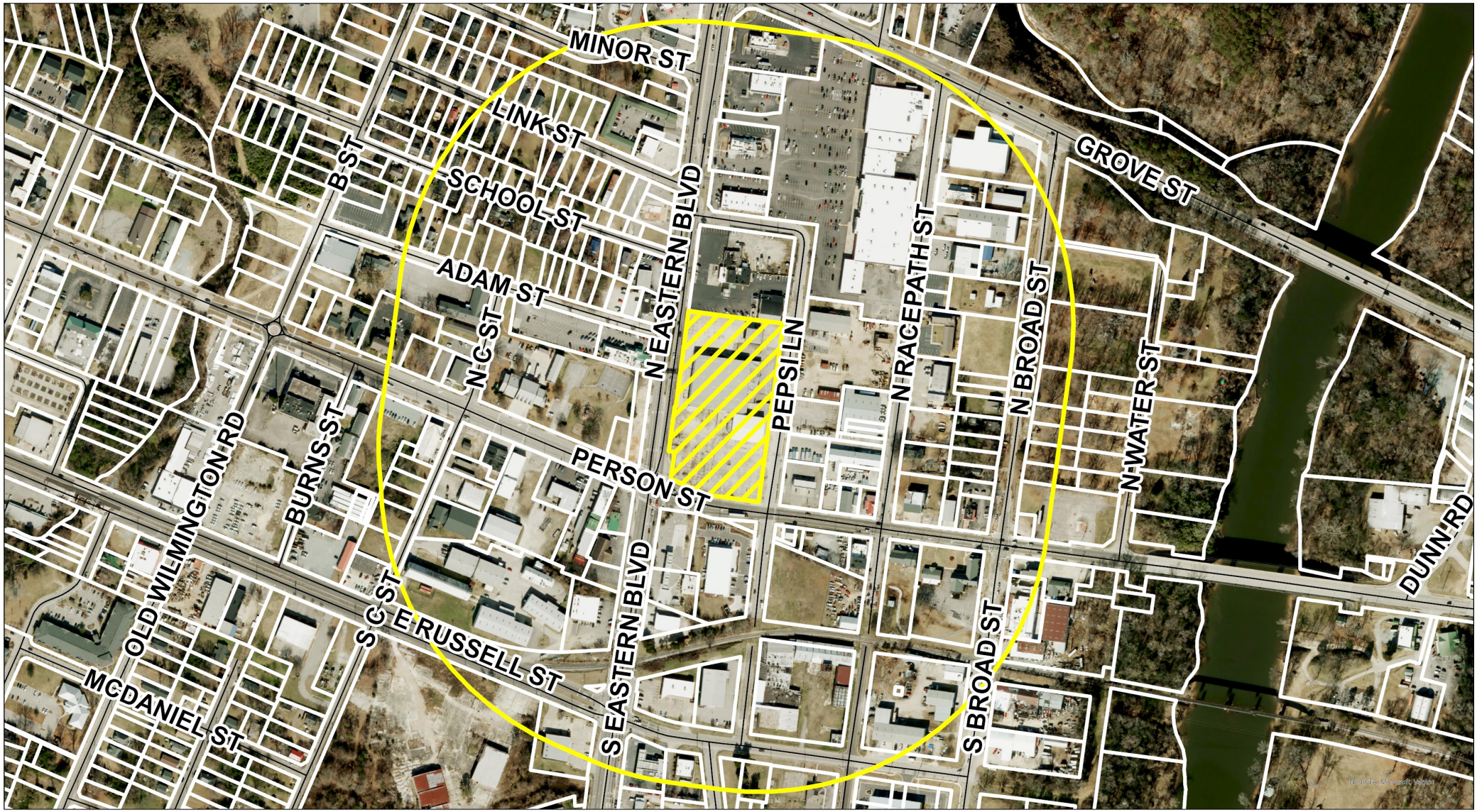
D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:
The proposed amendment is compatible with the surrounding area since the adjacent parcel and most of the parcels directly across the streets are zoned HI as well. Other zonings are of a similar commercial or industrial character. The proposed amendment only addresses Carvana's need for increased parking on site, as the overall use and built environment will be consistent with when this site served as the City's Fleet Management facility.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:
The proposed amendment does not change existing development on this site, which has been in place for many years. Accordingly, this amendment will bring an abandoned facility back to life, promoting more economic vitality in previously-built structures, preserving the logical and orderly development pattern along Person Street.

F) State the extent to which the proposed amendment might encourage premature development.:
Carvana does not believe that the redevelopment of PIN 0447-02-5655, which is surrounded by other development, can encourage premature development.

G) State the extent to which the proposed amendment results in strip-style commercial development.:
PIN 0447-02-5655 contains a typical industrial building, and these types of industrial buildings are the backbone of local economies across North Carolina. It does not represent strip-style commercial development.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:



Aerial Notification Map

Case #: P26-40

Request: HI to HI/CZ
Location: 131 Pepsi Ln
(0447025655000)

Streets

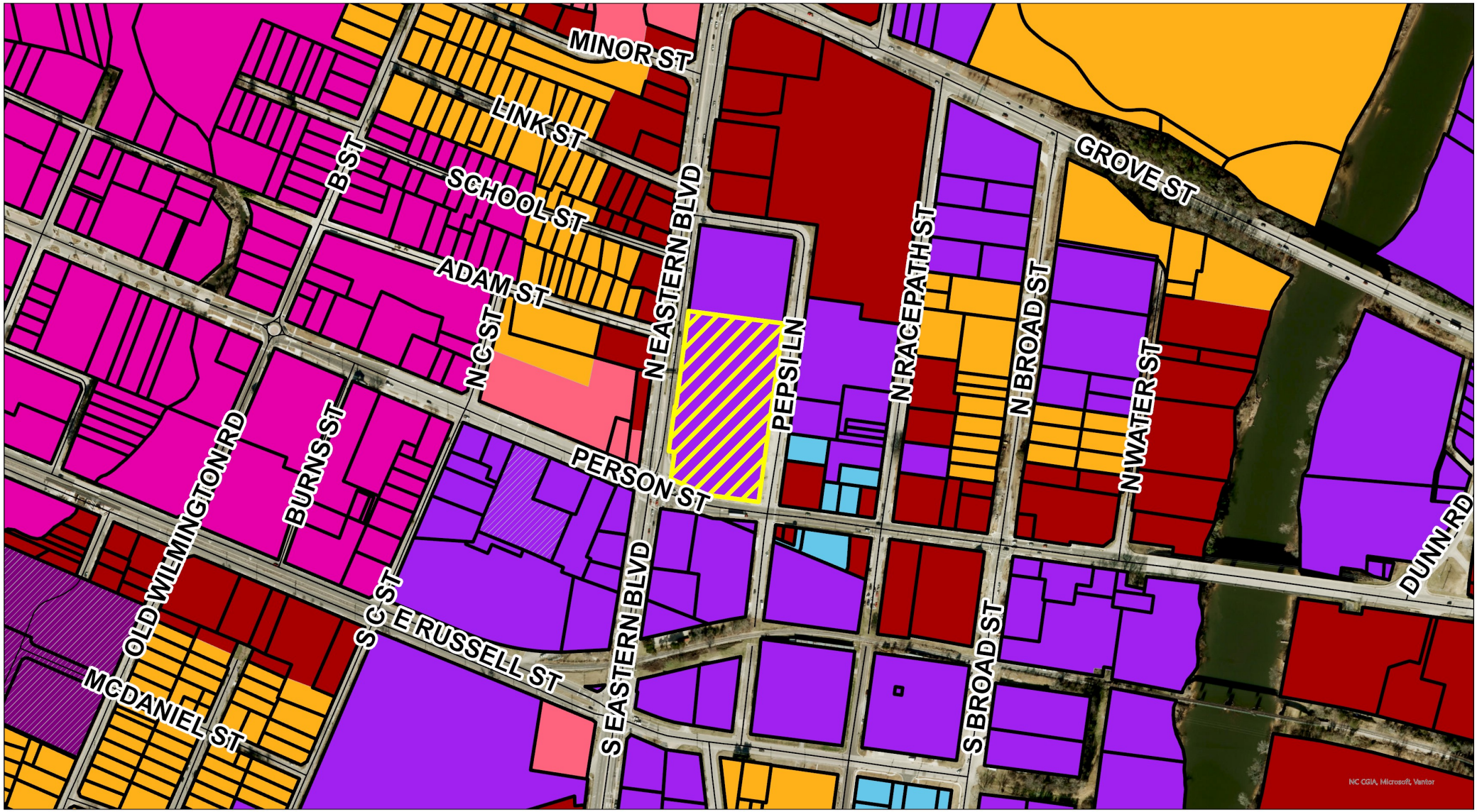
P26-40

P26-40 Buffer

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
AMERICA'S CAN DO CITY



Zoning Map

Case #: P26-40

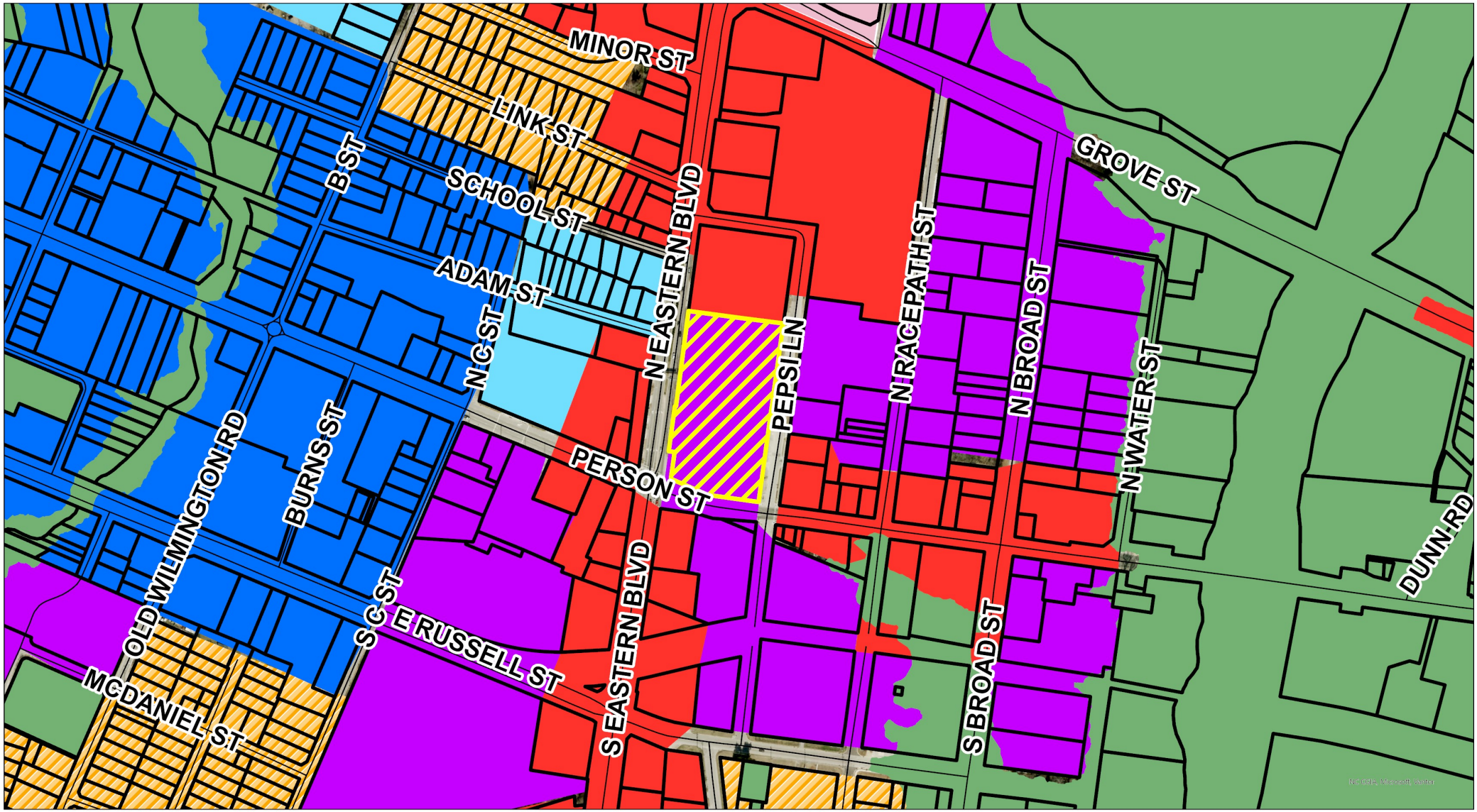
Request: HI to HI/CZ
Location: 131 Pepsi Ln
(0447025655000)

- CC - Community Commercial
- DT-2 -Downtown District
- HI - Heavy Industrial
- HI/CZ - Conditional Heavy Industrial
- LC - Limited Commercial
- LI - Light Industrial
- MR-5 - Mixed Residential 5
- MU/CZ - Conditional Mixed-Use
- Streets
- P26-40

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
AMERICA'S CAN DO CITY



Future Land Use Map

Case #: P26-40

Request: HI to HI/CZ
Location: 131 Pepsi Ln
(0447025655000)

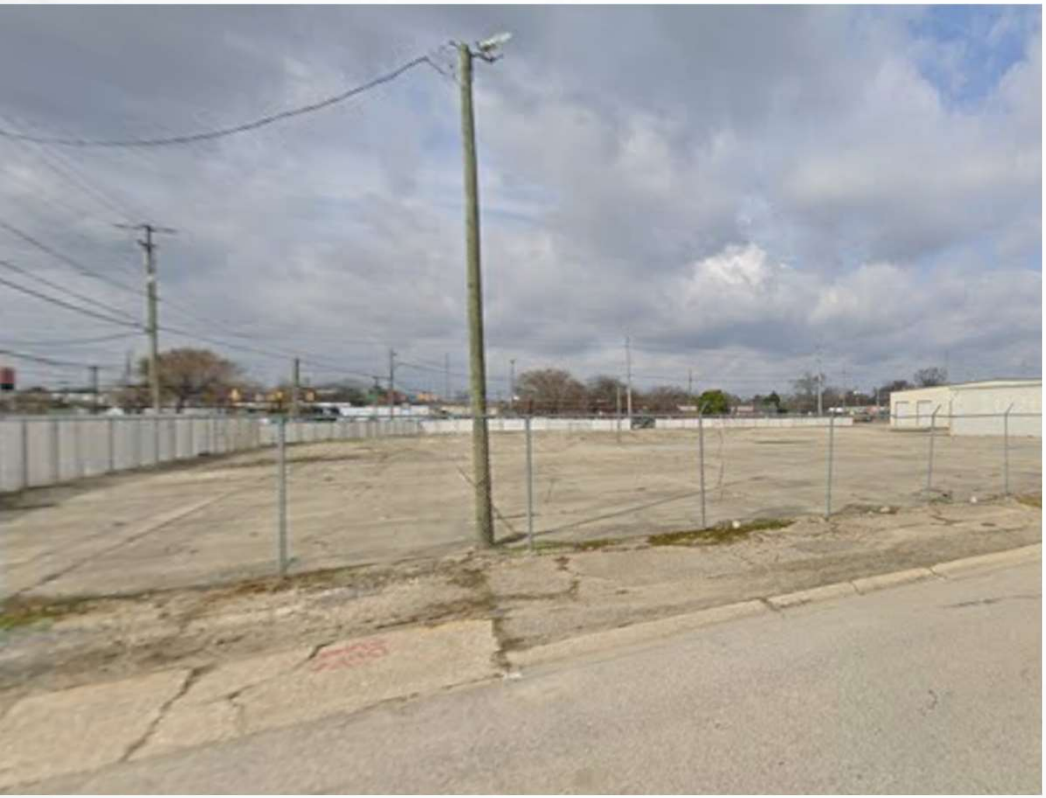
- PARKOS - PARK / OPEN SPACE
- NIR - NEIGHBORHOOD IMPROVEMENT
- NMU - NEIGHBORHOOD MIXED USE
- DTMXU - DOWNTOWN
- HC - HIGHWAY COMMERCIAL
- OI - OFFICE / INSTITUTIONAL
- EC - EMPLOYMENT CENTER
- Streets
- P26-40

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
AMERICA'S CAN DO CITY

Subject Property



Surrounding Properties

Across – Pepsi Ln

Across – Pepsi Ln

Across – Person St

Adjacent

Across – N Eastern Blvd

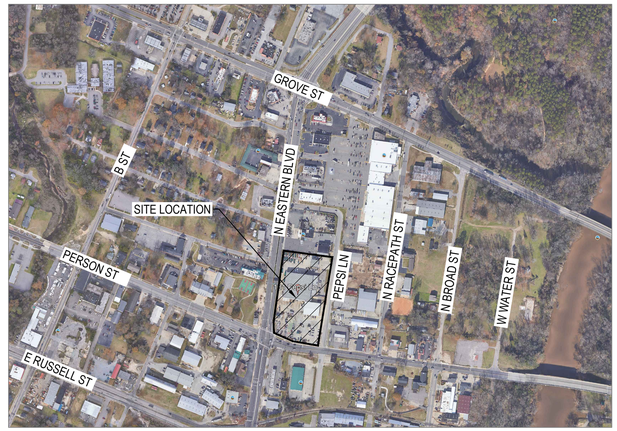
Across – N Eastern Blvd

PROPOSED CARVANA

131 PEPSI LANE, FAYETTEVILLE, NC

TAX ID: 0447-02-5655

PRELIMINARY SITE DEVELOPMENT PLAN



VICINITY MAP

NOT TO SCALE

DEVELOPMENT TEAM

OWNER/DEVELOPER

CARVANA
300 E. RIO SALADO PKWY BLDG. 1
TEMPE, AZ 85281
PHONE: (503) 515 7861
CONTACT: JO RYAN
EMAIL: JO.RYAN2@CARVANA.COM

ENGINEER

ATWELL
4900 N. SCOTTSDALE RD. STE 1600
SCOTTSDALE, ARIZONA 85251
PHONE (602) 690-7527
CONTACT: RAMZI GEORGES, P.E.
EMAIL:RGEORGES@ATWELL.COM

SHEET INDEX

Sheet No.	Sheet Title
01	COVER SHEET
02	PRELIMINARY SITE PLAN

PROJECT NARRATIVE

THE SUBJECT SITE WILL PROVIDE NEW STRIPING FOR VEHICLE STORAGE, EMPLOYEE PARKING, AND UTILIZE EXISTING DRIVEWAYS. EXISTING BUILDINGS AND SIDEWALKS TO REMAIN.

PROJECT DATA

TAX ID NUMBER:	0447-02-5655
ADDRESS:	131 PEPSI LANE
TOTAL AREA:	206,639± SF OR 4.67± AC
CURRENT ZONING:	HEAVY INDUSTRIAL (HI) DISTRICT
PROPOSED ZONING:	HEAVY INDUSTRIAL (HI) DISTRICT
CURRENT USE:	STORAGE
PROPOSED USE:	STORAGE

SETBACKS:

FRONT (PEPSI LANE ROAD):	75 FEET (FROM C/L)
REAR (N EASTERN BLVD):	20 FEET
SIDE (PERSON ST):	50 FEET
SIDE (NORTH)	15 FEET

811 Know what's below. Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR; NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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SCOTTSDALE, AZ 85251
480.218.8831

SECTION/TOWNSHIP/RANGE

PARSON ST & S EASTERN BLVD

FAYETTEVILLE

CUMBERLAND COUNTY, NORTH CAROLINA

FAYETTEVILLE, NC - CARVANA

PRELIMINARY SITE PLAN

PIN# 0447-02-5655

131 PEPSI LANE
FAYETTEVILLE, NC 28301
CUMBERLAND COUNTY

DATE N.T.S

DATE JULY 2026

REVISIONS

DR. TLC | CH. RG

P.M. RG

JOB 26008703

SHEET NO. 01

PLT BY: R:\Projects\26008703\Southeast\Carvana\North Carolina\26008703_PRELIM SITE PLAN.dwg LAST SAVED BY: tmilam 7/23/2026 3:39 PM PLOTTED BY: Tiffany Colburn 7/24/2026 PAPER SIZE: ANSI A (8.50 X 11.00 INCHES) SCALE: None PLOT STYLE: -----

GENERAL PROJECT INFORMATION

GENERAL	
PROPERTY APPRAISER NUMBER (PIN#)	0447-02-5655
ZONING DESIGNATION	COMMERCIAL
ZONING CODE	HI
COUNTY	CUMBERLAND
FIRM – COMMUNITY – PANEL	3720044700K
FLOOD ZONES (SHOW IN PLANS)	ZONE X
VERTICAL DATUM USED FOR PROJECT	NAVD88

EXISTING SITE INFO	
ADDRESS	131 PEPSI LANE
PARCEL AREA (SQ. FT.)	198,634± SF (4.56± AC)

PARKING	
STORAGE PARKING	299 SPACES
EMPLOYEE PARKING	28 SPACES (2 ADA)
PROPOSED MOps HAULERS	23 SPACES
TOTAL PARKING PROVIDED	350 SPACES

811 Know what's below. Call before you dig.

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SCOTTSDALE, AZ 85251
480.218.8831

SECTION/TOWNSHIP/RANGE

PARSON ST & S EASTERN BLVD

FAYETTEVILLE

CUMBERLAND COUNTY, NORTH CAROLINA

FAYETTEVILLE, NC - CARVANA

PRELIMINARY SITE PLAN

PIN# 0447-02-5655

131 PEPSI LANE
FAYETTEVILLE, NC 28301
CUMBERLAND COUNTY

DATE

30 15 0
SCALE: 1" = 30'

DATE JULY 2026

REVISIONS

DR. TLC	CH. RG
P.M. RG	
JOB 26008703	
SHEET NO. 02	

FILE NAME: X:\Projects\2026\Southeast\Concord\North Carolina\26008703_PRELIM SITE PLAN.dwg LAST SAVED By: tcollum 7/24/2026 12:40 PM PLOTTED By: Tiffany Collum 7/24/2026 PAPER: ANSI A (8.50 X 11.00 INCHES) STYLE: XONE #LOT STYLE: -----

NOT-ISSUED-FOR-CONSTRUCTION

CAD FILE: 26008703_PRELIM SITE PLAN

Consistency and Reasonableness Statement

Map Amendments

Pursuant to N.C.G.S. § 160D-604 and § 160D-605, the Zoning Commission determines that the proposed zoning map amendment in case P26-40 is consistent with the City of Fayetteville's Future Land Use Map as well as the Comprehensive Plan and Strategic Plan.

The following analysis reviews the proposed amendment in relation to the goals and policies of the Future Land Use Map, Comprehensive Plan, and Strategic Plan following the Commission's established review format.

Consistency

1. **STRATEGOC PLAN GOALS**

GOAL(S)	CONSISTENT	INCONSISTENT
Goal II: Responsive City Government Supporting a Diverse & Viable Economy (2.3 & 2.4)		
• The subject property has remained unused for years. The conditions enable a long-term viable user with minimal alterations to the existing property.	X	
Goal VI: Collaborative Citizen & Business Engagement Base (6.1)		
• Conditional rezonings are a collaborative effort to achieve mutual agreement between property owners and local government to enable intended use with input from potential stakeholders.	X	

2. FUTURE-LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LU-1: Encourage Growth in Areas Well-Served by Infrastructure and Urban Services (1.2) • The subject property has the necessary infrastructure needed for the intended operation and is in an industrial area of the City.	X	
LU-2: Encourage Strategic Economic Development (3.1 & 3.2) • The subject property is long vacant and the proposed conditions will enable appropriate use of the property for the intended operation.	X	
LU-4: Create Well-Designed and Walkable Commercial and Mixed-Use Districts (4.2) • The proposed conditions require replacing the non-conforming chain-link fence that is lined with barbed wire with a solid wooden or vinyl fence. A marked improvement that will better screen the neighborhood from the operation.	X	
LU-5: Improve Gateways (5.1) • The area is a gateway into the downtown area with the subject property as a prominent parcel. The conditioned replacement fence will better serve the city aesthetically.	X	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

X	The requested map amendment is consistent or aligns with the area's designation on the FLUM	**OR**		The requested map amendment is **NOT** consistent or **DOES NOT** align with the area's designation on the FLUM
X	As requested, the proposed designation would permit uses complementary to those existing on adjacent tracts.	**OR**		As requested, the proposed designation would permit uses incongruous to those existing on adjacent tracts.

Reasonableness

The proposed zoning map amendment of HI to HI/CZ is both reasonable and in the interest of the public. It supports the policies of the Comprehensive and Strategic Plans because: [select all that apply]

X The size, features, and other conditions of the site support the request and potential use cases.

X The amendment includes conditions that limit potential negative impacts on neighboring uses.

X The proposed use addresses the needs of the area and/or city.

X The proposal promotes orderly development by aligning with surrounding land uses.

The amendment is also in the public interest because it: [select all that apply]

X Improves net total consistency with the Future Land Use Map and Comprehensive Plan.

_____ Improves the net health and safety of the community.

_____ Preserves environmental and/or cultural resources.

X Facilitates desired development such as infill and/or in an infrastructure-served area.

X Provides needed housing/commercial area.

Additional comments:

_____ _____

Date Chair Signature

_____

Print

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0518

Agenda Date: 8/11/2026 **Version:** 1 **Status:** Agenda Ready

In Control: Zoning Commission **File Type:** Public Hearing (Public & Legislative)

Agenda Number: 5.05

TO: **Zoning Commission**

THRU: **Jennifer C. Baptiste - Planning & Zoning Division Manager**

FROM: **Thomas Cohen - Planner I**

DATE: **August 11, 2026**

RE:
P26-41: A request to rezone 0 Strickland Bridge Road (9485969422000) consisting of 19.54 acres ±, by Joe Faulkner of LJA representing Phil Kleinman of RAK-Fayetteville 1, LLC from Single-Family 15 (SF-15) to Mixed Residential 5 (MR-5).

COUNCIL DISTRICT(S):
6 - Mayor Pro Tem Derrick Thompson

Relationship To Strategic Plan:
Goal II - Responsive City Government Support a Diverse & Viable Economy

- Objective 2.1 - To ensure a diverse City tax base.

Goal III - City Investment in Today & Tomorrow

- Objective 3.2 - To manage the City's future growth and strategic land use.

Goal IV - Desirable Place to Live, Work, & Recreate

- Objective 4.5 - To ensure a place for people to live in great neighborhoods
- Objective 4.6 - Reduce poverty and homelessness

Executive Summary:
The request by the applicant is to rezone the subject property addressed as Unaddressed Strickland Bridge Road (9485969422000) from Single Family 15 (SF-15) to Mixed Residential 5 (MR-5.The

Background:
Owner: RAK-Fayetteville 1 LLC
Request: SF-15 to MR-5
REID or PIN: 9485969422000
Parcel Size: ± 19.54
Existing Site Conditions: Vacant, forested, lot
Adjacent Zoning:

- **North:** SF-15 - Single-family neighborhood
- **South:** SF-15 / AR - Single-family neighborhood
- **East:** SF-15 / AR - Single-family neighborhood and vacant, forested, land
- **West:** SF-15 / SF-10 / AR - Vacant, forested, land

Future Land Use Designation: Low Density Residential (LDR)
Public Notice: Notification letters were sent to property owners within 1,000 feet of

the subject site equating to 164 notices sent.

Issues/Analysis:

The request is to rezone approximately 14.08 acres located at Unaddressed Stickland Bridge Road (9485969422000) from Single Family 15 (SF-15) to Mixed Residential 5 (MR-5) to enable the construction of an apartment complex.

The 2040 Future Land Use Plan (FLUP) is central to analysis and affixed by reasonableness to the local context and service to the public good. The FLUP designates “character areas” which describe development intent and guide future growth. The Future Land Use Map or FLUM designates the subject property as being intended for Low Density Residential (LDR) development. This is defined as single-family residential with some accessory dwellings; occasionally with duplexes (if isolated) or town homes with a suburban and auto-oriented character with utility services.

The requested zoning district does not align with this character area designation. However, this designation, when assigned, may not have taken into account recent development changes. The FLUP was adopted in FY2021 which is several years before the expansion of I-295 and Strickland Bridge Road. Until this expansion, the area had limited connectivity and was of a rural and low-density character with limited development potential.

With the expansion of the interstate, the area is primed for increased development which is aligned with several Land Use Policies and Strategies.

According to the Future Land Use Map, LU-1 encourages growth in areas that are well-served by infrastructure and urban services such as roads, schools, utilities, parks, and emergency services. The area is well-served by infrastructure and services beyond the expansions such as the New Century International Elementary and Middle Schools as well as County Branch Libraries and Strickland Bridge Shopping Center.

According to the Future Land Use Map, LU-7 encourages a mixture of housing types for all ages and incomes. The current zoning district of SF-15 does not permit any form of development other than single-family homes on 15,000 square foot minimum lots or duplexes on 30,000 square foot minimum lots. As the price of housing continues to rise, the need for affordability and flexibility is paramount to a healthy city. MR-5 is a residential zoning district with the most flexibility providing lower dimensional requirements to enable a variety of development types from small lot single-family, detached to cottage courts, to apartments.

The local area is predominantly undeveloped land or low-density single-family residential in which the subject property is adjacent to the Tarleton Plantation neighborhood directly to the northwest. This neighborhood is established and branches off from Brinkman Road which any future development on the subject property would share. While the residences of this neighborhood would be most impacted by the presence of development within the subject property, buffering standards to limit noise, light, and visibility between MR-5 and SF-15 are required

according to UDO Section 30-5K Transitional Standards.

Traffic may be an impediment as currently Brinkman Road is the only established access point to the subject property. While this would mean an increase in traffic, increases would occur with any form of development as the subject property can accommodate up to 40 units based on the current zoning.

While the request represents a significant divergence from the character area designation, this divergence is justifiable based on connectivity changes in the area and growing need for housing within the city.

Budget Impact:
Approval or denial of the requested map amendment does not create immediate and direct impacts on the budget other than the collection of the application fee and cost for relevant staff. If approved, the budget may be impacted by additional property taxes and the indirect tax revenue from new residents and construction costs.

Options:

- **Approval (Recommended Action):**

Recommend approval of the zoning map amendment as requested - finding that the request is consistent with the Future Land Use Plan and reasonable to local context as outlined by the Consistency and Reasonableness Statement.

- **Approval, but to a more restrictive district:**

Recommend approval of the zoning map amendment from MR-5 to one that is more restrictive, but consistent with the Future Land Use Plan and Reasonable to the local contexts with an amended Consistency and Reasonableness Statement.

- **Denial:**

Deny the proposed map amendment - find that the request is inconsistent with the Future Land Use Plan and unreasonable to the local context.

Recommended Action:
The Professional Planning Staff recommends that the Zoning Commission recommends to City Council a motion to **APPROVE** the request as presented - to rezone the approximately 19.54 at Unaddressed Strickland Bridge Road from Single Family 15 (SF-15) to Mixed Residential 5 (MR-5).

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Consistency and Reasonableness Statements

Planning & Zoning
433 Hay Street
Fayetteville, NC 28301
910-433-1612
www.fayettevillenc.gov

Project Overview #2248982

Project Title: Brinkman Rd I-295 Apartments
Application Type: 5.1) Rezoning (Map Amendment)
Workflow: Staff Review
Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 0 STRICKLAND BRIDGE RD (9485969422000)
Zip Code: 28306

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: Cumberland County Tax Office GIS system

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 0 STRICKLAND BRIDGE RD

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No
Previous Amendment Case #:
Acreage to be Rezoned: 19.54
Water Service: Public
Previous Amendment Approval Date:
Proposed Zoning District: MR-5 Mixed Residential 5 District
Is this application related to an annexation?: No
Sewer Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any:
No structures existing on site, vacant wooded site.

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:
All properties to north, west, and south zoned SF-15. Area to the north/northeast single-family home development. West vacant. South vacant. Southeast portion zoned AR and vacant

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:

Consistency with the City of Fayetteville Comprehensive Plan

The project is largely consistent with several of the goals, policies, and strategies outlined in the City of Fayetteville Comprehensive Plan.

LU-1: Encourage Growth in Areas Well-Served by Infrastructure and Urban Services

The proposed development is located in an area that is well-served by existing infrastructure and public services.

- The site has direct access to the I-295 Service Road, providing efficient connectivity to the I-295 corridor via Strickland Bridge Road.
- Water and sewer utilities are immediately adjacent to the project site and are available to support the proposed development.
- Public schools are located in close proximity to the site.
- Lake Rim Park is located nearby, providing convenient access to recreational amenities.
- Fire protection and police services are available from nearby stations, ensuring adequate public safety coverage.

These existing infrastructure and service assets support the Comprehensive Plan's objective of directing growth to areas where public facilities and services are readily available.

LU-7: Encourage a Mix of Housing Types for All Ages and Incomes

The proposed development supports the Comprehensive Plan's goal of expanding housing opportunities by contributing additional residential options within an area influenced by a variety of land uses.

The site is located approximately three miles from a designated Community Center and is situated across I-295 from areas planned for Neighborhood Mixed Use and Office and Institutional development. This location provides access to employment, services, and community amenities while supporting the continued growth of diverse residential neighborhoods.

The proposal is consistent with Policy 7.1, which encourages a mix of housing types, including attached and multi-family housing, to create diverse neighborhoods and expand housing opportunities throughout the community.

B) Are there changed conditions that require an amendment? :
The completion and opening of the I-295 corridor supports and justifies increased density in the surrounding area by improving regional accessibility and transportation capacity.

C) State the extent to which the proposed amendment addresses a demonstrated community need.:
This use allows for a mix of housing options, including attached and multifamily units, fostering a diverse neighborhood that can accommodate residents with varying needs, preferences, and income levels.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:
The site is adjacent to existing residential uses to the east but is buffered from those properties by a large wetland area, minimizing potential compatibility concerns. Additionally, the site's location along the I-295 corridor provides strong transportation connectivity and supports development in this area.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:
Overall, the proposed amendment represents a logical extension of growth in an area served by major transportation infrastructure and is compatible with surrounding land uses and environmental features, resulting in an orderly and logical development pattern.

F) State the extent to which the proposed amendment might encourage premature development.:

The proposed amendment is not expected to encourage premature development. The property is located at the end of an existing service road directly adjacent to the recently opened I-295 corridor.

G) State the extent to which the proposed amendment results in strip-style commercial development.:
Strip-type commercial development is not an appropriate land use for this location. The property is situated at the terminus of a service road.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:
Future Neighborhood Mixed Use areas are located immediately north of the site and across I-295, demonstrating that a mix of residential and higher-intensity land uses has already been planned for the surrounding area.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:
The development is not expected to adversely impact surrounding property values.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:
The proposed amendment should not significantly impact the natural environment. A substantial portion of the property consists of wetlands that will remain undeveloped due to environmental constraints and applicable regulatory protections. These wetlands provide a natural buffer within the site and limit development to suitable upland areas.

Primary Contact Information

Project Owner
Phil Kleinman
RAK - Fayetteville 1, LLC
7609 Business Park Drive , Suite A
Greensboro, NC 27409
P:336-580-6401
PKleinman@Parccos.com

Project Contact - Agent/Representative
Joe Faulkner
LJA
510 Glenwood Avenue, Suite 201
Raleigh, NC 27603
P:919-606-7703
AFaulkner@LJA.com

Indicate which of the following project contacts should be included on this project: Attorney

Project Contact - Attorney
Amanda Bambrick
Morningstar Law Group
434 Fayetteville Street, 2200
Raleigh, NC 27601
P:919-213-7320
ABambrick@MorningstarLawGroup.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds $40,000. :

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

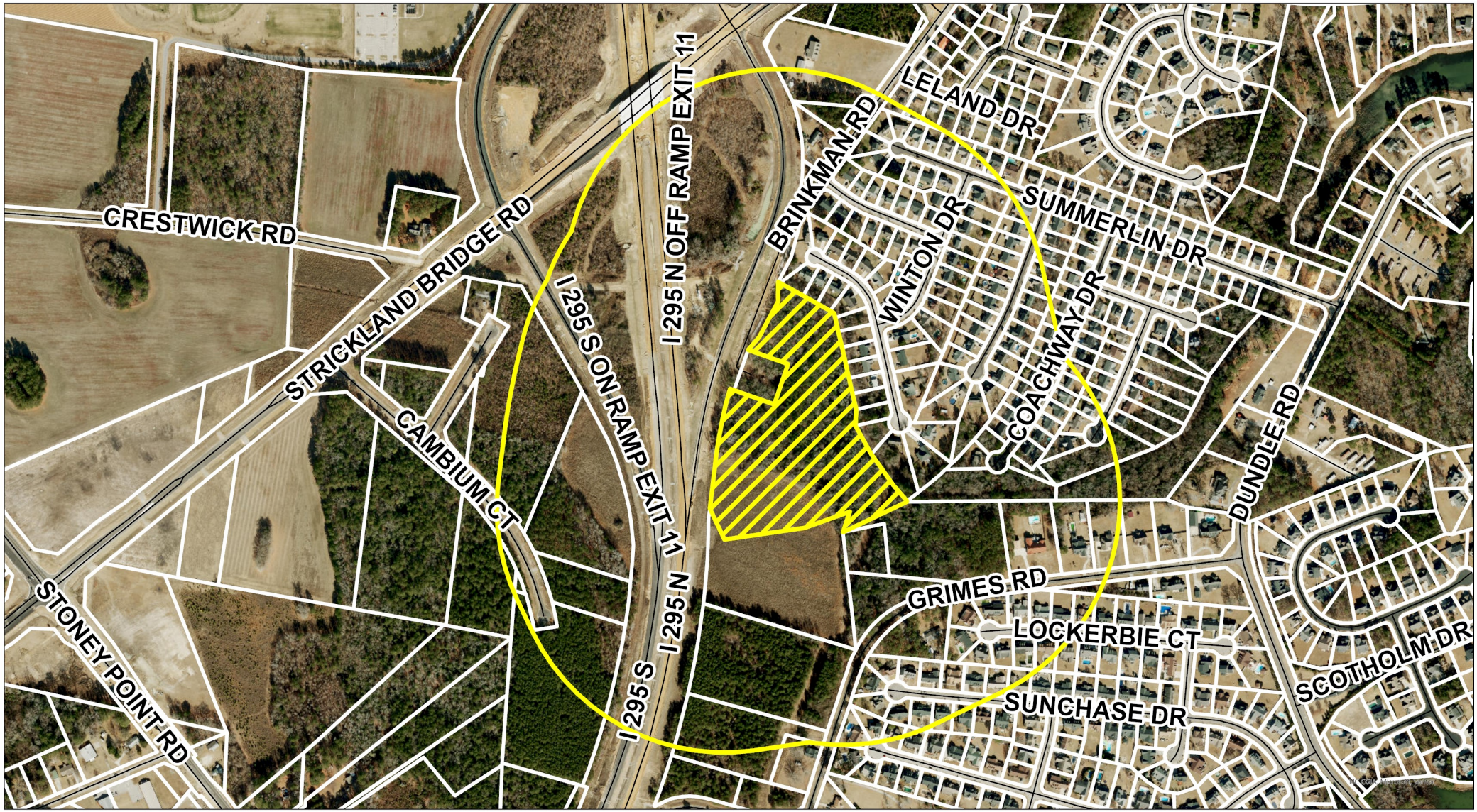
NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Other
Joe Faulkner
LJA
510 Glenwood Avenue, Suite 201
Raleigh, NC 27603
P:919-606-7703
AFaulkner@LJA.com



Aerial Notification Map

Case #: P26-41

Request: SF-15 to MR-5
Location: Unaddressed Strickland Bridge Rd (9485969422000)

Streets

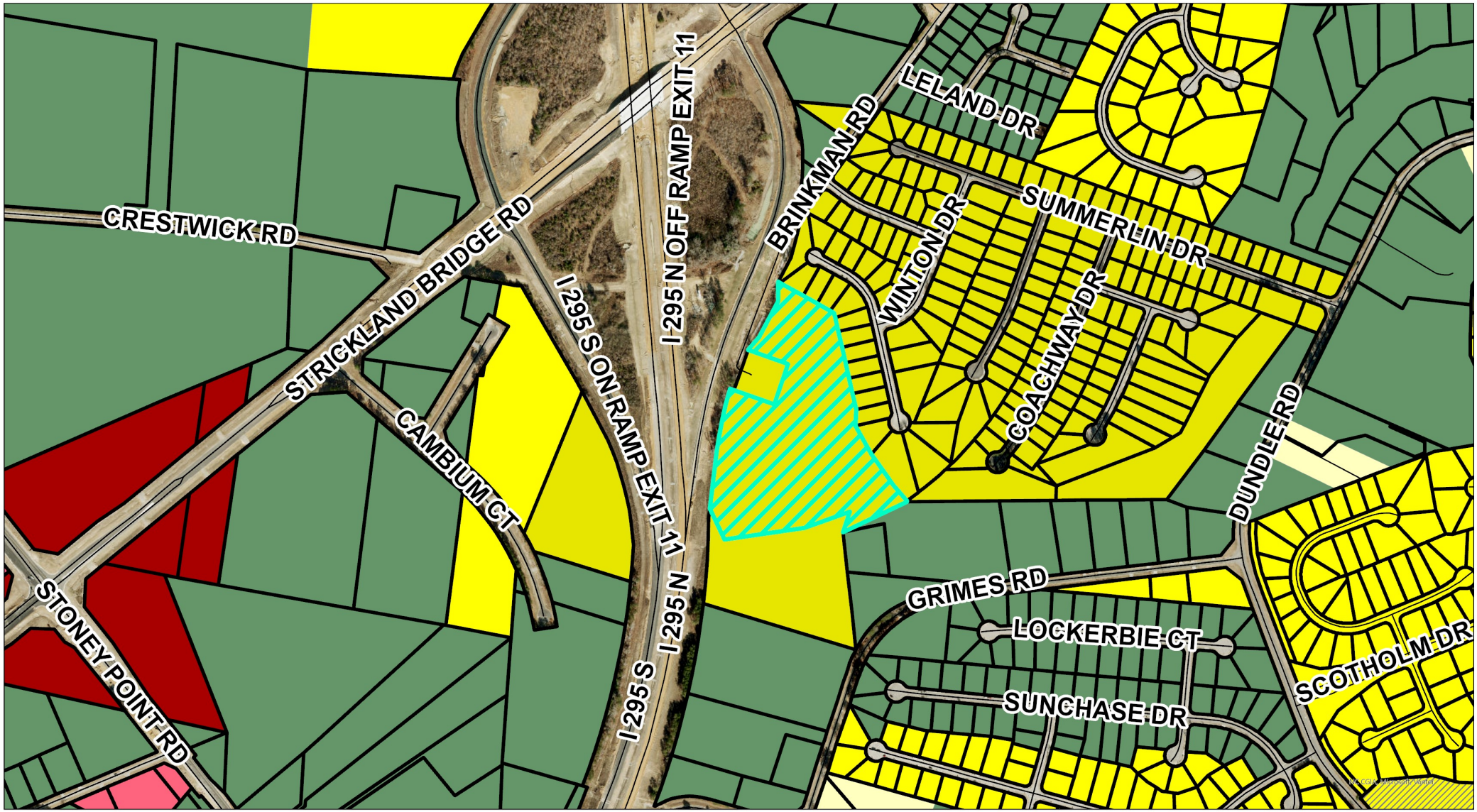
P26-41

P26-41 Buffer

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
AMERICA'S CAN DO CITY 425



Zoning Map Map

Case #: P26-41

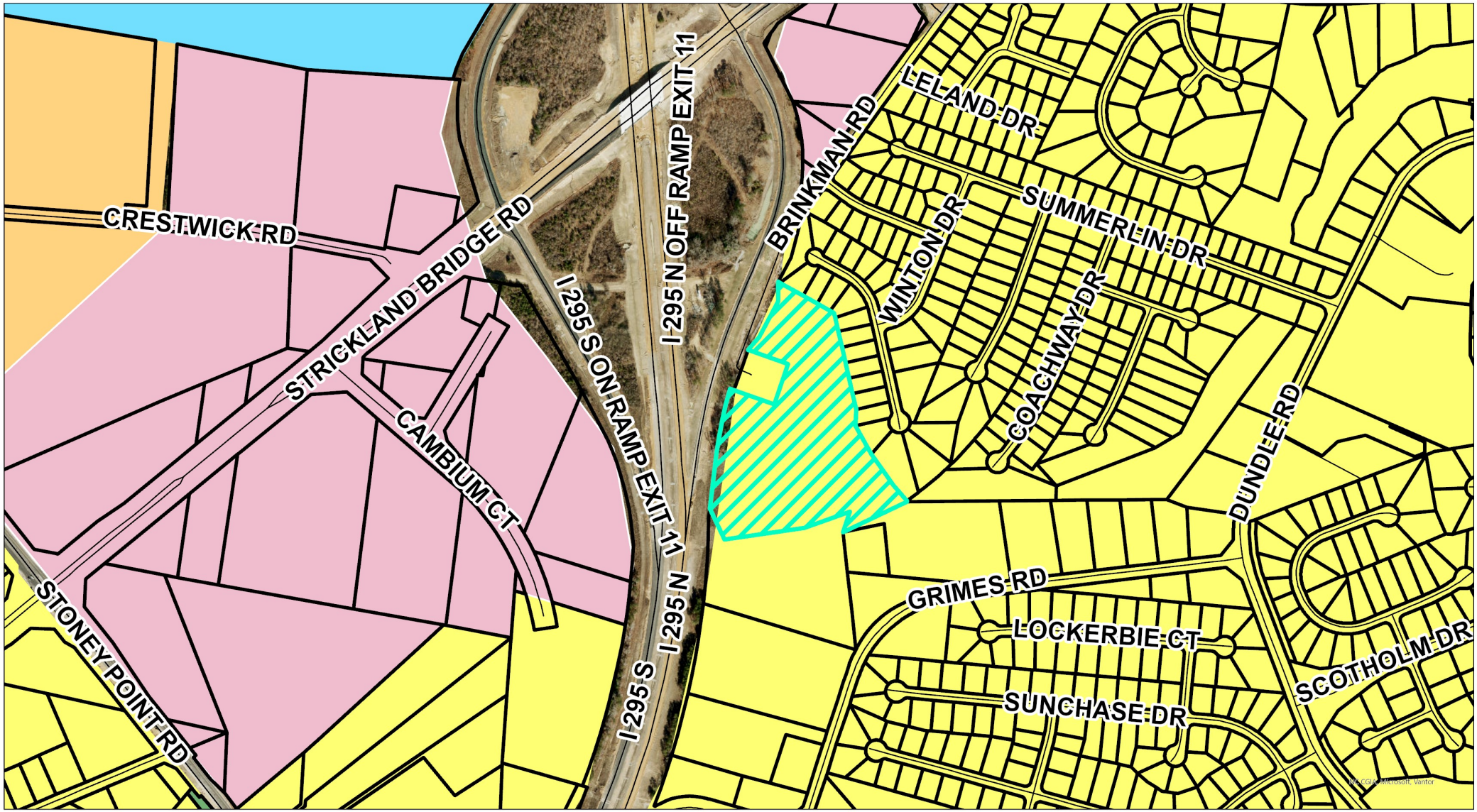
Request: SF-15 to MR-5
Location: Unaddressed Strickland Bridge Rd (9485969422000)

- AR - Agricultural-Residential
- CC - Community Commercial
- LC - Limited Commercial
- SF-6 - Single-Family Residential 6
- SF-10 - Single-Family Residential 10
- SF-10/CZ - Conditional Single-Family Residential 10
- SF-15 - Single-Family Residential 15
- Streets
- P26-41

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
AMERICA'S CAN DO CITY



Future Land Use Map

Case #: P26-41

Request: SF-15 to MR-5
Location: Unaddressed Strickland Bridge Rd (9485969422000)

- PARKOS - PARK / OPEN SPACE
- LDR - LOW DENSITY
- MDR - MEDIUM DENSITY
- NMU - NEIGHBORHOOD MIXED USE
- OI - OFFICE / INSTITUTIONAL
- Streets
- P26-41

Letters are being sent to all property owners within the 1000' buffer. Subject Property is shown in the hatched pattern.

N

FAYETTEVILLE
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FAYETTEVILLE NC

Subject Property

Surrounding Properties

Consistency and Reasonableness Statement

Map Amendments

Pursuant to N.C.G.S. § 160D-604 and § 160D-605, the Zoning Commission determines that the proposed zoning map amendment in case P26-41 is consistent with the City of Fayetteville's Future Land Use Map as well as the Comprehensive Plan and Strategic Plan.

The following analysis reviews the proposed amendment in relation to the goals and policies of the Future Land Use Map, Comprehensive Plan, and Strategic Plan following the Commission's established review format.

Consistency

1. **STRATEGOC PLAN GOALS**

GOAL(S)	CONSISTENT	INCONSISTENT
Goal II – Responsive City Government Support a Diverse & Viable Economy (2.1) • Mixed Residential 5 (MR-5) enables higher density development with a greater tax yield per unit than Single Family Residential 15 (SF-15).	X	
Goal III – City Investment in Today & Tomorrow (3.2) • The request is a form of significant development that reframes what's buildable on the southwestern edge of the city and enables a significant increase in housing stock.	X	
Goal IV – Desirable Place to Live, Work, & Recreate (4.5 & 4.6) • Apartments are a higher density and more affordable option than single-family homes and townhomes.	X	

2. FUTURE-LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LU-1: Encourage Growith in Areas Well-Served by Infrastructure and Urban Services (1.3 & 1.7) • The area is well-served by infrastructure and services beyond the expansions such as the New Century International Elementary and Middle Schools as well as County Branch Libraries and Strickland Bridge Shopping Center.	X	
LU-4: Create Well-Designed and Walkable Commercial and Mixed-Use Districts (4.1 & 4.2) • The development would be located next to the I-295 expansion as well as the Strickland Bridge Shopping Center and surrounding neighborhoods.	X	
LU-6: Encourage Development Standards That Result in Quality Neighborhoods (6.1 & 6.2) • New development would require sidewalks and has multiple avenues for interconnection with the Tarleton Plantation neighborhood. Apartments would inherently have great sightlines of the entire development.	X	
LU-7: Encourage a Mix of Housing Types for All Ages and Incomes (7.1 & 7.2) • The current zoning district of SF-15 does not permit any form of development other than single-family homes on 15,000 square foot minimum lots or duplexes on 30,000 square foot minimum lots. As the price of housing continues to rise, the need for affordability and flexibility is paramount to a healthy city. MR-5 is a residential zoning district with the most flexibility providing lower dimensional requirements to enable a variety of development types from small lot single-family, detached to cottage courts, to apartments.	X	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

X	The requested map amendment is consistent or aligns with the area's designation on the FLUM	**OR**		The requested map amendment is **NOT** consistent or **DOES NOT** align with the area's designation on the FLUM
X	As requested, the proposed designation would permit uses complementary to those existing on adjacent tracts.	**OR**		As requested, the proposed designation would permit uses incongruous to those existing on adjacent tracts.

Reasonableness

The proposed zoning map amendment of SF-15 to MR-5 is both reasonable and in the interest of the public. It supports the policies of the Comprehensive and Strategic Plans because: [select all that apply]

X The size, features, and other conditions of the site support the request and potential use cases.

_____ The amendment includes conditions that limit potential negative impacts on neighboring uses.

X The proposed use addresses the needs of the area by enabling diverse and affordable housing.

X The proposal promotes orderly development by aligning with surrounding land uses.

The amendment is also in the public interest because it: [select all that apply]

X Improves net total consistency with the Future Land Use Map and Comprehensive Plan.

X Improves the net health and safety of the community.

_____ Preserves environmental and/or cultural resources.

X Facilitates desired development such as infill and/or in an infrastructure-served area.

X Provides needed housing/commercial area.

Additional comments:

_____ _____

Date Chair Signature

_____

Print