



City of Fayetteville

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

Meeting Agenda - Final Zoning Commission

Tuesday, April 9, 2024

6:00 PM

FAST Transit Center

1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

3.0 CONSENT

- 3.01** A24-04. Order of Approval - Findings of Fact - Variance to reduce minimum setbacks, located at 2936 Mirror Lake Drive (REID 0417978540000), and being the property of Benjamin & Victoria Stout.
- 3.02** A24-13. Order of Approval - Findings of Fact: Variance to reduce the minimum front and rear yard setbacks, located at 0? Drive (REID# 0426801531000), totaling 0.18 acres \pm , and being the property of Timothy Davis.
- 3.03** A24-14. Order of Approval - Findings of Fact: Variance to increase the maximum front yard setback for two storage/maintenance buildings at the rear of the property located at 1204 Walter Reed Rd., totaling 13.21 acres \pm and being the property of Cumberland County Hospital System Inc.
- 3.04** A24-15. Order of Approval - Findings of Fact: Variance to reduce the minimum required lot size for a lot in the SF-10 Zoning District totaling 0.21 acres \pm , located at 449 McPhee Drive, and being the property of Thomas Michael Lecka.
- 3.05** A24-16. Order of Approval - Findings of Fact: Variance to increase the maximum size for an accessory structure in the SF-10 Zoning District, located at 1495 Bingham Drive, totaling 6.31 acres \pm , and being the property of Miracle Temple Holy Deliverance Church of God Inc.
- 3.06** Approval of Minutes: March 12, 2024

4.0 PUBLIC HEARINGS (Public & Legislative)

- 4.01** P24-19. Rezoning from Single Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5) located at 0 Preston Ave & Pelt Dr (REID 0428469409000 & 0428550724000) totaling 19.65 acres \pm and being the property of Wood Valley NC LLC & CDM II LLC.

5.0 OTHER ITEMS OF BUSINESS

6.0 ADJOURNMENT



City of Fayetteville

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

City Council Action Memo

File Number: 24-3828

Agenda Date: 4/9/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.01

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Heather Eckhardt, CZO - Planner II

DATE: April 9, 2024

RE:

A24-04. Order of Approval - Findings of Fact - Variance to reduce minimum setbacks, located at 2936 Mirror Lake Drive (REID 0417978540000), and being the property of Benjamin & Victoria Stout.

COUNCIL DISTRICT(S):

5 - Lynne Greene

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal 4: Desirable Place to Live, Work and Recreate

- Objective 4.5 - Ensure a place for people to live in great neighborhoods.

Executive Summary:

The applicant is requesting a variance to reduce the corner side yard and rear yard setbacks for the property located at 2936 Mirror Lake Drive.

Zoning Commission approved this request with conditions at the March 12, 2024 meeting. The one condition created a rear yard setback of 10 feet rather than the 5-foot setback requested by the applicant.

30.2.C.14 Variance:

The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

Variances are to be sparingly exercised and only in rare instances or under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable conditions of approval may be authorized by variance.

Background:

Owner/Applicant: Benjamin & Victoria Stout
Requested Action: Reduction of corner side yard and rear yard setbacks
Zoning District: Single Family Residential 10 (SF-10)
Property Address: 2936 Mirror Lake Drive
Size: .5 acres ±
Existing Land Use: Vacant
Surrounding Zoning and Land Uses

- North: SF-10 - Single family house
- South: SF-10 - Single family house
- East: SF-10 - Single family house
- West: SF-10 - Single family house

Letters Mailed: 29

Issues/Analysis:

The subject property was subdivided in 2000 as part of Vanstory Hills Section 9-D. The owner and applicant purchased the property in November 2023. The subject property was not altered in size or shape prior to the purchase or after.

Section 30-3.D.3 of the Unified Development Ordinance outlines the setbacks required for the Single Family Residential 10 (SF-10) zoning district. The UDO requires the following setbacks:

- Front: 30 feet
- Corner Side: 30 Feet
- Side: 10 feet
- Rear: 35 feet

The subject property is located at the corner of a short cul-de-sac. The subject property has an unusual shape due to its location on a corner and a cul-de-sac. The unusual shape results in 384.17 feet which are required to meet a front yard/corner side yard setback of 30 feet. Additionally, the subject property has a short rear lot line at only 49.33 feet in length.

The applicant is requesting to reduce the required setbacks to the following:

- Front: No change
- Corner Side: 15 feet along the cul-de-sac street and 10 feet on the bulb
- Side: No change
- Rear: 5 feet

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

1. The siting of other nonconforming or conforming uses of land or structures in the same or other districts;
2. The request for a particular use expressly, or by inference, prohibited in the district;
or
3. Economic hardship or the fact that property may be utilized more profitably with a Variance.

Subsequent Development

The applicant intends to construct a house on the subject property in the future. The

applicant does not have specific plans for the house at this time but would like to address the setback restrictions at this time.

The following findings are based on the responses submitted in the application by the applicant and the best available information about the proposal without the benefit of testimony provided at the evidentiary hearing.

Findings of Fact Statements as reviewed by the Planning Staff:

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 "There are a number of issues that are contributing to our hardship. The primary difficulties are the lot has two "side yards" as it sit on a cul de sac creating an unusual lot shape. In addition it was subdivided with the old setbacks, prior to the UDO."

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 "As previously stated the lot faces two street being on Mirror Lake and Hartford Place being a cul de sac, thus creating challenging setback."

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 "The shape creates difficulty building envelope and to resolve this is the only option."

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 "We plan on building a SFR home which will fit in with all the other homes in the area. By granting this variance it will allow the home to blend in better as it won't have weird angles and shapes."

5. **There is 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:**

The applicant states "It will not impact the neighbors as we plan on being great neighbors."

Budget Impact:

There is no immediate budgetary impact.

Options:

1. Approve Findings of Fact
2. Approve Findings of Fact with corrections.

3. Remand to staff

Recommended Action:

Approval of the Findings of Fact as presented.

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
8. Order of Findings of Fact

Project Overview**#1184652**

Project Title: Mirror Lake Lot
Application Type: 5.4) Variance
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 2936 MIRROR LAKE DR
(0417978540000)

Zip Code: 28303

GIS Verified Data**Property Owner: Parcel**

- 2936 MIRROR LAKE DR: SMITH, TIMOTHY C JR;SMITH, JACQUELINE A

Acreage: Parcel

- 2936 MIRROR LAKE DR: 0.5

Zoning District: Zoning District

- 2936 MIRROR LAKE DR: SF-10

Subdivision Name:**Fire District:****Hospital Overlay District:****Cape Fear District:****Haymount Historic District:**

100 Year Flood: <100YearFlood>

Watershed:**Airport Overlay District:****Coliseum Tourism District:****Downtown Historic District:****Floodway:**

500 Year Flood: <500YearFlood>

Variance Request Information

Requested Variances: Minimum yard/setback

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:

Minimum sideyard setback

Section of the City Code from which the variance is being requested.: Variance

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:

SF10 and all the adjoining lots are SFR homes

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.

Expiration - Variance

30-2.C.14.e.5.- Variance approval shall automatically expire if the applicant does not record the Variance with the Cumberland County Register of Deeds within 30 days after the date the Variance is approved.

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.:

There are a number of issues that are contributing to our hardship. The primary difficulties are the lot has two "side yards" as it sit on a cul de sac creating an unusual lot shape. In addition it was subdivided with the old setbacks, prior to the UDO.

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.:

As previously stated the lot faces two street being on Mirror Lake and Hartford Place being a cul de sac, thus creating challenging setback.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:

The shape creates diffiucly building envelope and to resolve this is the only option.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:

We plan on building a SFR home which will fit in with all the other homes in the area. By granting this variance it will allow the home to blend in better as it won't have weird angles and shapes.

Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:

It will not impact the neighbors as we plan on being great neighbors.

Height 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

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

Primary Contact Information

Contractor's NC ID#:

Project Owner

Ben Stout

2507 Spring Valley Rd

Fayetteville, NC 28303

P:9104764502

ben@benstoutconstruction.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 General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

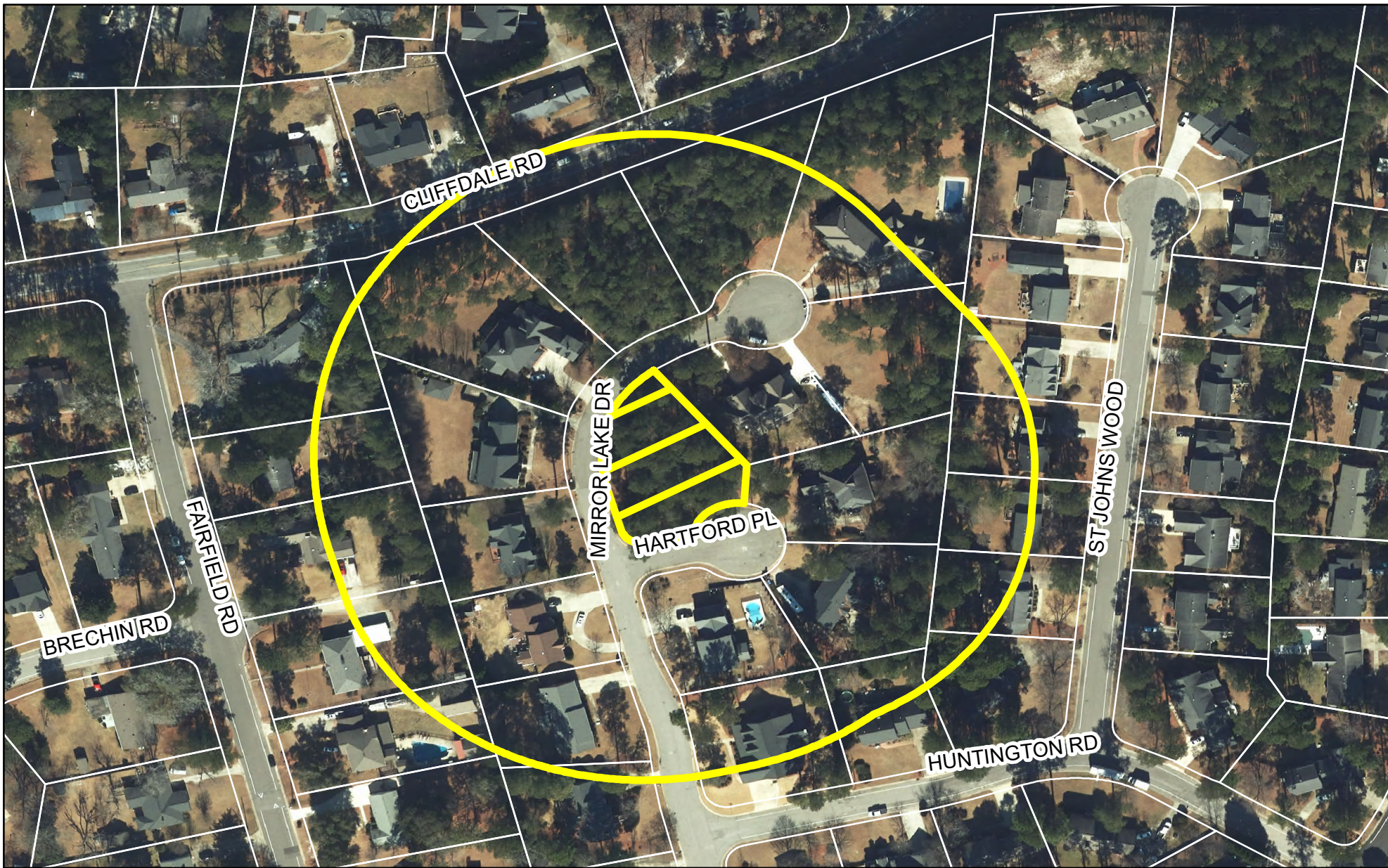
NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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



Aerial Notification Map

Case #: A24-04

Request: Variance

Location: 2936 Mirror Lake Drive

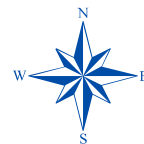
Legend



A24-04

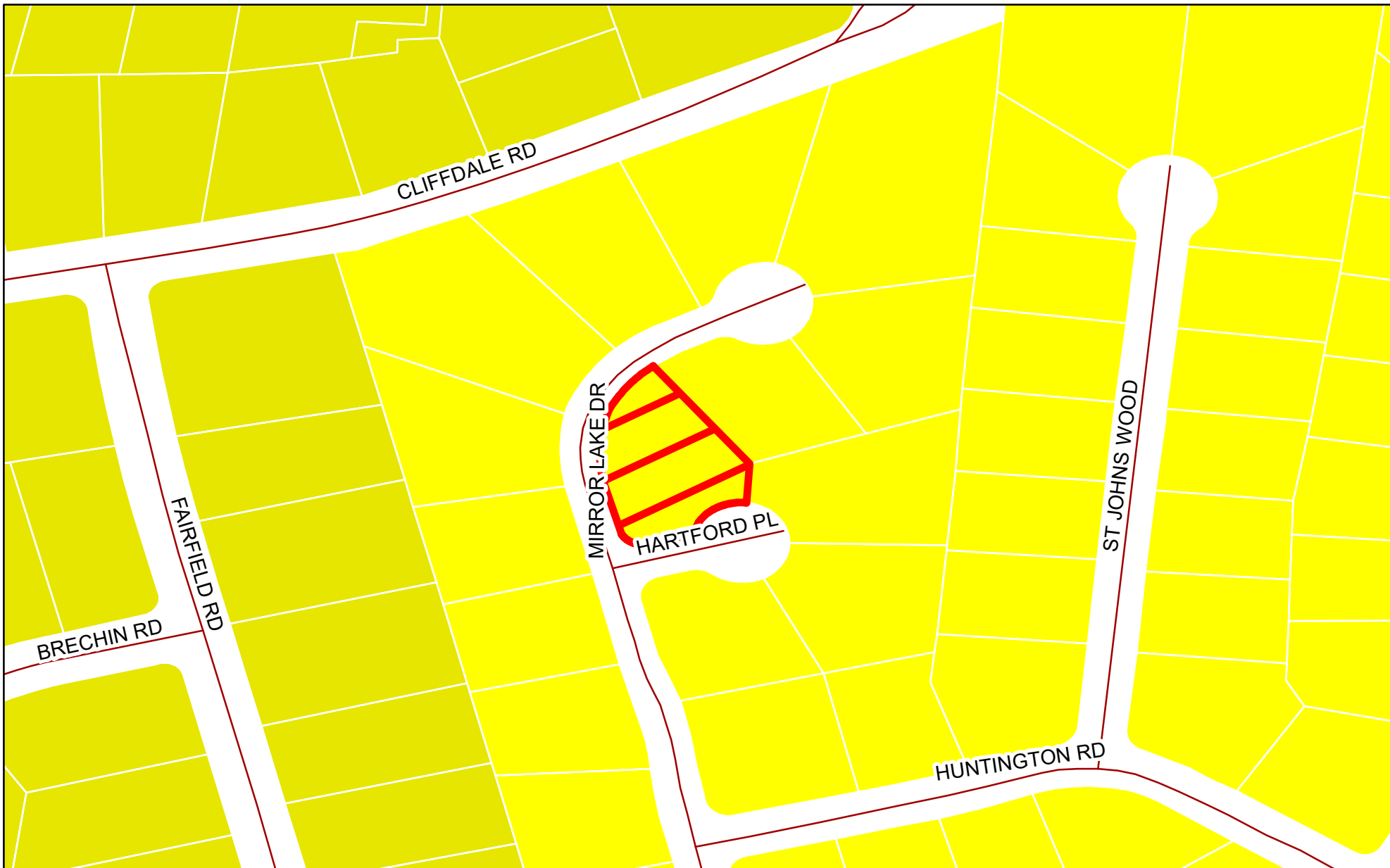


A24-04 Notification Buffer



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





Zoning Map

Case #: A24-04

Request: Variance

Location: 2936 Mirror Lake Drive

Legend



A24-04



SF-10 - Single-Family Residential 10

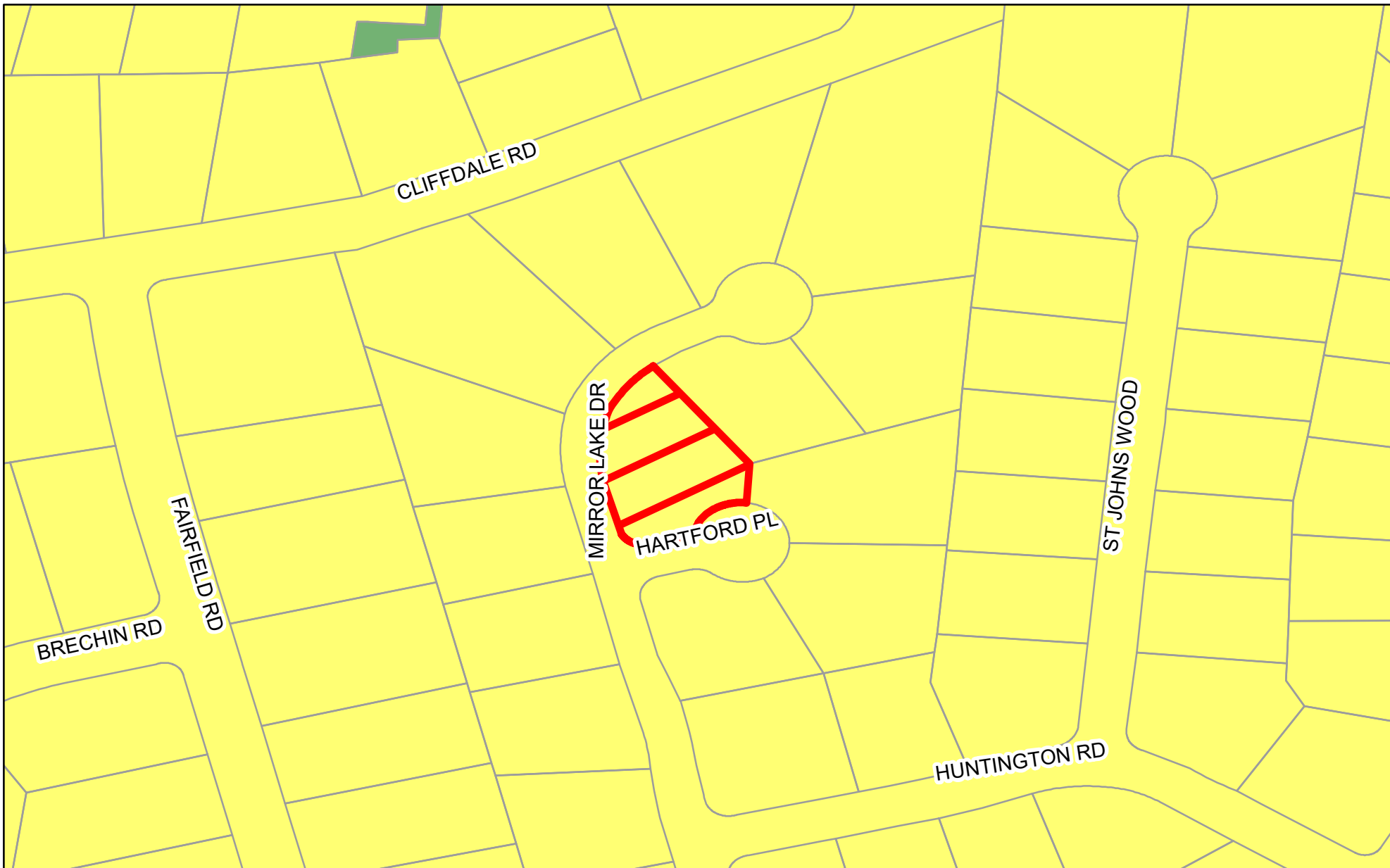


SF-15 - Single-Family Residential 15



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





Land Use Map

Case #: A24-04

Request: Variance

Location: 2936 Mirror Lake Drive

Legend



A24-04 Land Use Plan 2040

Character Areas



PARKOS - PARK / OPEN SPACE



LDR - LOW DENSITY



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





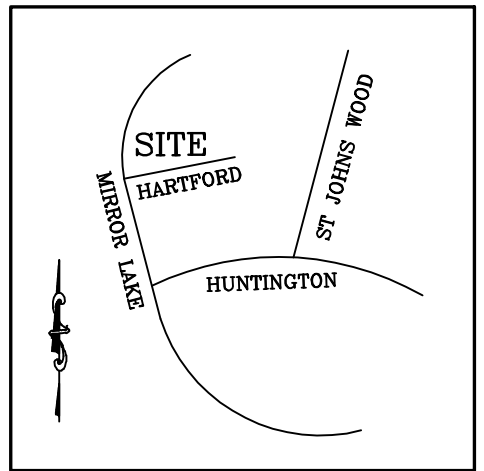


K:\data\proj\SMITH, JACQUELINE 2936 MIRROR LAKE DR\CADD\CIVIL\853 VANSTORY HILLS\BOUNDARY.dwg, 12/22/2023 8:55:30 AM, Isupler, 1:30

LEGEND

- O DENOTES IRON PIPE OR BREAK IN LINE
- △ DENOTES CONTROL CORNER
- CONCRETE MONUMENT
- SPOT ELEVATION
- EIR EXISTING IRON REBAR
- SIR SET IRON REBAR
- SSCO TELE/ELEC PEDESTAL
- WATER METER
- CATCH BASIN
- SEWER MANHOLE
- FIRE HYDRANT

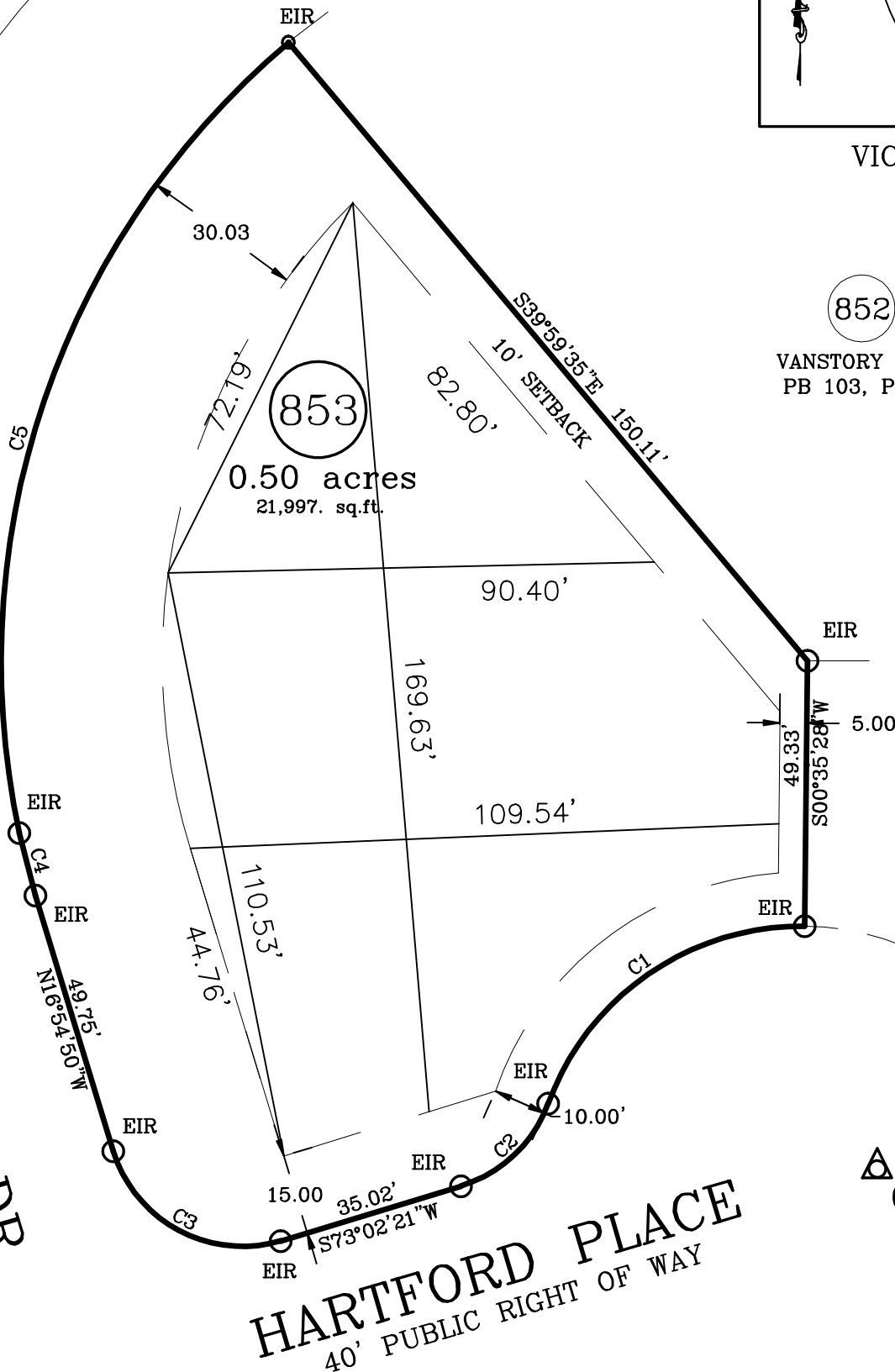
NOTE: 1/2" REBAR SET AT ALL
PROPERTY CORNERS FLUSH WITH THE
GROUND UNLESS OTHERWISE NOTED



VICINITY MAP
(NO SCALE)



MIRROR LAKE DR
40' PUBLIC RIGHT OF WAY



852

VANSTORY HILLS
PB 103, PG 48

854

VANSTORY HILLS
PB 90, PG 140

△ EPK
(CONTROL)

△ EPK
(CONTROL)

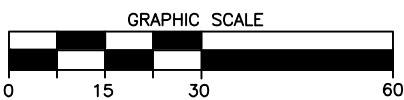
HARTFORD PLACE
40' PUBLIC RIGHT OF WAY

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	DIST
C1	61.83	50.22	S55°17'33"W	57.99
C2	23.19	24.66	S46°34'42"W	22.35
C3	39.17	25.24	N61°50'59"W	35.35
C4	12.03	595.60	N14°30'43"W	12.03
C5	163.18	150.60	N18°49'03"E	155.31

PHYSICAL SURVEY

PROPERTY OF: JACQUELINE & TIMOTHY SMITH
ADDRESS: 2936 MIRROR LAKE
CITY OF: FAYETTEVILLE
COUNTY OF: CUMBERLAND

TOWNSHIP OF: CROSS CREEK
DATE: DEC 22, 2023
SCALE: 1" = 30'
REFERENCE: LOT 853
VANSTORY HILLS
PB 103, PG 48



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

"I certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in PB 103, PG 48 or other reference source as shown); that the boundaries not surveyed are indicated as drawn from information in Book and page as referenced above that the ratio of precision or positional accuracy is > 1:10,000; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600)."

PRELIMINARY
FOR REVIEW ONLY, NOT
FOR CONSTRUCTION

W. Larry King, Professional Land Surveyor L-1339

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

**To reduce the corner side and rear yard setbacks, located at 2936 Mirror Lake Drive
(REID 0417978540000)**

VARIANCE A24-04

Property Address: 2936 Mirror Lake Drive
REID Number: 0417978540000
Property Owner: Benjamin & Victoria Stout

The Zoning Commission for the City of Fayetteville, NC, held an evidentiary hearing on March 12, 2024, to consider a Variance request filed by Benjamin Stout (“Property Owner and Applicant”) to reduce the corner side and rear yard setbacks, located at 2936 Mirror Lake Drive (REID 0417978540000 (“Subject Property”).

On February 27, 2024, a notice of public hearing was mailed to the Property Owner and all the owners of property within 300 feet of the Subject Property. On February 22, 2024, a notice of public hearing sign was placed on the Subject Property. On March 1 and 8, 2024, a notice of public hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

Having considered all of the sworn testimony, evidence, and oral arguments submitted at the hearing by the parties, the Zoning Commission makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. Chapter 30, Article 3, Section D.3 of the City of Fayetteville’s Code of Ordinances establishes the dimensional requirements for lots within the Single-Family Residential 10 (SF-10) District.
2. Benjamin Stout is the owner of a residentially zoned property located at 2936 Mirror Lake Drive (REID 0417978540000), which contains approximately .5 acres ± in the City of Fayetteville.
3. The Applicant filed an application for a Variance on November 28, 2023.
4. The Subject Property is zoned Single-Family Residential 10 (SF-10).
5. The Applicant is requesting to reduce the required corner side and rear yard setbacks.
6. The Applicant has the burden of proof to show that the Variance meets the following statutory requirements:
 - a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship.

- b. 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.
 - 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.
 - e. In granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.
7. The Subject Property is a Single-Family Residential 10 (SF-10) zoned property surrounded by Single-Family Residential 10 (SF-10) zoned properties to the north, south, east, and west.
8. The Subject Property is approximately .5 acres located at the northeast corner of Mirror Lake Drive and Hartford Place.
9. The Subject Property is currently undeveloped.
10. This Variance addresses the Ordinance requirement for a minimum corner side yard setback of 30 feet and a rear yard setback of 35 feet.
11. The Property Owner requested a reduction to a corner side yard setback of 15 feet along Hartford Place and 10 feet along the bulb of Hartford Place. The Property Owner also requested a reduction to a rear yard setback of 5 feet.
12. The Variance was approved with conditions. The condition created a rear yard setback of 10 feet rather than the 5-foot setback requested by the Property Owner.
13. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship because the lot is an unusual shape and smaller than others in the neighborhood.
14. 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 because the subject property is an existing lot on a cul-de-sac which creates an oddly shaped lot.
15. The Variance is the minimum action that will make possible a reasonable use of land or structures because the Variance results in a minimal change from the building envelope that would be permitted by the Ordinance.
16. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit because the Variance would allow a house to be built without having to be placed on an angle which would be unusual for the neighborhood.

17. There is no evidence that the granting of this Variance would harm public safety and welfare, and substantial justice would be ensured as the proposed development is a single-family house in a single-family subdivision.

Conclusions of Law

1. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to establish that “This Ordinance consolidates the City’s zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes”.

2. The Applicant submitted a timely application in compliance with the UDO.

3. Notice was properly given and an evidentiary public hearing was held by the City of Fayetteville’s Zoning Commission in compliance with the laws of North Carolina.

4. The City Development Services Department is responsible for the coordination and enforcement of the UDO.

5. All of the general and specific conditions precedent to the issuance of the requested Variance HAS been satisfied as:

- a. The 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 and are not the result of the actions of the landowner.
- 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.
- e. The granting of the Variance assures the public safety and welfare, and that substantial justice has been done.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACTS AND CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville’s Zoning Commission that the application for the issuance of the Variance be APPROVED with conditions.

VOTE: 5 to 0

This the 9th day of April 2024.

PAVAN PATEL
Zoning Commission Chair



City of Fayetteville

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

City Council Action Memo

File Number: 24-3952

Agenda Date: 4/9/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.02

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Demetrios Moutos - Planner I

DATE: April 9, 2024

RE:

A24-13. Order of Approval - Findings of Fact: Variance to reduce the minimum front and rear yard setbacks, located on an unaddressed parcel at the intersection of Sandy Valley Road and Southern Avenue (REID# 0426801531000), totaling 0.18 acres ±, and being the property of Timothy Davis.

COUNCIL DISTRICT(S):

2 - Malik Davis

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal 4: Desirable Place to Live, Work and Recreate

Objective 4.5 - Ensure a place for people to live in great neighborhoods.

Executive Summary:

The applicant is requesting a variance to reduce the front and rear yard setbacks for the property located at 0? Drive (REID# 0426801531000).

On March 12, 2024, the Zoning Commission held an Evidentiary Hearing regarding this case. After receiving all evidence and testimony, the Commission voted 5-0 to approve the Variance application.

30.2.C.14 Variance:

The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

Variances are to be sparingly exercised and only in rare instances or under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable conditions of approval may be authorized by variance.

Background:

Owner/Applicant: Timothy Davis

Requested Action: Reduction of front yard setback

Zoning District: Single Family Residential 6 (SF-6) & Airport Overlay District (AOD)

Property Address: 0? Drive

Size: .18 acres ±

Existing Land Use: Vacant

Surrounding Zoning and Land Uses

Northwest: SF-6 and CC - Vacant/Rapha Ministries Family Center, Inc.

South: CC - Vacant/Wooded

East: R6 - Single family house

West: SF-6 and CC - Get Ugly off Road, LLC and Single Family

Postcards Mailed: 25

Issues/Analysis:

The applicant and property owner, who acquired the property from the Hogan Family Living Trust in October 2023, is seeking approval for a project on the subject property, which is part of the Southlawn Subdivision platted in 1946. The property comprises lots 193 and 194 of the Southlawn Subdivision, recorded in Book of Plats 11, Page 27, with the Cumberland County Register of Deeds.

Section 30-3.D.4 of the Unified Development Ordinance outlines the setbacks required for the Single Family Residential 6 (SF-6) zoning district. The UDO requires the following setbacks:

- Front: 25 feet
- Corner Side: 25 Feet
- Side: 10 feet
- Rear: 30 feet; 15 feet when the corner side setback is 25 feet or more

The subject property, located at the corner of Southern Avenue and Sandy Valley Road, is legally nonconforming due to its dimensions. Measuring approximately 50 feet wide and 158.75 feet deep (with a considerably longer depth than width), the lot's configuration creates an issue when adhering to the mandated 25-foot front setback requirement.

The applicant is requesting to reduce the required setbacks to the following:

- Front: 11.44 feet
- Corner Side: No change
- Side: No change
- Rear: 11.44 feet

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

1. The siting of other nonconforming or conforming uses of land or structures in the same or other districts;
2. The request for a particular use expressly, or by inference, prohibited in the district; or
3. Economic hardship or the fact that property may be utilized more profitably with a Variance.

Subsequent Development

The applicant intends to construct a house on the subject property in the future. The applicant does not have specific plans for the house at this time but would like to address the setback restrictions at this time.

The following findings are based on the responses submitted in the application by the applicant and the best available information about the proposal without the benefit of testimony provided at the evidentiary hearing.

Findings of Fact Statements as reviewed by the Planning Staff:

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 “I would like to add a single family home to this vacant lot. Because of the current setback and size, it would be difficult to put a house on this lot.”

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 “It's a corner lot and it's small and I purchased that way. They are small lots in the area as well but they are not corner lots.”

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 “This the minimum that is needed to put a house on the property.”

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 “I was planning on building a house in a residential area.”

5. There is sufficient evidence that in the granting of the Variance, public safety and welfare have been assured and substantial justice has been done as shown by the following evidence:

The applicant states “To put a single-family home there”

Budget Impact:

There is no immediate budgetary impact.

Options:

1. Approve Findings as submitted by staff.
2. Approve Findings with specific changes.

Recommended Action:

Staff recommends option 1 above.

Attachments:

1. Order of Approval - Findings of Fact
2. Application
3. Aerial Notification Map
4. Zoning Map
5. Land Use Map
6. Overlay Map
7. Subject Property Photos
8. Surrounding Property Photos
9. Site Survey

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

To reduce minimum front and rear yard setbacks, located at 0 ? Drive (REID # 0426801531000)

VARIANCE A24-13

Property Address: 0 ? Drive
REID Numbers: 0426801531000
Property Owner: Timothy Davis

The Zoning Commission for the City of Fayetteville, NC, held an evidentiary hearing on March 12, 2024, to consider a Variance request filed by Timothy Davis (“Owner/Applicant”) to reduce front and rear yard setbacks, located at 0 ? Drive (REID # 0426801531000) (“Subject Property”).

On February 27, 2024, a notice of public hearing was mailed to the Property Owner and all the owners of property within 300 feet of the Subject Property. On February 22, 2024, a notice of public hearing sign was placed on the Subject Property. On March 1, 2024, and March 8, 2024, a notice of public hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

Having considered all of the sworn testimony, evidence, and oral arguments submitted at the hearing by the parties, the Zoning Commission makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. Chapter 30, Article 3, Section D.4 of the City of Fayetteville’s Code of Ordinances establishes the dimensional requirements for lots within the Single Family Residential 6 (SF-6) District.
2. Timothy Davis is the owner of a residentially zoned property located at 0 ? Drive (REID # 0426801531000), which contains approximately 0.18 acres in the City of Fayetteville.
3. The Applicant filed an application for a Variance on January 26, 2024.
4. The Subject Property is zoned Single Family Residential 6 (SF-6).
5. The Applicant is requesting to reduce the minimum front yard setback to 11.44 feet and the rear yard setback to 11.44 feet.
6. The Applicant has the burden of proof to show that the Variance meets the following statutory requirements:
 - a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship.

- b. 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.
- 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.
- e. In granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.

7. The Subject Property is a Single Family Residential 6 (SF-6) zoned property surrounded by Single Family Residential 6 (SF-6) and Community Commercial (CC) to the west and northwest, Community Commercial (CC) to the south, and Residential 6 (County Designation R6) to the east.

8. The Subject Property is approximately 0.18 acres located at the southern corner at the intersection of Sandy Valley Road and Southern Avenue.

9. The Subject Property is an undeveloped lot with various vegetative growth.

10. This Variance addresses the Ordinance requirement for a minimum front yard setback of 25 feet, and a minimum rear yard setback of 15 feet.

11. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship because the applicant's intention to build a single-family home for his primary residence on a vacant lot clashes with the current zoning regulations. Specifically, the lot's depth falls approximately 10 feet short of the required SF-6 standard, posing a practical challenge as highlighted by the staff.

12. 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 because, as stated by the applicant, he simply purchased the lot in its current condition, which is recorded as is. The lot's unique configuration as a narrow and deep corner lot contributes to the challenges faced, which are beyond the control of the landowner.

13. The Variance is the minimum action that will make possible a reasonable use of land or structures because, as stated in the packet and demonstrated on the site plan, granting the variance is essential to enable the construction of the house as requested.

14. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit because, essentially, as previously outlined, particularly in reason number three, it aligns with the objective of adhering to the code of ordinances by maximizing the minimal use of land. The property owner retains the right to build on the land, and the variance is sought to enable construction of the requested house while still adhering to the ordinance guidelines.

15. There is no evidence that the granting of this Variance would harm public safety and welfare, and substantial justice would be ensured.

Conclusions of Law

1. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to establish that “This Ordinance consolidates the City’s zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes”.

2. The Applicant submitted a timely application in compliance with the UDO.

3. Notice was properly given, and an evidentiary public hearing was held by the City of Fayetteville’s Zoning Commission in compliance with the laws of North Carolina.

4. The City Development Services Department is responsible for the coordination and enforcement of the UDO.

5. All of the general and specific conditions precedent to the issuance of the requested Variance HAS been satisfied as:

- a. The 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 and are not the result of the actions of the landowner.
- 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.
- e. The granting of the Variance assures the public safety and welfare, and that substantial justice has been done.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACTS AND CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville’s Zoning Commission that the application for the issuance of the Variance be APPROVED with no conditions.

VOTE: 5 to 0

This the 9th day of April 2024.

PAVAN PATEL
Zoning Commission Chair

Project Overview**#1233120****Project Title:** Sandy Valley Road**Jurisdiction:** City of Fayetteville**Application Type:** 5.4) Variance**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 0 ? DR (0426801531000)**Zip Code:** 28306**GIS Verified Data****Property Owner: Parcel**

- 0 ? DR: DAVIS, TIMOTHY

Acreage: Parcel

- 0 ? DR: 0.18

Zoning District: Zoning District

- 0 ? DR: SF-6

Subdivision Name:**Fire District:****Airport Overlay District: Airport Overlay District**

- 0 ? DR: 1

Hospital Overlay District:**Coliseum Tourism District:****Cape Fear District:****Downtown Historic District:****Haymount Historic District:****Floodway:****100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****Variance Request Information****Requested Variances:** Single Family Residentis**Section of the City Code from which the variance is being requested.:** 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.:**

Side yard set backs

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:

SF6

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.

Expiration - Variance

30-2.C.14.e.5.- Variance approval shall automatically expire if the applicant does not record the Variance with the Cumberland County Register of Deeds within 30 days after the date the Variance is approved.

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.:

I would like to add a single family home to this vacant lot. Because of the current set back and size it would be difficult to put a house on this 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.:

It's a corner lot and it small and I purchased that way. They are small lots in the area as well but they are not corner lots.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:

This the minimum that is needed to put a house on the property.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:

I was planning on building a house in a resduntal area.

Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:

To put a single family home there

Height 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

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

Primary Contact Information

Contractor's NC ID#:

Project Owner

Timothy Davis

Sandy Valley Rd

Fayetteville , NC 28306

P:9195233370

timothydavis94@gmail.com

Project Contact - Agent/Representative

Timothy Davis

Sandy Valley Rd
Fayetteville , NC 28306
P:9195233370
timothydavis94@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 General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

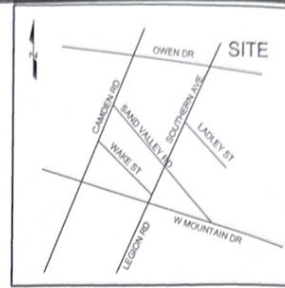
NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

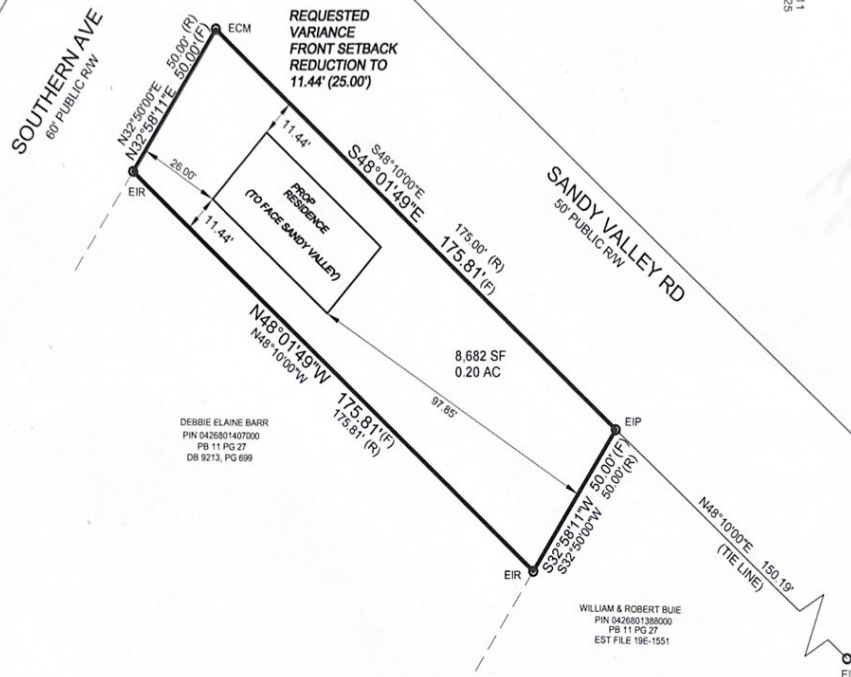
Indicate which of the following project contacts should be included on this project:

LEGEND

R/W-RIGHT OF WAY
EIP-EXISTING IRON PIPE
ECM-EXISTING CONCRETE MONUMENT
DB-DEED BOOK
PG-PAGE
SMN-SET MAG NAIL
SF-SQUARE FEET
AC-ACRE(S)
CONC-CONCRETE
PB-PLAT BOOK
(F)-FIELD MEASUREMENT
(R)-RECORDED MEASUREMENT
EIR-EXISTING IRON REBAR



Vicinity Map
(Not to Scale)



PLOT PLAN FOR VARIANCE

(BASED ON PHYSICAL SURVEY)

PROPERTY OF: TIMOTHY DAVIS

ADDRESS: SOUTHERN AVE

CITY: FAYETTEVILLE, NC

COUNTY: CUMBERLAND

TAX ID#: 0426801531000

ZONING: SF6

TOWNSHIP: PEARCE'S MILL

DATE: FEBRUARY 2, 2024

SCALE: 1" = 40'

REFERENCE: LOTS 193 & 194
SOUTHLAWN SUB.
PB 11, PG 25



MICHAEL J. ADAMS

PLS-L-4491
CFS NC-075

M.A.P.S. SURVEYING, INC.
C-2589
216 MASON STREET
FAYETTEVILLE, NC 28301
PHN: (910)484-6432

DRAWN BY: LKH

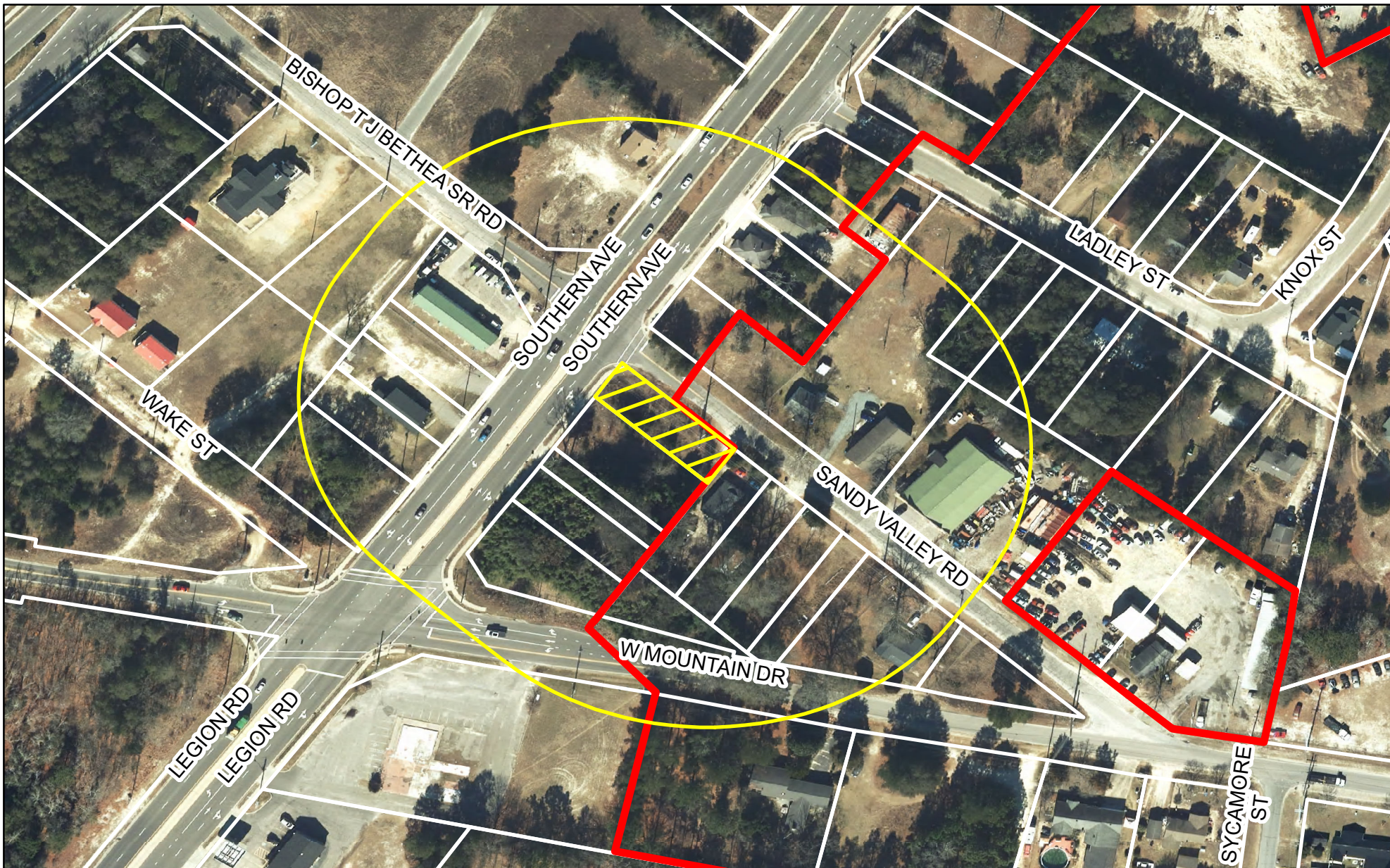
I, MICHAEL J. ADAMS, CERTIFY THAT THIS PLAT MEETS THE STANDARDS OF PRACTICE OF SURVEYING IN NORTH CAROLINA AND THE MINIMUM ERROR OF CLOSURE IS GREATER THAN 1:10,000.

NOTES:

- 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.
- SUBJECT PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA PER FEMA FIRM 3710948400K.

MINIMUM SETBACKS:
25'-FRONT/CORNER SIDE
10'-SIDE
30'-REAR, 15' WHEN CORNER SIDE IS 25'





Aerial Notification Map

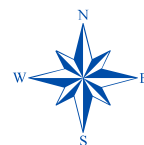
Case #: A24-13

Request: Variance to reduce minimum front yard setback, located at 0 ? Drive (REID 0426801531000), totaling 0.18 ± acres, and being the property of Timothy Davis.

Location: 0 ? Drive

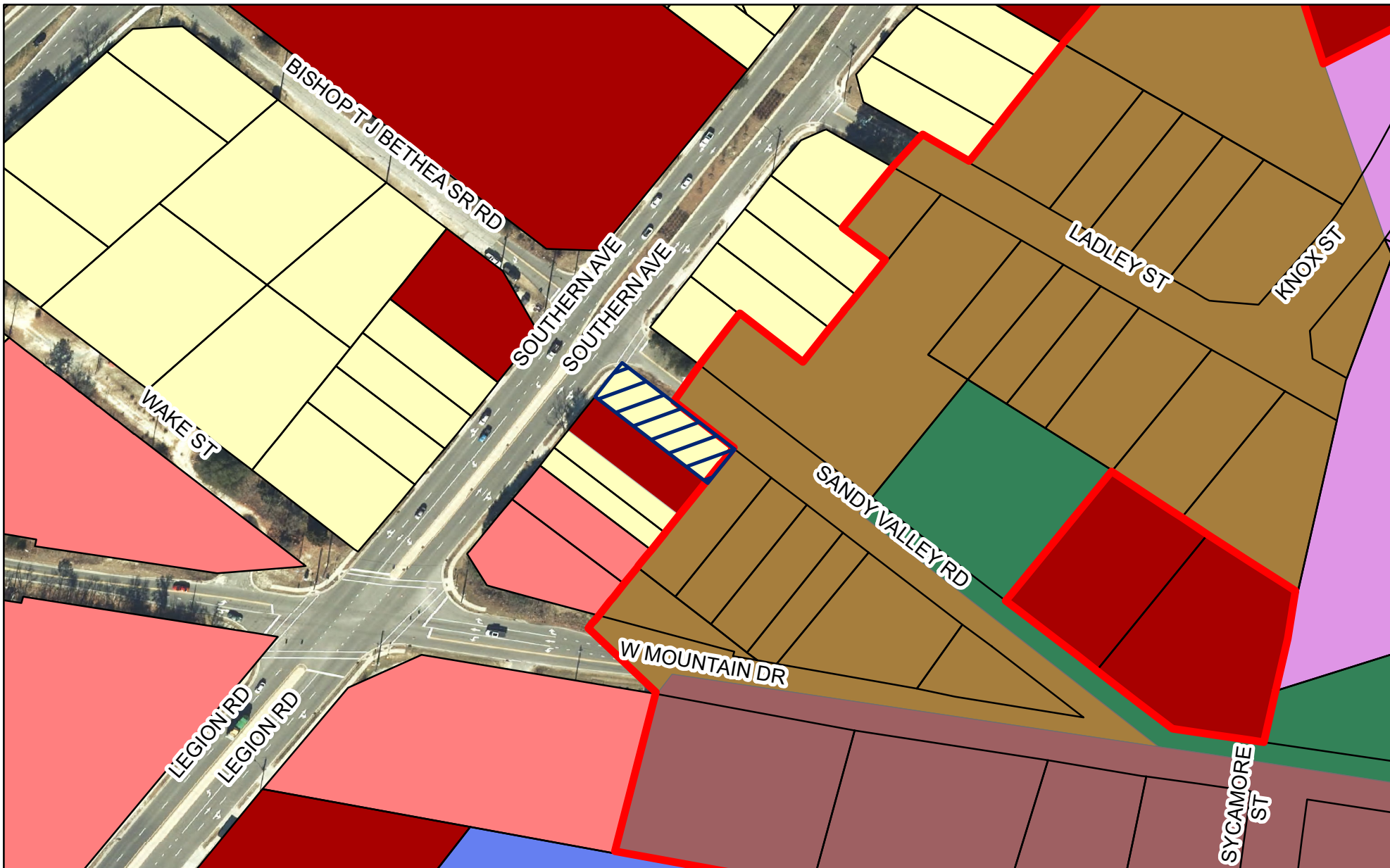
Legend

-  A24-13 Buffer
-  A24-13
-  City Boundary



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











Zoning Map

Case #: A24-13





Request: Variance to reduce minimum front yard setback, located at 0 ? Drive (REID 0426801531000), totaling 0.18 ± acres, and being the property of Timothy Davis.

Location: 0 ? Drive

Legend

-  A24-13
-  City Boundary
-  CC - Community Commercial
-  LC - Limited Commercial
-  OI - Office & Institutional
-  SF-6 - Single-Family Residential 6

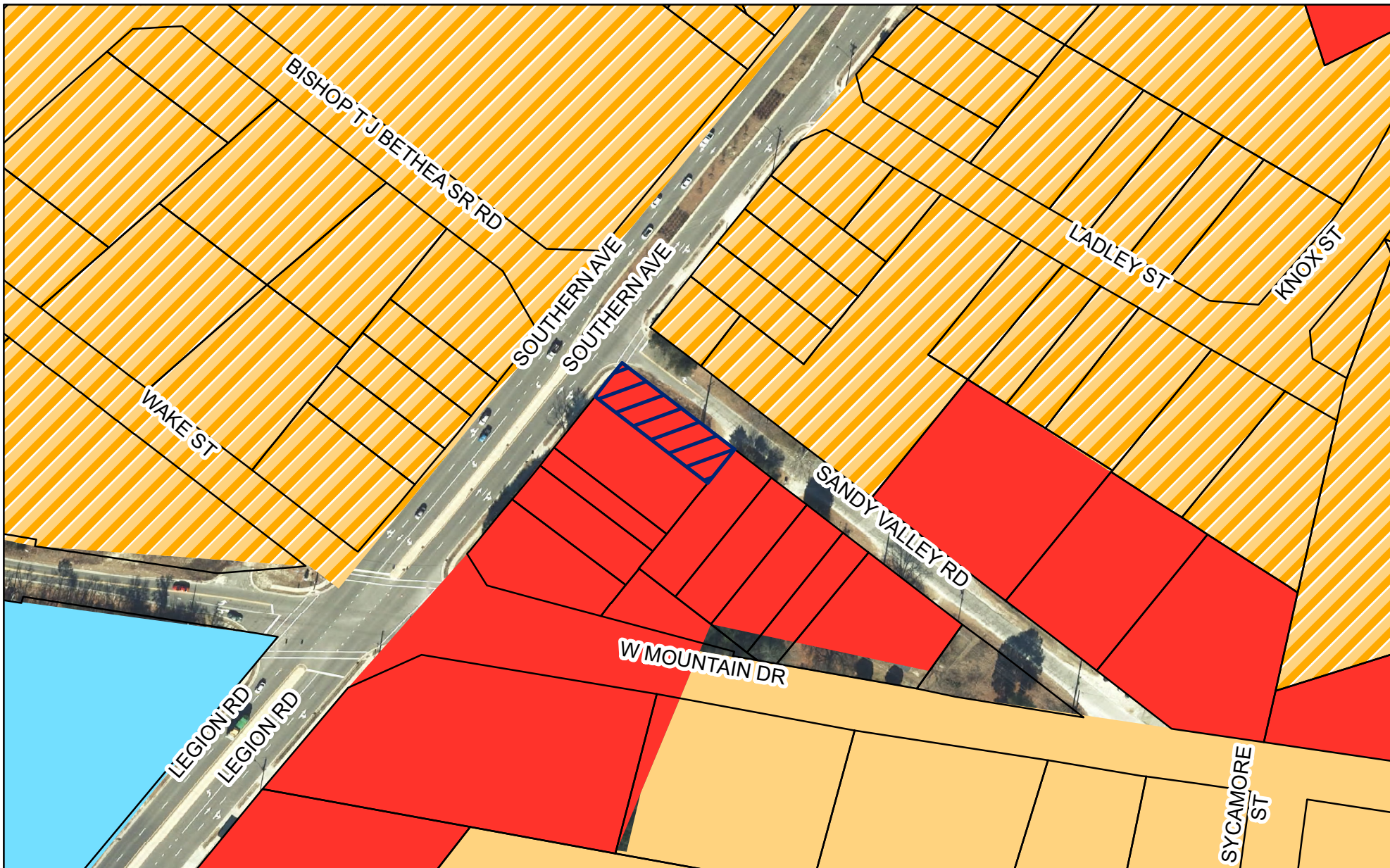
CCZoning gis_ware_3

-  C3
-  R10
-  R6
-  R6A



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Future Land Use Map

Case #: A24-13

Request: Variance to reduce minimum front yard setback, located at 0 ? Drive (REID 0426801531000), totaling 0.18 ± acres, and being the property of Timothy Davis.

Location: 0 ? Drive





Legend



A24-13

Land Use Plan 2040

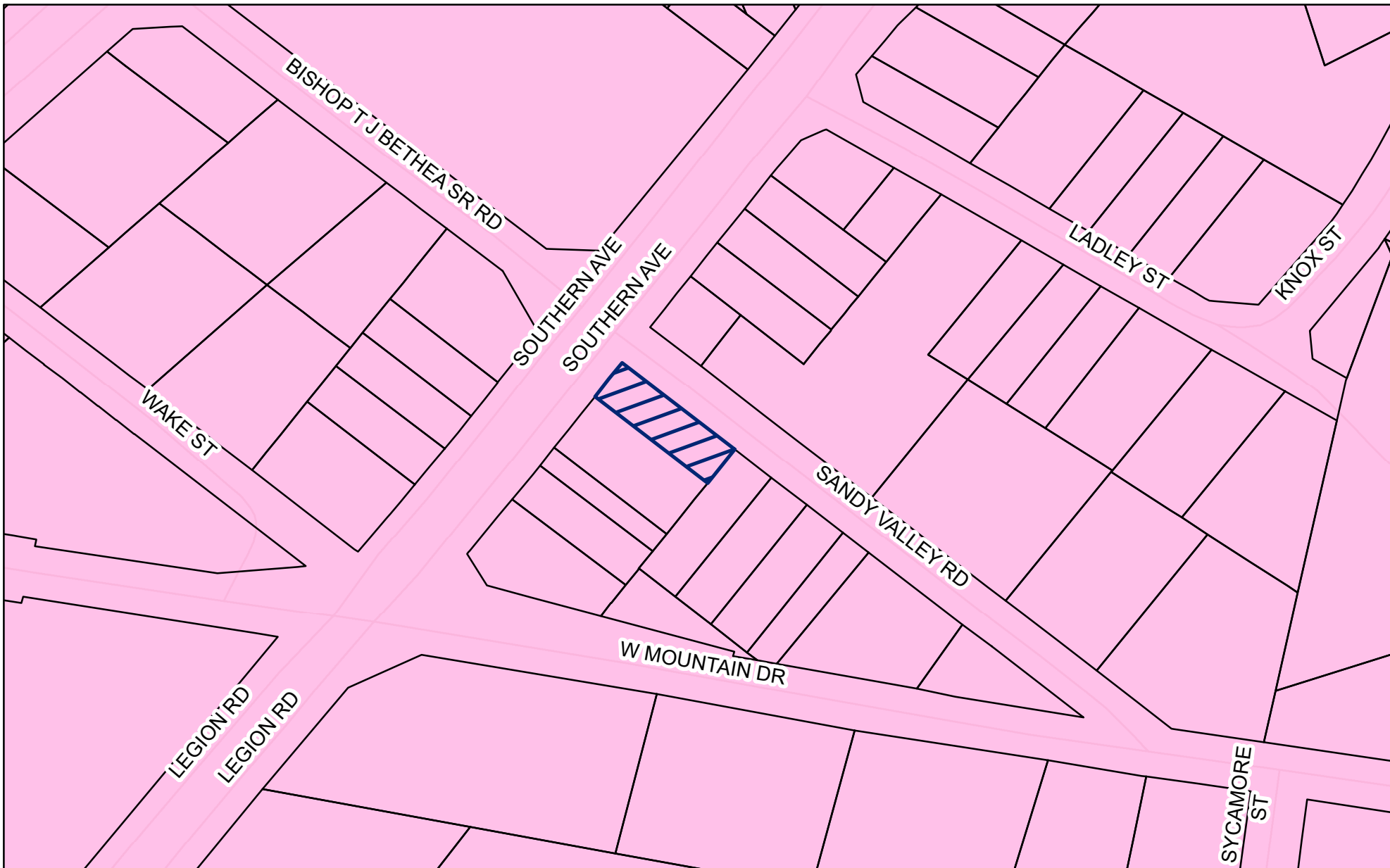
Character Areas

-  MDR - MEDIUM DENSITY
-  NIR - NEIGHBORHOOD IMPROVEMENT
-  HC - HIGHWAY COMMERCIAL
-  OI - OFFICE / INSTITUTIONAL



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Overlay Map

Case #: A24-13

Request: Variance to reduce minimum front yard setback, located at 0 ? Drive (REID 0426801531000), totaling 0.18 ± acres, and being the property of Timothy Davis.

Location: 0 ? Drive

Legend



A24-13



Airport Overlay



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





Surrounding Properties



West



North



East



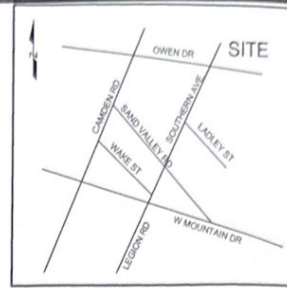
South

South

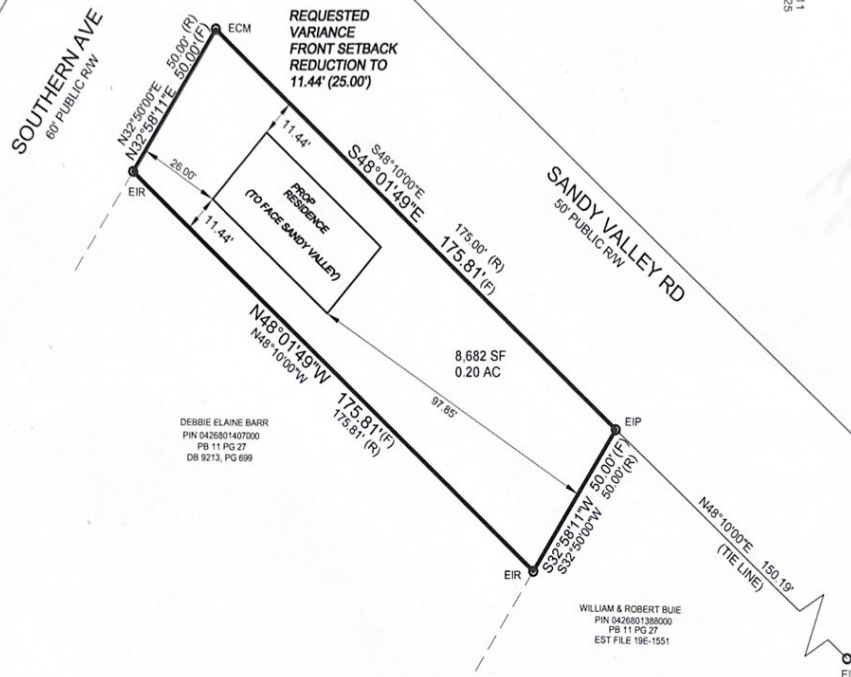


LEGEND

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EIP-EXISTING IRON PIPE
ECM-EXISTING CONCRETE MONUMENT
DB-DEED BOOK
PG-PAGE
SMN-SET MAG NAIL
SF-SQUARE FEET
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CONC-CONCRETE
PB-PLAT BOOK
(F)-FIELD MEASUREMENT
(R)-RECORDED MEASUREMENT
EIR-EXISTING IRON REBAR



Vicinity Map
(Not to Scale)



PLOT PLAN FOR VARIANCE

(BASED ON PHYSICAL SURVEY)

PROPERTY OF: TIMOTHY DAVIS

ADDRESS: SOUTHERN AVE

CITY: FAYETTEVILLE, NC

COUNTY: CUMBERLAND

TAX ID#: 0426801531000

ZONING: SF6

TOWNSHIP: PEARCE'S MILL

DATE: FEBRUARY 2, 2024

SCALE: 1" = 40'

REFERENCE: LOTS 193 & 194
SOUTHLAWN SUB.
PB 11, PG 25



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DRAWN BY: LKH

I, MICHAEL J. ADAMS, CERTIFY THAT THIS PLAT MEETS THE STANDARDS OF PRACTICE OF SURVEYING IN NORTH CAROLINA AND THE MINIMUM ERROR OF CLOSURE IS GREATER THAN 1:10,000.

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10'-SIDE
30'-REAR, 15' WHEN CORNER SIDE IS 25'





City of Fayetteville

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

City Council Action Memo

File Number: 24-3953

Agenda Date: 4/9/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.03

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Demetrios Moutos - Planner I

DATE: April 9, 2024

RE:

A24-14. Order of Approval - Findings of Fact: Variance to increase the maximum front yard setback for two storage/maintenance buildings at the rear of the property located at 1204 Walter Reed Rd., totaling 13.21 acres \pm and being the property of Cumberland County Hospital System Inc.

COUNCIL DISTRICT(S):

5 - Lynne Greene

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal 2: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 2.4 - To sustain a favorable development climate to encourage business growth.

Goal 4: Desirable Place to Live, Work, and Recreate

- Objective 4.5 - Ensure a place for people to live in great neighborhoods.

Executive Summary:

The applicant seeks a variance from the front yard setback requirement for two structures within the Hospital Area Overlay District (HAO).

On March 12, 2024, the Zoning Commission held an Evidentiary Hearing regarding this case. After receiving all evidence and testimony, the Commission voted 4-1 to approve the Variance application.

30.2.C.14 Variance:

The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

Variances are to be sparingly exercised and only in rare instances or under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable conditions of approval may be authorized by variance.

Background:

Applicant: George Rose

Owner: Cumberland County Hospital System Inc.

Requested Action: Increase front yard "build to" line in HAO for two structures

Zoning District: Office and Institutional (OI) and Hospital Area Overlay (HAO)

Property Address: 1204 Walter Reed Road

Size: 13.21 acres ±

Existing Land Use: Parking lot and open space/wooded

Surrounding Zoning and Land Uses

North: OI - Medical Offices

South: OI - Medical Offices

East: OI - Medical Offices

West: SF-10 - Single Family Residential

Letters Mailed: 59

Issues/Analysis:

The subject property was granted to Cumberland County Hospital System, Inc. by the County of Cumberland, North Carolina on May 2nd, 2006. The most recent plat for the subject property was recorded on December 18th, 2003. (DB 7225-0436; PB 0110-0138)

While zoned OI (Office Institutional), the subject property resides within the hospital overlay district, which enforces a stricter 10-foot maximum setback requirement. The proposed project involves constructing two storage/maintenance buildings suitable for the rear portion of the property, strategically reserving the Walter Reed Road frontage for future office or medical clinic development.

Section 30-3.H.2.e.3 of the Unified Development Ordinance outlines the front yard "build to" line requirement in the HAO. The UDO reads as follows:

Front Yard "Build To" Line

The front façade of the principal building shall be located ten feet or less from the street right-of-way. A greater setback of up to 15 feet from the right-of-way edge may be approved in accordance with an Administrative Adjustment (see Section 30-2.C.16).

The applicant is requesting to increase the required setbacks for only the two storage/maintenance buildings, as shown on the site plan, to the following:

- Maximum Front: 800 feet
- Corner Side: No change
- Side: No change
- Rear: No change

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

1. The siting of other nonconforming or conforming uses of land or structures in the same or other districts;
2. The request for a particular use expressly, or by inference, prohibited in the district; or
3. Economic hardship or the fact that property may be utilized more profitably with a Variance.

Subsequent Development

The applicant intends to construct a series of office buildings that front the street in the future. Frontage on Walter Reed Road is to be reserved for office or medical clinic buildings.

The following findings are based on the responses submitted in the application by the applicant and the best available information about the proposal without the benefit of testimony provided at the evidentiary hearing.

Findings of Fact Statements as reviewed by the Planning Staff:

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 "Hospital overlay district maximum setbacks not appropriate for storage/maintenance warehouse type buildings. Placing these structures on the front of the property would prevent future development of more appropriate medical office buildings along Walter Reed Road frontage."

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 "Setback requirements within the Hospital Overlay District create the hardship for this intended use and are not the result of any actions of the landowner."

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 "Setback requirements within the Hospital Overlay District intended to force office-type buildings to the front of the property. Warehouse-type buildings are not appropriate for the street frontage and waiving the maximum setback is the minimum action that allows for proper placement of the proposed structures."

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 "Warehouse-type buildings are not appropriate for the street frontage and the maximum setback requirements within the Hospital Overlay District are intended for office-type buildings to be located along the front of the property. The variance allows for the warehouse buildings to be appropriately located on the rear of the property."

5. There is sufficient evidence that in the granting of the Variance, public safety and

welfare have been assured and substantial justice has been done as shown by the following evidence:

The applicant states "Warehouse buildings are more appropriate for the rear of the property and out of the public view, so the safety and welfare of the public are better served by the buildings not being located near the street."

Budget Impact:

There is no immediate budgetary impact.

Options:

1. Approve Findings as submitted by staff.
2. Approve Findings with specific changes.

Recommended Action:

Staff recommends option 1 above.

Attachments:

1. Order of Approval - Findings of Fact
2. Application
3. Aerial Notification Map
4. Zoning Map
5. Land Use Map
6. Overlay Map
7. Subject Property Photos
8. Surrounding Property Photos
9. Site Survey

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

**To increase the maximum front yard setback for two storage/maintenance buildings,
located at 1204 Walter Reed Road (REID # 0416874531000)**

VARIANCE A24-14

Property Address: 1204 Walter Reed Road
REID Numbers: 0416874531000
Property Owner: Cumberland County Hospital System Inc.

The Zoning Commission for the City of Fayetteville, NC, held an evidentiary hearing on March 12, 2024, to consider a Variance request filed by George Rose (“Applicant”) on behalf of Cumberland County Hospital System Inc. (“Owner”) to increase the maximum front yard setback for two storage/maintenance buildings, located at 1204 Walter Reed Road (REID # 0416874531000) (“Subject Property”).

On February 27, 2024, a notice of public hearing was mailed to the Property Owner and all the owners of property within 300 feet of the Subject Property. On February 22, 2024, a notice of public hearing sign was placed on the Subject Property. On March 1, 2024, and March 8, 2024, a notice of public hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

Having considered all of the sworn testimony, evidence, and oral arguments submitted at the hearing by the parties, the Zoning Commission makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. Chapter 30, Article 3, Section H.2 of the City of Fayetteville’s Code of Ordinances establishes the front yard “build to” line for buildings constructed in the Hospital Area Overlay (HAO) District.
2. Cumberland County Hospital System Inc. is the owner of a commercially zoned property located at 1204 Walter Reed Road (REID # 0416874531000), which contains approximately 13.21 acres in the City of Fayetteville.
3. The Applicant filed an application for a Variance on February 6, 2024.
4. The Subject Property is zoned Office and Institutional (OI) and lies within the Hospital Area Overlay District (HAO).
5. The Applicant is requesting to increase the maximum required setbacks for two storage/maintenance buildings, as shown on the site plan, to 800 feet.
6. The Applicant has the burden of proof to show that the Variance meets the following statutory requirements:

- a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship.
- b. 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.
- 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.
- e. In granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.

7. The Subject Property is an Office and Institutional (OI) zoned property surrounded by OI zoned medical offices to the north, south, and east, and Single Family Residential 6 (SF-6) to the west.

8. The Subject Property is approximately 13.21 acres located west of Walter Reed Road.

9. The Subject Property is partially undeveloped and partially used as a parking lot for adjacent medical offices.

10. This Variance addresses the Ordinance requirement for the front façade of a principle building to be located ten feet or less from the street right-of-way.

11. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship because within the hospital overlay district, the maximum setbacks are not suitable for the maintenance buildings that are planned to be constructed first. Placing these structures at the front of the property would hinder future development of the property with the buildings required along Walter Reed Road. As stated, the applicant likely wouldn't seek a variance to construct these buildings first if a larger structure was already planned for the front, as that building would adhere to the required setback.

12. 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 because setback requirements within the hospital overlay district create a hardship for this intended use and are not a result of any actions of the hospital system or the landowner.

13. The Variance is the minimum action that will make possible a reasonable use of land or structures because the setbacks within the overlay district are intended for office-type uses typically situated at the front of the property. Maintenance and storage-type structures are not typically designed for this frontage, as in any other development scenario. Waiving the maximum setback is the minimum action that is permitted to allow the applicant to proceed with their intended use.

14. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit because, according to the applicant, the appropriate street frontage will be designed later in the project for those structures, ensuring they conform to the normal standards within the overlay district and its requirements.

15. There is no evidence that the granting of this Variance would harm public safety and welfare, and substantial justice would be ensured.

Conclusions of Law

1. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to establish that “This Ordinance consolidates the City’s zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes”.

2. The Applicant submitted a timely application in compliance with the UDO.

3. Notice was properly given, and an evidentiary public hearing was held by the City of Fayetteville’s Zoning Commission in compliance with the laws of North Carolina.

4. The City Development Services Department is responsible for the coordination and enforcement of the UDO.

5. All of the general and specific conditions precedent to the issuance of the requested Variance HAS been satisfied as:

- a. The 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 and are not the result of the actions of the landowner.
- 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.
- e. The granting of the Variance assures the public safety and welfare, and that substantial justice has been done.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACTS AND CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville’s Zoning Commission that the application for the issuance of the Variance be APPROVED with no conditions.

VOTE: 5 to 0

This the 9th day of April 2024.

PAVAN PATEL
Zoning Commission Chair

Project Overview**#1242527****Project Title:** New Buildings for Cape Fear Valley Hospital**Jurisdiction:** City of Fayetteville**Application Type:** 5.4) Variance**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 1204 WALTER REED RD
(0416874531000)**Zip Code:** 28304**GIS Verified Data****Property Owner: Parcel**

- 1204 WALTER REED RD: CUMBERLAND COUNTY HOSPITAL SYSTEM INC

Acreage: Parcel

- 1204 WALTER REED RD: 13.21

Zoning District: Zoning District

- 1204 WALTER REED RD: OI

Subdivision Name:**Fire District:****Hospital Overlay District: Hospital Overlay District**

- 1204 WALTER REED RD: 0

Airport Overlay District:**Coliseum Tourism District:****Cape Fear District:****Haymount Historic District:****100 Year Flood:** <100YearFlood>**Downtown Historic District:****Floodway:****500 Year Flood:** <500YearFlood>**Watershed:****Variance Request Information****Requested Variances:** Minimum yard/setback**Section of the City Code from which the variance is being requested.:** 30-3.E.2**Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:**

Property is zoned OI but is in the hospital overlay district which has a maximum setback of 10'. The project if for two storage/maintenance buildings that are appropriate for the rear portions of the property. Frontage on Walter Reed Road is to be reserved for office or medical clinic buildings.

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:

Subject property is zoned OI and is currently vacant. Existing single family residences are located in the property to the west in SF10 zoning. Properties to the north are zoned OI and consist of medical office buildings. Properties across the street on the east side of Walter Reed Road are zoned OI and consist of medical office buildings.

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.

Expiration - Variance

30-2.C.14.e.5.- Variance approval shall automatically expire if the applicant does not record the Variance with the Cumberland County Register of Deeds within 30 days after the date the Variance is approved.

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.:

Hospital overlay district maximum setbacks not appropriate for storage/maintenance warehouse type buildings. Placing these structures on the front of the property would prevent future development of more appropriate medical office buildings along Walter Reed Road frontage.

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.:

Setback requirements within the Hospital Overlay District create the hardship for this intended use and are not the result of any actions of the landowner.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:

Setback requirements within the Hospital Overlay District intended to force office-type buildings to the front of the property. Warehouse-type buildings are not appropriate for the street frontage and waiving the maximum setback is the minimum action that allows for proper placement of the proposed structures.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:

Warehouse-type buildings are not appropriate for the street frontage and the maximum setback requirements within the Hospital Overlay District are intended for office-type buildings to be located along the front of the property. The variance allows for the warehouse buildings to be appropriately located on the rear of the property.

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

Warehouse buildings are more appropriate for the rear of the property and out of the public view, so the safety and welfare of the public are better served by the buildings not being located near the street.

Height 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

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Square Footage of Sign Face: 0

Primary Contact Information

Contractor's NC ID#:

Project Owner

Mark Jackson
Cape Fear Valley Hospital System Inc.
1638 Owen Drive
Fayetteville , NC 28304
P:910-615-4000
jackson3684@live.com

Project Contact - Agent/Representative

George Rose
George M. Rose, P.E.
P.O. Box 53441
Fayetteville, NC 28305
P:910-977-5822
george@gmripe.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 General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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

AFFIDAVIT OF OWNERSHIP

I, MARK JACKSON, being duly sworn, deposes and says:

1. That I am the FACILITIES MANAGER of the property/properties located at 1311 WALTER REED ROAD in the City of Fayetteville, a political subdivision of the State of North Carolina.

2. I do hereby give permission to GEORGE ROSE to submit a Conditional Rezoning/Rezoning/Variance/Special Use (circle one) application to the City of Fayetteville on my behalf for the above referenced property/properties.

3. This authority is only granted for the application to be submitted on February 6.

Mark Jackson
Signature of Affiant

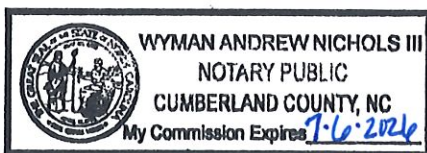
Signature of Affiant

Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 19TH day of February, 2024.

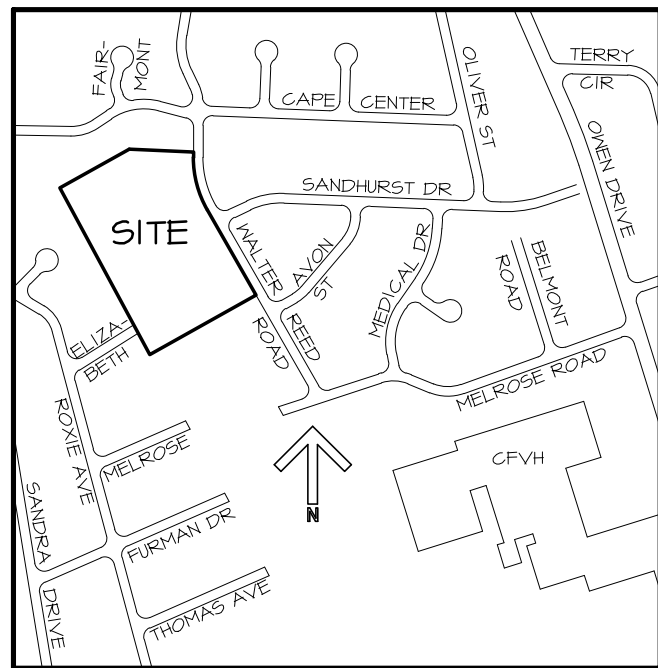
Wyman Andrew Nichols III
Signature of Notary Public

(Official Seal)



Wyman Andrew Nichols III, Notary Public
Printed Name of Notary Public

My Commission Expires: July 6, 2026



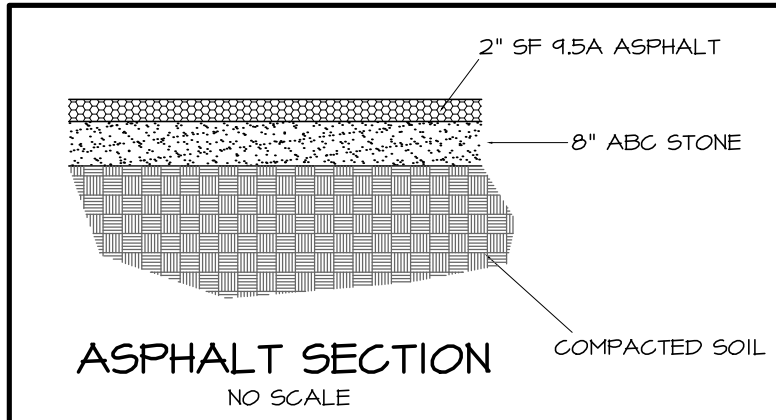
VICINITY MAP
NO SCALE

LEGEND

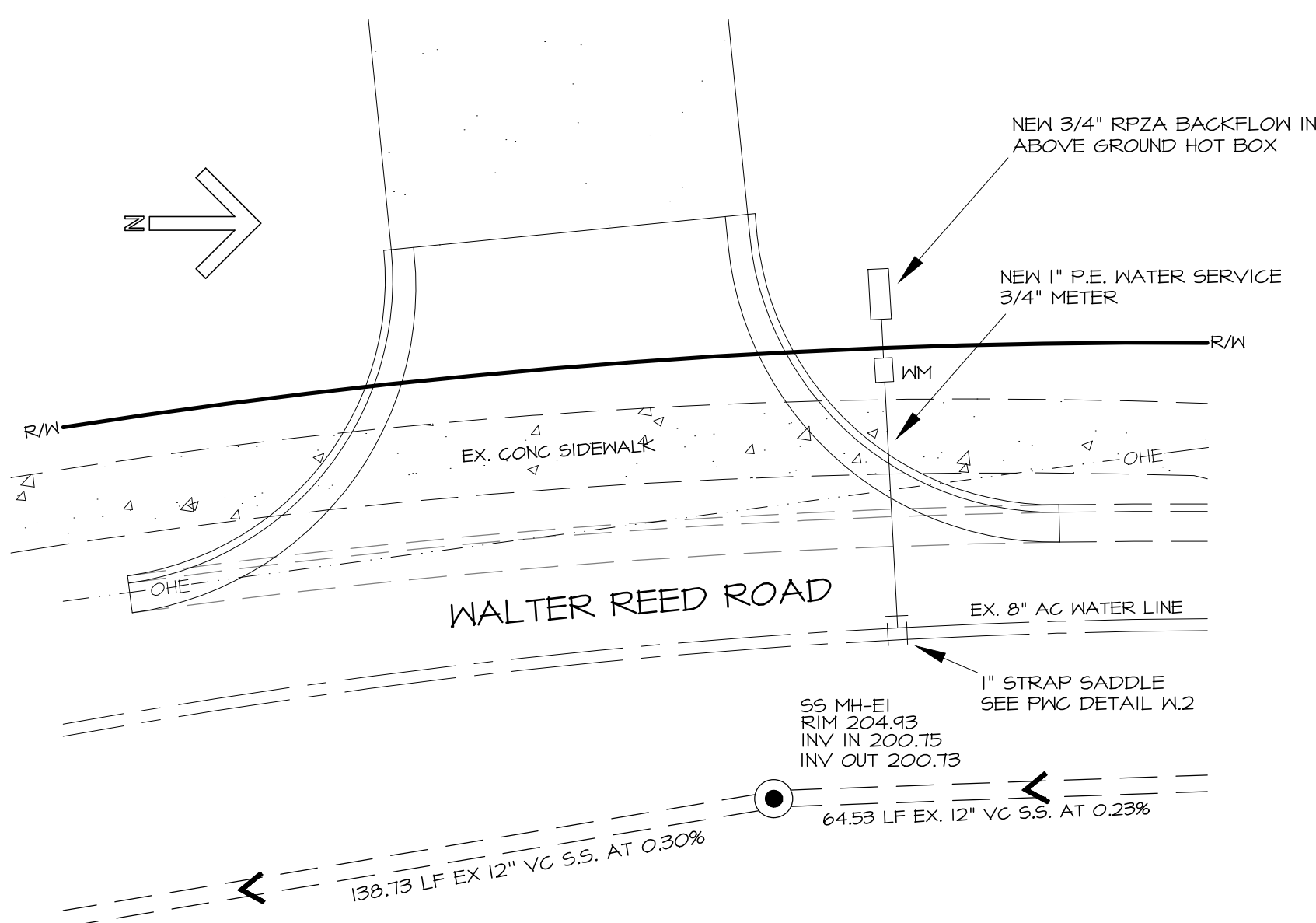
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- GUT EXISTING GUY WIRE
- OHE EXISTING OVERHEAD ELECTRICAL
- 204 EXISTING CONTOUR
- 204 NEW FINISHED CONTOUR
- FM NEW 1-1/2" P.E. SEWER FORCE MAIN
- EXISTING NATURAL GAS LINE

NOTES

- TOTAL AREA IN OVERALL TRACT = 13.21 ACRES
TOTAL AREA IN PROJECT SITE = 314,50 SF = 7.21 ACRES
- OWNER/DEVELOPER:
CUMBERLAND COUNTY HOSPITAL SYSTEM INC.
1630 OVEN DRIVE
FAYETTEVILLE, NC 28304
MARK JACKSON jackson3604@live.com
910-615-6379
- REFERENCE: DB 1225 PG 436; PB 110 PG 130
- REID NO. 0416814531000
- PROPERTY IS ZONED O1, CITY
- THERE ARE NO EXISTING IMPERVIOUS SURFACES ON THE PROJECT SITE.
- NO NEW SITE LIGHTING IS PLANNED FOR THIS PROJECT.
- ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL CITY OF FAYETTEVILLE STANDARDS AND SPECIFICATIONS.
- THE CONTRACTOR MUST CONTACT THE NORTH CAROLINA CALL CENTER AT 800-632-4444 PRIOR TO DIGGING IN ORDER TO LOCATE ALL EXISTING UTILITIES.

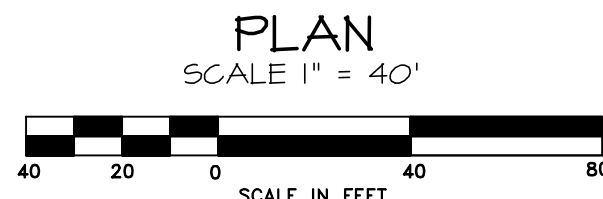
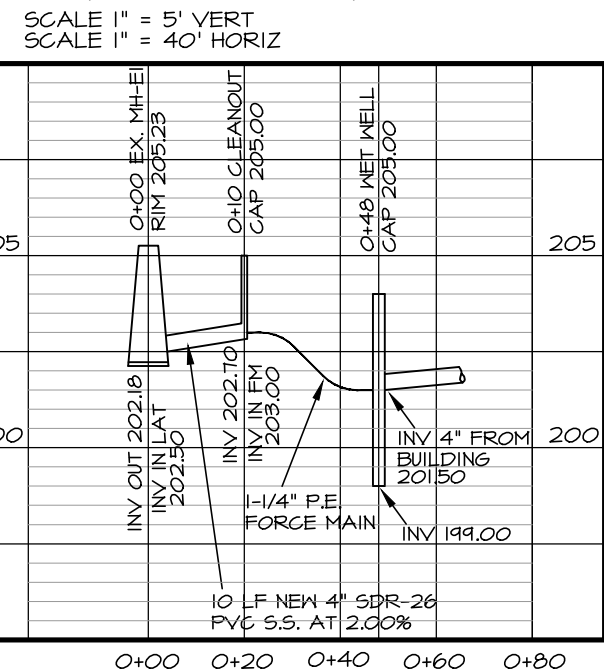


ASPHALT SECTION
NO SCALE



WATER SERVICE
AND BACKFLOW
SCALE 1" = 10'

UTILITY PROFILE B



REVISIONS:
1-12-24 XL & HYDRANT
1-24-24 PROFILE B

GEORGE M. ROSE, P.E.

P.O. BOX 53441

FAYETTEVILLE, NC 28305

910-977-5822 FAX 910-485-5823 EMAIL george@gmrpe.com

NEW BUILDINGS FOR
CAPE FEAR VALLEY HOSPITAL
FAYETTEVILLE, NC
1311 WALTER REED ROAD

SITE, UTILITY AND GRADING PLAN

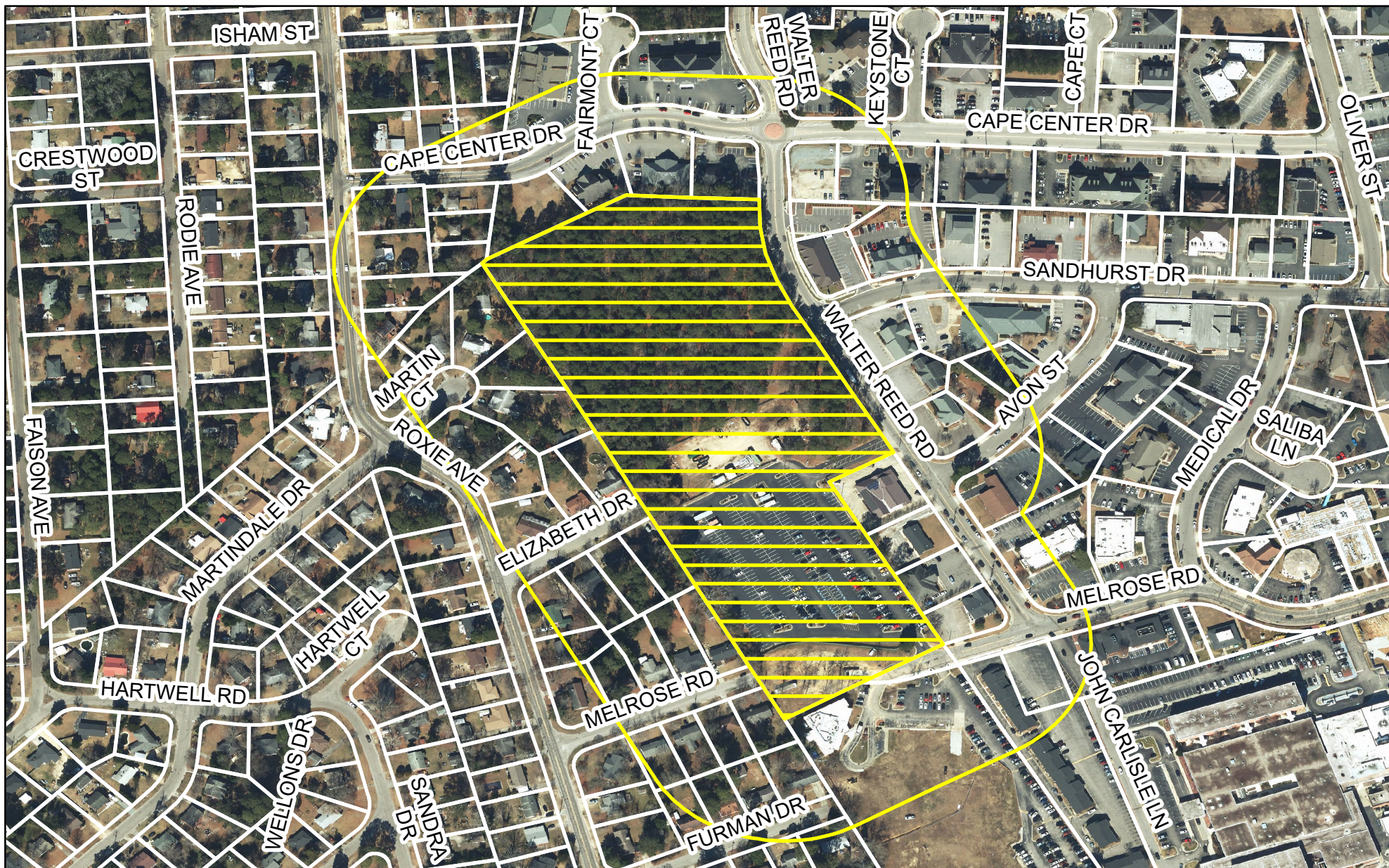
DATE: DEC 2023

DRAWN BY: GMR

CHECKED: GMR

SCALE: NOTED

SHEET NO.
SP6





Aerial Notification Map

Case #: A24-14

Request: Variance to increase maximum front yard setback for two storage/maintenance buildings at the rear of the property, located at 1204 Walter Reed Rd., totaling 13.21 acres \pm , and being the property of Cumberland County Hospital System Inc.

Legend

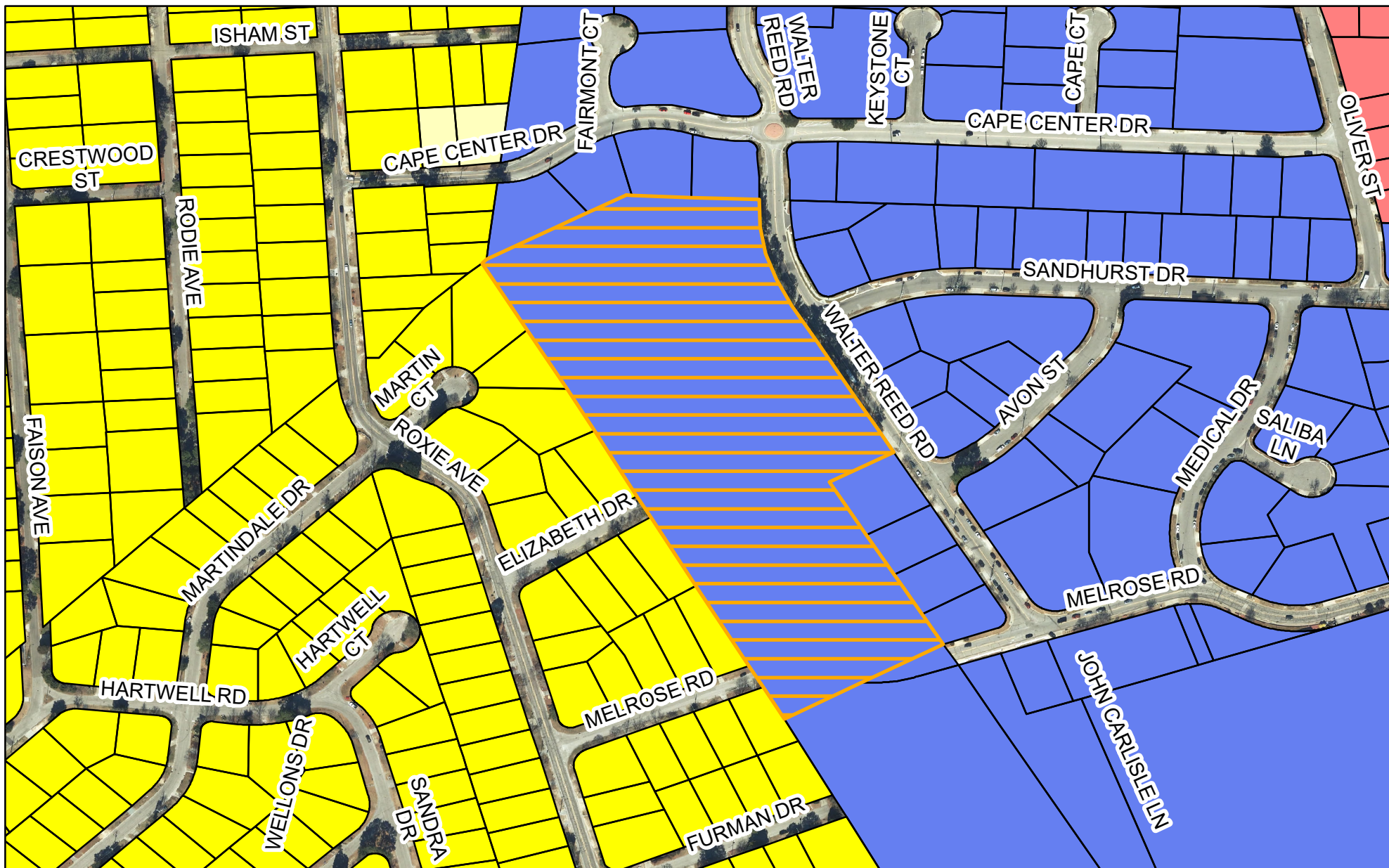
-  A24-14 Buffer
-  A24-14



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



Location: 1204 Walter Reed Road








Zoning Map

Case #: A24-14

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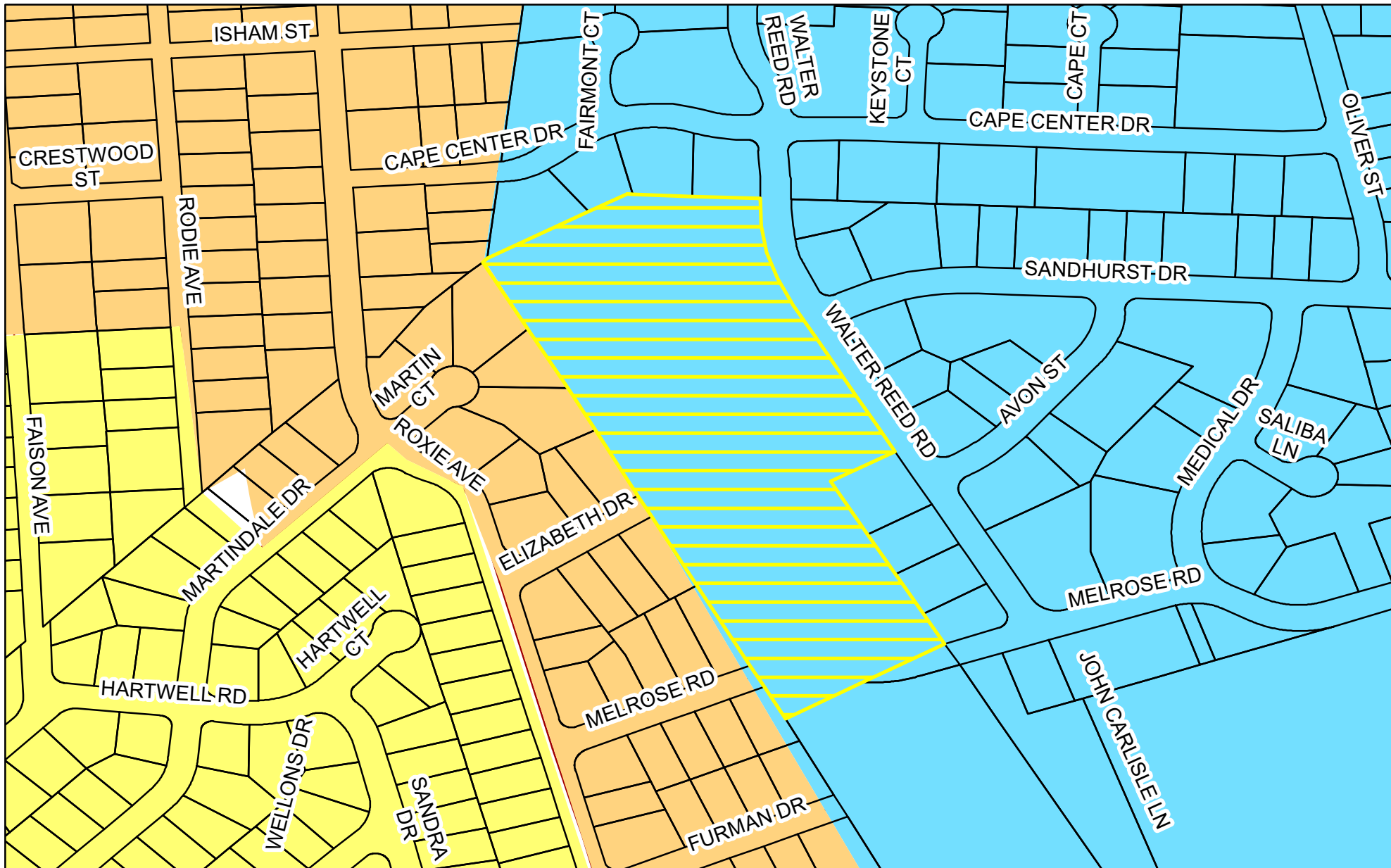
Legend

-  A24-14
-  LC - Limited Commercial
-  OI - Office & Institutional
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10



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Future Land Use Map

Case #: A24-14

Request: Variance to increase maximum front yard setback for two storage/maintenance buildings at the rear of the property, located at 1204 Walter Reed Rd., totaling 13.21 acres \pm , and being the property of Cumberland County Hospital System Inc.

Location: 1204 Walter Reed Road

Legend

 A24-14

Land Use Plan 2040

Character Areas

 LDR - LOW DENSITY

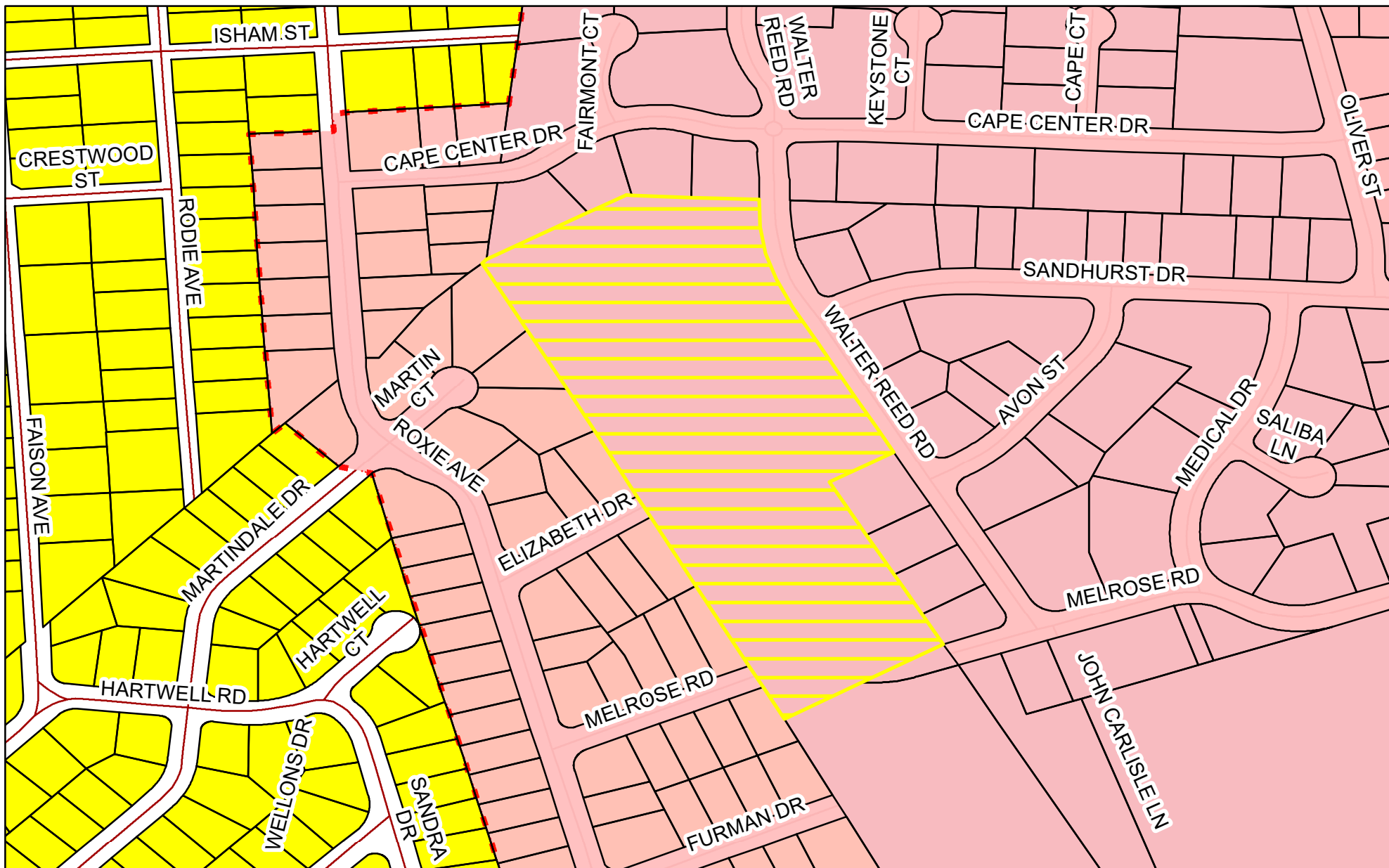
 MDR - MEDIUM DENSITY

 OI - OFFICE / INSTITUTIONAL



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Overlay Map

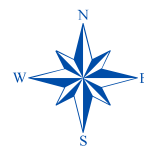
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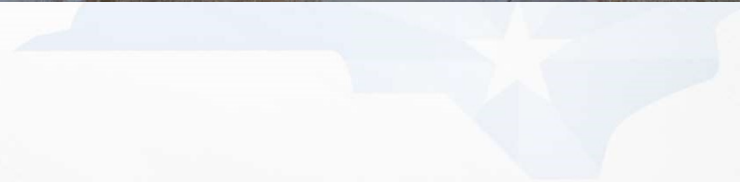
Legend

-  A24-14
-  Hospital Overlay District
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-  OI - Office & Institutional
-  SF-6 - Single-Family Residential 6
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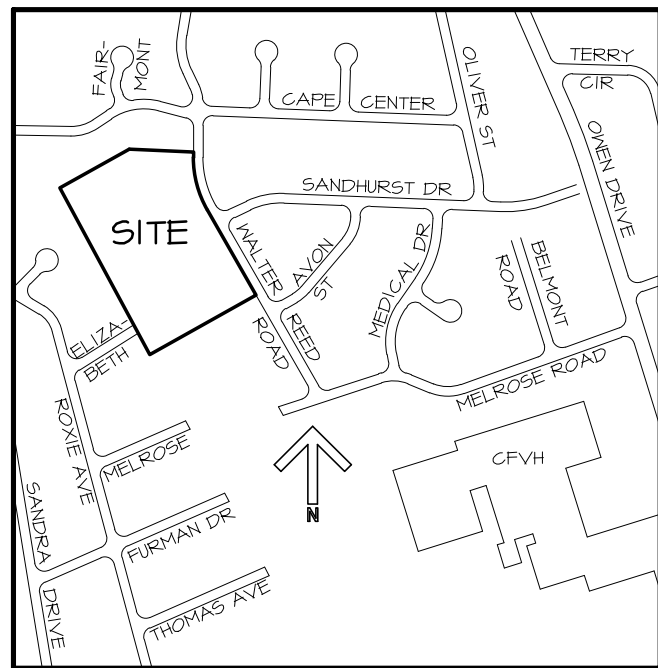
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Surrounding Properties





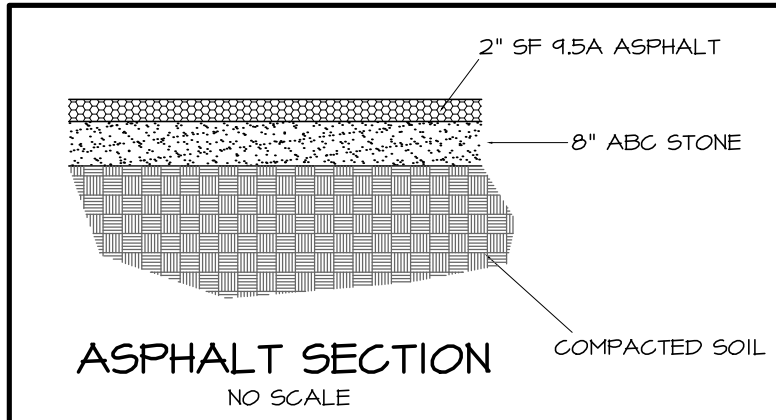
VICINITY MAP
NO SCALE

LEGEND

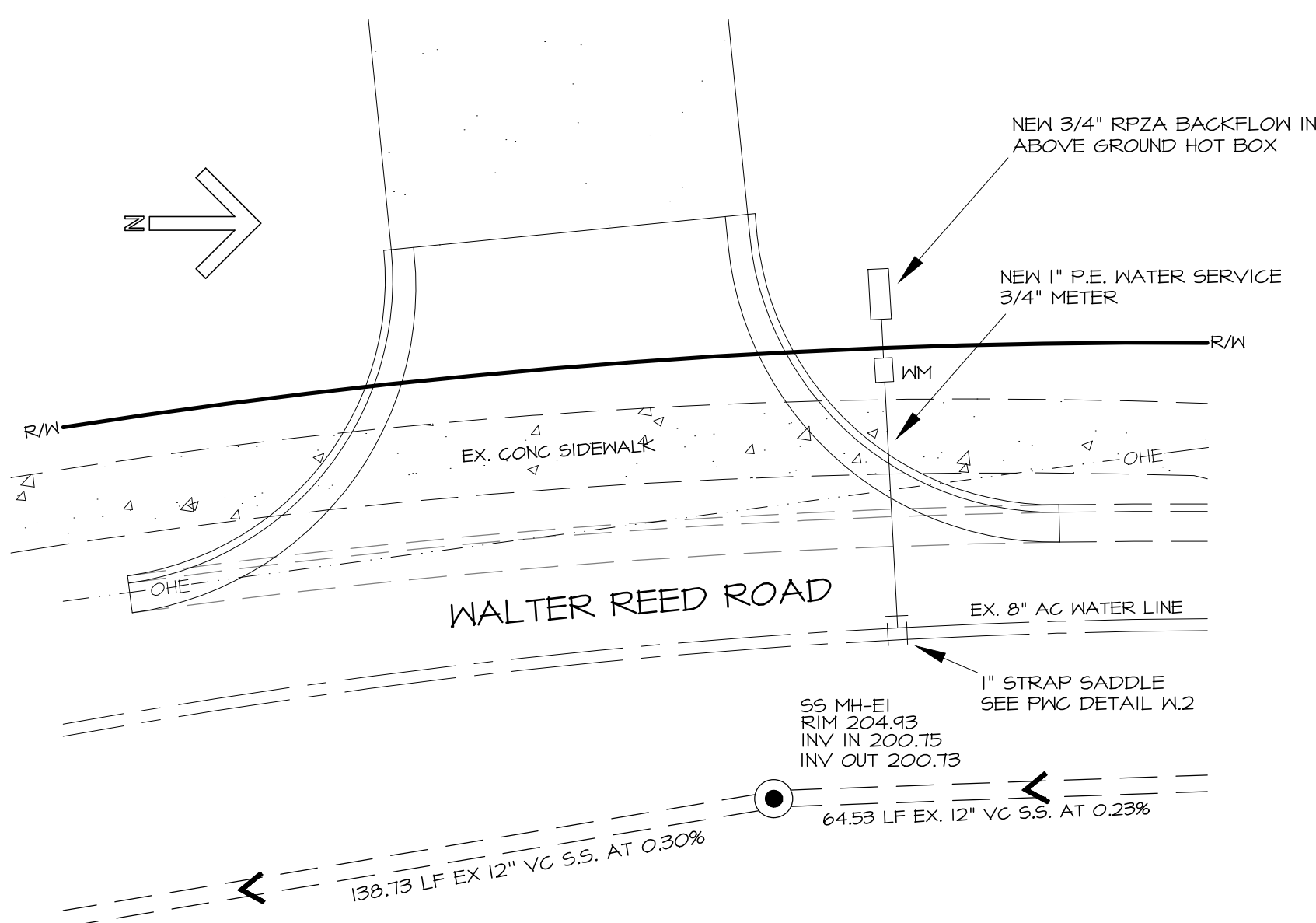
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MARK JACKSON jackson3604@live.com
910-615-6379
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- REID NO. 0416814531000
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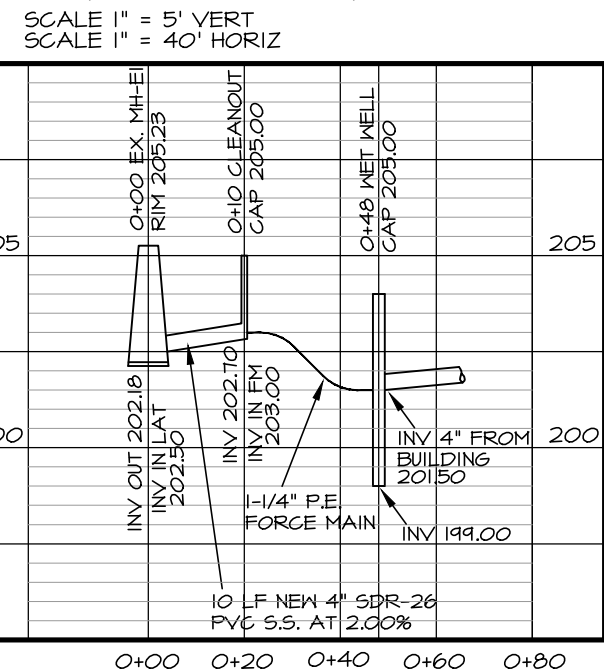


ASPHALT SECTION
NO SCALE

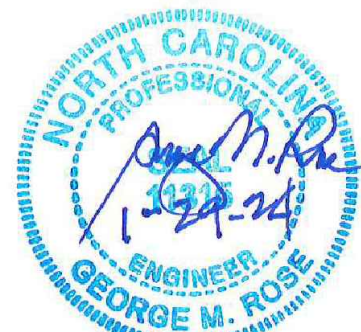
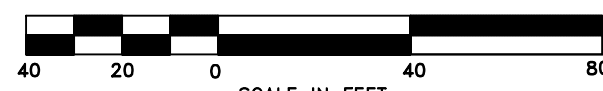


WATER SERVICE
AND BACKFLOW
SCALE 1" = 10'

UTILITY PROFILE B



PLAN
SCALE 1" = 40'



REVISIONS:
1-12-24 REL. & HYDRANT
1-24-24 PROFILE B

GEORGE M. ROSE, P.E.

P.O. BOX 53441

FAYETTEVILLE, NC 28305

910-977-5822 FAX 910-485-5823 EMAIL george@gmrpe.com

NEW BUILDINGS FOR
CAPE FEAR VALLEY HOSPITAL
FAYETTEVILLE, NC
1311 WALTER REED ROAD

SITE, UTILITY AND GRADING PLAN

DATE: DEC 2023

DRAWN BY: GMR

CHECKED: GMR

SCALE: NOTED

SHEET NO.
SP6



City of Fayetteville

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

City Council Action Memo

File Number: 24-3955

Agenda Date: 4/9/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.04

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Demetrios Moutos - Planner I

DATE: April 9, 2024

RE:

A24-15. Order of Approval - Findings of Fact: Variance to reduce the minimum required lot size for a lot in the SF-10 Zoning District totaling 0.21 acres \pm , located at 449 McPhee Drive, and being the property of Thomas Michael Lecka.

COUNCIL DISTRICT(S):

5 - Lynne Greene

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal 2: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 4.5 - Ensure a place for people to live in great neighborhoods.

Executive Summary:

The applicant seeks a variance to reduce the minimum required lot size for a lot in the SF-10 Zoning District.

On March 12, 2024, the Zoning Commission held an Evidentiary Hearing regarding this case. After receiving all evidence and testimony, the Commission voted 5-0 to approve the Variance application.

30.2.C.14 Variance:

The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

Variances are to be sparingly exercised and only in rare instances or under exceptional

circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable condition of approval may be authorized by variance.

Background:

Applicant: Michael Adams

Owner: Michael Lecka

Requested Action: Reduce minimum lot size requirement in SF-10

Zoning District: Single Family Residential 10 (SF-10)

Property Address: 0 McRae Drive (0427432094000)

Size: 0.21 acres ±

Existing Land Use: Vacant/Wooded

Surrounding Zoning and Land Uses

- North: SF-10 - Single Family Residence
- South: SF-6 - Single Family Residence
- East: SF-10 - Single Family Residence
- West: SF-6 - Single Family Residence

Postcards Mailed: 34

Issues/Analysis:

The subject property was granted to Thomas Michael Lecka by Sanjay Khazanchi on June 5th, 2023. The most recent plat for the subject property was recorded in January 1953. (DB 11760-0103; PB 0016-0003)

The applicant requests the recombination of two existing lots (one non-compliant) to create two buildable lots. While one resulting lot meets the minimum square footage requirement, the other falls short. A variance is therefore requested to allow the development of the second, undersized lot.

Section 30-3.D.3 of the Unified Development Ordinance outlines the minimum lot area per unit in the Single Family Residential 10 (SF-10) zoning district. The minimum lot sizes for various building types in SF-10 are as follows:

Single Family Detached Dwellings - 10,000 sq. ft.

Single Family Attached Dwellings - 9,000 sq. ft.

Two- to Four- Family Dwellings - 7,500 sq. ft.

All Other Principle Uses - 10,000 sq. ft.

The applicant is requesting to reduce the minimum required lot size from 10,000 sq. ft. to 9,128 sq. ft., as shown on the attached site plan.

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

1. The siting of other nonconforming or conforming uses of land or structures in the same or other districts;
2. The request for a particular use expressly, or by inference, prohibited in the district; or
3. Economic hardship or the fact that property may be utilized more profitably with a Variance.

Subsequent Development

The applicant intends to construct a house on the subject property in the future. The applicant does not have specific plans for the house at this time but would like to address the minimum lot area at this time.

The following findings are based on the responses submitted in the application by the applicant and the best available information about the proposal without the benefit of testimony provided at the evidentiary hearing.

Findings of Fact Statements as reviewed by the Planning Staff:

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 second lot is being asked for to build a single-family house on it for family members. The applicant's lot will be reduced as much as possible to try and allow for this. Without this variance, the second lot would not be able to be built on. The neighbor to the east has been approached to acquire 8' of their property which would bring the second lot into compliance, but they are unwilling to sell.”

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 “The zoning on this side of the street is restricting the subdivision of this lot. If this property were zoned similar to the lots to the south and west, this second lot would comply.”

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 “The variance requested is the best that can be accomplished with these two lots. The second lot is 872 square feet short of complying.”

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 “If the variance is approved, the resultant lot would create another taxable lot and would allow for a single-family residence to be built, therefore maximizing the intent of the ordinance.”

5. There is sufficient evidence that in the granting of the Variance, public safety and welfare have been assured and substantial justice has been done as shown by the following evidence:

The applicant states “If variance is approved, it will allow for family members to relocate next to the applicant therefore saving gas to travel which in turn helps the environment.”

Budget Impact:

There is no immediate budgetary impact.

Options:

1. Approve Findings as submitted by staff.
2. Approve Findings with specific changes.

Recommended Action:

Staff recommends option 1 above.

Attachments:

1. Order of Approval - Findings of Fact
2. Application
3. Aerial Notification Map
4. Zoning Map
5. Land Use Map
6. Subject Property Photos
7. Surrounding Property Photos
8. Site Survey

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

To reduce the minimum required lot size for a lot in the Single Family Residential 10 (SF-10) zoning district, located at 1204 Walter Reed Road (REID # 0416874531000)

VARIANCE A24-15

Property Address: 0 McRae Drive
REID Numbers: 0427432094000
Property Owner: Thomas Michael Lecka

The Zoning Commission for the City of Fayetteville, NC, held an evidentiary hearing on March 12, 2024, to consider a Variance request filed by Michael Adams (“Applicant”) on behalf of Thomas Michael Lecka (“Owner”) to reduce the minimum required lot size for a lot in the Single Family Residential 10 (SF-10) zoning district, located at 0 McRae Drive (REID # 0427432094000) (“Subject Property”).

On February 27, 2024, a notice of public hearing was mailed to the Property Owner and all the owners of property within 300 feet of the Subject Property. On February 22, 2024, a notice of public hearing sign was placed on the Subject Property. On March 1, 2024, and March 8, 2024, a notice of public hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

Having considered all of the sworn testimony, evidence, and oral arguments submitted at the hearing by the parties, the Zoning Commission makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. Chapter 30, Article 3, Section D.3 of the City of Fayetteville’s Code of Ordinances establishes the minimum lot area per unit for various dwelling types in the Single Family Residential 10 (SF-10) zoning district.
2. Thomas Michael Lecka is the owner of a residentially zoned property located at 0 McRae Drive (REID # 0427432094000), which contains approximately 0.07 acres in the City of Fayetteville.
3. The Applicant filed an application for a Variance on February 6, 2024.
4. The Subject Property is zoned Single Family Residential 10 (SF-10).
5. The Applicant is requesting to reduce the minimum required lot size for the subject property from 10,000 square feet to 9,128 square feet, as shown on the site plan.
6. The Applicant has the burden of proof to show that the Variance meets the following statutory requirements:

- a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship.
- b. 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.
- 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.
- e. In granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.

7. The Subject Property is Single Family Residential 10 (SF-10) zoned property surrounded by Single Family Residential 10 (SF-10) zoned properties to the North and East, and Single Family Residential 6 (SF-6) zoned properties to the South and West.

8. The Subject Property is approximately 0.07 acres located north of McRae Drive, between McPhee Drive and McBain Drive.

9. The Subject Property is undeveloped.

10. This Variance addresses the Ordinance requirement that lots for single family detached homes in the Single Family Residential 10 (SF-10) zoning district have a minimum lot area per unit of 10,000 square feet.

11. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship because without the variance, development on the second lot would be unfeasible. In an effort to mitigate these challenges, discussions have been initiated with the neighbor to the east regarding the potential acquisition of some of their property. This strategic approach aims to bring the second lot as closely as possible into alignment with the standards outlined in the ordinance.

12. 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 because the subject property was too small for development at the time of acquisition by the landowner, and his sole intention is for single-family development.

13. The Variance is the minimum action that will make possible a reasonable use of land or structures because the variance is needed for the lot to be developed and allow the land to be used for its best value.

14. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit by offering both the landowner and the neighborhood the opportunity for an additional single-family home in an area designated for such residences.

15. There is no evidence that the granting of this Variance would harm public safety and welfare, and substantial justice would be ensured.

Conclusions of Law

1. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to establish that “This Ordinance consolidates the City’s zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes”.

2. The Applicant submitted a timely application in compliance with the UDO.

3. Notice was properly given, and an evidentiary public hearing was held by the City of Fayetteville’s Zoning Commission in compliance with the laws of North Carolina.

4. The City Development Services Department is responsible for the coordination and enforcement of the UDO.

5. All of the general and specific conditions precedent to the issuance of the requested Variance HAS been satisfied as:

- a. The 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 and are not the result of the actions of the landowner.
- 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.
- e. The granting of the Variance assures the public safety and welfare, and that substantial justice has been done.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACTS AND CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville’s Zoning Commission that the application for the issuance of the Variance be APPROVED with no conditions.

VOTE: 5 to 0

This the 9th day of April 2024.

PAVAN PATEL
Zoning Commission Chair

Project Overview

#1242802

Project Title: Mike Lecka - McRae Drive**Jurisdiction:** City of Fayetteville**Application Type:** 5.4) Variance**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 449 MCPHEE DR (0427432021000) **Zip Code:** 28305**GIS Verified Data****Property Owner: Parcel**

- 449 MCPHEE DR: LECKA, THOMAS MICHAEL

Acreage: Parcel

- 449 MCPHEE DR: 0.38

Zoning District: Zoning District

- 449 MCPHEE DR: SF-10

Subdivision Name:**Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:****Cape Fear District:****Downtown Historic District:****Haymount Historic District:****Floodway:****100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****Variance Request Information****Requested Variances:** Lot area**Section of the City Code from which the variance is being requested.:** 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.:**

Request is to recombine two existing lots (one non-compliant) to create two buildable lots.

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:

Adjoining lots to the north and east are zoned SF-10.

One lot can meet the square footage requirement. The second one is short of the required square footage. Variance request is to allow the second lot once it is recombined.

Lots across the street to the west and south are zoned 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.

Expiration - Variance

30-2.C.14.e.5.- Variance approval shall automatically expire if the applicant does not record the Variance with the Cumberland County Register of Deeds within 30 days after the date the Variance is approved.

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.:

Second lot is being asked for to build a single family house on it for family members. The applicants lot will be reduced as much as possible to try and allow for this. Without this variance, the second lot would not be able to be built on.

The neighbor to the east has been approached to acquire 8' of their property which would bring the second lot into compliance, but they are unwilling to sell.

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 zoning on this side of the street is restricting the subdivision of this lot. If this property were zoned similar to the lots to the south and west, this second lot would be in compliance.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:

The variance requested is the best that can be accomplished with these two lots. The second lot is 872 square feet short of being in compliance.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:

If the variance is approved, the resultant lot would create another taxable lot and would allow for a single family residence to be built, therefore maximizing the intent of the ordinance.

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

If variance is approved, it will allow for family members to relocate next to the applicant therefore saving gas to travel which in turns helps the environment.

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

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

Primary Contact Information

Contractor's NC ID#:

Project Owner

Thomas Lecka

449 McPhee Drive

Fayetteville, NC 28305

P:910-660-3210

maps@mapssurveying.com

Project Contact - Agent/Representative

Michael Adams

MAPS Surveying Inc.

1306 Fort Bragg Road

Fayetteville, NC 28305

P:910-484-6432

maps@mapssurveying.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 General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Project Contact - Primary Point of Contact for the Surveyor

Michael Adams

MAPS Surveying Inc.

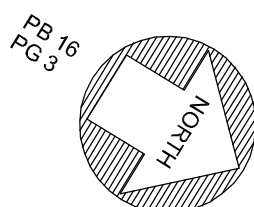
1306 Fort Bragg Road

Fayetteville, NC 28305

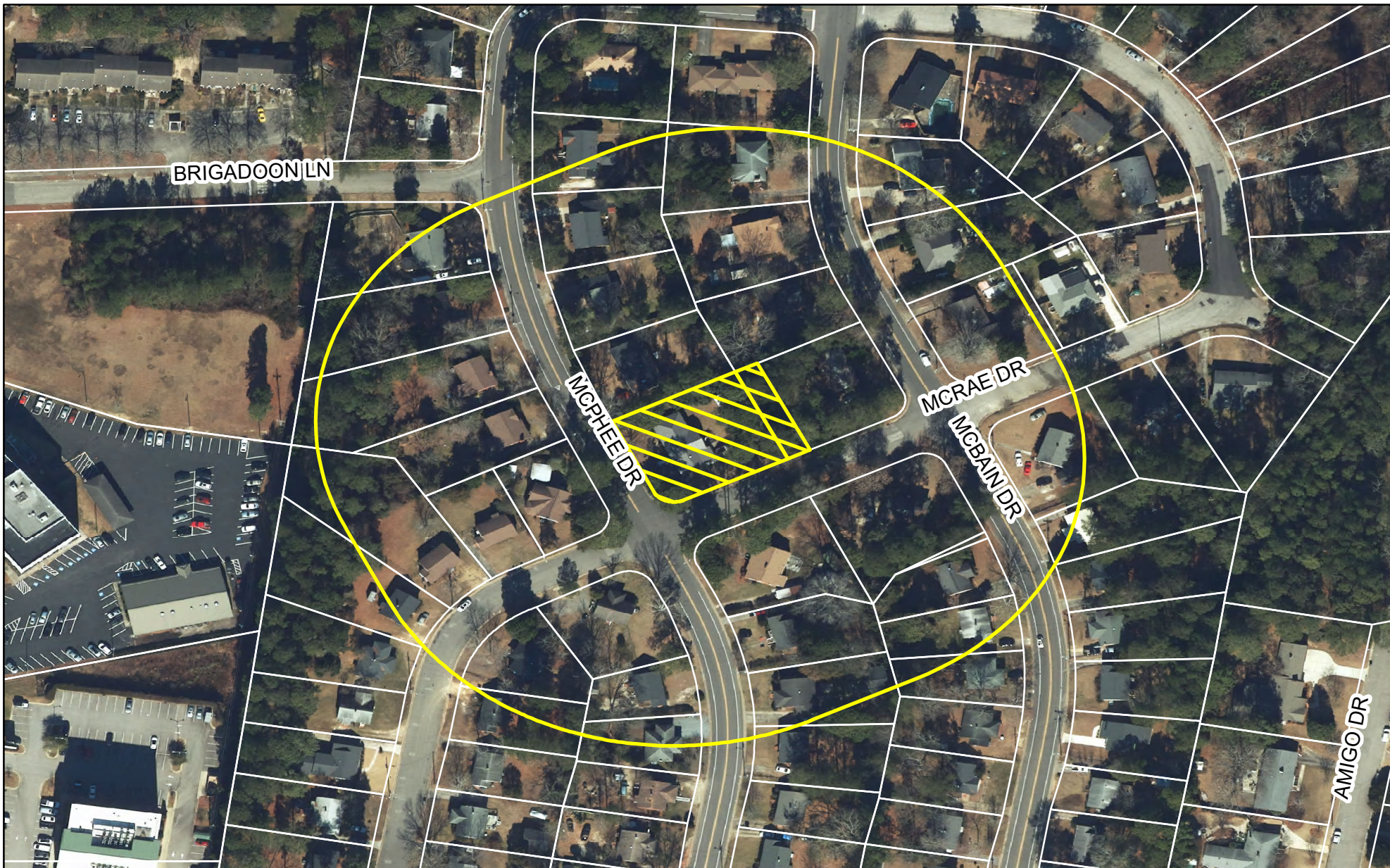
P:910-484-6432

maps@mapssurveying.com

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



SCALE: 1" = 20'
DATE: FEBRUARY 6, 2024
ZONING: SF-10
CITY: FAYETTEVILLE, NC



Aerial Notification Map

Case #: A24-15

Request: Variance to reduce the minimum required lot size for a lot in the SF-10 Zoning District totaling 0.21 acres \pm , located at 449 McPhee Drive, and being the property of Thomas Michael Lecka.

Location: 449 McPhee Drive

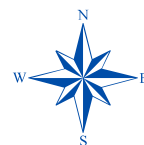
Legend



A24-15 Buffer

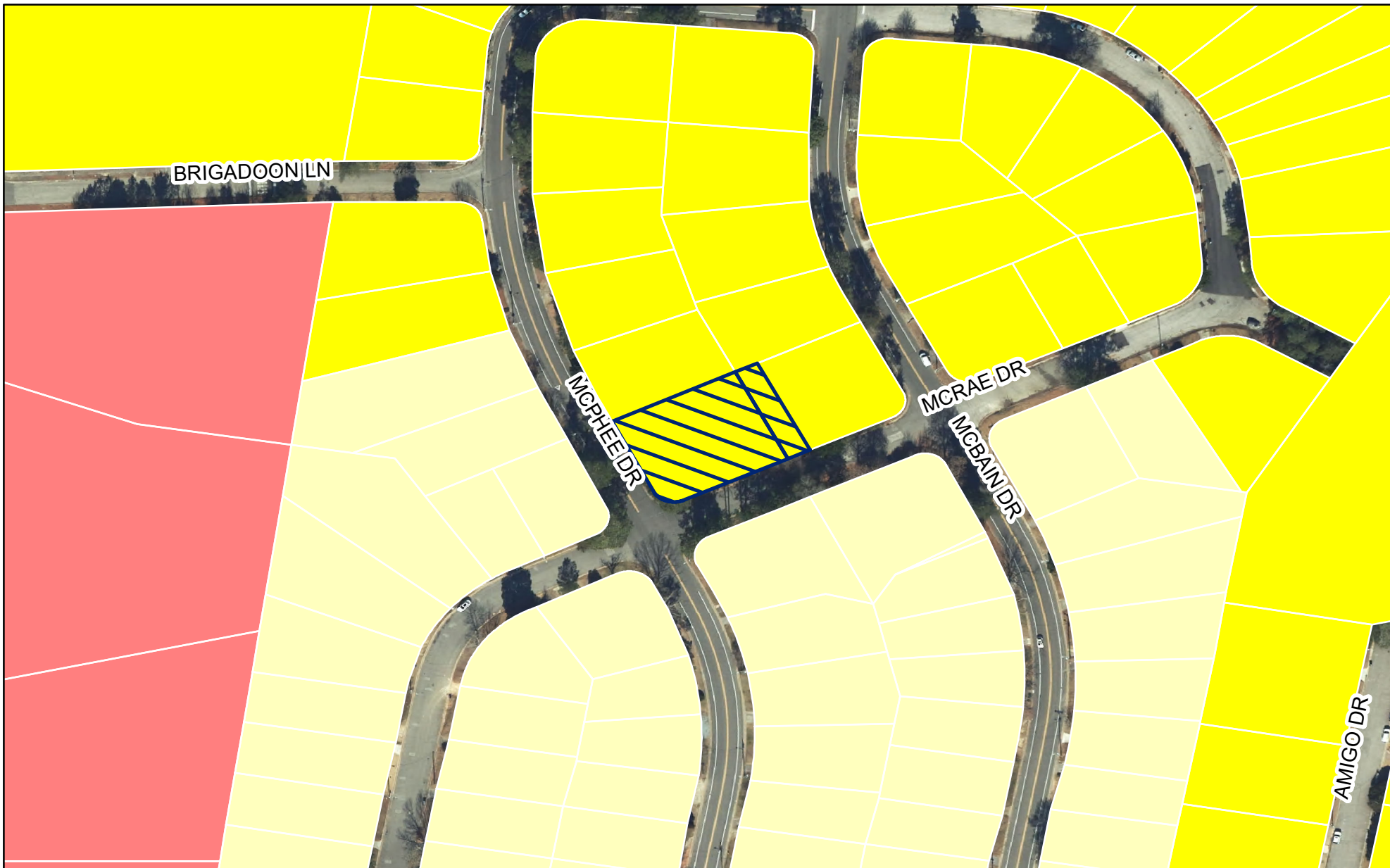


A24-15



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





Zoning Map

Case #: A24-15

Request: Variance to reduce the minimum required lot size for a lot in the SF-10 Zoning District totaling 0.21 acres \pm , located at 449 McPhee Drive, and being the property of Thomas Michael Lecka.

Location: 449 McPhee Drive

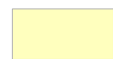
Legend



A24-15



LC - Limited Commercial



SF-6 - Single-Family Residential 6

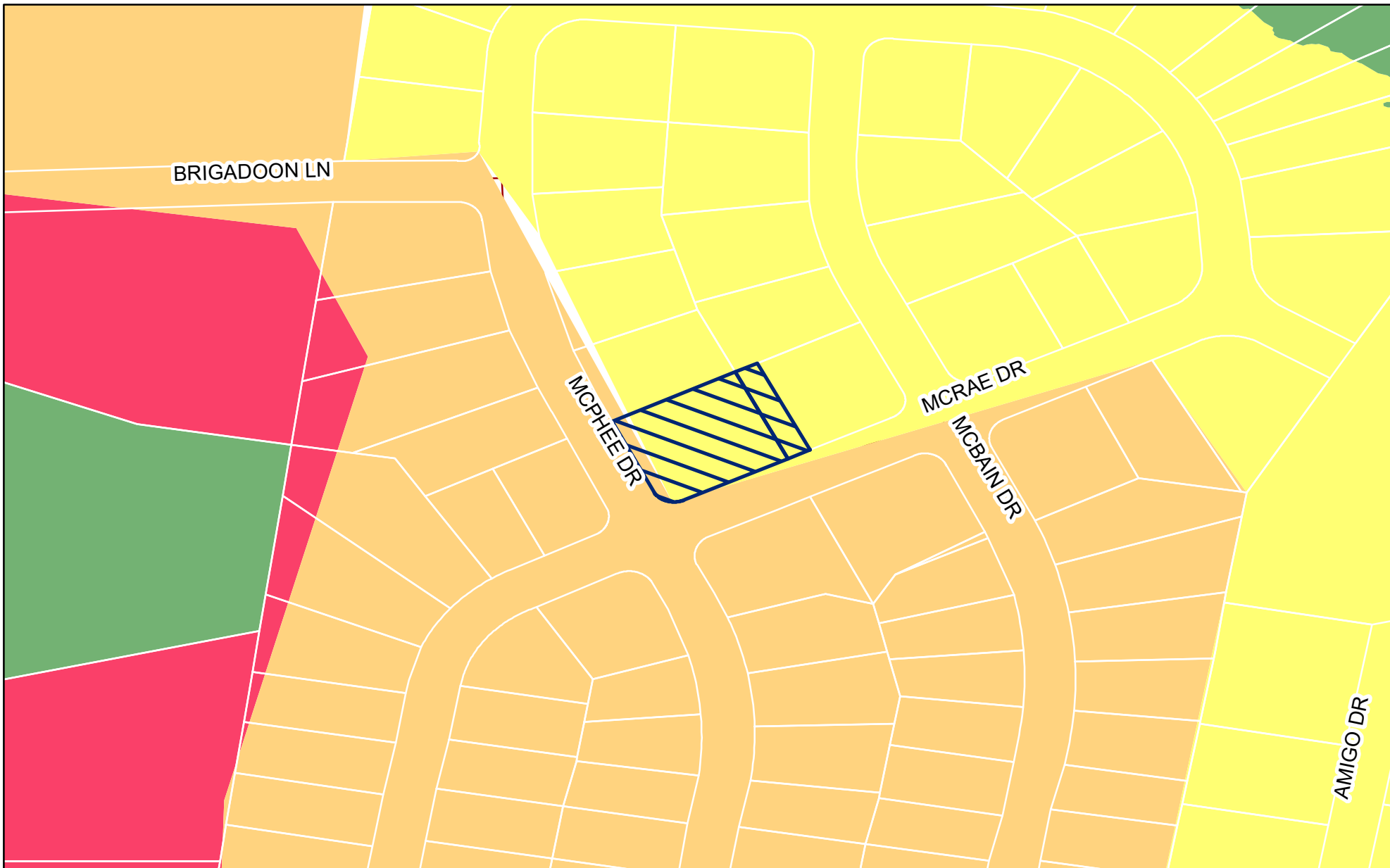


SF-10 - Single-Family Residential 10



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





Future Land Use Map

Case #: A24-15

Request: Variance to reduce the minimum required lot size for a lot in the SF-10 Zoning District totaling 0.21 acres \pm , located at 449 McPhee Drive, and being the property of Thomas Michael Lecka.

Location: 449 McPhee Drive





Legend



A24-15

Land Use Plan 2040

Character Areas

-  PARKOS - PARK / OPEN SPACE
-  LDR - LOW DENSITY
-  MDR - MEDIUM DENSITY
-  CC - COMMUNITY CENTER

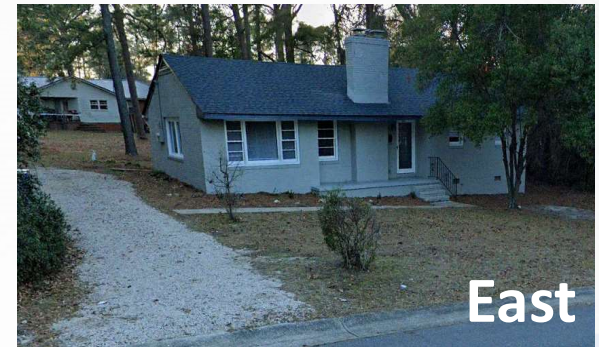


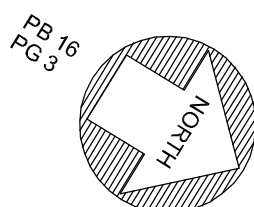
Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.





Surrounding Properties





SCALE: 1" = 20'
DATE: FEBRUARY 6, 2024
ZONING: SF-10
CITY: FAYETTEVILLE, NC



City of Fayetteville

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

City Council Action Memo

File Number: 24-3956

Agenda Date: 4/9/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.05

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Demetrios Moutos - Planner I

DATE: April 9, 2024

RE:

A24-16. Order of Approval - Findings of Fact: Variance to increase the maximum size for an accessory structure in the SF-10 Zoning District, located at 1495 Bingham Drive, totaling 6.31 acres ±, and being the property of Miracle Temple Holy Deliverance Church of God Inc.

COUNCIL DISTRICT(S):

6 - Derrick Thompson

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal 2: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 4.5 - Ensure a place for people to live in great neighborhoods.

Executive Summary:

The request involves seeking a variance from the maximum size allowance for an accessory structure within the SF-10 Zoning district. According to Note 2 of section 30-3.D.3, the maximum allowable size for accessory structures is 1200 square feet. Currently, the existing accessory structures on the property occupy 644 square feet. The applicant is seeking approval for an additional 2,700 square feet, which would bring the total size of accessory structures on the property to 3,344 square feet.

On March 12, 2024, the Zoning Commission held an Evidentiary Hearing regarding this case. After receiving all evidence and testimony, the Commission voted 5-0 to approve the Variance application.

30.2.C.14 Variance:

The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or

conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

Variances are to be sparingly exercised and only in rare instances or under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable conditions of approval may be authorized by variance.

Background:

Applicant: Bennie Kelly

Owner: Miracle Temple Holy Deliverance Church of God Inc.

Requested Action: Variance from max. size for an accessory structure

Zoning District: Single Family Residential 10 (SF-10)

Property Address: 1495 Bingham Drive (0406541553000)

Size: 6.31 acres ±

Existing Land Use: Vacant/Wooded

Surrounding Zoning and Land Uses

North: CC - Wooded

South: SF-10 - Single Family Residences

East: SF-10 - Single Family Residences

West: LC/CZ - Vacant/Single Family

Postcards Mailed: 44

Issues/Analysis:

The subject property was granted to Miracle Temple Holy Deliverance Church of God, Inc. by Steven Douglas Johnson, Ellisson Ann Johnson, Donna Johnson Cowan, Jessica Johnson Swaney (AKA Jessica Brook Johnson) and husband Benjamin Swaney, and Debbie Johnson on March 15th, 2016. The most recent plat for the subject property was recorded in November 2018. (DB 9827-0816; PB 0141-0178)

The application entails requesting a deviation from the permitted maximum size for a supplementary building within the SF-10 Zoning district. As stated in Note 2 of section 30-3.D.3, the maximum permissible size for such structures is 1200 square feet.

Presently, the accessory structures already situated on the premises encompass an area of 644 square feet. The petitioner is seeking authorization for an extra 2,700 square feet, resulting in a combined total area of accessory structures on the property amounting to 3,344 square feet.

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

1. The siting of other nonconforming or conforming uses of land or structures in the same or other districts;

2. The request for a particular use expressly, or by inference, prohibited in the district; or
3. Economic hardship or the fact that property may be utilized more profitably with a Variance.

History

The structure in question is intended for covered bus parking. A variance for this project was granted in 2019 under case A19-40F. However, the applicant did not apply for a building permit or begin construction within the one-year timeframe stipulated by the variance approval. As per regulation 30-2.C.14.e.5, this failure automatically annuls the decision made by the Zoning Commission. The minutes from the previous case are outlined below:

In the meeting for variance case A19-40F held in 2019, Senior Planner Terri Lynn Hale presented the request for 1495 Bingham Dr. The applicant sought to increase the maximum allowable accessory structure area from 1500 to 3372 square feet to construct a covered parking structure for buses and vans used for church functions. Staff recommended approval. During the discussion, Mr. Hight inquired about pursuing rezoning instead of a variance, but it was explained that other zoning districts wouldn't likely accommodate the needed size. Speakers in favor, including Pastor Bennie Kelly, emphasized the need to protect the church's invested vehicles. No opposition was voiced. A motion to approve the variance was made by Alex Keith, citing practical difficulties in meeting UDO requirements, the necessity to safeguard church property, and no harm to public safety. The motion passed unanimously.

Findings

The following findings are based on the responses submitted in the application by the applicant and the best available information about the proposal without the benefit of testimony provided at the evidentiary hearing.

Findings of Fact Statements as reviewed by the Planning Staff:

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 "Ordinance does not allow the variable which is needed to build the size shelter that is required to suffice the church's need."

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 "Construction of the park structure will not result in any practical difficulties or unnecessary hardships."

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 “The variance would provide the approval to construct the 2700 sq. sf. parking structures. No other variances will be required.”

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 “Our intentions are for the protection and safeguard of our buses and vans.”

5. There is sufficient evidence that in the granting of the Variance, public safety and welfare have been assured and substantial justice has been done as shown by the following evidence:

The applicant states “By constructing the parking structure, our buses and vans will be hidden from sight, therefore preventing any attempted robbery or vandalism.”

Budget Impact:

There is no immediate budgetary impact.

Options:

1. Approve Findings as submitted by staff.
2. Approve Findings with specific changes.

Recommended Action:

Staff recommends option 1 above.

Attachments:

1. Order of Approval - Findings of Fact
2. Application
3. Aerial Notification Map
4. Zoning Map
5. Land Use Map
6. Subject Property Photos
7. Surrounding Property Photos

8. Site Survey

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

To increase the maximum size for an accessory structure in the Single Family Residential 10 (SF-10) Zoning District, located at 1495 Bingham Drive (REID # 0406541553000)

VARIANCE A24-16

Property Address: 1495 Bingham Drive
REID Numbers: 0406541553000
Property Owner: Miracle Temple Holy Deliverance Church of God Inc.

The Zoning Commission for the City of Fayetteville, NC, held an evidentiary hearing on March 12, 2024, to consider a Variance request filed by Bennie Kelly (“Applicant”) on behalf of Miracle Temple Holy Deliverance Church of God Inc. (“Owner”) to increase the maximum size for an accessory structure in the Single Family Residential 10 (SF-10) Zoning District, located at 1495 Bingham Drive (REID # 0406541553000) (“Subject Property”).

On February 27, 2024, a notice of public hearing was mailed to the Property Owner and all the owners of property within 300 feet of the Subject Property. On February 22, 2024, a notice of public hearing sign was placed on the Subject Property. On March 1, 2024, and March 8, 2024, a notice of public hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

Having considered all of the sworn testimony, evidence, and oral arguments submitted at the hearing by the parties, the Zoning Commission makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. Chapter 30, Article 3, Section D.3 of the City of Fayetteville’s Code of Ordinances establishes the maximum accessory structure size in the Single Family Residential 10 (SF-10) Zoning District.
2. Miracle Temple Holy Deliverance Church of God Inc. is the owner of a residentially zoned property located at 1495 Bingham Drive (REID # 0406541553000), which contains approximately 6.31 acres in the City of Fayetteville.
3. The Applicant filed an application for a Variance on February 12, 2024.
4. The Subject Property is zoned Single Family Residential 10 (SF-10).
5. The Applicant is requesting to increase the maximum size for an accessory structure in the Single Family Residential 10 (SF-10) Zoning District to 2,700 square feet, as shown on the site plan.
6. The Applicant has the burden of proof to show that the Variance meets the following statutory requirements:

- a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship.
- b. 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.
- 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.
- e. In granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.

7. The Subject Property is zoned as Single Family Residential 10 (SF-10) and is situated among Single Family residences and single-family zoning to the south and east. To the north, there is a vacant lot zoned for commercial use, while to the west, there is a property that is partly vacant and partly utilized for single-family purposes, zoned as Limited Commercial Conditional Zoning (LC/CZ).

8. The Subject Property is approximately 6.31 acres located east of Bingham Drive.

9. The Subject Property is developed as a church with a sizable parking lot and various accessory structures.

10. This Variance addresses the Ordinance requirement that accessory structures in the Single Family Residential 10 (SF-10) Zoning District not exceed 1200 square feet.

11. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship because, as per the ordinance, the church property would not meet the necessary size requirements to provide adequate shelter.

12. 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 because the land requires protection.

13. The Variance is the minimum action that will make possible a reasonable use of land or structures because it involves the construction of a 2700 square foot parking structure, which adequately accommodates the buses.

14. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit because the church lot harmonizes seamlessly with its surrounding environment.

15. There is no evidence that the granting of this Variance would harm public safety and welfare, and substantial justice would be ensured.

Conclusions of Law

1. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to establish that “This Ordinance consolidates the City’s zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes”.
2. The Applicant submitted a timely application in compliance with the UDO.
3. Notice was properly given, and an evidentiary public hearing was held by the City of Fayetteville’s Zoning Commission in compliance with the laws of North Carolina.
4. The City Development Services Department is responsible for the coordination and enforcement of the UDO.
5. All of the general and specific conditions precedent to the issuance of the requested Variance HAS been satisfied as:
 - a. The 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 and are not the result of the actions of the landowner.
 - 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.
 - e. The granting of the Variance assures the public safety and welfare, and that substantial justice has been done.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACTS AND CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville’s Zoning Commission that the application for the issuance of the Variance be APPROVED with no conditions.

VOTE: 5 to 0

This the 9th day of April 2024.

PAVAN PATEL
Zoning Commission Chair

Project Overview**#1248429****Project Title:** Miracle Temple Church Parking Structure for Buses and Vans**Jurisdiction:** City of Fayetteville**Application Type:** 5.4) Variance**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 1495 BINGHAM DR (0406541553000) **Zip Code:** 28304**GIS Verified Data****Property Owner: Parcel**

- 1495 BINGHAM DR: MIRACLE TEMPLE HOLY DELIVERANCE CHURCH OF GOD INC

Acreage: Parcel

- 1495 BINGHAM DR: 6.31

Zoning District: Zoning District

- 1495 BINGHAM DR: SF-10

Subdivision Name:**Fire District:****Hospital Overlay District:****Cape Fear District:****Haymount Historic District:****Airport Overlay District:****Coliseum Tourism District:****Downtown Historic District:****Floodway: FloodWay**

- 1495 BINGHAM DR: AE

100 Year Flood: <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****Variance Request Information****Requested Variances:** Parking Structure**Section of the City Code from which the variance is being requested.:** 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.:**

Variance from Max. size for an accessory structure in the SF-10 Zoning district.

Max Accessory Structures per 30-3.D.3 Note 2 = 1200 sq ft.

Existing Accessory Structures - 644 sq. ft.

Requesting additional 2,700 sq. ft.

Total Accessory Structures 3,344 sq. ft.

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:

North - SF-10

South - SF-10

East - SF 10

West - SF-6

All Residential

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional

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.

Expiration - Variance

30-2.C.14.e.5.- Variance approval shall automatically expire if the applicant does not record the Variance with the Cumberland County Register of Deeds within 30 days after the date the Variance is approved.

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.:

Ordinance does not allow the variable which is needed to build the size shelter that is required to suffice the church's need.

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.:

Construction of the park structure will not result in 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.:

The variance would provide the approval to construct the 2700 sq. sf. parking structures. No other variances will be required.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:

Our intentions are for the protection and safeguard of our buses and vans.

Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:

By constructing the parking structure, our buses and vans will be hidden from sight, therefore preventing any attempted robbery or vandalism.

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

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

Primary Contact Information

Contractor's NC ID#:

Project Owner

Bennie Kelly
Miracle Temple Church
1495 Bingham Drive
Fayetteville , NC 28304
P:9104831037
miracletemplehdcog@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. :

Project Contact - General Contractor

Jeffrey Simmons
Simmons Innovative Solutions, LLC
4100 Nelson Way
Lumberton, NC 28360
P:910-496-5209
briansimmons19@icloud.com

NC State General Contractor's License Number: 100685

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Mechanical Contractor's #1 License Number:

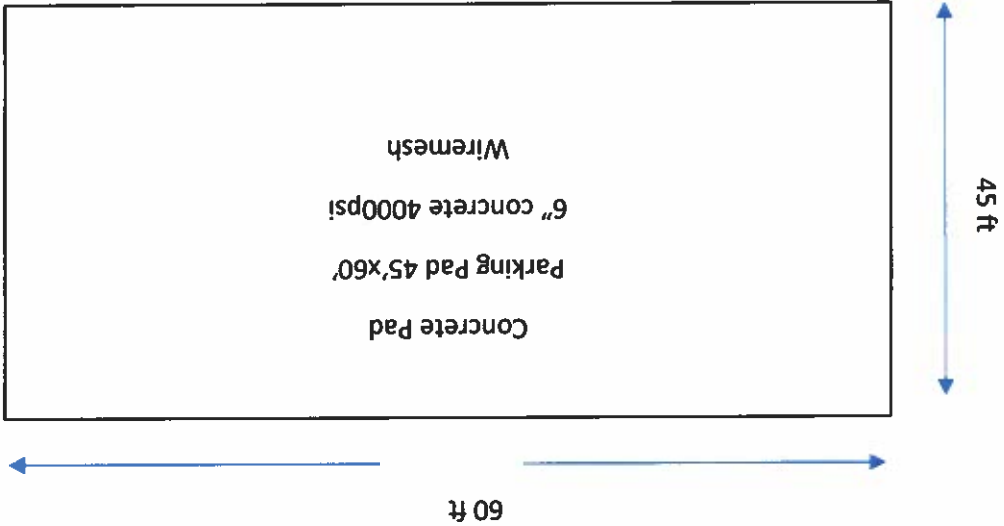
NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

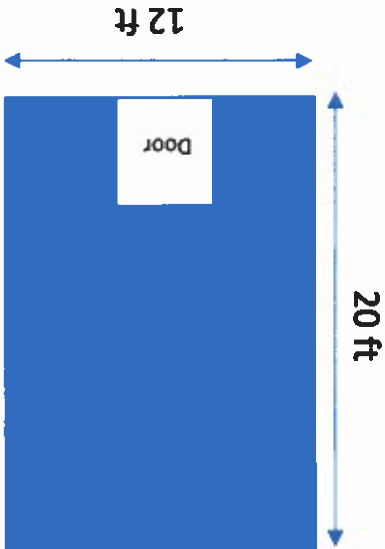
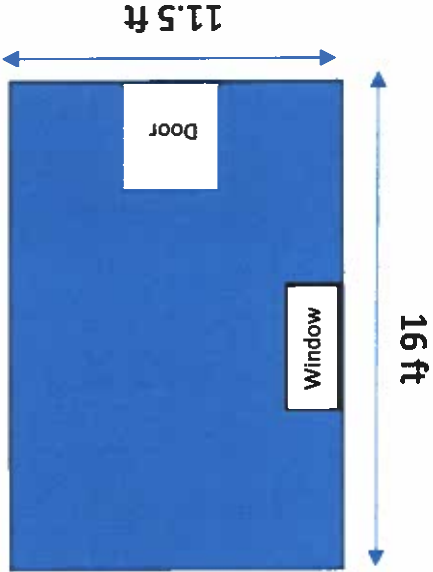
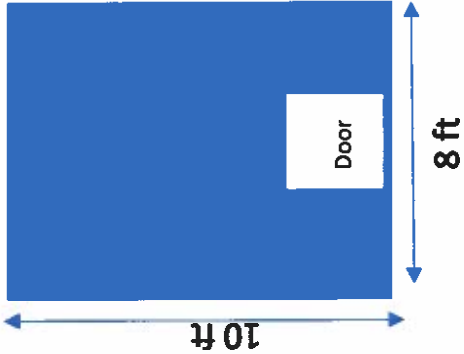
NC State Plumbing Contractor #2 License Number:

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

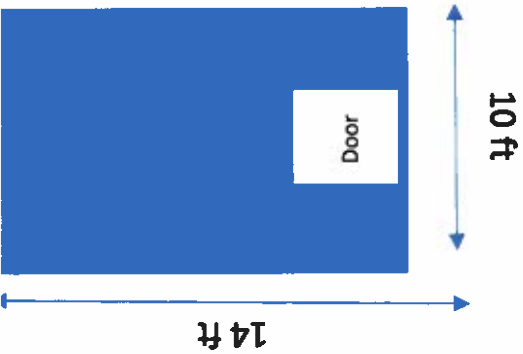


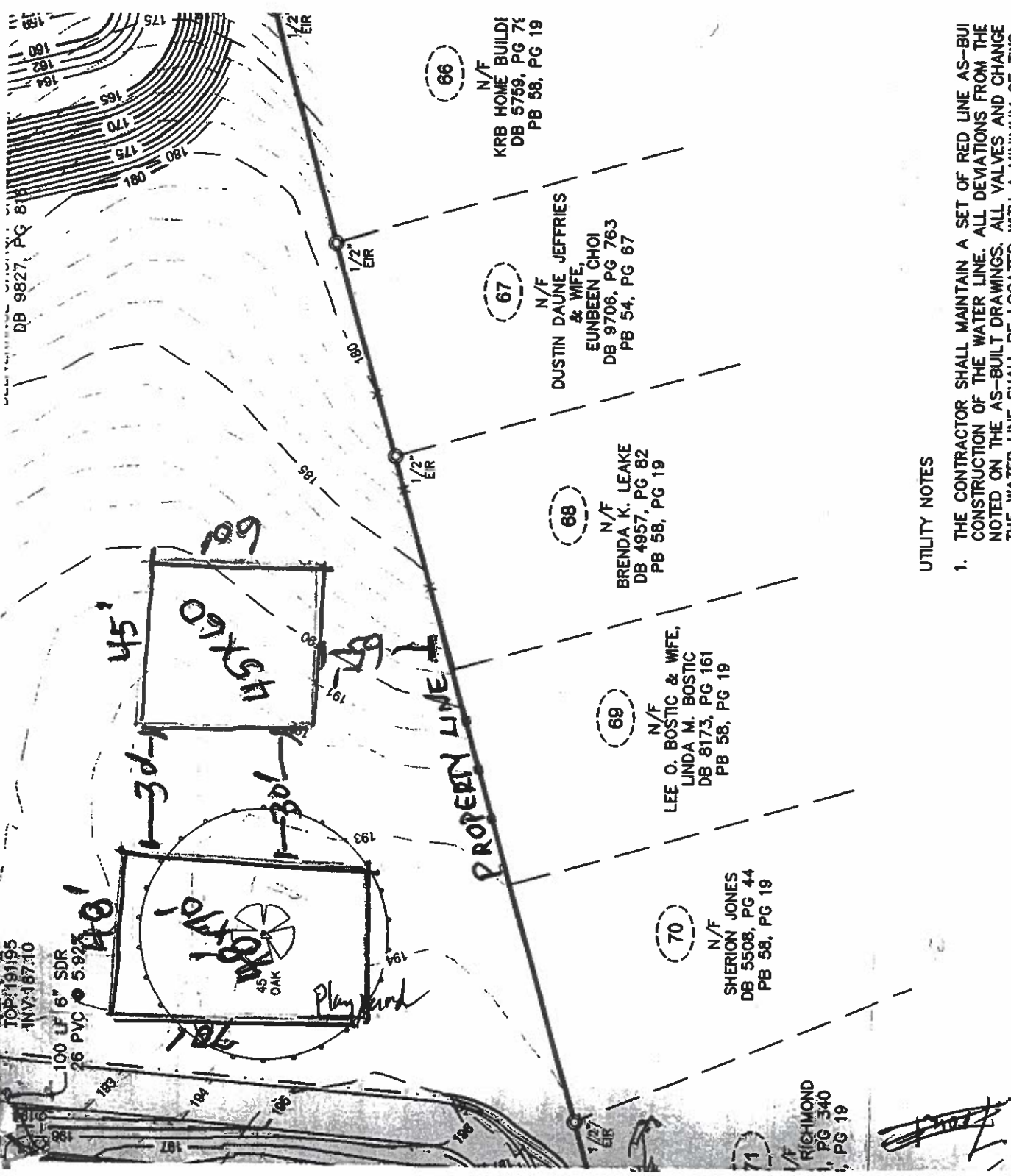
Proposed Plan
Phase 1
Concrete Slab

Play yard



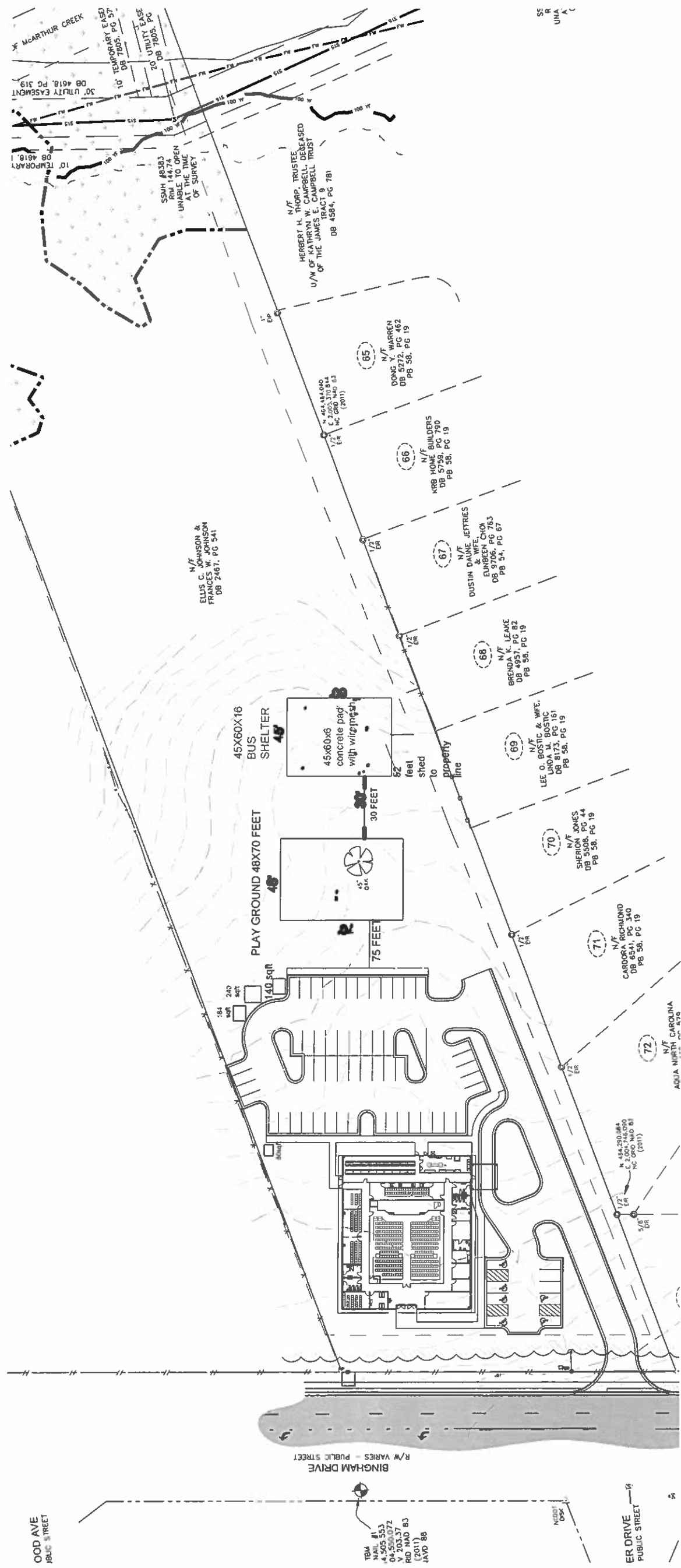
Miracle Temple Church
4 Storage Buildings = 644 sq. ft.

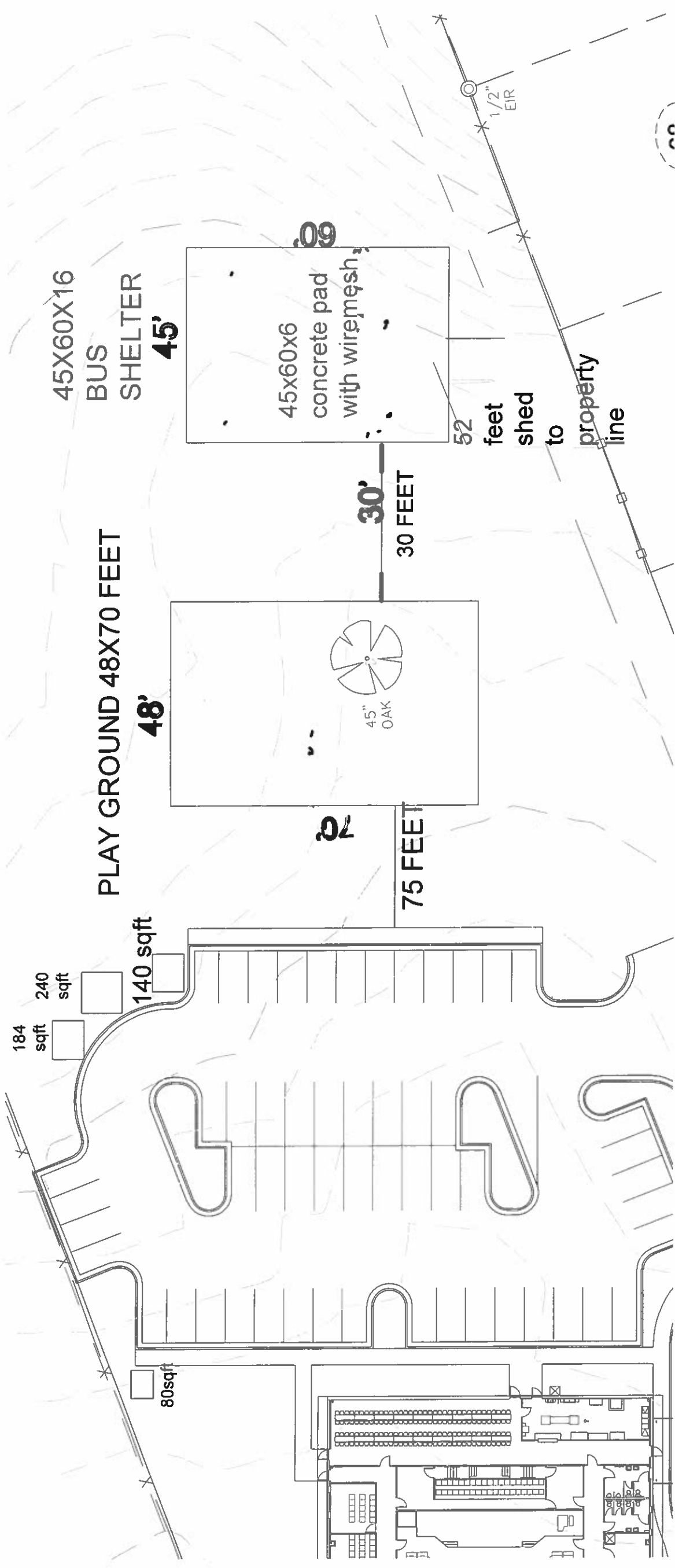


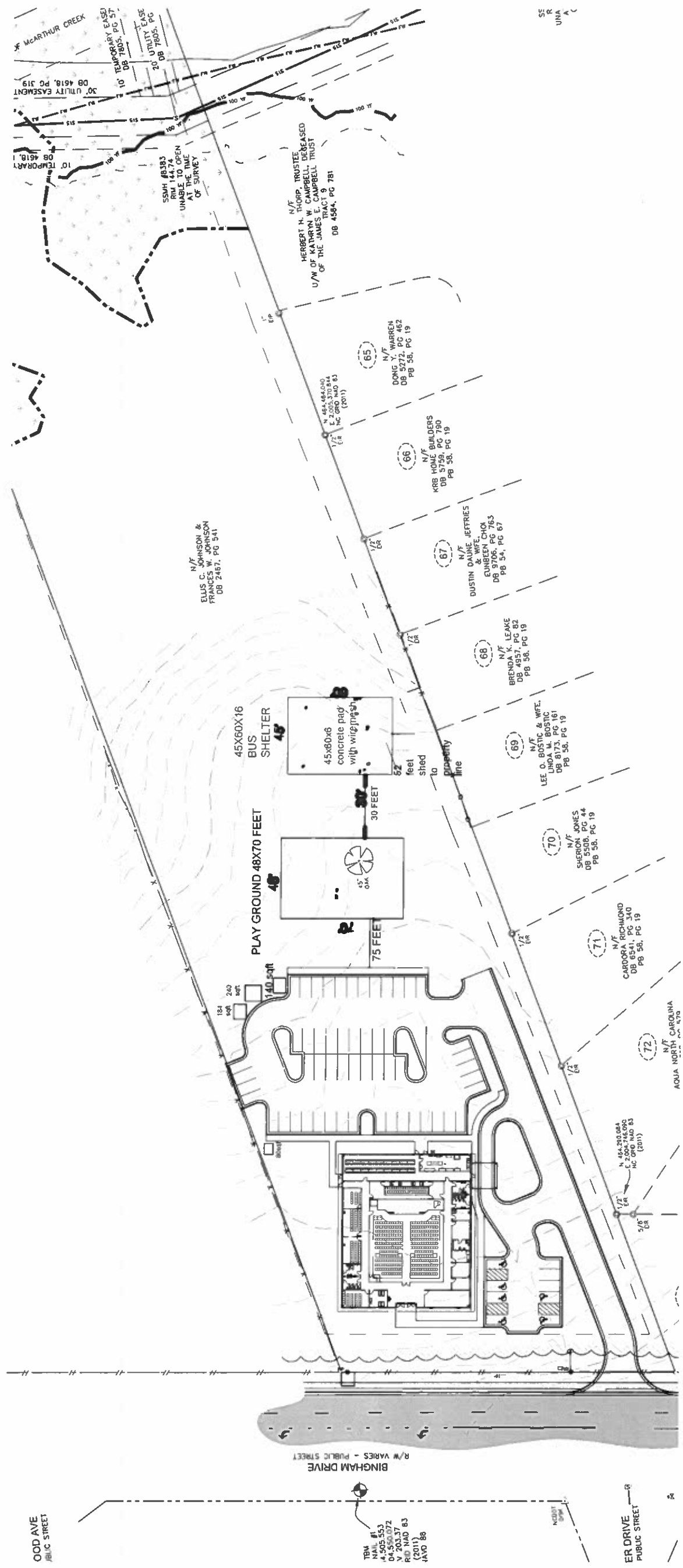


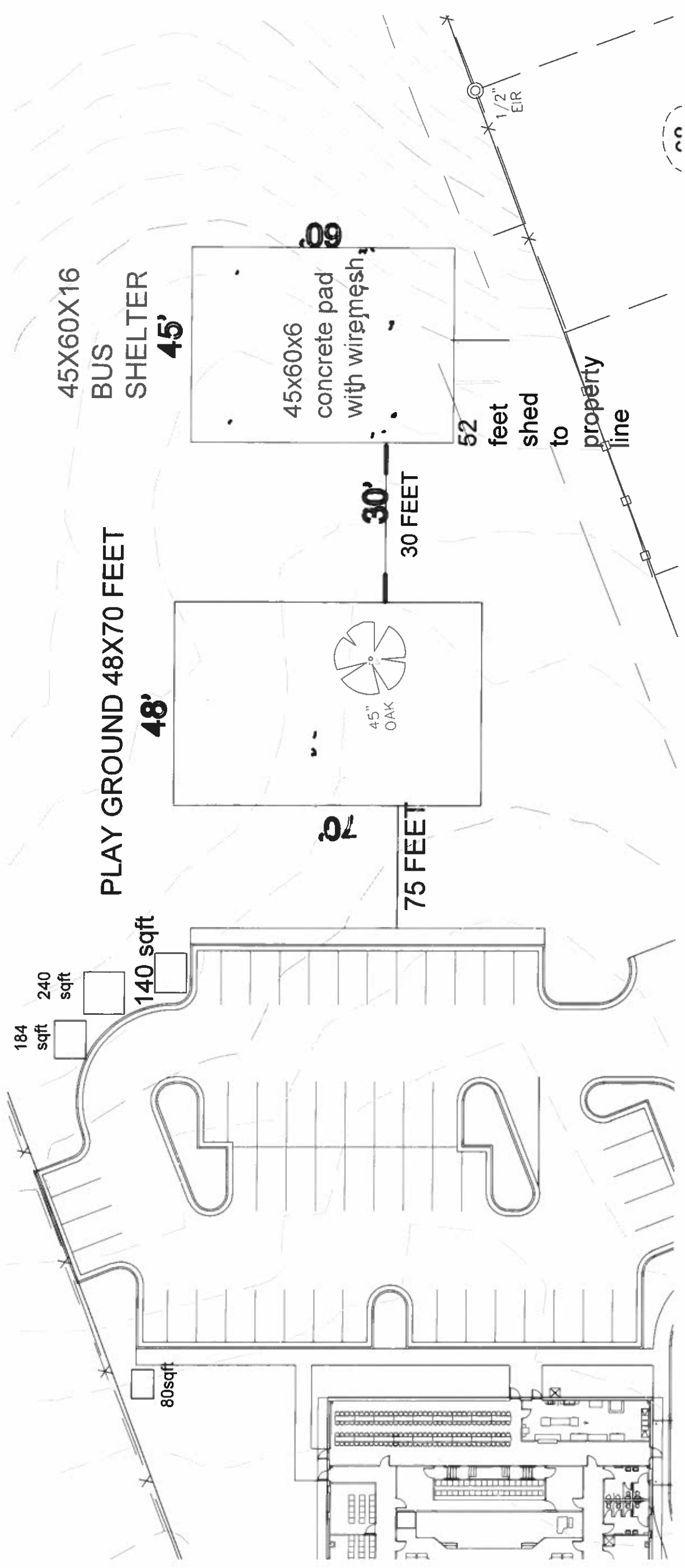
UTILITY NOTES

1. THE CONTRACTOR SHALL MAINTAIN A SET OF RED LINE AS-BUILT CONSTRUCTION OF THE WATER LINE. ALL DEVIATIONS FROM THE NOTED ON THE AS-BUILT DRAWINGS. ALL VALVES AND CHANGE THE WATER LINE SHALL BE LOCATED WITH A MINIMUM OF TWO A KNOWN OBJECT. THE CONTRACTOR WILL PROVIDE THE AS-BUILT THE OWNER TO BE USED FOR THE WATER LINE CERTIFICATION, COMPLETION OF THE PROJECT.
2. ANY WATER ENTERING THE SANITARY SEWER SYSTEM TO BE OCC UNDER THE APPROVED PLANS SHALL NOT BE DISCHARGED TO SEWER SYSTEM. PLUGS SHALL BE INSTALLED IN EXISTING MANHoles NECESSARY TO PERMIT PUMPING THE NEW SYSTEM CLEAR OF DEBRIS PRIOR TO ACCEPTANCE BY THE CITY. CARE SHALL BE TAKEN LOCATING PLUGS TO AVOID INTERRUPTING SERVICE TO EXISTING MECHANICAL PLUGS OR MORTAR AND BRICK MUST BE USED. IN DEVICES ARE NOT ALLOWED.
3. HORIZONTAL DIMENSIONS GIVEN FOR UNDERGROUND UTILITY TIE: APPROXIMATE UNLESS OTHERWISE NOTED.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL COMPANIES AFFECTED BY THE PROPOSED WORK.
5. THE GENERAL CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS, COMPLETE THE PROPOSED WORK, AND SHALL COMPLY WITH ALL AND FEDERAL REGULATIONS.
6. PIPE SHALL BE LAID UPSTREAM WITH THE SPIGOT ENDS POINTING ALL PIPES SHALL BE PLACED TRUE TO LINE AND GRADE WITH CAREFULLY CENTERED, AND WITH A SMOOTH INVERT AT THE JOINT MINIMUM SEPARATION BETWEEN SEWER (STORM OR SANITARY), SHALL BE 10' HORIZONTAL OR 18" VERTICAL UNLESS NOTED OTHERWISE.
7. MINIMUM SEPARATION BETWEEN SANITARY SEWER AND STORM 24" UNLESS NOTED OTHERWISE.
8. ALL MAINS, LATERALS AND APPURTENANCES SHALL BE TESTED WITH PWC AND NCEQ TECHNICAL SPECIFICATIONS.
9. ALL MATERIALS SHALL BE APPROVED BY PWC BEFORE INSTALL.









Begin forwarded message:

From: Viking Steel Structures <sales@vikingsteelstructures.com>

Date: February 27, 2023 at 4:29:46 PM EST

To: damaestrogk@gmail.com

Subject: Here's Your Custom Design (James Kelly #1677533384110678)






Viking Steel Structures

37830

(877)261-3287

sales@vikingsteelstructures.com

Customer Order - **Feb 27, 2023**

Ship To			
Name <u>James Kelly</u>		Order # <u>1677533384110678</u>	
Billing Address <u>1495 Bingham Drive</u>			
City <u>Fayetteville</u>		State <u>NC</u>	Zip Code <u>28304</u>
Install Address <u>1495 Bingham Drive</u>			
City <u>Fayetteville</u>		State <u>NC</u>	Zip Code <u>28304</u>
Email <u>damaestrogk@gmail.com</u>		Phone # <u>9102861999</u>	Mobile # <u></u>
Building Info	Size	Color	Anchoring & Site Preparation
Style: <u>Standard</u>	44' X 60' X 16' Width Length Leg Height	Roof <u>E Brown</u> 	Installation Surface: <u>Concrete</u>
Roof Style: <u>Vertical Style</u>		Trim: <u>E Brown</u> 	
Gauge: <u>14-Gauge Framing</u>		Gable End <u>Sandstone</u> 	Installation Surface: <u>Cement</u>
Leg Style: <u>Ladder Legs</u>		Wall	

Brace: Standard Brace

Side
Wall

Sandstone ☐

(Provided by
Customer)

Power Available
(Within 100' of
Installation Site) ☒

Site Ready
(Concrete/Asphalt
Already Cured -
Ground Level) ☐

Jobsite Level (At most
3"-4") ☒

Design Link & Notes

Design Link: <https://carportview.vikingsteelstructures.com/#678c1621021fcda7bd1609c172a7664a>

Building Images



Perspective View



Front



Left Side

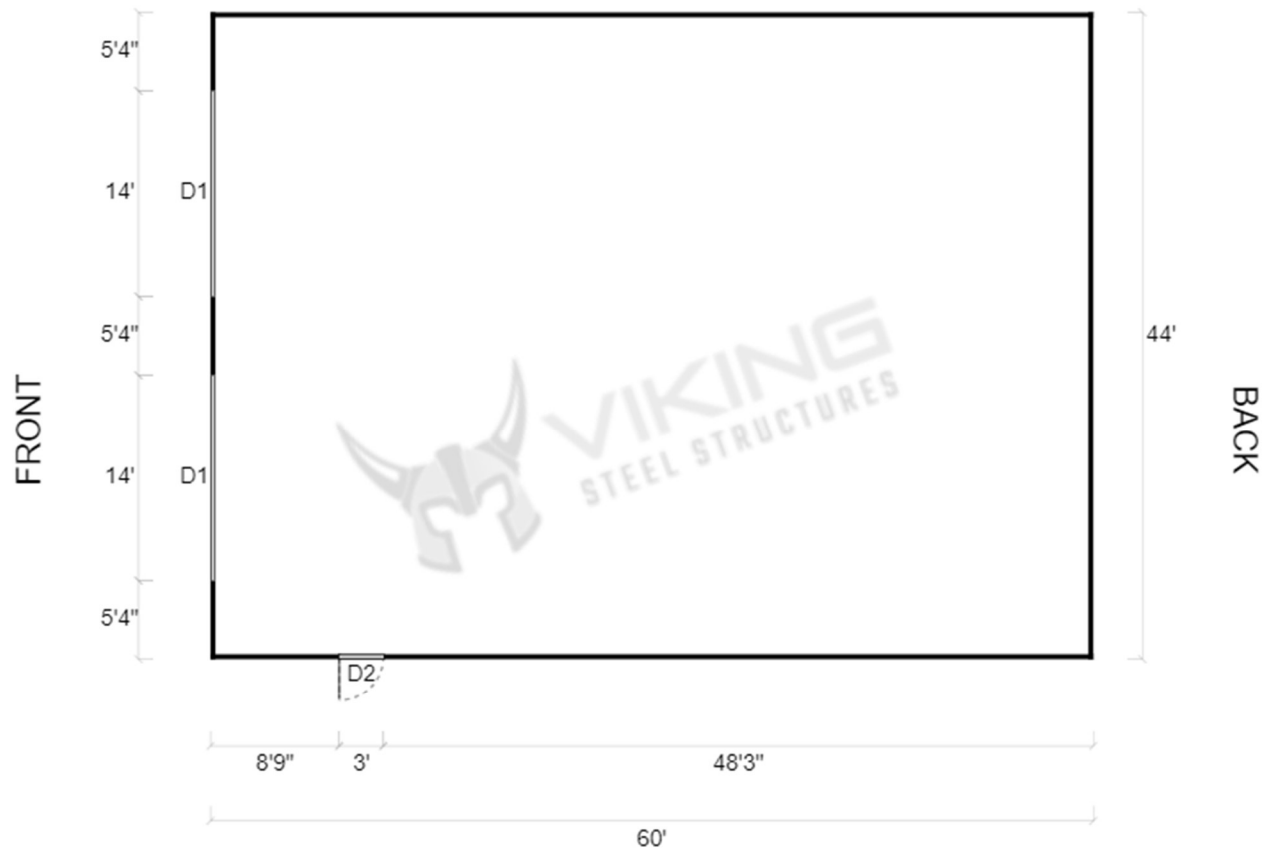


Right Side



Back

LEFT SIDE



RIGHT SIDE

SYMBOL LEGEND

- D1
14'x14' Garage Door*
- D2
Walk-In Door (36x80)

Closed Wall

Section	Description	Quantity
	Structure Details	
	Style: Standard	1
	Base Price: 44'x60'	1
	Installation Surface: Concrete	1
	Roof: E Brown	1
	Trim: E Brown	1
	Gable End Wall: Sandstone	1
	Side Wall: Sandstone	1
	Garage Door: White	1
	Roof Style: Vertical Style	1
	Roof Pitch: 3 / 12	1
	Trusses: Certified 170mph/35psf	1
	Leg Style: Ladder Legs	1
	Gauge: 14-Gauge Framing	1
	Brace: Standard Brace	1
	Leg Height: 16'	1
	Left Side: Fully Enclosed	1

Section	Description	Quantity
	Left Side Siding: Vertical	1
	Right Side: Fully Enclosed	1
	Right Side Siding: Vertical	1
	Front End: Fully Enclosed	1
	Front End Siding: Vertical	1
	Back End: Fully Enclosed	1
	Back End Siding: Vertical	1
	Roll Doors & Ramps	
	14'x14' Garage Door*	2
	Doors & Ramps	
	Walk-In Door (36x80)	1
	Frameouts	
	Corner Style: Square (Traditional)	2

Section	Description	Quantity
	Additional Options	
	29 Gauge	
	Additions and Adjustments	
	*Customer Required to Provide 7k Lull Telescopic Lift	1
	Additional Fees	
All	Double Anchoring Included with Certified Buildings	1

Signatures

Customer Signature:	
Date:	
Delivery Date (may vary depending on weather):	
Delivery Notes:	

Dealer or Manufacturer Signature:	
-----------------------------------	--

Signatures

Date:

All frame work is constructed with galvanized steel metal

All frame work is constructed with galvanized steel metal

This purchase agreement (the "Agreement" is made by and between Carolina Carports, Inc. ("CCI"), a North Carolina corporation, And the Buyer. Buyer agrees to buy, and CCI agrees to sell, CCI's various products including the fourteen(14) gauge, twelve (12) gauge, and certified units, to buy, and CCI agrees to sell, pursuant to the terms listed in this agreement, the item described above. Buyer has read and understands the terms of this Agreement, including the terms and conditions, which terms are expressly incorporated herein by reference, as well as any and all relevant warranty information, and agrees to be bound by same.

Pricing Table (For Internal Use): Southern States

This estimate is provided by Viking Steel Structures. Use of this estimate with any other company violates the terms and conditions of Viking Steel Structures and will be subject to legal action.

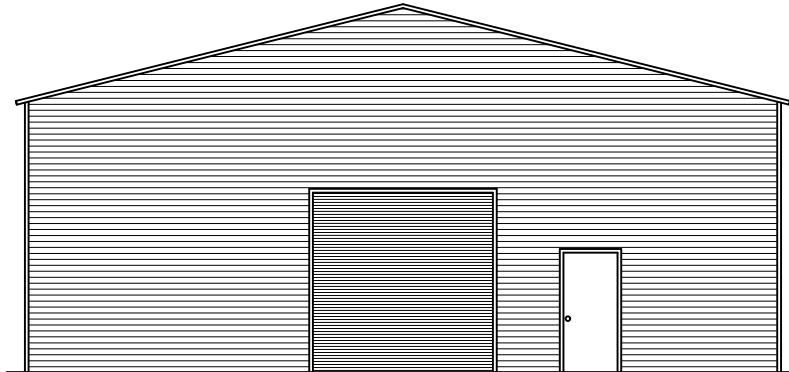


Viking Steel Structures

37830

(877)261-3287

sales@vikingsteelstructures.com

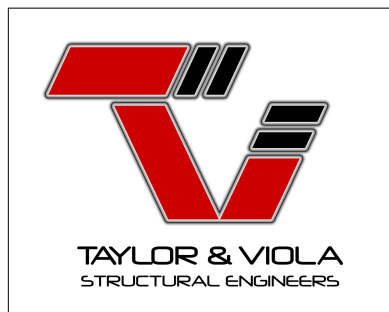


ENCLOSED GABLE END BUILDING
MAXIMUM 50'-0" WIDE X 20'-0" EAVE HEIGHT WITH BOX FRAME / 145 MPH WIND ZONE

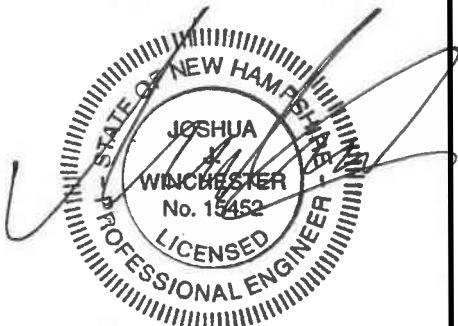
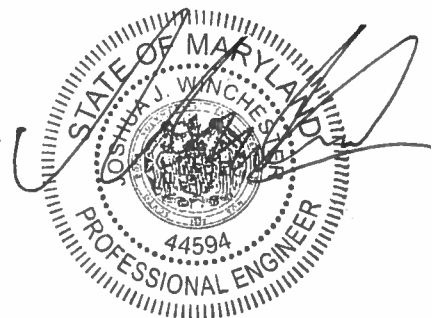
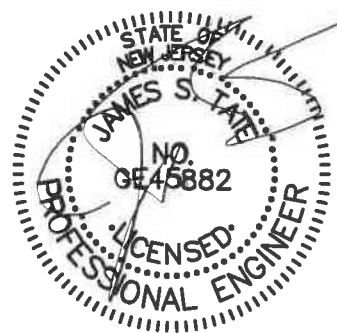
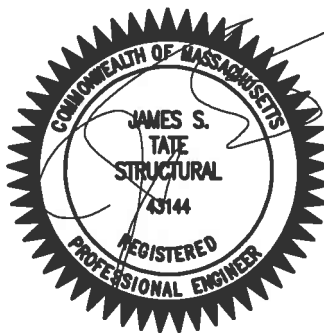
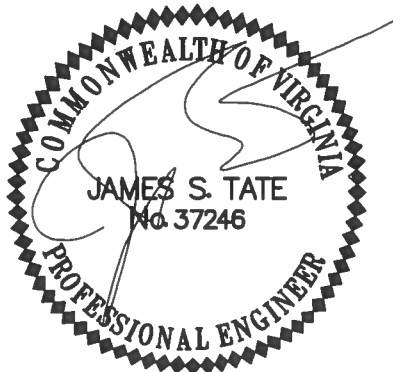
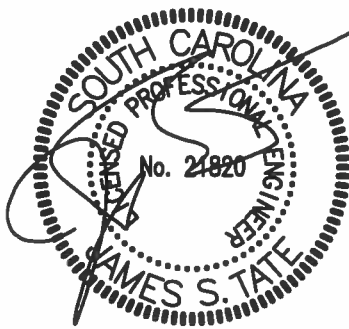
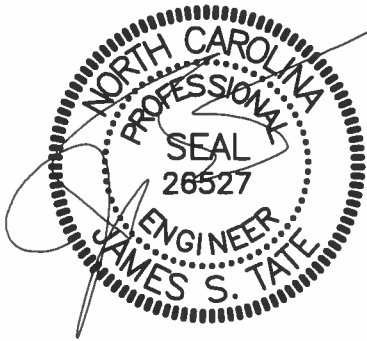
FOR:

N.C. CARPORTS & GARAGES
116 EAST MARKET STREET / ELKIN, NC. 28621

ISSUE DATE: JUNE 24, 2022



JCMT Associates, LLC
211 Stone Drive, Pilot Mountain, NC 27041
336-399-6277



TAYLOR & VIOLA
STRUCTURAL ENGINEERS

P.O.B. 2616 HICKORY NORTH CAROLINA
TELE: 828-328-6331 FAX: 828-322-1801
WWW.TAYLORVIOLA.COM

N.C. CARPORT
& GARAGES

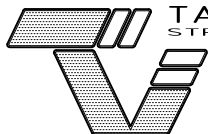
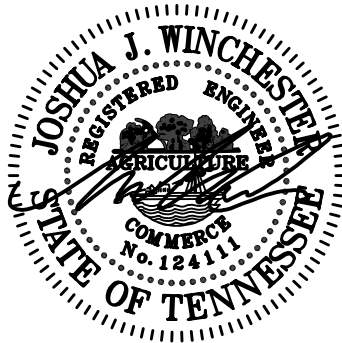
116 EAST MARKET STREET
ELKIN, NORTH CAROLINA 28621

DRAWN BY:
BKS

PROJECT NO:
21014

DATE:
2022.06.24

SHEET NO:
S1



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STRUCTURAL ENGINEERS

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S1

SHEET INDEX

SHEET NUMBER	SHEET TITLE
S0	SEALED COVER SHEET
S1	P.E. SEALS SHEET
S1A	P.E. SEALS SHEET
S2	DRAWING INDEX
S3	GENERAL NOTES AND SPECIFICATIONS
S4	SIDE AND END ELEVATIONS
S5	TYPICAL RAFTER / COLUMN FRAME SECTIONS
S5A	TYPICAL RAFTER / COLUMN FRAME AND SIDE FRAMING SECTION
S5B	(OPTIONAL) SPLICE CONNECTION DETAIL
S6	COLUMN CONNECTION DETAILS (LACED COLUMN)
S6A	COLUMN CONNECTION DETAILS (DOUBLE AND SINGLE COLUMN)
S7	BASE RAIL ANCHORAGE
S7A	BASE RAIL ANCHORAGE
S8	BASE RAIL ANCHORAGE
S9	TYPICAL END WALL OPENINGS FRAMING SECTIONS
S9A	TYPICAL SIDE WALL OPENINGS FRAMING SECTIONS
S10	CONNECTION DETAILS
S11	CONNECTION DETAILS
S12	CONNECTION DETAILS
S13	CONNECTION DETAILS
S14	CONNECTION DETAILS
S15	LEAN-TO OPTIONS
S15A	LEAN-TO CONNECTION DETAILS
S15B	LEAN-TO CONNECTION DETAILS
S15C	LEAN-TO CONNECTION DETAILS
S16	VERTICAL ROOF / SIDING OPTION END AND SIDE ELEVATION
S16A	VERTICAL ROOF / SIDING OPTION END SECTION
S16B	VERTICAL ROOF / SIDING OPTION SIDE SECTION
S17	SIDE WALL HEADER OPTIONS
S17A	END WALL HEADER OPTIONS



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STRUCTURAL ENGINEERS

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**N . C . C A R P O R T
& G A R A G E S**

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2022.06.24

SHEET NO:
S2

DESIGN LOADS:

IMPORTANCE FACTORS WIND (1w) 1.00
 SNOW (1s) 1.00
 SEISMIC (1e) 1.00

DEAD LOADS ROOF 13 PSF
 ROOF COLLATERAL 0 PSF

LIVE LOADS ROOF 20 PSF

GROUND SNOW LOAD: 50 PSF

GROUND LOAD: BASIC WIND SPEED V 145 mph (ASCE 7-10) *DRIFT LOAD HAS NOT
 EXPOSURE CATAGORY B BEEN CALCULATED

SEISMIC DESIGN CATAGORY A

COMPLIANCE WITH SECTION 1616.4? ☒ NO ☐ YES

PROVIDE THE FOLLOWING SEISMIC DESIGN PARAMETERS:

OCCUPANCY CATEGORY I

SPECTRAL RESPONSE ACCELERATION Ss 20.5 %g S1 8.8 %g

SITE CLASSIFICATION D ☐ FIELD TEST ☐ PRESUMPTIVE ☐ HISTORICAL DATA

BASIC STRUCTURAL SYSTEM (CHECK ONE)

☐ BEARING WALL ☐ DUAL W/ SPECTRAL MOMENT FRAME
☒ BUILDING FRAME ☐ DUAL W/ INTERMEDIATE R/C OR SPECIAL STEEL
☐ MOMENT FRAME ☐ INVERTED PENDULUM

ANALYSIS PROCEDURE ☐ SIMPLIFIED ☒ EQUIVALANT LATERAL FORCE ☐ MODAL

LATERAL DESIGN CONTROL? ☐ EARTHQUAKE ☒ WIND

SOIL BEARING CAPACITIES:

PRESUMPTIVE BEARING CAPACITIES: 2,000 PSF

GENERAL NOTES:

1. MAX FRAME SPACING SHALL BE 48"oc UNLESS NOTED OTHERWISE.
2. MAX. END-WALL COLUMN SPACING SHALL BE 60"oc UNLESS NOTED OTHERWISE.
3. TUBE MATERIAL SHALL BE 2-1/2" x 2-1/2" x 14 GA. 50 KSI MIN. UNLESS NOTED OTHERWISE.
4. ALL FASTENERS SHALL BE #12 SELF TAPPING AT 8"o.c. UNLESS NOTED OTHERWISE.
5. 2,000 PSF ASSUMED BEARING CAPACITY UNLESS NOTED OTHERWISE.

DRIFT CRITERIA:

LATERAL WIND LOAD H60
 VERTICAL AND LATERAL COMBO H60
 HORIZONTAL ROOF MEMBERS L/120
 HORIZONTAL WALL MEMBER L/120



N . C . C A R P O R T
 & G A R A G E S

116 EAST MARKET STREET
 ELKIN, NORTH CAROLINA 28621

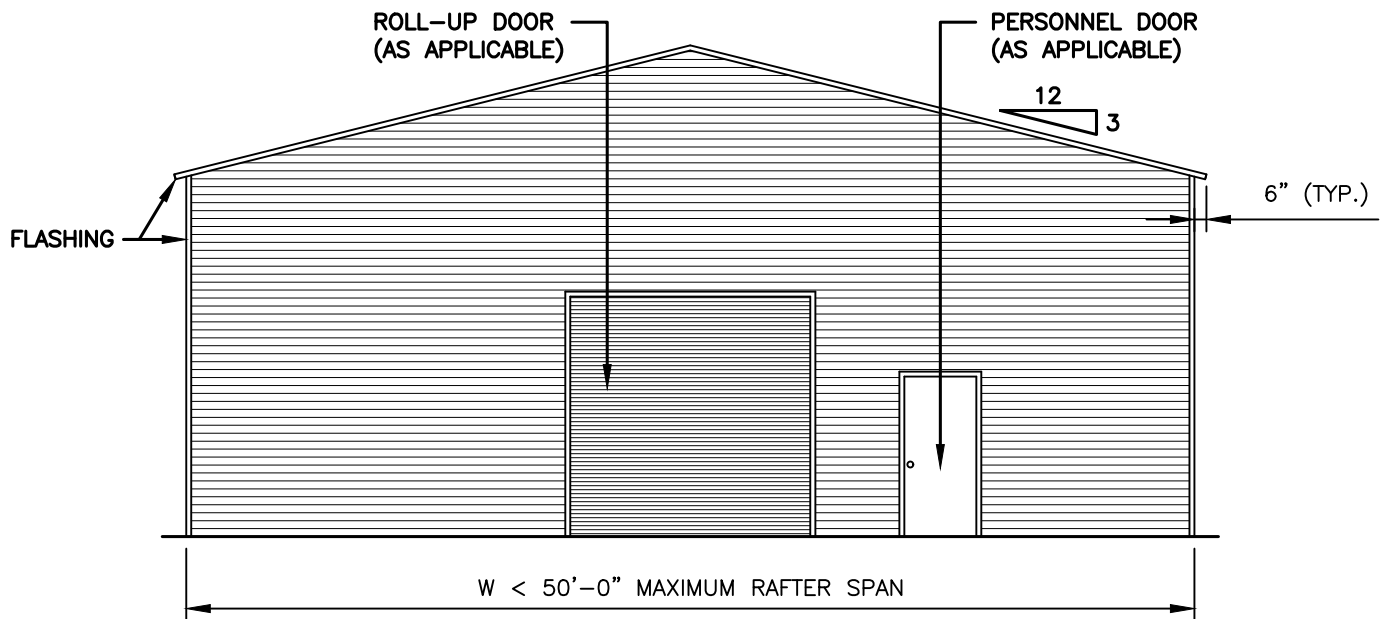
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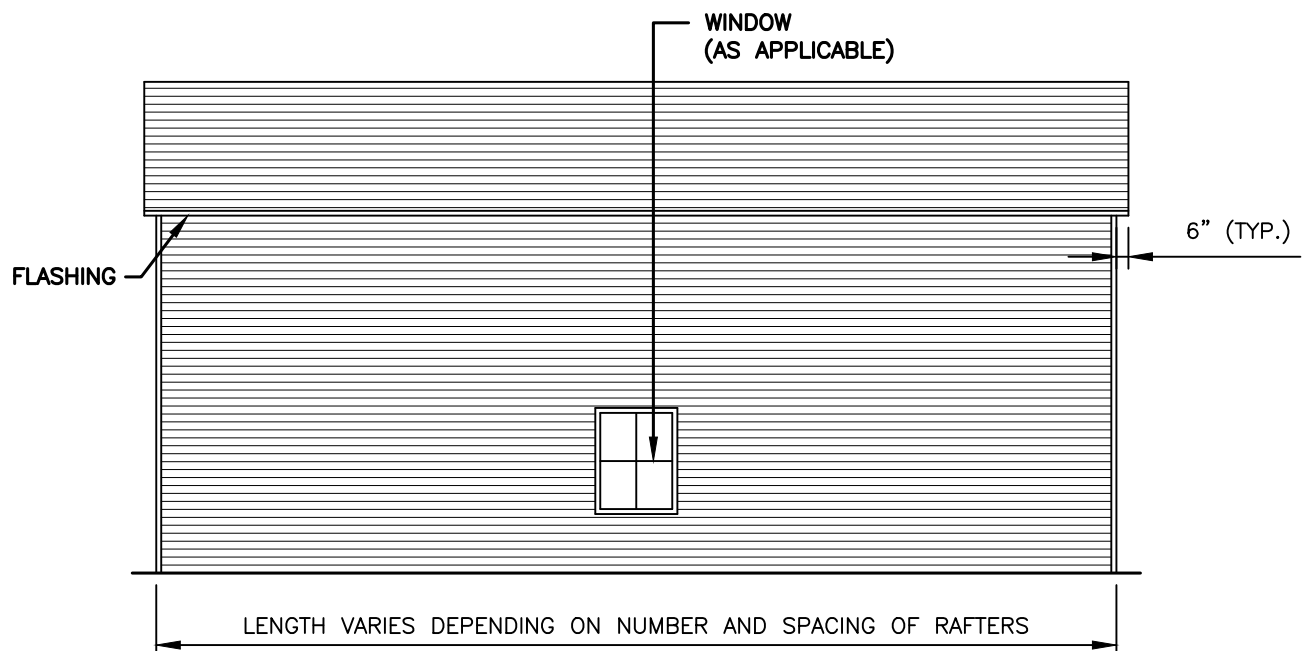
DATE:
 2022.06.24

SHEET NO:
S3

BOX EVE FRAME RAFTER STURCTURE



TYPICAL END ELEVATION



TYPICAL SIDE ELEVATION



TAYLOR & VIOLA
STRUCTURAL ENGINEERS

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N.C. CARPORT
& GARAGES

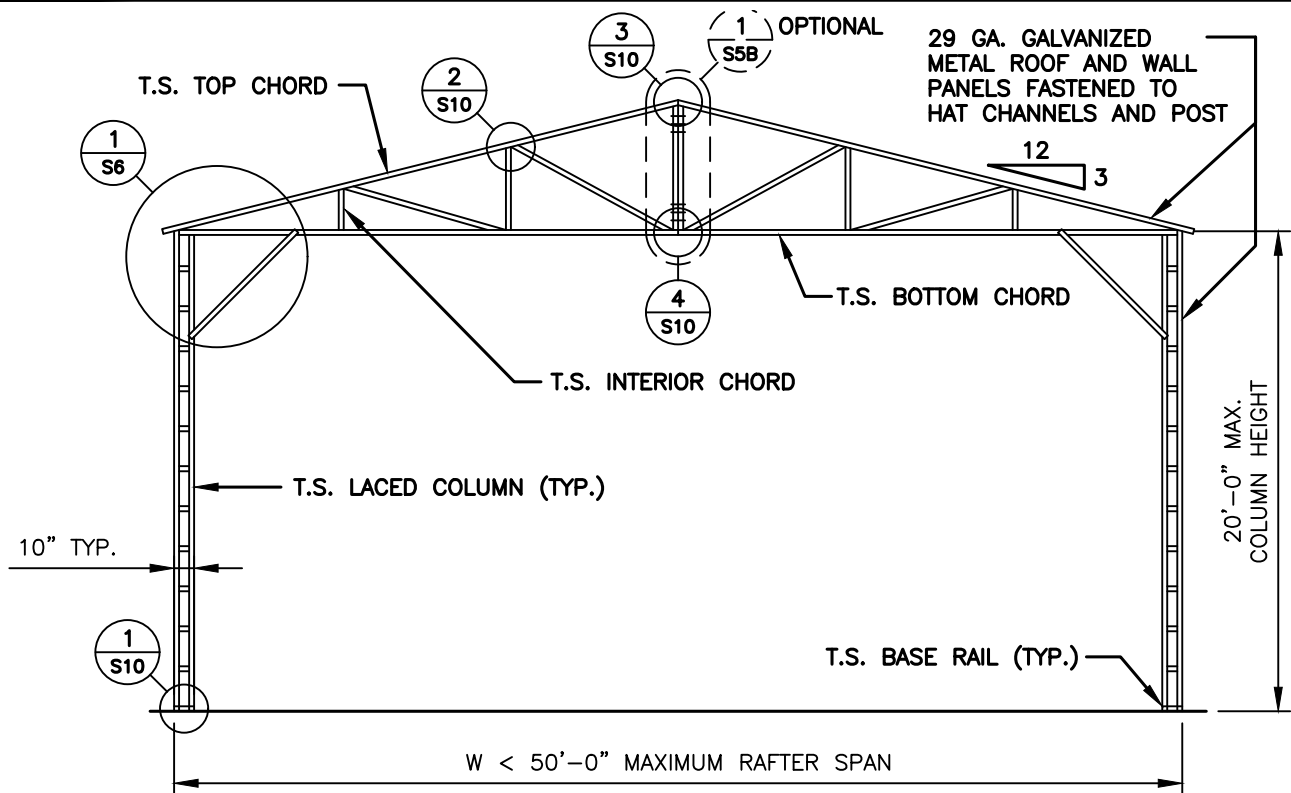
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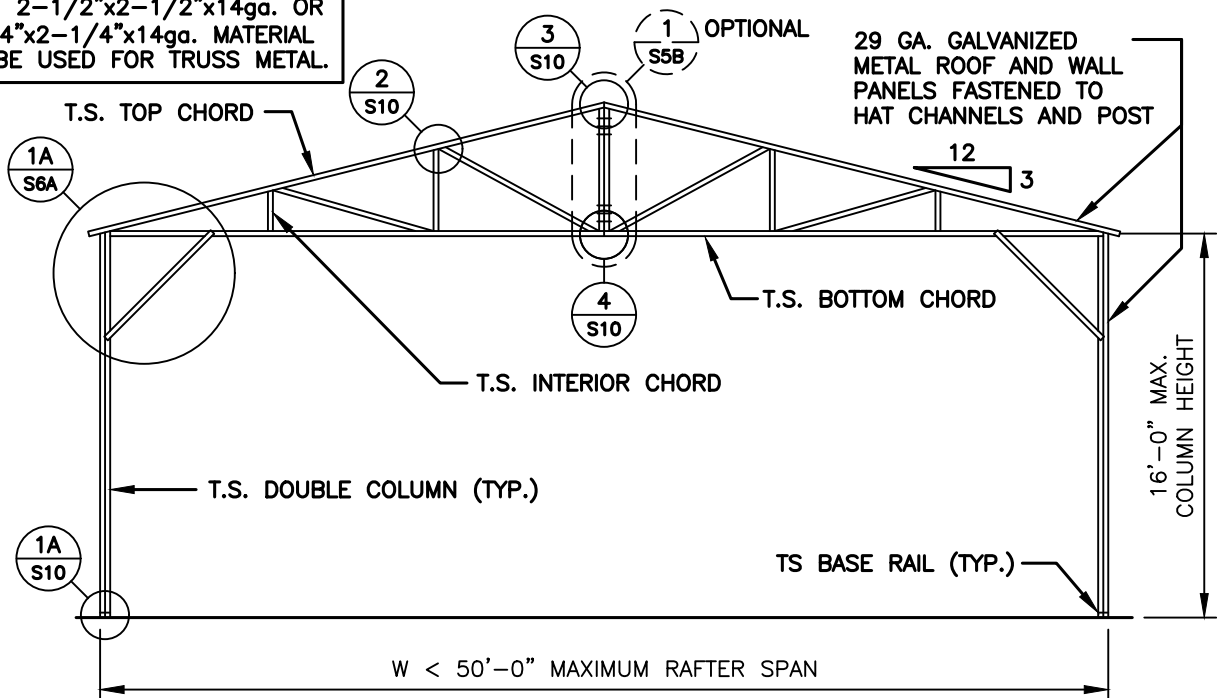
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21014

SHEET NO:
S4



TYPICAL RAFTER / COLUMN FRAME SECTION

NOTE:
H.S.S. 2-1/2"x2-1/2"x14ga. OR
2-1/4"x2-1/4"x14ga. MATERIAL
MAY BE USED FOR TRUSS METAL.



TYPICAL RAFTER / COLUMN FRAME SECTION



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STRUCTURAL ENGINEERS
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& GARAGES**

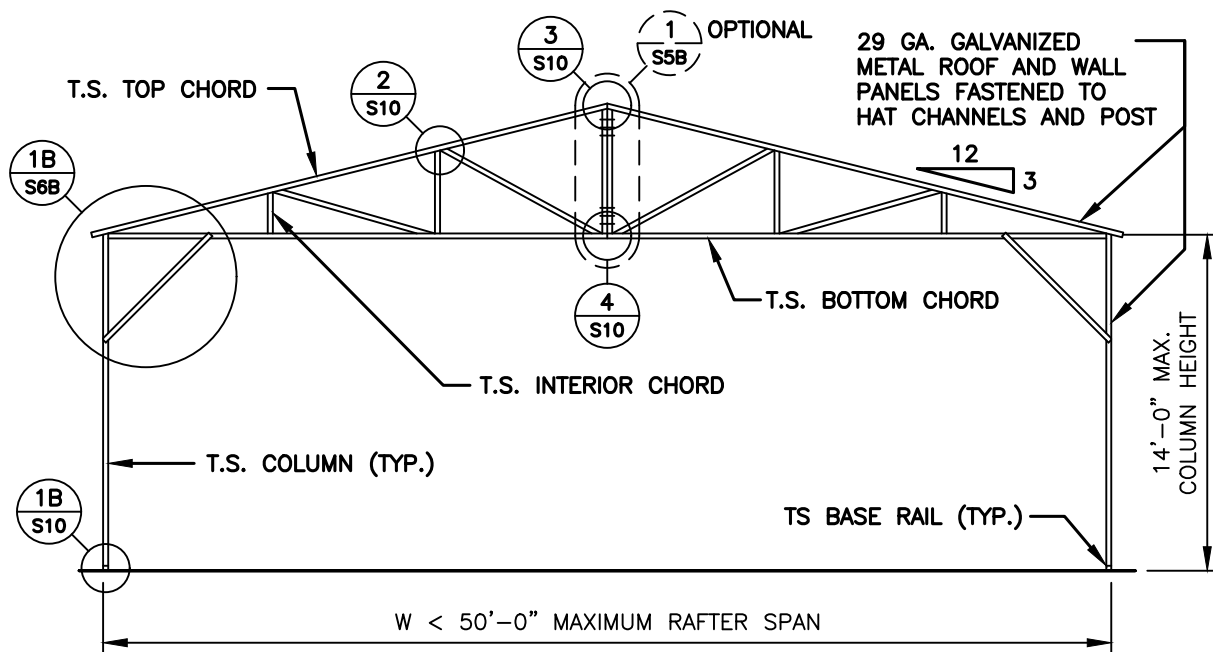
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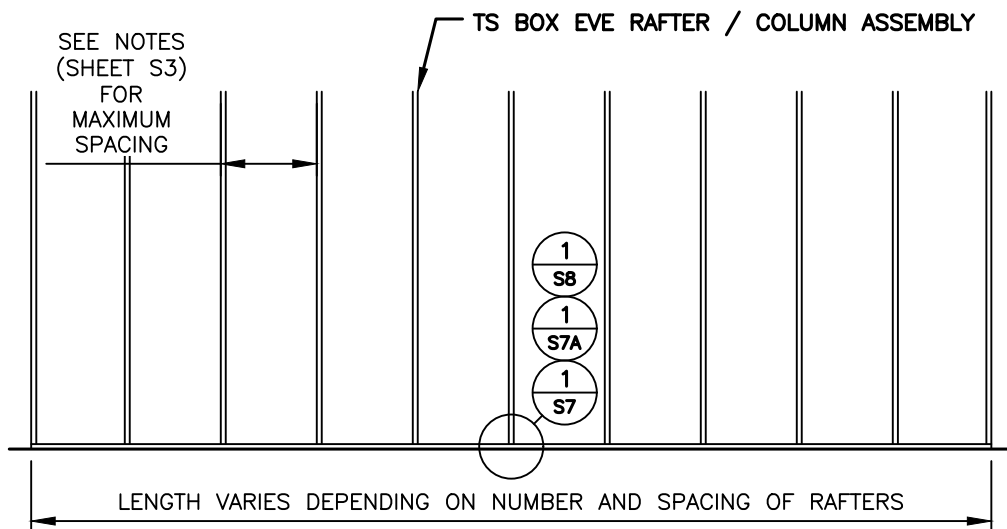
DATE:
2022.06.24

SHEET NO:
S5



TYPICAL RAFTER / COLUMN FRAME SECTION

NOTE:
H.S.S. 2-1/2"x2-1/2"x14ga. OR
2-1/4"x2-1/4"x14ga. MATERIAL
MAY BE USED FOR TRUSS METAL.



TYPICAL RAFTER / COLUMN SIDE FRAME SECTION



TAYLOR & VIOLA
STRUCTURAL ENGINEERS
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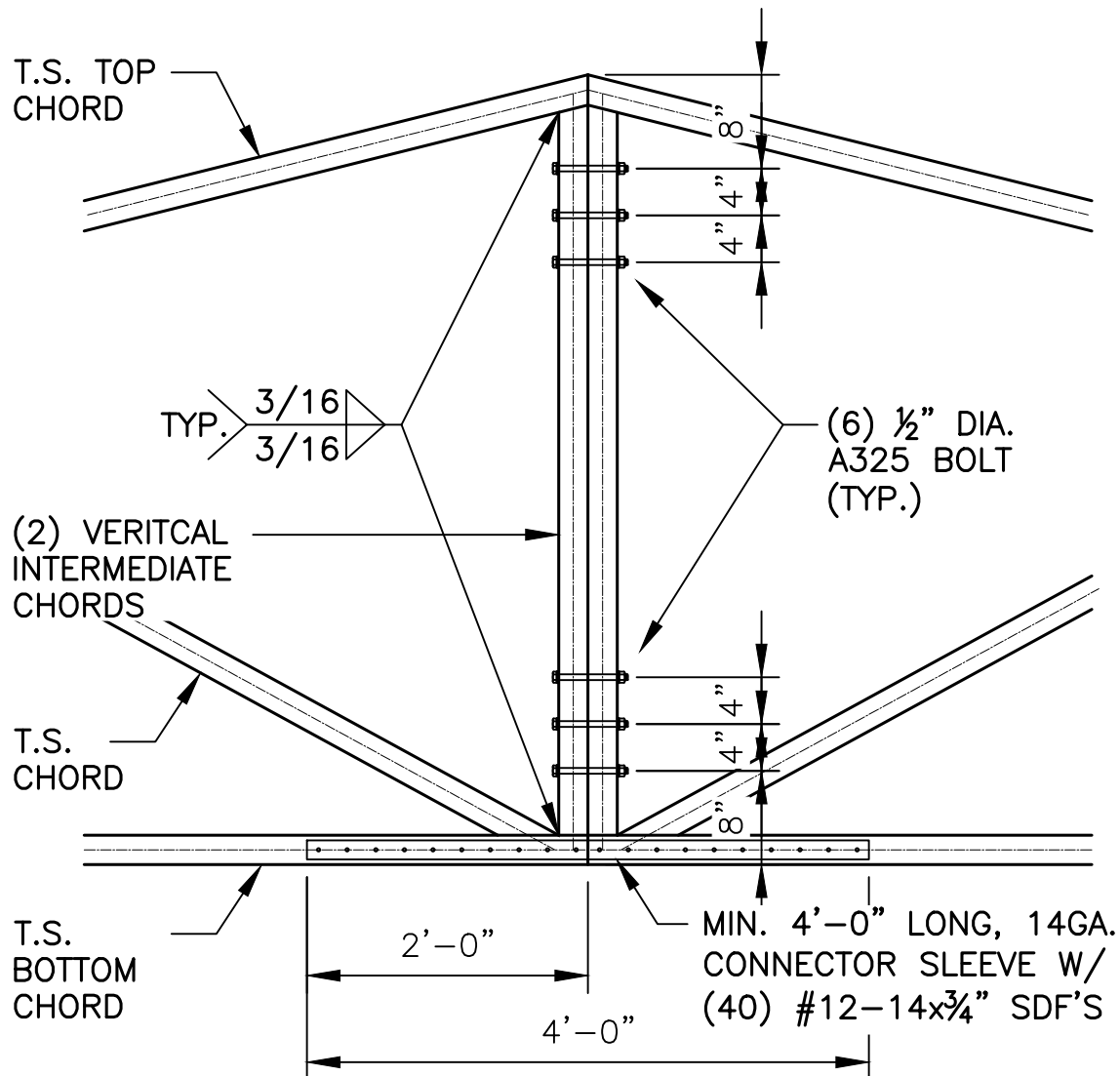
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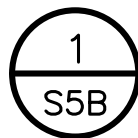
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(OPTIONAL) SPLICE CONNECTION DETAIL



SCALE: 1/2" = 1'-0"



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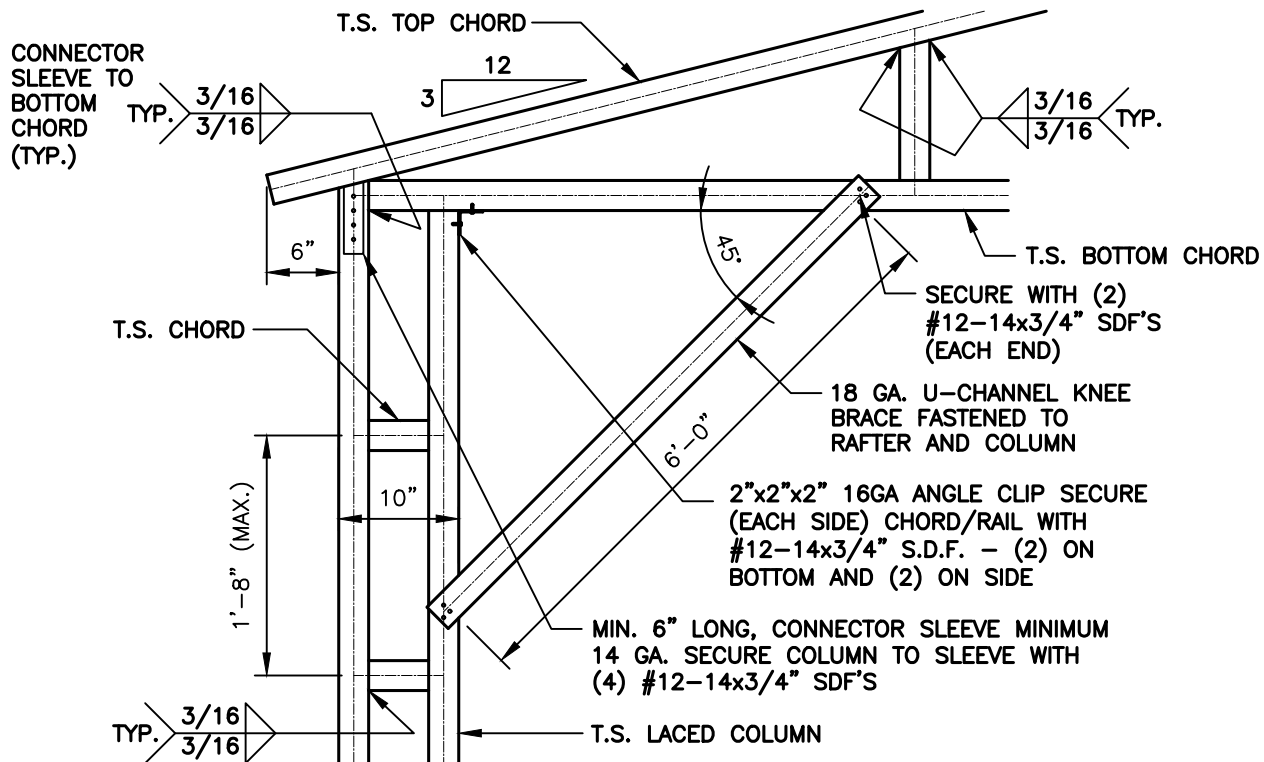
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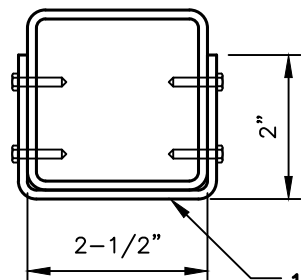


1

BOX EAVE / CORNER POST CONNECTION DETAIL FOR HEIGHTS 16'-1" < TO <20'-0"

S6

SCALE: 3/4" = 1'-0"



BRACE
SECTION

18 GA. U-CHANNEL BRACE FASTENED TO THE COLUMN AND BOTTOM CHORD, WITH #12-14x3/4" SDF'S AT EACH END AS SHOWN IN ELEVATION.



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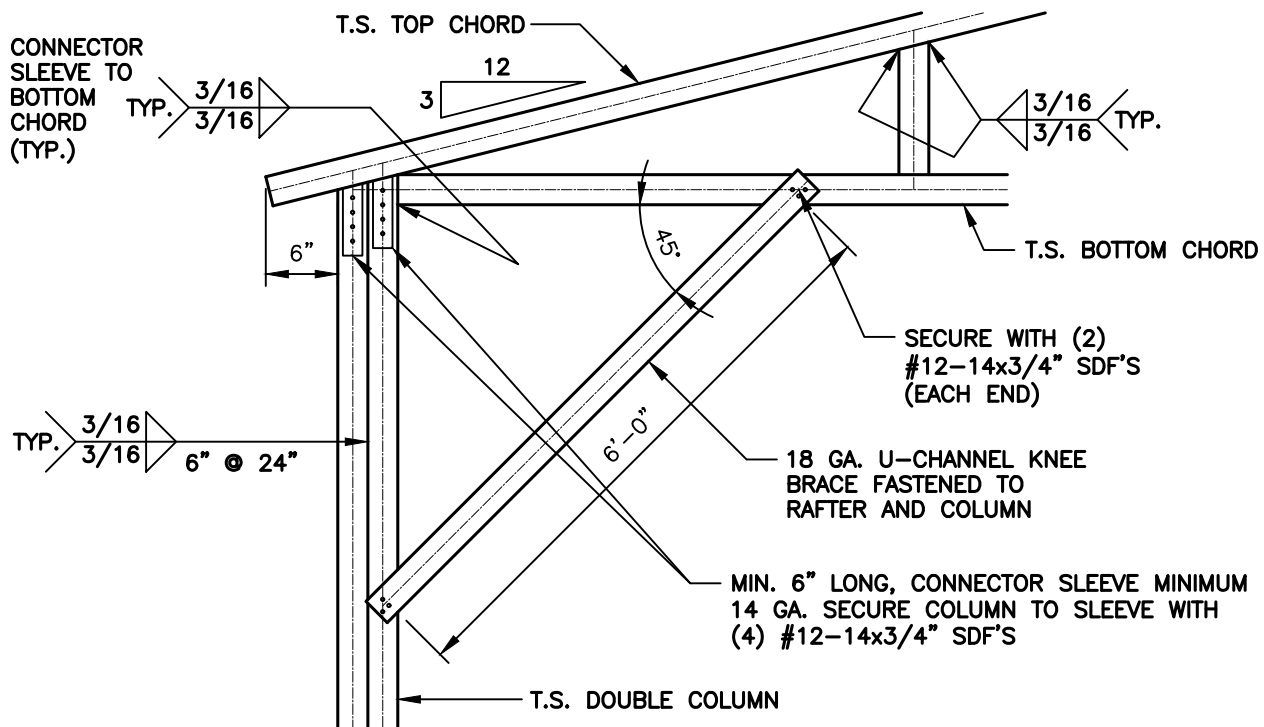
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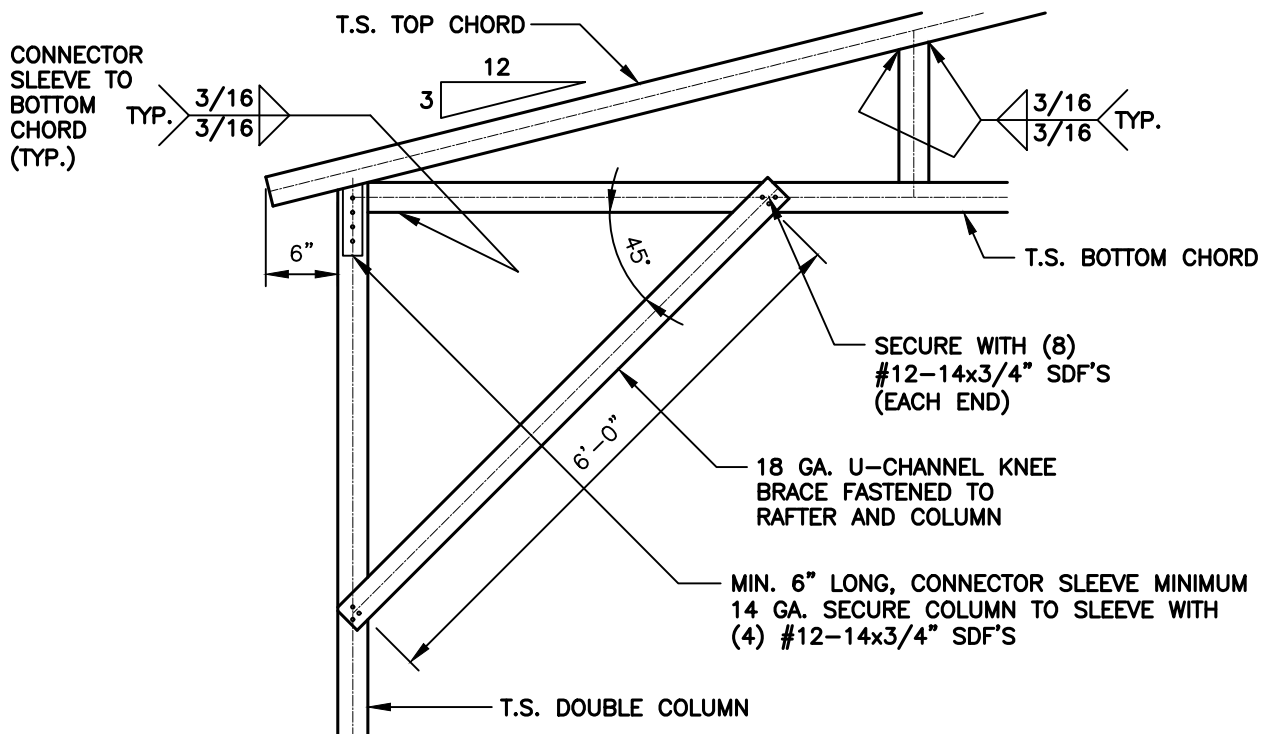
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S6



1A BOX EAVE / CORNER POST CONNECTION DETAIL FOR HEIGHTS 14'-1" < TO <16'-0"
S6A SCALE: 3/4" = 1'-0"



1B BOX EAVE / CORNER POST CONNECTION DETAIL FOR HEIGHTS < 14'-0"
S6A SCALE: 3/4" = 1'-0"



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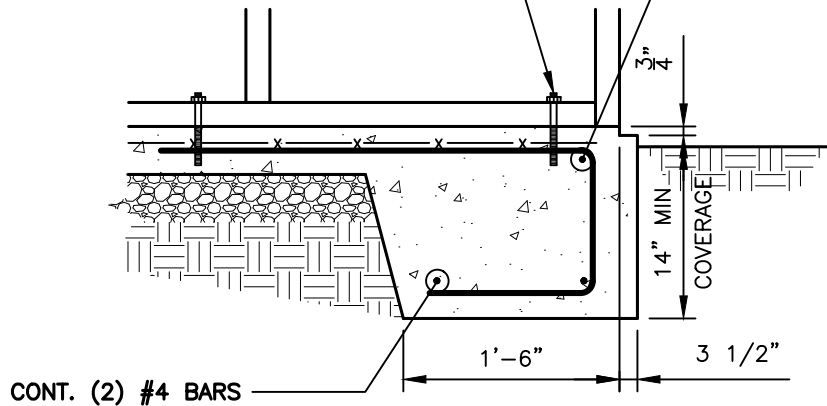
DATE:
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SHEET NO:
S6A

CONCRETE BASE RAIL ANCHORAGE

INSTALL (1) 1/2"x6 1/2"
EXPANSION ANCHOR THROUGH BASE
RAIL WITHIN 6" OF EACH COLUMN.
(ALSO APPLICABLE TO END WALLS)

CONT. (1) #4 NOSING BAR



CONT. (2) #4 BARS



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 2,000 PSF

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS

COVER OVER REINFORCING STEEL:

FOR FOUNDATIONS, MINIMUM CONCRETE COVER OVER REINFORCING BARS SHALL BE PER ACI-318:

3" IN FOUNDATIONS WHERE THE CONCRETE IS CAST AGAINST AND PERMANENTLY IN CONTACT WITH THE EARTH OR EXPOSED TO THE EARTH AND WEATHER AND 1-1/2" ELSEWHERE.

REINFORCING STEEL:

THE TURNDOWN REINFORCING STEEL SHALL BE ASTM A615 GRADE 60. THE SLAB REINFORCEMENT SHALL BE WELDED WIRE FABRIC MEETING ASTM A185 OR FIBERGLASS FIBER REINFORCEMENT.

REINFORCEMENT MAT BE BENT IN THE SHOP OF THE FIELD PROVIDED:

1. REINFORCEMENT IS BENT COLD.
2. THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE BAR, IS NOT LESS THAN SIX-BAR DIAMETERS.
3. REINFORCEMENT PARTIALLY EMBEDDED IN CONCRETE SHALL NOT BE FIELD BENT.



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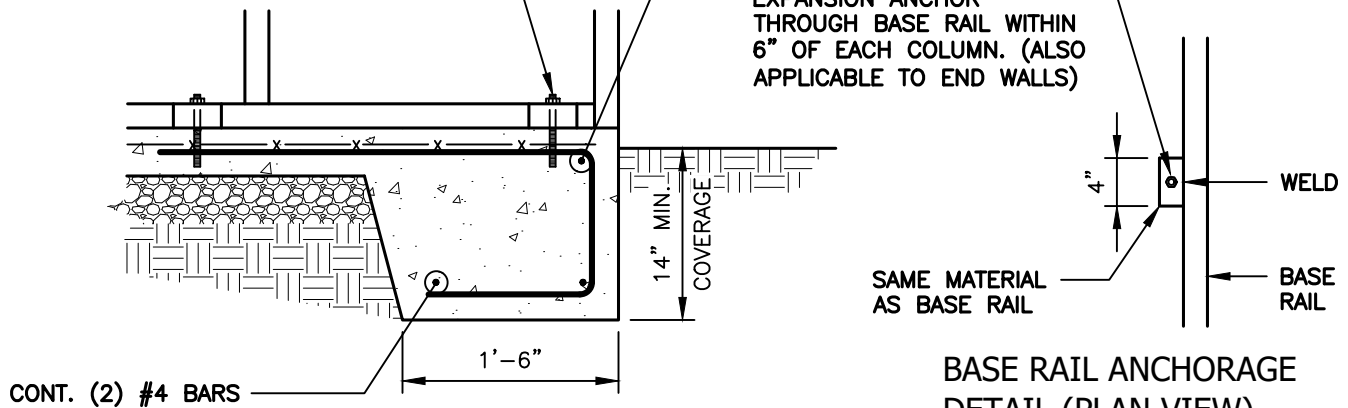
SHEET NO:
S7

CONCRETE BASE RAIL ANCHORAGE

INSTALL (1) 1/2"x6 1/2"
EXPANSION ANCHOR THROUGH BASE
RAIL WITHIN 6" OF EACH COLUMN.
(ALSO APPLICABLE TO END WALLS)

CONT. (1) #4 NOSING BAR

INSTALL (1) 1/2"x6 1/2"
EXPANSION ANCHOR
THROUGH BASE RAIL WITHIN
6" OF EACH COLUMN. (ALSO
APPLICABLE TO END WALLS)



**BASE RAIL ANCHORAGE
DETAIL (PLAN VIEW)**

SCALE: 3/4" = 1'-0"



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 2,000 PSF

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS

COVER OVER REINFORCING STEEL:

FOR FOUNDATIONS, MINIMUM CONCRETE COVER OVER REINFORCING BARS SHALL BE PER ACI-318:

3" IN FOUNDATIONS WHERE THE CONCRETE IS CAST AGAINST AND PERMANENTLY IN CONTACT WITH THE EARTH OR EXPOSED TO THE EARTH AND WEATHER AND 1-1/2" ELSEWHERE.

REINFORCING STEEL:

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REINFORCEMENT MAT BE BENT IN THE SHOP OF THE FIELD PROVIDED:

1. REINFORCEMENT IS BENT COLD.
2. THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE BAR, IS NOT LESS THAN SIX-BAR DIAMETERS.
3. REINFORCEMENT PARTIALLY EMBEDDED IN CONCRETE SHALL NOT BE FIELD BENT.



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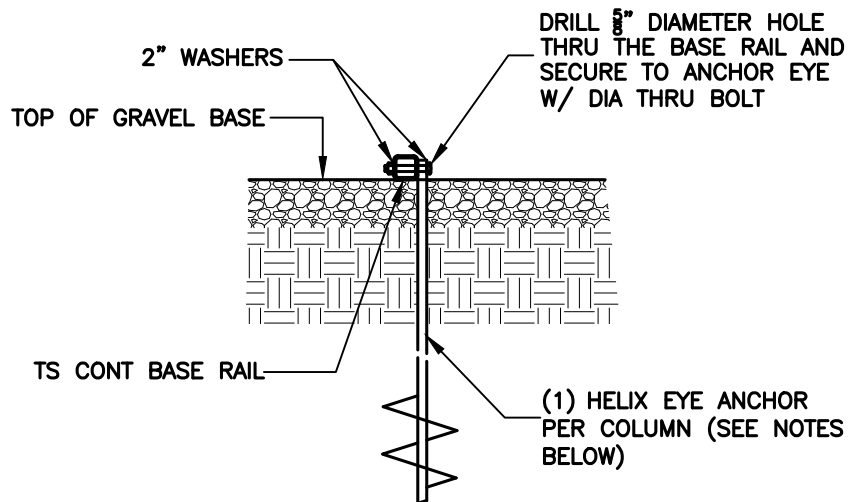
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S7A

SOIL NAIL BASE RAIL ANCHORAGE



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

HELIX EMBEDMENT INFORMATION:

FOR VERY DENSE OR CEMENTED SANDS, COARSE GRAVEL, COBBLES, CALICHE, PRELOADED SILTS AND CLAYS, USE MIN (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH 50" EMBEDMENT

FOR CORAL, USE MIN (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH 50" EMBEDMENT

FOR MED DENSE COARSE SANDS, SANDY GRAVEL, VERY STIFF SILTS, AND CLAYS, USE MIN (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH 50" EMBEDMENT

FOR LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFF CLAYS AND SILTS, USE MIN (2) 6" HELICES WITH MINIMUM 50" EMBEDMENT

FOR VERY LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFFER CLAYS AND SILTS AND ALLUVIAL FILL, USE MIN (2) 8" HELICES WITH MINIMUM 60" EMBEDMENT



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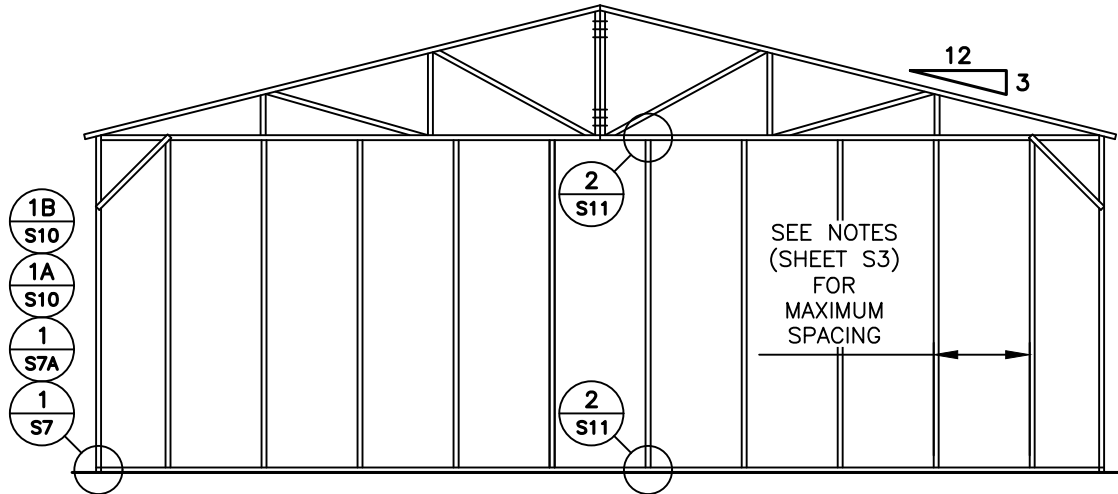
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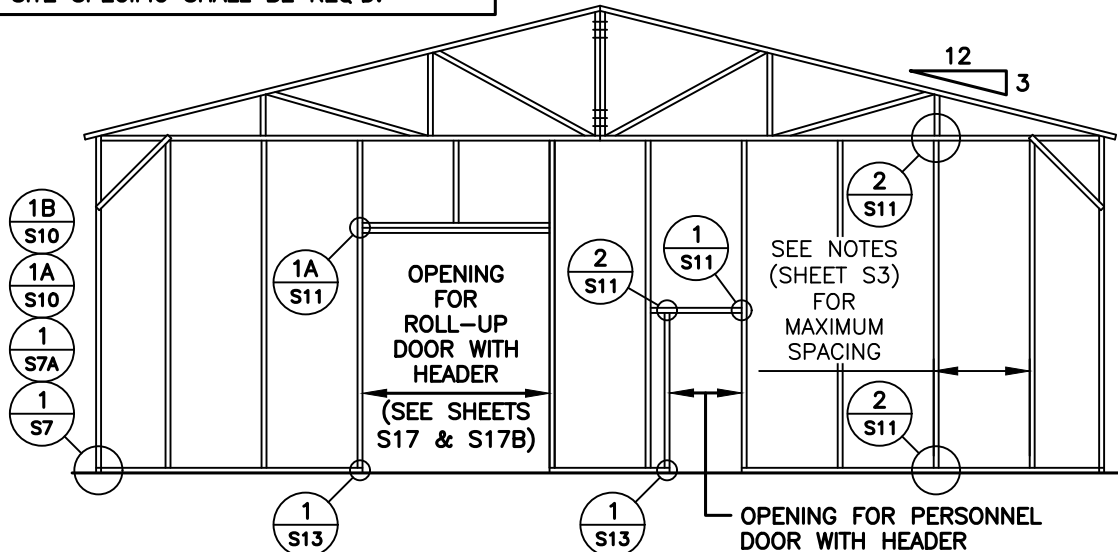
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BOX EVE RAFTER END WALL OPENINGS

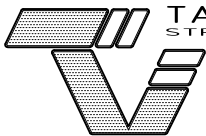


TYPICAL BOX EVE RAFTER / END WALL COLUMN FRAME SECTION

NOTE:
ROLL UP DOORS SHALL HAVE ONE JAMB
EACH SIDE + ONE FRAME COLUMN BETWEEN
OR SITE SPECIFIC SHALL BE REQ'D.



TYPICAL BOX EVE RAFTER END WALL OPENINGS FRAMING SECTION



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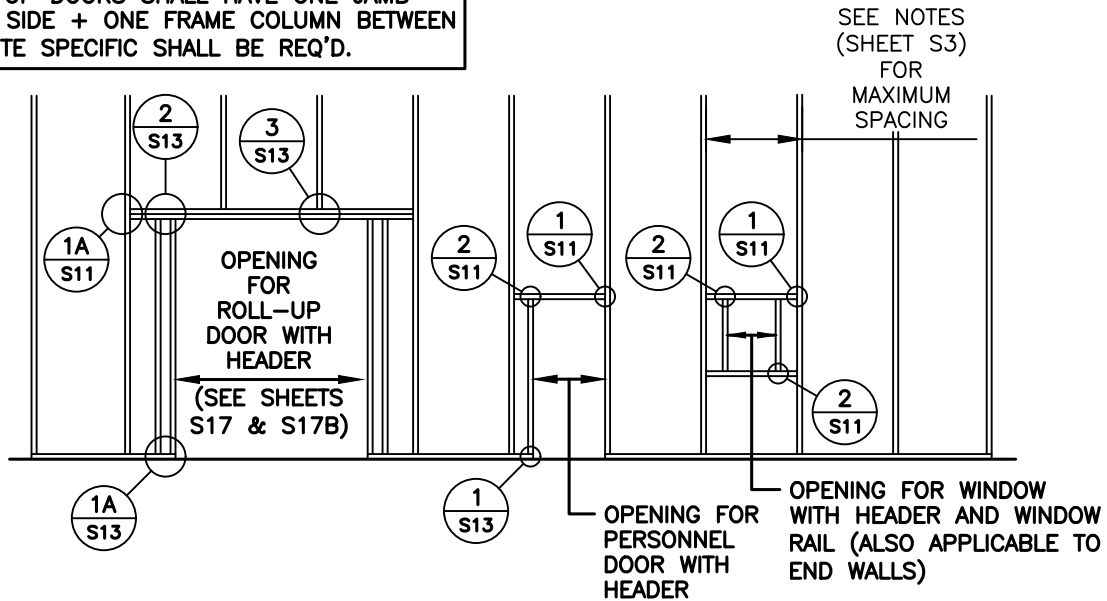
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SHEET NO:
S9

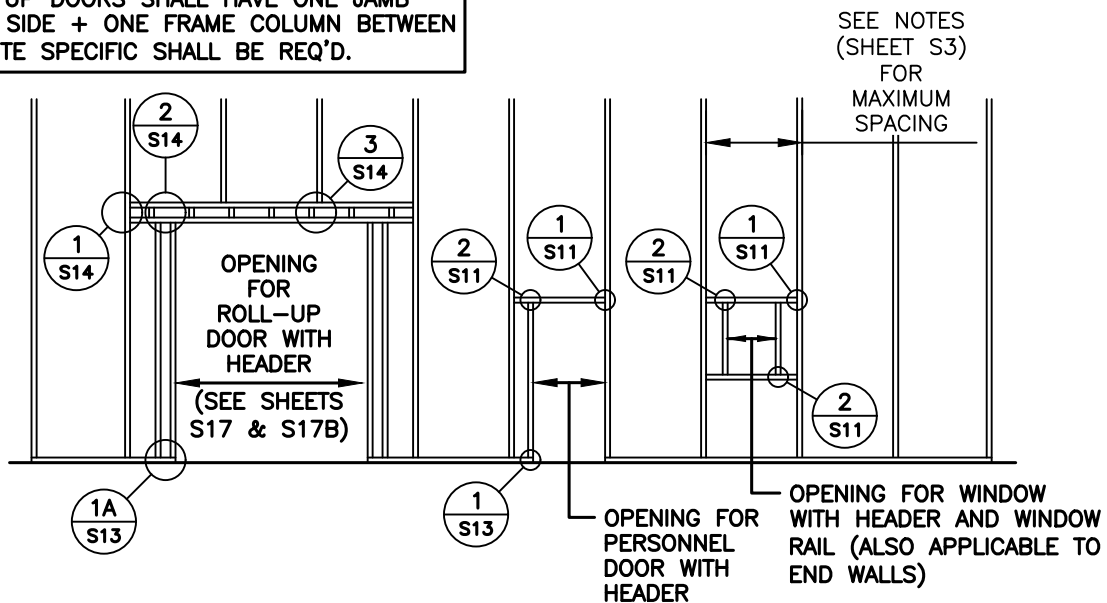
BOX EVE RAFTER END WALL AND SIDE WALL OPENINGS

NOTE:
ROLL UP DOORS SHALL HAVE ONE JAMB
EACH SIDE + ONE FRAME COLUMN BETWEEN
OR SITE SPECIFIC SHALL BE REQ'D.



TYPICAL END WALL OPENING FRAMING SECTION

NOTE:
ROLL UP DOORS SHALL HAVE ONE JAMB
EACH SIDE + ONE FRAME COLUMN BETWEEN
OR SITE SPECIFIC SHALL BE REQ'D.



TYPICAL SIDE WALL OPENING FRAMING SECTION



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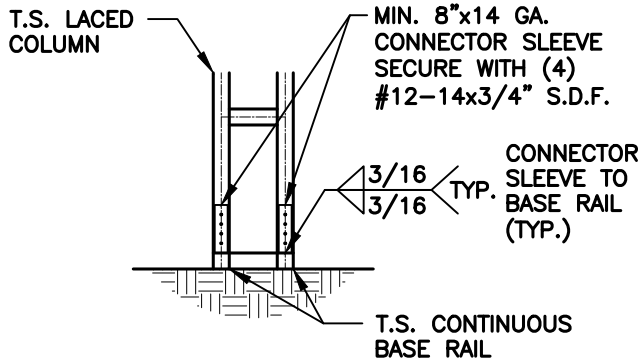
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S9A

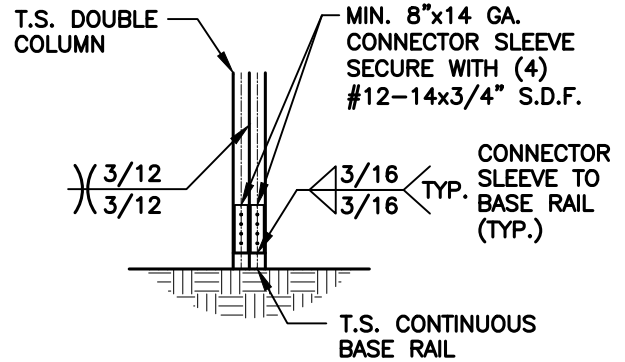
CONNECTION DETAILS



**POST / BASE RAIL
CONNECTION DETAIL**

1
S10

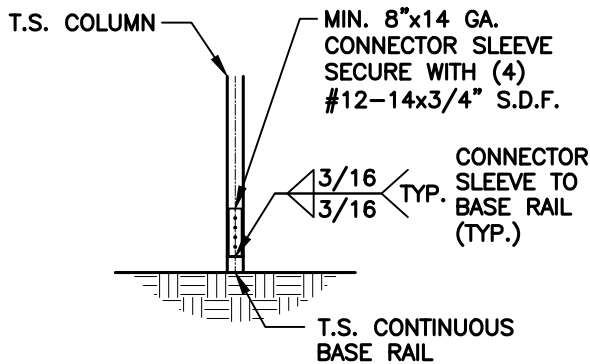
SCALE: 1/2" = 1'-0"



**POST / BASE RAIL
CONNECTION DETAIL**

1A
S10

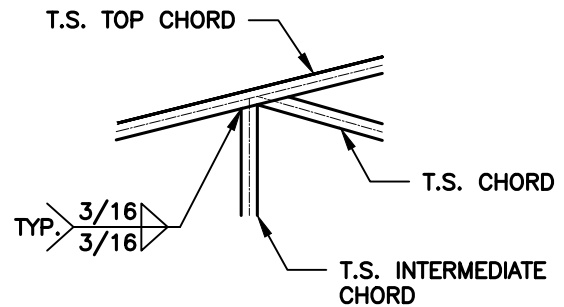
SCALE: 1/2" = 1'-0"



**POST / BASE RAIL
CONNECTION DETAIL**

1B
S10

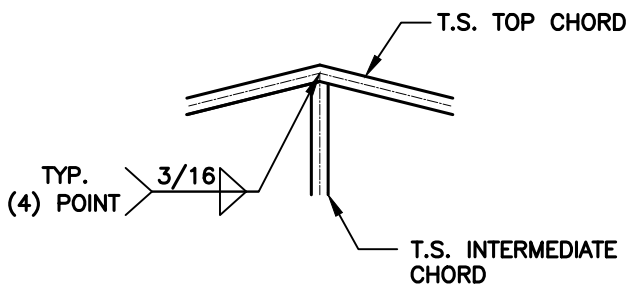
SCALE: 1/2" = 1'-0"



**INTERMEDIATE CHORD TO TOP
CHORD CONNECTION DETAIL**

2
S10

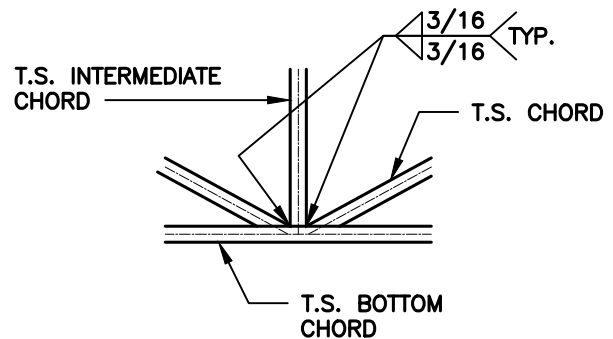
SCALE: 1/2" = 1'-0"



**CENTER POST TO RAFTER
CONNECTION DETAIL**

3
S10

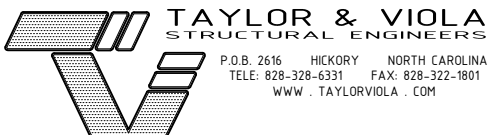
SCALE: 1/2" = 1'-0"



**INTERMEDIATE CHORD TO TOP
CHORD CONNECTION DETAIL**

4
S10

SCALE: 1/2" = 1'-0"



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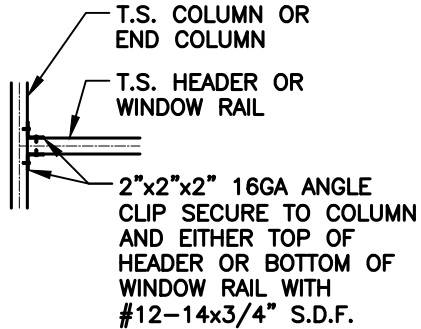
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SHEET NO:
S10

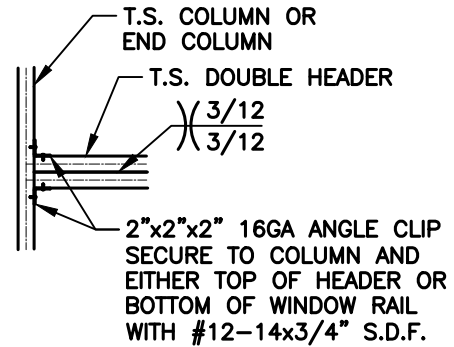
CONNECTION DETAILS



COLUMN OR WINDOW
RAIL / WALL GIRT TO POST
CONNECTION DETAIL

1
S11

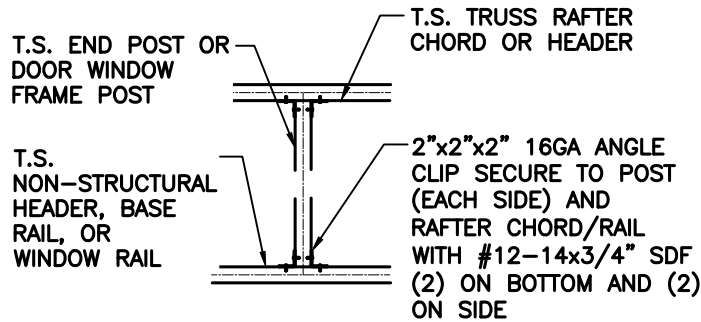
SCALE: 1/2" = 1'-0"



COLUMN / DOUBLE HEADER
CONNECTION DETAIL

1A
S11

SCALE: 1/2" = 1'-0"



DOOR OR WINDOW HEADER
RAIL TO POST CONNECTION
DETAIL

2
S11

SCALE: 1/2" = 1'-0"



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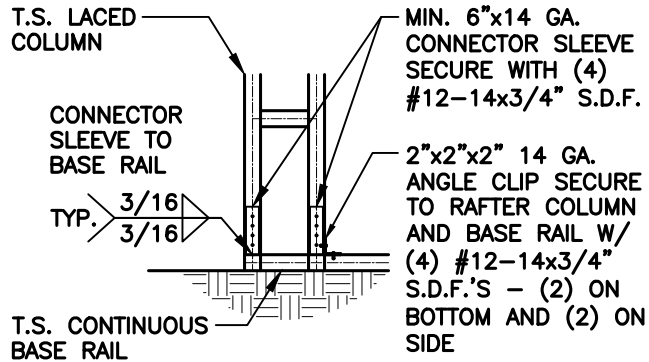
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S11

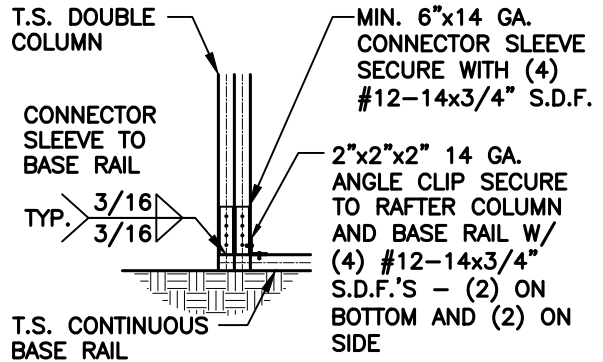
CONNECTION DETAILS



1
END COLUMN / BASE RAIL
CONNECTION DETAIL

1
S12

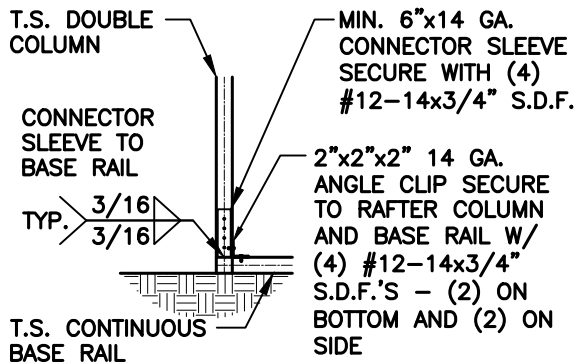
SCALE: 1/2" = 1'-0"



1A
END COLUMN / BASE RAIL
CONNECTION DETAIL

1A
S12

SCALE: 1/2" = 1'-0"



1B
END COLUMN / BASE RAIL
CONNECTION DETAIL

1B
S12

SCALE: 1/2" = 1'-0"



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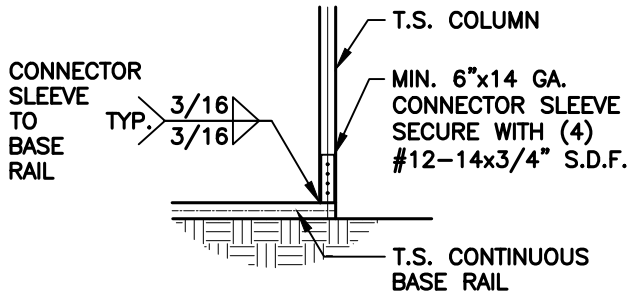
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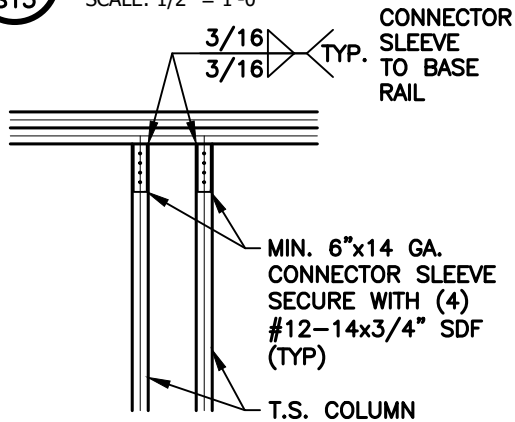
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S12

CONNECTION DETAILS



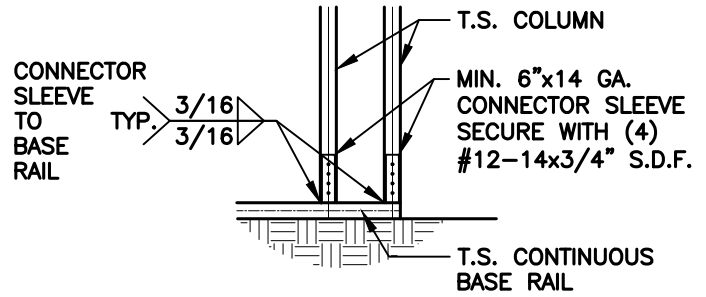
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S13 COLUMN / BASE RAIL CONNECTION DETAIL

SCALE: 1/2" = 1'-0"



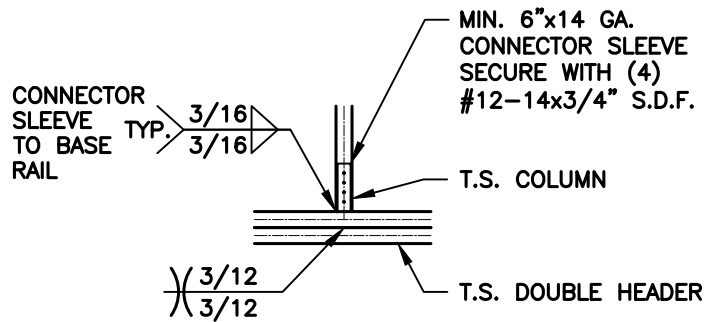
2
S13 DOUBLE HEADER / COLUMN CONNECTION DETAIL

SCALE: 1/2" = 1'-0"



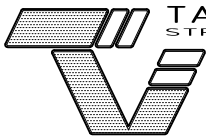
1A
S13 COLUMN / BASE RAIL CONNECTION DETAIL

SCALE: 1/2" = 1'-0"



3
S13 COLUMN / DOUBLE HEADER CONNECTION DETAIL

SCALE: 1/2" = 1'-0"



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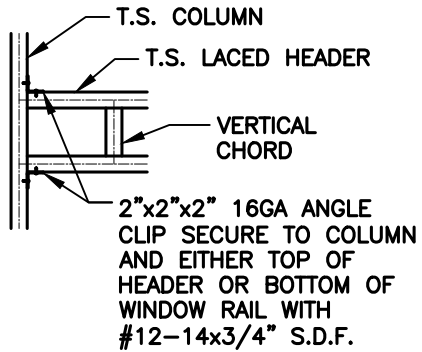
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S13

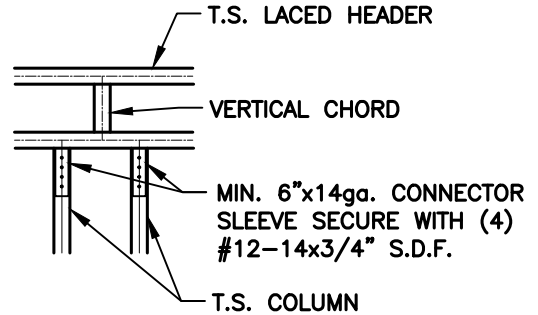
CONNECTION DETAILS



**COLUMN / LACED HEADER
CONNECTION DETAIL**

1
S14

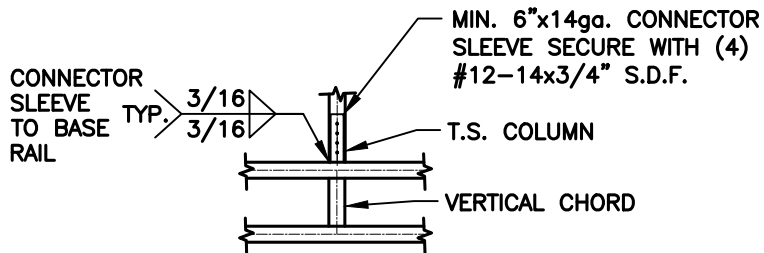
SCALE: 1/2" = 1'-0"



**LACED HEADER / COLUMN
CONNECTION DETAIL**

2
S14

SCALE: 1/2" = 1'-0"



**COLUMN / LACED HEADER
CONNECTION DETAIL**

3
S14

SCALE: 1/2" = 1'-0"



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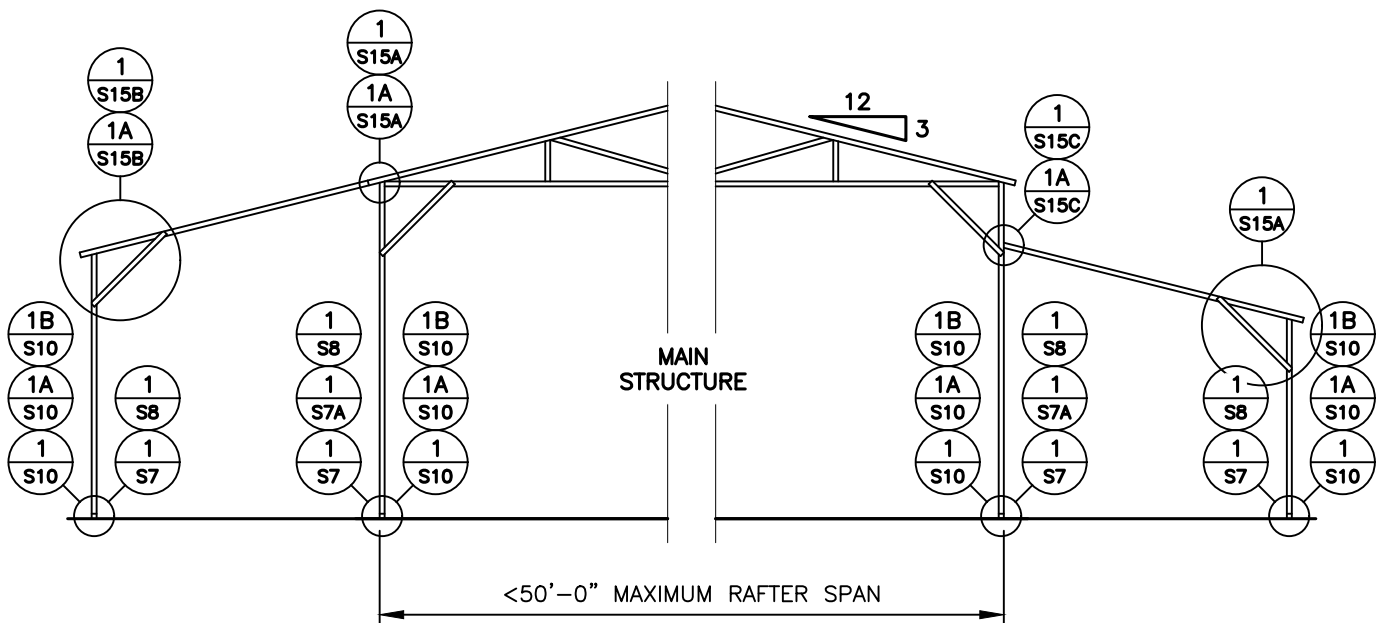
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**SHEET NO:
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BOX EVE RAFTER LEAN-TO OPTIONS



TYPICAL LEAN-TO OPTIONS FRAMING SECTION (BOTH OPTIONS SHOWN)

MAXIMUM WIDTH OF SINGLE MEMBER ROOF EXTENSION AND LEAN-TO OPTION IS 10'-0"

MAXIMUM WIDTH OF DOUBLE MEMBER ROOF EXTENSION AND LEAN-TO IS 15'-0"



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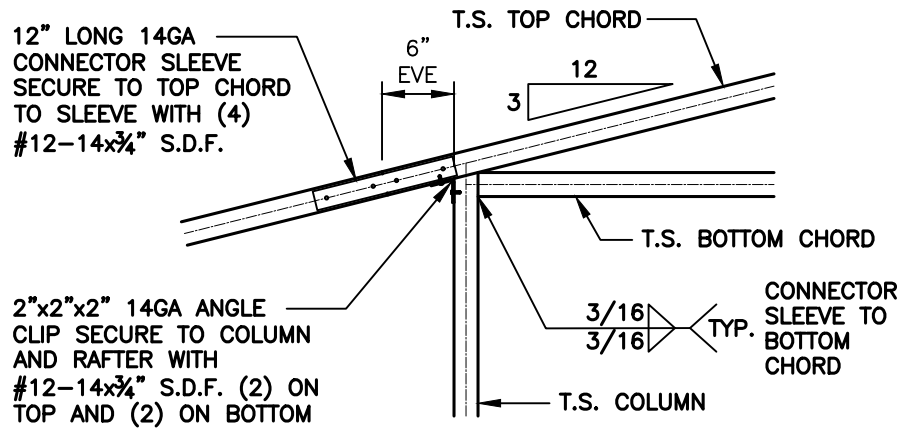
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S15

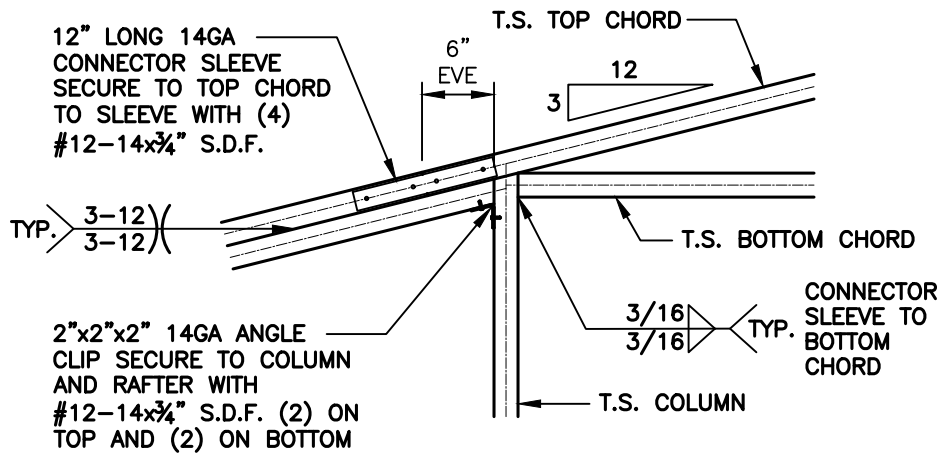
LEAN-TO CONNECTION DETAILS



ROOF EXTENSION RAFTER / CORNER POST
DETAIL FOR WIDTHS < 10'-0"

1
S15A

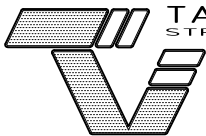
SCALE: 3/4" = 1'-0"



ROOF EXTENSION RAFTER / CORNER POST
DETAIL FOR WIDTHS < 10'-0"

1A
S15A

SCALE: 3/4" = 1'-0"



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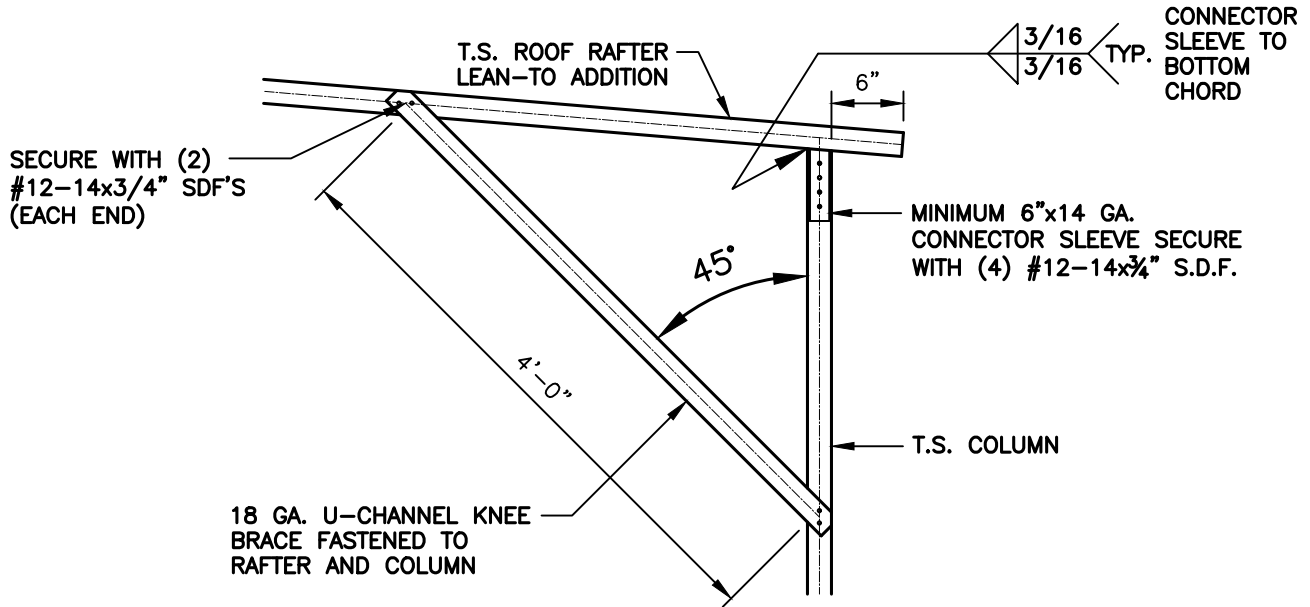
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SHEET NO:
S15A

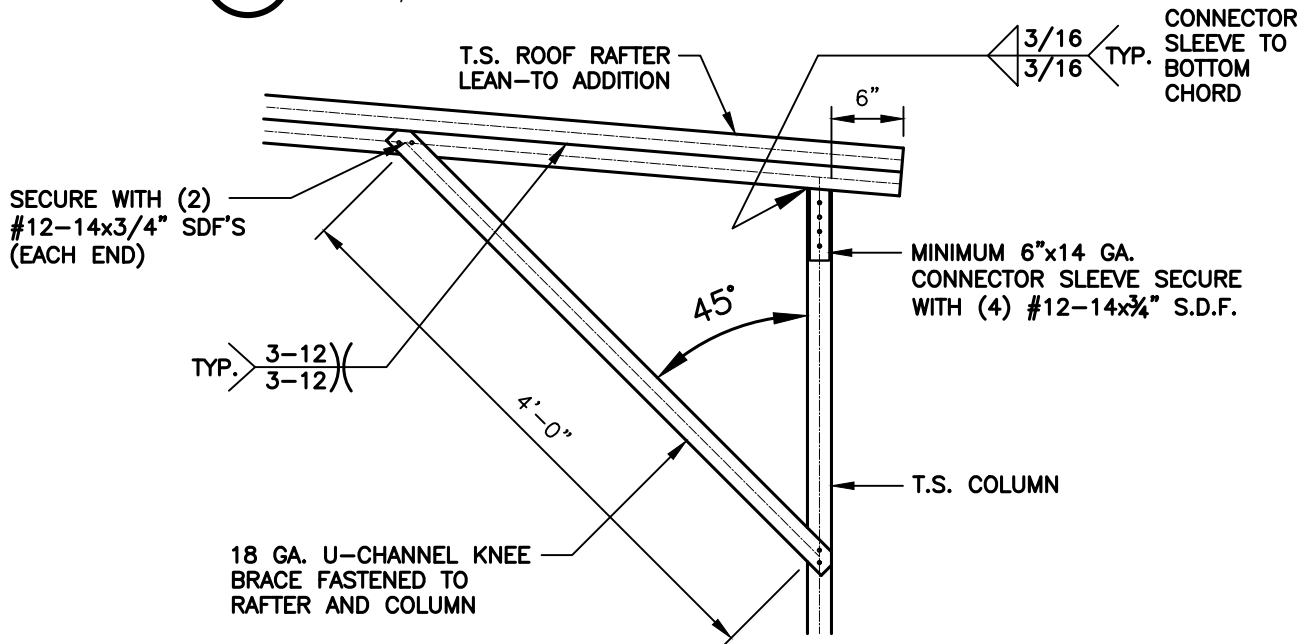
LEAN-TO CONNECTION DETAILS



BOX EAVE RAFTER COLUMN CONNECTION
DETAIL FOR LEAN-TO RAFTER SPAN <10'-0"

1
S15B

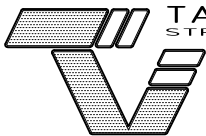
SCALE: 3/4" = 1'-0"



BOX EAVE RAFTER COLUMN CONNECTION
DETAIL FOR LEAN-TO RAFTER SPAN <15'-0"

1A
S15B

SCALE: 3/4" = 1'-0"



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STRUCTURAL ENGINEERS

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N.C. CARPORT
& GARAGES

116 EAST MARKET STREET
ELKIN, NORTH CAROLINA 28621

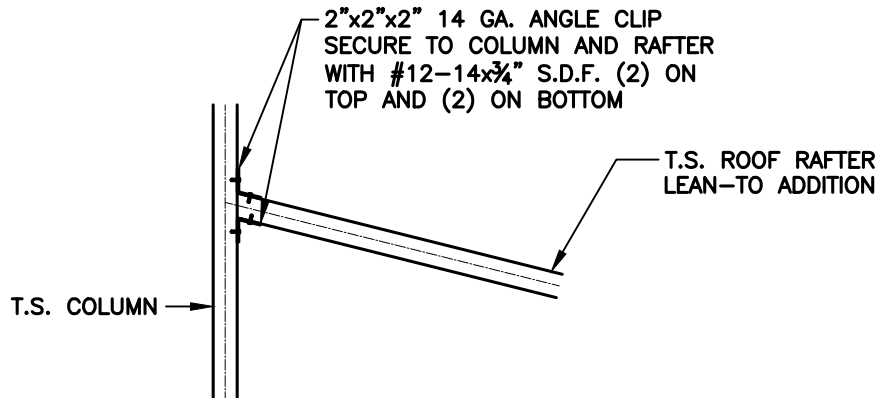
DRAWN BY:
BKS

PROJECT NO:
21014

DATE:
2022.06.24

SHEET NO:
S15B

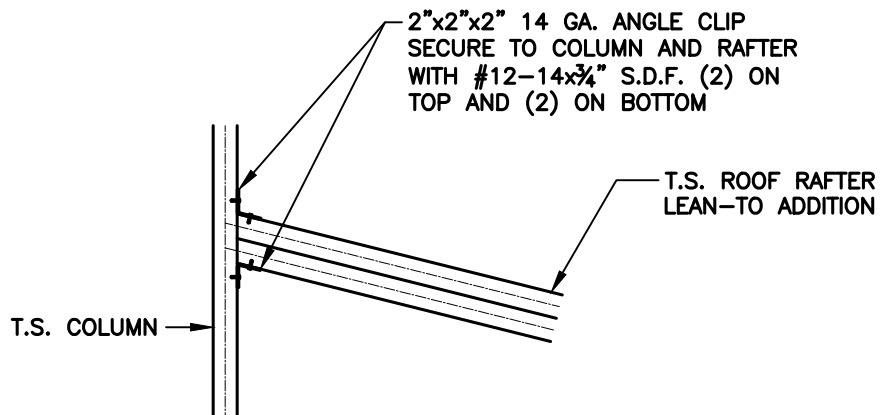
LEAN-TO CONNECTION DETAILS



LEAN-TO RAFTER TO RAFTER POST CONNECTION DETAIL FOR WIDTHS < 10'-0"

1
S15C

SCALE: 3/4" = 1'-0"



LEAN-TO RAFTER TO RAFTER POST CONNECTION DETAIL FOR WIDTHS < 15'-0"

1A
S15C

SCALE: 3/4" = 1'-0"



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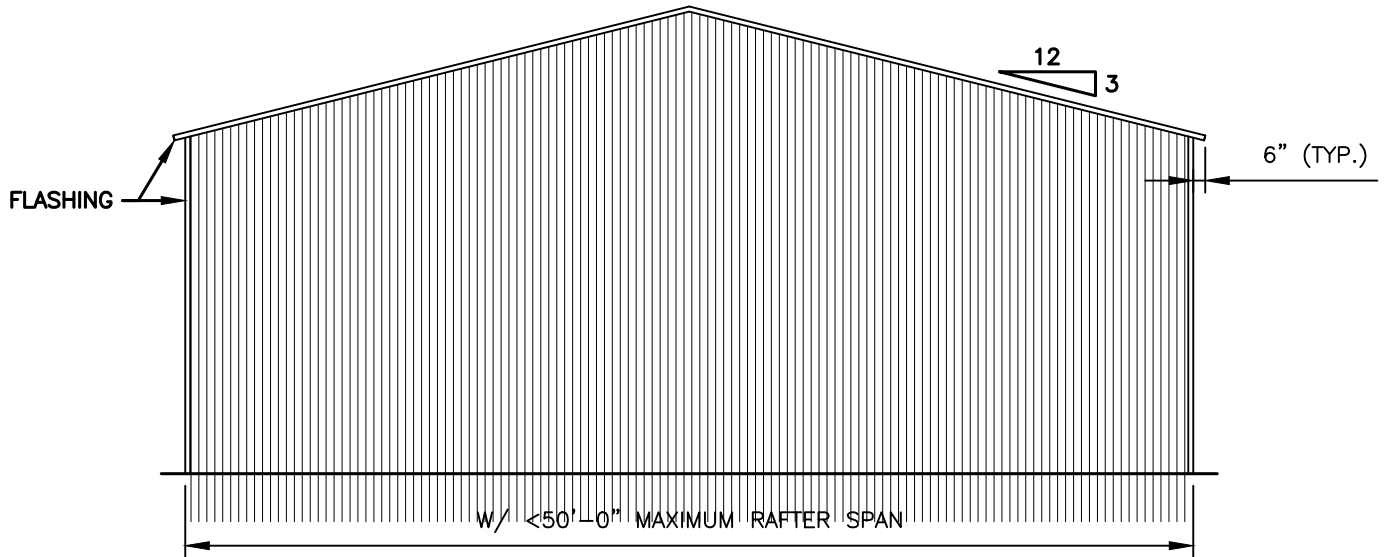
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PROJECT NO:
21014

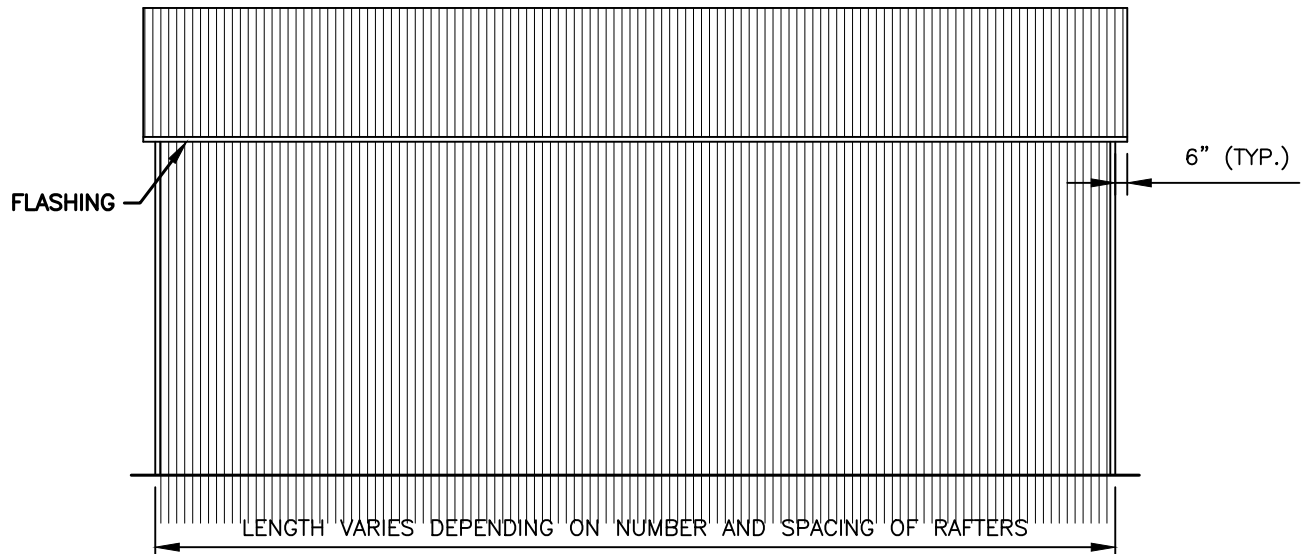
DATE:
2022.06.24

SHEET NO:
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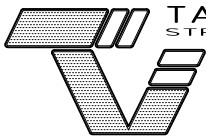
VERTICAL ROOF / SIDING OPTION



TYPICAL END ELEVATION - VERTICAL ROOF / SIDING



TYPICAL SIDE ELEVATION - VERTICAL ROOF / SIDING



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116 EAST MARKET STREET
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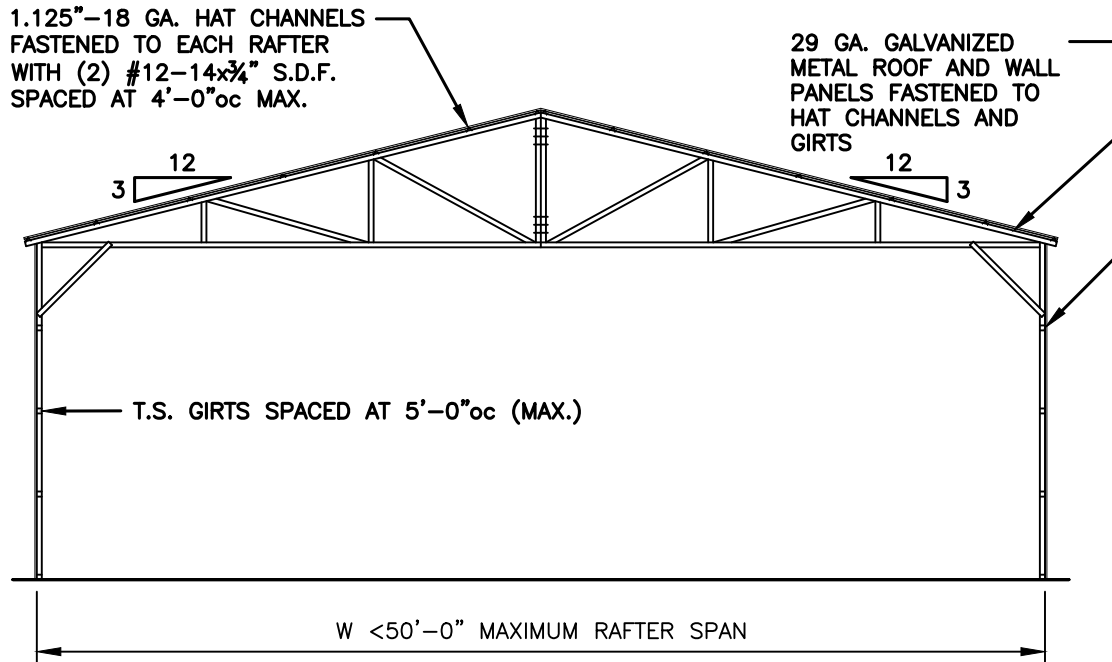
DRAWN BY:
BKS

DATE:
2022.06.24

PROJECT NO:
21014

SHEET NO:
S16

VERTICAL ROOF / SIDING OPTION



TYPICAL SECTION VERTICAL ROOF / SIDING OPTION

NOTE:
H.S.S. 2-1/2"x2-1/2"x14ga. OR
2-1/4"x2-1/4"x14ga. MATERIAL
MAY BE USED FOR TRUSS METAL.



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116 EAST MARKET STREET
ELKIN, NORTH CAROLINA 28621

DRAWN BY:
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21014

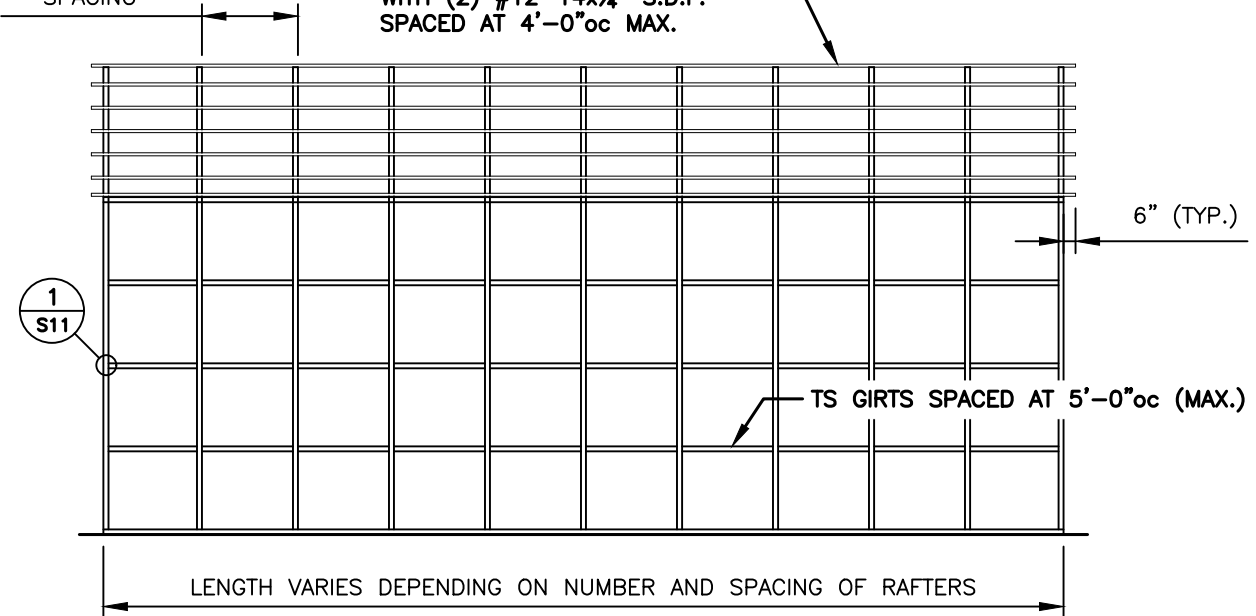
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2022.06.24

SHEET NO:
S16A

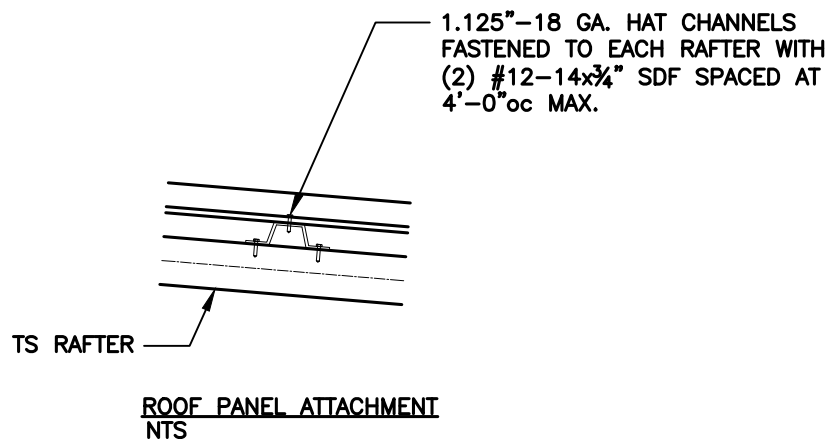
VERTICAL ROOF / SIDING OPTION

SEE NOTES
(SHEET S3)
FOR MAXIMUM
SPACING

1.125"-18 GA. HAT CHANNELS
FASTENED TO EACH RAFTER
WITH (2) #12-14x $\frac{3}{4}$ " S.D.F.
SPACED AT 4'-0"oc MAX.



TYPICAL SIDE FRAMING SECTION VERTICAL ROOF / SIDING OPTION



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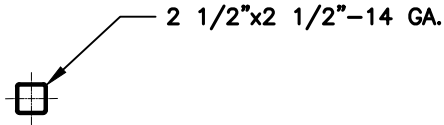
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PROJECT NO:
21014

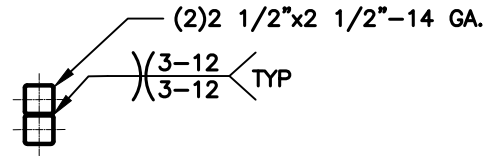
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2022.06.24

SHEET NO:
S16B

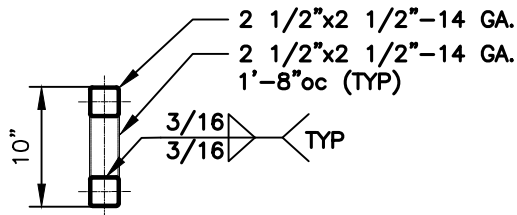
SIDE WALL HEADER OPTIONS



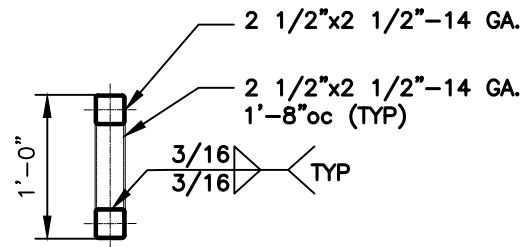
HEADER DETAIL FOR DOOR
OPENINGS < 4'-0"
NTS



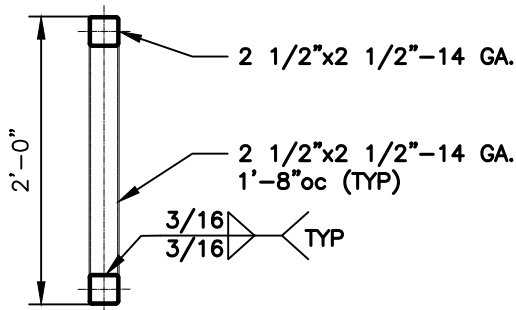
HEADER DETAIL FOR DOOR
OPENINGS 4'-1" < TO < 6'-0"
NTS



LACED HEADER DETAIL FOR DOOR
OPENINGS 6'-1" < TO < 11'-0"
NTS



LACED HEADER DETAIL FOR DOOR
OPENINGS 11'-1" < TO < 15'-0"



LACED HEADER DETAIL FOR DOOR
OPENINGS 15'-1" < TO < 20'-0"



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& GARAGES**

116 EAST MARKET STREET
ELKIN, NORTH CAROLINA 28621

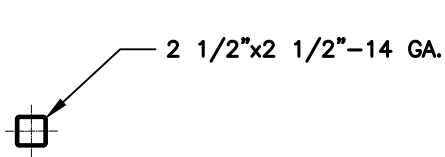
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PROJECT NO:
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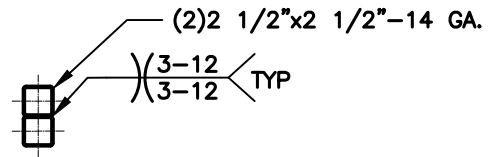
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SHEET NO:
S17

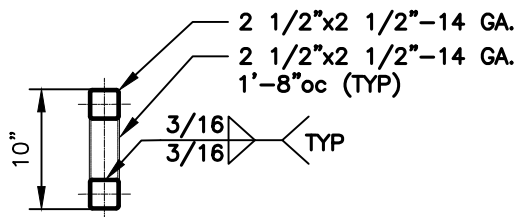
END WALL HEADER OPTIONS



HEADER DETAIL FOR DOOR
OPENINGS < 7'-0"
 NTS



HEADER DETAIL FOR DOOR
OPENINGS 7'-1" < TO < 13'-0"
 NTS



LACED HEADER DETAIL FOR DOOR
OPENINGS 13'-1" < TO < 20'-0"
 NTS



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 & GARAGES**

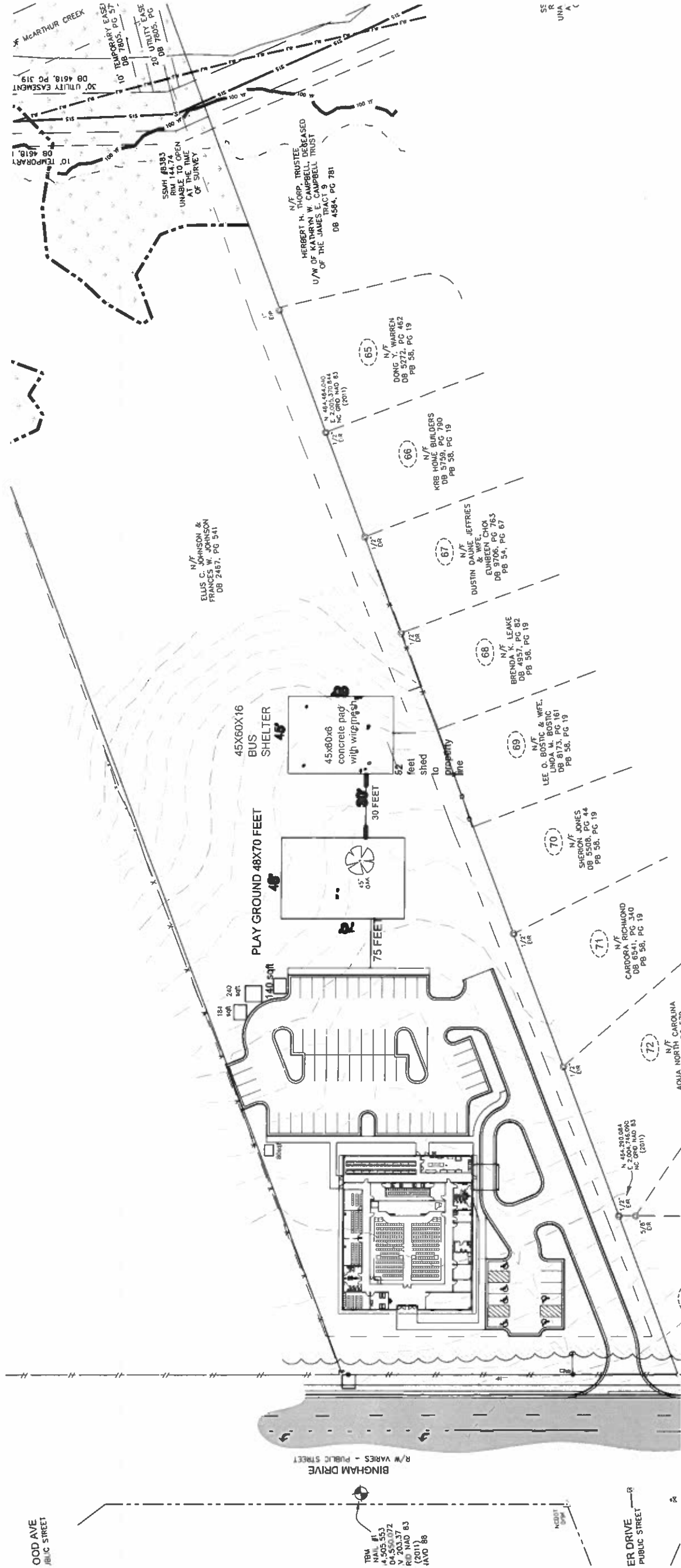
116 EAST MARKET STREET
 ELKIN, NORTH CAROLINA 28621

DRAWN BY:
BKS

PROJECT NO:
21014

DATE:
2022.06.24

SHEET NO:
S17A



OOD AVE
PUBLIC STREET

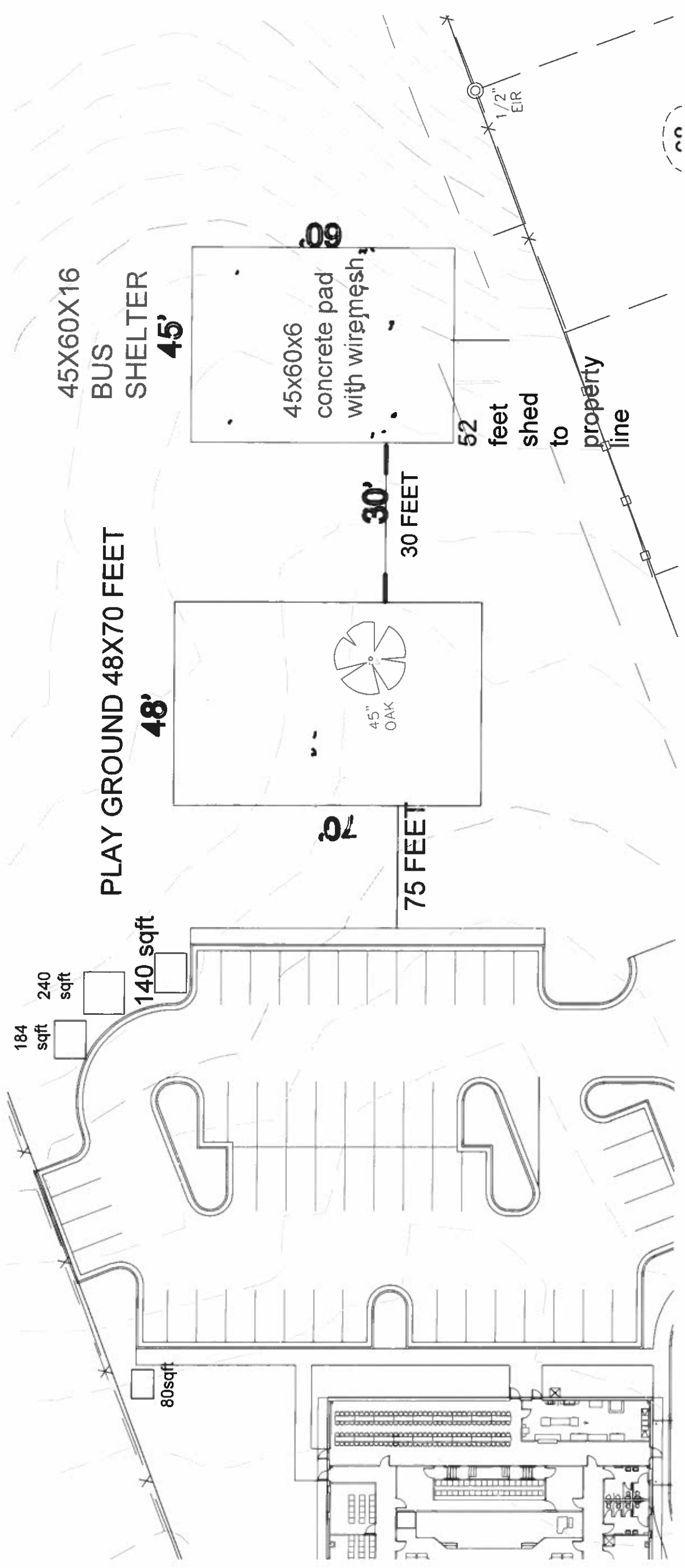
BINGHAM DRIVE
R/W VARIES - PUBLIC STREET

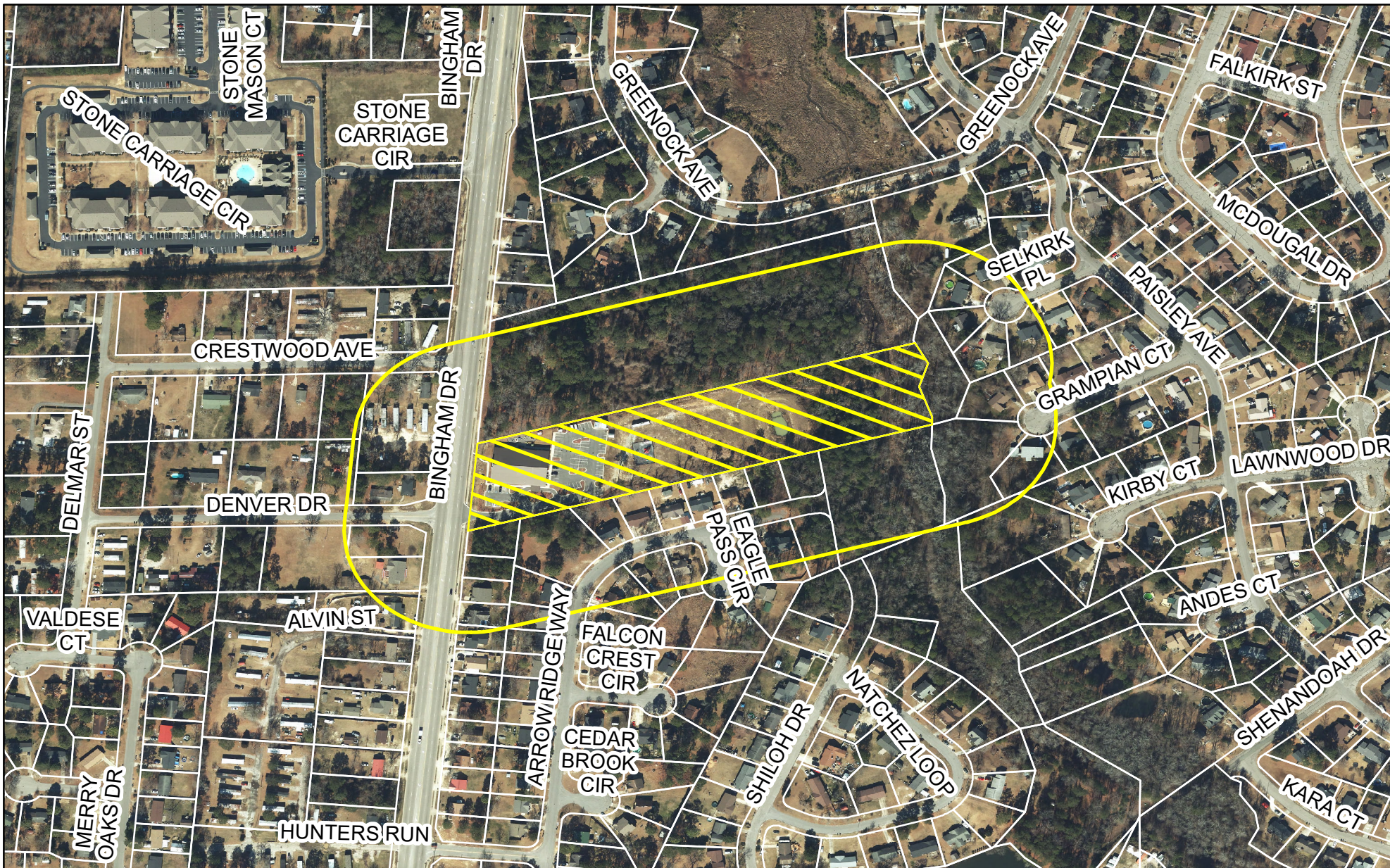
ER DRIVE
PUBLIC STREET

TBM
NAIL
N 55.5
S 55.5
V 203.37
R 20 NAD 83
(2011)
JAVO 88

N 201.1
S 201.1
V 201.1
R 201.1
NAD 83
(2011)

SE
R
UNA
C







Aerial Notification Map

Case #: A24-16

Request: Variance to increase the maximum size for an accessory structure in the SF-10 Zoning District, located at 1495 Bingham Drive, totaling 6.31 acres \pm , and being the property of Miracle Temple Holy Deliverance Church of God Inc.

Location: 1495 Bingham Drive

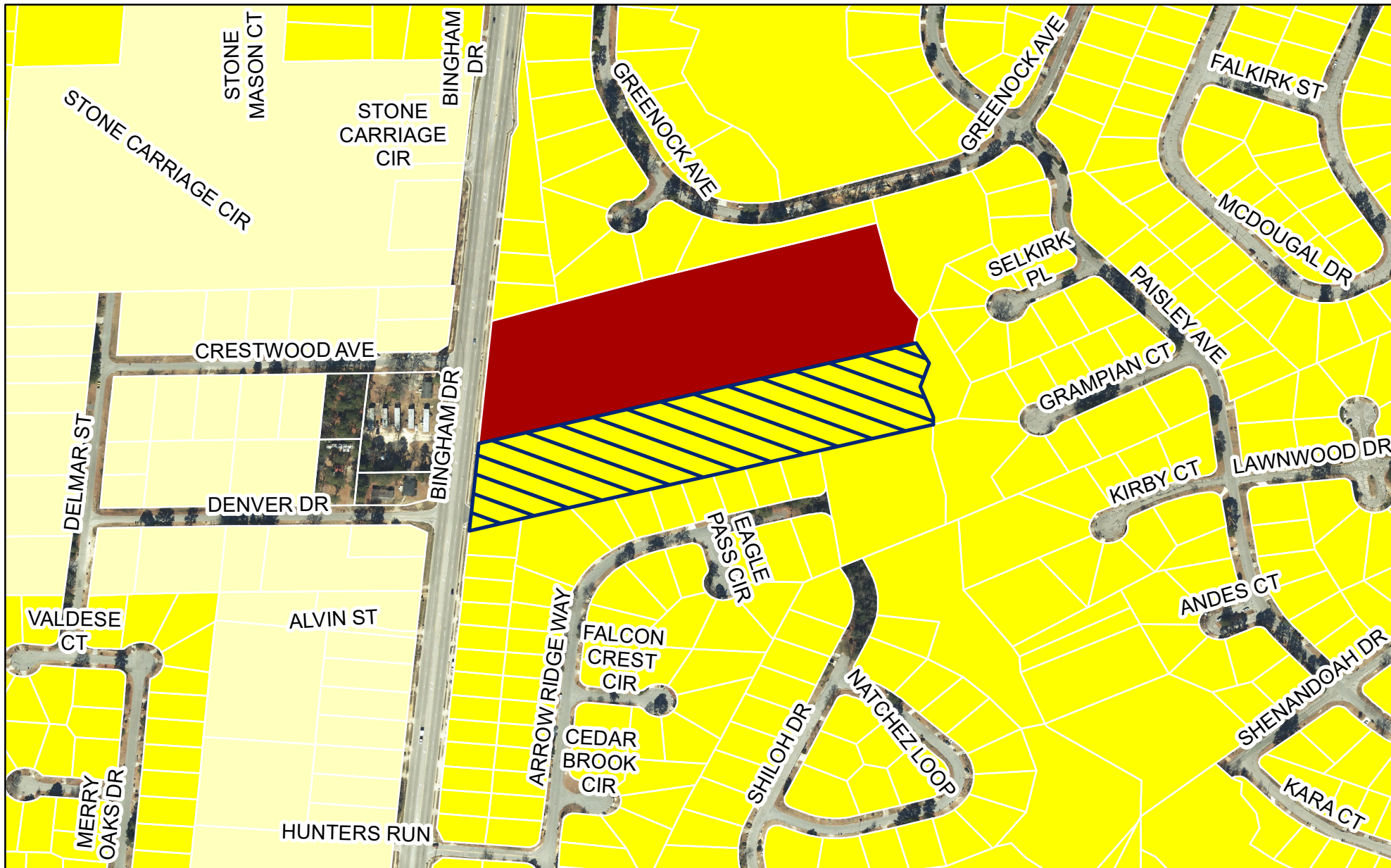
Legend

-  A24-16 Buffer
-  A24-16



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





Zoning Map

Case #: A24-16

Request: Variance to increase the maximum size for an accessory structure in the SF-10 Zoning District, located at 1495 Bingham Drive, totaling 6.31 acres \pm , and being the property of Miracle Temple Holy Deliverance Church of God Inc.

Location: 1495 Bingham Drive

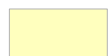
Legend



A24-16



CC - Community Commercial



SF-6 - Single-Family Residential 6

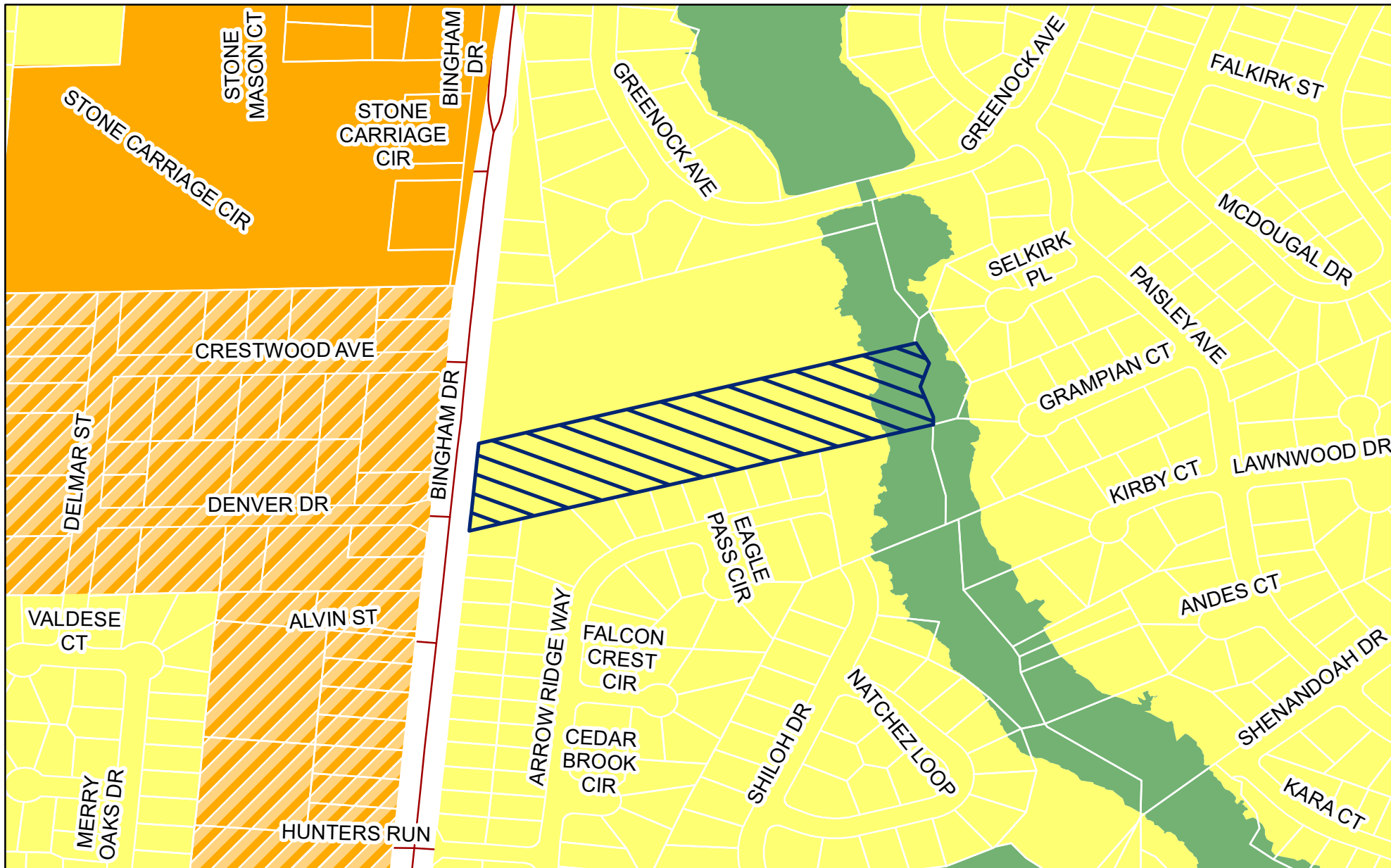


SF-10 - Single-Family Residential 10



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





Future Land Use Map

Case #: A24-16

Request: Variance to increase the maximum size for an accessory structure in the SF-10 Zoning District, located at 1495 Bingham Drive, totaling 6.31 acres \pm , and being the property of Miracle Temple Holy Deliverance Church of God Inc.





Location: 1495 Bingham Drive

Legend

 A24-16

Land Use Plan 2040

Character Areas

-  PARKOS - PARK / OPEN SPACE
-  LDR - LOW DENSITY
-  NIR - NEIGHBORHOOD IMPROVEMENT
-  HDR - HIGH DENSITY RESIDENTIAL

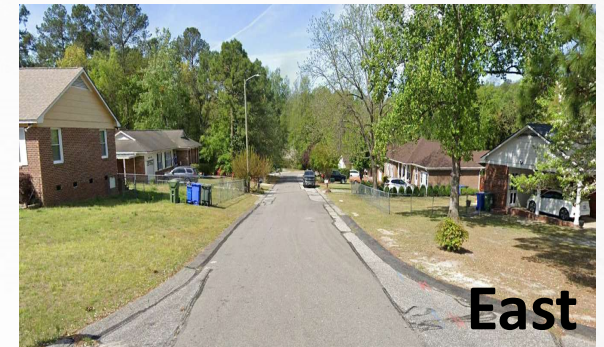


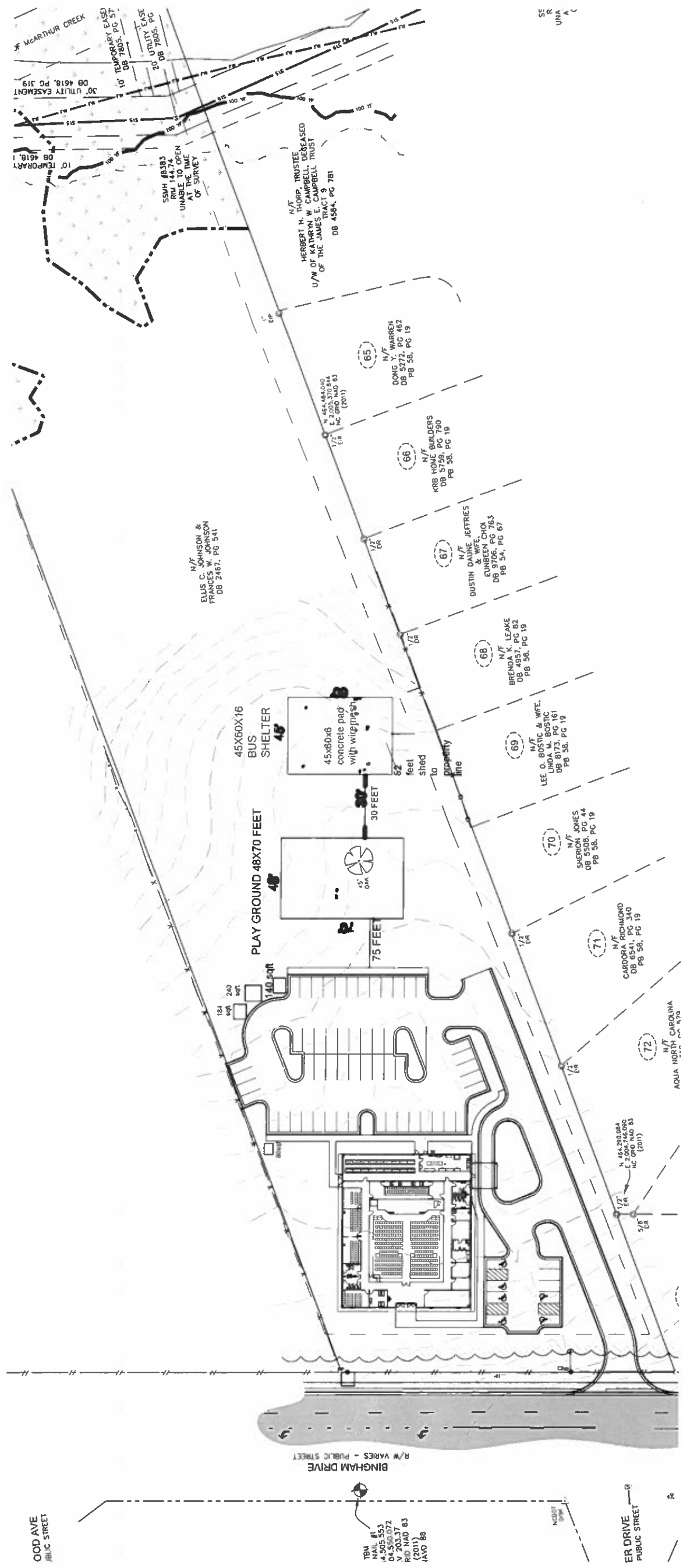
Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.

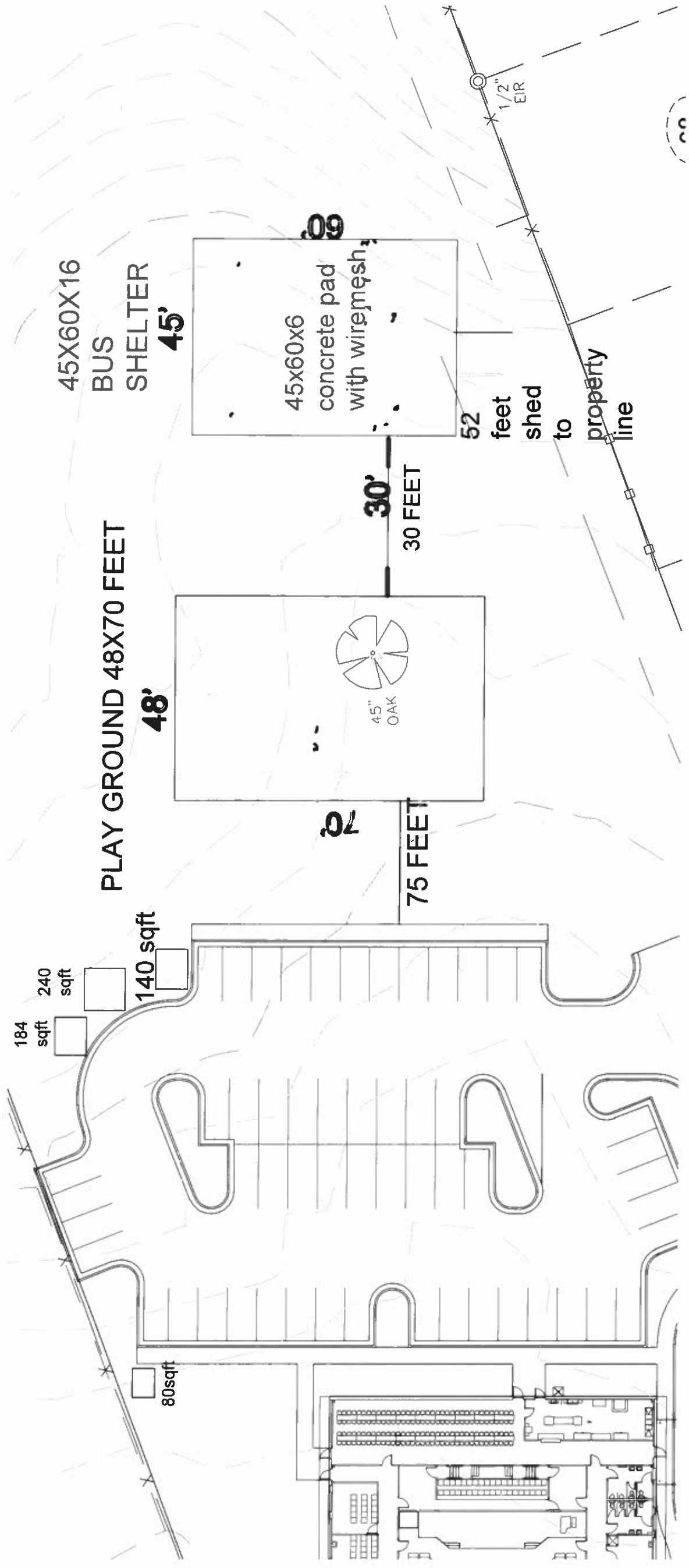




Surrounding Properties









City of Fayetteville

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

City Council Action Memo

File Number: 24-3944

Agenda Date: 4/9/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.06

TO: Zoning Commission

THRU: Will Deaton, AICP - Planning & Zoning Manager

FROM: Catina Evans - Office Assistant II

DATE: April 9, 2024

RE: Approval of Meeting Minutes: March 12, 2024

COUNCIL DISTRICT(S):

All

Relationship to Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2026

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, which they considered items of business as presented in the draft.

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: March 12, 2024

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION MEETING
FAST TRANSIT CENTER COMMUNITY ROOM
MARCH 12, 2024 @ 6:00 P.M.**

MEMBERS PRESENT

Pavan Patel, Chair
Alex Keith, Vice-Chair
Kevin Hight
Clabon Lowe, Alternate
Stephen McCorquodale
Tyrone Simon
Justin Herbe, Alternate

STAFF PRESENT

Clayton Deaton, Planning and Zoning Division Manager
Craig Harmon, Senior Planner
Heather Eckhardt, Planner II
Demetrios Moutos, Planner I
Lisa Harper, Assistant Attorney
Catina Evans, Office Assistant II

The Zoning Commission Meeting on Tuesday, March 12, 2024, was called to order by Chair Pavan Patel at 6 p.m. The members introduced themselves.

I. APPROVAL OF THE AGENDA

MOTION: Stephen McCorquodale

SECOND: Pavan Patel

VOTE: Unanimous (5-0)

II. APPROVAL OF THE CONSENT AGENDA TO INCLUDE THE MINUTES FROM THE FEBRUARY 20, 2024, MEETING

MOTION: Alex Keith

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

I. EVIDENTIARY HEARING

Mr. Patel discussed the aspects of the evidentiary hearing. Mr. Patel asked if any of the Board members had any partiality (conflicts of interest) or any ex parte communication (site visits or conversations with parties to include staff members or the general public) to disclose regarding the case on the agenda for the evening. The commissioners did not have any partiality with the cases or ex parte communication to disclose regarding the cases. Ms. Harper had the speakers perform the oath.

Mr. Patel opened the evidentiary hearing for case A24-04.

A24-04. Variance to reduce minimum setbacks, located at 2936 Mirror Lake Drive (REID #0417978540000), and being the property of Ben & Victoria Stout.

Heather Eckhardt presented case A24-04. The variance request is for 2938 Mirror Lake Drive to reduce the corner side yard and rear side yard setbacks. The property is located at the corner of Mirror Lake Drive and Hartford

Place. The property and surrounding area are currently zoned Single-Family Residential 10 (SF-10). The Future Land Use Plan designates the area to be developed as low-density residential. The lot is currently vacant and undeveloped. The corner yard setback is at Hartford Place and the applicant wants to reduce from the required 30 feet to 15 feet along the street and 10 feet along the bulb of the cul de sac. The applicant wants to reduce the rear yard setback to 5 feet from the required 35-foot yard setback. Ms. Eckhardt informed the Board about how they could vote.

Mr. Patel opened the hearing for case A24-04.

Speaker in favor:

Benjamin Stout, 2507 Spring Valley Road, Fayetteville, NC 28303

- Mr. Stout presented his case to the Board for a variance request, stating that he met all required findings of facts. He emphasized that changes in city regulations caused setbacks on his lot, which he seeks to revert to their original allowances. Mr. Stout argued that he did not cause the setback issue and requested consideration for this hardship. He assured the Board that granting the variance would not harm and would enhance the surrounding area. He expressed disappointment over the delay and hoped for the Board's support to proceed.

Speaker in Opposition:

Saira Saini, 2894 Hartford Place, Fayetteville, NC 28303

- Dr. Saini appealed to the Board for understanding, emphasizing her direct stake due to her home's location in the Vanstory area, where she has resided for over two decades. Despite her lack of construction knowledge, Dr. Saini navigated Unified Development Ordinance (UDO) guidelines with assistance from city officials. She passionately defended the integrity of UDO regulations, arguing against variances that could disrupt neighborhood harmony and property values.
- Citing the importance of sparingly granting variances based on exceptional circumstances, Dr. Saini highlighted discrepancies between proposed variances and established UDO standards. She questioned the necessity of altering setback rules, asserting that existing guidelines were designed to prevent overbuilding and maintain neighborhood aesthetics.
- Dr. Saini criticized the proposed variances as excessive and potentially detrimental, urging the Board to uphold UDO regulations to preserve neighborhood character. She expressed concerns about the potential erosion of neighborhood cohesion and property values, cautioning against undue influence from powerful individuals.
- In her closing remarks, Dr. Saini thanked the Board for allowing her to speak and acknowledged her supporters. She lamented neighbor reluctance to oppose Mr. Stout, citing potential business ties. Dr. Saini's impassioned plea underscored her commitment to upholding community standards and safeguarding the interests of ordinary residents against perceived developer overreach.

Mr. Patel asked the Board if there were any questions for Dr. Saini. The Board members said they would ask her questions later.

Mr. Stout approached the Board to rebuttal:

- Mr. Stout emphasized his self-made status and lack of familial ties in Fayetteville, asserting that his success is solely a result of hard work. He clarified that he does not consider himself special and follows ordinances like everyone else. He expressed full support for projects adhering to regulations but believes the variance request aligns with the purpose of the variance process under the UDO guidelines. Mr. Stout distanced himself from claims of influence, stating that his only ties in the area are his wife and children. He urged the Board to focus on facts rather than irrelevant assertions.

Mr. Simon questioned Mr. Stout about considering a smaller house for the area, to which Mr. Stout emphasized that the building envelope is distinct from the size of the structure and must be adhered to. He mentioned ongoing work on a site layout pending the first approval, halted due to the rehearing. When asked by Mr. Keith about adjusting the rear setback from 5 to 10 feet, Mr. Stout expressed openness as long as it didn't limit his options. Addressing concerns raised during the hearing, Mr. Patel asked if Mr. Stout believed they could be addressed, to which Mr. Stout affirmed his willingness to comply with setback requirements once a site plan is obtained. He reiterated his commitment to following the rules.

Mr. Patel stated that the Board did not discuss safety concerns during the previous hearing. Mr. Patel asked Mr. Stout about this concern and Mr. Stout explained that the house built on the property would not create any more safety impacts than any other house built in the area. Mr. Stout emphasized the difference between a building envelope and the size of a structure.

Mr. Keith said the logic behind approving the previous variance request was that there was no opposition at the time, which is now not the case. He noted the history of the area in Vanstory and stated that there are many homes in the area that break these measures all of the time. This lot is oddly shaped. Mr. Keith said the UDO tries to keep harmony in the area. Mr. Keith asked Dr. Saini if she would agree to any particular rear yard setback. Ms. Saini said a 15-foot setback would be okay with her. This would leave room for safety. Ms. Saini said building this home under the current variance request would make it grotesquely out of order with the other houses.

Mr. McCorquodale asked Dr. Saini to point out her home on the subject property map. She pointed out where her house was. Mr. McCorquodale said that on the back side of the house if you build a structure on the property as it is shaped, within the building envelope, he noted and showed Dr. Saini how the other house had straight house lines and the house in question has a non-straight line. Mr. McCorquodale said the Board considered this during the previous hearing. Mr. Simon asked if Dr. Saini would be okay with a 15-foot rear yard setback and she said she would be okay with this.

Mr. Patel closed the evidentiary hearing for case A24-04. Mr. Patel said they would need to make a new vote on this. Ms. Harper said it would have to be based on the evidence presented at this meeting.

Mr. Patel reopened the hearing with a question for Mr. Stout. Mr. Keith asked Mr. Stout if there was sufficient evidence that it was a hardship. Mr. Stout said that the strict application of the ordinance that is now in place is creating a challenging circumstance.

Mr. Patel closed the hearing. The Board discussed the matter.

MOTION: Alex Keith made a motion to approve the variance for case A24-04 with a change that includes reducing the corner setback from 10 to 15 feet and reducing the rear setback to 10 feet instead of 5 feet based on the findings of fact:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence: The odd shape of the lot and the small size and the multitude of things that were brought up in the hearing would make it difficult for anyone to build a home.

2. 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: As we mentioned many times (during the hearing), the odd shape lot and you have odd-shaped turns on the mirror lane and the cul-de-sac.
3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence: Based on what we talked about, having the building envelope there would be roughly 105 feet x 205 feet of trying to shape the lot which is minimal for that area.
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: Based on the general size of homes in the area, you want to avoid a home with weird angles.
5. In the granting of the Variance, public safety and welfare have been assured and substantial justice has been done as shown by the following evidence: We are talking about a residential home being built under all of the standards that have to be met in a residential area. There is nothing brought up that would be a public safety issue.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

A24-13. Variance to reduce the minimum front yard setback, located at 0? Drive (REID #0426801531000), totaling 0.18 acres \pm , and being the property of Timothy Davis.

Demetrios Moutos presented Case A24-13, a variance request aiming to decrease the minimum front and rear yard setbacks on a residential property owned by Timothy Davis, the applicant. Although the address is unspecified, the property is situated off Southern Avenue and Sandy Valley Road. During the presentation, Mr. Moutos provided a visual reference of Mitchell's Towing's location within the vicinity.

The property falls under the zoning classification of Single Family Residential 6 (SF-6), aligning with the zoning of the neighboring properties. Additionally, nearby properties have a zoning designation of Community Commercial (CC). According to the Future Land Use Plan, the area is designated as Highway Commercial, with an emphasis on neighborhood improvement.

Mr. Moutos presented the Board with photographs depicting the wooded nature of the property. Surrounding the site, to the northwest, are properties zoned SF-6 and CC, along with the Rapha Ministries Family Center. In the south, there is a vacant lot, while to the west, a mix of commercial and single-family housing is observed.

Mr. Moutos shared the site plan with the Board, explaining the intent to reduce the front setback to 11.44 feet and the rear setback to 11.44 feet. This proposed adjustment contrasts with the UDO standard, which mandates setbacks of 25 feet in the front and, where applicable, 25 feet or more at the corner, 10 feet on the side, and 15 feet in the rear.

Concluding the presentation, Mr. Moutos briefed the Board on the available voting options for their consideration.

Mr. Patel opened the hearing for case A24-13.

Speakers in favor:

Timothy Davis, 5504 Sand Valley Road, Fayetteville, NC 28306

- Mr. Davis wants to live in the house and sell his current house.
- He wants to be able to go forward with his building on his lot.

Mr. Patel asked for confirmation that there was a hardship for Mr. Davis regarding the lot, and Mr. Davis said the lot is oddly shaped and not as wide as normal lots. Mr. Moutos said this lot is legally nonconforming for the SF-6 zoning district because it is shorter in width than what is required for a lot in the SF-6 zoning district.

Mr. Patel closed the hearing for case A24-13.

MOTION: Stephen McCorquodale made a motion to approve the variance for case A24-13 to reduce the front and rear setbacks to 11.44 feet in the front and 11.44 feet in the rear based on the findings of fact:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence: Based on what the applicant was stating, he wants to build on the lot and make it his primary residence. He wants to build a single-family home on the lot. As the staff said, the current size of the lot according to the SF-6 zoning district is 10 feet shy of the normal length which causes a practical difficulty.
2. 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: As stated by the applicant, when he bought the lot (as is) it was a corner lot.
3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence: As stated in the packet and shown in a drawing, it is feasible to build a house as requested.
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: Based on the evidence, it is in harmony to make a minimum use of the property as the owner has a right to build on the land. The variance is necessary to build the house as requested.
5. In the granting of the Variance, public safety and welfare have been assured and substantial justice has been done as shown by the following evidence: There is no evidence that it would cause hardship or injustice by granting this variance.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

A24-14. Variance to increase the maximum front yard setback for two storage/maintenance buildings at the rear of the property located at 1204 Walter Reed Rd. (REID #0416874531000), totaling 13.21 acres \pm and being the property of Cumberland County Hospital System Inc.

Demetrios Moutos presented Case A24-14, highlighting the property's address at 1204 Walter Reed Road, with George Rose, the applicant, present to address the Board. Utilizing a map, Mr. Moutos delineated the property's location for the Board's reference.

As per the Future Land Use Plan, the area is designated for forthcoming office and institutional development, with existing subdivisions located on the west side. Mr. Moutos elaborated on the proposal to establish medical offices along Walter Reed Road, necessitating a variance to accommodate storage buildings on the property. The applicant's goal is to adhere to the mandated 10-foot maximum setback requirement for future buildings along Walter Reed Road, as stipulated by the Hospital Area Overlay standards within the Unified Development Ordinance.

Mr. Moutos emphasized that the applicant seeks a modification to the maximum front setback, proposing it be extended to 800 feet for the two storage/maintenance buildings, effectively exempting them from the standard setback requirement. Following this explanation, Mr. Moutos proceeded to delineate the available voting options for the Board's consideration.

Ms. Patel opened the hearing for case A24-14.

Speaker in favor:

George Rose, P.O. Box 53441, Fayetteville, NC 28305

- Mr. Rose said the property is located 1204 Walter Reed Road and owned by Cape Fear Hospital.
- The hospital is requesting a variance to put the storage units on the back side of the building.
- Mr. Rose said they are showing a 20-foot setback. The smaller of the two buildings has a solid wall.

Mr. Hight asked Mr. Rose if any of the equipment would have an odor. Mr. Rose said he was not sure. He said there would be office space for the maintenance people, and Mr. Rose said there would be lawnmowers stored on the property.

Speaker in opposition:

Danny Stanley, 1437 Roxy Avenue, Fayetteville, NC 28304

- Mr. Stanley said the problem he has is that the property is 25 feet off the fence line.
- Mr. Stanley wants to move it back 50 feet off the back fence line.

Mr. Hight noted that there would be bushes and trees as a buffer. Mr. Patel said with the overlay district there are height restrictions.

Mark Rice, 1441 Martin Court, Fayetteville, NC 28304

- Mr. Rice said there are 25 houses in the area.
- The properties have increased in value. The lots of professional buildings are worth 1/2 million. He said there are calls for the properties.
- Mr. Rice said the houses are not expensive.
- He said the owners have held on to the houses in the area for years.
- Mr. Rice said in the past the hospital wanted to buy properties in the area.
- He said the owners held on to the houses thinking they would be valuable in the future, and now they will build warehouses in the area.
- That pushes the owners out. He questioned what types of warehouses would be built in the area. Mr. Rice said there is not enough information for him to be for this project.

Mr. Patel asked Mr. Rose if this was the site for the medical school, and Mr. Rose said he was not certain of this but it could be. Mr. Rose said that it is not right to call these warehouses. He said one of the buildings, the larger building might be 20-feet high, and he would not classify this as warehouses but as storage. Mr. Rose noted the offsets and the facades they would consider when building the structures. Mr. Rose answered questions about the size of the structures and Mr. Keith noted that they would not be voting on the size of the building.

Mr. Patel closes the hearing for case A24-14.

MOTION: Stephen McCorquodale made a motion to approve the variance for case A24-14 based on the findings of fact:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence: Within the hospital overlay district, the maximum setbacks are not appropriate for the area and without the setbacks up front it would prevent the development of the property. As stated, he would not need the variance with a larger structure being designed upfront because he would not need the setbacks.
2. 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: Setback requirements create the hardship and are not the result of any actions of the hospital.
3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence: The setback within the overlay district is intended for office-type businesses on the front of the property and as desired maintenance-type buildings are not appropriate for the area and raising the maximum setback is the minimum action necessary to let the owner proceed to build on the property.
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: As stated by the applicant, the appropriate street frontage would be designed later on for those structures that would meet the standards in the overlay district.
5. In the granting of the Variance, public safety and welfare have been assured and substantial justice has been done as shown by the following evidence: There has been no evidence presented that public safety and welfare of others would be harmed by granting this variance.

SECOND: Pavan Patel

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

A24-15. Variance to reduce the minimum required lot size for a lot in the Single-Family Residential 10 (SF-10) Zoning District located at 449 McPhee Drive (REID #0427432021000), totaling 0.21 acres ± and being the property of Thomas Michael Lecka.

Demetrios Moutos introduced Case A24-15, outlining that the property is encompassed by a zoning area designated as Single-Family Residential 10 (SF-10). The owner proposes relocating the lot line to create an

additional buildable lot. However, this adjustment leaves the original lot with less than the required 10,000 square feet of land area mandated for lots within the Single Family Residential 10 Zoning District (SF-10).

Consequently, the applicant seeks a variance from the minimum required lot size of 10,000 square feet, proposing a lot size of 9,128 square feet. Mr. Moutos then proceeded to present the Board with their voting options.

Pavan Patel opened the hearing for case A24-15.

Speaker in favor:

Thomas Lecka, 449 McPhee Drive, Fayetteville, 28305

- Mr. Lecka has lived in area a while. His family founded and built the Putt Putt golf center.
- He added on to his garage and cleared out the back yard of both properties.
- Mr. Lecka said the neighbor behind him sold his house and the new owner has worked on the house. He said each yard has over 20 feet of backyard.
- Mr. Lecka said he has an idea to build a metal structure and sell the building. He is interested in metal housing and wants to work with the City on projects to build these structures.

Mr. Keith reminded the Board that they should focus on the facts necessary for the case.

Mr. Patel closed the hearing for case A24-15.

MOTION: Pavan Patel made a motion to approve case A24-15 based on the findings of fact:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence: Without the variance, the second lot would not be built on the property. The neighbor has been approached to acquire 8 feet of the property which would bring the property into compliance.
2. 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: By creating a second lot for a single-family development, there is sufficient evidence the variance would be the minimum action that would allow the minim use of the land
3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence: /the variance for both lots would allow the land to be used for its best value.
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: The variance increases the lot's value and allows for a future single-family development.
5. In the granting of the Variance, public safety and welfare have been assured and substantial justice has been done as shown by the following evidence: At this point, I do not see any safety concerns.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

A24-16. Variance to increase the maximum size for an accessory structure in the Single-Family Residential 10 (SF-10) Zoning District, located at 1495 Bingham Drive (REID #0406541553000), totaling 6.31 acres ±, and being the property of Miracle Temple Holy Deliverance Church of God Inc.

Demetrios Moutos introduced Case A24-16, highlighting that the subject property is zoned as Single-Family Residential 10 (SF-10). The Future Land Use Plan outlines a vision for low-density residential development in the area. Surrounding the property, there is Community Commercial (CC) land, with Single-Family Residential 10 (SF-10) to the south, and single-family residences to the west.

Mr. Moutos informed the Board that the maximum permissible size for accessory structures in the SF-10 zoning district is 12,000 square feet. Currently, the accessory structures on the property occupy an area of 644 square feet. The petitioner is requesting authorization for an additional 2,700 square feet, which would result in a combined total area of accessory structures amounting to 3,344 square feet.

Concluding his presentation, Mr. Moutos provided the Board members with their voting options for consideration.

Mr. Patel opened the hearing for case A24-16.

Speaker in favor:

Bennie Kelly, 350 Raeford Road, Fayetteville, NC 28304

- Ms. Kelly said they previously had this request approved, but they were unable to meet the deadline to start building the structure.
- Ms. Kelly said the structure is for their bus.
- She said they had two buses and vans and an SUV at one time.
- They want the vehicles covered to protect them from adverse weather damages.

Mr. Patel closed the hearing for case A24-16.

Mr. McCorquodale asked about a timeline for the variance to be documented, and Ms. Harper said this has been deleted from the ordinance.

MOTION: Alex Keith made a motion to approve the variance for case A24-16 to increase the maximum size for an accessory structure in the Single-Family Residential 10 (SF-10) zoning district based on the findings of fact:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence: Based on the ordinance, they will not have the necessary size shelter they need to protect church property.
2. 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 land under the property owner needs to be protected.

3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence: It is constructed as a 2700 square-foot parking structure, which is fairly reasonable for the buses.
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: The church lot fits in harmony with the surroundings.
5. In the granting of the Variance, public safety and welfare have been assured and substantial justice has been done as shown by the following evidence: There is minimum harm in the request for the variance.

SECOND: Pavan Patel

VOTE: Unanimous (5-0)

Mr. Patel made a note that P24-19 was postponed by the applicant. He read the information about legislative hearings.

III. LEGISLATIVE HEARING

Mr. Patel discussed the aspects of the legislative hearing. Mr. Patel asked if any of the Board members had any partiality (conflicts of interest) or any ex parte communication (site visits or conversations with parties to include staff members or the general public) to disclose regarding the case on the agenda for the evening. The commissioners did not have any partiality with the cases or ex parte communication to disclose regarding the cases.

Mr. Patel opened the legislative hearing for case P24-17.

P24-17. Rezoning from Single-Family Residential 10 (SF-10) to Limited Commercial (LC) located at 458 Lansdowne Rd (REID #0407661937000), totaling .96 acres ± and being the property of Timothy & April Gant.

Heather Eckhardt presented case P24-17. She said the request is to rezone the property from Single-Family Residential 10 (SF-10) to Limited Commercial (LC). They had a combination of land around the area. The property is going to be developed for a medical office. Staff recommends approval. Ms. Eckhardt provided the Board with their voting options.

Speakers in Favor:

Kyle Holmes, 731 McGilvary Street, Fayetteville, NC 28301

- Mr. Holmes said they are applying for the rezoning because there are three parcels intended for the future development of a medical center.
- He stated that the area is currently paved and was originally discussed to be used as an additional entrance for the development. Following further review and discussion, the decision was made to instead use this area as private parking for the site.

- The overall site has numerous constraints due to McFayden Lake and large 30-foot easement running through the center of the property.

Timothy Gant, 225 Forest Creek, Fayetteville, NC 28303

- Mr. Gant said this is going to be a healthcare complex.
- He said they understand that healthcare is growing in the area. The City is getting individuals ready for the healthcare field. This healthcare development is intended to beautify the area.
- Mr. Gant looks forward to what the proposed project could bring to the community.

Mr. Simon asked Mr. Gant if this facility would be like the Healthplex on Skibo Road. Mr. Gant said there would be a rehab facility in the building. Simon asked if there would be a pool, and Mr. Gant said they were thinking about it.

Speakers in Opposition:

Susanna Harrison, 306 Lansdowne Road, Fayetteville, NC 28314

- Ms. Harrison said she would be impacted by this.
- She said this lot would cut off two houses that would be surrounded by this facility.
- Ms. Harrison said people have dogs and the area is crime-free. For this reason she is opposed to developments. The advertisement for the development is misleading if you do not know the area. She said she was in an accident at the stop sign in the area. She has seen other accidents at that stop sign. She said that there is no reason that the entrance could not be used for commercial use once rezoned.
- The lot was misused under commercial zoning in the past. The value of adjacent homes will suffer.
- Ms. Harrison mentioned safety issues. She thinks they should split the lot and keep it residential.

Melissa Rodriquez, 308 Lansdowne Road, Fayetteville, NC 28314

- Ms. Rodriquez has been in her home for 25 years. She opposes the lot rezoning because it would impact the Hermitage community.
- The area is tranquil and safe and the development would disrupt this balance.
- The former entrance to a restaurant was not zoned for such and was improperly used. The property has become dilapidated after Hurricane and has not been used.
- There has been an increase in noise and clutter in the area. The Hermitage community lacks through roads. The proposed development would increase the traffic when people come in and out of the area.
- The prospect of an increase in traffic causes safety concerns.
- Ms. Harrison said there could be property crimes such as theft and break-ins and the property values would be threatened.

Mr. Holmes addressed some of the comments provided by the speakers in opposition.

Mr. Hight asked if there would be a gate and Mr. Holmes said it would be a gated private area that could not be used to get to the front of the building. Customers would only access the site from Cliffdale Road.

Mr. Simon asked Mr. Holmes about the parking, and he said it would be private parking.

Mr. Patel closed the hearing for case P24-17.

MOTION: Stephen McCorquodale made a motion to extend the time by 5 minutes for each side for rebuttal.
SECOND: Kevin Hight
VOTE: Unanimous (5-0)

Ms. Harrison said the lot would affect the houses blocked off and it would affect the properties of homeowners.

MOTION: Keith made a motion to approve the rezoning for case P24-17 from SF-10 to LC based on the consistency and reasonableness statements.
SECOND: Stephen McCorquodale
VOTE: (3-2) (Kevin Hight and Tyrone Simon opposed)

Mr. Patel opened the legislative hearing for case P24-18.

P24-18. Rezoning from Light Industrial (LI) to Community Commercial (CC) located at 2326 Owen Drive (REID #0426419941000), totaling .91 acres ± and being the property of McCauley & McDonald Investments Inc.

Heather Eckhardt presented case P24-18. Ms. Eckhardt said this is a rezoning from Light Industrial (LI) to Community Commercial (CC). The subject property is currently developed as a gas station. The Future Land Use Plan designated the area as a commercial strip redevelopment. To the east is a church and to the west is in the County. The gas station was built in 1983 and when the UDO was adopted the area changed to LI. The Unified Development Ordinance (UDO) has defined where commercial uses and gas stations are not allowed in the Light Industrial zoning. The staff recommends approval of the rezoning in order to address the non-conformity. Ms. Eckhardt informed the Board of their voting options.

Mr. Patel opened the hearing for case P24-18.

Speaker in favor:

Mary Talley, 2411 Eastover Street, Eastover, NC 28312

- Ms. Talley said the property has been a gas station since 1983.
- The new tenant wanted to make improvements to the property, but the property will need to be brought into compliance with zoning before the work can begin.

Ms. Talley said it would be a convenience store in response to a question by Mr. Hight.

Mr. Patel closed the hearing for case P24-18.

MOTION: Pavan Patel made a motion to approve case P24-18 based on consistency and reasonableness statements.
SECOND: Alex Keith
VOTE: Unanimous (5-0)

IV. OTHER BUSINESS

Mr. Harmon stated that there were no items to discuss for next month's meeting (Tuesday, April 9, 2024) except for case P24-19.

V. ADJOURNMENT

MOTION: Kevin Hight made a motion to adjourn the March 12, 2024, meeting.

SECOND: Tyrone Simon

VOTE: Unanimous (5-0)

The meeting adjourned at 8:43 p.m.

Respectfully 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: 24-3927

Agenda Date: 4/9/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 4.01

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Heather Eckhardt, CZO - Planner II

DATE: April 9, 2024

RE:

P24-19. Rezoning from Single Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5) located at 0 Preston Ave & Pelt Dr (REID 0428469409000 & 0428550724000) totaling 19.65 acres ± and being the property of Wood Valley NC LLC & CDM II LLC.

COUNCIL DISTRICT(S):

4 - D.J. Haire

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal II: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

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

Goal IV: Desirable Place to Live, Work, and Recreate

- Objective 4.5 - To ensure a place for people to live in great neighborhoods.

Executive Summary:

The applicant has requested to rezone two vacant parcels from Single Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5).

Background:

Owner: Wood Valley NC LLC & CDM II LLC

Applicant: Cresfund Investments, LLC

Requested Action: SF-6 to MR-5

REID #: 0428469409000 & 0428550724000

Council District: 4 - D.J. Haire

Status of Property: Vacant

Size: 19.65 acres

Adjoining Land Use & Zoning:

- North: SF-6 - Single family houses and vacant land
- South: SF-10 - Vacant land

- East: SF-6 - Single family house and nursing home
- West: MR-5 - Apartment and single family houses

Annual Average Daily Traffic: Pamalee Drive: 30,000

Letters Mailed: 103

Land Use Plans:

With the adoption of the 2040 Comprehensive Plan: Future Land Use Map & Plan on May 26, 2020, all properties within the city limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan.

According to the Plan, it is recommended that this portion of the city should be developed as High Density Residential. High-Density Residential is intended for townhomes and apartments in 3-5 story buildings with some very small single-family lots possible.

Issues/Analysis:

History:

The subject properties were annexed into the city limits of Fayetteville in 1966 and have never been developed.

Surrounding Area:

The subject property is surrounded by a variety of zoning districts and uses. The areas to the north and east are zoned SF-6 and are primarily residential in nature with a nursing home at the corner of Commonwealth Drive and Pamalee Drive and another on Pelt Drive. The area to the south is SF-10 and undeveloped. The area to the west is currently zoned MR-5 and has been developed into multi-family dwellings.

Rezoning Request:

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of many base zoning districts. Land may be reclassified to one of several comparable zoning districts in accordance with Section 30-2.C.

Straight Zoning:

The applicant has requested to rezone two parcels from Single Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5).

The Mixed Residential 5 (MR-5) district is established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development.

The reclassification of land to a base zoning district without conditions allows all of the uses that are shown on the attached Use Table taken from the UDO. The Zoning Commission may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other applicable regulations.

Land Use Plan Analysis:

According to the Future Land Use Map & Plan, it is recommended that this portion of the

city should be developed as High Density Residential. High Density Residential is intended for townhomes and apartments in 3-5 story buildings with some very small single family lots possible.

According to the 2040 Future Land Use Plan, this proposed development falls within Goal # 1: Focus value and investments around infrastructure and strategic nodes, and Goal # 4: Foster safe, stable and attractive neighborhoods.

Under the plan's Land Use Policies and Strategies section, subsection Strategic, Compatible Growth, this proposed development falls under the following sections:

LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.

- 1.6: Require adequate infrastructure to be in place prior to or in tandem with new development.

LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.

- 3.1: Examine and identify targeted redevelopment and infill areas throughout the city.

LUP 4: Create well-designed and walkable commercial and mixed-use districts

- 4.1: Ensure new development meets basic site design standards.

Consistency and Reasonableness Statements:

The Future Land Use Plan also sets forth written goals, policies, and strategies. This application does follow the City's strategic, compatible growth strategies and does meet the goals of the Land Use Plan found on the attached Consistency and Reasonableness form.

Conclusion:

The proposed rezoning is in keeping with the Future Land Use Plan and would allow for a range of residential uses such as multi-family dwellings. Residential development, especially high-density residential development, is needed to address the shortage of housing stock in Fayetteville. Additionally, the development of the site as multi-family housing would be an expansion of the existing multi-family development to the west.

Budget Impact:

There is not an immediate budgetary impact but there will be an economic impact associated with this rezoning that will occur due to taxes collected in the future.

Options:

1. Recommends approval of the map amendment to MR-5 as presented based on the evidence submitted and finds that the rezoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness statement (recommended).

2. Recommends approval of the map amendment to a more restrictive zoning district based on the evidence submitted and finds that the map amendment would be consistent with the Future Land Use Plan and an amended consistency statement.
3. Denies the map amendment request based on the evidence submitted and finds that the map amendment is inconsistent with the Future Land Use Plan.

Recommended Action:

The Professional Planning Staff recommends that the Zoning Commission move to recommend APPROVAL of the map amendment to MR-5 based on the following:

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject property to be developed as High-Density Residential.
- The uses permitted by the proposed change in zoning district classification and standards apply to such uses are appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors that will substantially affect public health, safety, morals, or general welfare.

Attachments:

1. Plan Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property Photos
7. Consistency and Reasonableness Statement

Project Overview**#1246832****Project Title:** 0 Preston Ave/0 Pelt Dr Fayetteville NC 28301**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:****Zip Code:** 28301

- 0 PRESTON AVE (0428469409000)
- 0 PELT DR (0428550724000)

GIS Verified Data**Property Owner: Parcel**

- 0 PRESTON AVE: WOOD VALLEY NC LLC
- 0 PELT DR: CDM II LLC

Acreage: Parcel

- 0 PRESTON AVE: 17.52
- 0 PELT DR: 2.13

Zoning District: Zoning District

- 0 PRESTON AVE: SF-6
- 0 PELT DR: SF-10

Subdivision Name:**Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:****Cape Fear District:****Downtown Historic District:****Haymount Historic District:****Floodway:****100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****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:** MR5**Acreage to be Rezoned:** 19.65**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:****B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:**

This is vacant land.

The surrounding zonings include MR5, SF6, SF10, LCCZ, HI, CC, and OI.

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 Future Land Use Plan recommends that this area be developed as Higher Density Residential, our plans for a housing development with the zoning of MR5 will align with these plans.

B) Are there changed conditions that require an amendment? :

No.

C) State the extent to which the proposed amendment addresses a demonstrated community need.:

This development helps to address the shortfall of homes needed in Fayetteville, NC.

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.:

This rezone will allow for additional residential housing that will start to move this area towards the cities future growth plans.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:

This development is keeping with the city's proposed uses of this area and helps the city close the gap between the number of homes needed and those presently available.

F) State the extent to which the proposed amendment might encourage premature development.:

The need for housing in Fayetteville has outpaced what has been constructed over the last several years. Rather than being a premature development, this project is a portion of a remedy for developments that have been delayed or postponed.

G) State the extent to which the proposed amendment results in strip-style commercial development.:

This is a redevelopment of an existing parcel and should have no contribution to additional 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 requested rezoning is for the same type usage of the property presently. The only differentiation with its present use is the request for increased density.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:

There should only be positive impacts to the surrounding lands. The redevelopment will increase the values of adjacent properties through reinvestment in existing infrastructure.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:

These rezone plans are not substantial enough to have adverse impacts on the natural environment.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Darrin Collins
Cresfund Investments, LLC
324 Mason St
Fayetteville , NC 28301
P:910-222-8763
admin@cresfund.com

Project Contact - Agent/Representative

Darrin Collins
Cresfund Investments, LLC
324 Mason St
Fayetteville , NC 28301
P:910-222-8763

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 General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:

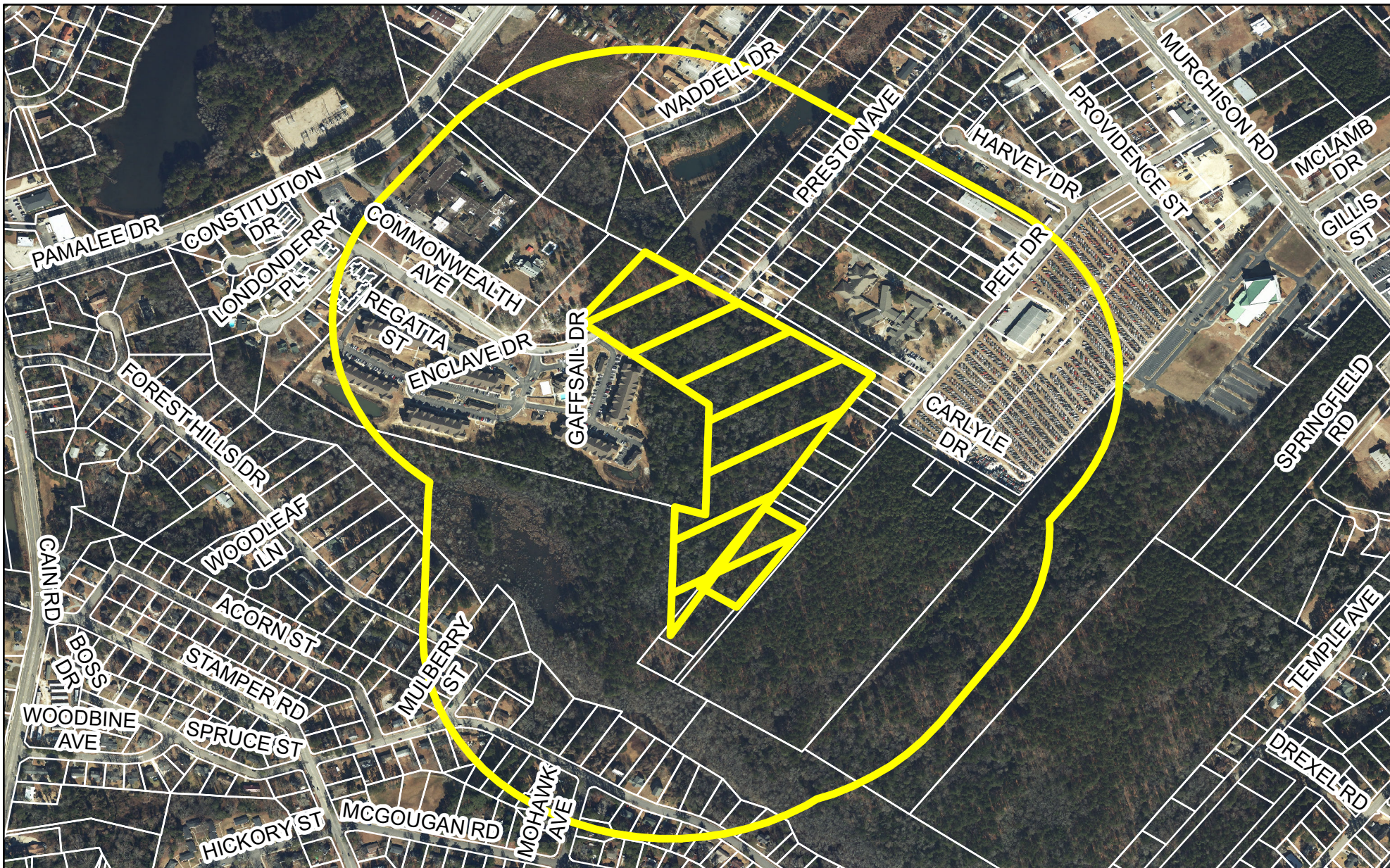
NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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



Aerial Notification Map

Case #: P24-19

Request: Rezoning

Single Family Residential 6 (SF-6) to
Mixed Residential 5 (MR-5)

Location: 0 Preston Ave and 0 Pelt Drive
0428469409000 and 0428550724000

Legend



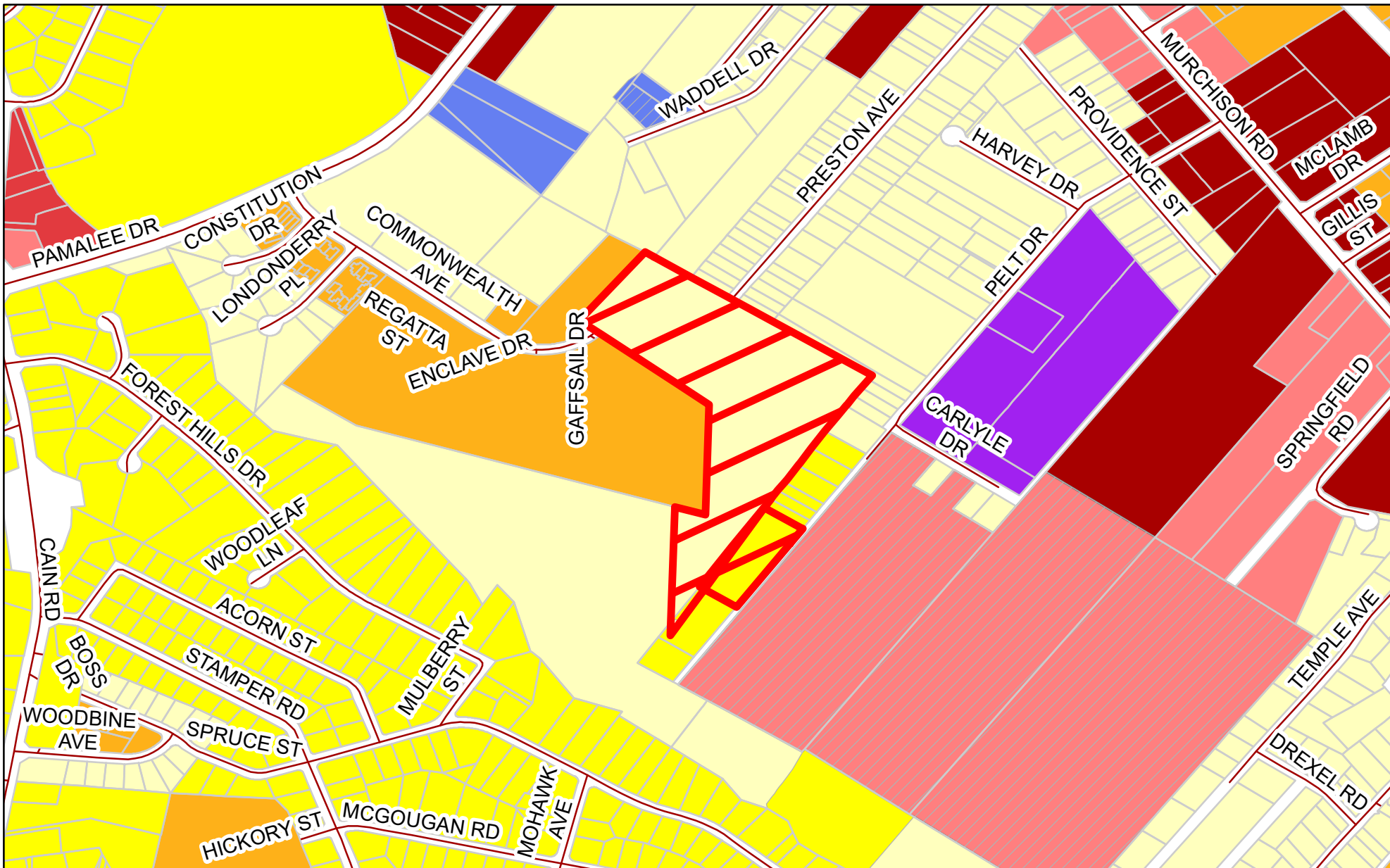
P24-19

P24-19 Notification Buffer



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.





Zoning Map

Case #: P24-19

Request: Rezoning

Single Family Residential 6 (SF-6) to
Mixed Residential 5 (MR-5)

Location: 0 Preston Ave and 0 Pelt Drive
0428469409000 and 0428550724000

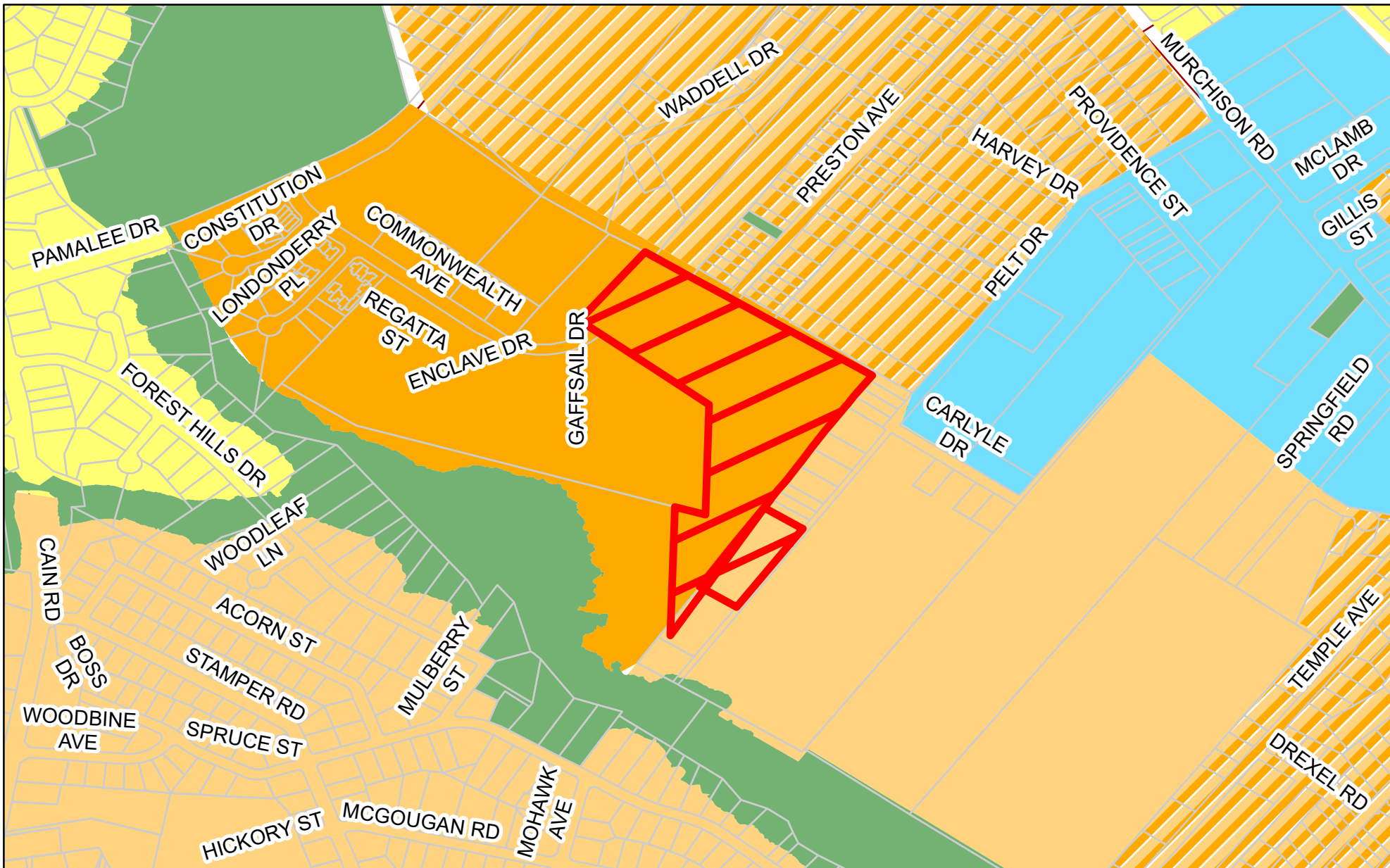
Legend

	P24-19		NC - Neighborhood Commercial
	CC - Community Commercial		OI - Office & Institutional
	HI - Heavy Industrial		OI/CZ - Conditional Office & Institutional
	LC - Limited Commercial		SF-6 - Single-Family Residential 6
	LC/CZ - Conditional Limited Commercial		SF-10 - Single-Family Residential 10
	MR-5 - Mixed Residential 5		



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.





Land Use Map

Case #: P24-19

Request: Rezoning
Single Family Residential 6 (SF-6) to
Mixed Residential 5 (MR-5)

Location: 0 Preston Ave and 0 Pelt Drive
0428469409000 and 0428550724000

Legend



P24-19

Land Use Plan 2040

Character Areas

PARKOS - PARK / OPEN SPACE

LDR - LOW DENSITY

MDR - MEDIUM DENSITY

NIR - NEIGHBORHOOD IMPROVEMENT

HDR - HIGH DENSITY RESIDENTIAL

OI - OFFICE / INSTITUTIONAL



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.







Consistency and Reasonableness Statement

Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P24-19 is consistent with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

Consistency

1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: Focus value and investments around infrastructure and strategic nodes	X	
GOAL #4. Foster safe, stable, and attractive neighborhoods	X	

2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development	X	
LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.	X	
3.1: Examine and identify targeted redevelopment and infill areas throughout the city	X	
LUP 4: Create well-designed and walkable commercial and mixed-use districts	X	
4.1: Ensure new development meets basic site design standards.	X	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

X	The proposed land use is consistent and aligns with the area's designation on the FLU Map.	OR		The proposed land use is inconsistent and does not align with the area's designation on the FLU Map.
X	The proposed designation, as requested, would permit uses that are complimentary to those existing on adjacent tracts.	OR		The proposed designation, as requested, would permit uses that are incongruous to those existing on adjacent tracts.

Reasonableness

The proposed zoning amendment is reasonable and in the public interest because it supports the policies of the Comprehensive Plan as stated above and the Strategic Plan as stated in the Staff Report, and because: [select all that apply]

 X The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community.

 The amendment includes conditions that limit potential negative impacts on neighboring uses.

 X The proposed uses address the needs of the area and/or City.

 X The proposal adapts the zoning code to reflect modern land-use trends and patterns.

The amendment is also in the public interest because it: [select all that apply]

 X improves consistency with the long-range plan.

 X improves the tax base.

 preserves environmental and/or cultural resources.

 facilitates a desired kind of development.

 X provides needed housing/commercial area.

Additional comments, if any (write-in):

Date

Chair Signature

Print