



## Board of Adjustment

MINUTES  
18 September 2025  
6:00 PM

### Members Present

Kenneth Turner, Chair  
Marva Lucas-Moore-Vice Chair  
Donald Brooks  
Gary Silverman  
Veronica Mitchell-Rozer

### Absent Members

Brenee Orozco  
Jovan Bowser  
Vickie Mullins

### Staff/Others Present

David Moon  
Timothy Doersam  
Oswaldo Garcia  
Cherice Hill  
Jacob Dluzak  
Robert Hasty (Asst County Attorney)

Chair Turner called the meeting to order at 6:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

#### 1. INVOCATION

Jason Arnett (Youth Minister) from Victory Baptist Church gave the invocation

#### PLEDGE OF ALLEGIANCE

Recited by all.

#### 2. ROLL CALL

Deputy Director David Moon called the roll and made note of the absence of Brenee Orozco, Jovan Bowser and Vickie Mullins. Mr. Moon stated we do have a quorum.

#### 3. RECOGNITION FOR BOARD SERVICE

Deputy Director David Moon recognized and presented a plaque to Marva Lucas-Moore for her service as a member of the Board of Adjustment.

#### 4. SWEAR IN NEW BOA APPOINTMENT

David Moon announced the new appointment of Jacob Dluzak as an alternate member of the Board of Adjustment. Cherice Hill Planning and Inspection notary performed the oath of office for Jacob Dluzak appointment on the Board.

#### 5. SWEAR IN STAFF

Chair Turner swore in staff Mr. David Moon and Mr. Timothy Doersam.

#### 6. ADJUSTMENTS TO AGENDA

There were none.



7. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

There were none.

8. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

9. POLICY STATEMENT REGARDING APPEAL PROCESS

Deputy Director Moon read the policy statement.

10. PUBLIC HEARING(S)

**Chair Turner opened the public hearing for cases.**

**BOA-2025-0012:** Variance from Section 1104, County Zoning Ordinance, requesting encroachment of an existing dwelling into the side yard setbacks on a parcel containing 0.50 +/- acres; located 156 Bienville Dr; submitted by Pushpa Singh (Owner)

**BOA-2025-0013:** Variance from Sections 1306.C and 1309.B.6, County Zoning Ordinance, requesting an electronic message sign to exist within a private street right-of-way and within 150 feet of a dwelling unit on a parcel containing 2.70 +/- acres; located at 5984 Brookdale St; submitted by Loretta Lover (Agent) on behalf of Victory Baptist Church Inc (Owner).

**Deputy Director Moon:** explained the definition and purposes of a variance and the Boards' role and responsibilities when reviewing a variance request. Deputy Director Moon then explained the required vote for approval/denial of the variance with only four members in attendance. Mr. Moon then explained the variance must be addressed under the four criteria and the burden of proof is on the property owner. Additionally, Mr. Moon introduced Mr. Oswaldo Garcia as the new clerk of the Board of Adjustment.

Deputy Director Moon provided the key facts for the variance request for Section 1104 and Section 1605

1. Property owner indicates a need to have a variance for his records and any future owner's records to avoid delays or problems at the time the property is sold to another party and to avoid any cloud on the title.
2. The subject property and structure were surveyed by a licensed surveyor, and the surveyor confirmed an encroachment into the side yard setback by three feet as shown by the surveyor.
3. While the single-family residential dwelling was constructed in 1977, prior to adoption of the current Zoning Ordinance, the property owner seeks an approval from the BOA for the purpose of retaining an official county board action for the record.
4. The nearest structure to the house corner is approximately 48 feet away, exceeding minimum of twenty feet that would be created by implementation of the side yard setback standard on abutting lots.



## Board of Adjustment

5. This variance shall only apply to the portion of the existing building that encroaches the side-yard site back line were shown in Exhibit "B". A new variance must be requested for any future expansion that proposes further encroachment into the side yard setback or any other setback.

**Tim Doersam, Planner II**, on the behalf of the County Planning staff gave a presentation on the requested variances, stating information about the site, County zoning codes that apply to the variance requests, and inconsistencies of the site with the County zoning and development standards.

**Donald Brooks:** inquired about year of construction of the residence?

**Deputy Director Moon:** stated that the home was built in 1977.

**Donald Brooks:** inquired about the existence of any other structures in the area that may have the same issues pertaining to the variance being presented in the area.

**Deputy Director Moon:** was unaware of other home constructed during that timeframe and that the Current Planning staff has not done any study nor conducted further research to indicate if lots in the neighborhood experience similar circumstances.

**Donald Brook:** inquired is the stature in place when the home was constructed in 1977.

**Deputy Director Moon:** stated the zoning ordinance would not have been at that time. The owner of the property Pushpa Singh has indicated that they would like to obtain a variance approval from the board for there record so that when and if they choose to sell the property in question it would cause no delay.

**Chair Turner:** opened the public hearing.

**Chair Turner:** swore in Akanksha Singh (daughter of Pushpa Singh property owner)

**Ms. Akanksha Singh:** indicated she was speaking on behalf of Pushpa Singh who is the property owner and in favor on the variance. She also stated that they are no longer residence of the property in question and are currently in the process of selling the residence and during this process the buyer identified the issue in question which is delaying the selling of the residence.

**Gary Silverman:** inquired to the length of owner of the residence in question.

**Ms. Akanksha Singh:** my parent purchased the home in 1986.

**Gary Silverman:** when was the issue discovered with the property in question?

**Ms. Akanksha Singh:** It was not discovered until they decided to put the property up for sale.

**Chair Turner:** There were no more speakers and chair closed the public hearing and opened to board discussion. No further discussion.

**Robert Hasty:** suggested it be marked and submitted to record as Exhibit G.

**Chair Turner:** Motion to approve the various for the encroachment of the existing residential dwelling into the southwestern property boundary, side set yard setback as show on the variance site plan, because the four variance criteria are set aside based upon the response by the applicant as well as Exhibit G and the site. The variance applies to what's there now, not what is there later. The variance only applies to the existing encroachment or as for mentioned, any proposed expansion for the existing encroachment further into the side yard setback at the southwesterly property boundary must be approved by the Board of Adjustment through a variance application. The variance group shall expire within one year at the time of application for the first building permit. If the existing residential structure is damaged or demolished, with the damage, you see more than 50% of its reproducible value of its bulk exclusive of foundation.

**Gary Silverman** seconded the motion. All voted in favor.



## Board of Adjustment

Members Vote	In Favor
Kenneth Turner, Chair	YES
Marva Lucas-Moore-Vice Chair	YES
Gary Silverman	YES
Donald Brooks	YES
Vernoica Mitchell-Rozerr	YES

**Deputy Director Moon:** That concludes case BOA-2025-0012.

**BOA-2025-0013:** Variance from Sections 1306.C and 1309.B.6, County Zon. Ord., for an electronic message sign to exist within a private street right-of-way and within 150 ft of a dwelling unit; 2.70 +/- acres; 5984 Brookdale St; Loretta Lover (Agent); Victory Baptist Church Inc (Owner).

**Timothy Doersam:** Introduced himself as a Planner II for the County Planning and Inspection Dept. Mr. Doersam gave a brief overview of the location, zoning, surrounding zoning and the recent land acquisition by the North Carolina Department of Transportation (NC-DOT) from the property in question. The first of two variance is section 1306, C, Signs in the Right-of-Way, which prohibits signs, except for a few select types, from being permitted within a street right-of-way. The second variance section 1309, Subsection B.6, Electronic Message Board, requires all electronic message board signs to meet a minimum separation distance of 150 linear feet from a residential dwelling unit.

Mr. Doersam provided the key facts for the variance request for Section 1306.C, street right of way.

1. A portion of the property abutting Rockfish Rd was acquired by NCDOT as right-of-way to accommodate its roadway expansion project for Rockfish Rd. Removal of the sign was not an action caused by the property owner.
2. The flagpole shape of the subject property that connects to Rockfish Rd limit's available locations to place the new sign within view of travelers along Rockfish Road. Brookdale St's right-of-way easement on the Church's property covers all of the flag lot pole strip.
3. The County Subdivision Ordinance requires a minimum width of thirty feet for a Class "C" street to and the established width is sixty feet, providing sufficient space for a required twenty- foot travel lane and a sign setback.
4. Only four lots currently abut the Class "C" street.
5. Per the applicant, the only location for the electronic message board sign to exist that would adhere to Section 1306.C would place the sign 370 feet from the front property boundary.

**Chair Turner:** By the "flagpole" you mean the stem?

**Timothy Doersam:** The stem, the area cross hatched.

**Timothy Doersam:** This is an image also showing the proposed sign location and that it's approximately to be located 11 feet from the travel lane of Brookdale Street itself.



## Board of Adjustment

**Donald Brooks:** If you can go back to the slide where you had the sign. Now, earlier you mentioned something about the limit in 100 and that was signed in 150 feet from the structure. And the one that the church wants to put up would be 150 up with the building?

**Timothy Doersam:** yes, sir, that's that'll be variance to address. They'll be addressing variance too.

**Donald Brooks:** So, this actual proposed location at another church is such as, to my left, right, where you get proposed sign, then to the left at the church.

**Timothy Doersam:** It's to the south, sir. The if you go down, if you travel south, down the flagpole lot line, that's where the actual church is building, which is located around approximately here, sir.

**Donald Brooks:** it's 150 feet from the actual the building.

**Timothy Doersam:** any structure, for any for any dwelling, any dwelling unit, it must be 150 feet away.

**Donald Brooks:** Okay.

**Deputy Director Moon:** you'll see more information when we address variance no. two. Right now, Mr. Dorsen is addressing variance number one.

**Timothy Doersam:** presented the key facts for variance request for Section 1306.B.6.

1. To the west at 6213 Rockfish Rd is a residential dwelling unit that would be approx. 110 ft from the proposed sign location. There is no location near the front of the subject property within the flagpole that would place the sign further than 150 feet from the dwelling unit.
2. The only location for the electronic message board sign to not be within 150 feet of a dwelling to adhere to Section 1309.B.6 would place the sign 370 feet from the front property boundary.
3. Applicant has been in contact with the property owner who has provided a notarized letter, attached, stating that the electronic message board sign would not create a nuisance or any problems near their residence.
4. This variance shall only apply to an electronic message board sign proposed to be installed within 110 linear feet of a dwelling. Any proposed replacement, removal, or relocation of the sign must be applied for and approved by the Board of Adjustment through a variance application.

**Gary Silverman:** point to the location of where the current sign is.

**Timothy Doersam:** Certainly, so is right here. You can also kind of see the sign within the imagery here, and it's shadowed just to the north portion of the boundaries.

**Donald Brooks:** How long has the sign be there?

**Timothy Doersam:** The sign, according to the applicants, about 2007.

**Donald Brook:** now you mentioned NC- DOT had not been winding the road, would we be having this conversation?

**Timothy Doersam:** No Sir.

**Gary Silverman:** Is there a photo of the desired location, the new desired new location for the sign?

**Timonthy Doersam:** Yes, we do have some graphics provided by the applicant that we can show the approximate location of the sign for this case, BOA 2025-0013, staff requests that the Board of adjustment address each variance separately, two motions, one for each request. And similarly, as Director Moon to have the board review each of the board criteria for each variance request and to approve, deny or approve the conditions. We also have suggestions for motion language in the back of your packet as well to assist with that motion that. completes my presentation, staff will be happy to assist with addressing any questions, and I can also provide Mr. Silverman some of those images that the applicant provides to us. So, the applicant provided this plan, showing in the red, the black is where it's originally located. The red is showing its new location. The applicant to provide more of a close-up scale also provided this image, also showing where the existing sign is and where they're proposing the new sign seven feet to the south and approximately 14 feet away from the eastly property line.





## Board of Adjustment

**Deputy Director Moon:** and that black line that's running left to right between the two signs is the new property line after NC-DOT has taken the property. My understanding is they've already acquired the property. That sign is located within North Carolina, DOT, right of way. Thus, it has to be removed.

**Gary Silverman:** And is the desired location supposed to be on the property whose address is 6213, Rockfish Road.

**Timothy Doersam:** 6213 Rockfish, That's the property owner who had their property located within 110 feet of the new sign location. The address for 6213 is this house

**Gary Silverman:** right?

**Timothy Doersam:** This would be associated with 5984 Brookdale Street.

**Donald Brooks:** When DOT acquired this property, they knew the sign would stay around. Okay, so DOT made no basis to relocate the sign.

**Timothy Doersam:** I'm sure the applicant could provide some more context as to their discussions with DOT regarding the sign

**Donald Brooks:** Okay

**Deputy Director Moon:** chair, if there are no other questions for staff, you can open the public hearing.

**Chair Turner:** opened the public hearing to speakers. Mr. Turner swore in first speaker John Lover, second speaker Loretta Love, third speaker and Micheal Bassett.

**John Lover:** Mr. Lover was sworn in and gave his name and address. Spoke to the four criteria for both variance in question.

**Chair Turner:** As was curious if you're going to just move that sign or get a new Sign?

**John Lover:** No, we're going to put a new sign.

**Deputy Director Moon:** that would be the applicant's choice. If I could interject, they Board is considering a minimum standard if they want to move it further away from that house. They that that's their choice. They choose to move further away from the front property line. They can do that as well, but there are. you're establishing the minimum setback standards for the sign.

**Chair Turner:** You can always move it farther back than what we approve.

**Deputy Director Moon:** Correct.

**Chair Turner:** You just can't move it closer into the road.

**John Lover:** We don't want to go too far back, because you won't ever see it from the street.

**Chair Turner:** Yeah, and ultimately, it there's going to be electrical run and all that kind of stuff you must do.

**John Lover:** we just wanted to move it back to get it in compliance and just move it over some I don't know how far way from the right of way you would want it, but that's what we're doing. Just kind of get it over it puts it further away from her and gives a little bit more visibility coming down Rockfish Road.

**Chair Turner:** Swore in Loretta Lover.

**Loretta Lover:** Ms. Lover swore in and gave her name, address/spoke to the four-criteria for both variances being requested. Ms. Lover reiterated the fact that the church wants the sign to be visible.

**Chair Turner:** Swore in Michael Bassett.

**Michael Bassett:** Mr. Bassett swore in and gave his name address and spoke to the sign dimensions.

**Gary Silverman:** presented a question concerning section 1309 B6 sign standard by sign type. The separation from a dwelling is a minimum of 150 linear feet. Correct, under 1309. B6?

**Deputy Director Moon:** yes, correct.

**Gary Silverman:** the packet here says applicant has been in contact with the property owner who has provided notarized letter attached stating that the message board would not create a nuisance or any problem near their residence, but the notarized letter from the abutting residents doesn't address that at all. It only says it does not bother me if it is illuminated at night the abutting resident does not address at all the issue of the proximity of the sign to the house, it just says it doesn't bother me if it's illuminating. I'm talking about a discrepancy which can void the entire issue here. The applicant claims that the abutting resident



## Board of Adjustment

claims that there's no end, no adverse effect on the size of the house, the proximity of the house, and offers a notarized statement. However, the abutting residence notarized statement doesn't address that issue at all. It simply says it doesn't bother me if the sign is illuminated. So that could be the sign, you know, 110 feet or two miles away.

**Chair Tuner:** I see your point.

**Marva Lucas-Moore:** I see your point. But I feel like, if she had a problem, she would have notated in a notarized state. I only think that.

**Gary Silverman:** we cannot make that assumption; we can only go on what's in the documentation we can make. We have no we have no knowledge to make an assumption as to what the abutting resident means or does not mean. We, since the statement is notarized. We can only go on what's in that statement.

**Donald Brooks.** But those residents also had the options to be here.

**Deputy Director Moon:** correct, all abutting property owners were notified with the mail out hearing notice. It was also notified through the Fayetteville observer with a legal ad.

**Gary Silverman:** The main issue is the applicant claims to present a statement that says one thing, but the actual notarized statement says something completely different or doesn't address at all what the applicant is referring to.

**Chair Tuner:** any other comments

**Loretta Lover:** When we originally talked about this, we were told that it was the problem that we could move the sign. That was not the problem. The sign could not be illuminated because it was too close with her house. So therefore, I want to wait to talk to her. She did not have a problem about the sun at all, but especially the fact that it lit up at night. The sign comes on at five o'clock and we have it shut down at 11 p.m.

**Chair Turner** There were no more speakers and chair closed the public hearing and opened to board discussion

**Chair Turner:** Motion to approve approval for the request for the variance of section 1306.C, and notes that the variance request only applies to the sign location of being within that for being within a right of way, within 150 linear feet of dwelling, as illustrated on the variance site plan presented in Exhibit B. The other minimum standards for electronic message board are not affected by the variance request, nor any other standards for signs and county zoning ordinance, the best actions are below: The motion to approve to allow a proposed electronic message board to be installed within the right of way of Brookdale Street, class C, private Street. The variance request complies with each of the four criteria because location will be at least two feet from the property boundary, 11 feet from the Brookdale Street travel lane, the variance only applies to the electronic message sign and no other structures. The electronic reader board must be installed in the height and size consistent with the county sign ordinance. Any proposed replacement, removal, or relocation of the sign must be approved by the Board of adjustment for a variance application. The two variances shall expire within one year from Board of adjustments approval date unless the property owner obtains a sign permit for the electronic message sign board within one year from the date of the variance approval. Additionally, I can see an unnecessary hardship resulting from not being allowed to do that, and it's particular to the property because of what the DOT is doing to y'all. Additionally, it's nothing that y'all done. It's not the resulting from something that the church itself has done. And fourth is it's consistent with the spirit of the purpose of the variance.

**Marava Lucas-Moore** Seconds the motions. All in Favors

**Members Vote**

**In Favor**



## Board of Adjustment

Kenneth Turner, Chair YES

Marva Lucas-Moore-Vice Chair YES

Gary Silverman YES

Donald Brooks YES

Vernoica Mitchell-Rozerr YES

**Chair Turner:** Now we are on the second variance, 1309.B. anybody care to make a motion?

**Gary Silverman:** We have the exhibit k here, it shows applicants, justification, response and answers. I assume that's for the first variance. But do we have, I don't see in the packet, correct me if I'm wrong, the applicant's answers to the four questions for the second variance.

Chari Tuner: was that see attached

**Mr. Doersam:** responses provided were more general, responses applied to both, that would be applicant's responses

**Gary Silverman:** we're saying Exhibit K applies to both?

**Mr. Doersam:** Yes.

**Gary Silverman:** I just want to call the board's attention to that the applicant's responses in Exhibit K with the attachment are intended to refer both variances, Then the applicant's answers do not address at all, the requirement for the setback, at all, for the illuminated sign. There are several discrepancies in the applicants' documents. the applicant's answers do not address the issue at all of the 150 linear foot linear setback and the discrepancy in the statement offered up from the abutting residents about a budding resident.

**Chair Turner:** Would anybody like to make that motion.

**Gary Silverman:** I have one more point, but maybe the attorney can address that if we're to construe that the applicant's answers to questions in Exhibit K also apply to the second variance, the setback of the sign we would be making an unfounded assumption wouldn't.

**Robert Hasty:** the board must find the core criteria, either through the applicant's responses, or through any other evidence that was offered at this hearing, right? Because everything that was said is evident. So, if you believe that the criteria are met from anything else that's been said at this hearing, that can be part of a vote to go through, or if you don't think it has been satisfied

Deputy Director Moon: other information has been presented to you this evening. For example, the picture showing the location of the existing and the proposed line and the closest dwelling to the property, so the church presented its response to the four criteria. Other evidence has been sent into the board. The sign, proposed, sign, electronic message board sign will be approximately 110 feet from the house. The existing sign has been there for many years, is approximately the same distance.

**Gary Silverman:** and that the house at 613 rockfish road, that sign has been there for?

**Loretta Lover:** 18 years

**Gary Silverman:** but is that 18-year duration addressed anywhere in the documents here? I didn't see that anywhere.

**John Lover:** The permit that we initially got for the church and the sign.

**Chair Turner:** you need to come up to the podium with the public comment is close. We're we've got Mr. Silverman, who's, who's got questions, right? I have, without looking at the letter specifically, I've gathered enough information from the other evidence that's been presented to o kind of overlook that it may not specifically mention the two items that you that you mentioned, what other questions do you have

**Gary Silverman:** no, the questions already been answered. It's not in the document. It's not in any of the documents from the applicant. Okay, questions been answered.





## Board of Adjustment

**Robert Hasty:** Chair could reopen the hearing if you want to, but I believe also oral testimony as well.

**Chair Turner:** I agree. Do you want to say anything else after hearing? I think we're probably in a position to figure this out. Would anybody like to make a motion?

**Marva Lucas Moore:** Motioned for approval for Section 1309 B.6 variance requests electronic reader board less than 150 feet from a residential home. The motion to approve the variance is to allow proposed electronic message board signed to be installed within 150 linear feet of a dwelling, as shown in the variance site plan. And found that the variance request comprises each of the four criteria, because of the location. Any proposed replacement, removal or location of the sign must be approved by the Board of adjustment through a variance application. This variance approval shall expire within one year, from the BOA approved date, unless the property owner obtains the sign permit or electronic message board sign within one year

**Chair Turner:** Second the motion: All in Favor (4) Opposed (1)

Members Vote	In Favor	Opposed
Kenneth Turner, Chair	YES	
Marva Lucas-Moore-Vice Chair	YES	
Gary Silverman		NO
Donald Brooks	YES	
Vernoica Mitchell-Rozerr	YES	

The motion passes.

### 11.OTHER BUSINESS: BOA Alternate Member Recommendations

**Chair Tuner** opened discussion to consider recommendations for vacant Alternate BOA seats and submit such recommendations to Board of County Commissioners. No recommendation was made.

### 12.DISCUSSION/UPDATES(S): NONE

### 13. ADJOURNMENT

Marva Lucas-Moore motioned to adjourn, and Donald Books seconded the motion. All in Favor.

**Chair Turner:** Adjourned at 7:13 pm