

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT

June 26, 2014

The Greenville Board of Adjustment met on the above date at 7:00 PM in the City Council Chamber of City Hall.

Scott Shook, Chairman *

Charles Ewen *
Bill Fleming *
Thomas Taft, Jr. *
Sharon Ferris *
Jeremy Spengeman *

Claye Frank *
Justin Mullarkey *
Kevin Faison *
Michael Overton*

The members present are denoted by an “*” and those absent are denoted by an “X”.

VOTING MEMBERS: Shook, Ewen, Fleming, Frank, Mullarkey, Taft, Ferris

OTHERS PRESENT: Mr. Bill Little, Assistant City Attorney
Mr. Michael Dail, Planner
Mr. Thomas Weitnauer, Chief Planner
Ms. Elizabeth Blount, Planner I (acting secretary)
Mr. Tim Corley, Civil Engineer
Ms. Jewel Jones, Communications Technician

MINUTES

Mr. Mullarkey made a motion to approve the May 22, 2014 minutes as presented, Mr. Ewen seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY THE ROSEMYR CORPORATION- APPROVED

The applicant, The Rosemyr Corporation, desires a special use permit to operate a household mini-storage facility pursuant to Appendix A, Use (14)k. of the Greenville City Code. The proposed use is located at 4115 Bayswater Drive. The property is further identified as being tax parcel number 81835.

Mr. Dail delineated the area on the map. He stated that the property is located in the southern portion of the City. It is located south of the major thoroughfare of E. Fire Tower Road.

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

North: CG (General Commercial)
South: CG (General Commercial)
East: CG (General Commercial)
West: R6MH (Residential Mobile Home)

Surrounding Development:

North: Mini-Storage, Fire Tower Crossing Shopping Center

South: Vacant (under construction)
East: Mini-Storage
West: Vacant, Dudley's Grant Townhomes

Description of Property:

The subject property is currently vacant, has 300 feet of frontage along Bayswater Road and is 2.02 acres in size.

Comprehensive Plan:

The property is located within Vision Area "D" as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends high density residential/commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on June 12, 2014. Notice of the public hearing was published in the Daily Reflector on June 16, 2014 and June 23, 2014.

Staff Comments:

The proposed project must meet all related NC State fire and building codes prior to occupancy.

Staff Recommendation:

Planning staff is of the opinion that the request can meet all the development standards required for issuance of a special use permit upon proper findings by the Board.

Mr. Fleming asked if it was going up adjacent to the mini storage already there.

Mr. Dail stated yes.

Mr. Fleming asked what the facility was on Fire Tower Road.

Mr. Dail stated it was Fire Tower Crossing Shopping Center.

Chairman Shook opened the public hearing.

Mr. Bill Coffey, representative of the Rosemyr Corporation, spoke in favor of the request. He stated the Rosemyr Corporation purchased Fire Tower Crossing retail center and the current mini storage. The proposed land is under contract to do an expansion of the mini storage. He stated their intentions are to build 2 climate controlled buildings with access off of Bayswater Drive.

Mr. Ewen asked if they owned the other mini storage.

Mr. Coffey stated yes and they will manage them as well.

No one spoke in opposition of the request.

Chairman Shook asked for City Staff Recommendation.

Mr. Dail stated City Staff has no objection.

Chairman Shook closed the public hearing and opened for board discussion.

No comments made during board discussion.

Chairman Shook read the required findings criteria. No objections.

Mr. Frank made a motion to adopt the finding of facts with the stated conditions, Ms. Ferris seconded and the motion passed unanimously.

Mr. Ewen made a motion to approve the petition with the stated conditions, Mr. Fleming seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A REQUEST FOR A VARIANCE BY VIDANT MEDICAL CENTER- APPROVED

The applicant, Vidant Medical Center, desires a variance from Section 9-3-5 of the City Code (Airport Zone Height Limitations) to exceed the height limits for a structure in the Airport Overlay Zone. The proposed use is located at 2100 Stantonsburg Road. The property is further identified as being tax parcel numbers 29132 and 80032.

Mr. Dail delineated the area on the map. He stated that the property is located in on the hospital property adjacent to the heart center. The property is in the Airport Overlay Zone. A determination of no hazard has been approved by the FAA for this structure.

Reason for Request:

Vidant Medical Center wishes to construct a new cancer center similar to the existing heart center.

The proposed cancer center will have a finished height of 125 feet above ground level (199 feet above mean sea level). The airport overlay height limitation for a structure at this location is 103 feet above ground level (177 feet above mean sea level).

Vidant Medical Center wishes to receive a variance to allow the center to project into the airport overlay height zone 22 feet above the maximum allowance (125 feet above ground level). A similar variance was issued for the existing heart center in 2005.

Zoning of Property: MI (Medical Institutional)

Surrounding Zoning:

North: MI (Medical Institutional)

South: MI (Medical Institutional)

East: MI (Medical Institutional)

West: MI (Medical Institutional)

Surrounding Development:

North: PCMH Related Uses, Ronald McDonald House
South: PCMH Parking Lot
East: PCMH Central Utilities Plant
West: Pitt County Memorial Hospital

Description of Property:

Vidant Medical Center Campus located between Moye Boulevard and Stantonsburg Road.

Comprehensive Plan:

The property is located within Vision Area “F” as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends medical development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on June 12, 2014. Notice of the public hearing was published in the Daily Reflector on June 16, 2014 and June 23, 2014

Variance Criteria:

When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It would not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships from conditions that are common to the neighborhood or the general public may not be the basis for granting the variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public-safety is secured, and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

Staff Recommendation:

Planning staff does not object to the requested variance provided that continuing approval is received

from the Federal Aviation Administration concerning the height limitations and restrictions waivers, and no complaints are received or filed by the Pitt-Greenville Airport Authority.

Mr. Ewen asked if the Board had previously approved variances for the cranes.

Mr. Dail stated that several variances have been issued for cranes in 2012 and 2011. There have also been 3 other variances issued for height.

Chairman Shook stated the original variance was for the heart center and is similar to this. The reason why this is in the zoning ordinance is because the FAA requires certain height requirements or restrictions anywhere in the circumference around the airport. The FAA has provided a letter stating they are okay with this.

Mr. Dail stated yes, the FAA has reviewed it and stated that it will provide no hazard.

Mr. Mullarkey asked if the applicant will need to apply for another variance to build the building with the cranes.

Mr. Dail stated no. The City Council adopted an ordinance that did away with the requirements for the crane as long as they got a determination of no hazard from the FAA prior to use.

Mr. Fleming asked at what height the FAA would not have approved.

Mr. Dail stated he did not know.

Chairman Shook opened the public hearing.

Mr. Tim McDonnell, Chief Facilities Officer for Vidant Health, spoke in favor of the request. He stated the FAA letter that states no hazard was issued June 10, 2013. He stated it takes a long time to get through the FAA process. It has been approved and has an expiration date that was based on proposed construction. The letter will have to be amended. The cancer center is to be a 6 story building and will connect to the heart center.

Mr. Faison asked the existing building is the heart center.

Mr. McDonnell stated yes.

Mr. Taft asked if it was the same square footage as the heart center.

Mr. McDonnell said it is larger, about 419,000 square feet compared to the heart center 375,000 square feet.

Mr. Fleming asked if the variance was for one floor and why if there a floor not being used in the heart center.

Mr. McDonnell stated that all six floors of the heart center are full and occupied. The variance for the proposed is not for the patient floor but for what protrudes above which is the elevator penthouse. The variance request is for 22 feet and it's not for an entire floor.

Mr. Fleming stated the FAA has given their approval. He asked how much higher they would have built until approval would not be given.

Mr. McDonnell stated he didn't know the answer. He stated you cannot ask the FAA how high you can go. A variance request is submitted to the FAA, there's a public hearing, and then they decide.

Mr. Faison asked if in the future the FAA could give a blanket statement stating they could build what they want as long as it doesn't go over 199 feet.

Mr. McDonnell stated they have asked but the FAA will not give blanket approval.

Mr. Fleming asked if flight patterns go over the hospital.

Mr. McDonnell stated he did not know but that the hospital is not at a primary runway. It's secondary.

Chairman Shook stated that helicopters fly in that path but not airplanes. He asked when construction would begin.

Mr. McDonnell stated the bid process would be in January (2015) and construction to start in April (2015).

Mr. Taft asked if the parking deck be included.

Mr. McDonnell stated no.

Mr. Gordon Powell, Operations Manager at Pitt-Greenville Airport, spoke in favor of the request. He stated the airport had no objections.

No one spoke in opposition of the request.

Chairman Shook asked for City Staff Recommendation.

Mr. Dail stated City Staff has no objection.

Chairman Shook closed the public hearing and opened for board discussion.

Chairman Shook asked Attorney Little for clarification on the variance vote.

Attorney Little stated that criteria for the variance can be referenced. The same procedure applies as special use when silence indicates a vote in favor.

No comments made during board discussion.

Chairman Shook read the required findings criteria. No objections.

Mr. Mullarkey made a motion to adopt the finding of facts with the stated conditions, Ms. Ferris seconded and the motion passed unanimously.

Mr. Taft made a motion to approve the petition with the stated conditions, Mr. Fleming seconded and the motion passed unanimously.

Chairman Shook welcomed the new Board members and thanked Ms. Ferris for her service since this was her last meeting.

Mr. Mullarkey commended Ms. Ferris's work and service on the Board as stellar.

With no further business, Mr. Ewen made a motion to adjourn, Mr. Fleming seconded, and it passed unanimously. Meeting adjourned at 7:24 p.m.

Respectfully Submitted

Michael R. Dail, II
Planner