

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT

July 24, 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 X

Charles Ewen \*

Claye Frank X

Bill Fleming \*

Justin Mullarkey \*

Thomas Taft, Jr. \*

Kevin Faison \*

Bill Johnson \*

Michael Overton X

Jeremy Spengeman X

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

VOTING MEMBERS: Ewen, Fleming, Mullarkey, Taft, Faison, Johnson

OTHERS PRESENT: Mr. Bill Little, Assistant City Attorney  
Mr. Michael Dail, Planner  
Mr. Thomas Weitnauer, Chief Planner  
Ms. Amy Nunez, Secretary  
Mr. Tim Corley, Civil Engineer  
Mr. Jonathan Edwards, Communications Technician

**MINUTES**

Mr. Mullarkey made a motion to approve the June 26, 2014 minutes as presented, Mr. Fleming seconded and the motion passed unanimously.

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY AMPLE STORAGE-APPROVED**

The applicant, Ample Storage, 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 3201 E. Tenth Street. The property is further identified as being tax parcel number 59377.

Mr. Dail delineated the area on the map. He stated that the property is located in the eastern portion of the City. It is located north of the major thoroughfare of E. Tenth Street, northeast of Greenville Boulevard. The request is for household mini-storage and excludes outside storage.

**Zoning of Property:** CG (General Commercial)

**Surrounding Zoning:**

North: R6A (Residential)

South: CH (Heavy Commercial)

East: R6A (Residential) & RA20 (Residential Agricultural)

West: R6A (Residential) & CH (Heavy Commercial)

**Surrounding Development:**

North: 33 East Apartments

South: Trade Mart, Bojangles, Cookout  
East: Dairy Queen, St. Paul's Church  
West: Congleton Memorial Mortuary, Interstate Mobile Home Transport and Trucking

**Description of Property:**

The subject property is currently vacant, has 243 feet of frontage along E. Tenth Street and is 4.55 acres in size.

**Comprehensive Plan:**

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

**Notice:**

Notice was mailed to the adjoining property owners on July 10, 2014. Notice of the public hearing was published in the Daily Reflector on July 14, 2014 and July 21, 2014.

**Other 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. Taft asked if there was an existing storage facility at or near this site unrelated to the request.

Mr. Dail stated yes, unrelated to the request.

Mr. Faison stated there is an existing storage unit there near the funeral home.

Chairman Ewen opened the public hearing.

Mr. Durk Tyson, with Rivers and Associates, spoke in favor of the request on behalf of the applicant. He stated Ample Storage also operates the facility on Arlington Boulevard near Rose High School. They are looking to expand their presence in Greenville. The application is for the mini-storage and the on-site resident manager quarters. The facility will be a secured conditioned space with on-site management. The applicant has met with the adjacent neighbor, St. Paul's Church, and they provided a letter stating they have no objection.

Mr. Faison asked if the site would be fenced in and would there be a residence there for the manager.

Mr. Tyson stated it would have the resident manager quarters in the back, an office up front, and the facility is fenced and gated.

Mr. Terry Wethington, representative of Ample Storage, spoke in favor of the request. He stated the gates to the facility will be locked from 9pm to 6am.

Mr. Taft asked about the elevator on the site plan and asked if it was a two story facility.

Mr. Wethington stated that one building in the back will be a two story.

Mr. Taft asked about the location of the resident apartment.

Mr. Wethington stated that it is at the end of the row of one of the storage buildings.

Mr. Johnson asked if it was similar to the one on Arlington Boulevard.

Mr. Wethington stated yes. Brick and glass will be on the frontage exposed to the road and then transition to metal that matches the color of the brick.

Mr. Faison asked if the facility will have office spaces.

Mr. Wethington stated no. Unlike the facility on Arlington Boulevard, this one will have storage only.

Mr. Ewen asked if there will be U-Hauls or any type of rentals.

Mr. Wethington stated no.

Mr. Fleming asked if there would be external storage.

Mr. Wethington stated no, that is only at the Arlington Boulevard facility.

Mr. Fleming asked if it would be conditioned space.

Mr. Wethington stated yes, 90% will be conditioned space.

No one spoke in opposition of the request.

Chairman Ewen asked for City Staff Recommendation.

Mr. Dail stated City Staff has no objection.

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

No comments made during board discussion.

Chairman Ewen read the required findings criteria. No objections.

**Mr. Fleming made a motion to adopt the finding of facts with the stated conditions, Mr. Taft seconded and the motion passed unanimously.**

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

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY ROBERT SCHWARZ-APPROVED**

The applicant, Robert Schwarz, desires a special use permit to operate a mental health day program pursuant to Appendix A, Use (8)ff(1). of the Greenville City Code. The proposed use is located at 2050-E Eastgate Drive. The property is further identified as being tax parcel number 53968.

Mr. Dail delineated the area on the map. He stated that the property is located in the eastern portion of the City, at the corner of Moseley Drive and Eastgate Drive. The request is for a mental health, emotional or physical rehabilitation day program.

**Zoning of Property:** CH (Heavy Commercial)

**Surrounding Zoning:**

North: CH (Heavy Commercial)  
South: OR (Office Residential)  
East: CH (Heavy Commercial)  
West: CH (Heavy Commercial) & CG (General Commercial)

**Surrounding Development:**

North: Trade Mart  
South: Eastgate Village Apartments  
East: Various Office Uses, IBX Paint, Mini-Storage  
West: Vacant Commercial, Helen’s Dog Grooming

**Description of Property:**

The subject property is 2.0 acres in size, has 350 feet of frontage along Eastgate Drive and 190 feet of frontage along Moseley Drive. The property contains a 14,000 square foot commercial building with multiple units. The applicants unit is located on the southern end of the building and contains 6,000 square feet. Existing use in the applicant’s building include Wallace Telecommunications, Arjohuntleigh, Inc. and Abracadabra Signs.

**Comprehensive Plan:**

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

**Notice:**

Notice was mailed to the adjoining property owners on July 10, 2014. Notice of the public hearing was published in the Daily Reflector on July 14, 2014 and July 21, 2014.

**Related Zoning Ordinance Regulations:**

Definition: *Mental health, emotional or physical rehabilitation day program facility.*

- (1) An establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the

establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services, and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility no longer than 18 hours within any 24-hour period.

(2) Dangerous to others means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

**Staff Recommended Condition:**

The facility must comply with all requirements, licensing, rules, health certification, background checks and other requirements imposed or directed by the NC Division of Health & Human Services; the Commission or Council on MR/Developmental Disabilities; and Community Alternative Programs for DD/MR adults and/or juveniles.

At no time will clients of the training center be permitted to wait or be outside without being accompanied by a staff member of the training center to supervise and ensure proper behavior of the clients including but not limited to aggressive actions, littering, fighting, yelling, loitering or other unacceptable behavior.

**Other Comments:**

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

Chairman Ewen opened the public hearing.

Ms. Amy Thorn, Director of Operations at Le'Chris Health Systems, spoke in favor of the request. She stated they are currently in the building but will be combining 2 programs. This would be more convenient for clients.

Mr. Mullarkey asked for clarification on what their company does.

Ms. Thorn stated they provide treatment for those with mental illness, therapy, day treatment, and recovery programs for mental health issues.

Ms. Melissa Eastwood, Central Regional Director for Le'Chris Health Systems, spoke in favor of the request. She stated that the Greenville location does outpatient therapy assessment, community support teams, supportive employment and community based services. They already have an adjoining space they own. They would like to move the other program (PSR-2) currently at 1414 Charles Boulevard, which is leased space, to this requested adjoining owned space. They have been there since 2008.

Mr. Mullarkey asked if there has been any type of violence or crime issues with patients at their site.

Ms. Eastwood stated no. There is a staff to patient ratio of 8 to 1. The average is 10-15 patients per day.

Mr. Fleming asked how the 2 programs are different, one is treatment and the other is what.

Ms. Eastwood stated the current side has been in operation since 2007 and the adjoining space was leased to another business. That business has moved out and the adult psychosocial rehab program will move in.

Ms. Thorn stated the current side is where there is a therapist, a doctor, staff and clients that come in and out. The day treatment program to be added will be for clients that will be in for longer periods of time and work on classes.

Mr. Fleming asked if it was similar to an adult day care.

Ms. Thorn stated no. The clients are working toward independence with classes and education.

Mr. Fleming asked what the situation of the client is before they visit the day program.

Ms. Thorn stated they could be in group homes or living with family and are trying to become independent.

Ms. Eastwood stated many clients reside in a family setting and a few in group homes. They come and do recovery groups.

Mr. Fleming asked what type of mental illness and if someone with schizophrenia would be a patient there.

Ms. Eastwood stated yes.

Mr. Johnson asked if someone with substance abuse would be a patient.

Ms. Eastwood stated yes and that some patients are duly diagnosed with mental health and substance abuse issues.

Mr. Mullarkey asked what assurances could be made to neighbors of this location. He asked if there had been any issues at their current location involving children.

Ms. Eastwood stated no and that the clients are well supervised. The staff is well trained and the ratio is 8 to 1. And by being next door to the treatment office, there will be even more staff support.

Chairman Ewen asked if they had any problems with the staff recommended conditions.

Ms. Eastwood stated no.

Chairman Ewen asked if they had adequate parking.

Ms. Eastwood stated yes and most clients are dropped off. They also offer transportation.

No one spoke in opposition of the request.

Chairman Ewen asked for City Staff Recommendation.

Mr. Dail stated City Staff has no objection.

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

No comments made during board discussion.

Chairman Ewen read the required findings criteria. No objections.

**Mr. Taft made a motion to adopt the finding of facts with the stated conditions, Mr. Fleming seconded and the motion passed unanimously.**

**Mr. Faison made a motion to approve the petition with the stated conditions, Mr. Johnson seconded and the motion passed unanimously.**

Mr. Taft asked about the special use permit issued to the hookah lounge on 5<sup>th</sup> Street. He stated that there was conditions added. He went by recently and there was an unfinished framed door. He asked what position the Board has regarding maintaining the conditions in the special use permit.

Mr. Dail stated he will look up the conditions and findings imposed by the Board and visit the site to see if there are any violations. If there are any issues, he will report back to the Board at the August meeting.

Mr. Mullarkey asked how far the Board can go in making suggestions about appearance.

Attorney Little stated when a special use permit is issued, whether it's the standard or added conditions, and there is a reported violation, Staff would need to confirm the violation. The violation will be brought to the Board's attention at the next meeting. The Board will listen to the violation and decide whether or not to have a public hearing at the next meeting to either rescind the permit or impose additional conditions. In the interim, citations may be imposed. A special use permit is granted to a business at a specific property as long as it is being used for that particular purpose. The Board has the right to hold a public hearing on violations of special use permits.

Mr. Ewen asked if anyone could bring a possible violation to the City's attention.

Attorney Little stated yes and staff will do an evaluation and report back to the Board.

**With no further business, Mr. Fleming made a motion to adjourn, Mr. Taft seconded, and it passed unanimously. Meeting adjourned at 7:31 p.m.**

Respectfully Submitted

Michael R. Dail, II  
Planner