

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT  
September 24, 2015

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 –Co-Chair (Acting Chair)\*   Claye Frank X  
Jim Watts \*                                       Bill Johnson \*  
Justin Mullarkey \*                             Kevin Faison \*  
Thomas Taft, Jr. \*                             Rich Winkler \*  
Jeremy Spengeman X

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

VOTING MEMBERS:           Mullarkey, Faison, Watts, Ewen, Taft, Johnson, Winkler

OTHERS PRESENT:           Councilman Richard Croskery  
                                  Mr. Dave Holec, City Attorney  
                                  Mr. Bill Little, Assistant City Attorney  
                                  Mr. Michael Dail, Planner  
                                  Ms. Lisa Kirby, Civil Engineer  
                                  Ms. Elizabeth Blount, Planner  
                                  Ms. Jewel Jones, Communications Technician

**MINUTES**

Mr. Mullarkey made a motion to approve the August 27 minutes as presented, Mr. Taft seconded and the motion passed unanimously.

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY THIRD STREET COMMUNITY CENTER- APPROVED**

The applicant, Third Street Community Center, desires a special use permit to operate a child day care facility pursuant to Appendix A, Use (8)a. of the Greenville City Code. The proposed use is located at 600 W. Third Street. The property is further identified as being tax parcel number 28933.

Mr. Dail delineated the area on the map. He stated that the property is located in the center portion of the City’s jurisdiction.

**Zoning of Property:** CDF (Downtown Commercial Fringe)

**Surrounding Zoning:**

North: RA20 (Residential Agricultural)  
South: R6 (Residential)  
East: CDF (Downtown Commercial Fringe)

West: R6 (Residential)

**Surrounding Development:**

North: Tar River and Airport  
South: Single Family Residences  
East: GUC Substation  
West: Single Family Residences

**Description of Property:**

The subject property is 14.3 acres in size, has 740 feet of frontage along E. Third Street and contains the former Third Street School, which is now the Third Street Community Center.

**Comprehensive Plan:**

The proposed use is in general compliance with the Future Land Use Plan which recommends medium density residential for the subject property.

**Notice:**

Notice was mailed to the adjoining property owners on September 10, 2015. Notice of the public hearing was published in the Daily Reflector on September 14, 2015 and September 21, 2015.

**Related Zoning Ordinance Regulations:**

Definition:

*Day care; child.* An establishment which provides for the care and supervision of six or more children away from their homes by persons other than their family members, custodians or guardians for periods not to exceed 18 hours within any 24-hour period.

Specific Criteria:

- (1) All accessory structures, including but not limited to playground equipment and pools must be located in the rear yard.
- (2) The minimum lot size shall be increased by a ratio of 100 square feet per child in excess of five.
- (3) Outdoor play area shall be provided at a ratio of 100 square feet per child and shall be enclosed by a fence at least four feet in height. Further, all playground equipment shall be located in accordance with the bufferyard regulations.
- (4) If located in a residential district, a residential appearance of the site shall be maintained to the greatest possible extent.
- (5) Employee parking shall be at the rear of the structure when a child day care facility is located in a residential district.

**Staff Recommended Conditions:**

Day care facility must comply with all state licensing requirements and regulations prior to operation.

Chairman Ewen opened the public hearing.

Ms. Beth Hinson, applicant, spoke in favor of the request. She stated that Third Street Academy wanted to open

a Pre-K class. The class will be one class of 15 children, four years of age. Care will be provided from 8 am to 2:30 pm and then afterschool care until 5:30 pm.

Mr. Mullarkey asked if the property would only be used as a daycare facility.

Ms. Hinson stated that the property is a community center that hosts different programs and a K8 school.

Mr. Mullarkey asked if the childcare was a compliment to the existing business.

Ms. Hinson stated yes.

Mr. Faison asked if the childcare would accept vouchers or private.

Ms. Hinson stated the childcare is a private school that hopes to accept vouchers.

Mr. Johnson asked if the childcare would be in the center.

Ms. Hinson stated yes.

Mr. Watts asked if an investigation had been done to see if any group home, half way houses, sex offenders, etc. were nearby.

Ms. Hinson stated an investigation had not been done.

Mr. Faison stated that sex offenders have to register and cannot be within 500 feet of a school.

Mr. Little stated that the group homes would have been established prior to the request. The homes in that area that have registered are not incompatible to the request.

No one spoke in opposition of the request.

Chairman Ewen asked for Staff's recommendation.

Mr. Dail stated that staff had no objection.

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

No board discussion.

Chairman Ewen read the required findings criteria. No objections.

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

**Mr. Watts made a motion to approve the special use with the stated conditions, Mr. Faison seconded and the motion passed unanimously.**

Mr. Taft recused himself from the next agenda item because the request involved his family and the company he worked for. Mr. Mullarkey made a motion to accept the recusation, Mr. Winkler seconded and the motion passed unanimously.

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY TAFT WARD INVESTMENTS, LLC- APPROVED**

The applicant, Taft Ward Investments, LLC, desires a special use permit operate a fraternity house pursuant to Appendix A, Use (2)r. of the Greenville City Code. The proposed use is located at 507 W Fifth Street. The property is further identified as being tax parcel numbers 21574, 21579, 21576, 00988, 21577 and 21578.

Mr. Dail delineated the area on the map. He stated that the property is located in the center portion of the City's jurisdiction.

**Zoning of Property:** R6 (Residential)

**Surrounding Zoning:**

- North: R6 (Residential)
- South: IU (Unoffensive Industry)
- East: CDF (Downtown Commercial Fringe)
- West: R6 (Residential)

**Surrounding Development:**

- North: Phi Kappa Tau Fraternity, Zeta Tau Alpha Sorority
- South: Best Service Center
- East: Residential Use, Vacant
- West: Vacant, City Cab Co., Carolina Tinting, Single Family Residence

**Description of Property:**

The subject property is 1.33 acres in size and fronts along Fifth Street and Albermarle Avenue. The applicant proposes to construct an 8,000 square foot fraternity house and associated parking on the property.

**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 September 10, 2015. Notice of the public hearing was published in the Daily Reflector on September 14, 2015 and September 21, 2015.

**Related Zoning Ordinance Regulations:**

Specific Criteria:

- (1) The minimum lot size shall be 20,000 square feet.
- (2) The gross floor area of the structure or structures shall be no less than 250 square feet per resident.
- (3) The total amount of land devoted to structures and parking shall not exceed 70% of the total lot area.
- (4) No part of any principal structure or accessory shall be located within 15 feet of any property line or street right-of-way for new construction and conversions.

**Staff Recommended Conditions:**

Vegetation shall be planted and maintained upon the property along the rights-of-way of West Fifth Street and Albemarle Avenue for beautification purposes.

Vegetation shall be planted and maintained upon the property along the railroad right-of-way for buffering purposes, said vegetation shall be a minimum of sixteen (16) Nelly Stevens Holly evergreen shrubs (a minimum of six (6) feet planting height) per each 100 linear foot or fraction thereof.

Mr. Jim Ward, applicant, spoke in favor of the request. The property is currently owned by the City of Greenville. With approval of the special use, the applicant will contract to purchase the property and then sell it to Epsilon Iota Housing Authority, the primary entity of the Theta Chi Fraternity. House will be constructed by Bill Clark Construction Company. The house will have state of the art fire protection and security system. Construction will begin immediately after the approval of the special use and estimated completion date is no later than Fall 2016.

Chairman Ewen asked about the architectural style.

Mr. Ward stated it would be Georgian style.

Mr. Watts asked if the existing home had an historic significance.

Mr. Ward stated no.

Chairman Ewen asked if the antiquation of the home the reason for the move.

Mr. Ward stated the company has a planned development on 10<sup>th</sup> Street and the current location of the fraternity requires major renovation so the move is advantageous for both parties.

No one spoke in opposition of the applicant.

Chairman Ewen asked for Staff's recommendation.

Mr. Dail stated that staff had no objection with the recommended conditions.

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

Mr. Mullarkey stated that the request is a good move for the City and it will enhance the appearance and meet the goals of residents in the town.

Chairman Ewen read the required findings criteria. No objections.

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

**Mr. Winkler made a motion to approve the special use with the stated conditions, Mr. Watts seconded and the motion passed unanimously.**

Mr. Taft rejoined the board.

**DISCUSSION OF PROPOSED AMENDMENT TO THE BOARD OF ADJUSTMENT RULES OF PROCEDURE ALTERING THE REGULAR MEETING STARTING TIME FROM 7:00 PM TO 6:00 PM (1ST READING)**

Assistant City Attorney, Bill Little, presented the proposed amendment. The time would change from 7 pm to 6 pm for Board of Adjustment meetings. The night and location would remain the same. Because the time is a part of the procedures, the proposed change must have two readings and be voted on.

Chairman Ewen asked if next month's meeting would be at 7.

Attorney Little stated that next month's meeting is a special called meeting held on Wednesday, October 21 at 6 pm.

Mr. Faison asked if the vote in October would include when the change would be imposed.

Attorney Little stated if approved, the time change would be in effect for the November meeting.

Chairman Ewen requested that the amendment be moved to next month's meeting, Mr. Winkler seconded and the motion passed unanimously.

**PRESENTATION OF THE BOND REFERENDUM**

City Attorney, Dave Holec, presented the bond referendum for the Street, Pedestrian, and Transportation Improvement Bond. The election ballot for the municipal election on November 3, 2015 will have a question asking should the order adopted by the City Council authorizing not exceeding \$15.85 million bonds for the purpose of providing street and pedestrian transportation improvements and also authorizing the levy of taxes sufficient to pay the principal and interest on the bonds be approved. The City promises to repay the debt and will use its taxing power to repay if necessary. The City had bonds in 2004 and there was no tax increase. The City is not responsible for repair and maintenance of state maintained streets. A video created by the Public Information Office was shown.

Mr. Faison asked if the referendum was separate from the \$30 million street improvement mentioned on television.

Attorney Holec stated he was not sure of that reference.

Mr. Mullarkey asked what the interest rate for the pay back of the bond was.

Attorney Holec stated that it depended on the market. Cities get a more favorable rate which is lesser than the current rate.

Mr. Mullarkey asked the maturity date.

Attorney Holec stated twenty (20) years.

Mr. Watts asked if the bond is a GO Bond.

Attorney Holec stated correct and that a General Obligation bond has no security requirement such as the City's facilities but that it will levy taxes in order to make payments.

Mr. Watts asked if the City considered creating a fund for street improvements rather than a bond.

Attorney Holec stated that the City formed a committee to make suggestions for the bond and they recommended that City Council increase the funds set aside for street improvements.

Mr. Watts asked if any federal grants or funds were available.

Attorney Holec stated that the City applied for the Tiger Grant and it may be used for some street improvements.

Mr. Mullarkey asked if the tax rate could remain the same and increase tax value.

Attorney Holec stated that increasing tax value is a possibility but it depends on the time the bond is issued and the growth that occurs.

Mr. Watts asked if there are any plans for the City to grow through annexation.

Attorney Holec stated that because the state changed the laws, City initiated annexation are not going to occur because the people that reside in the area have the right to submit a referendum to override the annexation. We are able to grow as development occurs.

Mr. Watts asked if Greenville Utilities Commission is offered outside the City limits.

Attorney Holec stated they do but if the property is within the ETJ then they must petition to the City. If they are outside the ETJ then it is possible to have it waved.

**With no further business, Mr. Mullarkey made a motion to adjourn, Mr. Winkler seconded, and it passed unanimously. Meeting adjourned at 7:42 p.m.**

Respectfully Submitted

Michael R. Dail, II  
Planner