

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT  
October 27, 2016

The Greenville Board of Adjustment met on the above date at 6:00 PM in Council Chambers of City Hall.

Justin Mullarkey, Chairman-\*

Bill Johnson, Co-Chair\*

Kevin Faison \*

Michael Glenn \*

Jim Watts \*

Claye Frank \*

Thomas Taft, Jr. \*

Rodney Bullock \*

Rich Winkler X

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

VOTING MEMBERS: Mullarkey, Johnson, Frank, Faison, Taft, Watts, Glenn

OTHERS PRESENT: Ms. Elizabeth Blount, Planner II  
Mr. Michael Dail, Lead Planner  
Mr. Scott Godefroy, City Engineer  
Ms. Cathrine Meyer, Civil Engineer  
Mr. Donald Phillips, Assistant City Attorney  
Mr. Ben Griffith, Community Development Director  
Ms. Amy Nunez, Secretary  
Mr. Kelvin Thomas, Communication Technician

**MINUTES**

Mr. Watts made a motion to approve the September 29, 2016 minutes as presented, Mr. Frank seconded and the motion passed unanimously.

**PUBLIC HEARING ON A REQUEST FOR SPECIAL USE PERMIT BY SMARTONE DEALER SERVICES- APPROVED**

The applicant, Smartone Dealer Services, desires a special use permit to operate a major automotive repair facility pursuant to Appendix A, Use (9)a. of the Greenville Code. The proposed use is located at 605 SW Greenville Boulevard. The property is further identified as being tax parcel number 80624.

Ms. Blount delineated the area on the map. The request is located in the southwestern portion of the City at the intersection of Belvedere Drive and SW Greenville Boulevard.

**Zoning of Property:** CG (General Commercial) & O (Office)

**Surrounding Zoning:**

North: CH (Heavy Commercial)

South: R9S (Residential Single Family)

East: CG (General Commercial) & O (Office) & R9S (Residential Single Family)

West: O (Office) & CH (Heavy Commercial)

**Surrounding Development:**

North: Outback, KFC, Ninja Hibachi  
South: Single Family Residences (Belvedere Subdivision)  
East: Carquest Auto Parts, University Church of Christ  
West: Vacant, Automobile Dealer

**Description of Property:**

The subject property is 0.95 acres in size and has 225 feet of frontage along SW Greenville Boulevard and 53 feet of frontage along Belvedere Drive. The applicant wishes to construct a 4,209 square foot one story commercial building on the property with a stormwater detention pond.

**Comprehensive Plan:**

The property is located within the Office/Institutional character type as designated by the Horizon 2026: Greenville's Community Plan, adopted on September 8, 2016.

**Notice:**

Notice was mailed to the adjoining property owners on September 8, 2016 and October 14, 2016. Notice of the public hearing was published in the Daily Reflector on October 17, 2016 and October 24, 2016. The original meeting was scheduled for September but was rescheduled for the October 2016 meeting.

**Related Zoning Ordinance Regulations:**

Definition: *Repair; major.* The following activities shall be considered major repair:

- (1) Engine overhaul or dismantling of subparts;
- (2) Body or frame repair;
- (3) Windshield or glass replacement;
- (4) Transmission, starter, alternator or other subpart rework service;
- (5) Welding or metal cutting; and
- (6) Any other repair other than minor repair.

*Repair; minor.* The following activities shall be considered minor repair:

- (1) Engine tune-up; changing of plugs, filters, oil, lubricants, belts, adjustments;
- (2) Change and rotate tires;

- (3) Brake services;
- (4) Electrical system services;
- (5) Radiator services;
- (6) Muffler services; and
- (7) Battery service.

**Specific Criteria:**

- (1) All wrecked or damaged motor vehicles and parts shall be screened so as not to be visible from adjoining property lines and street right-of-way.
- (2) All vehicles on the premises for repair shall be stored at the rear of the principal structure.
- (3) No vehicle shall be stored on the premises for more than 15 days.
- (4) There shall be no exterior storage of items other than vehicles.
- (5) Sale of vehicles shall be in accordance with Article B, section 9-4-22, definition of automobile, truck, recreational vehicle, motorcycle and boat sales, contained therein.
- (6) Rental or utility trailers, cars and trucks shall be permitted as accessory uses, provided that all units in excess of four shall be screened from adjoining street right-of-way and property lines in accordance with Bufferyard C or with a bufferyard of greater intensity as required by the bufferyard regulations.
- (7) Outdoor displays of products such as tires, oil, wiper blades or other similar products shall be permitted provided they are not closer than ten feet from the principal structure and shall not be more than twenty feet from the principal structure and must be outside of required bufferyards. Signage and tires displayed in conjunction with such shall be in accordance with the sign and tire storage regulations.
- (8) All services except fuel sales shall be performed within a completely enclosed building.

**Staff Comments:**

The applicant shall construct a sidewalk along their entire lot frontage of SW Greenville Boulevard as required by City Ordinance.

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 to include upon proper findings by the Board.

Mr. Watts asked what regulations were in place for governing signage.

Ms. Blount stated Article N of the City Ordinance.

Mr. Taft asked if the zoning was on two parcels.

Ms. Blount stated yes and the building will be put on the commercial zoned parcel.

Chairman Mullarkey opened the public hearing.

Mr. Ken Malpass, representative of the applicant, spoke in favor of the request. He stated that one of the lots will not be built out and will remain open. The developer met with the Belvedere Neighborhood Association and agreed to build a berm with no ingress/egress to Belvedere Drive. The developer also agreed to additional landscaping, a double sided fence and ingress/egress at the functioning street light.

Ms. Sandra Byrd spoke in opposition. She stated her property backs up to the Carquest that is adjacent to the request. There are drainage issues and she wants to make sure it gets fixed.

Mr. Malpass spoke in rebuttal. He stated the owner has agreed to do whatever he can to address the drainage issue.

Mr. Taft asked if the retention pond was exclusive to the request.

Mr. Malpass stated it already exists when the Carquest was built.

Chairman Mullarkey asked for his opinion if proper steps were taken to mediate the drainage issue.

Mr. Malpass stated yes. The developer stated they will put a swell along Belvedere Drive to help.

Chairman Mullarkey asked for the Staff Recommendation.

Ms. Blount stated staff had no objection.

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

Mr. Frank stated his concern with the drainage issue and asked if there is a way to make sure it's handled.

Mr. David Hill, owner of the property, stated that the current berm dams up. They will add a swell to help the water drain. He stated they promised the neighbors they will do what they can to alleviate.

Mr. Glenn stated the property behind the request is exposed and it was stated that the developer has agreed to added vegetation. He appreciated the gesture.

Chairman Mullarkey read the required findings criteria. No objections.

Mr. Faison made a motion to adopt the finding of facts, Mr. Frank seconded and the motion passed unanimously.

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

**PUBLIC HEARING ON A REQUEST FOR SPECIAL USE PERMIT BY PETER SCHWARTZ-APPROVED**

The applicant, Peter Schwartz, desires a special use permit to operate a major automotive repair facility pursuant to Appendix A, Use (9)a. of the Greenville Code. The proposed use is located at 610 SW Greenville Boulevard. The property is further identified as being tax parcel number 16853.

Ms. Blount delineated the area on the map. The request is located in the southwestern portion of the City.

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

**Surrounding Zoning:**

North: CH (Heavy Commercial)  
South: CH (Heavy Commercial)  
East: CH (Heavy Commercial)  
West: CH (Heavy Commercial)

**Surrounding Development:**

North: Sakura Asian Express  
South: Autopoint Automobile Dealer, Single Family Residences (Belvedere Subdivision)  
East: Outback Steakhouse  
West: Speedway Gas and Convenience Store

**Description of Property:**

The subject property is 0.74 acres in size and has 133 feet of frontage along SW Greenville Boulevard. The applicant wishes to construct a 7,200 square foot one story commercial building on the property.

**Comprehensive Plan:**

The property is located within the Commercial character type as designated by the Horizon 2026: Greenville's Community Plan, adopted on September 8, 2016. The proposed use is in 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 October 14, 2016. Notice of the public hearing

was published in the Daily Reflector on October 17, 2016 and October 24, 2016.

**Related Zoning Ordinance Regulations:**

Definition: *Repair; major.* The following activities shall be considered major repair:

- (1) Engine overhaul or dismantling of subparts;
- (2) Body or frame repair;
- (3) Windshield or glass replacement;
- (4) Transmission, starter, alternator or other subpart rework service;
- (5) Welding or metal cutting; and
- (6) Any other repair other than minor repair.

*Repair; minor.* The following activities shall be considered minor repair:

- (1) Engine tune-up; changing of plugs, filters, oil, lubricants, belts, adjustments;
- (2) Change and rotate tires;
- (3) Brake services;
- (4) Electrical system services;
- (5) Radiator services;
- (6) Muffler services; and
- (7) Battery service.

Specific Criteria:

- (1) All wrecked or damaged motor vehicles and parts shall be screened so as not to be visible from adjoining property lines and street right-of-way.
- (2) All vehicles on the premises for repair shall be stored at the rear of the principal structure.
- (3) No vehicle shall be stored on the premises for more than 15 days.
- (4) There shall be no exterior storage of items other than vehicles.

- (5) Sale of vehicles shall be in accordance with Article B, section 9-4-22, definition of automobile, truck, recreational vehicle, motorcycle and boat sales, contained therein.
- (6) Rental or utility trailers, cars and trucks shall be permitted as accessory uses, provided that all units in excess of four shall be screened from adjoining street right-of-way and property lines in accordance with Bufferyard C or with a bufferyard of greater intensity as required by the bufferyard regulations.
- (7) Outdoor displays of products such as tires, oil, wiper blades or other similar products shall be permitted provided they are not closer than ten feet from the principal structure and shall not be more than twenty feet from the principal structure and must be outside of required bufferyards. Signage and tires displayed in conjunction with such shall be in accordance with the sign and tire storage regulations.
- (8) All services except fuel sales shall be performed within a completely enclosed building.

**Staff Comments:**

The applicant shall construct a sidewalk along their entire lot frontage of SW Greenville Boulevard as required by City Ordinance.

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 to include upon proper findings by the Board.

Chairman Mullarkey opened the public hearing.

Mr. Michael Overton, representative of the applicant, spoke in favor of the request. It is for a makeup/paint and body shop. It will be national franchise with minor body repair. They will provide appropriate screening as required.

Mr. Faison asked for the hours of operation.

Mr. Overton stated normal business hours, around 8am to 6pm.

Mr. Pat Showington spoke in favor of the request. He stated the past use was restaurant. The request will have less trips reducing traffic. He stated the impervious surface will also be reduced.

Mr. Faison asked if a filtration system will be in place.

Mr. Showington stated yes. It will be controlled with a filter to reduce emission and for health and safety. No one spoke in opposition.

Chairman Mullarkey asked for the Staff Recommendation.

Ms. Blount stated staff had no objection.

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

Chairman Mullarkey read the required findings criteria. No objections.

**Mr. Taft made a motion to adopt the finding of facts, Mr. Frank seconded and the motion passed unanimously.**

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

**PUBLIC HEARING ON A REQUEST FOR SPECIAL USE PERMIT BY ADAM ESSINK- APPROVED**

The applicant, Adam Essink, desires a special use permit to operate a minor automotive repair facility pursuant to Appendix A, Use (9)b. of the Greenville Code. The proposed use is located at 206 SW Greenville Boulevard. The property is further identified as being tax parcel number 09496.

Ms. Blount delineated the area on the map. The request is located in the southwestern portion of the City at the intersection of Hooker Road and SW Greenville Boulevard.

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

**Surrounding Zoning:**

- North: CG (General Commercial)
- South: CH (Heavy Commercial)
- East: CG (General Commercial)
- West: CH (Heavy Commercial)

**Surrounding Development:**

- North: Toys R Us
- South: Hilton Hotel, Greenville Convention Center
- East: Fuji Japan Restaurant
- West: Kings Convenience Store, Auto Audio

**Description of Property:**

The subject property is 0.88 acres in size and has 186 feet of frontage along SW Greenville Boulevard and 204 feet of frontage along Hooker Road. The applicant wishes to demolish the existing structure and construct a 7,373 square foot one story commercial building on the property.

**Comprehensive Plan:**

The property is located within the Commercial character type as designated by the Horizon 2026:



Greenville's Community Plan, adopted on September 8, 2016. The proposed use is in 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 October 14, 2016. Notice of the public hearing was published in the Daily Reflector on October 17, 2016 and October 24, 2016.

**Related Zoning Ordinance Regulations:**

Definition: *Repair; major.* The following activities shall be considered major repair:

- (1) Engine overhaul or dismantling of subparts;
- (2) Body or frame repair;
- (3) Windshield or glass replacement;
- (4) Transmission, starter, alternator or other subpart rework service;
- (5) Welding or metal cutting; and
- (6) Any other repair other than minor repair.

*Repair; minor.* The following activities shall be considered minor repair:

- (1) Engine tune-up; changing of plugs, filters, oil, lubricants, belts, adjustments;
- (2) Change and rotate tires;
- (3) Brake services;
- (4) Electrical system services;
- (5) Radiator services;
- (6) Muffler services; and
- (7) Battery service.

**Specific Criteria and Tire Storage & Display**

- (1) All wrecked or damaged motor vehicles and parts shall be screened so as not to be visible from adjoining property lines and street right-of-way.
- (2) All vehicles on the premises for repair shall be stored at the rear of the principal structure.

- (3) No vehicle shall be stored on the premises for more than 15 days.
- (4) There shall be no exterior storage of items other than vehicles.
- (5) Sale of vehicles shall be in accordance with Article B, section 9-4-22, definition of automobile, truck, recreational vehicle, motorcycle and boat sales, contained therein.
- (6) Rental or utility trailers, cars and trucks shall be permitted as accessory uses, provided that all units in excess of four shall be screened from adjoining street right-of-way and property lines in accordance with Bufferyard C or with a bufferyard of greater intensity as required by the bufferyard regulations.
- (7) Outdoor displays of products such as tires, oil, wiper blades or other similar products shall be permitted provided they are not closer than ten feet from the principal structure and shall not be more than twenty feet from the principal structure and must be outside of required bufferyards. Signage and tires displayed in conjunction with such shall be in accordance with the sign and tire storage regulations.
- (8) All services except fuel sales shall be performed within a completely enclosed building.
- (9) Tires stored outside must comply with the following standards to minimize their visual impact and reduce their potential as a public nuisance and fire hazard:
  - (a) The maximum area devoted to tire storage shall be limited to 10% of the property area or 25% of the building from which the business operates, whichever is less;
  - (b) The maximum number of tires stored outside shall not exceed 300;
  - (c) Tires must be stored behind required bufferyards and located where they are not visible from a street right-of-way or adjacent property through the installation of opaque fencing and/or landscaping or placement of tires behind buildings;
  - (d) All tires must be placed on racks in the upright position;
  - (e) There shall be a minimum separation of 20 feet between tire racks and property lines, street right-of-way, and buildings;
  - (f) Rows of tire racks shall be separated from one another by a minimum of five feet;
  - (g) The placement of tires stored outside shall be placed and maintained in accordance with this subsection (9) and the North Carolina Fire Code, as amended. The more restrictive provisions shall prevail between the NC Fire Code and tire storage standards of this section; and
  - (h) Notwithstanding the provisions related to nonconforming uses and situations contained in Article C of this chapter, the requirements contained in this subsection (9) shall be applicable to all existing and future

major and minor repair facilities.

**Staff Comments:**

The applicant shall reconstruct sidewalks if the existing sidewalks are damaged or removed during the construction process along their entire lot frontage of SW Greenville Boulevard and Hooker Road as required by City Ordinance.

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 to include upon proper findings by the Board.

Chairman Mullarkey opened the public hearing.

Mr. Cory Howell, representative of the applicant, spoke in favor of the request. He stated the request is for Discount Tire. There will be no outdoor storage, sale or display. Everything will be done inside. No storage of vehicles overnight. This request will lower the traffic from its prior use. They will comply with all rules.

No one spoke in opposition.

Chairman Mullarkey asked for the Staff Recommendation.

Ms. Blount stated staff had no objection.

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

Chairman Mullarkey read the required findings criteria. No objections.

**Mr. Taft made a motion to adopt the finding of facts, Mr. Faison seconded and the motion passed unanimously.**

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

Mr. Godefroy, City Civil Engineer, introduced Ms. Cathrine Meyer. She is the new Civil Engineer for the City and will be attending future meetings.

**With no further business, Mr. Johnson made a motion to adjourn, Mr. Taft seconded, and it passed unanimously. Meeting adjourned at 6:35 p.m.**

Respectfully Submitted,

Elizabeth Blount  
Planner II