

MINUTES ADOPTED BY THE GREENVILLE BOARD OF ADJUSTMENT  
April 25<sup>th</sup> 2019

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

Bill Johnson - Chairman - *	
Nathan Cohen - *	Christopher Lilley - *
Michael Glenn - X	Rodney Bullock - X
Ann Bellis - *	Hunt McKinnon - *
James Moretz - X	Dillion Godley - *
Sharon Evans - X	Stephen Atkinson - *

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

**VOTING MEMBERS:** Johnson, Lilley, Bellis, Cohen, McKinnon, and Godley

**OTHERS PRESENT:**

Ms. Elizabeth Blount, Planner II.	Ms. Camillia Smith, Secretary, Notary
Mr. Donald Phillips, Assistant City Attorney	Ms. Cathy Meyer, Civil Engineer
Kelvin Thomas, Communications Technician	

**MINUTES**

Mr. Atkinson stated that on the third page in the tenth line the question he asked should read “point of connection” and not point of contact.

Mr. Atkinson made a motion to amend the minutes as stated. Mr. Godley seconded and the motion passed unanimously.

Attorney Phillips reviewed information. As stated on pages 2 to 3 of the Meeting Handout available to the Public, the EVIDENCE TO BE CONSIDERED BY THE BOARD OF ADJUSTMENT IS AS FOLLOWS:

- A. The Board of Adjustment is a quasi-judicial body that makes a decision concerning an application, petition or appeal based on the evidence presented by those in favor as well as those in opposition.
- B. The members of the Board of Adjustment are lay persons and as such, the rules of evidence that are followed in a court are relaxed for cases heard before this body.
- C. Though the rules of evidence are relaxed, it does not mean they are ignored. Only evidence that is material, competent, and substantial will be considered and may be used by the Board in its decision-making process.

D. The Board may not consider, nor is it admissible to present or offer affidavits, letters or other writings in support of or in opposition to a matter before the Board unless the person who prepared the writing is testifying. These writings are considered hearsay.

1. Statements by a person such as “In my opinion, the application will create a traffic hazard,” is not an admissible opinion and may not be considered by the Board.
  - a. However, such an opinion may be admissible if it is made by an expert or a person who is qualified to give opinions concerning traffic hazards, is making a presentation to the Board concerning his or her investigation and the basis for his or her conclusion in the report.
  - b. A lay person can give an opinion but he or she also must present facts to show how the proposal affects his or her piece of property specifically and not just in a general way.
2. A statement that another person who is not present and not testifying either supports or doesn't support the petitioner or application is hearsay and is not admissible.
3. The same rule applies to both the applicant and those in opposition.

Pursuant to North Carolina General Statute 160A-388 and Section 4 of the Board of Adjustment's Rules of Procedure:

4-3. No member of the Board of Adjustment shall participate in either the discussion or vote on any special use permit, variance, or appeal from an administrative officer's decision in any manner that would violate the affected persons' constitutional right to a fair and impartial decision maker.

Prohibited conflicts include but are not limited to a member having a fixed opinion prior to hearing the matter and not willing to consider changing his or her mind; and undisclosed ex parte communications with the person before the Board, any witnesses, staff, or other Board members. Decisions on either a request for recusal by a member or objections by a person appearing before the Board shall be decided by a simple majority vote.

4-4. No Board Member shall take part in the hearing, consideration, or determination of any matter in which that Board Member is involved or has a financial or personal interest. Personal interest shall be defined as having a family member involved in the project under consideration, a neighborhood association involvement where a Board Member is on the governing body of such association, or where the Board Member is involved in a conflict or dispute with the applicant on a matter unrelated to the application. If a Board Member has such a conflict, he shall declare the conflict and request to be excused from voting on the issue. A majority vote of the remaining members present shall be required to excuse the member.

4-5. No Board member shall vote on any matter deciding an application or appeal, unless he shall have attended the public hearing on that application or appeal.

4-6. No Board member shall discuss any case with any parties in interest prior to the public hearing on that case, provided however, that members may receive and/or seek information pertaining to the case from any other members of the Board.

If a Board member has had an ex parte communication that also needs to be disclosed at this time.

The notary swore in staff and all those speaking for and against the request.

### **NEW BUSINESS**

#### **PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY CROSSLAND HOMES**

The applicant, Crossland Homes, desires a special use permit to place a mobile home on a lot pursuant to Appendix A, Use (2)g. of the Greenville City Code. The proposed use is located at 980 Benjamin Drive. The property is further identified as being tax parcel number 44427.

Ms. Blount delineated the property and shared that the City's ordinance requires a Special Use Permit for a mobile home to place on a single family lot in the Residential Agricultural district. The property is located in the northern portion of the city and is zoned RA20. The property is 0.69 acres, it has 119 ft. of frontage on Benjamin Drive and is located in the flood plain area.

**Zoning of Property:** RA20 (Residential Agricultural)

#### **Surrounding Zoning:**

North: RA20 (Residential Agricultural)  
South: RA20 (Residential Agricultural)  
East: R6MH (Residential Mobile Home)  
West: RA20 (Residential Agricultural)

#### **Surrounding Development:**

North: Single Family Residential Mobile Home dwellings  
South: Single Family Residential Mobile Home dwellings  
East: Single Family Residential Mobile Home dwellings  
West: Single Family Residential Mobile Home dwellings

#### **Description of Property:**

The subject property is 0.69 acres in size and has approximately 119 feet of frontage along Benjamin Drive. The property is located in flood plain

**Comprehensive Plan:**

The property is located within the Low Medium Density Residential character types as designated by the Horizon 2026 Greenville Community Plan. The proposed use is in compliance with the Future Land Use Plan which recommends single family residential use for the subject property.

**Notice:**

Notice was mailed to the adjoining property owners on April 11, 2019. Notice of the public hearing was published in the Daily Reflector on April 15 and April 22, 2019.

**Related Zoning Ordinance Regulations:**

**Definition:**

*Mobile Home.* A manufactured designed to be used as a single-family dwelling unit which has been constructed and labeled indicating compliance with the HUD-administrated National Manufactured Housing Construction and Safety Standards Act 1974.

**Specific Criteria:**

(N) *Mobile home.*

- (1) No mobile home established (new setup) or relocated within the city planning and zoning jurisdiction shall be occupied until the mobile home has been inspected and approved for compliance with the Minimum Housing Code set forth under Title 9, Chapter 1, Article F of the City Code when the Building Inspector makes a finding of noncompliance with the Minimum Housing Code.
- (2) Mobile homes shall, upon installation, have either a permanent, continuous masonry foundation, or a continuous and opaque skirt consisting of vinyl, fiberglass or other similar solid nonmetal material. The skirt for a mobile home shall be attached to weather resistant material when required for support.

**Staff Recommended Conditions:**

The structure be elevated to the specifications listed on the Elevation Certificate. A building permit and Flood Plain Development Permit are required

**Other Comments:**

The proposed project must meet all related NC State fire and building codes for the

associated use 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

**Chairman Johnson opened the public hearing.**

Don Fisher the manager of Crossland Homes spoke in favor of the request. He stated he was applying for the permit so that the home can be placed at 980 Benjamin Drive.

Mr. Johnson asked Mr. Fisher if he was aware of the flood plain requirements.

Mr. Fisher replied yes.

**No one spoke in opposition of the request.**

**Chairman Johnson closed the public hearing and asked for staff's recommendation.**

Ms. Blount stated that staff had no objection to the request with the recommended conditions.

**Mr. McKinnon made a motion to adopt the Finding of Facts with the recommended conditions, Mr. Lilley seconded the motion and it passed unanimously.**

**Mr. McKinnon motion made to approve the petition with the conditions, Mr. Lilley seconded the motion and it passed.**

**With no further business to discuss, Mr. Godley made a motion to adjourn, seconded by Mr. Lilley.**

**Meeting adjourn at 6:14 pm.**

Respectfully Submitted

**Elizabeth Blount  
Planner II**