PROPOSED AGENDA
GREENVILLE BOARD OF ADJUSTMENT
SPECIAL MEETING
Thursday, August 6, 2020
6:00 PM
Zoom Webinar

I. ROLL CALL

II. APPROVAL OF MINUTES –February 27, 2020

III. BOARD RECOGNITION – BILL JOHNSON

IV. OLD BUSINESS

1. PUBLIC HEARING ON A REQUEST TO RENEW A SPECIAL USE PERMIT BY CHRISTOPHER WOELKERS- CONTINUATION PER APPLICANT REQUEST

   The applicant, Christopher Woelkers, desires to renew a special use permit to operate a home occupation; bed and breakfast inn pursuant to Appendix A, Use (3)d. of the Greenville City Code. The proposed use is located at 1105 E 5th Street. The property is further identified as being tax parcel number 20507.

2. DECISION AND ORDER OF THE ADMINISTRATIVE APPEAL FROM FEBRUARY 27, 2020 HEARING- CONTINUATION PER STAFF

V. NEW BUSINESS

1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY TIMMONS GROUP-CONTINUATION PER APPLICANT REQUEST

   The applicant, Timmons Group, desires a special use permit to operate a convenience store with gasoline sales and outdoor dining pursuant to Appendix A, Use (10)b. and 10j. of the Greenville City Code. The proposed use is located at 950 E Fire Tower Rd. The property is further identified as being tax parcel number 79547.

2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY KRISTOPHER PAINE DBA WELL PLAYED GAMES

   The applicant, Kristopher Paine DBA Well Played Games, desires a special use permit to operate a game center pursuant to Appendix A, Use (6)d. of the Greenville City Code. The proposed use is located at 1400-G 14th Street. The property is further identified as being tax parcel number 00602.

3. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY FAROUQ SALEH

The applicant, Farouq Saleh, Inc., desires to amend a special use permit to operate a tobacco shop class 1 pursuant to Appendix A, Use (10)ff. of the Greenville City Code. The proposed use is located at 1311 W Arlington Blvd, Suites 100 & 100A. The property is further identified as being tax parcel number 14287.

4. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY BRICE AND TASHARA BARNES – CONTINUATION PER OPPOSITION

The applicants, Brice and Tashara Barnes, desire a special use permit to operate a home occupation: otherwise not listed (child day care) pursuant to Appendix A, Use (3)a. of the Greenville City Code. The proposed use is located at 2112 Cameron Court. The property is further identified as 52087.

5. PUBLIC HEARING ON A REQUEST FOR A VARIANCE BY MODULAR SOLUTIONS, INC.

The applicant, Modular Solutions, Inc., desires a variance from the setbacks for a single family home found in Section 9-4-94 (A)(4)(a) of the Zoning Ordinance in the Greenville City Code. The subject property is located at 117 Chipaway Drive. The property is further identified as being tax parcel number 19711.

6. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY BRENDA ACKLIN

The applicant, Brenda Acklin, desires a special use permit to operate a home occupation: otherwise not listed (child day care) pursuant to Appendix A, Use (3)a. of the Greenville City Code. The proposed use is located at 506 Fenner Drive. The property is further identified as 29706.

VI. ELECTION OF CHAIR AND CO-CHAIR

VII. DECISION CONCERNING BOA MEETINGS DURING COVID-19

MINUTES TO BE ADOPTED BY THE GREENVILLE BOARD OF ADJUSTMENT

February 27, 2020

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

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

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

Stephen Atkinson –*

VOTING MEMBERS: Johnson, Glenn, McKinnon, Bullock, Lilley, Bellis and Atkinson

OTHERS PRESENT: Ms. Elizabeth Blount, Lead Planner; Mr. Thomas Barnett, Director of Planning and Development Services; Mr. Bradleigh Sceviour, Planner II; Mr. Emanuel McGirt, City Attorney; Mr. Donald Phillips, Assistant City Attorney; Ms. Camillia Smith, Secretary, Notary; Kelvin Thomas, Communication Specialist

MINUTES

Mr. McKinnon made a motion to approve the January 23rd 2020 minutes, Ms. Evans seconded the motion. 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.

OLD BUSINESS

PUBLIC HEARING ON A REQUEST TO RENEW A SPECIAL USE PERMIT BY CHRISTOPHER WOELKERS

The applicant, Christopher Woelkers, desires a special use permit to operate a home occupation; bed and breakfast inn pursuant to Appendix A, Use (3)d. of the Greenville City Code. The proposed use is located at 1105 E 5th Street. The property is further identified as being tax parcel number 20507.

The applicant has requested that this renewal be continued.

McKinnon made a motion to continue the renewal request, Ms. Bellis seconded the motion and it passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY SIDEWALK GREENVILLE, LLC

The applicant, Sidewalk Greenville, LLC desires to amend their special use permit to operate a dormitory development to allow additional market rate units. The proposed use is located at 523 S. Pitt Street. The property is further identified as being tax parcel number 16544.

Location: The proposed use is located at 523 S. Pitt Street. The property is further identified as being tax parcel numbers 16544 and 09676.

Zoning of Property: CD (Downtown Commercial)

Surrounding Zoning:

North: CD (Downtown Commercial) & CDF (Downtown Commercial Fringe)
South: CD (Downtown Commercial) & CDF (Downtown Commercial Fringe)
East: CD (Downtown Commercial)
West: CD (Downtown Commercial)

Surrounding Development:

North: Centurylink and City of Greenville Fire/Rescue and Police Department
South: Dickinson Avenue Public House, Federal Courthouse, Dickinson Avenue Antique Market and vacant lots
East: City of Greenville Fire/Rescue and Police Department, Jarvis Church, Sheppard Library
West: Greenville Transportation Activity Center, Farmers and Makers Market, Greenville Times, GRECO Restaurant Equipment, Whirligig Stage

Description of Property:

The subject properties are bounded by Dickinson Avenue, S. Pitt Street and Reade Circle and is located in the West Greenville Certified Redevelopment Area. The properties total 2.17 acres in size. The applicant wishes to amend the previous amended request dated January 26, 2017 to include the addition of 13 one-bedroom market rate units totally 6,731 square feet. The amendment, which would increase the total number of market rate units from 58 to 71 and increase the total number of beds from 413 to 426. This amendment would decrease the nonresidential space from 20,000 square feet to 13,269 square feet.

Background of Request

University Edge and Dickinson Lofts were developed as part of the agreement between the City and Sidewalk Development LLC in November 2015. The agreement required Sidewalk to provide a minimum of 20,000 square feet of office and/or retail space on lower floors and a minimum of 45 market rate units. In January 2016, the original special use permit was issued for 120 multi-family units with 345 beds and 20,000 square feet of nonresidential space. The first amended request was submitted for additional beds because of the reorientation of a building. It was approved for 150 multi-family units with 400 beds and additional parking at the rate of .7 parking spaces per bed in June of 2016. The seconded amended request was submitted because additional land was acquired which triggered an increase in beds. It was approved for 144 multi-family units with 413 beds and 290 parking spaces in January 2017. This amended request is for 157 multi-family units with 426 beds and a decrease of 6,731 square feet of nonresidential space. The applicant presented this request to City Council on February 13, 2020. Council unanimously approved the request.

Comprehensive Plan:

The property is located within the Uptown Core and Uptown Edge 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 commercial and mixed use development for the subject properties.

Dickinson Avenue Corridor Study:

The property is located in Area Two of the Dickinson Avenue Corridor Study. The study supports developments of this nature in this geographical area.

The Dickinson Avenue Corridor Study describes Area Two as:

> Arts District and Transit North of Dickinson Avenue, near Reade Circle, this sub-area includes the new transit center (the GTAC). Early-phased development providing residential for both students and young professionals should be built adjacent to this transit resource - creating a TOD, or Transit-Oriented Development. Several existing streets in this zone should also be realigned both to improve accessibility/visibility to ECU and the Uptown District - this will better integrate the GTAC into other adjacent areas in the study area including the Imperial Site. This realignment will create larger parcels ideally configured for larger format, mixed-use residential. This sub-area also features significant pads for PDR (Production, Distribution and Repair) businesses -

combining jobs and living spaces. A majority of the area is already zoned CD (Downtown Commercial), which is the preferred zoning district. This has mainly been accomplished via private rezoning requests from property owners. The remaining portion of this area is currently zoned CDF (Downtown Commercial Fringe and IU (Unoffensive Industry). The purpose of this rezoning request is to have the entire Area Two be zoned CD. This zoning district is preferred because it allows for more intensive and complementary uses for the Uptown District with zero-lot line setbacks, mixed use development, no vegetation requirements, and less restrictive parking standards.

Notice:

Notice was mailed to the adjoining property owners on February 13, 2020. Notice of the public hearing was published in the Daily Reflector on February 17 and February 24, 2020.

Related Zoning Ordinance Regulations:

Definition: *Dormitory*

A building or group of buildings where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management, such as a college dormitory or privately owned dormitory intended for use by college students.

Specific Criteria: *Dormitory development within the CD District.*

(1) Minimum habitable (mechanically conditioned) floor area per each bedroom: 200 square feet. For purposes of this requirement, the term floor area shall include private living spaces and any connected common living spaces associated with the subject bedroom, provided however the common living space allocation devoted to a bedroom shall not qualify for or count toward the minimum floor area requirement of any other bedroom.

(2) Minimum lot area: None.

(3) Minimum lot width: None.

(4) Minimum street, side and rear yard setbacks: None.

(5) Minimum parking requirement: One-half space per bedroom.

(6) Parking location requirements:

(a) Each required parking space shall be located:

1. On the lot containing the associated residential use;

2. Within a remote parking facility located within 800 feet of the use it is intended to serve, as measured with and along an improved pedestrian path from the most distant parking space to the building entrance; or

3. Within a remote parking facility located in a Downtown Commercial (CD) District.

(b) Such remote parking facility shall be in accordance with the applicable provisions of Article O.

(7) Off-street parking: All off-street parking areas designed for three or more spaces shall be in accordance with Article O.

(8) Preservation design: In order to protect the architectural integrity of existing buildings within the CD Zoning District, and in so doing to preserve the continuity of scale and design within those areas, the following requirements shall be met:

(a) All slip covers previously applied to the facade of existing buildings shall be removed.

(b) All canopies, except for those made of canvas, shall be removed from the facade.

(c) Where evidence exists of original windows and door openings subsequently enclosed, the windows and doors shall be reopened in an operable manner and in a style in keeping with the building. Where other unique architectural features remain, including cornices, mid-cornices and window surrounds, they shall be repaired and/or replaced with elements of like design.

(d) Nothing in this subsection shall supersede applicable North Carolina State Building Code requirements.

(9) Maximum residential occupancy limits:

(a) Residential occupancy within dormitory units shall be limited to one bed per each bedroom and one person per each bedroom.

(b) Residential occupancy within dwelling units shall be limited to one family per each dwelling unit

(10) Signage: All signs shall be erected in accordance with Article N of this chapter, but in no event shall a sign be mounted over existing windows, doors or other architectural features described in subsection (MM)(8)(c) above.

(11) Residential and nonresidential uses allowed: Subject to district standards, and requirements, development allowed under this section may include both residential and nonresidential use.

Recommended Conditions:

The development shall comply with all development agreements in place and approved by the City of Greenville City Council for the subject property.

Public parking along Pitt and Dickinson Ave shall remain as public parking with a 1-hour parking restriction and not be calculated to fulfill the parking requirements.

A site plan indicating parking and any additional site improvements must be submitted and approved prior to the occupancy of the additional units.

Right-of-way improvements shall comply with the adopted City of Greenville Streetscape Masterplan.

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.

Ms. Blount delineated the property and shared with the board the applicant's request to amend the January 26th, 2017 Special Use Permit to now include 13 one bedroom market rate units and to decrease the nonresidential space from 20,000 sq. ft. to 13,269 sq. ft. University Edge and Dickerson Lofts were developed as part of an agreement between Sidewalk Greenville, LLC and the City of Greenville back in 2015. That agreement required that Sidewalk provide a minimum 20,000 sq. ft. of nonresidential space on the lower floor and a minimum of 45 market rate units. Since the original agreement, Sidewalk has acquired additional parcels and has amended the Special Use Permit two previous times to increase the number of beds. With the nonresidential space currently not being leased and the demand for professional market rate housing, the applicant would like to request the aforementioned amendments be made to the Special Use Permit. These amendments will still meet the requirements for dormitory developments in the area. The applicant presented this request to City Council on February 13th and it was unanimously approved.

Chairman Johnson opened the public hearing.

Mr. Jim Blount, local partner for University Edge and Dickerson Loft, spoke in favor of the request, identifying himself as a stakeholder in the downtown area. Mr. Blount stated that despite hiring the best commercial real-estate broker in the area, over the past 18 months there hasn't been one successful lease of the retail or restaurant spaces. Not only does the empty retail space give off a bad impression of the downtown area, but it has become a financial burden as well. Before they made this request, Mr. Blount decided to drive around the downtown area and identify the amount of vacant restaurants and retail storefront properties. He found 35 in total, and as a member of the uptown business district he sees the struggle that is ahead to fill these vacancies. Although he still believes that the Dickinson Loft space is prime location for restaurant, he believes it is best that the Reade Street space is filled to show more vibrancy and cut down on some of the bad optics in the downtown area.

Mr. Gus Cook, Sidewalk Greenville, LLC, spoke in favor of the request, stating that they have spent numerous hours and an additional $20,000 in plans but haven't been able to muster up a viable tenant. There are complications and difficult measures that come with building out retail spaces on the first floor, especially when there are four levels of residential space above it. This factor along with the market conditions have made it challenging. Based on the feedback, it made sense to do first floor studio units. The proposed units are almost like micro units done before in St Louis and Akron, Ohio, which are some of the urban infill sites they develop for. Economically it made no sense to wait out the market when they have a potential of income on over 14,000 sq. ft. of empty space. For the project to remain viable, they need to generate more income. The empty space isn't good for the neighborhoods, city, or project. They, along with their civil engineer, The East Group, have resolved the parking issues to the city's satisfaction. They have requested the city's help to restripe the remote parking lot that they lease from them and that should get them to the 0.7 ratio. Mr. Cook reiterated they are looking to put workforce market rate type

units. The lease rates are reflective of the market and would push the rent of the small units to the $1150.00 range, and they expect young professionals to fit the tenant profile.

Mr. Atkinson asked that he is not quite sure of some things by looking at the plan. He is unclear why Mr. Cook says workforce units whereas his application says dormitory development.

Mr. Cook interjected that it is simply a studio apartment unit.

Mr. Atkinson noted that on the plan it seems to still have entrances coming directly off the street but on the elevation it may have been changed to show windows, and he is confused about that.

Mr. Cook replied they essentially wanted to keep the entire Reade Street storefront the same, and maintain the façade except for one doorway that will lead to a corridor off of which the entry to those other units will take place. The storefront elevation off of Reade Street is staying the same except for that, so the only entry to the units is from a corridor through that that door.

Mr. Atkinson asked why there is no open and shut door on the plan and that it was confusing him because it looks like the storefront windows are in place of it.

Mr. Cook replied the doors that are there now will remain, and as shown on the floor plan the door that opens into a courtyard then leads to the door that goes to the corridor for the units.

Mr. Atkinson asked about security, and stated that based on the drawings someone can come in from the street and have access to the whole building.

Mr. Cook replied that it is secured and is just like a balcony or patio door; if it isn't locked then someone can have access to the unit. Generally speaking, Mr. Cook would assume any resident would have that door locked. The main entry is off the corridor and that provides the additional egress. They didn't want to mess with the façade that is there right now, so the doors for the store front system are going to remain the way that they are but will be locked form the residents' side so there is no entry from the outside unless they are unlocked.

Mr. Atkinson replied that this would be fine if everyone could trust their neighbor to lock their door, however most dormitories he has experience with did not have that much access to the side of the building through that many entrances. He claimed to see a major safety issue here.

Mr. Cook replied that this is why they have professional property management that will be on site at all times. He believes this is the same concern one would have with any apartment complex that has a patio or balcony doors where one can walk out onto a porch. He sees no difference and says they have units typical to this in other urban areas with no issues.

Mr. Atkinson asked whether the doors automatically lock when they are closed.

Mr. Cook replied yes, the doors lock when closed. There is also access control to the corridor doors. If it was left unlocked and becomes an issue, it could become a no entry door from the street and be an exit only door with a panic lock on the backside.

Mr. Atkinson asked whether they are leaving the doors because there needs to be a certain number of exits.

Mr. Cook replied no, they didn't want to disturb the storefront glass that is there presently as well as the look and façade of the elevation.

Mr. Atkinson interjected that he has a problem with another person having access to another unit once they get inside that building.

Mr. Cook replied there are limited access controls on a lot of the other doors. If one walks through the unit and is able to get access to that corridor, there is limited access to other parts of the building from that point. This corridor is essentially isolated. There are two doors that will allow one to get inside from the corridors. One has limited access with a fob operated electronic door access onto Reade Street. The other door is also a fob accessed electronic door that is on the courtyard, on the backside of the project.

Mr. McKinnon stated that from his understanding, Mr. Cook would be willing to change the hardware on the exterior doors so that it is exit only, and so that it automatically locks.

Mr. Cook replied that he thinks they will put a lock that automatically locks when the door is closed just so that it is not entirely limited. To have it as an exit only door is not something he would want to do from the standpoint of marketability and pure convenience.

Mr. Atkinson asked whether this will be video monitored.

Mr. Cook replied yes, it is all video monitored, and the interior corridors are all CCTV.

Mr. Atkinson asked what about the exterior doors off of the street.

Mr. Cook replied no, there is actually a camera that shoots all of Reade Street and all of the traffic that comes to the front of the building. He claimed they don't want a security issue and if there is a concern then they will address it. He is happy to look at some hardware options so that the door, once closed, will not be accessible without a key or fob from the outside.

Mr. Atkinson replied that his concern is that if it is left unlocked, someone can get in the building and have access to the entire thing.

Mr. Cook replied that this is not any different from any apartment complex in Greenville.

Mr. Atkinson stated he sees a problem due to the number of options there are for that to happen.

Mr. Cook replied that the number of options in this case are actually far less than a lot of the apartments that have direct access from the outside on all ground units. He understands that this particular case still poses a security concern, though.

Mr. Glenn interjected that he agrees the dark store fronts can be better utilized because it does not look good to have empty spaces, so he appreciates the creativity. He claimed part of the original agreement with the city initially said there would be a certain number of student units and a certain number of market rate units. He asked whether it is fair to say that they have seen enough success with the market rate units to where they could be picked up by people other than students.

Mr. Cook replied yes, and although he cannot give the exact ratio, the Dickerson Towers with one and two bedroom units is far more geared more towards market rate than the developments that focus primarily on four and five bedrooms. They have had good demand with the one bedroom units, and it is yet another niche that can be offered to the professionals that are coming into town who might want to use this as a workspace or study.

No one spoke in opposition.

Chairman Johnson asked for staff recommendation.

Ms. Blount replied the staff has no objections to the request.

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

Chairman Johnson read the criteria.

Mr. McKinnon called for a vote on health and safety.

Mr. McKinnon asked for a clarification regarding whether or not the people residing in these apartments were part of the neighborhood. After the City Attorney further explained the criteria, Mr. McKinnon withdrew his objection.

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. Bullock made a motion to approve the petition with the conditions, Mr. Lilley seconded the motion and it passed unanimously.

PUBLIC HEARING ON A REQUEST FOR APPEAL OF A DECISION BY CCWC GREENVILLE 1 LLC

The applicant, CCWC Greenville 1 LLC, desires to appeal a decision made by the Planning and Development Services director in January concerning non-building structures not allowed within a setback area. The property is located on 400 Se Greenville Boulevard. The property is further identified as being tax parcel numbers 14405.

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

North: CG (General Commercial) and O (Office)
South: CG (General Commercial)
East: CG (General Commercial)
West: CG (General Commercial) and OR (Office Residential)

Surrounding Development:

North: Redbanks Crossing Shopping Center and My Eye Doctor Office
South: La Promenade Shopping Center
East: La Promenade Shopping Center
West: BB&T Bank and Kickback Jacks

Description of Property:

The subject property is a 1 acre lot with approximately 252 feet of frontage along SE Greenville Boulevard and 324 feet of frontage along Redbanks road.

Comprehensive Plan:

The property is located within the mixed use high intensity character type as designated by the Horizon 2026 Greenville Community Plan. The proposed use complies with the Future Land Use Plan, which recommends commercial use for the subject property

Notice:

Notice was mailed to the adjoining property owners on February 13, 2020. Notice of the public hearing was published in the Daily Reflector on February 17 and February 24, 2020.

Staff Comments:

The appellant states that the adverse decision in question is "a non-building structure cannot be within a setback area per decision dated January 28, 2020." It is their contention that a non-building structure is allowed to encroach into a building setback line because §9-4-95(A), dealing with the measurement of setbacks, refers exclusively to structures with exterior finished walls.

It is staff's opinion that the controlling section in this case is §9-4-101 Commercial, Industrial and Office Accessory Structure and Building Standards (attachment #1). The vacuum cleaners are commercial structures that inhabit concrete pads and have electrical hookups. They are not a part of the main structure in that they are detached from the building itself and stand alone on the opposite side of the property. With these facts in mind they are certainly commercial accessory structures and as such subject to the regulations in §9-4-101

Staff does not dispute that the setback line for the exterior wall of a building is what is being regulated by §9-4-95(A). Staff further does not dispute that §9-4-22, which defines setbacks specifically, refers to buildings. It is staff's contention that neither of those definitions precludes also establishing a setback for an accessory structure.

Section 9-4-101 recognizes that there are certain structures, not just buildings that must conform to the district minimum setbacks. Specifically the section deals with "the location, setback and height of any commercial, industrial and office accessory **structure or** building". The section states that any such structure "shall be in accordance with the district minimum established for the principal use". In this instance, that district minimum established for the principal use is 20 feet.

Concerning §9-4-102(J) relating to attached gas pump islands, it is staff's opinion that this has nothing to do with detached vacuum cleaners. The provision in question is part of a group of exemptions relating specifically to attached structures. As these vacuums have a fundamentally different physical relationship to the principal structure, in that they are detached from the principal structure rather than attached to the principal structure, it is staff's opinion that this provision is neither similar nor relevant. Again it is staff's opinion that the controlling section is §9-4-101 Commercial, Industrial and Office Accessory Structure and Building Standards.

At no time in the past has staff ever approved a site plan for a car wash to have vacuum cleaners encroach into the established district setback in the manner that the applicant has requested.

In staff's opinion, there are alternate designs that would allow the vacuums to be moved out of the setback and still have sufficient drive aisle widths that would meet the City's Manual of Standard Design and Details.

Staff Recommendation:

City Staff recommends that the Board of Adjustment uphold the administrative decision and interpretation of the Planning and Development Services Director, which states that vacuums and similar mechanical devices are not allowed to encroach within the setback per the City of Greenville Zoning Ordinance.

Voting members include: Mr. Bill Johnson, Mr. Michael Glenn, Mr. Rodney Bullock, Ms. Ann Bellis, Mr. Chris Lilly, Mr. Hunt McKinnon, and Mr. Stephen Atkinson.

Ms. Blount read the request for the appeal of administrative decision made by the planning development service director, Thomas Barnett, for the subject property that is located near the southeast quadrant of the city. On January 28 the official interpretation from the PDS department was sent to the applicant and on January 30 the staff received appeal of administrative decision. Ms. Blount called up Mr. Barnett.

Mr. Barnett read a brief portion of the letter to Mr. Thomas Johnson that was sent on January 28, 2019 about the zoning ordinance regarding vacuums and setbacks. It is the opinion of staff that vacuums and similar mechanical devices aren't allowed to encroach within the setback for the zoning ordinance of COG. The setback in this case is 20ft. Vacuums must conform to the setback lines.

Chairman Johnson opened the public hearing.

Mr. Tom Johnson, an attorney with the law firm of Williams Mullen, spoke in favor of the request on behalf of the applicant, CCWC Greenville 1 LLC. His client wishes to redevelop the site plan to a carwash, as it was previously. He invited Mr. Jenkins Williamson to speak.

Mr. Williamson, from CCWC Greenville 1 LLC Columbia Development, which is the parent company and developer in this instance as well as the owners of the building and business, spoke in favor of the request. He had spoken with a civil engineer and land use attorney beforehand. They analyzed the code and read it specifically the way the words were written to do what they propose, and they are moving forward based on this reading. The city, however, has a different interpretation of the code. If the appellant is forced to develop the project in the manner the city staff wants to, it will impact the business to a very significant degree. Mr. Williamson is terrified to open a business in this city if it will not succeed and respectfully requested that everyone hears the attorney as he reads what is written in the code.

Mr. Johnson showed the site plan and explained where the vacuums would be placed. He claimed the ordinance states vacuums can encroach in the minimum 20ft setback because they are not buildings. The reason they appealed is so they can depend upon the ordinance and its plain and clear language. If the vacuums are pulled back there are less customer parking spots and therefore people will be waiting to park to vacuum their cars. The vacuums have no exterior finished wall so the minimum distance required for the setback does not apply here since it refers to setbacks from an exterior wall of a building. Mr. Johnson agreed the vacuum is an accessory structure, but the setback for the principle use does not apply to this case since there is no wall and since the vacuum is not a building.

Mr. McKinnon noted that it appears the 24 foot distance is a city ordinance standard.

Mr. Johnson replied even though it is a city standard, the standard states they can put the vacuums 10 feet closer within the setback because they are not buildings and don't have a finished wall.

Mr. McKinnon asked if this appeal is about the four vacuum stations which would be lost and therefore create a loss of income.

Mr. Johnson replied it is also about the ability to move traffic and about the experience. The variance is not applicable in this case, and based on their carwash business experience they know they need more space, which is why it is important to move it up in order to acquire that extra space.

Mr. Atkinson suggested the main issue is with the definition of a wall and which structures are considered walls.

Mr. Johnson referred back to the ordinance which specifies the setback line guidelines.

Mr. Glenn asked if the parking space itself creates the issue or if it becomes an issue when the vacuum structure is added.

Mr. Johnson replied it is the vacuum that essentially creates the issue.

Mr. Glenn asked if this is a new concept or issue that other towns they've developed in have encountered to where they modified ordinances to accommodate for it.

Mr. Johnson replied that vacuums are not specifically addressed in the ordinance but on this site it becomes important because of the shape and driveway location, which are fixed from the last establishment. It is not a rectangular space so they need to take advantage of the ordinance setbacks that were provided to allow for more space because of the way the site is situated.

Chairman Johnson noted the vacuum tank is fixed to a pole and asked if the pole is a structure.

Mr. Williamson replied the city regards it as a structure even though it is not a building or a finished wall.

Mr. McKinnon asked about the finishing of the pole.

Mr. Johnson replied it is stainless steel.

Chairman Johnson asked for further clarification on whether the poles are permanent structures.

Mr. Williamson replied that it is an easily and quickly removable permanent structure. They have disconnects on them and four bolts, so the bolts can be taken out and the structure can be moved in order to bring another one in and plug it. He also stated, in regard to Mr. McKinnon's earlier comment, there is 24 feet of driveway width but there is also space where people are parking and vacuuming, and they are going to be backing out. That compression will create a pinch point and creates a concern for safety.

Mr. Atkinson asked how they are treating the landscape area and if there will be a sidewalk.

Mr. Johnson said no sidewalk is required so they will have to add landscaping.

Mr. Williamson interjected that there is in fact a requirement for a sidewalk, which is included in the more detailed plans. In addition, they will add a lush, thick, evergreen landscaping package if it is affordable because they want the corner to be beautiful. They understand how important this corner is to the city of Greenville but they can't do what they want to do by a compressed site plan that removes the function within the site, which is the issue.

Mr. McKinnon asked if drawing C301, in reference to turning traffic, is out of date.

Mr. Johnson replied yes, it is out of date and traffic will be turning right, not left and right.

Emmanuel McGirt, the City Attorney representing the Planning Department, asked Mr. Williamson to clarify if the structures are permanent.

Mr. Williamson replied that he testified that the vacuums are structures that can be removed but they are not permanent.

Mr. McGirt asked if the foundational base of the vacuum is a wall.

Mr. Williamson replied they are not.

Mr. McGirt reiterated that the public street setbacks state the minimum distance required between the exterior finished wall of all structures and any adjacent public street. He emphasized that "all structures" means it is not limited to just buildings, therefore it can include the vacuums.

Mr. Johnson intercepted that vacuums don't have a wall therefore the measurement would not apply.

Mr. McGirt stated the applicant contends there are no setbacks for structures lacking an exterior finish wall so if the structure in his position has no exterior finish wall then there are no rules or regulations.

Mr. Johnson replied there are shortcomings in the ordinance itself.

Mr. McGirt asked how the zoning ordinance measures setbacks on gas pump islands or other accessory structures.

Mr. Johnson relied that gas pump islands can go within 10 feet.

Mr. Barnett stated if they can measure to a structure that doesn't have an exterior finished wall then they can measure vacuums. The city measures many items on a daily basis with no exterior finished walls and the ordinance is appropriate in the way it reads.

Mr. Johnson disagreed with that statement claiming there were no specifics addressed in the commercial section.

Mr. Barnett stated that he mentioned bringing the building to the front and many meetings were held with the appellant where they discussed moving the building to the front.

Mr. Johnson interjected that this is not relevant to the vacuums.

Chairman Johnson asked for clarification about the setbacks.

Mr. Johnson replied the setback comes from the right of way line.

Chairman Johnson asked if this distance is in inches, and stated the vacuums can be rotated and moved to make it further backwards if necessary.

Mr. Johnson replied the ordinance does not require them to do that because it states how it is measured from a finished wall.

Mr. Williamson claimed it is about feet not inches.

Mr. Barnett continued by stating the staff asked them to comply with the conclusions of the horizon plan but they chose not to. It is the city's belief by looking at the size of the plan that the building could have been swapped to the front and the vacuums would have been put behind, but that did not occur. The driveway is going to be reduced by somewhere between 10-11 feet because they can only do right-ins and right-outs. There is a letter from the DoT that this is what can be allowed there. He proposed that there is a lot of room for them to move around and still have ample circulation and meet the required setbacks.

Other carwashes in Greenville have been required to keep their vacuums out of the setbacks. He asked Mr. Brad Sceviour to speak about the specifics of the ordinance.

Mr. Sceviour said the appellant claimed the adverse decision in question is that a non-building structure cannot be in a setback area. However, the ordinance does not just apply to buildings but to structures as well. There are several types of permanent structures in the ordinance that are required to conform to these rules, such as pools, satellite dishes, or even a gas pump island. He referred to an image of a gas pump island with a detached structure that is measured in a similar way to the vacuums.

Mr. Barnett mentioned there is an application for a variance and that the appellant has submitted an application showing how the vacuums are fully compliant with the 20ft setback, meaning it is possible.

Mr. Glenn claimed the proposed site plan has an assumed intensity with what is being built there, and asked what the threat is by accommodating the appellant's request.

Mr. Barnett replied that the potential threat can be better addressed by the variance. However, the ordinance allows the staff to regulate fairly.

Mr. Johnson refuted that the horizons plan was not the law or ordinance, it was just a voluntary plan, and at the end of the day they referred to the ordnance.

Mr. Glenn asked if it were a gas pump island would it be permitted.

Mr. Johnson replied yes.

Ms. Evans asked if any of this adversely affects citizens or potential patrons.

Mr. Johnson replied it adversely affects them in terms of the flow within the site. If they are granted what they are asking for, however, it would not adversely affect patrons or citizens.

Mr. McGirt called Mr. Charles McLawhorn to testify.

Mr. McLawhorn claimed Greenville has been haphazardly developed where any structure can go within the parameters of the encroachment. He claimed the word building refers to something that is built.

Mr. Johnson refuted that the actual definition of a building is already stated in the zoning ordinance.

Mr. McGirt defined the term accessory building under the zoning ordinance, and claimed in this case the vacuum cleaners are an accessible building structure.

Mr. Johnson gave a closing statement.

Mr. McGirt gave his closing argument and emphasized the setback rules which require 20 feet for a commercial accessory structure.

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

No board discussion.

The board voted that: A) there was an ordinance in effect at the time of interpretation (motion made by Mr. McKinnon and seconded by Ms. Evans, voted unanimously), B) the officer making the interpretation had authority (motion made by Mr. McKinnon and seconded by Mr. Bullock, voted unanimously) and C) the administrative officer made an error in interpreting and applying the ordinance.

Ms. Evans asked for a discussion before voting on criteria C. She did not agree with the city's interpretation that the vacuum counts as a building or structure, and she suggested the city go back to council to clarify that. Her perspective is that the vacuum is not a building.

Ms. Bellis restated the ordinance and emphasized the use of the word structure, meaning the vacuum would be considered a structure.

For criteria C, a motion was made by Mr. McKinnon that the officer ruled appropriately, seconded by Mr. Bullock and the vote was unanimous. The appeal was denied.

PUBLIC HEARING ON A REQUEST FOR A VARIANCE BY CCWC GREENVILLLE 1 LLC

The applicant, CCWC Greenville 1 LLC, desires to request a variance. The variance is from the Director's decision to not allow vacuums within the public street setback. The proposed use is located on 400 SE Greenville Boulevard. The property is further identified as being tax parcel numbers 14005.

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

North: CG (General Commercial) and O (Office)
South: CG (General Commercial)
East: CG (General Commercial)
West: CG (General Commercial) and OR (Office Residential)

Surrounding Development:

North: Redbanks Crossing Shopping Center and My Eye Doctor Office
South: La Promenade Shopping Center
East: La Promenade Shopping Center
West: BB&T Bank and Kickback Jacks

Description of Property:

The subject property is a 1 acre lot with approximately 252 feet of frontage along SE Greenville Boulevard and 324 feet of frontage along Redbanks Road.

Comprehensive Plan:

The property is located within the Mixed Use High Intensity character type as designated by the Horizon 2026 Greenville Community Plan. Although, the proposed use is in compliance with the Future Land Use Plan which recommends commercial use, the layout of the facility does not meet the intent of the character type which supports locating buildings near the street and parking behind or to the side of the building.

Notice:

Notice was mailed to the adjoining property owners on February 13, 2020. Notice of the public hearing was published in the Daily Reflector on February 17 and February 24, 2020.

Related Zoning Ordinance Regulations:

Specific Criteria:
N.C.G.C. 160A-388

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 of the following:

(1) Unnecessary hardships would result from the strict application of the ordinance
(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 resulting from conditions that are common to the neighborhood or the general public, may not be the bias for granting a variance.
(3) The hardship did not result from actions taken by the applicant or the property owner.
(4) The resulted 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 Recommended Conditions:

Staff has reviewed each of the criteria the Board must consider in order to grant a variance and has listed comments below in bold on each:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

   Strict application of the ordinance does not create a hardship for the applicant because in staff's opinion, there are alternate designs that would allow the vacuums to be located out of the setback and still have sufficient drive aisle widths that would meet the City's Manual of Standard Design and Details (MSDD).

   The MSDD requires a minimum of 25 feet to accommodate two-way traffic. The original plan exceeded that amount and could be altered to meet the applicant's design preference and the city's dimensional standard requirement.

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 resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

   The property housed a carwash facility previously for many years, which included not only an automatic carwash but also with gas pumps. The irregular shape of the parcel

was not an issue for the past carwash. It had an outbound only access point on Greenville Blvd. and an inbound only access point on Red Banks Rd. This assisted with the safety and smooth flow of traffic in and out of the property.

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.

   The irregular shape of the parcel is not a hardship. Bojangles restaurant occupies a similarly shaped property diagonally from the existing location. This is relevant because both sites include drive aisles and drive thrus, which affect traffic flow. Also, the applicant has demonstrated that compliance can be met by reducing the aisle width per the attached Site Plan C-302 and the revised official site plan submitted February 17, 2020.

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.

   The City's MSDD takes into consideration public safety. As mentioned before, there are alternate designs, as submitted by the applicant that will ensure public safety while complying with the standards. It is imperative to adhere to the public street setback at this location involving an intersection at a major thoroughfare and a heavily travelled transportation corridor. Having the vacuums in their proper location will provide for less obstructed view as traffic approaches the intersection. Although the applicant has proposed additional vegetative screening to shield the vacuums, staff believes moving the vacuums out of the setback would be a better option and alleviates the need for a variance.

Staff Recommendation:

City Staff recommends that the Board of Adjustment deny the variance request because the applicant has not shown that moving vacuums out of the setback would create an unnecessary hardship. The design of the site can be altered to meet regulations while allowing optimal flow and safety on the property and compliance with the City's Ordinance.

Voting members include: Mr. Bill Johnson, Mr. Michael Glenn, Mr. Rodney Bullock, Ms. Ann Bellis, Mr. Chris Lilly, Mr. Hunt McKinnon, and Mr. Stephen Atkinson.

Ms. Blount delineated the property and provided the finding of facts. She called up Ms. Lisa Kirby, director of engineering to explain the flow of traffic.

Mr. Phillips called for a revote of the previous agenda item due to an error in who was able to vote on the appeal.

Chairman Johnson reopened the agenda item for the appropriate vote. Items A, B, and C were voted upon as before and the motion was denied yet again.

The meeting continued with the variance request. Ms. Kirby reinforced the minimum standards, which is 24 feet for two-way traffic with parking on one side. With regards to driveway access, the applicant would be allowed to have right in, right out, and left in only at both driveways, not left out. City standards is for 9.5 foot wide stalls and the current site plans showed 13 foot wide stalls.

Ms. Blount emphasized the vacuum cleaners can be placed outside of the setback. The property previously housed Adam's Carwash which included an automatic carwash and gas pumps. The shape of the parcel is not a hardship because there had been a carwash on the parcel previously. The property in question is not peculiar. Because the layout of the facility can be altered, the location of the vacuums are peculiar to the owner and not the property.

Mr. Johnson replied that the current carwash is different from the existing one. The driveways are set in particular locations that cannot change. They were full service driveways for the existing carwash but now they are limited to be right in and right out. He called Mike Matthews to speak on the issue.

Mr. Matthews, representing Momentum Carwash specialists, explained that this property is an express exterior carwash, which differs from the traditional full service carwash which existed before. For the most part, the customer stays in the vehicle the entire time unless they vacuum the car. Assessing a property for an express exterior means that one has to examine the demographic and surrounding retail, then examine the zoning and permitting, and lastly the ingress, egress, and flow on the site. If one cannot move on the site comfortably, the site is rejected. Express exterior is lower in price than traditional carwashes, but has higher volumes.

Mr. McKinnon asked how the function would differ if the lanes were reduced and asked if the vacuuming was free.

Mr. Matthews replied yes.

Mr. Williamson spoke that DoT and city traffic will limit the access to this site because of the proximity of the access points to the signal at the intersection. When the site had been purchased it had full access, meaning one could make left or right turns to enter and exit. He claimed the right in and right out only traffic will force all the customers to go in one direction which will create an issue, especially with customers using the vacuums and backing out. He claimed the hardship is astronomical.

Chairman Johnson asked for the difference between site plan version 1 and site plan version 2.

Mr. Williamson replied version 2 is tighter than version 1 and has an 8 foot reduction, or "the pinch point", where conflict will occur. There is also a 10 foot reduction on another side.

Mr. McKinnon asked if there is a possibility to eliminate some of the free spaces at the access points off of Redbanks since they are not earning income.

Mr. Williamson replied that having an appropriate number of vacuums matter even if they are for free because customers may be discouraged from getting a carwash if they see the vacuums are all full and the site is busy.

Mr. Lilley stated it is not feasible to have a left off, and removing the left off would actually improve the business because it would reduce the number of accidents.

Mr. Williamson replied that he does not disagree but notes that most surrounding businesses have full access.

Mr. McKinnon stated if they lost 2 vacuum spaces closest to the driveway on Redbanks they could use this site because the pinch point would be less.

Mr. Williamson replied on version 2 they would have to lose 1 or 2 on Redbanks and 1 or 2 on Greenville Blvd.

Mr. McKinnon asked what would happen if 1 or 2 of those came back to the apex?

Mr. Williamson replied they tried that but could not get the vehicles in and back out safely. This is because the vehicles cannot go straight in and straight out.

Mr. McKinnon noted the site plan is not necessarily impossible to use, meaning it may not cause undue hardship.

Mr. Charles Yowell, civil engineer, said in his professional opinion the facility should have more space for circulation to further enhance the safety of the customers. He also stated there are required ADA spaces that need to be close to the building.

Mr. Steve Singleton, a landscape architect, discussed the landscape plan and installation of shrubs with a 10 foot vacuum setback.

Mr. Williamson claimed if the variance is not granted, the landscaping plan would not be as great and the budget would not allow for it.

Mr. Johnson stated the result of the changes on the site creates an unnecessary hardship due to the restrictions from DOT, the shape of the site, and the driveway.

Ms. Blount spoke in opposition of the variance stating the issue with the site is due to the flow, however it has been demolished so rearrangements can be made. Additionally, variances must meet all the standards for a hardship.

Chairman closed the public hearing and opened for board discussion.

Ms. Evans claimed the request was reasonable and the citizens will not be adversely impacted by it.

Mr. McKinnon noted that a precedent is being set by this hearing, therefore the decision to grant the variance must be made carefully.

Mr. Bullock claimed that no two cases will be the same so this decision may not necessarily set a precedent in the future.

Mr. Williamson interjected that they would be willing to withdraw the variance request to give more information to the Board before a decision is made.

Ms. Blount asked if the review of the site plan can be paused until this matter is resolved since more changes will be made to the plan.

Mr. Bullock made a motion to continue the meeting pending the city's comments and review, Mr. Glenn seconded the motion and it passed.

Annual Review of Public/Private Clubs, Dining and Entertainment Establishments, and Microbreweries:

Ms. Blount stated in their packets was a list of all private/public clubs and dining and entertainment establishments that required a special use permit to operate. Ms. Blount stated many locations downtown are now vacant. Different review agencies provided input, such as: Pitt County ABC Commission, Police Department, Code Enforcement Division, Fire/Rescue Department, and Inspections Division. Per

the review, no establishments had any major issues. Fraudulent identification incidents are decreasing. At the time staff had no suggestions to bring back anyone for a hearing.

Mr. Bullock motioned that a rehearing is not required, Mr. Lilley seconded and the motion passed.

Mr. Bullock motioned to adjourn the meeting, Mr. Lilley seconded.

Meeting adjourned at 10:53 pm.

Respectfully submitted

Elizabeth Blount

Lead Planner

Elizabeth Blount

From: Chris <chris@taffco.com>
Sent: Monday, July 6, 2020 4:03 PM
To: Elizabeth Blount
Subject: FW: B&B continuation request letter
Attachments: BOA Renewal 2020.docx

Hi Elizabeth, Thanks for the friendly reminder & please see attached the continuation request. Chris

Sent from Mail for Windows 10

From: Chris Woelkers
Sent: Sunday, July 5, 2020 9:36 AM
To: chris@taffco.com
Subject: Fwd: B&B continuation

Begin forwarded message:

> **From:** Elizabeth Blount <eblount@greenvillenc.gov>
> **Date:** July 2, 2020 at 11:28:52 AM EDT
> **To:** Chris Woelkers <chris_woelkers@icloud.com>
> **Subject: B&B continuation**
>
> Chris,
> Hope you are doing well today. Please send me a written statement asking for a continuance to August for the BOA meeting. Thank you.
>
> **Elizabeth Blount, CZO**
> Lead Planner
> City of Greenville
> eblount@greenvillenc.gov
> www.greenvillenc.gov
> Tel: 252-329-4608
> Fax: 252-329-4483
> Cell: 252-493-2007
>
> Greenville
> NORTH CAROLINA
> *Find yourself in good company*

July 6th, 2020

City of Greenville, NC
Board of Adjustment
Special Use Permit renewal
c/o Elizabeth Blount

RE: Request for continuance

Board of adjustment members, Due to scheduling opening around the corona virus I have requested through Elizabeth Blount a continuance for renewal request until the August meeting schedule.

Sincerely,

Chris Woelkers

The 5th Street Inn B&B

Applicant,

Elizabeth Blount

From: Brian Downs <Brian.Downs@timmons.com>
Sent: Tuesday, July 14, 2020 2:09 PM
To: Elizabeth Blount
Cc: Andy Priolo - Couche Tard (APriolo@circlek.com)
Subject: Circle K (Bayswater) - BOA

Elizabeth,
As discussed, please push the Circle K SUP for Fire Tower/Bayswater until the August hearing.

Thanks,
Brian

Brian W. Downs
Project Manager
TIMMONS GROUP | www.timmons.com
5410 Trinity Rd, Suite 102 | Raleigh, NC 27607
Office: 919.866.4504 | Fax: 919.859.5663
brian.downs@timmons.com
Your Vision Achieved Through Ours
To send me files greater than 20MB click here.

Special Use Permit – Special Meeting Board of Adjustment
August 6, 2020 6:00 p.m.
Zoom Webinar
Staff Contact: Elizabeth Blount, 252-329-4608

Date: July 15, 2020

Applicant: Kristopher Paine

Agenda #: 2 (New Business)

Request: The applicant, Kristopher Paine, desires a special use permit to operate a game center pursuant to Appendix A, Use (6)d. of the Greenville City Code.

Location: The proposed use is located at 1400-G E.14th Street. The property is further identified as being tax parcel number 00602.

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

North: CDF-UC (Downtown Commercial Fringe – Urban Core Overlay)
South: R6 (Residential) and CH (Heavy Commercial)
East: CN (Neighborhood Commercial) and CG (General Commercial)
West: CH (Heavy Commercial)

Surrounding Development:

North: Jolly Rogers Student Development
South: Bower Apartments
East: China King Restaurant, Stadium Sports, Dollar General and Parking Lot
West: Nail Salon, Hair Salon, Tobacco Shop and Shenandoah Graphics and Framing

Description of Property:

The property contains 33,000 square feet of retail commercial space with several units. The building has approximately 670 feet of frontage along E. 14th Street and 333 feet of frontage along Charles Blvd. The proposed use will be located in Unit G. The unit has 3600 square feet with 1500 square feet for retail sales with a snack bar and tables for board games and 2100 square feet for the game center. There is one main entrance to the unit with a wall that separates the retail portion of the store from the game center portion.

Comprehensive Plan:

The property is located within the Mixed Use character type as designated by the Horizon Plan. 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 July 21, 2020. Notice of the public hearing was published in the Daily Reflector on July 27 and August 3, 2020.

Description of Business:

The proposed use includes a game center along with retail sales. The business is known as Well Played Games, L.L.C. Per the applicant, items that will be sold are video games, video game consoles, collectible card games and video game related merchandise. Retail merchandise include plush toys, action figures, strategy guides, along with video game merchandise, and collectible card games such as Magic The Gathering, Yugioh, and Pokemon. Currently, there are 26 electronic games available for use and there are plans to expand to 35 games. The games will be coin operated.

Related Zoning Ordinance Regulations:

Definition:

Game center. Any establishment that has more than five coin/token operated or other amusement devices or whose principal purpose is the operation of a "game center" regardless of the total number of amusement devices. For purposes of this definition, the term "amusement devices" shall include electronic games and similar machines, and any other game table or device. Bingo parlors shall be considered as "game centers" regardless of the number of participants.

Retail sales; incidental. Retail sales accessory and incidental to the permitted nonresidential principal use including sales of: manufactured products; goods distributed at wholesale; repair and/or replacement parts; products and/or goods resulting from, utilized in and related to commercial, medical, professional or personal services and recreational activities. Such "incidental retail sales" shall meet all of the following requirements:

(1) Shall be an accessory use to the principal use;

(2) Shall be housed completely within the principal or related accessory structure;

(3) Shall not occupy more than 10% of the floor area of the principal or related accessory structure;

(4) Shall not constitute more than 20% of the gross income produced by the associated principal use during any month; and

(5) Neither the activity itself nor any advertising display shall be visible beyond the premises

Staff Recommended Conditions:

The proposed request may not evolve into a public/private club or an internet sweepstakes business without the issuance of a Special Use Permit for such use.

The applicant will be required to meet with the City of Greenville Fire Department and the City of Greenville Inspections Department to set the occupancy standards for an assembly type use.

Must comply with all federal and state laws and local ordinances applicable to the business and use.

No loitering outside of the business shall be permitted.

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.

BOA 20 - 08

Date Received 6-24-2020

CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION

Applicant Name(s) Kristopher Paine DBA Well Played Games

1909 East Fire Tower Road Suite G

Greenville, NC 27858

Contact Name and Mailing Address Kristopher Paine

1909-G E. Fire Tower Road

Greenville, NC 27858

Contact Phone Number (~~252~~) 562-229-2541

Contact Phone Number (_____)_____

Contact Fax Number (_____)_____

Location /Street address of propose use 1400-G Fourteenth Street, Greenville NC

located in the University Center

Tax Parcel # 00602

Proposed use Arcade and Game Center / Retail Sales

The Zoning Ordinance imposes the following General Restrictions on the use requested by the applicant. Under each requirement the applicant should explain, with reference to attached plans, where applicable, how the proposed use satisfies these requirements. Answers should be supported by facts when possible.

The Board of Adjustment may grant permission for the establishment of a listed special use if the Board finds from the evidence produced after a study of the complete record that:

(a) Conditions and Specifications. That the proposed use meets all required conditions and specifications of the Zoning Ordinance and policies of the City for submission of a special use permit. Such conditions and specifications include but are not limited to the following:

Compliance with lot area, dimensional standards, setback and other location standards, off-street parking requirements, all additional specific criteria set forth for the particular use, Section 9-4-86, of Article E, and all application submission requirements.

The property consists of an existing retail shopping center located at 14th Street and Charles Blvd. The applicant will be leasing a 3,600 SF space in the center. The center has been in operation for 31 years. All city regulations were meet when this shopping center was built.

(b) Comprehensive Plan. That the proposed use is in general conformity with the Comprehensive Land Use Plan of the City and its extraterritorial jurisdiction.

The proposed use is in general conformity with the Future Land Use Plan. The use is characterized as a commercial retail use. It is a permitted use in CG or general commercial zoning. The special use is due to the number of games.

(c) Health and Safety. That the proposed use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use.

Such health and safety considerations include but are not limited to the following:

1. The safe and convenient location of all on-site parking and drives.
2. The existing vehicular traffic on area streets.
3. The condition and capacity of area streets which will provide access to the proposed development.
4. The visibility afforded to both pedestrians and operators of motor vehicles both on-site and off-site.
5. The reasonably anticipated increase in vehicular traffic generated by the proposed use.
6. The anticipated, existing and designed vehicular and pedestrian movements both on-site and off-site.

The site consists of 4.9 acres. On-site parking is provided by existing 200 car parking lot. There are two curb cuts for access to the 4.9 acre shopping center. One on Charles Blvd and one on 14th Street. Charles Blvd is a 5 lane thoroughfare, 14th Street is a 4 lane wide road. All movements into and out of the site can be made safetly.

(d) Detriment to Public Welfare. That the proposed use will not be detrimental to the public welfare or to the use or development of adjacent properties or other neighborhood uses.

No adverse affects are anticipated from the proposed use. All activities will occur inside the building. The adjacent properties to the west and east are retail uses. Adjacent property to the north is the new Jolly Roger Student Housing Apartments. Use to the south is a railroad and then multifamily housing.

(e) Existing Uses Detrimental. That the proposed use would not be adversely affected by the existing uses in the area in which it is proposed.

No adverse affects are anticipated by the existing use in the area. Those uses are a Dollar Store, a convenience gas store, a retail store (Stadium Sports), and a game day parking lot.

(f) Injury to Properties or Improvements. That the proposed use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood.

No adverse affects are anticipated to occur by value or otherwise to the adjoining or abutting property.

(g) Nuisance or Hazard. That the proposed use will not constitute a nuisance or hazard. Such nuisance or hazard considerations include but are not limited to the following:

1. The number of persons who can reasonably be expected to frequent or attend the establishment at any one time.
2. The intensity of the proposed use in relation to the intensity of adjoining and area uses.
3. The visual impact of the proposed use.
4. The method of operation or other physical activities of the proposed use.
5. The noise; odor; smoke; dust; emissions of gas, particles, solids or other objectionable or toxic characteristics which are proposed or that can reasonably be expected to be a result of the operation of the proposed use.
6. The danger of fire or explosion.

1) The number of persons permitted inside (40) 100# 2.) A restaurant is next door, occupancy is about 30. 3.) Proposed use will be inside the building, no visual impact. 4.) Method of operation is to enter, play games, eat a snack, leave. 5.) Some noise from arcade machines, no smoke, odor or dust. 6.) No danger of fire or explosion.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief. I authorize the City of Greenville to place a sign on the property in question, for the purpose of alerting the general public of my request.

Kristopher Paine		06/08/2020
Print Name	Signature of Applicant	Date
Print Name	Signature of Applicant	Date

NOTE: If the person who is requesting the Board of Adjustment to take action on a particular piece of property is not the owner of the property and does not have a binding option to purchase the property, then the actual owner(s) of the land must complete this form. If the person who is requesting the Board of Adjustment to take action on a particular piece of property is the owner of the property or has a binding option to purchase the property, please disregard this form. **Attach a copy of the option to purchase if the applicant has a binding option to purchase the property.**

I /We Sterling Rental Company, LLC am /are the owner(s) of the property located at 1400-G 14th Street.

I /We hereby authorize Kristopher Paine

to appear by consent before the Greenville Board of Adjustment in order to ask for a special use permit to use the property for arcade and video game use.

at this location. I /We understand that the special use permit, if granted, is permanent and runs with the land unless otherwise conditioned. I /We authorize the City of Greenville to advertise and present this matter in my /our name as the owner of the property.

If there are any questions, you may contact Grant Jarman at my address, 1414 Charles Blvd., Greenville NC 27858

or by telephone at (252) 902-9212 or (_____) _____.

Respectfully yours,

Grant Jarman

Owner Date

Grant Jarman 06/09/2020

Owner Date

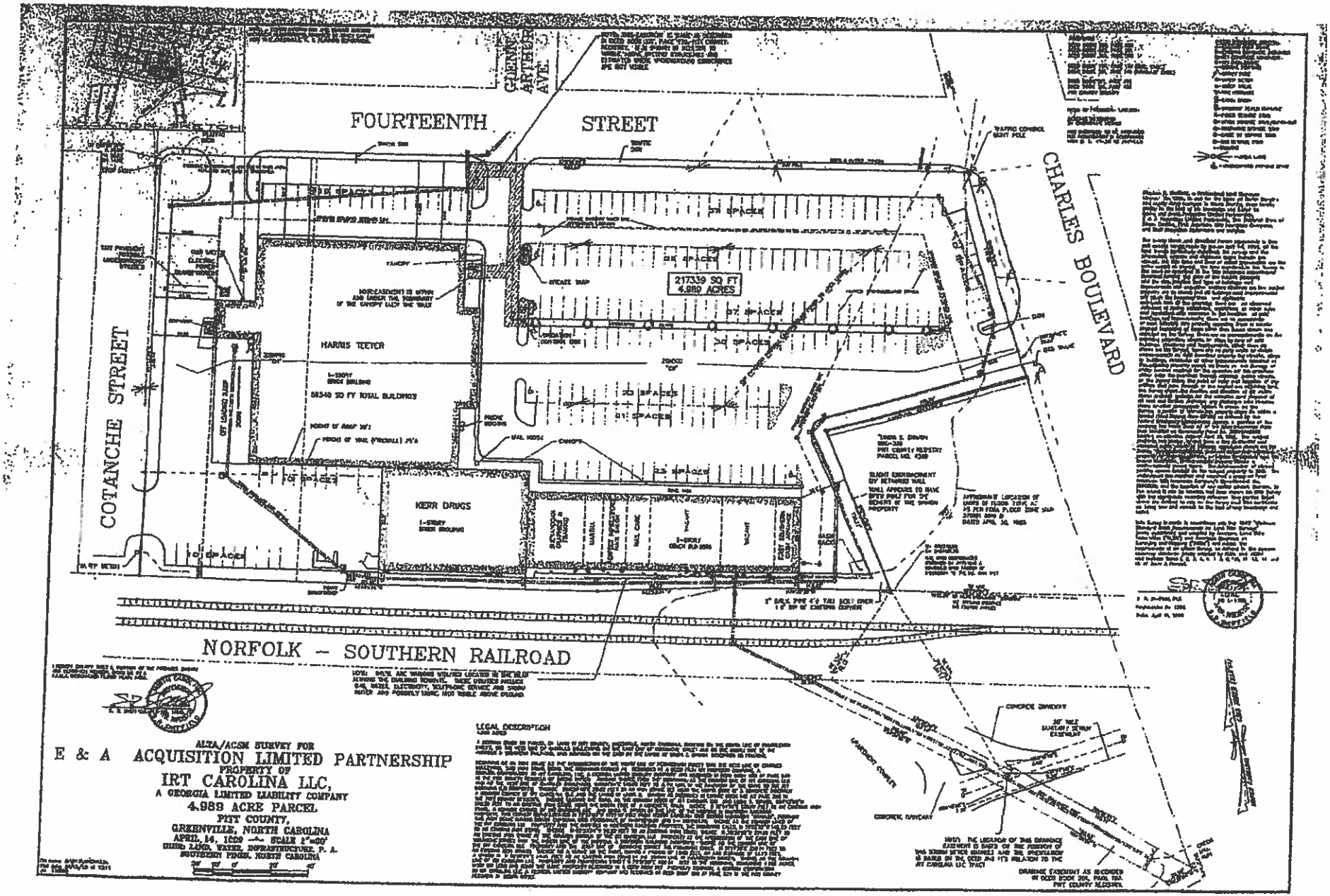
PITT County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Grant D Jarman

Date: 06-09-2020

James E Williams III Notary Public

(Official Seal) My commission expires: 07-24-2022



ALTA/ACSM SURVEY FOR

E & A ACQUISITION LIMITED PARTNERSHIP

PROPERTY OF

IRT CAROLINA LLC,

A GEORGIA LIMITED LIABILITY COMPANY

4.989 ACRE PARCEL

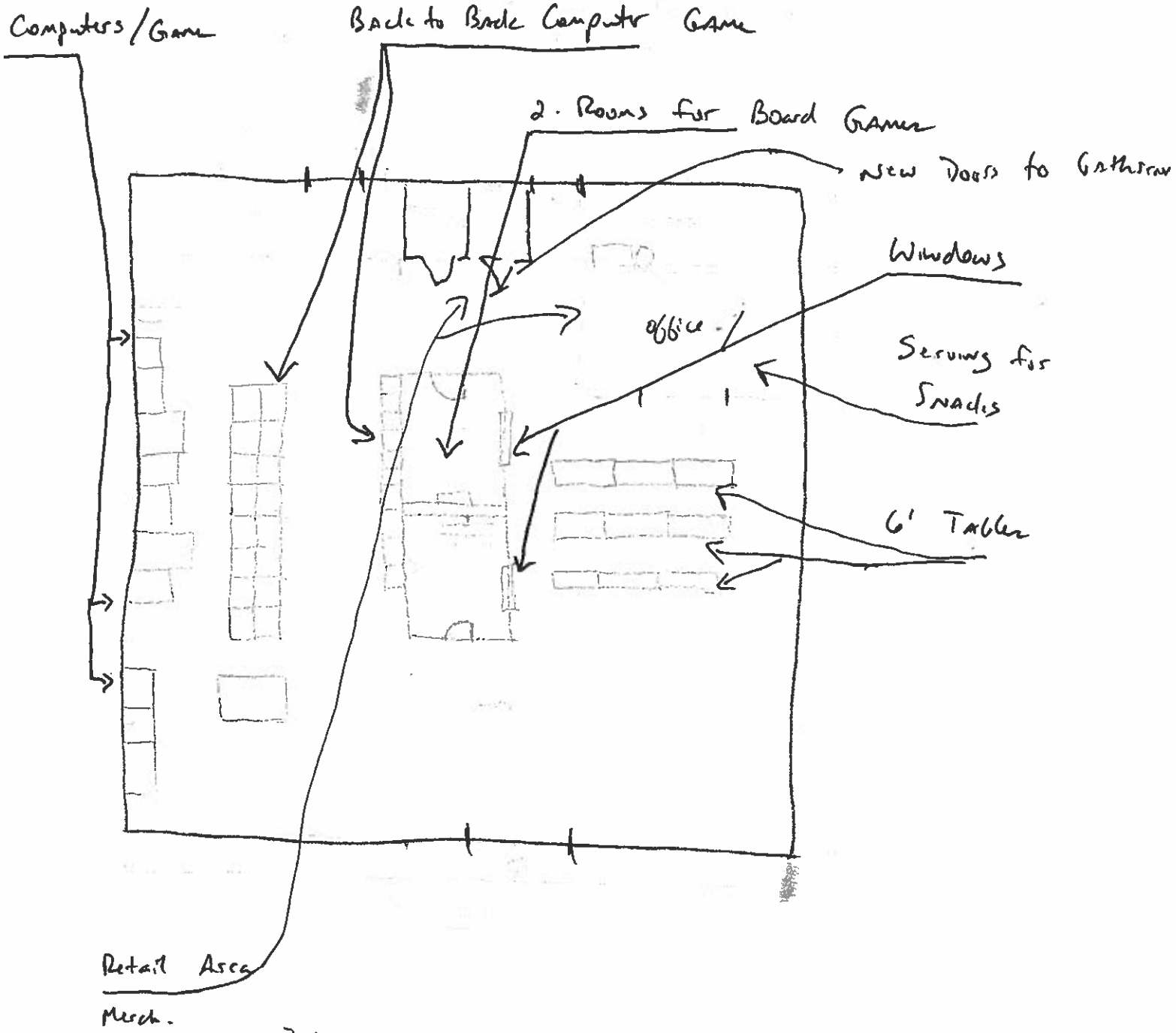
PITT COUNTY,

GREENVILLE, NORTH CAROLINA

APRIL 14, 1999 — SCALE 1"=50'

LEGAL DESCRIPTION

1400 Charles Blvd
Greenville NC
University Center.



3600 SF Space for lease
Can be demised

Greenville
NORTH CAROLINA

PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

July 21, 2020

Dear Greenville Area Property Owner:

The Planning and Development Department wishes to inform you that the regularly scheduled meeting for the Board of Adjustment for July 23, 2020 has been cancelled and rescheduled to **Thursday, August 6, 2020 at 6 p.m. (a special call meeting).** The request by Kristopher Paine, DBA Well Played Games for a special use permit for a game center pursuant to Appendix A, Use (6)d. of the Greenville City Code will be heard during this special call meeting. The proposed use is located at 1400 14th Street, Suite G. The property is further identified as being tax parcel number 00602. You are receiving this notification because your property is within 250 feet of the proposed request.

-- COVID-19 UPDATE --

PLEASE BE ADVISED THAT THE BOARD'S AUGUST 6, 2020 SPECIAL CALL MEETING WILL BE A REMOTE MEETING CONDUCTED BY ELECTRONIC MEANS

The State of North Carolina, Pitt County and the City of Greenville have all declared States of Emergency in response to the COVID-19 virus. Because of the risks to the public that would arise from in person meetings, the City is converting this Board of Adjustment meeting to a remote electronic format.

The Board of Adjustment meeting will be broadcast and available for viewing by the public via the following methods: the City's website http://greenville.granicus.com/mediaplayer.php?publish_id=13 or the Public Access Channel 9 on television the night of the meeting. The Board of Adjustment meeting can also be listened to by telephone and instructions for doing so will be posted on the City's website (https://greenvillenc.gov).

If you have competent and material evidence relevant to this case, you may participate in the evidentiary hearing. If you have questions about how to participate in the electronic evidentiary hearing, or if you have any issues or concerns about the electronic platform, please contact the undersigned plan reviewer as soon as possible, but no later than August 3. Individuals who participate in the evidentiary hearing will be required to sign-up and provide copies of all documents, exhibits, and any other materials they wish to present at the hearing, no later than 5 p.m. on Monday, August 3, 2020. All participates in the evidentiary hearing are asked to fill out the enclosed witness oath AND remote meeting consent sheet and return to the Planning Division **no later than August 3rd**. You will also be sworn in and asked for your consent for a remote meeting on the night of the hearing. Additional information will be posted on the City's website (https://greenvillenc.gov). Attached is the meeting's agenda and information sheet about the Greenville Board of Adjustment.

Doc. 1057282

More information regarding the case for which you are receiving this notice can be found on the City of Greenville's website, https://greenvillenc.gov, on the Board of Adjustment page. Any additional documents and materials received on or after Monday, August 3rd will be added to the City's website no later than Friday, August 7, 2020.

If you have any questions concerning this matter, please feel free to contact me.

Best Regards,

Elizabeth Blount
Planning Division, Staff Liaison for the Board of Adjustment
252-329-4608
Eblount@greenvillenc.gov

Enclosures

Doc. 1057282

Elizabeth Blount

From: Well Played Games <info@wellplayednc.com>
Sent: Friday, July 17, 2020 3:43 PM
To: Elizabeth Blount
Subject: Consent for August 6th Virtual Meeting

Hello Ms. Elizabeth,

This email is to confirm my consent to a virtual meeting for the special use permit on August 6th at 6pm. Please get back with me at your convenience so we can go over anything necessary in order to hold said meeting.

Thanks very much!

Regards,

Kris Paine
Well Played Games
1909 E. Firetower Rd. Ste. G
Greenville, NC 27858
(252) 378-2098

Greenville
NORTH CAROLINA

PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

July 21, 2020

Dear Greenville Area Property Owner:

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Doc. 1132102

More information regarding the case for which you are receiving this notice can be found on the City of Greenville's website, https://greenvillenc.gov, on the Board of Adjustment page. Any additional documents and materials received on or after Monday, August 3rd will be added to the City's website no later than Friday, August 7, 2020.

If you have any questions concerning this matter, please feel free to contact me.

Best Regards,

Elizabeth Blount
Planning Division, Staff Liaison for the Board of Adjustment
252-329-4608
Eblount@greenvillenc.gov

Enclosures

Doc. 1132673

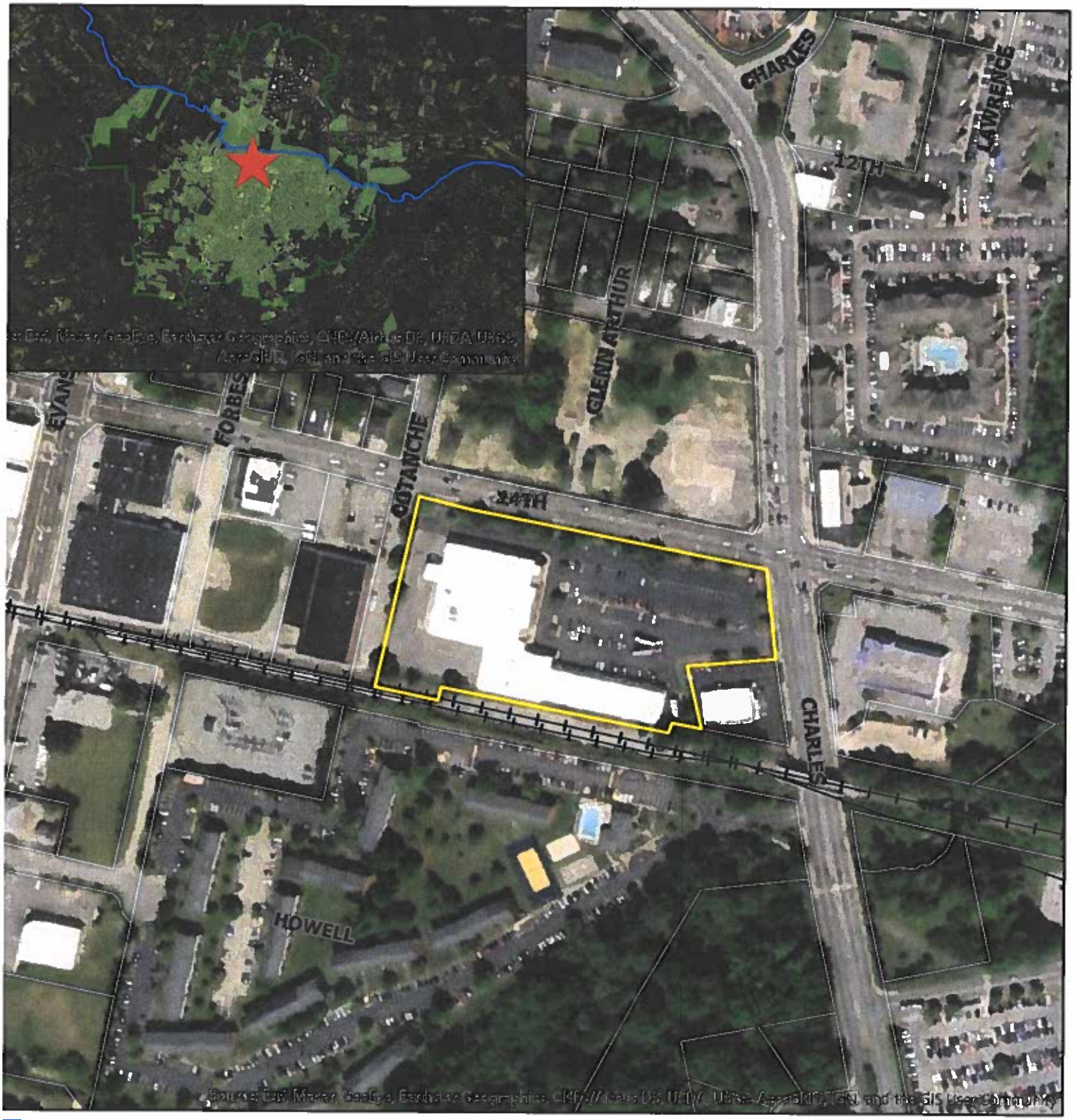
KRISTOPHER PAINE, WELL PLAYED GAMES

OwnerName	OwnerName2	OwnerAddress1	CityStateZip
1526 S CHARLES LLC		PO BOX 56607	ATLANTA GA 30343
CARTER EUGENE TUCKER LIFE ESTATE	HEATH JANE CARTER REMAINDER	1308 COTANCHE ST	GREENVILLE NC 27858
GLENN ARTHUR LLC		PO BOX 8591	GREENVILLE NC 27858
JERNIGAN PROPERTIES INC		126 PHUE ST PO BOX 688	AHOSKIE NC 27910
JRR VENTURES LLC		3301 BENSON DR STE 103	RALEIGH NC 27609
LFC I LLC		7311 JOHNSON MILL RD	BAHAMA NC 27503
LMH ASSOCIATES LLC		201 COMMERCE ST	GREENVILLE NC 27858
NOBLES ROBERT L II	HOLLAND WILLIAM L	4098 EAST PRINCE RD	FARMVILLE NC 27828
NORTH CAROLINA STATE OF		116 W JONES ST PO BOX 629	RALEIGH NC 27602
STERLING RENTAL COMPANY LLC		PO BOX 31162	GREENVILLE NC 27833
VINTAGE ASSOCIATES LLC		1528 S EVANS ST	GREENVILLE NC 27834
WARD HOLDINGS LLC		503 CHESAPEAKE PL	GREENVILLE NC 27858

Greenville
NORTH CAROLINA

Find yourself in good company®

Kristopher Paine DBA Well Played Games



Tar River
City Limits
ETJ
Railroads
Parcels

0 187.5 375 750 Feet

N
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Special Use Permit – Special Meeting Board of Adjustment
August 6, 2020 6:00 p.m.
Zoom Webinar
Staff Contact: Elizabeth Blount, 252-329-4608

Date: July 15, 2020

Applicant: Farouq Ahmed-Murshed Saleh

Agenda #: 3 (New Business)

Request: The applicant, Farouq Saleh, desires to amend a special use permit to operate a Tobacco Shop Class 1 pursuant to Appendix A, Use (10)ff. of the Greenville City Code.

Location: The proposed use is located at 1311 W Arlington Blvd, Suites 100 & 100A. The property is further identified as being Tax Parcel Number 14287.

Zoning of Property: CH (Heavy Commercial)

Surrounding Zoning:

North: OR (Office Residential) and CH (Heavy Commercial)
South: OR (Office Residential) and R6 (Residential)
East: CH (Heavy Commercial)
West: OR (Office Residential)

Surrounding Development:

North: McDonald's, Capital Bank and a vacant lot
South: Pirate's Cove Car Wash and Value Max Cars Dealership
East: Kangaroo Convenience Store
West: Vacant lot and Meridian Park Apartments

Description of Property:

The subject property is approximately 1 acre in size and contains a 7,000 square foot multi-tenant commercial building. The building currently houses a barbershop, nail shop, beauty salon, financial management company and a nutrition shop. The property has approximately 217 feet of frontage along W. Arlington Blvd. The property is located less than half a mile from the intersection of two major thoroughfares (roads that are the principal traffic carriers of the city), a gateway corridor and a connector transportation corridor. The proposed use will encompass two units – 100 and 100A.

Comprehensive Plan:

The property is located within the Commercial character type as designated by the Horizon 2026 Plan. The proposed use complies 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 21, 2020. Notice of the public hearing was published in the Daily Reflector on July 27 and August 3, 2020.

Related Zoning Ordinance Regulations:

Definition:

Tobacco Shop (Class 1). An establishment that, as a substantial portion of the use, entails the retail sales of tobacco products including, but not limited to, cigarettes, cigars, chewing tobacco, shisha, unformed or loose tobacco, and/or similar products. For the purpose of this definition, a substantial portion of the use is established if:

(1) At least 20% of the establishment's floor area open and accessible to customers is used for the display and/or stocking of tobacco products as provided herein; or

(2) At least 40% of the sign area of the establishment's on-site signage that is visible from public rights-of-way advertises tobacco products as provided herein.

Specific Criteria

Section 9-4-103(BB)

Tobacco Shop (Class 1)

(1) No tobacco shop (class 1) shall be located within a 500-foot radius of an existing or approved school. This measurement shall be made from the exterior wall of the proposed tobacco shop (class 1) to the nearest exterior wall of any existing or approved school.

(2) No tobacco shop (class 1) shall be located within any certified redevelopment area.

Staff Recommended Conditions:

No retail sales of any smoking apparatus to include but not be limited to water pipes, hookah pipes, bowls, water bongs or similar products.

No drive through window shall be permitted.

No sign or lights around the building or windows may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity or color

Advertisement shall not cover more than 25% of the windows nor doors.

No advertisement shall be located on the east side elevation of the unit unless it is included in the permitted wall signage allowance.

No parking allowed on the side of the building due to the drive aisle.

No loitering or outdoor activities permitted.

The establishment shall not operate or evolve into a hookah café or a tobacco shop (class 2).

No smoking permitted on the premises.

Must comply with all federal, state and local laws.

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.

BOA 20 - 09

Date Received 6-24-2020

CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION

Applicant Name(s) Farouq Ahmed-Morshed Saleh

Contact Name and Mailing Address Farouq Saleh
4157 N Brook creek Ln
Greenville, NC 27858

Contact Phone Number (910) 467-1074

Contact Phone Number (_____) _____

Contact Fax Number (_____) _____

Contact Email Address Qtobacco1@gmail.com

Location /Street address of proposed use* 1311 W. Arlington Blvd, #100
Greenville, NC 27834

Tax Parcel # 14287

Proposed use Tobacco Store relocation from suite #~~104~~ to #100 (2 doors down-Same plaza) & 100A

The Zoning Ordinance imposes the following General Restrictions on the use requested by the applicant. Under each requirement the applicant should explain, with reference to attached plans, where applicable, how the proposed use satisfies these requirements. Answers should be supported by facts when possible.

The Board of Adjustment may grant permission for the establishment of a listed special use if the Board finds from the evidence produced after a study of the complete record that:

(a) Conditions and Specifications. That the proposed use meets all required conditions and specifications of the Zoning Ordinance and policies of the City for submission of a special use permit. Such conditions and specifications include but are not limited to the following:

Compliance with lot area, dimensional standards, setback and other location standards, off-street parking requirements, all additional specific criteria set forth for the particular use, Section 9-4-86, of Article E, and all application submission requirements.

49 parking spaces available (39 front / 11 rear) Zoning- COM; LAND SIZE 0.96, NEIGHBORHOOD 0004047 Land use- commercial. There are two street access driveways - one to Arlington and a second to memorial. There are side walks. The bldg is one story

(b) Comprehensive Plan. That the proposed use is in general conformity with the Comprehensive Land Use Plan of the City and its extraterritorial jurisdiction.

The land use is zoned commercial- according to Zoning of Pitt County city information The fire district is Greenville currently. Future use suggests commercial use.

(c) Health and Safety. That the proposed use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use.

Such health and safety considerations include but are not limited to the following:

1. The safe and convenient location of all on-site parking and drives.
2. The existing vehicular traffic on area streets.
3. The condition and capacity of area streets which will provide access to the proposed development.
4. The visibility afforded to both pedestrians and operators of motor vehicles both on-site and off-site.
5. The reasonably anticipated increase in vehicular traffic generated by the proposed use.
6. The anticipated, existing and designed vehicular and pedestrian movements both on-site and off-site.

Cameras and monitors are on the premises as well as alarms There are 49 parking spaces in the parking area. Property located near intersection of Arlington Blvd and memorial drive, traffic lights regulate flow of traffic. There is a turn lane which makes this location easily accesible. Three street lights in the front, three street lights in the back plus the building is lit providing safety at night

(d) Detriment to Public Welfare. That the proposed use will not be detrimental to the public welfare or to the use or development of adjacent properties or other neighborhood uses.

The proposed use will not be a detetriment to the public in that I will only sell tobacco products legally to individuals of 21 years and older. Other tobacco use that requires age 21 and older everyone present I.D.S at all times

(e) Existing Uses Detrimental. That the proposed use would not be adversely affected by the existing uses in the area in which it is proposed.

Use of property would be similar to other businesses in the area. within one quarter mile is another convenience store providing similar products and services to customers

(f) Injury to Properties or Improvements. That the proposed use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood.

There will be no structural changes to the existing property. Prior use was a nail salon. There is sufficient lighting on the inside, hazard lights and exit lights. The alarm is connected to the fire department in case of smoke or fire. Located on a major thouroughf

(g) Nuisance or Hazard. That the proposed use will not constitute a nuisance or hazard. Such nuisance or hazard considerations include but are not limited to the following:

1. The number of persons who can reasonably be expected to frequent or attend the establishment at any one time.
2. The intensity of the proposed use in relation to the intensity of adjoining and area uses.
3. The visual impact of the proposed use.
4. The method of operation or other physical activities of the proposed use.
5. The noise; odor; smoke; dust; emissions of gas, particles, solids or other objectionable or toxic characteristics which are proposed or that can reasonably be expected to be a result of the operation of the proposed use.
6. The danger of fire or explosion.

(1) no more than 1-8- at most Traffic fluctuates (2) NO change in intensity, salons, barbershop, finace company, nutrition stor in the area. (3) NO change in outside or store only to add signa approved by zoning (4) sales of tobacco products and sundries as convenience. (5) NO smoking flameables, toxic items to be sold. There will be no onsite smoking or loitering on Premises. (6) NO flameable or combustibles to be sold just lighters.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief. I authorize the City of Greenville to place a sign on the property in question, for the purpose of alerting the general public of my request.

Farouq Saleh	Saleh Farouq	
Print Name	Signature of Applicant	Date
Print Name	Signature of Applicant	Date

NOTE: If the person who is requesting the Board of Adjustment to take action on a particular piece of property is not the owner of the property and does not have a binding option to purchase the property, then the actual owner(s) of the land must complete this form. If the person who is requesting the Board of Adjustment to take action on a particular piece of property is the owner of the property or has a binding option to purchase the property, please disregard this form. **Attach a copy of the option to purchase if the applicant has a binding option to purchase the property.**

I /We Jamal Inc am /are the owner(s) of the property located at 1311 W Arlington Blvd suite 100 Greenville NC 278:

I /We hereby authorize Q Tobacco & Farouq saleh

to appear by consent before the Greenville Board of Adjustment in order to ask for a special use permit to

Q Tobacco Inc
1311 W Arlington Blvd suite 100
Greenville NC 27834

at this location. I /We understand that the special use permit, if granted, is permanent and runs with the land unless otherwise conditioned. I /We authorize the City of Greenville to advertise and present this matter in my /our name as the owner of the property.

If there are any questions, you may contact Jamil Shahan at my address, 6233 Applewhite Rd Wendell NC 27591 or by telephone at (919) 710-4986 or (_____) _____.

Respectfully yours,

Owner — Date: 6-11-20

Owner — Date

Wake County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Jamil Shahan

Date: 6/11/2020

Matthew T. Korff
Notary Public

(Official Seal)

MATTHEW T KORFF
NOTARY PUBLIC
NASH COUNTY, NC

My commission expires: 10/21/2022

Elizabeth Blount

From: Q Tobacco <qtobacco1@gmail.com>
Sent: Friday, July 17, 2020 5:14 PM
To: Elizabeth Blount
Subject: Special use permit

My name is Farouq Saleh give consent to a **virtual** meeting With the city of Greenville for Q Tobacco located at 1311 w Arlington Blvd Suite 100 Greenville North Carolina 27834

Sent from my iPhone

Greenville
NORTH CAROLINA

PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

July 22, 2020

Farouq Ahmed-Morshed Saleh
4157 A Brook Creek Lane
Greenville, NC 27858

Dear Petitioner:

This is to inform you that your request to amend your special use permit has been rescheduled for the Board of Adjustment special meeting on **Thursday, August 6, 2020. PLEASE BE ADVISED THAT THE BOARD'S AUGUST 6, 2020 SPECIAL MEETING WILL BE A REMOTE MEETING CONDUCTED BY ELECTRONIC MEANS.**

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Your presence (or that of your authorized representative) is required at this meeting to answer any questions which may arise concerning your request. Individuals who participate in this evidentiary hearing will be required to sign-up and provide copies of all documents, exhibits, and any other materials they wish to present at the hearing, **no later than 5 p.m. on Monday, August 3**. All participates in this evidentiary hearing are asked to fill out the enclosed witness oath AND remote meeting consent sheet and return to the Planning Division **no later than August 3**. You will also be sworn in and asked for your consent for a remote meeting on the night of the hearing. **Please submit applicable presentations, documents, exhibits or other material that you wish to show at this meeting, via our dropbox link https://www.dropbox.com/request/7pkUNJK3ctlmVWouiYmf.** All material received from participants will be posted online. **If you have any issues or concerns about the electronic platform, please contact me as soon as possible, but no later than August 3.** Additional information will be posted on the City's website (https://greenvillenc.gov). Attached is the meeting's agenda and witness oath and consent.

If you have any further questions regarding this matter or if you would like a copy of the staff findings of fact concerning your request, please call me at (252) 329-4608.

Sincerely,

Elizabeth Blount

Elizabeth Blount
Planner

Enclosures

Greenville
NORTH CAROLINA

PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

July 21, 2020

Dear Greenville Area Property Owner:

The Planning and Development Department wishes to inform you that the regularly scheduled meeting for the Board of Adjustment for July 23, 2020 has been cancelled and rescheduled to **Thursday, August 6, 2020 at 6 p.m. (a special call meeting).** The request by Farouq Selah to amend a special use permit for a tobacco shop pursuant to Appendix A, Use (10)ff. of the Greenville City Code will be heard during this special call meeting. The proposed use is located at 1311 W. Arlington Blvd., Suite 100 & 100A. The property is further identified as being tax parcel number 14287. You are receiving this notification because your property is within 250 feet of the proposed request.

-- COVID-19 UPDATE --

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Doc. 1132102

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If you have any questions concerning this matter, please feel free to contact me.

Best Regards,

Elizabeth Blount
Planning Division, Staff Liaison for the Board of Adjustment
252-329-4608
Eblount@greenvillenc.gov

Enclosures

Doc. 1132102

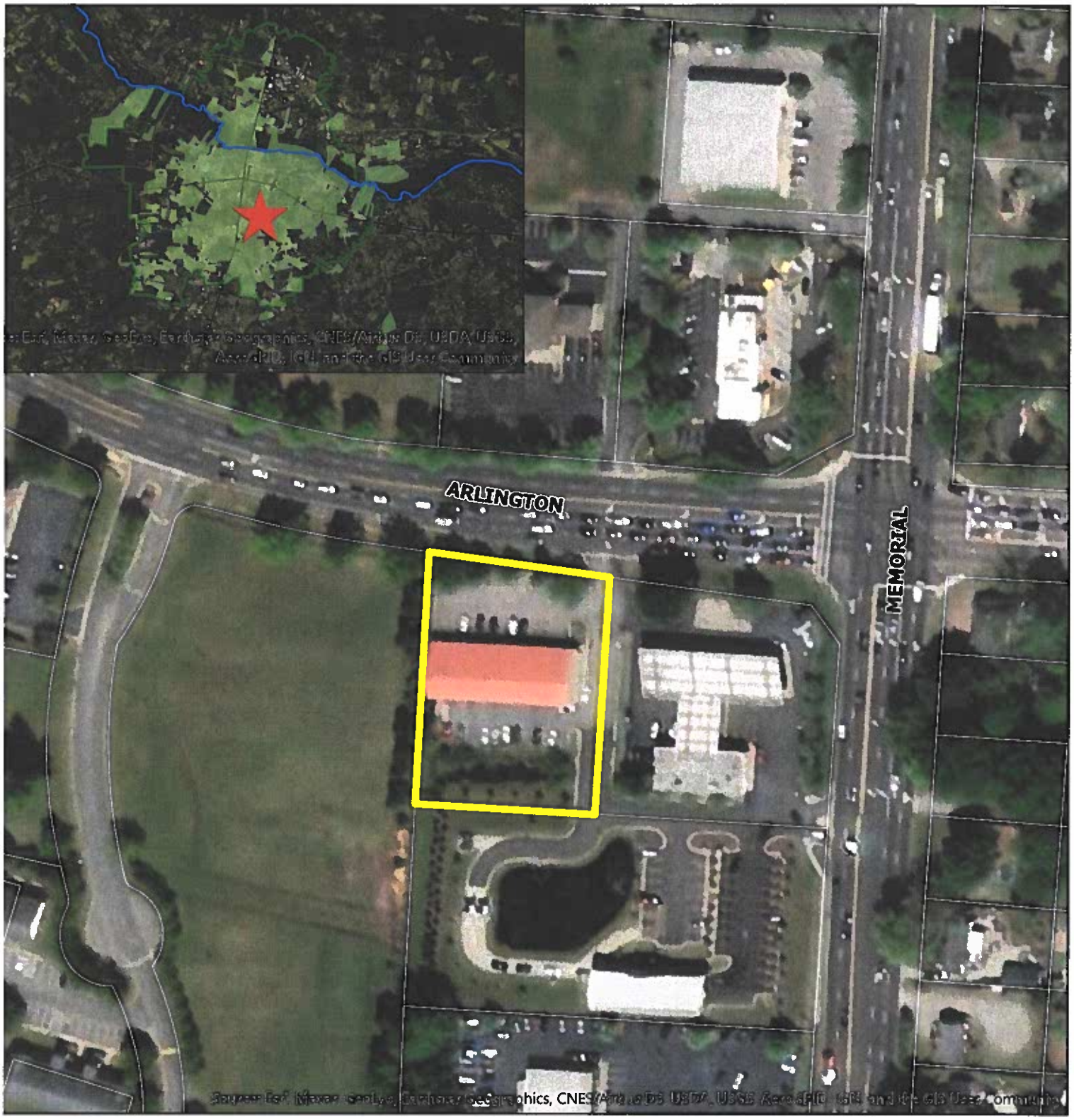
Farouq Selah

OwnerName	OwnerName2	OwnerAddress1	CityStateZip
BLP HOLDINGS LLLC		203 SE GREENVILLE BLVD	GREENVILLE NC 27858
CIRCLE K STORES INC		PO BOX 52085	PHOENIX AZ 27511
CTC1 LLC		PO BOX 7146	ROCKY MOUNT NC 27804
JAMAL INC		450 E 3RD ST	WENDELL NC 27591
MAX R JOYNER SR ETAL		PO BOX 30868	GREENVILLE NC 27833
MCDONALDS CORPORATION	AMF O'HARE	PO BOX 66207	CHICAGO IL 60666
MILLENNIA COMMUNITY BANK		4801 GLENWOOD AVE SUITE 500	RALEIGH NC 27612

Greenville
NORTH CAROLINA

Farouq Saleh

Find yourself in good company®



Tar River
City Limits
ETJ
Railroads

0 100 200 400 Feet

N
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S

City of Greenville
Planning Division

Memo

To: Members of the City of Greenville Board of Adjustment

From: Elizabeth Blount, Staff Liaison EB

cc: Emanuel McGirt, City Attorney

Date: July 30, 2020

Re: Virtual Board of Adjustment Agenda Item Continuance

On July 27, 2020, staff received an email from an adjacent property owner of Agenda Item # 4, Special Use Permit Request by Brice and Tashara Barnes for a home occupation; otherwise not listed scheduled for the virtual special meeting on August 6, 2020. The email obtained a document that was opposing the request. Due to the complexity involved in dealing with contested facts and evidence, staff is under the opinion to continue any cases with opposition for our first virtual meeting.

Staff is seeking consent from the board to continue Agenda Item #4, Public Hearing on a Request for a Special Use Permit by Brice and Tashara Barnes to be continued to the Thursday, August 27, 2020 regular scheduled meeting.

Variance Request – Special Board of Adjustment Meeting
August 6, 2020 6:00 p.m.
Zoom Webinar
Staff Contact: Elizabeth Blount, 252-329-4608

Date: July 16, 2020

Applicant: Modular Solutions, Inc.

Agenda #: 5 (New Business)

Request: The applicant, Modular Solutions, Inc., desires a variance from the side setbacks for a single family dwelling, Section 9-4-94 (A)(4)(a).

Location: The proposed use is located at 117 Chipaway Drive. The property is further identified as being tax parcel number 19711.

Zoning of Property: RA20 (Residential Agricultural)

Surrounding Zoning:

North: RA20 (Residential Agricultural)
South: RA20 (Residential Agricultural)
East: RA20 (Residential Agricultural)
West: RA20 (Residential Agricultural)

Surrounding Development:

North: Single family dwellings
South: A wooded, vacant lot
East: Single family dwellings
West: Single family dwellings

Description of Property:

The subject property is 0.28 acres in size and has approximately 95 feet of frontage along Chipaway Drive. The property owner has been displaced due to a house fire. The property use will remain residential.

Comprehensive Plan:

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

Notice:

Notice was mailed to the adjoining property owners on July 21, 2020. Notice of the public

Revised July 20, 2015

BOA 20 - 11

Date Received 6-24-2020

CITY OF GREENVILLE
VARIANCE APPLICATION

Applicant Name(s) Modular Solutions, Inc. for Gracie Bailey
1480 US Hwy 70 East
Kinston, NC 28501

Contact Name and Mailing Address Jeremy McAllister
1480 US Hwy 70 East
Kinston, NC 28501

Contact Phone Number (252) 412-4695

Contact Phone Number (_____) _____

Contact Fax Number (252) 686-5109

Location /Street address where variance is requested 117 Chipaway Drive
Greenville, NC 27858

Tax Parcel # 19711

Variance requested from section(s) (what variance is requested) to encroach the 10' MBL line
adjacent to unbuildable property with limited access
_____ of the Greenville City Code.

Reason for Variance OSBM Disaster Recovery issued a notice to proceed for this home
prior to septic reinspection. The reinspection failed, a new system had to be installed
requiring placement of the home further forward on the property creating the confilict with the MBL

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

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 of the following: (State facts and arguments in support of each)

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. **(What hardships would be created by a strict following of the ordinance.)**

This home is for a disaster victim whom has been displaced for several months. The proposed home is built and ready for delivery. Strict compliance with the ordinance would require building a new home and adding an additional 16 weeks for production plus and additional 8 weeks for onsite completion.

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 resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. **(What are the unique features of this property as compared to other properties in the area that create the hardship identified.)**

Environmental health did not approve the existing system for use requiring a new system to be installed altering the original intended placement for the new home.

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. **(What and/or who caused the hardship.)**

A failed septic reinspection is the root cause of this issue. Had the existing system been approved, the new home could have been placed further back in a wider section of property with no encroachment of the 10' MBL

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. **(How is the proposed requested variance consistent with the spirit, intent and purpose of the ordinance.)**

The encroachment of the 10' MBL is adjacent to unbuildable property at the end of a dead end street.

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information and belief. I authorize the City of Greenville to place a sign on the property in question for the purpose of alerting the general public of my request.

Print Name	Signature of Applicant	Date
Jeremy McAllister		6/19/2020
Print Name	Signature of Applicant	Date

Revised July 20, 2015

NOTE: If the person who is requesting the Board of Adjustment to take action on a particular piece of property is not the owner of the property and does not have a binding option to purchase the property, then the actual owner(s) of the land must complete this form. If the person who is requesting the Board of Adjustment to take action on a particular piece of property is the owner of the property or has a binding option to purchase the property, please disregard this form. **Attach a copy of the option to purchase if the applicant has a binding option to purchase the property.**

I /We Gracie Mae Bailey am /are the owner(s) of the property located at 117 Chipaway Drive Greenville, NC 27858.

I /We hereby authorize Modular Solutions, Inc. Jeremy McAllister

to appear by consent before the Greenville Board of Adjustment in order to ask for a variance to allow my new home to encroach the 10' MBL adjacent to the unbuildable property at the dead end side of my property

at this location. I /We understand that the variance if granted, is permanent and runs with the land. I /We authorize the City of Greenville to advertise and present this matter in my /our name as the owner of the property.

If there are any questions, you may contact Gracie Bailey at my address, 2621 Samuel Court Winterville, NC 28590

or by telephone at (252) 917-0916 or (252) 751-3188.

Respectfully yours,

x Gracie mae Bailey 6/19/2020
Owner Date

Owner Date

Sworn to and subscribed before me, this the 19th day of June 2020

Aimee L. Moore
Notary Public

My Commission Expires: 09/29/2024

AIMEE L. MOORE NOTARY PUBLIC WAYNE COUNTY, NC

Elizabeth Blount

From: jmcallister@modularsinc.com
Sent: Saturday, July 18, 2020 10:05 AM
To: Elizabeth Blount
Subject: BOA meeting 117 Chipaway Drive

Hey Elizabeth,

Per our conversation on the phone, I give consent to participate in the virtual meeting scheduled for August in place of the in person meeting that was scheduled for July 23, 2020.

Further information regarding my request for variance will follow this coming week.

Thank you.

Jeremy McAllister
Modular Solutions, Inc., dba
Family Housing Center
252-686-8881 Office
252-412-4695 Mobile
www.familyhousingcenter.com

"Don't wish it was easier, wish you were better" Jim Rohn

Greenville
NORTH CAROLINA

PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

July 22, 2020

Modular Solutions, Inc.
Attn: Jeremy McAllister
1480 US Hwy 70 East
Kinston, NC 28501

Dear Petitioner:

This is to inform you that your request for a special use permit has been rescheduled for the Board of Adjustment special meeting on **Thursday, August 6, 2020. PLEASE BE ADVISED THAT THE BOARD'S AUGUST 6, 2020 SPECIAL MEETING WILL BE A REMOTE MEETING CONDUCTED BY ELECTRONIC MEANS.**

The State of North Carolina, Pitt County and the City of Greenville have all declared States of Emergency in response to the COVID-19 virus. Because of the risks to the public that would arise from in person meetings, the City is converting this Board of Adjustment meeting to a remote electronic format.

Your presence (or that of your authorized representative) is required at this meeting to answer any questions which may arise concerning your request. Individuals who participate in this evidentiary hearing will be required to sign-up and provide copies of all documents, exhibits, and any other materials they wish to present at the hearing, **no later than 5 p.m. on Monday, August 3**. All participates in this evidentiary hearing are asked to fill out the enclosed witness oath AND remote meeting consent sheet and return to the Planning Division **no later than August 3**. You will also be sworn in and asked for your consent for a remote meeting on the night of the hearing. **Please submit applicable presentations, documents, exhibits or other material that you wish to show at this meeting, via our dropbox link https://www.dropbox.com/request/7pkUNJK3ctlmVWouiYmf.** All material received from participants will be posted online. **If you have any issues or concerns about the electronic platform, please contact me as soon as possible, but no later than August 3.** Additional information will be posted on the City's website (https://greenvillenc.gov). Attached is the meeting's agenda and witness oath and consent.

If you have any further questions regarding this matter or if you would like a copy of the staff findings of fact concerning your request, please call me at (252) 329-4608.

Sincerely,

Elizabeth Blount

Elizabeth Blount
Planner

Enclosures

Greenville
NORTH CAROLINA

PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

July 21, 2020

Dear Greenville Area Property Owner:

The Planning and Development Department wishes to inform you that the regularly scheduled meeting for the Board of Adjustment for July 23, 2020 has been cancelled and rescheduled to **Thursday, August 6, 2020 at 6 p.m. (a special call meeting).** The request by Modular Solutions for a variance from the setbacks for a single family home found in Section 9-4-94(A) of the Zoning Ordinance in the Greenville City Code will be heard during this special call meeting. The proposed use is located at 117 Chipaway Drive. The property is further identified as being tax parcel number 19711. You are receiving this notification because your property is within 250 feet of the proposed request.

-- COVID-19 UPDATE --

PLEASE BE ADVISED THAT THE BOARD'S AUGUST 6, 2020 SPECIAL CALL MEETING WILL BE A REMOTE MEETING CONDUCTED BY ELECTRONIC MEANS

The State of North Carolina, Pitt County and the City of Greenville have all declared States of Emergency in response to the COVID-19 virus. Because of the risks to the public that would arise from in person meetings, the City is converting this Board of Adjustment meeting to a remote electronic format.

The Board of Adjustment meeting will be broadcast and available for viewing by the public via the following methods: the City's website http://greenville.granicus.com/mediaplayer.php?publish_id=13 or the Public Access Channel 9 on television the night of the meeting. The Board of Adjustment meeting can also be listened to by telephone and instructions for doing so will be posted on the City's website (https://greenvillenc.gov).

If you have competent and material evidence relevant to this case, you may participate in the evidentiary hearing. If you have questions about how to participate in the electronic evidentiary hearing, or if you have any issues or concerns about the electronic platform, please contact the undersigned plan reviewer as soon as possible, but no later than August 3. Individuals who participate in the evidentiary hearing will be required to sign-up and provide copies of all documents, exhibits, and any other materials they wish to present at the hearing, no later than 5 p.m. on Monday, August 3, 2020. All participates in the evidentiary hearing are asked to fill out the enclosed witness oath AND remote meeting consent sheet and return to the Planning Division **no later than August 3rd**. You will also be sworn in and asked for your consent for a remote meeting on the night of the hearing. Additional information will be posted on the City's website (https://greenvillenc.gov). Attached is the meeting's agenda and information sheet about the Greenville Board of Adjustment.

Doc. 1132681

More information regarding the case for which you are receiving this notice can be found on the City of Greenville's website, https://greenvillenc.gov, on the Board of Adjustment page. Any additional documents and materials received on or after Monday, August 3rd will be added to the City's website no later than Friday, August 7, 2020.

If you have any questions concerning this matter, please feel free to contact me.

Best Regards,

Elizabeth Blount
Planning Division, Staff Liaison for the Board of Adjustment
252-329-4608
Eblount@greenvillenc.gov

Enclosures

Doc. 1132673

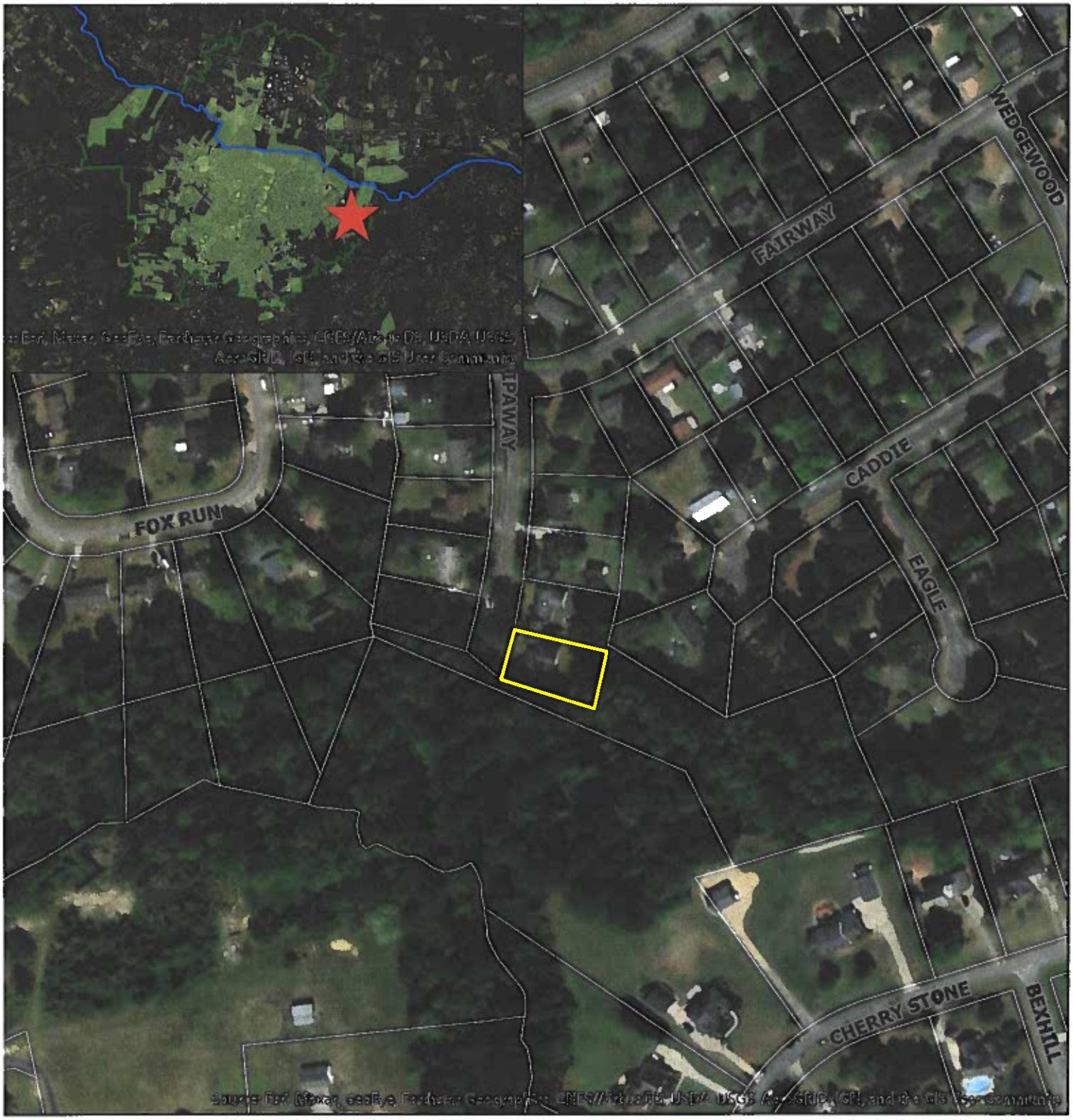
MODULAR SOLUTIONS

OwnerName	OwnerName2	OwnerAddress1	CityStateZip
A BABE LLC		2916 NC 33 W	GREENVILLE NC 27834
GRACIE MAE BAILEY		117 CHIPAWAY DR	GREENVILLE NC 27858
LEVY M BECTON JR		105 CHIPAWAY DR.	GREENVILLE NC 27834
HERBERT H BURNETT	LINDA S BURNETT	109 CHIPAWAY DR.	GREENVILLE NC 27858
MARY L CARMON		217 CADDIE CT	GREENVILLE NC 27858
MARK F DUNN	UCONDA R DUNN	1983 CHERRY STONE LN	GREENVILLE NC 27858
GLISSON FRANCES SINGLETON		113 CHIPAWAY DR	GREENVILLE NC 27834
JOHN PAUL HILL SR	TANA EDWARDS HILL	219 CADDIE CT	GREENVILLE NC 27858
PATRICK IAN MILLER		108 WELLESLEY RD	WASHINGTON NC 27889
CURTIS W MITCHELL	JOY H MITCHELL	221 CADDIE CT	GREENVILLE NC 27858
RONALD J SENNA	LORELEI S SENNA	124 CHIPAWAY DR	GREENVILLE NC 27858

Greenville
NORTH CAROLINA

Modular Solutions, Inc

Find yourself in good company®



Tar River
City Limits
ETJ
Railroads
Parcels

0 155 310 620 Feet

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Special Use Permit – Special Meeting Board of Adjustment
August 6, 2020 6:00 p.m.
Zoom Webinar
Staff Contact: Elizabeth Blount, 252-329-4608

Date: July 16, 2020

Applicant: Brenda Acklin

Agenda #: 6 (New Business)

Request: The applicant, Brenda Acklin, desires a special use permit to operate a home occupation (child day care) pursuant to Appendix A, Use (3)a. of the Greenville City Code.

Location: The proposed use is located at 506 Fenner Drive. The property is further identified as being tax parcel number 29706.

Zoning of Property: RA20 (Residential Agricultural)

Surrounding Zoning:

North: RA20 (Residential Agricultural)
South: RA20 (Residential Agricultural)
East: RA20 (Residential Agricultural)
West: RA20 (Residential Agricultural)

Surrounding Development:

North: Single Family Homes
South: Vacant lot
East: Single Family Homes
West: Single Family Homes

Description of Property:

The subject property is 0.36 acres in size, contains a 952 square foot mobile home residence, and has 129 feet of frontage along Fenner Drive and 118 feet of frontage along NC Hwy 33 West Court.

Comprehensive Plan:

The property is located within the Low to Medium Density Residential character type as designated by the Horizon Plan. The proposed use is in compliance with the Future Land Use Plan which recommends low to medium residential development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on July 21, 2020. Notice of the public hearing was published in the Daily Reflector on July 27 and August 3, 2020.

Related Zoning Ordinance Regulations:

Definition:

Home occupation. An activity conducted for financial gain as an accessory use to a detached single-family dwelling unit by a member of the family residing in the dwelling unit.

(1) "Home occupation" shall meet all of the following characteristics:

(a) Shall only be permitted within detached single-family dwelling units;

(b) Shall not be permitted within any accessory building;

(c) Shall constitute an accessory use to the principal use;

(d) Shall not occupy more than 20% of the mechanically conditioned enclosed floor space of the dwelling unit;

(e) Shall not employ more than one person other than those persons legally residing within the principal use dwelling;

(f) Shall not be visible from any public right-of-way or adjacent property line;

(g) Shall not involve the on-site sales of products;

(h) Shall not involve any outside storage of related materials, parts or supplies;

(i) Shall have signage in accordance with Article N; and

(j) Shall not create any hazard or nuisance to the occupants residing or working within the principal use dwelling or to area residents or properties.

Staff Recommended Conditions:

Day care must comply with all state licensing requirements and regulations for a family child care homes.

Applicant may provide service for up to five (5) children.

An outdoor play area shall be provided at a ratio of not less than seventy-five (75) square feet per child and shall be enclosed by a fence at least four (4) feet in height.

Three off-street parking spaces must be provided and parking area must be improved to meet city standards before operation of home occupation.

All accessory structures, including but not limited to playground equipment and pools must be located in the rear yard.

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.

BOA 20 - 12
Date Received 6-24-2020

CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION

Applicant Name(s) Brenda Acklin

Contact Name and Mailing Address Brenda Acklin
506 Fenner Dr, Greenville, NC 27834

Contact Phone Number (252) 999-0568

Contact Phone Number (_____) _____

Contact Fax Number (_____) _____

Contact Email Address backlin8@aol.com

Location /Street address of proposed use 506 Fenner Drive, Greenville, NC 27834

Tax Parcel # 29706

Proposed use Home - In-Childcare

The Zoning Ordinance imposes the following General Restrictions on the use requested by the applicant. Under each requirement the applicant should explain, with reference to attached plans, where applicable, how the proposed use satisfies these requirements. Answers should be supported by facts when possible.

The Board of Adjustment may grant permission for the establishment of a listed special use if the Board finds from the evidence produced after a study of the complete record that:

(a) Conditions and Specifications. That the proposed use meets all required conditions and specifications of the Zoning Ordinance and policies of the City for submission of a special use permit. Such conditions and specifications include but are not limited to the following:

Compliance with lot area, dimensional standards, setback and other location standards, off-street parking requirements, all additional specific criteria set forth for the particular use, Section 9-4-86, of Article E, and all application submission requirements.

The proposed area of the lot is 0.36 acres. The play area is fenced in and meets the minimum of 500 square feet as required. The residence has a 3-4 cars driveway. In addition to, there are other designated parking spaces in the front yard that is adequate for off street drop-off and pick-up. The propose area is in compliance of the ordinance.

(b) Comprehensive Plan. That the proposed use is in general conformity with the Comprehensive Land Use Plan of the City and its extraterritorial jurisdiction.

The propose use of the property will not be change from a home.

(c) Health and Safety. That the proposed use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use.

Such health and safety considerations include but are not limited to the following:

1. The safe and convenient location of all on-site parking and drives.
2. The existing vehicular traffic on area streets.
3. The condition and capacity of area streets which will provide access to the proposed development.
4. The visibility afforded to both pedestrians and operators of motor vehicles both on-site and off-site.
5. The reasonably anticipated increase in vehicular traffic generated by the proposed use.
6. The anticipated, existing and designed vehicular and pedestrian movements both on-site and off-site.

The property has a driveway and additional yard space for parents to drop-off and pick-up that is located in an adequate and safe location, in which it will not cause a health or safety risk to pedestrians or operators of motor vehicles or anyone else on-site or off-site.
Please see additional attachment for the response

(d) Detriment to Public Welfare. That the proposed use will not be detrimental to the public welfare or to the use or development of adjacent properties or other neighborhood uses.

Granting the special use permit should have little, if any detrimental effect on the public welfare or surrounding properties. There are strict rules that must be follow on a daily basis that'll ensure the safety of the children and public. The children will be inside majority of the time.
See additional attachment for response

(e) Existing Uses Detrimental. That the proposed use would not be adversely affected by the existing uses in the area in which it is proposed.

The propose use will not have a negative impact on the residents or surrounding properties. The parents will only be at the propose use for a brief period, just to drop-off and pick-up. They also have to park in designated parking spaces and will not be allowed to block driveways. They will only be allowed to park on-site. The play area is located in the backyard, which is fenced in.

(f) Injury to Properties or Improvements. That the proposed use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood.

The propose use of the property will not cause any injure to the surrounding properties by value or otherwise. The outdoor play activites will be kept in the backyard. There will be no toys or equipment in front yard. There will be no activites conducted on the property that'll cause any injure to the surrounding area. The appearance of property will be kept in good standing

(g) Nuisance or Hazard. That the proposed use will not constitute a nuisance or hazard. Such nuisance or hazard considerations include but are not limited to the following:

1. The number of persons who can reasonably be expected to frequent or attend the establishment at any one time.
2. The intensity of the proposed use in relation to the intensity of adjoining and area uses.
3. The visual impact of the proposed use.
4. The method of operation or other physical activities of the proposed use.
5. The noise; odor; smoke; dust; emissions of gas, particles, solids or other objectionable or toxic characteristics which are proposed or that can reasonably be expected to be a result of the operation of the proposed use.
6. The danger of fire or explosion.

The propose use will not be a nuisance or hazard to the neighborhood. I have a maximum capacity of children that are allowed, which is 5. The operating hours will be during appropriate times and will not be in violation of the noise ordinance law, which I'm requesting only 1st and 2nd shift.

See additional attachment

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief. I authorize the City of Greenville to place a sign on the property in question, for the purpose of alerting the general public of my request.

Print Name	Signature of Applicant	Date
Brenda Acklin	Brenda Acklin	6-24-20

Print Name	Signature of Applicant	Date

Special Use Permit Responses

Brenda F
6-24-

c. The visibility will continue to be clear to all pedestrians and operators of motor vehicles, therefore the propose use will not pose a health or safety risk to any of the residents or individuals working in the neighborhood. The residence sits on the corner of a major road, but is located on an adjacent residential street that has 2 points of entrance and exit. The additional traffic from the propose use shouldn't cause a significant increase in traffic by vehicles, due to the maximum limit of children allowed, which is very low. Also, if I care for more ~~children~~ than 1 child in a family that would mean fewer cars.

d. ~~Due to Dhhs~~ Due to NCDHHS rules and regulations, the children are only allowed to be outside for a brief period daily. There isn't activites that'll be occurring that will be detriment to public welfare.

g. All activites conducted during operating hours will be mostly in house, and will not be a nuisance or hazard. There will not be a negative impact visually, due to the fact, the property will be kept in good standing and all activites will be carry out in a safe and respectable manner. There will be

policies set in place that'll keep parents from making disruptive noises or being a nuisance or causing a hazard to the residents and neighborhood. If they fail to follow the rules, actions will be taken and if needed they can be terminated. There will be no odor, smoke, dust, emission of gas, fire or any danger or toxic that will be a hazard in the neighborhood. I will do my very best to keep the neighborhood and residents safe. I will not be conducting any activites that'll cause the propose use to be a nuisance or hazard to the people or neighborhood.

Elizabeth Blount

From: backlin8@aol.com
Sent: Friday, July 17, 2020 3:58 PM
To: Elizabeth Blount
Subject: Virtual Board Meeting

Hi Mrs. Blount,

This email is in regards to an upcoming board meeting. I am giving consent to participate in the virtual meeting on August 6, 2020. Thank you for keeping me updated!

Thank you,

Brenda Acklin

Greenville
NORTH CAROLINA

PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

July 22, 2020

Brenda Acklin
506 Fenner Drive
Greenville, NC 27834

Dear Petitioner:

This is to inform you that your request for a special use permit has been rescheduled for the Board of Adjustment special meeting on **Thursday, August 6, 2020. PLEASE BE ADVISED THAT THE BOARD'S AUGUST 6, 2020 SPECIAL MEETING WILL BE A REMOTE MEETING CONDUCTED BY ELECTRONIC MEANS.**

The State of North Carolina, Pitt County and the City of Greenville have all declared States of Emergency in response to the COVID-19 virus. Because of the risks to the public that would arise from in person meetings, the City is converting this Board of Adjustment meeting to a remote electronic format.

Your presence (or that of your authorized representative) is required at this meeting to answer any questions which may arise concerning your request. Individuals who participate in this evidentiary hearing will be required to sign-up and provide copies of all documents, exhibits, and any other materials they wish to present at the hearing, **no later than 5 p.m. on Monday, August 3**. All participates in this evidentiary hearing are asked to fill out the enclosed witness oath AND remote meeting consent sheet and return to the Planning Division **no later than August 3**. You will also be sworn in and asked for your consent for a remote meeting on the night of the hearing. **Please submit applicable presentations, documents, exhibits or other material that you wish to show at this meeting, via our dropbox link https://www.dropbox.com/request/7pkUNJK3ctlmVWouiYmf.** All material received from participants will be posted online. **If you have any issues or concerns about the electronic platform, please contact me as soon as possible, but no later than August 3.** Additional information will be posted on the City's website (https://greenvillenc.gov). Attached is the meeting's agenda and witness oath and consent.

If you have any further questions regarding this matter or if you would like a copy of the staff findings of fact concerning your request, please call me at (252) 329-4608.

Sincerely,

Elizabeth Blount

Elizabeth Blount
Planner

Enclosures

Greenville
NORTH CAROLINA

PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

July 21, 2020

Dear Greenville Area Property Owner:

The Planning and Development Department wishes to inform you that the regularly scheduled meeting for the Board of Adjustment for July 23, 2020 has been cancelled and rescheduled to **Thursday, August 6, 2020 at 6 p.m. (a special call meeting).** The request by Brenda Acklin for a special use permit for a home occupation (child day care) pursuant to Appendix A, Use (3)a. of the Greenville City Code will be heard during this special call meeting. The proposed use is located at 506 Fenner Drive. The property is further identified as being tax parcel number 29706. You are receiving this notification because your property is within 250 feet of the proposed request.

-- COVID-19 UPDATE --

PLEASE BE ADVISED THAT THE BOARD'S AUGUST 6, 2020 SPECIAL CALL MEETING WILL BE A REMOTE MEETING CONDUCTED BY ELECTRONIC MEANS

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If you have competent and material evidence relevant to this case, you may participate in the evidentiary hearing. If you have questions about how to participate in the electronic evidentiary hearing, or if you have any issues or concerns about the electronic platform, please contact the undersigned plan reviewer as soon as possible, but no later than August 3. Individuals who participate in the evidentiary hearing will be required to sign-up and provide copies of all documents, exhibits, and any other materials they wish to present at the hearing, no later than 5 p.m. on Monday, August 3, 2020. All participates in the evidentiary hearing are asked to fill out the enclosed witness oath AND remote meeting consent sheet and return to the Planning Division **no later than August 3rd**. You will also be sworn in and asked for your consent for a remote meeting on the night of the hearing. Additional information will be posted on the City's website (https://greenvillenc.gov). Attached is the meeting's agenda and information sheet about the Greenville Board of Adjustment.

Doc. 1132680

More information regarding the case for which you are receiving this notice can be found on the City of Greenville's website, https://greenvillenc.gov, on the Board of Adjustment page. Any additional documents and materials received on or after Monday, August 3rd will be added to the City's website no later than Friday, August 7, 2020.

If you have any questions concerning this matter, please feel free to contact me.

Best Regards,

Elizabeth Blount
Planning Division, Staff Liaison for the Board of Adjustment
252-329-4608
Eblount@greenvillenc.gov

Enclosures

Doc. 1132673

BRENDA ACKLIN

OwnerName	OwnerName2	OwnerAddress1	CityStateZip
BRENDA FAYE ACKLIN		PO BOX 74	CONETOE NC 27819
DONNIE EARL ACKLIN		1169 US 64 W	BETHEL NC 27812
KENNETH BARNES		2068 NC HIGHWAY 33 W	GREENVILLE NC 27834
BATTLE PROPERTIES LLC		140 RIVERCREST DR	GREENVILLE NC 27858
RICHARD DART	LYNN DART	1854 STATON HOUSE RD	GREENVILLE NC 27834
FRANCISCO ELVIRA		753 ROOSEVELT SPAIN RD	GREENVILLE NC 27835
DWIGHT EDMOND GRAY		2122 NC 33 W	GREENVILLE NC 27834
MICHAEL M HADDOCK		516 FENNER DR	GREENVILLE NC 27834
WILLIAM HENRY HAHN JR	SANDY SUE CASPER HAHN	527 FENNER DR	GREENVILLE NC 27834
HAPPY TRAIL FARMS LLC		PO BOX 1863	GREENVILLE NC 27835
TIMOTHYMOSLEY	VENITAMOSLEY	2204 WHICHARDS BEACH RD	CHOCOWINITY NC 27817
BEN D ROBERSON		1870 STATON HOUSE RD	GREENVILLE NC 27834

Greenville
NORTH CAROLINA

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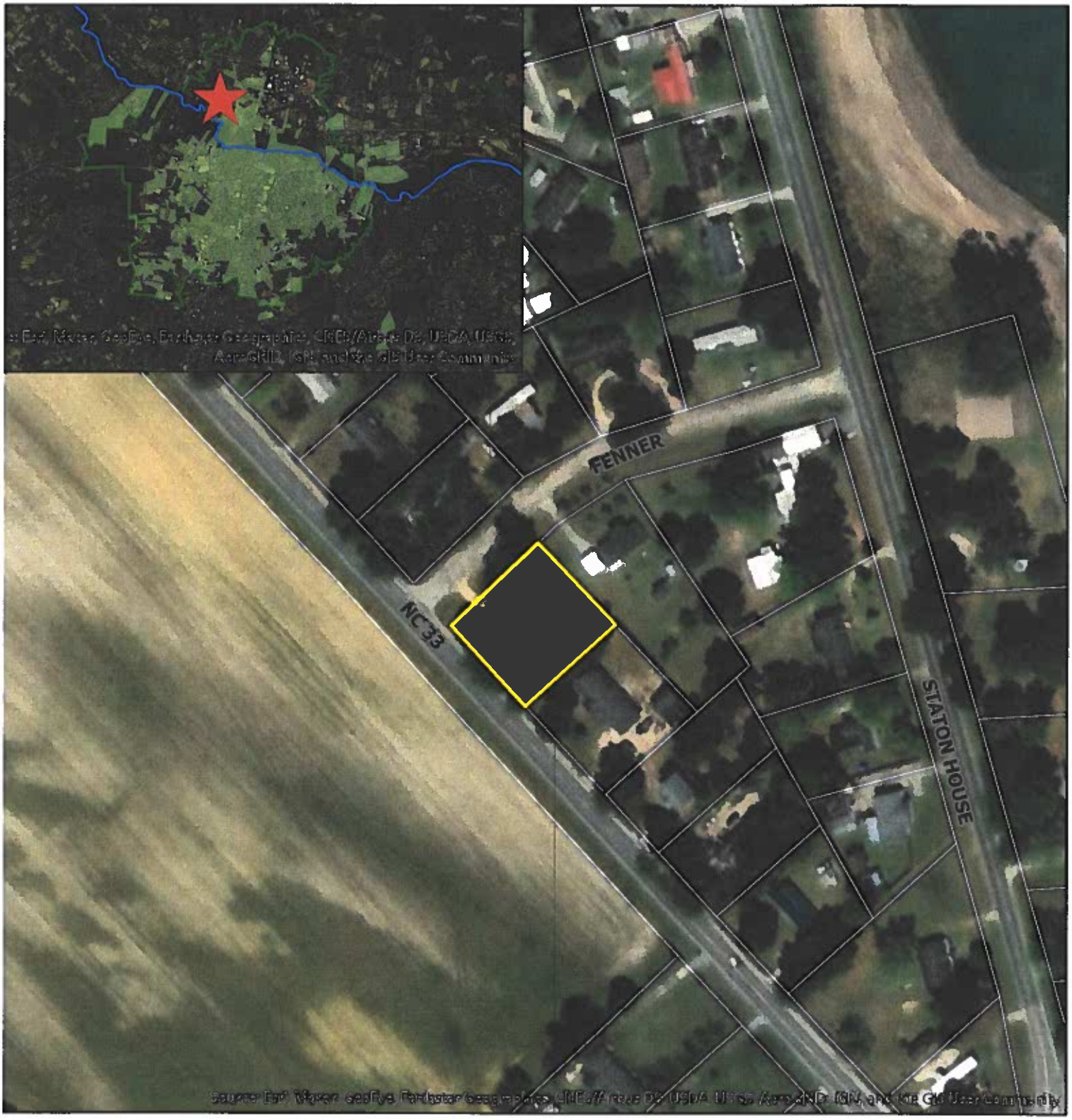
Brenda Acklin



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City Limits
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Railroads
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