



**PROPOSED AGENDA
GREENVILLE BOARD OF ADJUSTMENT
Thursday, August 27, 2020
6:00 PM
Zoom Webinar**

I. ROLL CALL

II. APPROVAL OF MINUTES –August 6, 2020

III. OLD BUSINESS

1. PUBLIC HEARING ON A REQUEST TO RENEW A SPECIAL USE PERMIT BY CHRISTOPHER WOELKERS- CONTINUED TO September 24, 2020 Meeting

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

3. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY CIRCLE K STORES, INC.

The applicant, Circle K Stores, Inc. 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.

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

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.

IV. NEW BUSINESS

1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY MARVIN MCKESSON

The applicant, Marvin McKesson, desires a special use permit to operate a restaurant and/or dining and entertainment establishment; regulated outdoor

activities pursuant to Appendix A, Use (10)j. of the Greenville City Code. The proposed use is located at 1025 W 5th Street. The property is further identified as being tax parcel number 85041.

2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY PITT COUNTY BOARD OF EDUCATION

The applicant, Pitt County Board of Education, desires to amend a special use permit to expand the operation of an elementary school pursuant to Appendix A, Use (8)h. of the Greenville City Code. The proposed use is located at 3601 South Bend Rd. The property is further identified as being tax parcel number 74002.

V. ADJOURN

MINUTES TO BE ADOPTED BY THE GREENVILLE BOARD OF ADJUSTMENT

August 6, 2020

The Greenville Board of Adjustment met electronically on the above date at 6:00 PM from different locations due to Covid 19 protocols.

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

Michael Glenn – Acting Chairman - *	Nathan Cohen-X
Christopher Lilley- *	Stephen Atkinson- *
Rodney Bullock - *	Ann Bellis - *
Hunt McKinnon - X	Dillion Godley-X
Sharon Evans-*	John Landrine –*

VOTING MEMBERS: Glenn, Bullock, Lilley, Bellis, Atkinson, Evans, Landrine

Mr. Glenn told the commission that Mr. McKinnon was traveling for business purposes and could not make the meeting tonight.

Motion made by Mr. Bullock, seconded by Mrs. Bellis, to excuse Mr. McKinnon for this evening's meeting. Vote was unanimous.

OTHERS PRESENT: Ms. Elizabeth Blount, Lead Planner; Les Everett, Assistant Director of Planning and Development Services; Mr. Thomas Barnett, Director of Planning and Development Services; Mr. Emanuel McGirt, City Attorney; Ms. Camillia Smith, Secretary, Notary; Kelvin Thomas, Communication Specialist; Margo Castro, GIS Technician II; Tony Parker, Planner I; Brian Meyerhoeffer, Council Member At-Large

OPENING STATEMENT: Mr. Glenn read the following statement:

I would like to start by acknowledging that we are conducting this meeting using a remote, electronic platform. This is the first remote meeting of the Greenville Board of Adjustment. I would ask for your patience today as we proceed. There may be slight delays as we transition between speakers, participants and presentations.

The Board of Adjustment is a quasi-judicial body that is governed by the North Carolina General Statutes and the City's Code of Ordinance. We conduct evidentiary hearings on requests for special use permits, variances, appeals of administrative decisions and interpretations.

Before we begin the evidentiary hearings on today's agenda, I would like to provide some important information about the steps taken to ensure that each parties' due process rights are protected as we proceed in this remote platform.

First, today's meeting will be conducted in accordance with the newly enacted statutes in Session Law 2020-3, which allow for remote meetings and quasi-judicial hearings during declarations of emergency.

Second, each applicant on today's agenda was notified before being placed on the agenda that this meeting would be conducted using a remote, electronic platform. Every applicant on today's agenda has consented to the Board conducting the evidentiary hearing on their request using this remote platform. We will also confirm today at the start of each evidentiary hearing that the participants in the evidentiary hearing consent to the matter proceeding in this remote platform. If there is any objection to a matter proceeding in this remote platform, the case will be continued.

Third, notice of this meeting was provided to the applicants and the public in numerous ways, well beyond the legal requirements for noticing this meeting and the evidentiary hearings.

Specifically, notice of today's evidentiary hearings was provided by mail to all property owners within 250 feet of each subject property. The mailed notices were sent two weeks in advance of the meeting date and within the law to provide such notice – and each notice letter notified the recipient of the remote meeting platform. **No case is proceeding today in which the City has been contacted by an individual with an objection to the case or to the matter being heard in this remote meeting platform.**

Notice was also provided by posting signs on the site of each property, publishing notice in the newspaper and providing notice on the City's website. Each of these notice methods were also done within the legal requirement to provide such notice.

The notices for today's meeting contained information about the means by which the public can access the remote meeting, as the meeting occurs.

Fourth, any individual wishing to participate in today's evidentiary hearings was required to sign-up prior to the meeting to participate. Information about this sign-up requirement, along with information about how to sign-up to participate, was included in the mailed notice letters sent to each property owner within 250 feet of each subject property. This information was also included on the Board's website and, among other information, a link to the Board's website was included in all methods of notice. **No case is proceeding today in which anyone contacted the City to voice an objection to a request or the remote meeting platform.**

All individuals participating in today's evidentiary hearings were also required to submit a copy of any presentation, document, exhibit or other material that they wished to submit at the evidentiary hearing prior to today's meeting. All materials that the City received from the participants in today's cases, as well as a copy of City staff's presentations and documents, were posted online on the Board of Adjustment Meeting Schedule and Agenda prior to this meeting. All materials that will be discussed today can be viewed at any time during today's meeting by visiting <https://www.greenvillenc.gov/government/city-council/boards-and-commissions/board-of-adjustment/2020-board-of-adjustment-meeting-schedule-and-agendas> and clicking the August 6, 2020 Agenda and Meeting packet link. No new documents will be presented at today's meeting. All decisions of this board are subject to appeal with the Pitt County Superior court.

Finally, all individuals who signed-up to participate in an evidentiary hearing on today's agenda, as well as all City staff participants, were emailed a witness oath form prior to today's meeting. Any individual planning to testify or submit evidence in an evidentiary hearing was notified that they must sign the oath form prior to today's meeting. We will also reaffirm everyone's oath on the record at today's meeting.

MINUTES:

Motion made by Mr. Bullock, seconded by Ms. Evans, to approve the February 27th, 2020 minutes, Ms. Evans seconded the motion. Motion passed unanimously.

SPECIAL RECOGNITION:

Mr. Glenn announced there would be special recognition this evening, and turned the floor over to Council Member At-Large Brian Meyerhoeffer.

Mr. Meyerhoeffer expressed his appreciation for William Johnson and his six years serving on the board from June 2014 – June 2020, and for being the chair for the last three of those years. He presented Mr. Johnson a certificate of appreciation signed by himself and Mayor PJ Connelly. The certificate read as follows:

For enduring public service through dedication and commitment to the Greenville Board of Adjustment, the City of Greenville and Greenville City Council express our gratitude and appreciation to William Johnson, Chairman, Board of Adjustment, Service time 2014-2020.

Mr. Johnson thanked Elizabeth Blount, Lead Planner and Board Liaison and her staff, and also all of the board members he had the pleasure to serve with.

Attorney McGirt 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.

Mr. Glenn then swore in staff members who would be presenting, Elizabeth Blount, Les Everett, and Tom Barnett.

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.

Mr. Glenn called upon Mrs. Blount to read the request made by the applicant.

Mr. Bullock, seconded by Mr. Atkinson, made a motion to continue the renewal request until the August 27, 2020 BOA meeting. Motion passed unanimously.

DECISION AND ORDER OF THE ADMINISTRATIVE APPEAL FROM FEBRUARY 27, 2020 HEARING

Staff has requested that this administrative appeal be continued.

Mr. Glenn asked Mrs. Blount to state the reason for the request. Mrs. Blount then deferred to Mr. McGirt who explained that he was filling in for Assistant City Attorney Donald Phillips who was on vacation. Mr. McGirt said Mr. Phillips represented the board, and he represents staff, and that he cannot represent both on this, or any one item. He also said the applicant had spoken with his attorney and was not opposed to the continuation of this case.

Mrs. Bellis asked what the case pertained to.

Mr. McGirt said the case was about a setback on Greenville Boulevard at the old Adams Car Wash.

Mrs. Blount reminded the board that they would just be voting on the written order from that meeting.

Mr. Bullock, seconded by Ms. Evans, made a motion to continue the administrative appeal until the August 27, 2020 BOA meeting. Motion passed unanimously.

NEW BUSINESS

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY TIMMONS GROUP

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.

The applicant has requested that this special use permit hearing be continued.

Mr. Glenn asked Mrs. Blount to read a statement dated July 14, 2020, from the applicant, Mr. Brian Downs, Project Manager for the Timmons Group, which read as follows:

“As discussed, please push the Circle K SUP for Fire Tower/Bayswater until the August 27th hearing.”

Mr. Bullock, seconded by Mrs. Bellis, made a motion to continue the special use permit hearing until the August 27, 2020 BOA meeting. Motion passed unanimously.

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

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.

Mr. Glenn asked Mrs. Smith to name registered speakers. Mrs. Smith stated there were two, Kristopher Paine and Jon Day. Both speakers confirmed their names and addresses, and gave consent to the electronic format of the meeting. Mr. Glenn swore them in individually.

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

North: CDF-UC (Downtown Commercial Fringe – Urban Core Overlay District)

South: R6 (Residential) and CH (Heavy Commercial)

East: CN (Neighborhood Commercial) and CG (General Commercial)

West: CH (Heavy Commercial)

Surrounding Development:

North: Jolly Rodger student development

South: Bowers Apartments

East: China King, Stadium Sports, Dollar General, and a parking lot

West: Hair Salon, Nail Salon, Tobacco Shop, and Shenandoah Graphics and Framing

Description of Property:

The subject property is a 5-acre lot containing a 33,000 sq. ft. commercial building with 670 feet of frontage along E 14th Street and 333 feet of frontage along Charles Boulevard. The proposed use is in 3600 sq. ft. Unit G. The applicant proposes a use of 1500 sq. ft. for retail sales, a snack bar, and board game tables as well as 2100 sq. ft. for arcade games.

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 use 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:

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. See also definition of billiard parlor; pool room.

Staff Recommended Conditions:

Request may not evolve to a public/private club or an internet sweepstakes business without issuance of special use permit for such use.

Must comply with all local, state, and federal laws.

No loitering outside business.

Other Comments:

The proposed project must meet all related State of North Carolina 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.

Ms. Blount delineated the property located in the central portion of the city and informed the board that the subject property is zoned General Commercial. She stated that the intended use involves both gaming and retail functions.

Mr. Atkinson asked how occupancy limits were established.

Ms. Blount deferred to Assistant Planning Director Everett.

Mr. Everett was unable to answer due to connection difficulties.

Ms. Blount stated that occupancy was determined by fire and building codes.

Mr. Atkinson asked if the sketch in the application was valid.

Ms. Blount clarified that the certification will be determined by the fire and building inspections departments.

Mr. Glenn opened the public hearing.

Mr. Kristopher Paine, applicant, spoke in favor of the request. He said that we required expansion to continue his business.

Jon Day, Real Estate Agent, spoke on behalf of the shopping center owner Sterling Rental Company, LLC in favor of the request. Mr. Day elaborated on the basics of the shopping center and that the owners believe that DBA Well Played Games is a good use of the location.

No one spoke in opposition.

Mr. Glenn asked for staff recommendation.

Ms. Blount gave the staff recommendation of approval with the recommended conditions

Mr. Glenn closed the public hearing and opened for board discussion.

No board discussion.

Mr. Glenn read the criteria and the board's silence was a vote in favor of the criteria. Mrs. Smith conducted a roll call vote to confirm the board's vote in favor of the criteria. Vote: 7 to 0.

Mr. Bullock made a motion to adopt the Finding of Facts with the recommended conditions, Ms. Bellis seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. Bullock made a motion to approve the petition with the conditions, Ms. Evans seconded the motion and it passed unanimously. Vote: 7 to 0

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.

Mr. Glenn asked Mrs. Smith to name registered speakers. Mrs. Smith stated there is one, Farouq Saleh. Mr. Saleh confirmed his name and address, and gave consent to the electronic format of the meeting. Mr. Glenn then swore him in.

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.

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 backside of the unit unless it is included in the permitted wall signage allowance.

No parking on the side of the unit due to the drive-out.

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.

Ms. Blount delineated the property located in the Commercial character type and provided a definition of a Class 1 Tobacco Shop. She noted the need for an amendment was a result of moving the business from the original Special Use Permit for Unit 104 to Units 100 and 100A.

Mr. Glenn opened the public hearing.

Farouq Saleh, applicant, spoke in favor of the request. He said the landlord asked if he would move to Units 100 and 100A in order to rent Unit 104 to a new business.

Mr. Glenn asked if Mr. Saleh was familiar with all the recommended conditions stated by Ms. Blount.

Mr. Saleh affirmed that he understood the conditions. He asked if a traditional wooden pipe is allowable under a class I tobacco shop.

Ms. Blount said she believed it is an allowable smoking apparatus and read the definitions of class I and class II tobacco shops. She stated that interpretation of the code is the responsibility of the Planning Director.

Ms. Bellis asked if any non-tobacco products could be used in such pipes and stated she did not see an issue with that type of pipe.

Mr. Saleh stated that only tobacco could be used.

Mr. Bullock agreed with Ms. Bellis in the interpretation of a class I tobacco shop.

Mr. Glenn asked for staff recommendation.

Ms. Blount gave the staff recommendation of approval with the recommended conditions.

Mr. Glenn closed the public hearing and opened for board discussion.

Mr. Bullock reiterated his statement that traditional pipes are not hookah-related products so they are not a class II product.

Mr. Atkinson noted that the definition of shisha tobacco included use in hookahs and that he found it confusing that this was permitted but not the sale of hookahs in class I tobacco shops.

Mr. Glenn said that the interpretation of tobacco use does not fall under the jurisdiction of the Board of Adjustment and asked if there was any additional board discussion.

Mr. Glenn read the criteria and the board's silence was a vote in favor of the criteria. Mrs. Smith conducted a roll call vote to confirm the board's vote in favor of the criteria. Vote: 7 to 0

Mr. Bullock made a motion to adopt the Finding of Facts with the recommended conditions, Ms. Evans seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. Bullock made a motion to approve the petition with the conditions, Mr. Atkinson seconded the motion and it passed unanimously. Vote: 7 to 0

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY BRICE AND TASHARA BARNES

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.

Mr. Glenn stated the item was asked to be continued, and asked Mrs. Blount to state the reason. Mrs. Blount deferred to Mr. McGirt. He stated that the letters that went out notified interested parties that if there were any opposition to a case, the case would then be continued. Mr. McGirt stated since this is the first electronic BOA

meeting, staff decided to not hear any case with opposition. This was decided to allow board members to be comfortable with the format. He also stated that both parties agreed to a continuance.

Mr. Bullock, seconded by Mr. Lilley, made a motion to continue the renewal request until the August 27, 2020 BOA meeting. Motion passed unanimously.

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

The applicants, Modular Solutions, Inc., desires a variance form the setbacks for a single family home found in Sections 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.

Mr. Glenn asked Mrs. Smith to name registered speakers. Mrs. Smith stated there is one, Jeremy McAllister. Mr. McAllister confirmed his name and address, and gave consent to the electronic format of the meeting. Mr. Glenn then swore him in.

Zoning of Property: RA20 (Residential Agricultural)

Surrounding Zoning:

North: RA 20 (Residential Agricultural)
South: RA 20
East: RA 20
West: RA 20

Surrounding Development:

North: Single family dwellings
South: Wooded vacant lot
East: Single family dwellings
West: Single family dwellings

Description of Property:

The property is located in the extraterritorial jurisdiction of Greenville, it is 0.28 acres and has approximately 95 feet of frontage on Chipaway Dr. The owner has been displaced due to a house fire and the property will remain residential. A plot plan indicated that the house would encroach on the side setback. The applicant informed staff that the North Carolina Office of State Budget and Management Disaster Recovery issued notice to proceed prior to a septic inspection. The inspection failed and a new system was required that moves house further to the front of the property. As such, the side setback would be 7.6 feet, short of the 10 feet RA 20 requirement per the City Code and a variance is necessary. The property owner claims a variance under the hardship component of variance approval based on the time restrictions of building another modular home.

Comprehensive Plan:

The property is located within the Low to Medium Density Residential character type as designated by the Horizon 2026 Plan. The proposed use complies 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 hearing was published in the Daily Reflector on July 27 and August 3, 2020.

Related Zoning Ordinance Regulations:

Definition:

Modular home. A manufactured building designed to be used as a detached single-family dwelling or two-family attached dwelling (duplex) which has been constructed and labeled indicating compliance with the North Carolina State Building Code, as amended.

Specific Criteria:

(A) *RA-20 District.*

(4) Side setback

(a) Single-family: Ten feet.

Staff Recommended Conditions:

Must ensure that newly installed septic system is in full compliance with all the state law and local regulations.

Must obtain a building permit prior to construction

Must comply with all federal and state laws, rules, and local ordinances pertaining to the project.

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.

Ms. Blount described the property and the failed septic inspection which led to the project encroachment on the side setback.

Mr. Glenn opened the public hearing.

Mr. Jeremy McAllister, applicant, spoke in favor of the request. He clarified that hurricane-related damage caused the prior house damage and explained that the North Carolina Office of State Budget and Management Disaster Recovery was premature in moving the project forward so quickly as they are eager to help displaced residents. Mr. McAllister said that Modular Solutions, Inc. has the modular home and is ready to begin construction immediately after potential approval.

Mr. McAllister showed photos of the property and explained that the lot is the last location in a dead-end lot.

Mr. Atkinson asked why the lot next to 117 Chipaway Drive is not buildable.

Mr. McAllister claimed that the state road would require an extension and the land is too low-lying to consider construction.

No one spoke in opposition.

Mr. Glenn asked for staff recommendation.

Ms. Blount gave the staff recommendation of approval with the recommended conditions.

Mr. Glenn closed the public hearing and opened for board discussion.

No board discussion.

Mr. Glenn read the criteria and the board's silence was a vote in favor of the criteria. Mrs. Smith conducted a roll call vote to confirm the board's vote in favor of the criteria. Vote: 7 to 0

Mr. Bullock made a motion to adopt the Finding of Facts with the recommended conditions, Mr. Atkinson seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. Bullock made a motion to approve the petition with the conditions, Mr. Landrine seconded the motion and it passed unanimously. Vote: 7 to 0

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.

Mr. Glenn asked Mrs. Smith to name registered speakers. Mrs. Smith stated there is one, Brenda Aklin. Ms. Acklin confirmed her name and address, and gave consent to the electronic format of the meeting. Mr. Glenn then swore her in.

Zoning of Property:

RA20 (Residential Agricultural)

Surrounding Zoning:

North: RA 20 (Residential Agricultural)

South: RA 20

East: RA 20

West: RR (Pitt County designation – Rural Residential)

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.

Mrs. Blount delineated the property. The property is in the RA20 zoning district, and the surrounding districts are RA20. Staff has several conditions that must be complied with. Mrs. Blount finished by stating the project must meet all NC state fire and building codes.

Mr. Glenn opened the public hearing by asking Ms. Acklin to state her purpose for the SUP.

Brenda Acklin, applicant, spoke in favor of the request. She operated a day care inside her home so that she may offer a fun and nurturing environment for children. Ms. Acklin said that she was made aware that the driveway needed to be brought up to standards and is currently having this done. She mentioned that she has over five-thousand square feet of fenced in area, and hopes the board will give her the opportunity to open her day care. She followed up by stating that she and her daughter, who has a degree in Early Childhood Development, would be the care givers.

Mrs. Bellis asked if a home occupation had to have a specific area dedicated to the operation of the business.

Mrs. Blount responded by saying the definition for a home occupation states that the area cannot take up no more than twenty percent of the home, but does not state the area had to be specific.

Mrs. Bellis stated there were concerns regarding the yard, which had no play equipment, the fence was broken, the gate opened, a dead tree, and several pine trees cut off thirty feet above the ground, rendering them dead. She stated

that if the SUP was granted, there should be conditions attached to it, including installing play equipment and making the yard safe.

Ms. Acklin responded by saying they are currently working to get everything in order. She said the fence was broken when the trees were taken down, and that it would be repaired before opening the day care. She also said she did not realize the topped off trees would be a problem because they were outside of where the children would be. However she said she is going to have them removed if need be. Ms. Acklin said she has plenty of play equipment, and plans to purchase more, but would not install it until the SUP is granted.

Mrs. Bellis said she has had personal experience with dead pine trees and that they will fall on their own accord eventually. Therefore the topped off trees will have to be removed and the fence repaired. She said the SUP should have conditions with these items and that they must be met before children are allowed in the house.

Mr. Atkinson asked if Ms. Acklin and her daughter had any experience operating a day care center.

Ms. Acklin responded by saying that she has experience working in day care centers, and was a director of one as well. Her daughter has a degree in Early Childhood Development and has worked in the industry as well.

Mr. Glenn asked if the pine trees were within or outside of the fenced in area.

Ms. Acklin said they are located outside of the fence, on the property line.

Mr. Lilley requested to see a picture of the trees, to which Mrs. Blount obligated.

Mrs. Bellis stated that the trees are of a large diameter, and they will rot and decay and eventually fall, possibly on the house.

Mr. Glenn asked for the staff recommendation.

Mrs. Blount said staff has no objections to the request with the recommended conditions.

Mr. Glenn closed the public hearing and asked for board discussion.

Mr. Lilley asked to see the pictures again, and asked Mrs. Bellis to show the board which trees she is most concerned about.

Mrs. Bellis spoke about the three large pine tree trunks remaining at the back of the property.

Ms. Acklin said that the trees in question will be cut down completely and removed.

Mr. Lilley agreed that with the tops taken off of those trees, they pose a risk and need to be removed.

Mrs. Bellis stated that the SUP must have a condition that the trees come down.

Ms. Acklin said she agreed with Mrs. Bellis, and has no problem with the conditions. She said she would never place children in an unsafe environment.

Mrs. Bellis, seconded by Mr. Atkinson, made a motion to add the following conditions to the SUP; that prior to the day care opening the tree stumps be cut down completely and removed, and that the fence be repaired. Mrs. Smith conducted a roll call vote, which was unanimous. Vote: 7 to 0

Mr. Glenn read the criteria and the board's silence was a vote in favor of the criteria. Mrs. Smith conducted a roll call vote to confirm the board's vote in favor of the criteria. Vote: 7 to 0

Mr. Bullock, seconded by Mr. Landrine, made a motion to adopt the Finding of Facts with the recommended conditions. The vote was unanimous. Vote: 7 to 0

Mr. Bullock, seconded by Mrs. Bellis, made a motion to approve the petition with the recommended conditions and the additional conditions the board asked for. The vote was unanimous. Vote: 7 to 0

ELECTION OF CHAIR AND VICE-CHAIR:

Mr. McGirt discussed the rules for nominations and voting for Chair and Vice-Chair.

Mr. Glenn asked for nominations for Chair. Mrs. Bellis nominated Michael Glenn, and hearing no other nominations, Mr. Glenn then closed the nominations and called for a vote.

Mrs. Smith conducted a roll call vote, which was unanimous. Mr. Glenn accepted the roll of Chair. Vote: 7 to 0

Mr. Glenn asked for nominations for Vice-Chair. Mrs. Evans nominated Rodney Bullock as Vice-Chair. Hearing no other nominations Mr. Glenn closed the nominations and called for a vote.

Mrs. Smith conducted a roll call vote, which was unanimous. Mr. Bullock accepted the roll of Vice-Chair. Vote: 7 to 0

**Chair – Michael Glenn
Vice Chair – Rodney Bullock**

DECISION CONCERNING BOA MEETINGS DURING COVID-19

Mr. Glenn asked Mr. McGirt to direct the conversation concerning meeting procedures during the covid-19 pandemic. Mr. McGirt stated that City Council would be taking up the issue at their August 13, 2020 meeting, and is expect to pass a resolution directing all boards and commissions to meet virtually until further notice. Mr. McGirt said there were options, however the council directive would override and contrary decisions. He also stated that should an applicant demand a face to face meeting, the BOA would have to accommodate the request. Mr. McGirt recommended the board move to meet remotely for the August 2, 2020 meeting, and continue the discussion about meetings after City Council makes their decision.

Mr. Glenn asked if this had to be added to the agenda every month, or could the board move to meet remotely until further notice.

Mr. McGirt replied that the board could make a motion to meet remotely until further notice. His intent was to make the board aware of a possible policy change due to the City Council resolution should the council resolution pass.

Mrs. Evans said that she advocated for the virtual meetings due to the rise in covid-19 numbers, and that her field is in public health. She strongly encouraged the board to continue with virtual meetings until the pandemic is under control. Mrs. Evans also said she felt certain City Council would pass the resolution as she has been consulting with them about the pandemic.

Mrs. Evans, seconded by Mr. Bullock, made a motion to hold future BOA meetings virtually until further notice. A roll call vote was taken and the motion passed unanimously.

Mr. Bullock, seconded by Mr. Lilley, moved to adjourn.

Meeting adjourned at 8:06PM

Respectfully submitted

Elizabeth Blount

Lead Planner

From: chris@taffco.com
To: [Elizabeth Blount](#)
Subject: RE: Renewal of B&B
Date: Wednesday, August 12, 2020 9:20:44 AM
Attachments: [image001.png](#)

Hi Elizabeth and apologies for the delay. I was off last week and playing catch-up yesterday and Monday.

I will unfortunately not be able to make the Aug 27 date. Is it possible to do this in September and I will block my calendar now to make certain to save the date? I apologize but Covid has really thrown everything out of order for me (and everyone no doubt).

Yes, you are correct that I am not residing at the Inn these days. Ever since March we have shut down and what was supposed to be a quick kitchen restoration over ECU spring break has now turned into a entire house revamp since March (since we went to having no business). I am staying at the house I bought for my mother during this phase and we hope to open back up after Labor Day (although reservations have been canceling left and right due to Covid which has been upsetting). I plan to move back in after that as soon as the Inn is complete. I will let you know if anything changes as our side of the house is being completed last (we wanted the guest rooms done before we re-painted, stained the floors, etc our rooms).

Also, yes, we "sold" the Inn to the LLC ("sold" in quotes because I maintain ownership). We operate The 5th Street Inn as a DBA (doing business as).

Please let me know if we can reschedule for September and I will block my calendar as with all that's gone on this crazy year would just like to get this behind us. To be quite honest, we've even discussed shutting down for first semester since ECU is not booking guests and visiting professors and coming back fresh in January assuming Covid has "moved on" and we can get back to normal. It's been crickets here, no reservations and no income since March but we're still optimistic!

Thanks,

Chris

From: Elizabeth Blount <eblount@greenvillenc.gov>
Sent: Friday, August 7, 2020 11:40 AM
To: Chris Woelkers <chris_woelkers@icloud.com>; 'chris@taffco.com' <chris@taffco.com>
Cc: Donald Phillips <DKPhillips@greenvillenc.gov>
Subject: Renewal of B&B

Chris,

The renewal of the B&B is scheduled for the August 27, 2020 meeting and it probably will be a zoom meeting. Will you be available to meet on that day?

Special Use Permit –Board of Adjustment Meeting

August 27, 2020 6:00 p.m.

Zoom Webinar

Staff Contact: Elizabeth Blount, 252-329-4608

Date: July 13, 2020

Applicant: Timmons Group on behalf of Circle K Stores, Inc.

Agenda #: 3 (Old Business)

Request: The applicant, Circle K, desires a special use permit to provide gasoline sales and restaurant regulated outdoor dining pursuant to Appendix A, Uses (10)b. and (10)j. of the Greenville City Code.

Location: The proposed use is located at 950 E. Fire Tower Rd. The property is further identified as being tax parcel number 79547.

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

North: O (Office)
South: CG (General Commercial)
East: R6 (Residential)
West: CG (General Commercial)

Surrounding Development:

North: CreCon Bank, Martin Family Dentistry, O'Donahue Chiropractic, and WCTI Channel 12 station
South: CHE Mid-Atlantic, Inc., Champions Health & Fitness, and Winterville Charter Academy
East: Whitebridge Apartments
West: Vacant lot

Description of Property:

The subject property is 2.20 acres in size and has approximately 370 feet of frontage along E Fire Tower Road and 300 feet of frontage along Bayswater Road. The property is currently undeveloped.

Comprehensive Plan:

The property is located within the Commercial 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 August 13, 2020. Notice of the public hearing was published in the Daily Reflector on August 17 and August 24, 2020.

Related Zoning Ordinance Regulations:

Definition:

Restaurant and/or dining and entertainment establishment; outdoor activities.

(1) A principal and/or accessory use associated with or utilized in conjunction with a conventional or fast food restaurant or a dining and entertainment establishment which is intended for the temporary or permanent conduct of activities relative to the sale, transfer or enjoyment of products and/or services to persons located on the business premises and which is open and unenclosed on one or more sides or which is without a complete roof structure. For purposes of this section, all areas not constituting "mechanically conditioned area" as determined by the Building Inspector shall be considered open and unenclosed. Additionally, fences and/or wire or plastic mesh screens shall be considered open and unenclosed for purposes of this section.

(2) Use of any amplified outdoor audio sound system including loud speakers, audio speakers or other electronic or mechanical sound transmission devices shall be considered as an "outdoor activity" for purposes of this definition.

Restaurant and/or dining and entertainment establishment; regulated outdoor activities.

Any restaurant and/or dining and entertainment establishment; outdoor activity, as defined herein, which is located within 300 feet, as measured to the closest point, of any residential district, excepting CDF, which allows single-family dwellings as a permitted use.

Staff Recommended Conditions:

Final platting, stormwater management, erosion control and site plan approval is required prior to issuance of a building permit.

Parking shall satisfy both gasoline fuel sales and restaurant without drive-thru service requirements.

Outdoor amplified paging of patrons, guests or/or employees shall be prohibited.

Outdoor amplified sound, including music, shall be allowed, provided

- (i) any sound transmission device, system, and/or speaker shall be oriented in a manner that directs all mechanical and/or amplified sound toward the restaurant building and away from any abutting residential property line, and
- (ii) no amplified sound shall be audible from any point located on any property zoned for residential purposes. Outdoor amplified sound is defined as any sound using amplifying equipment, whose source is outside or whose source is inside

and the sound propagates to the outside through open door(s) or window(s) or other openings in the building. Measurement standards shall be human auditory senses.

The outdoor dining area shall not be visible from the adjacent residential property through the installation of opaque fencing and/or landscaping.

No restaurant related outdoor accessory activity shall be allowed outside the designated outdoor activity area.

No outdoor activity shall be permitted to overflow into any parking area or yard area, both on the restaurant lot or onto adjacent lots.

There shall be no live outdoor music, floor show, or dancing associated with any outdoor activity area.

Any sound transmission device, system, and/or speaker shall be oriented in a manner that directs all mechanical and/or amplified sound toward the restaurant building and away from any abutting residential property line

No television transmission, movie projection and/or computer display, excepting personal use of laptop computers, shall be viewed from the outdoor activity area. (7)

Exterior lighting associated with the outdoor activity area shall be directed away from all public and/or private street, and away from property zoned for residential purposes. No exterior lighting shall shine directly into a residential dwelling or premises. Exterior lighting shall comply with the City of Greenville Lighting Standards.

No exterior neon lighting, no neon light signs, and no flashing signs shall be allowed in conjunction with the principal use restaurant and/or accessory outdoor activity area.

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 - 07
Date Received 2-27-20

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) Circle K Stores, Inc.

Contact Name and Mailing Address ~~Otis Carter~~ Andy Priolo
1100 Situs Court, Suite 100
Raleigh, NC 27606

Contact Phone Number (919) 774-6700

Contact Phone Number (_____) _____

Contact Fax Number (_____) _____

Contact Email Address ~~ocarter2@circlek.com~~ apriolo@circlek.com

Location /Street address of proposed use 950 E. Firetower Rd., Greenville, NC 28590

Tax Parcel # 4686512517

Proposed use Convenience Store with Gasoline Sales and outdoor dining

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 project site is Parcel #: 79547. It has approximately 370 feet of frontage along E Fire Tower Road and approximately 300 feet of frontage along Bayswater Road. The proposed project site is currently undeveloped and is approximately 2.20 acres in size. Our preliminary site plan is being fully developed at this time. The site layout will comply with the applicable DOT regulations and City zoning standards including dimensional standards, landscaping, buffering requirements.

- (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 Horizon 2026 Greenville Community Plan designates the property as primarily being located within the Commercial Activity Center. The eastern portion is located within the Potential Conservation and Open Space Special District and corresponds to the buffered stream.

The project is within a Community Activity Center on the Future Growth Framework Map and within the Preferred Growth Area on the Tiered Growth Map for Greenville Utility Commission.

The proposed uses comply with the City of Greenville Future Land Use and Character Map which recommends Commercial development on the subject property. The primary use of the project is permitted by right within the zoning district. The supporting uses help offer a diversity of uses on-site and therefore meets the intent of the Community Plan. The uses correspond with the Fire Tower Road corridor very well.

- (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 proposed uses will not adversely affect the health and safety of the traveling public nor the residents of nearby neighborhoods. Safe vehicular traffic movements have been considered on area streets and within the site. We shifted the proposed driveways as far from the existing signalized intersection as is feasible. We call for a dedicated right turn lane into our site for eastbound traffic. This will reduce stress off the main artery. We incorporated landscaping areas and sidewalks into the site.

- (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 project is within a Commercial Activity Center. The site is bounded by E Fire Tower Road and Bayswater Road. An apartment complex is located to the east and is separated by an existing vegetative buffer. A vacant parcel is located to the south. There is an existing master stormwater plan already in place. Ample landscaping is to be provided according to the Ordinance. Lighting will be installed in a downward facing direction to minimize spillover and to assist with security.

- (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.

We propose a similar use to what is already in the area and do not anticipate any issues. The existing uses are not averse to our proposed use.

- (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 proposed commercial use will fit well into the area. It is a family friendly use and is located within a commercial corridor. It is located on a gateway parcel into the larger commercial development.

- (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.

We continue to coordinate with City Staff to identify and mitigate potential issues and will comply with the City's requests and ordinances. The proposed gasoline sales use is typically not a destination for out-of-town shoppers. It's designed to serve the surrounding neighborhoods and traveling public. The outdoor seating is provided as a convenience for on-site customers only.

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.

<i>Stephen J. Rantz</i>		3-16-20
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 FIRE TOWER OP, LLC am /are the owner(s) of the property located at 950 E. Firetower Rd., Greenville, NC 28590

I /We hereby authorize Circle K Stores, Inc. to appear by consent before the Greenville Board of Adjustment in order to ask for a special use permit to develop a Convenience Store with Gas Sales and outdoor dining

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 Stephen Rantz at my address, 1515 Ringling Blvd, Suite 890 Sarasota, FL 34236 or by telephone at (941) 312-5996 or (941) 780-4999.

Respectfully yours,
[Signature] MGR 3-16-20
Stephen J. Rantz Owner Date

Sarasota County, ~~North Carolina~~ FLORIDA

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: Stephen J. Rantz Personally Known

Date: March 16, 2020 [Signature]
Notary Public

(Official Seal) My commission expires: October 22, 2023



Elizabeth Blount

From: Seeloff, Taylor <tseeloff@circlek.com>
Sent: Monday, August 10, 2020 10:00 AM
To: Brian Downs; Rick Baker; Priolo, Andy
Cc: Elizabeth Blount
Subject: RE: BOA August 27th meeting - Bayswater / Fire Tower

Yes. I do not have any problems with this. Will all participants be virtual?

Thank you,

Taylor Seeloff

From: Brian Downs <Brian.Downs@timmons.com>
Sent: Monday, August 10, 2020 9:44 AM
To: Rick Baker <Rick.Baker@timmons.com>; Seeloff, Taylor <tseeloff@circlek.com>; Priolo, Andy <APriolo@circlek.com>
Cc: eblount@greenvillenc.gov
Subject: [EXTERNAL] FW: BOA August 27th meeting - Bayswater / Fire Tower
Importance: High

This Message originated outside your organization.

All,
Please respond to Elizabeth confirming consent to the virtual platform.

Thanks,
Brian

From: Elizabeth Blount <eblount@greenvillenc.gov>
Sent: Friday, August 07, 2020 4:44 PM
Subject: BOA August 27th meeting
Importance: High

Hello Applicants,
I need to confirm the regular scheduled BOA meeting agenda for August 27th. The meeting will be held on August 27th via Zoom. Do you give consent to this virtual platform? Please reply via this email. 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



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

August 13, 2020

Brian Downs
5410 Trinity Rd, Suite 102
Raleigh, NC 27607

Dear Petitioner:

This is to inform you that your request for a special use permit has been scheduled for the Board of Adjustment meeting on **Thursday, August 27, 2020 at 6 pm. PLEASE BE ADVISED THAT THE BOARD'S AUGUST 27, 2020 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 register 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 24.** You may register on our website at www.greenvillenc.gov under the Board of Adjustment webpage. All participates in the evidentiary hearing must fill out the enclosed witness oath and remote meeting consent sheet in the presence of a city notary. Please call the City Clerk's Office at 252-329-4420 to set up an appointment to fill out the forms in person or electronically via Zoom **no later than August 24th.**

PLEASE DO NOT SIGN THE FORM UNTIL YOU ARE IN THE PRESENCE OF A NOTARY FROM THE CITY. You will need a picture ID, preferably one that has been issued by the State. 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 24.** 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,

A handwritten signature in black ink that reads 'Elizabeth Blount'.

Elizabeth Blount, Planner

Enclosures



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

August 13, 2020

Dear Greenville Area Property Owner:

The Planning and Development Department wishes to inform you that the regular scheduled Board of Adjustment meeting is scheduled for **Thursday, August 27, 2020 at 6 pm.** The request by Timmons Group for 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 will be heard at this meeting. The proposed use is located at 950 E Fire Tower Rd. The property is further identified as being tax parcel number 79547. 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 27, 2020 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 are 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 24. Individuals who participate in the evidentiary hearing will be required to register 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 24, 2020. All participates in the evidentiary hearing must fill out the enclosed witness oath and remote meeting consent sheet in the presence of a city notary. Please call the City Clerk's Office at 252-329-4420 to set up an appointment to fill out the forms in person or electronically via Zoom **no later than August 24th.** **PLEASE DO NOT SIGN THE FORM UNTIL YOU ARE IN THE PRESENCE OF A NOTARY FROM THE CITY.** You will need a picture ID, preferably one that has been issued by the State. **You will also be sworn in and asked for your consent for a remote meeting on the night of the hearing.** The registration link and 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. 1133697

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 24th will be added to the City's website no later than Friday, August 28, 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

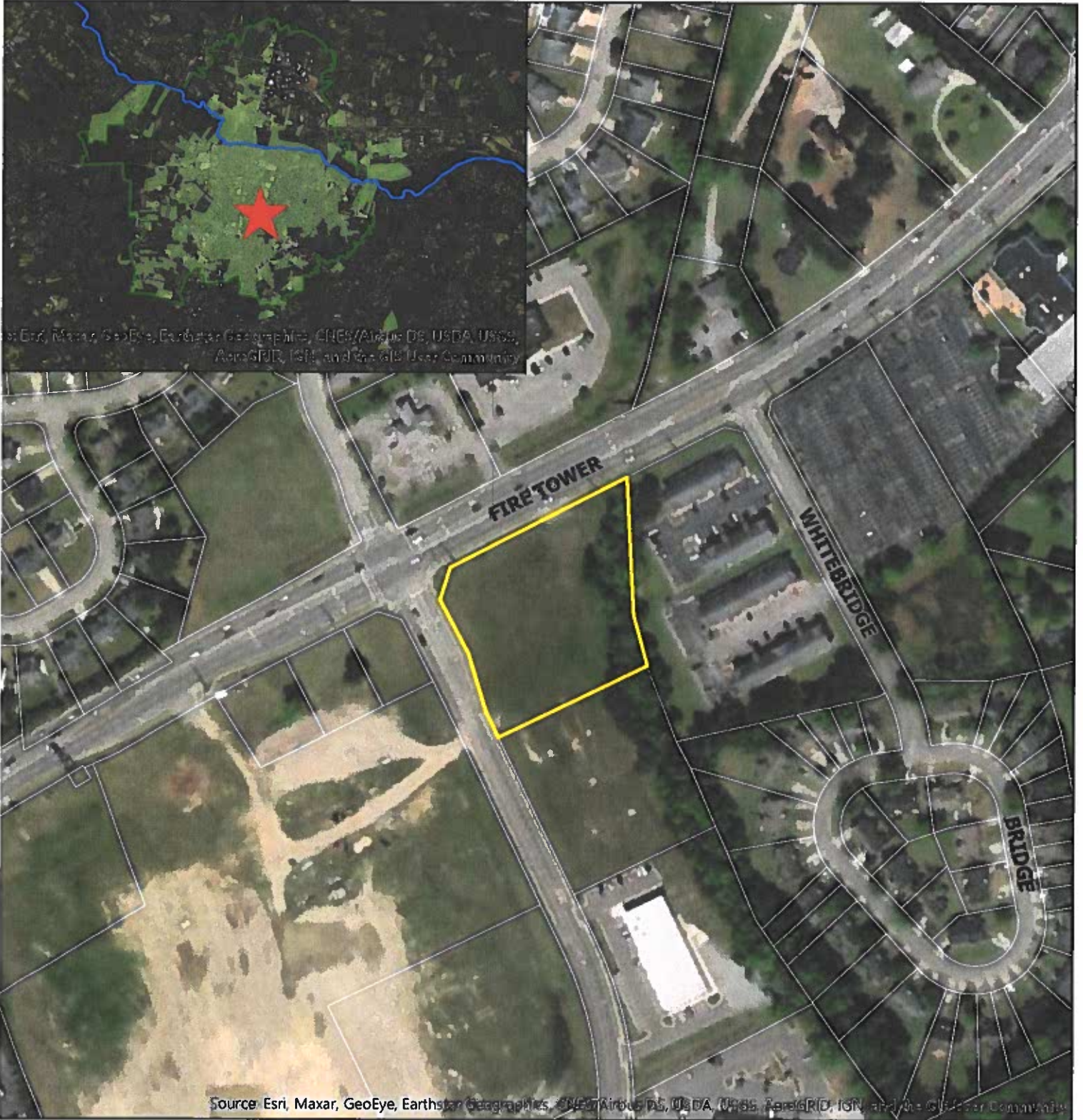
Enclosures

Doc. 1133697

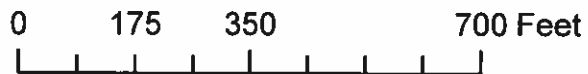
TIMMONS GROUP

OwnerName	OwnerAddress1	CityStateZip
4 HAMME LLC	PO BOX 12384	NEW BERN NC 28563
FIRETOWER OP LLC	1515 RINGLING BLVD STE 890	SARASOTA FL 34236
FIRST SOUTH BANK	PO BOX 2047	WASHINGTON NC 27889
HEART & SEOUL LLC	PO BOX 162	BUIES CREEK NC 27506
JAMES & REMEY LLC	915 E FIRE TOWER RD STE 104	WINTERVILLE NC 28590
LEWIS LAND DEVELOPMENT LLC	2582 BLUE CREEK LN	GRIMESLAND NC 27837
OVERTON V PARKER	3933 MOBLEYS BRIDGE RD	GRIMESLAND NC 27837
POBO LLC	3933 MOBLEYS BRIDGE RD	GRIMESLAND NC 27837
W G POLLARD JR	1025 E FIRE TOWER RD	WINTERVILLE NC 28590

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Special Use Permit –Board of Adjustment Meeting

August 27, 2020 6:00 p.m.

Zoom Webinar

Staff Contact: Elizabeth Blount, 252-329-4608

Date: July 16, 2020

Applicant: Brice and Tashara Barnes

Agenda #: 4 (Old Business)

Request: 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.

Location: The proposed use is located at 2112 Cameron Court. The property is further identified as being tax parcel number 52087.

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: Single Family Homes

East: Single Family Homes

West: Single Family Homes

Description of Property:

The subject property is located in the Woodridge North Subdivision, is 0.28 acres in size, contains a 1431 square foot single-family residence, and has 140 feet of frontage along Cameron 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 August 13, 2020. Notice of the public hearing was published in the Daily Reflector on August 17 and August 24, 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 - 10

Date Received 6-24-2020

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) Brice Barnes

Tashara Barnes

Contact Name and Mailing Address 2121 Cameron Ct 28590

2112

Contact Phone Number (252) 864-9133

Contact Phone Number (252) 864-9131

Contact Fax Number (_____) _____

Contact Email Address tasharabarnes4@gmail.com

Location /Street address of proposed use child care

Tax Parcel # 52087

Proposed use _____

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 street that I live on has a cul-de-sac
 I can have four parking spaces in my driveway.

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

You can drive around the cul-de-sac to come
 back up to the drive way.

(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.

No Health or Safety Concerns

(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 Detriment to Public

(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 existing affects

(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 injury to Properties or any improvements

(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.

No Hazardous materials

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.

<u>Bria Barnes</u> <u>Bria Barnes</u>	<u>Bria Barnes</u> <u>Bria Barnes</u>	_____
Print Name	Signature of Applicant	Date
<u>Jashona Barnes</u> <u>Jashona Barnes</u>	<u>Jashona Barnes</u> <u>Jashona Barnes</u>	_____
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 Bria / Tashara Barnes am /are the owner(s) of the property located at 2112 Cameron Ct Winterville, NC 28590.

I/We hereby authorize Board of Adjustments to appear by consent before the Greenville Board of Adjustment in order to ask for a special use permit to To operate child care at 2112 Cameron Ct. Winterville, NC 28590

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 Tashara Barnes at my address, 2112 Cameron Ct Winterville, NC or by telephone at (252) 864-9131 or ()

Respectfully yours,

Owner Date

Owner Date

_____ 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: _____

Date: _____

Notary Public

(Official Seal) My commission expires: _____

Elizabeth Blount

From: Tashara Barnes <tasharabarnes4@gmail.com>
Sent: Friday, August 7, 2020 4:48 PM
To: Elizabeth Blount
Subject: Re: BOA August 27th meeting

I Tashara Barnes consent time a virtual board of adjustment meeting on August 27, 2020 at 6pm

On Fri, Aug 7, 2020 at 4:43 PM Elizabeth Blount <cblount@greenvillenc.gov> wrote:

Hello Applicants,

I need to confirm the regular scheduled BOA meeting agenda for August 27th. The meeting will be held on August 27th via Zoom. Do you give consent to this virtual platform? Please reply via this email. Thank you.

Elizabeth Blount, CZO

Lead Planner

City of Greenville

cblount@greenvillenc.gov

www.greenvillenc.gov

Tel: 252-329-4608

Fax: 252-329-4483

Cell: 252-493-2007



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PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

August 13, 2020

Brice & Tashara Barnes
2112 Cameron Ct.
Winterville, NC 28590

Dear Petitioner:

This is to inform you that your request for a special use permit has been scheduled for the Board of Adjustment meeting on **Thursday, August 27, 2020 at 6 pm. Please be advised that the BOARD'S AUGUST 27, 2020 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 register 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 24.** You may register on our website at www.greenvillenc.gov under the Board of Adjustment webpage. All participates in the evidentiary hearing must fill out the enclosed witness oath and remote meeting consent sheet in the presence of a city notary. Please call the City Clerk's Office at 252-329-4420 to set up an appointment to fill out the forms in person or electronically via Zoom **no later than August 24th.**

PLEASE DO NOT SIGN THE FORM UNTIL YOU ARE IN THE PRESENCE OF A NOTARY FROM THE CITY. You will need a picture ID, preferably one that has been issued by the State. 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/7pkUNJK3etlmVWouiYmf>.** 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 24.** 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,

A handwritten signature in black ink that reads 'Elizabeth Blount'.

Elizabeth Blount, Planner

Enclosures



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

August 13, 2020

Dear Greenville Area Property Owner:

The Planning and Development Department wishes to inform you that the regular scheduled Board of Adjustment meeting is scheduled for **Thursday, August 27, 2020 at 6 pm.** The request by Tashara Barnes 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 meeting. The proposed use is located at 2112 Cameron Court. The property is further identified as being tax parcel number 52087. 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 27, 2020 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 are 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 24. Individuals who participate in the evidentiary hearing will be required to register 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 24, 2020. All participates in the evidentiary hearing must fill out the enclosed witness oath and remote meeting consent sheet in the presence of a city notary. Please call the City Clerk's Office at 252-329-4420 to set up an appointment to fill out the forms in person or electronically via Zoom **no later than August 24th.** **PLEASE DO NOT SIGN THE FORM UNTIL YOU ARE IN THE PRESENCE OF A NOTARY FROM THE CITY.** You will need a picture ID, preferably one that has been issued by the State. You will also be sworn in and asked for your consent for a remote meeting on the night of the hearing. The registration link and 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. 1133694

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 24th will be added to the City's website no later than Friday, August 28, 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

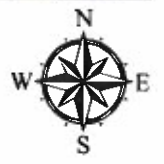
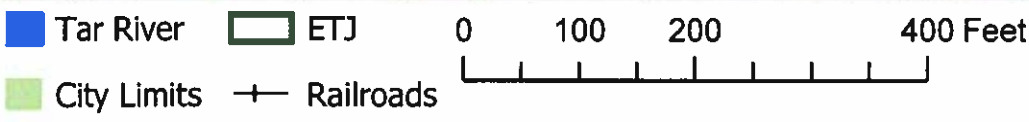
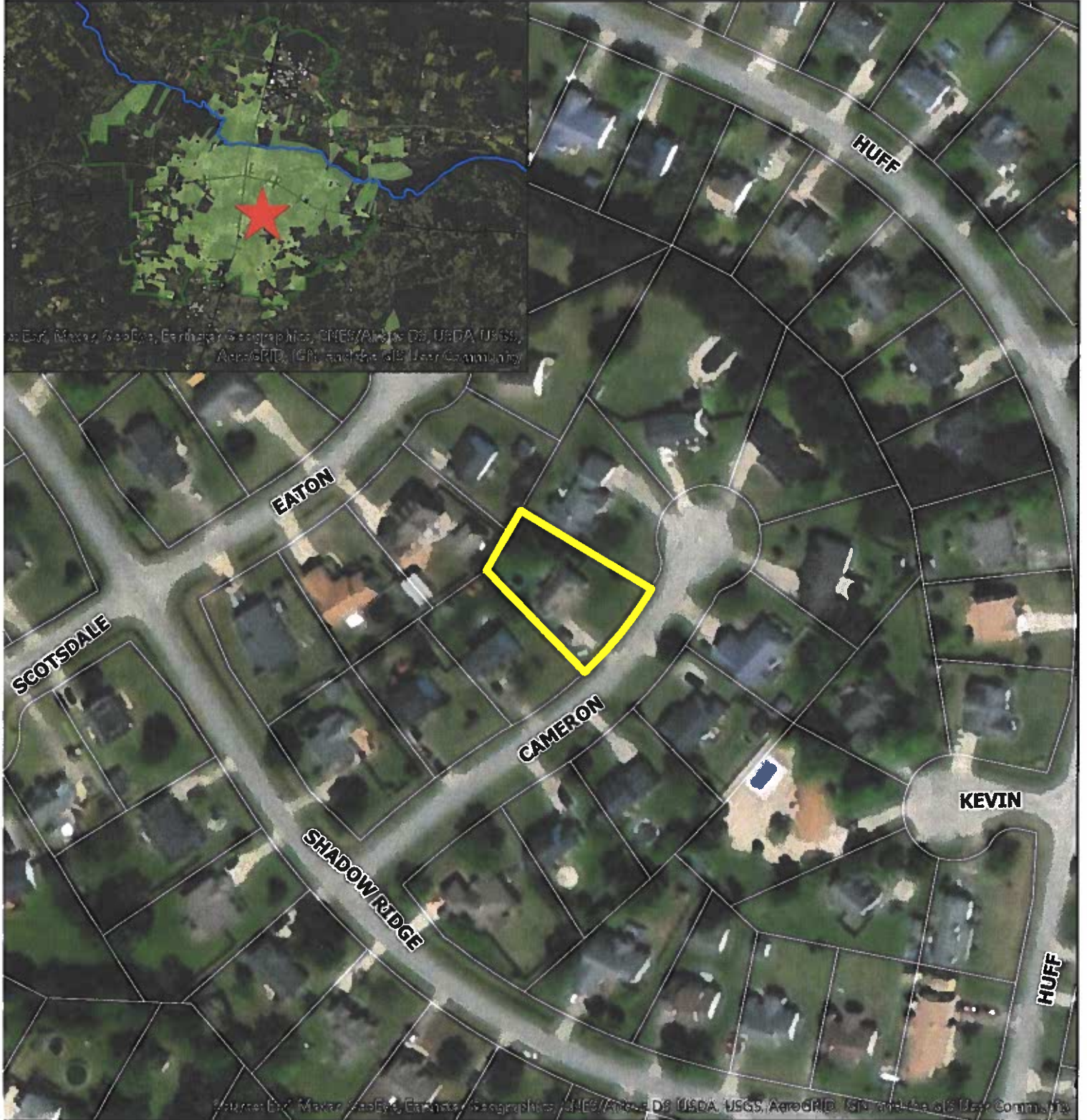
Enclosures

Doc. 1133694

TASHARA BARNES

OwnerName	OwnerName2	OwnerAddress1	CityStateZip
BRICE BARNES M	TASHARA BARNES	2112 CAMERON CT	WINTERVILLE NC 28590
RONALD L BATTLE	DENISE V BATTLE	2125 EATON CT	WINTERVILLE NC 28590
GEORGE E BRILEY	ONNA L BRILEY	2109 EATON CT	WINTERVILLE NC 28590
STEPHANIE T BUTLER		2103 EATON COURT	WINTERVILLE NC 28590
DOMINIQUE HOSEA DIXON		2106 EATON CT	WINTERVILLE NC 28590
ROBIN DOZIER		2120 CMERON CT.	WINTERVILLE NC 28590
TAMMY SMITH DUBREY		522 OLD SNOW HILL RD	AYDEN NC 28513
ERIC SCOTT EDWARDS		2127 CAMERON CT	WINTERVILLE NC 28590
TIMOTHY J FRANAY		2105 CAMERON CT	WINTERVILLE NC 28590
TERESA P FURCI	C/O TERESA FRENCH	2113 EATON CT	WINTERVILLE NC 28590
MARILYN DUNNGOODING		2105 EATON CT	WINTERVILLE NC 28590
ARONHAYWOOD	JESSICAHAYWOOD	2102 CAMERON CT	WINTERVILLE NC 28590
THOMAS R HINES		2116 EATON CT	WINTERVILLE NC 28590
JESSE ALEXANDER HOSSEINI	ALLENA GAILKING	2119 EATON CT	WINTERVILLE NC 28590
WILLIAM M KRZEWICK JR		2104 CAMERON CT	WINTERVILLE NC 28590
ANGELA GARDNER LEGGETT	VIRGILLEGGETT	2103 CAMERON CT	WINTERVILLE NC 28590
DWIGHT ELLIOTT MANN	MICHELLE ELLENMANN	510 KEVIN CT	WINTERVILLE NC 28590
RICHARD G OWENS	FARRAH HOWENS	2115 CAMERON CT	WINTERVILLE NC 28590
JOHN S ROSSI	LINA VERONICALOPEZ	534 SHADOW RIDGE DR	WINTERVILLE NC 28590
JASON BRYANT SPAIN	AMANDA BSPAIN	515 KEVIN CT	WINTERVILLE NC 28590
KARA SWARTZ	CHAD M PENHORWOOD	2121 CAMERON CT	WINTERVILLE NC 28590
JOSHUA JAMES TEMBLADOR		2128 CAMERON CT	WINTERVILLE NC 28590
JOSEPH M WHITE	AMELIA C WHITE	562 SHADOW RIDGE DR	WINTERVILLE NC 28590
COLLEEN H WISE	ROBERT WISE	544 SHADOW RIDGE DR	WINTERVILLE NC 28590

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Special Use Permit –Board of Adjustment Meeting

August 27, 2020 6:00 p.m.

Zoom Webinar

Staff Contact: Elizabeth Blount, 252-329-4608

Date: July 30, 2020

Applicant: Marvin McKesson

Agenda #: 1(New Business)

Request: The applicant, Marvin McKesson, desires to operate a restaurant; regulated outdoor activities pursuant to Appendix A, Uses (10)j. of the Greenville City Code.

Location: The proposed use is located at 1025 W 5th Street. The property is further identified as being tax parcel number 85041.

Zoning of Property: CDF (Downtown Commercial Fringe)

Surrounding Zoning:

North: CDF (Downtown Commercial Fringe)

South: R6 (Residential)

East: CDF (Downtown Commercial Fringe) and R6 (Residential)

West: CDF (Downtown Commercial Fringe) and R6 (Residential)

Surrounding Development:

North: W F Flangan Funeral Home, City of Greenville Police Department W. 5th Street Sub Station, and single family residences

South: Single family residences and vacant lots

East: Single family residences

West: Single family residences

Description of Property:

The subject property is 0.40 acres in size and has approximately 123 feet of frontage along W 5th Street and approximately 150 feet of frontage along McKinley Ave. The property is located within the West Greenville Certified Redevelopment Area. The applicant wishes to have outdoor dining at the restaurant/coffee shop.

Comprehensive Plan:

The property is located within the Mixed Used 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 August 13, 2020. Notice of the public hearing was published in the Daily Reflector on August 17 and August 24, 2020.

Related Zoning Ordinance Regulations:

Definition:

Restaurant and/or dining and entertainment establishment; outdoor activities.

(1) A principal and/or accessory use associated with or utilized in conjunction with a conventional or fast food restaurant or a dining and entertainment establishment which is intended for the temporary or permanent conduct of activities relative to the sale, transfer or enjoyment of products and/or services to persons located on the business premises and which is open and unenclosed on one or more sides or which is without a complete roof structure. For purposes of this section, all areas not constituting “mechanically conditioned area” as determined by the Building Inspector shall be considered open and unenclosed. Additionally, fences and/or wire or plastic mesh screens shall be considered open and unenclosed for purposes of this section.

(2) Use of any amplified outdoor audio sound system including loud speakers, audio speakers or other electronic or mechanical sound transmission devices shall be considered as an “outdoor activity” for purposes of this definition.

Restaurant and/or dining and entertainment establishment; regulated outdoor activities.

Any restaurant and/or dining and entertainment establishment; outdoor activity, as defined herein, which is located within 300 feet, as measured to the closest point, of any residential district, excepting CDF, which allows single-family dwellings as a permitted use.

Staff Recommended Conditions:

Site plan approval is required prior to issuance of a building permit.

The outdoor dining area shall not be visible from a street right-of-way or adjacent property through the installation of opaque fencing and landscaping.

No amplified sound or music outside the establishment shall be allowed at any time. All sound shall comply with all provisions of the Noise Ordinance of the Greenville City Code.

No restaurant related outdoor accessory activity shall be allowed outside the designated outdoor activity area.

No outdoor activity shall be permitted to overflow into any parking area or yard area, both on the restaurant lot or onto adjacent lots.

There shall be no live outdoor music, floor show, or dancing associated with any outdoor activity area.

Any sound transmission device, system, and/or speaker shall be oriented in a manner that directs all mechanical and/or amplified sound toward the restaurant building and away from any abutting residential property line

Exterior lighting associated with the outdoor activity area shall be directed away from all public and/or private street, and away from property zoned for residential purposes. No exterior lighting shall shine directly into a residential dwelling or premises. Exterior lighting shall comply with the City of Greenville Lighting Standards.

No exterior neon lighting, no neon light signs, and no flashing signs shall be allowed in conjunction with the principal use restaurant and/or accessory outdoor activity area.

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 20-13
Date Received 7-24-2020

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) Marvin McKesson
3507 Warwik Dr
Greenville, NC 27858

Contact Name and Mailing Address Marie Peedin
P O Box154
Washington, N C 27889

Contact Phone Number (252) 945-2983

Contact Phone Number (_____) _____

Contact Fax Number (_____) _____

Contact Email Address mupeedin@ibxengineering.com

Location /Street address of proposed use 1025 West 5th Street

Tax Parcel # ~~84748~~ 05041

Proposed use Coffee Shop with Outside seating

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 attached site plan has been submitted to the city for approval as to meeting all the requirements for setbacks and dimensional standards. Engineering has also reviewed the plans for access and parking requirements. At this time all conditions and specifications have been met.

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

This site is developed within the CDF zoning area and that zoning condition is within the Comprehensive Land Use Plan for the city. A coffee house fits within the requirements set forth for this zoning condition.

(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.

Due to recent health concerns every restaurant or eating establishment is required to allow for outdoor seating to provide space for people to enjoy the meal with lots of space. This owner is requesting to add out door seating to provide this needed space. The owner plans to add additional landscaping around this area for privacy to the patrons as well as provide a visual barrier to the traveling public.

(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 availability of outdoor seating shall not be a detriment to the public welfare. As stated above this has become the normal requirement due to recent changes in laws for gathering of people.

(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.

This coffee house establishment shall not adversely affect or be affected by the local existing areas. This establishment is being developed to provide the local area a place to relax and enjoy coffee and fellowship with others in the community.

- (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.

As stated the owner plans to install a nice clean outdoor seating area which will be buffered by landscape as to not impose on adjacent property owners. The parcel is on a corner and the adjacent boundary lines will have fencing and appropriate buffer yards installed prior to a certificate of occupancy.

- (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 hours of operation for this facility will be during normal business hours. Over the last few months people have become much more aware of the need for outdoor seating and the ability to have a place to sit without being in a crowd is needed.

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.

Marvin McKesson		
Print Name	Signature of Applicant	Date
Print Name	Signature of Applicant	Date



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

August 13, 2020

Marvin McKesson
3507 Warwik Drive
Greenville, NC 27858

Dear Petitioner:

This is to inform you that your request for a special use permit has been scheduled for the Board of Adjustment meeting on **Thursday, August 27, 2020 at 6 pm**. **Please be advised that the BOARD'S AUGUST 27, 2020 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 register 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 24**. You may register on our website at www.greenvillenc.gov under the Board of Adjustment webpage. All participates in the evidentiary hearing must fill out the enclosed witness oath and remote meeting consent sheet in the presence of a city notary. Please call the City Clerk's Office at 252-329-4420 to set up an appointment to fill out the forms in person or electronically via Zoom **no later than August 24th**.

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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,

A handwritten signature in black ink that reads 'Elizabeth Blount'.

Elizabeth Blount, Planner

Enclosures



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

August 13, 2020

Dear Greenville Area Property Owner:

The Planning and Development Department wishes to inform you that the regular scheduled Board of Adjustment meeting is scheduled for **Thursday, August 27, 2020 at 6 pm.** The request by Marvin McKesson for a special use permit to operate a restaurant and/or dining and entertainment establishment; regulated outdoor activities pursuant to Appendix A, Use (10)j. of the Greenville City Code will be heard at this meeting. The proposed use is located at 1025 W 5th Street. The property is further identified as being tax parcel number 85041. 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 27, 2020 MEETING WILL BE A REMOTE MEETING CONDUCTED BY ELECTRONIC MEANS

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Doc. 1133696

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 24th will be added to the City's website no later than Friday, August 28, 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

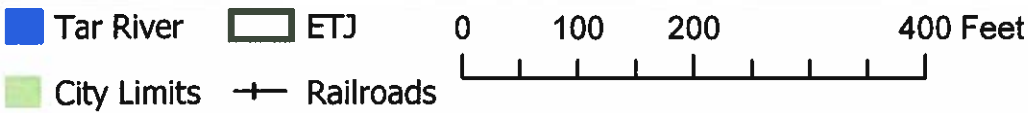
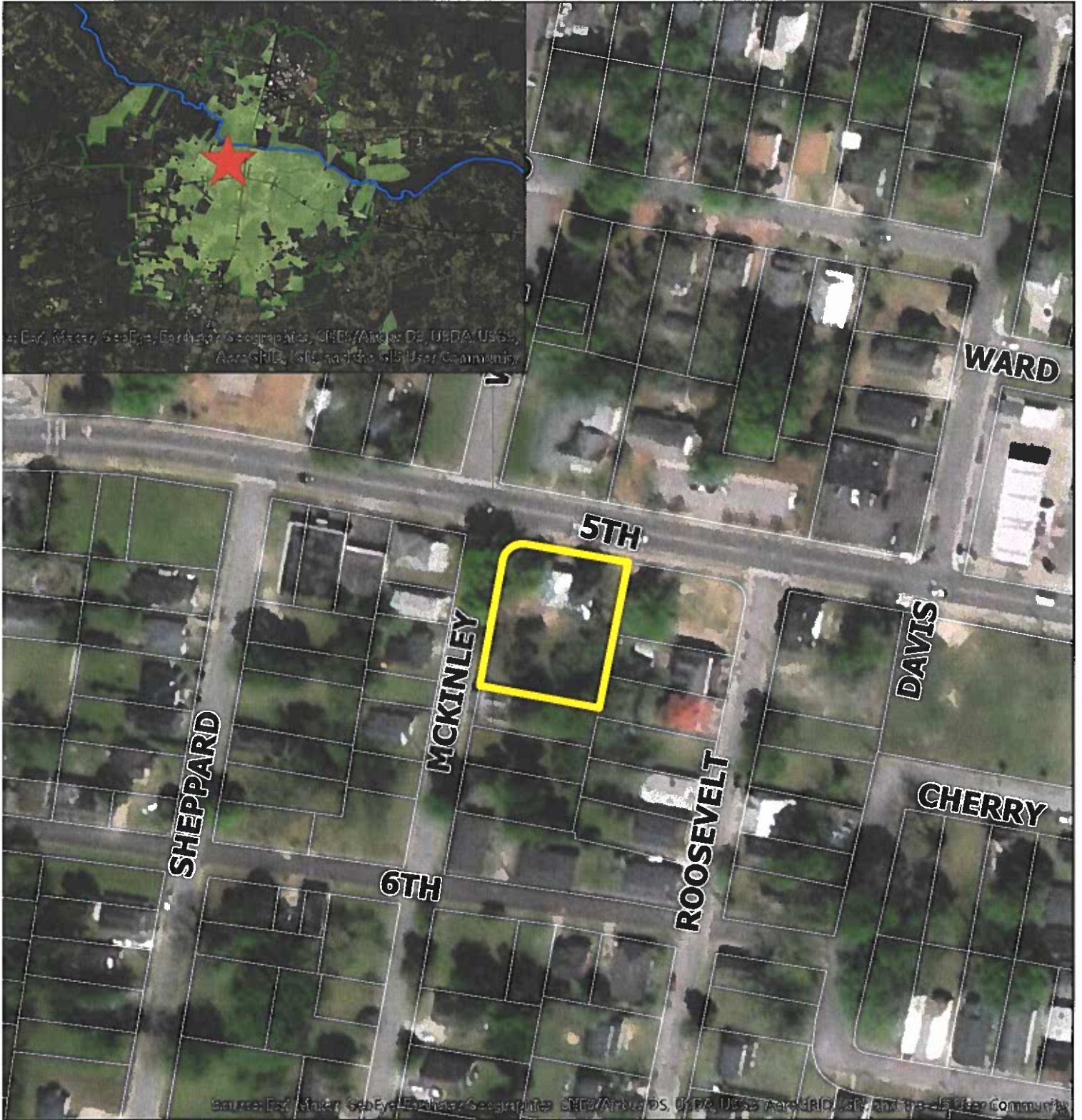
Enclosures

Doc. 1133695

MARVIN MCKESSON

OwnerName	OwnerName2	OwnerAddress1	CityStateZip
ANDERSON ROSHAWN M		133 LISMORE DR	WINTERVILLE NC 28590
BATTLE ROGER SPENCER		1104 W FIFTH ST	GREENVILLE NC 27834
BROWN BUSINESS INC		2012 YAMACRAW DR	KNIGHTDALE NC 27545
CABRERA JAVIER	CABRERA RAQUEL	239 SHARON CT	WASHINGTON NC 27889
CHANDLER MICHELLE B		166 EDGEBROOK DR	GREENVILLE NC 27858
COLE MATTIE LANGLEY		5426 BILL JONES RD	AYDEN NC 28513
CRUMB CONSTRUCTION LLC		1050 BLACKJACK SIMPSON RD	GREENVILLE NC 27858
DANIELS ELLA J HEIRS	NEELON CORA D	120 FOXCROFT LN	WINTERVILLE NC 28590
DARDEN PROPERTIES LLC		387 CLAREDON DR	GREENVILLE NC 27858
DOMINION INVESTMENTS LLC		3009 BUNKERHILL RD	MOUNT RAINIER MD 20712
DUNN DEREK P		PO BOX 1639	WINTERVILLE NC 28590
FLANAGAN WALTER HEIRS	FLANAGAN CHARLOTTE HEIRS	102 CHADWICK LANE	GREENVILLE NC 27834
GERMAN DARRELL C		1005 WARD ST	GREENVILLE NC 27834
GREEN EPHRIAM C		618 DARBY AVE	KINSTON NC 28501
HAFIZ ENTERPRISES INC		1816 BATTLE DR	GREENVILLE NC 27834
LATHAM SHELIA D		1108 W FIFTH ST	GREENVILLE NC 27834
LITTLE FREDERICK T	LITTLE CELIA O	517 ROOSEVELT AV	GREENVILLE NC 27834
MASONIC LODGE		PO BOX 7252	GREENVILLE NC 27835
MCKESSON PROPERTIES LLC		3507 WARWICK DR	GREENVILLE NC 27858
MERRITT RENTALS LLC		422 EVANS ST	GREENVILLE NC 27858
MITCHELL ALONZA	MITCHELL TANESHA	3611 E BAYWOOD LN	GREENVILLE NC 27834
POLLARD WALTER SAMUEL JR	POLLARD BETTY E	1523 QUALITY LN	GREENVILLE NC 27834
RIVERA JOANA A		1707 GUM SWAMP CHURCH RD	GREENVILLE NC 27834
SMITH LAND TRUST		PO BOX 667801	CHARLOTTE NC 28266
SPENCE PAUL		1401 SILVER VALLEY DR # 1	KNIGHTDALE NC 27545
TYSON ANNIE L ETAL		1011 WARD STREET	GREENVILLE NC 27834
TYSON DOUGLAS		503 SEDGEFIELD DR.	GREENVILLE NC 27834
V A D INC		PO BOX 1714	WINTERVILLE NC 28590
WRIGHT TANYA		PO BOX 7231	GREENVILLE NC 27834
WSFU LLC		387 CLAREDON DR	GREENVILLE NC 27858

Find yourself in good company®



Special Use Permit –Board of Adjustment Meeting

August 27, 2020 6:00 p.m.

Zoom Webinar

Staff Contact: Elizabeth Blount, 252-329-4608

Date: July 30, 2020

Applicant: Pitt County Board of Education

Agenda #: 2 (New Business)

Request: The applicant, Pitt County Board of Education, desires to amend a special use permit to expand the operation of an elementary school pursuant to Appendix A, Uses (8)h. of the Greenville City Code.

Location: The proposed use is located at 3601 South Bend Road. The property is further identified as being tax parcel number 74002.

Zoning of Property: RA20 (Residential Agricultural) and R9S (Residential Single Family)

Surrounding Zoning:

North: RA20 (Residential Agricultural) and R9S (Residential Single Family)

South: RA20 (Residential Agricultural) and R9S (Residential Single Family)

East: R9S (Residential Single Family)

West: RA20 (Residential Agricultural)

Surrounding Development:

North: Single residential dwellings and vacant lots

South: Single residential dwellings and vacant lots

East: Single residential dwellings

West: Vacant lots

Description of Property:

The subject property is 28 acres in size and has approximately 171 feet of frontage along South Bend Road. The property is located within the Langston West Subdivision. The applicant wishes to install a modular unit for additional classroom space. The original special use permit was granted in December, 2006.

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 neighborhood scale institutional development for the subject property.

Notice:

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

Related Zoning Ordinance Regulations:

Definition:

School. A use of land or buildings for academic instruction authorized and administered by the Pitt County School System or other comparable private schools.

Specific Criteria:

Section 9-4-86 (W)

School.

(W)School. All structures shall maintain side and rear setbacks of 50 feet and a front yard set back at least 25 feet greater than that required for single-family residences within the district, except as provided in subsection (1) (g) through (j) here in. Schools maybe allowed as a special use in the IU (Unoffensive Industry) zoning district provided the school complies with the following additional criteria:

- (1)The property shall have a minimum of eight acres.
- (2)The maximum allowed building coverage shall be 40% of the property.
- (3)The property shall have a minimum public road frontage of 450 feet.
- (4)All loading and unloading of students shall be off-street.
- (5)All parking areas shall be off-street in accordance with Article O, Parking.
- (6)The school must be authorized by the State of North Carolina.
- (7)All new structures shall maintain setbacks of 50 feet from property and public street right-of-way lines.
- (8)Schools that occupy structures that existed upon the effective date of this section (August 13, 2015) shall maintain setbacks of 50 feet from public street right-of-way lines, but are exempt from setbacks from property lines.
- (9)The setback exemption in section (h) is not applicable to parcels created after the effective date of this section (August 13, 2015).
- (10)Buildings that existed upon the effective date of this section (August 13, 2015) shall not be expandedwithina50-foot setback from property and public street right-of-way lines

Staff Recommended Conditions:

Site plan approval is required prior to issuance of a building permit.

Shall be subject to the bufferyard regulations; however, no principal or accessory building shall be located within 50 feet of any adjoining property or public street right-of-way line.

Sports field shall continue to not have lighting as stated in the original special use permit.

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 - 14
Date Received 8-30-2020

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) Pitt County Board of Education
1717 West 5th Street
Greenville, NC 27834

Contact Name and Mailing Address Aaron D. Errickson, Director of Facility Services
PO Box 1089
Winterville, NC 28590

Contact Phone Number (252) 304-0522

Contact Phone Number (252) 756-2313

Contact Fax Number (252) 756-2354

Contact Email Address erricka@pitt.k12.nc.us

Location /Street address of proposed use 3601 South Bend Rd
Winterville, NC 28590

Tax Parcel # 74002

Proposed use Education- Add 4 classroom modular building to Ridgewood
Elementary School

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.

Sheet C-101 has site data, property information, and parking requirement data in tables on upper right corner.

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

Parcel is split between RA20 and R9S. Both zones allow for "School: Elementary" with a special use permit. Site is an existing school and the use of the parcel will not change.

(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.

No change to use. Modular building is for DPI capacity restrictions. Site does not
exceed fire marshall occupancy of original construction. therefore, parking, driveways,
sidewalks, and traffic will not change. Life safety capacity- 3,025
 DPI student capacity- 683

(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.

School is located in existing neighborhood. Approval will increase public welfare by
lowering the number of students per teacher and increasing available educational
programs.

(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 will not impact surrounding areas beyond current use. New modular building
will be used for education; same as permanent structure. Site is in a residential
neighborhood.

(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.


Modular building will not be visible from the road. Installation is on the back of the property with three line blocking view and storm drain pond on adjacent 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.

Building will not change code capacity as DPI capacity is far less, and what schools are held to for compliance. For current students, so intensity will not exceed existing. No change to operation, no use of toxic characteristics. Modular will tie-into buildings fire alarm system.

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

<u>Aaron D. Errickson</u>		<u>7/29/2020</u>
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 Dr. Ethan Lenker am /are the owner(s) of the property located at 3601 South Bend Rd. Winterville, NC 28590

I /We hereby authorize Aaron D. Errickson

to appear by consent before the Greenville Board of Adjustment in order to ask for a special use permit to Add 4 classroom modular building with restrooms to school. (Ridgewood Elementary)

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 Aaron D. Errickson at my address, 300 Sylvania St. Winterville, NC 28590

or by telephone at (252) 756-2313 or (_____)

Respectfully yours,

[Signature] 7/29/2020
Owner Date

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: Superintendent

Date: 7/29/2020

[Signature]
Notary Public

(Official Seal) My commission expires: 6/23/2021

SONJA R WARREN
NOTARY PUBLIC
PITT COUNTY, NC

Elizabeth Blount

From: Aaron Errickson <erricka@pitt.k12.nc.us>
Sent: Sunday, August 9, 2020 3:22 PM
To: Elizabeth Blount
Subject: RE: BOA August 27th meeting

Elizabeth,

Good afternoon. Yes, Pitt County Schools consents to a virtual platform for this meeting on August 27th, 2020.

Sincerely,

Aaron D. Errickson

Pitt County Schools
Director of Facility Services
Office 252-756-2313
Mobile 252-304-0522

From: Elizabeth Blount <eblount@greenvillenc.gov>
Sent: Friday, August 7, 2020 4:44 PM
Subject: BOA August 27th meeting
Importance: High

Hello Applicants,

I need to confirm the regular scheduled BOA meeting agenda for August 27th. The meeting will be held on August 27th via Zoom. Do you give consent to this virtual platform? Please reply via this email. 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





PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

August 13, 2020

Aaron Errickson, PCS Director of Facility Services
PO Box 1089
Winterville, NC 28590

Dear Petitioner:

This is to inform you that your request for a special use permit has been scheduled for the Board of Adjustment meeting on **Thursday, August 27, 2020 at 6 pm. Please be advised that the BOARD'S AUGUST 27, 2020 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.

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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,

A handwritten signature in black ink that reads 'Elizabeth Blount'.

Elizabeth Blount, Planner

Enclosures



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

August 13, 2020

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-- COVID-19 UPDATE --

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Doc. 1133695

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 24th will be added to the City's website no later than Friday, August 28, 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. 1133695

PITT COUNTY BOARD OF EDUCATION

OwnerName	OwnerName2	OwnerAddress1	CityStateZip
ANAND AARTI SHARMA	ANAND VIVEK	3416 FLORA DRIVE	WINTERVILLE NC 28590
BILL CLARK HOMES OF GREENVILLE LLC		200 E ARLINGTON BLVD STE A	GREENVILLE NC 27858
BRADY WILLIAM J	BRADY JACQUELINE D	3588 SOUTH BEND RD	WINTERVILLE NC 28590
CHENG CELITO		3576 SOUTH BEND RD	WINTERVILLE NC 28590
CHERRY DWAYNE F SR	CHERRY ANNETTE W	2257 BIRCH HOLLOW DR	GREENVILLE NC 27834
CHRISTIAN IKIE L JR	CHRISTIAN SARAH M	3604 FLORA DR	WINTERVILLE NC 28590
COX EUGENE J	COX MARIANNE K	3632 FLORA DR	WINTERVILLE NC 28590
DEANES RICHARD	DEANES HEATHER	3616 FLORA DR	WINTERVILLE NC 28590
DOTY JAMES	DOTY MELINDA	3636 FLORA DR	WINTERVILLE NC 28590
EELLS JEFFREY B	EELLS CHRISTINE	3600 FLORA DR	WINTERVILLE NC 28590
GABRIEL ADAM B	GABRIEL KRISTIN C	2265 BIRCH HOLLOW DR	WINTERVILLE NC 28590
GIVEN KYLE LEWIS	GIVEN LAUREN ASHLEY	3592 SOUTH BEND RD	WINTERVILLE NC 28590
GUPTA PRIYANK	MAHESHWARI NEHA	3608 FLORA DR	WINTERVILLE NC 28590
HARTSELL RANDALL L	HARTSELL BRITTANY NICOLE	3620 FLORA DR	WINTERVILLE NC 28590
HOCUM JAMES ERIC	HOCUM ANN MARIE	3609 SOUTH BEND RD	WINTERVILLE NC 28590
JANAK JUSTIN RYAN	JANAK ERICA MARIE	3512 FLORA DR	WINTERVILLE NC 28590
JESSIE JEFFREY CRAIG	JESSIE MALISA D	3605 SOUTH BEND RD	WINTERVILLE NC 28590
JOEFIELD JERMAINE	TIMOTHY BEVILLE	3508 FLORA DR	WINTERVILLE NC 28590
JOSE TOM	THOMAS DEEPTHY MELIT	3596 SOUTH BEND RD	WINTERVILLE NC 28590
JOYNER JOHN EVANS	JOYNER ONDREA MERCER	3604 SOUTH BEND RD	WINTERVILLE NC 28590
KEITT NATHANIEL	KEITT BRENDA COTTEN	3613 SOUTH BEND RD	WINTERVILLE NC 28590
LANGSTON FARMS HOMEOWNERS ASSOCIATION INC		308 SE GREENVILLE BLVD STE B2	GREENVILLE NC 27858
LOKA PRANAY	MARRI DIVYA REDDY	3596 SOUTH BEND RD	WINTERVILLE NC 28590
MILLER MINDY PEADEN	MORRIS CASEY PEADEN	3317 ROUNDING BEND RD	WINTERVILLE NC 28590
NELSON SHELTON KYLE	NELSON TIFFANY P	2269 BIRCH HOLLOW DR	WINTERVILLE NC 28590
OWENS DEREK BRYAN	OWENS AMANDA MCGRAW	3628 FLORA DR	WINTERVILLE NC 28590
PAKALA PRABHAKARA REDDY	PAKALA KAVITHA	3436 FLORA DR	WINTERVILLE NC 28590
PANNELL ROBERT M	PANNELL CHRISTY P	3584 SOUTH BEND RD	WINTERVILLE NC 28590
PATEL JATINKUMAR K	PATEL SIDDHI	3432 FLORA DR	WINTERVILLE NC 28590
PATEL VIREN	PATEL JULIBEN	3424 FLORA DR	WINTERVILLE NC 28590
SANCHEZ JUAN ALEXIS RODRIGUEZ	VELEZ SUREY MORALES	3608 SOUTH BEND RD	WINTERVILLE NC 28590
SAWYER GREGORY WAYNE	SAWYER KRISTIN ADAMS	3624 FLORA DR	WINTERVILLE NC 28590
SIDDHARTH VIVEK	SHARMA SANDHYA	2261 BIRCH HOLLOW DR	WINTERVILLE NC 28590
SMITH CHARLES C	SMITH KATHRYN M	3612 FLORA DR	WINTERVILLE NC 28590
SREERAM NARENDRANATH	VELUDANDI PRASHANTHI	3600 SOUTH BEND RD	WINTERVILLE NC 28590
VESTAL JUSTIN LEE	VESTAL LINDA MICHELLE	2253 BIRCH HOLLOW DR	GREENVILLE NC 27834
WANG EUGENE		3412 FLORA DR	WINTERVILLE NC 28590
WILSON LARRY C	WILSON STEPHANIE N	3428 FLORA DR	WINTERVILLE NC 28590

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