



**PROPOSED AGENDA
GREENVILLE BOARD OF ADJUSTMENT
Thursday, September 24, 2020
6:00 PM
Zoom Webinar**

I. ROLL CALL

II. APPROVAL OF MINUTES –August 27, 2020

III. OLD BUSINESS

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

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.

IV. NEW BUSINESS

1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY AMANDA L. SMITH

The applicant, Amanda L. Smith, desires a special use permit to place a mobile home on a lot pursuant to Appendix A, Use (2)g. of the Greenville City Code. The proposed use is located at 402 Forlines Road. The property is further identified as being tax parcel number 27766.

2. PUBLIC HEARING ON A REQUEST TO AMEND A SPECIAL USE PERMIT BY GREENVILLE COMMUNITY SERVICES, LLC

The applicant, Greenville Community Services, LLC, desires to amend a special use permit to add the operation of a childcare facility to an elementary school permit pursuant to Appendix A, Use (8)a and Use(8)h. of the Greenville City Code. The proposed use is located at 901 Staton Road. The property is further identified as being tax parcel number 28877.

3. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY M.E.A., LLC

The applicant, M.E.A. Tobacco & Vape LLC, desires 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 1914 Turnbury Drive, Suite E. The property is further identified as being tax parcel number 51672.

4. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY PBLA, INC.

The applicant, PBLA, Inc., desires a special use permit to operate a childcare facility pursuant to Appendix A, Use (8)a. of the Greenville City Code. The proposed use is located at 118 West Firetower Road. The property is further identified as being tax parcel number 50114.

V. ADJOURN

MINUTES TO BE ADOPTED BY THE GREENVILLE BOARD OF ADJUSTMENT

August 27, 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 – Chairman - *	Nathan Cohen- *
Christopher Lilley- *	Stephen Atkinson- *
Rodney Bullock - Co-Chair - *	Ann Bellis - *
Hunt McKinnon - *	Dillion Godley-X
Sharon Evans-*	John Landrine –*

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

Mr. Glenn told the commission that Mr. Godley reached out to Ms. Blount and expressed that he had a conflict could not make the meeting tonight.

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

OTHERS PRESENT: Elizabeth Blount, Lead Planner; Les Everett, Assistant Director of Planning and Development Services; Thomas Barnett, Director of Planning and Development Services; Donald Phillips, Assistant City Attorney; Kelvin Thomas, Communication Specialist; Bradleigh Sceviour Planner II; Tony Parker, Planner I; Valerie Shiuwegar, City Clerk.

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.

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.

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 Mr. McKinnon, to approve the August 6, 2020 minutes. Motion passed unanimously.

Mr. Glen asked Mr. Phillips to let the Board know who the voting members would be. Mr. Phillips asked to defer this until after Agenda Item 2.

Mr. Glenn asked Mr. Phillips if he had a statement he would like to read to the Board. Mr. Phillips asked to defer until after Agenda Item 2.

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

OLD BUSINESS

1. 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 stated the request was in the meeting packet, and asked for a motion.

Mr. McKinnon, seconded by Mr. Bullock, made a motion to continue the renewal request until the September 24, 2020 BOA meeting. Motion passed unanimously.

Ms. Shiuwegar reminded the Board that if they are not seen via video, then they need to announce their name prior to speaking and prior to any vote.

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

Mr. Phillips presented for staff: Thank you Mr. Chairman and members of the Board. Pursuant to North Carolina General Statute 160A-388(e2)(1), given that contested facts were presented to you at the February 27, 2020 public hearing and you are statutorily required to reduce to writing and reflect your determination of the contested facts and their application to the applicable standards, you tasked me, as attorney to the Board, to draft the proposed Decision and Order for presentation and consideration at your next regularly scheduled meeting. However, due to the states of emergency and the global pandemic regarding COVID-19, tonight is the first meeting of the Board since the February 27, 2020 regular meeting in which this matter could be considered. This matter is now before the Board.

Accordingly, please see the proposed Decision and Order for your consideration. This proposed Decision and Order was emailed to you on August 21, 2020 and a courtesy copy was also emailed to the parties. The Voting Members of the Board at the February 27, 2020 meeting were: Bill Johnson, (Chairman), Michael Glenn, Rodney Bullock, Ann Bellis, Hunt McKinnon, Christopher Lilley, and Stephen Atkinson. Chairman Johnson's term expired between the time of the February 27, 2020 meeting and tonight. Accordingly, only the six of you are eligible to vote on the Decision and Order. Those six members are as follows: Michael Glenn (who is now the Chairman), Rodney Bullock (who is the Vice Chairman), Ann Bellis, Hunt McKinnon, Christopher Lilley, and Stephen Atkinson.

Mr. Glen asked for board discussion.

Mr. Atkinson said that in the findings of fact on page 4, first paragraph of the summary, there is a typographical error that needs to be corrected.

Mr. Bullock, seconded by Mr. Lilley, made a motion to approve the decision and order of the administrative appeal with the spelling correction as pointed out by Mr. Atkinson. Motion passed unanimously by Glenn, Bullock, Bellis, McKinnon, Lilley, and Atkinson.

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

- A. The Board of Adjustment is a quasi-judicial body that makes a decision concerning an application, petition or appeal based on the evidence presented by those in favor as well as those in opposition.
- B. The members of the Board of Adjustment are lay persons and as such, the rules of evidence that are followed in a court are relaxed for cases heard before this body.

- C. Though the rules of evidence are relaxed, it does not mean they are ignored. Only evidence that is material, competent and substantial will be considered and may be used by the Board in its decision-making process.
- D. The Board may not consider, nor is it admissible to present or offer affidavits, letters or other writings in support of or in opposition to a matter before the Board unless the person who prepared the writing is testifying. These writings are considered hearsay.
 - 1. Statements by a person such as in my opinion, the application will create a traffic hazard," is not an admissible opinion and may not be considered by the Board.
 - a. However, such an opinion may be admissible if it is made by an expert or a person who is qualified to give opinions concerning traffic hazards, is making a presentation to the Board concerning his or her investigation and the basis for his or her conclusion in the report.
 - b. A lay person can give an opinion but he or she also must present facts to show how the proposal affects his or her piece of property specifically and not just in a general way.
 - 2. A statement that another person who is not present and not testifying either supports or doesn't support the petitioner or application is hearsay and is not admissible.
 - 3. The same rule applies to both the applicant and those in opposition.

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

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

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

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

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

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

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

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

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

The applicant, Circle K, desires a special use permit to provide gasoline sales and restaurant regulated outdoor dining pursuant to Appendix A, Uses (IO)b. and (IO)j. 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.

Mr. Lilley stated to the Board that he works with the firm that is selling the property to the Timmons Group but has had no prior knowledge of the property and feels that he should not be recused from the discussion or the vote. There was no discussion by the board or objections by the applicants.

Mr. Glenn asked Mr. Parker to name the speakers for this item. They were Brian Downes, Rick Baker, Stephen Rentz, and Randy Priolla. Mr. Glen swore them in after they stated their names and home addresses and stated they are willing to participate in a virtual meeting.

Mr. Glen asked staff to present the report.

Ms. Blount presented:

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

North: 0 (Office)

South: CG (General Commercial) East: R6 (Residential)

West: CG (General Commercial)

Surrounding Development:

North: CresCon Bank, Martin Family Dentistry, O'Donahue Chiropractic, and WCTI Channel 12 station

South: CHE Mid-Atlantic, Inc., Champions Health & Fitness, and Winterville Chart 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, storm water 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 patron's, 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 lights or 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.

Mr. Glenn asked if there were any questions for staff.

Mr. McKinnon asked about the riparian buffer and the encroachment to the west of the property, and asked how petroleum and water drainage has been addressed. He asked if any runoff would be filtered prior to getting into the drainage system and the future planned greenway.

Ms. Blount suggested this question be asked of the applicant.

Mr. Glenn asked the applicant to state their name for the record and to proceed with their presentation.

Mr. Baker began their presentation. He said that he is a professional engineer with 29 years of experience with commercial and other sites. He went through staff finding of fact and stated this project met those standards. He asked Ms. Blount to share screen the site plan, then he discussed the traffic patterns and how it meets NCDOT standards. Mr. Baker said they would be providing a nice buffer between the apartment complex to the east, and would be adding additional vegetation as required by Greenville ordinance. He said this project is a convenience store that sells petroleum (gasoline) products, and that there are strict design criteria that they will follow. Mr. Baker said they have followed and met all standards and criteria required to proceed with this project.

Mr. Glenn asked if the Board had any questions for Mr. Baker.

Mr. McKinnon stated that his question remained on the floor. He said that his question concerns Greenville's greenway connection to Winterville. He said he question deals with questions about toxic characters. He asked if there was a curb cut that would direct spills away from the greenway and the riparian buffer. He stated that the question was one he could not resolve from the site plan.

Mr. Baker said that the project will include a curb and gutter so that any spill will be directed into a filtration system. He said any spill of magnitude does have protocols they must follow. Also, any storm water or spill will flow toward the collection system on the west side of the property, towards Bayswater.

Mr. Glenn asked if there were any more speakers for the applicant. Hearing none, he asked for staff recommendation.

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.

Mr. Glenn asked Mr. Baker if he and his team were aware of the conditions staff recommended prior to approval. He affirmed the question, he and his team were aware of the conditions prior to this meeting.

Mr. Glenn then closed the public hearing and opened up Board discussion.

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

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

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

Mr. Glenn announced that the Timmons Group SUP has been granted.

Mr. Baker thanked staff and Board saying that he has participated in several virtual meetings, and this one was by far the smoothest and easiest to deal with.

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 21 12 Cameron Court. The property is further identified as being tax parcel number 52087.

Mr. Glen asked Mr. Parker if there were any speakers for this request. Mr. Parker replied that Tashara Barnes would be speaking in favor.

Mr. Glenn then swore Ms. Barnes in after she stated her name, her address, and her willingness to proceed with the virtual format of the meeting.

Ms. Blount presented for staff:

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.

Mr. Glenn asked if there were any questions for Ms. Blount.

Mr. McKinnon asked if there were three available parking spaces.

Ms. Blount said the applicant would answer the question.

Mr. Glenn asked Ms. Barnes to state her name for the record and to speak about the request.

Ms. Barnes stated that she has been in the child care field for twelve years and would now like to operate her own child care facility in her home. She stated that she can have up to four cars in her driveway which would answer Mr. McKinnon's question. She said the daycare will have only 5 children, 2 of which are her own. She cited state regulations about including the owner's children as a part of the count.

Mr. Glenn asked if there were any questions from the Board for Ms. Barnes. Hearing none he asked Ms. Blount for staff recommendation.

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.

Mr. Glenn asked Ms. Barnes if she was familiar with staff's conditions prior to this evening's presentation. Ms. Barnes stated she was.

Mr. Glenn read the criteria and the board's silence was a vote in favor of the criteria.

A discussion ensued as to whether a roll call vote on the finding of fact was necessary. It was determined that since the boards silence was a vote in favor of the criteria, to move on with the proceedings without a vote.

Mr. Bullock made a motion to adopt the Finding of Facts with the recommended conditions, Mr. McKinnon seconded the motion and it passed unanimously. Vote: 8 to 0

Mr. McKinnon made a motion to approve the petition with the conditions, Mr. Bullock seconded the motion and it passed unanimously. Vote: 8 to 0

New Business

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

The applicant, Marvin McKesson, desires to operate a restaurant; regulated outdoor activities pursuant to Appendix A, Uses (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.

Mr. Glen asked Mr. Parker if there were any speakers for this request. Mr. Parker replied that Marvin McKesson would be speaking in favor.

Mr. Glenn then swore Mr. McKesson in after he stated his name, his address, and his willingness to proceed with the virtual format of the meeting.

Mr. McKinnon stated that he has had a previous business relationship with Mr. McKesson and asked for recusal from this item.

Mr. Lilley, seconded by Mr. Atkinson, made a motion to approve the recusing Mr. McKinnon from this agenda item. Motion approved unanimously.

Mr. Phillips advised the Board that the following members would vote on this agenda item. Mr. Glenn, Mr. Lilley, Mr. Bullock, Ms. Evans, Mr. Atkinson, Ms. Bellis, Mr. Cohen. Mr. Phillips also advised that Mr. Landrine still could participate in discussion of the item.

Ms. Blount presented for staff:

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 Flanagan Funeral Home, City of Greenville Police Department W. 5'11 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 5'11 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:

Restaurants 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.

Mr. Glenn asked the Board if there were any questions for Ms. Blount.

Ms. Bellis asked a question about a possible contradiction of amplified sound. She said the third condition states that there shall be no amplified sound at any time. She then said on the next page it states that any sound device shall be oriented away from residential homes. Ms. Bellis asked if amplified sound could or could not be allowed.

Ms. Blount replied that the first condition should have been the only condition, and the second should be struck. She explained that they can have some music but it cannot be amplified.

Mr. Glenn asked if this was the seventh condition they were speaking of.

Ms. Blount affirmed and stated this condition should not be included.

Mr. Glenn asked Mr. McKesson to state his case for the application.

Mr. McKesson said the property is owned by him and his wife, and that his daughters wanted to do something positive for West Greenville. They felt a coffee shop would be an asset to the community, but when Covid 19 hit, they realized they would need outdoor seating. He said this was the reason they applied for the SUP.

Mr. Glenn asked Mr. McKesson if he was familiar with the conditions the city is recommending. Mr. McKesson said he was.

Mr. Glenn asked for staff recommendation.

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.

Mr. Glenn read the criteria and the board's silence was a vote in favor of the criteria.

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

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

Mr. McKesson thanked the Board.

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

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

Mr. Glen asked Mr. Parker if there were any speakers for this request. Mr. Parker replied that Aaron Erickson would be speaking in favor.

Mr. Glenn then swore Mr. Erikson in after he stated his name, his address, and his willingness to proceed with the virtual format of the meeting.

Mr. Glenn asked Ms. Blount for staff report.

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 setback of 50 feet and a front yard setback at least 25 feet greater than that required for single-family residences within the district, except as provided in subsection (l) (g) through (j) here in. Schools may be 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 0, 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 expanded within a 50-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 buffer yard 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 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.

Mr. Glenn asked if there were any questions for Ms. Blount by the Board. Hearing none he asked Mr. Erikson to state his name again for the record and to discuss the application. He said the request is to add a four classroom, with restrooms, modular that will help with the growth of the school. The request is to

put the modular on the back of the existing building. He said by putting the buildings in the back they would not be visible from the road creating any eyesore.

Mr. Glenn asked if there were any questions for the applicant. Hearing none he closed the public hearing and asked for staff recommendation.

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.

Mr. Glenn read the criteria and the board's silence was a vote in favor of the criteria.

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

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

Mr. Bullock made a motion to adjourn, Ms. Evans seconded the motion and it passed unanimously.

Meeting adjourned at 7:26

Respectfully submitted

Elizabeth Blount

Lead Planner

Special Use Permit - Board of Adjustment

September 24, 2020 6:00 p.m.

Zoom Webinar

Staff Contact: Elizabeth Blount, 252-329-4608

Date: January 27, 2020

Applicant: Chris Woelkers

Agenda #: 1 (Old Business)

Request: The applicant, Chris Woelkers, desires a special use permit to continue operating a home occupation bed and breakfast inn pursuant Appendix A, Use (3)d. of the Greenville City Code.

Location: The proposed use is located at 1105 E. Fifth Street. The property is further identified as being Tax Parcel Number 20507.

Zoning of Property: R6S (Residential –Single Family)

Surrounding Zoning:

North: R6S (Residential-Single Family)

South: OR (Office Residential)

East: R6S (Residential-Single Family)

West: R6S (Residential-Single Family)

Surrounding Development:

North: Single Family Residences

South: East Carolina University (Main Campus)

East: East Carolina University (Ward Guest House)

West: University Auto Care

Description of Property:

The property contains a 3,376 square foot single family residence currently being operated as the Fifth Street Inn. The property has approximately 70 feet of frontage along E. Fifth Street and 150 feet of frontage along S. Library Street with a total lot area of approximately 11,061 square feet. Currently the applicant does not occupy the residence due to renovations.

Comprehensive Plan:

The property is located within the University Institutional character type as designated by the Horizon 2026 Greenville Community Plan. The proposed use is in general compliance with the Comprehensive Plan which recommends office and residential development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on September 10, 2020. Notice of the public hearing was published in the Daily Reflector on September 14 and September 21, 2020.

Related Zoning Ordinance Regulations:

Definition:

Bed and breakfast inn home occupation. A single-family dwelling within which the resident owner offers temporary overnight accommodations to visitors for compensation. The use may be allowed as an accessory use home occupation to a single-family dwelling upon special use permit approval of the Board of Adjustment and in accordance with the additional conditions and requirements of section 9-4-86(U).

Specific Criteria

Home Occupations; Bed and Breakfast Inn

- (a) Shall be restricted to property that is located both within a R-6S Zoning District, and within a locally designated Historic District (HD) Overlay Zoning District.
- (b) The principal use single-family dwelling structure shall have a minimum of 3,000 square feet of mechanically conditioned enclosed floor area.
- (c) Not more than 60% of the total mechanically conditioned enclosed floor area of the principal use single-family dwelling structure shall be utilized as part of the bed and breakfast establishment, including guest rooms and associated baths and closets, guest sitting or lounging areas and other interior spaces which exclusively serve such areas and rooms. Common areas utilized by both guests and the resident owner family, including but not limited to kitchens, dining rooms, foyers, halls, porches and stairs, shall not count towards the allowable percentage. A dimensional floor plan of the principal use dwelling shall be included at the time of initial application, which illustrates compliance with this section.
- (d) The use shall be conducted completely within the single-family dwelling and no part of any detached accessory structure or building shall be devoted to the use; provided, however, a detached garage may be utilized to fulfill parking requirements.
- (e) Not more than five rooms devoted to such overnight accommodations shall be permitted in addition to bathrooms or other common use areas.
- (f) All entry and primary exits to the individual tenant occupancy rooms or common use areas shall be through the principal use dwelling area of the owner occupant. Other exits as shall be available or required shall only be utilized by the tenant occupants in the event of an emergency.
- (g) In addition to the parking requirement of the principal use dwelling, one off-street

parking space shall be required for each allowed tenant occupancy. No outdoor, unenclosed parking area associated with the accessory use shall be located in any front yard or any street right-of-way setback area. Such separate or joint parking facility shall comply with applicable design and construction standards.

- (h) The parking area bufferyard, screening and landscaping requirements for each separate facility shall be established in the individual case; however, no side or rear bufferyard shall be less than Bufferyard B of the bufferyard regulations set forth in Article G.
- (i) The maximum number of days allowed per individual tenancy shall be limited to applicable State and County Health Department standards, however, not to exceed 30 continuous days.
- (j) Commercial cooking facilities shall not be allowed, and breakfast may only be served between the hours of 5:00 a.m. and 11:00 a.m. and shall be the only meal offered to overnight guests. No persons other than overnight guests shall be served food and/or beverages for compensation. No alcoholic permits shall be issued to any such facility.
- (k) One nonresident person in addition to the resident owner family may be employed in connection with the operation of the establishment. For purposes of this section, the term "person" may be construed to include two or more shift employees, provided the employees are not on simultaneous duty.
- (l) The principal structure or additions thereto which contain the accessory use shall maintain a single-family residential character of like scale and design to adjoining and area properties. A certificate of appropriateness shall be required prior to alteration of a locally designated historic property.
- (m) The single-family dwelling and lot that is converted into a bed and breakfast inn shall meet the following minimum district requirements for construction of a new dwelling: lot area, lot width, street frontage, side yard setback and rear yard setback; provided, however, where the proposed bed and breakfast inn is located adjacent to a property containing a nonconforming land use the setback requirements of this subsection shall not apply to that adjacent common boundary, at the time of initial application and approval. When a nonconforming adjacent use is converted to a conforming use, at any time after the initial approval of the bed and breakfast inn, the conversion shall not affect the continued use and/or renewal of the bed and breakfast inn with respect to the requirements of this subsection. The minimum lot area, lot width and lot frontage requirement shall not be reduced in accordance with section 9-4-33, and the minimum requirements set forth in section 9-4-94(E) shall apply for both new construction or conversion.
- (n) Room renting, as defined under section 9-4-22, shall not be permitted within any dwelling that contains a bed and breakfast inn.
- (o) The owner shall request that the Building Inspector and Zoning Enforcement Officer conduct an inspection of the premises each year during the month of original approval for compliance with applicable codes and conditions of special use permit

approval. The owner shall pay any fee associated with the inspection as may be established by City Council.

- (p) The special use permit may be approved for a three-year period and continued use shall be subject to renewal in accordance with original submission requirements.

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 - 03
Date Received 1-27-20

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) Christopher Woeltkers

Contact Name and Mailing Address Christopher Woeltkers
1105 E 5th Street
Greenville, NC 27858

Contact Phone Number (252) 413-9935

Contact Phone Number () _____

Contact Fax Number () _____

Contact Email Address Chris@TuffCo.com

Location /Street address of proposed use _____

Tax Parcel # 20507

Proposed use Renewal Permit Bed & Breakfast

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.

Remains Per prior approvals

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

Remains Per Prior Approval

- (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.

- (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.

Non known - 12 years operating

- (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.

Non known 12 years operating

(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.

Non known 12 years operating

(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.

Non known - 12 years operating.

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>Christopher Weathers</i>	<i>Chris Weathers</i>	<i>1-20-22</i>
Print Name	Signature of Applicant	Date

_____	_____	_____
Print Name	Signature of Applicant	Date



Doc ID: 014509070003 Type: CRP
Recorded: 10/15/2019 at 04:08:29 PM
Fee Amt: \$26.00 Page 1 of 3
Revenue Tax: \$0.00
Pitt County, NC
Lisa P. Nichols REG OF DEEDS

BK **3846** PG **464-466**

-----[SPACE ABOVE THIS LINE RESERVED FOR RECORDING DATA]-----

STATE OF NORTH CAROLINA
COUNTY OF PITT

Prepared By: HORNE & HORNE, PLLC
Mail To: GRANTEE
P.O. Box 2571
Greenville, NC 27836 (SASE)

Tax Parcel No: 20507
Excise Tax: \$0

GENERAL WARRANTY DEED

The Preparer is informed that all or a portion of the property herein conveyed does include the principal residence of the Grantor. This instrument prepared by Stephen F. Horne, III, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

THIS DEED, made and entered into this the 8th day of October, 2019, by and between CHRISTOPHER S. WOELKERS, Unmarried, whose address is 3400 Grey Fox Trail, Greenville, NC 27858, hereinafter called GRANTOR; and THE IMPERIAL HOUSE, LLC, whose address is P.O. Box 2571, Greenville, NC 27836, hereinafter called GRANTEE;

W-I-T-N-E-S-S-E-T-H:

THAT WHEREAS, said Grantor heretofore executed a certain deed on October 8, 2019 and recorded on October 10, 2019 in Book 3844, Pages 814-816, Pitt County Registry; and whereas, by mutual mistake said deed contained an error in the name of the Grantee, in that it listed the Grantee as RAHUL THAPAR and/or ASSIGNS; and

WHEREAS, it was intended that the Grantee should be and is THE IMPERIAL HOUE, LLC; and

WHEREAS, said Grantee has requested said Grantor to correct said error and the said Grantor has agreed so to do; and

3

Access Code: 1185
Account Number: 07714-173599-04-7
CHRIS WOELKERS
1105 E 5TH ST
GREENVILLE NC 27858-2504

Account Summary

Promotional Offer: \$194.98

Billing Period	Due Date	Amount
02/13/20 - 03/12/20	February 25, 2020	\$191.65
Previous Balance & Payments		\$0.00
Balance Last Statement		\$182.37
Payment(s) Received By 02/08/2020		-\$182.37
New Charges		\$191.65
Total Amount Due		\$191.65

- You're enrolled in paperless billing.
- You're enrolled in EZ Pay.

Account Details

BALANCE LAST STATEMENT		182.37	
PAYMENTS			
01/25	Credit Card Pymt	-182.37	
	Previous Balance	\$ 0.00	
BUNDLED SERVICES			
	Retail	Savings	You Pay
02/13 -03/12	Bundle		194.98
	-Standard Cable		
	-Internet 200		
Total Bundled Services			\$194.98
ADDITIONAL SERVICES & EQUIPMENT			
Internet			
02/13 -03/12	Unlimited Internet Allowance		5.00
Other Services			
02/13 -03/12	Special Discount	-40.00	-40.00
Total Add'l Svc & Equipment			-\$ 35.00
TAXES, FEES & OTHER CHARGES			
TV			
02/13 -03/12	NC Sales Tax		6.43
	FCC Fee		0.09
Other Charges			
02/13 -03/12	Broadcast Station Programming Surcharge		15.00
	Sports Programming Surcharge		6.65

continued on back


Ways to Pay

Pay your bill, upgrade your services and manage your account at suddenlink.net

Additional options:

 **EZ Pay**
Manage at suddenlink.com/ezpay

 **Support App**
Download at suddenlink.com/apps

 **In Person**
2120 W Arlington Blvd
Greenville, NC 27834

 **Phone**
1.866.659.2861

 **Mail**
Detach the remail below and send it with your payment

Please turn over for payment.

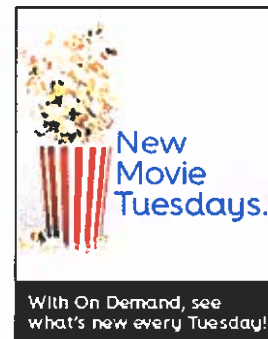


200 JERICHO QUADRANGLE
JERICHO NY 11753-2701

CHANGE SERVICE REQUESTED

#BWNHGYM
#PGGADAGCEIPD3#

CHRIS WOELKERS
1105 E 5TH ST
GREENVILLE NC 27858-2504





CHRIS WOELKERS
 Account Number: **07714-173599-04-7**
 Total Amount Due: **\$191.65**

Account Details...continued	
TAXES, FEES & OTHER CHARGES	
Other Charges	
02/13-03/12 Network Enhancement Fee	3.50
Total Taxes, Fees & Other Charges	\$ 31.67
Total Amount Due	\$191.65

Suddenlink Updates

This bill now reflects your new monthly rates. We promise to continue delivering you the best and most innovative products and services. For more on our commitment to you, visit suddenlink.com/OurPromise. For details on all pricing, visit suddenlink.com/pricing-packages.

My Account is a one-stop shop for all your service and account needs. Pay your bill, manage appointments, sign up for text alerts and more at suddenlink.net/myaccount.

Effective immediately, the remit address for payments has changed. Please make note of this new address, P.O. Box 70340, Philadelphia, PA 19176-0340.

Payment Information
 Please allow up to 3 days to process your payment once it is received. Payment of your bill confirms your acceptance of the Residential Services Agreement, viewable at suddenlink.com.

By sending your check to us as payment, you authorize us either to use info from your check to make a one-time electronic funds transfer from your account or to process the payment as a check transaction. If your bank returns your check unpaid, a fee up to \$40 will be incurred. Insufficient fund fees can be found at suddenlink.com/rates.

Billing Information
 You're billed each month in advance for the next month's services. Rates and special

discounts subject to change or discontinuance at any time. Service cancellations are effective on the last day of the then current billing period. For more details, visit suddenlink.com/new-RSA-FAQs. Payment is due by the date indicated on the front of your bill. A late fee up to \$10 will be assessed when payment is not received by that date. Late fee rates can be found at suddenlink.com/rates. You'll continue to be charged this fee on each subsequent past due bill if payment is not received by the due date indicated. Payments not received within 15 days of the due date may be sent to collections.

Your monthly bill includes all government fees. TV Taxes and Fees includes an FCC fee and payments required under Altice's franchise agreement to support public, educational or government channels. Taxes and Fees are subject to change.

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 For immediate closed captioning issues, contact us 844-271-8300 (phone), 866-721-7595 (fax) or closedcaption@suddenlink.com. Written closed captioning complaints should be mailed to Altice USA, Attn: Marian O'Hagan, 200 Jericho Quadrangle, Jericho, NY 11753. If you have a complaint about your cable service, you should first contact customer service at the following phone number: 877-317-5003. If the cable service provider does not satisfactorily resolve your complaint, contact the Consumer Protection Division of the Attorney General's Office of the State of North Carolina at ncdoj.gov or 919-716-6000.

Please return this section with your payment. Be sure the address below is in the return envelope window.



Mailing Your Payment	
Account Number:	07714-173599-04-7
Payment Due Date:	February 25, 2020
Total Amount Due:	\$191.65
Amount Enclosed \$	

000-02-20-B-C

You're enrolled in EZ Pay.

SUDDENLINK COMMUNICATIONS
 PO BOX 70340
 PHILADELPHIA PA 19176-0340

State of North Carolina
Department of the Secretary of State

Limited Liability Company
ARTICLES OF ORGANIZATION

Pursuant to §57D-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: The Imperial House, LLC
(See Item 1 of the Instructions for appropriate entity designation.)
2. The name and address of each person executing these articles of organization is as follows. (State whether each person is executing these articles of organization in the capacity of a member, organizer or both by checking all applicable boxes.) Note: This document must be signed by all persons listed.
- | Name | Business Address | Capacity |
|---------------|-------------------------------------|---|
| Stephen Horne | 300 COTANCHE ST GREENVILLE NC 27858 | <input type="checkbox"/> Member <input checked="" type="checkbox"/> Organizer |
| | | <input type="checkbox"/> Member <input type="checkbox"/> Organizer |
| | | <input type="checkbox"/> Member <input type="checkbox"/> Organizer |

3. The name of the initial registered agent is: STEPHEN HORNE
4. The street address and county of the initial registered agent office of the limited liability company is:

Number and Street 300 COTANCHE ST
City: GREENVILLE State: NC Zip Code: 27858 County: PITT

5. The mailing address, if different from the street address, of the initial registered agent office is:

Number and Street PO BOX 2571
City: GREENVILLE State: NC Zip Code: 27836 County: PITT

6. Principal office information: (Select either a or b.)

a. The limited liability company has a principal office.

The principal office telephone number: _____

The street address and county of the principal office of the limited liability company is:

Number and Street: _____
City: _____ State: _____ Zip Code: _____ County: _____

Elizabeth Blount

From: Stephen Horne <stephenhorne@horne-hornelaw.com>
Sent: Thursday, September 17, 2020 9:14 AM
To: Elizabeth Blount
Cc: Donald Phillips; Rahul
Subject: RE: Imperial House, LLC-1105 E. Fifth Street

Elizabeth:

I represent Imperial Holdings, LLC the new holding company of “The 5th Street Inn” located at 1105 E. 5th Street, Greenville, North Carolina.

As you are aware, Christopher Woelkers was the sole owner until he transferred his interest into “The Imperial House, LLC”. The transfer occurred on October 10, 2019 by deed recorded in Book 3844, Page 814 of the Pitt County Registry. That deed should have placed the property under the Imperial House, LLC name but was deeded incorrectly into only one of the owners of the LLC. A correction deed was immediately recorded in Book 3846, Page 464 placing the ownership in the name of LLC.

Further, the ownership of The Imperial House LLC transferred their interest into Imperial Holdings, LLC. The transfer occurred on March 4, 2020 by deed recorded in Book 3894, Page 411 of the Pitt County Registry.

The owners created the new LLC as they agreed on joint ownership of 1105 E 5th Street along with other jointly-owned properties.

Imperial Holdings, LLC is made up Christopher Woelkers, Joseph Kiely, Rahul Thapar, et al.

Please let me know if I can provide any further information. Thanks

Stephen F. Horne, III
Attorney at Law
Horne & Horne, PLLC
300 Cotanche Street
Greenville, NC 27858



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

September 10, 2020

Christopher Woelkers
1105 E 5th Street
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, September 24, 2020 at 6 pm. PLEASE BE ADVISED THAT THE BOARD'S SEPTEMBER 24, 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, September 21, 2020.** 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 September 21st.**

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 September 21.** 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

September 10, 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, September 24, 2020 at 6 pm.** The request by Chris Woelkers 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 will be heard at this meeting. The proposed use is located at 1105 E 5th Street. The property is further identified as being tax parcel number 20507. 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 SEPTEMBER 24, 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 September 21. 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, September 21, 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 September 21st.** **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. 1134983

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, September 21st will be added to the City's website no later than Friday, September 25, 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. 1134983

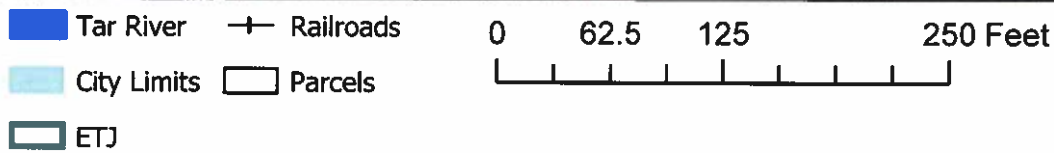
CHRISTOPHER WOELKERS

OwnerName	OwnerName2	OwnerAddress1	CityStateZip
TRACEY AEBY CARPENTER	AEBY VICTOR GEORGE AEBY	408 S EASTERN ST	GREENVILLE NC 27858
MARGARET DONOVAN BAUER		409 S. HARDING ST.	GREENVILLE NC 27858
CHARLES V BOWERS	LAUREN W BOWERS	PO BOX 3972	GREENVILLE NC 27836
WILLIAM C III BREWER		400 HARBOUR WY	NASHVILLE TN 37214
KELLY J CASSIANO		PO BOX 7383	GREENVILLE NC 27835
CORBITT SMITH PROPERTIES LLC		608 OAK ST	GREENVILLE NC 27858
EAST CAROLINA UNIVERSITY		901 E FIFTH ST	GREENVILLE NC 27834
ARA LEVON GREGORIAN		407 S HARDING ST	GREENVILLE NC 27858
PAIGE LYNETTE HAMILTON		404 S LIBRARY ST	GREENVILLE NC 27858
IMPERIAL HOLDINGS LLC		PO BOX 2571	GREENVILLE NC 27858
JACKIE E JAMES		1101 E 5TH ST	GREENVILLE NC 27858
JOHN C LEGGETT	BELINDA M LEGGETT	507 RAYNOR DR	FAYETTEVILLE NC 28311
CHRISTOPHER J MANSFIELD	JOAN L MANSFIELD	408 S HARDING ST	GREENVILLE NC 27858
MNJ INVESTMENTS LLC		201 COMMERCE ST	GREENVILLE NC 27858
ROBERT MONTAQUILA	LUCY MONTAQUILA	568 WHITE HORSE DR	GREENVILLE NC 27834
NIF 2016 LLC		708 WAYNE DRIVE	RALEIGH NC 27608
NORTH CAROLINA STATE OF	PO BOX 629	116 W JONES ST	RALEIGH NC 27602
NORTH CAROLINA STATE OF		1321 MAIL SERVICE CENTER	RALEIGH NC 27699
JOHN A III PAPALAS		411 S HARDING ST	GREENVILLE NC 27858
PORTERS CROSSING RESIDENTIAL LLC		PO BOX 1863	GREENVILLE NC 27835
WILLIAM STUART SATTERTHWAITE		405 S. HARDING ST.	GREENVILLE NC 27858
F BRUCE SAUTER	DEBORAH B SAUTER	2301 EVECUTIVE PARK WEST	GREENVILLE NC 27834
SHALLOW WALK LLC		2145 HIGHWAY 11 S	KINSTON NC 28504
DOUGLAS REED SMITH	KAY RIVENBARK SMITH	2568 BROOKWOOD DR	KINSTON NC 28504
WARD ROBERT A LIFE ESTATE	WARD MARGARET C LIFE ESTATE	2801 MOORGATE CT	BURLINGTON NC 27215

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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Special Use Permit – Board of Adjustment
September 24, 2020 6:00 p.m.
Zoom Webinars
Staff Contact: Elizabeth Blount, 252-329-4608

Date: August 26, 2020

Applicant: Amanda L. Smith

Agenda #: 1 (New Business)

Request: The applicant, Amanda L. Smith, desires a special use permit to place a mobile home on a lot pursuant to Appendix A, Use (2)g. of the Greenville City Code.

Location: The proposed use is located at 402 Forlines Rd. The property is further identified as being tax parcel number 27766.

Zoning of Property: RA20 (Residential Agricultural)

Surrounding Zoning:

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

Surrounding Development:

North: Wooded Lot
South: Vacant Lot
East: Wooded Lot
West: Residential Mobile Home

Description of Property:

The subject property is a 0.65-acre lot with 187 feet of frontage along Forlines Road. The property is located within the 1% annual chance of flooding floodplain.

Comprehensive Plan:

The property is located within the Low-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 single family detached residential.

Notice:

Notice was mailed to the adjoining property owners on September 10, 2020. Notice of the public hearing was published in the Daily Reflector on September 14, 2020 and September 21, 2020.

Related Zoning Ordinance Regulations:

Definition:

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

Specific Criteria:

(N) *Mobile home.*

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

Staff Comments:

The subject property is located within the 100-year floodplain. The structure must be elevated to 2 foot above the base flood elevation of 25 foot (NAVD 1988). A building permit and final elevation certificate is required. A floodplain development permit will be issued in conjunction with the building permit.

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.

BOA 20.15
Date Received 8-26

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) Amanda L. Smith

Contact Name and Mailing Address Amanda L. Smith
408 Forlines Road
Winterville, NC, 28590

Contact Phone Number (252) 227-2104

Contact Phone Number (~~_____~~)

Contact Fax Number (~~_____~~)

Contact Email Address alsmith8228@gmail.com

Location /Street address of proposed use 402 Forlines Road
Winterville, NC 28590

Tax Parcel # 0027766

Proposed use residential, primary residence

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 primary use of this lot will be for a
primary residence, single-family manufactured home.
I believe the lot is zoned RA20.-Residential-Agricultural.
The lot has been surveyed in July of 2020 and
all buildings/driveway are marked as well as required setbacks.

- (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 lot is zoned for residential use. I plan to
put a newly built single family manufactured home and
use it as my primary residence

- (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.

This area does not have sidewalks. All vehicles will be parked on the lot and will be out of the way of all street traffic. Parking will not be in the driveway.

- (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.

This lot has been used as a ^{manufactured home,} single family, primary residence in the past and that is also the current/future proposed use. This lot is located off of Farlines Rd and is not in a neighborhood. No part of the proposed home and parking will impede on neighboring lots/parcels.

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

The area of proposed use, is in the footprint of previously allowed manufactured homes. The use is a single family manufactured home to be used as a primary residence. Addition of this residence will not add any significant/traffic increase.
noticable

(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 home will be ^{attractive} newly built (year 2020) ~~new~~ manufactured home. The property will be maintained (condition of the home/grass maintained). The home will use the existing septic that is on-site.

(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.

Primary use will be for one person ^{to live} with an infrequent guest visitation (less than 4 guests, if that, rarely). The proposed manufactured home is newly built (see attached drawing from manufacturer.) Trash will not be accumulated, it will be taken to the nearest sanitary dump on Reedy Branch Rd. No reasonable danger of fire/explosion will be caused by use of this property as a primary residence.

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>Amanda L. Smith</u>	<u></u>	<u>8-25-20</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 Clarence L. Smith am /are the owner(s) of the property located at 402 Forlines Road, Winterville
I/We hereby authorize Amanda Smith
to appear by consent before the Greenville Board of Adjustment in order to ask for a special use permit to

_____ 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 Amanda L. Smith at my address, 408 Forlines Rd Winterville NC 28590
or by telephone at (252) 227-2104 or ()

Respectfully yours,

Clarence L. Smith August 26, 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: Clarence L. Smith

Date: August 26, 2020

Laura W. Warren

Notary Public

My commission expires: November 19, 2023



ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner

SECTION A - PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1 Building Owner's Name Amanda Smith				Policy Number	
A2 Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 402 Forlines Rd				Company NAIC Number	
City Winterville		State North Carolina		ZIP Code 28590	
A3 Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Parcel 27766, Deed Book S42, Page 411.					
A4 Building Use (e.g. Residential, Non-Residential, Addition, Accessory, etc.) <u>Residential</u>					
A5 Latitude/Longitude Lat <u>35 53773</u> Long <u>-77 42014</u> Horizontal Datum <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6 Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance					
A7 Building Diagram Number <u>6</u>					
A8 For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>N/A</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>N/A</u>					
c) Total net area of flood openings in A8 b <u>N/A</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
A9 For a building with an attached garage:					
a) Square footage of attached garage <u>N/A</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>N/A</u>					
c) Total net area of flood openings in A9 b <u>N/A</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1 NFIP Community Name & Community Number City of Greenville ETJ, 370191			B2 County Name Pitt		B3 State North Carolina
B4 Map/Panel Number 3720466500	B5 Suffix K	B6 FIRM Index Date 07-07-2014	B7 FIRM Panel Effective/Revised Date 07-07-2014	B8 Flood Zone(s) AE	B9 Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 55.4
B10 Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input checked="" type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source <u>N/A</u>					
B11 Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source <u>N/A</u>					
B12 Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date <u>N/A</u> <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

OMB No 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt Unit, Suite, and/or Bldg No) or P O Route and Box No 402 Forlines Rd			Policy Number	
City Winterville	State North Carolina	ZIP Code 28590	Company NAIC Number	

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1 Building elevations are based on Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete

C2 Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AH/AE, AR/A1–A30, AR/AH, AR/AO
 Complete Items C2 a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters
 Benchmark Utilized WINTERVILLE, PID EY1841 Vertical Datum NAVD88

Indicate elevation datum used for the elevations in items a) through h) below
 NGVD 1929 NAVD 1988 Other/Source N/A


Datum used for building elevations must be the same as that used for the BFE

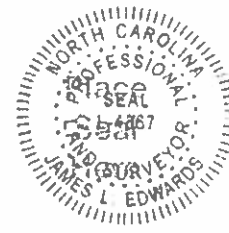
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	<u>N/A</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters
b) Top of the next higher floor	<u>57.4</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only)	<u>N/A</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters
d) Attached garage (top of slab)	<u>N/A</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	<u>57.4</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG)	<u>N/A</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG)	<u>N/A</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	<u>N/A</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No Check here if attachments.

Certifier's Name James L. Edwards	License Number L-4867
Title Professional Land Surveyor	
Company Name James L. Edwards Land Surveying	
Address 362 Second St	
City Ayden	State North Carolina
	ZIP Code 28513
Signature 	Date 08-02-2020
	Telephone (252) 714-7374
	Ext N/A



Copy all pages of this Elevation Certificate and all attachments for: (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable):
 PRECONSTRUCTION ELEVATION CERTIFICATE. HOME STAKED OUT ON LOT. TOP OF HEAD OF NAIL = 57.4 (2 FEET ABOVE BFE) SET IN TREE WITH STAKE PUBLISHED ELEVATION. FFE OF NEW HOME AND ALL MACHINERY SERVICING HOME SHOULD BE AT OR ABOVE TOP OF HEAD OF NAIL SET IN TREE (TBM)

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 402 Forlines Rd			Policy Number	
City Winterville	State North Carolina	ZIP Code 28590	Company NAIC Number	

**SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED)
FOR ZONE AO AND ZONE A (WITHOUT BFE)**

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1 Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG)
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is N/A feet meters above or below the HAG
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is N/A feet meters above or below the LAG
- E2 For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1-2 of instructions), the next higher floor (elevation C2 b in the diagrams) of the building is N/A feet meters above or below the HAG
- E3 Attached garage (top of slab) is N/A feet meters above or below the HAG
- E4 Top of platform of machinery and/or equipment servicing the building is N/A feet meters above or below the HAG
- E5 Zone AO only. If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name N/A

Address N/A City N/A State N/A ZIP Code N/A

Signature N/A Date N/A Telephone N/A

Comments N/A

Check here if attachments

ELEVATION CERTIFICATE

OMB No 1660-0008
Expiration Date November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE		
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 402 Forlines Rd			Policy Number:		
City Winterville	State North Carolina	ZIP Code 28590	Company NAIC Number		
SECTION G – COMMUNITY INFORMATION (OPTIONAL)					
<p>The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in items G2–G10. In Puerto Rico only, enter meters.</p> <p>G1 <input type="checkbox"/> The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)</p> <p>G2 <input type="checkbox"/> A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.</p> <p>G3 <input type="checkbox"/> The following information (Items G4–G10) is provided for community floodplain management purposes.</p>					
G4 Permit Number N/A	G5 Date Permit Issued N/A		G6 Date Certificate of Compliance/Occupancy Issued N/A		
<p>G7 This permit has been issued for <input type="checkbox"/> New Construction <input type="checkbox"/> Substantial Improvement</p> <p>G8 Elevation of as-built lowest floor (including basement) of the building: <u>N/A</u> <input type="checkbox"/> feet <input type="checkbox"/> meters Datum <u>N/A</u></p> <p>G9 BFE or (in Zone AO) depth of flooding at the building site: <u>N/A</u> <input type="checkbox"/> feet <input type="checkbox"/> meters Datum <u>N/A</u></p> <p>G10 Community's design flood elevation: <u>N/A</u> <input type="checkbox"/> feet <input type="checkbox"/> meters Datum <u>N/A</u></p>					
Local Official's Name N/A			Title N/A		
Community Name N/A			Telephone N/A		
Signature N/A			Date N/A		
<p>Comments (including type of equipment and location, per C2(e), if applicable): N/A</p> <p style="text-align: right;"><input type="checkbox"/> Check here if attachments</p>					

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

See Instructions for Item A6

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 402 Fortines Rd			Policy Number
City Winterville	State North Carolina	ZIP Code 28590	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken, "Front View" and "Rear View", and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption: TOP OF HEAD OF NAIL = 57.4' (TBM) +2' ABOVE BFE

Clear Photo One

Photo Two



Photo Two Caption: *NA*

Clear Photo Two

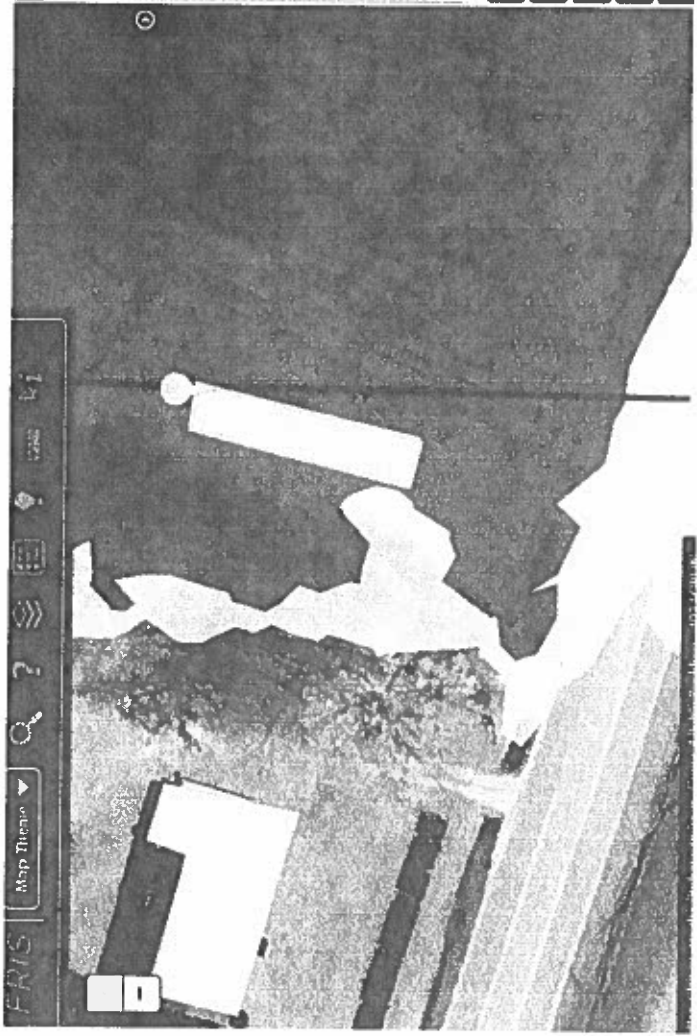
Flood Information

Click the map to view information.

Map Location

Flood Zone: 
Flood Source: Swift Creek
Base Flood Elevation: 55.4 ft Store
County: Pitt
Political Area: City Of Greenville Et
CID: 370191
Panel: 4655 

- Risk Information
- Financial Vulnerability
- Flood Insurance
- FIS Reports
- Map Export



N
P

NATIONAL FLOOD INSURANCE PROGRAM

MAP INDEX

FIRM

FLOOD INSURANCE RATE MAP
PITT COUNTY,
NORTH CAROLINA
AND INCORPORATED AREAS

(SEE LISTING OF COMMUNITIES TABLE)

MAP INDEX

PANELS PRINTED: 3689, 3698, 3699, 3780,
4558, 4559, 4568, 4569, 4578, 4579, 4587, 4588,
4597, 4606, 4607, 4608, 4609, 4616, 4617, 4618,
4619, 4625, 4626, 4627, 4628, 4634, 4635, 4636,
4637, 4642, 4643, 4644, 4646, 4647, 4648, 4650,
4651, 4652, 4653, 4656, 4657, 4660, 4661, 4663,
4664, 4665, 4666, 4667, 4668, 4669, 4671, 4672,
4673, 4674, 4675, 4676, 4677, 4678, 4679, 4680,
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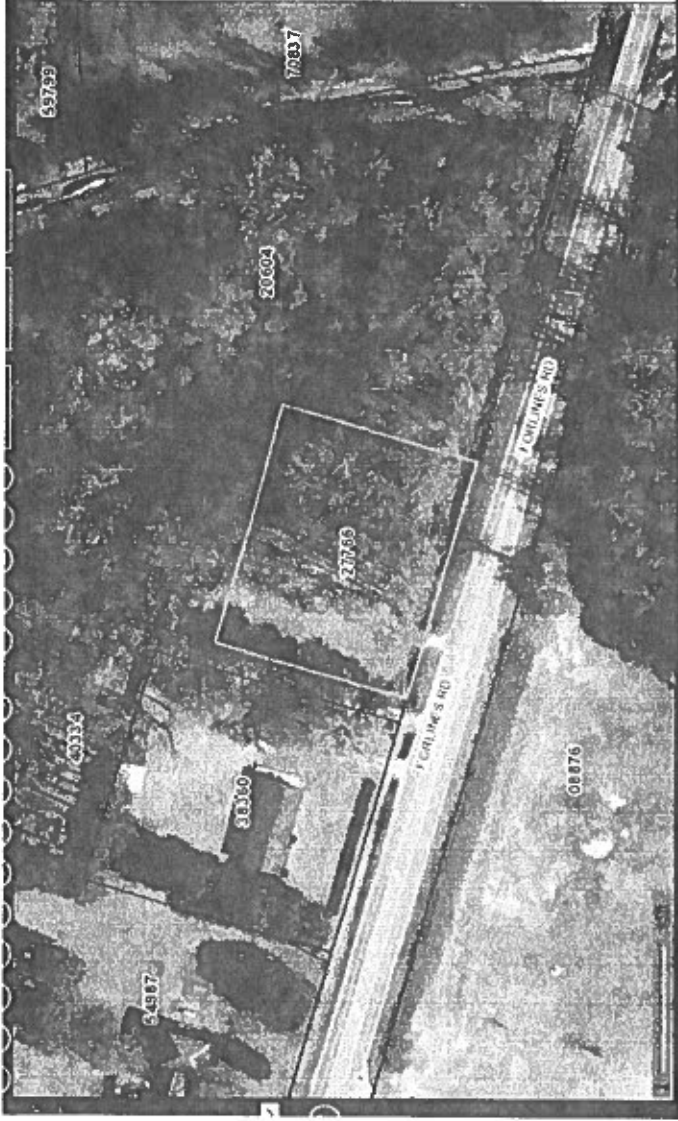
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JULY 7, 2014

MAP NUMBER
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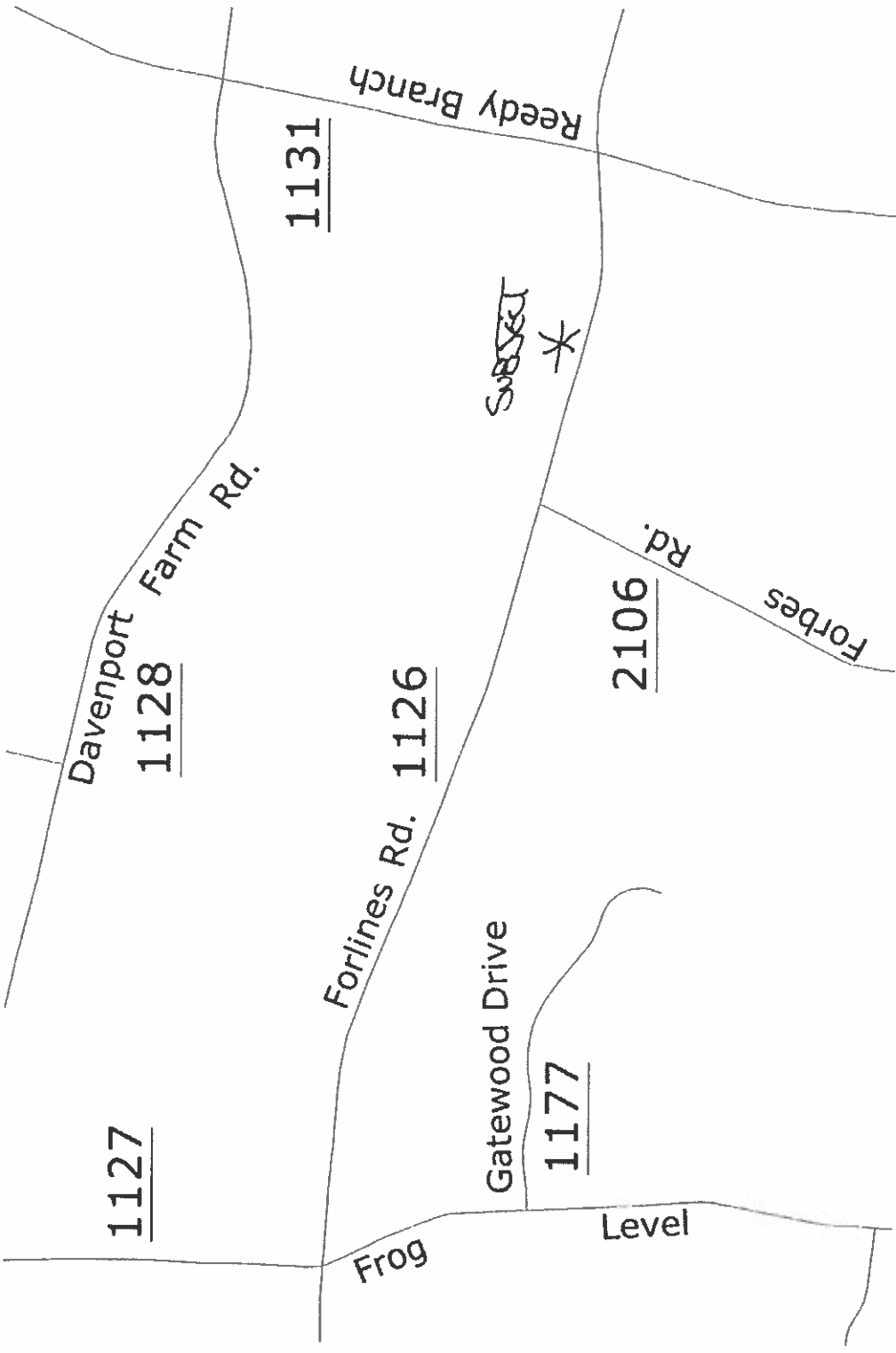


State of North Carolina
Federal Emergency Management Agency


Parcel Information Updated Nightly



Parcel:	27766
More Info:	27766
Physical Address:	402 FORLINES RD
Owner Name:	SMITH-CLARENCE LEROY
OwnerAddress1:	PO BOX 1352
OwnerAddress2:	
OwnerAddress3:	
City / State / Zip:	WATERVILLE NC 28590
NC PIN:	4885045227
Subdivision / Section / Phase:	
Prior Legal Description:	VAC SR 1126
Block / Lot:	
Tract:	
Building Number / Unit:	
Acres:	0.65
Current Owner / Deed/Document:	000542 00411
Map Book:	
Deed / Document Date:	07 1974
Deed / Document Sales Price:	\$1 000
Building Type / Use:	RESIDENTIAL/Single Family Residential
Number of:	0

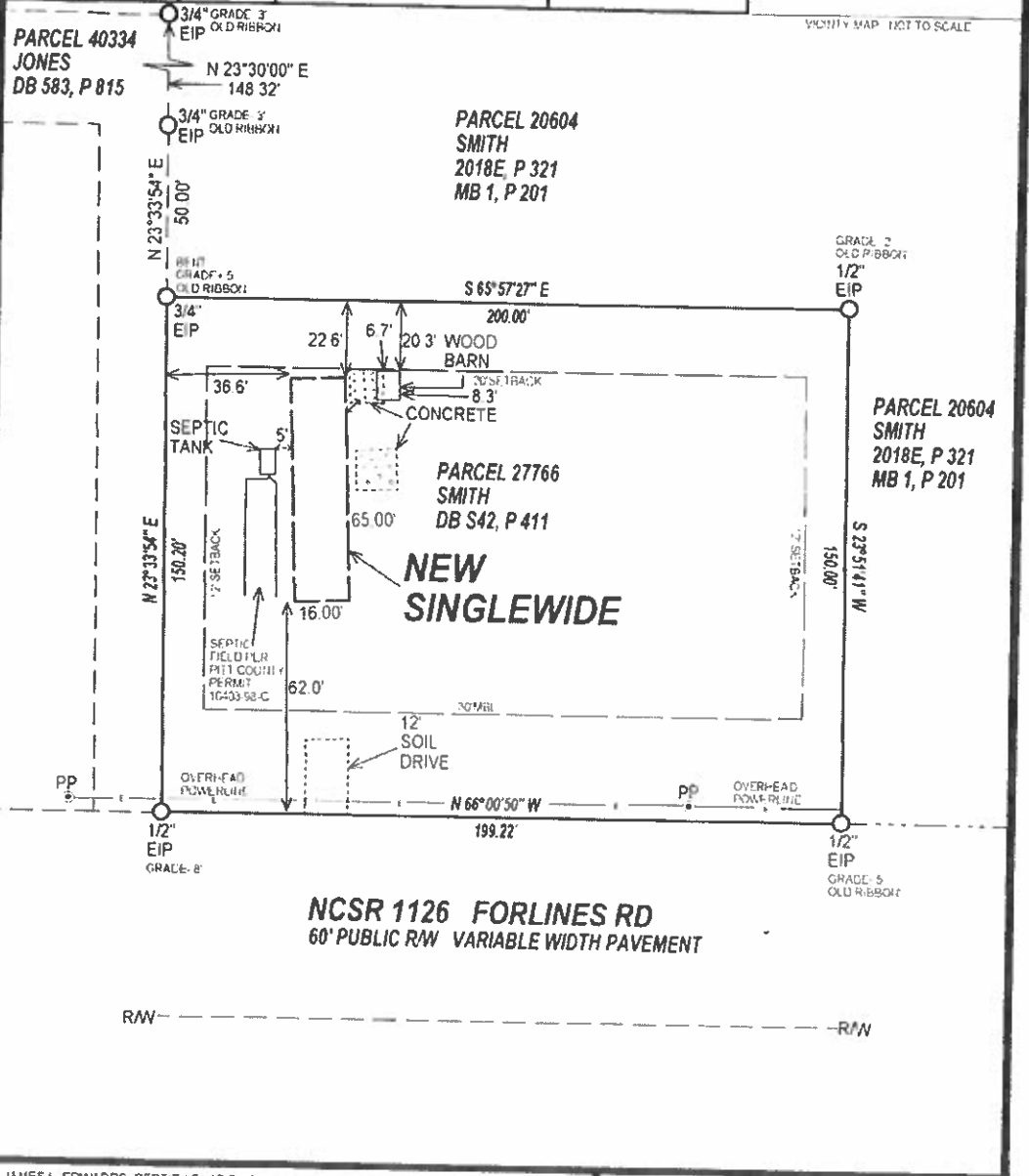
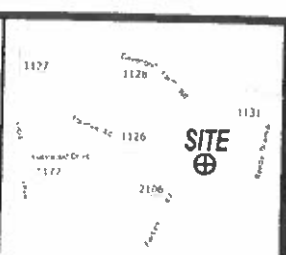




LEGEND:
 NIS = NEW #4 REBAR STAKE
 NPS = NO POINT SET
 EIP = EXISTING IRON PIPE
 PP = POWER POLE
 ALPP = AREA LIGHT POWER POLE
 EIS = EXISTING IRON STAKE
 RW = RIGHT OF WAY
 EPK = EXISTING PK NAIL
 NPK = NEW PK NAIL SET
 CLRINT = CENTERLINE ROAD INTERSECTION
 = DRAWING NOT TO SCALE

ACREAGE:
 PARCEL 27766 - 0.05 ACRES

NOTES:
 ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED AREA BY COORDINATE OF TRIANGULAR SUBJECT TOWNSHIP BY THE CITY OF GREENVILLE. PARCEL SETBACKS ARE FRONT/30 SIDE/10 REAR/30 SUBJECT PROPERTY LOCATED IN A FLOOD ZONE PER DIRM MAP 5/2008/2008A EFFECTIVE 10/2011 SUBJECT PROPERTY NOT LOCATED WITHIN 2000 FEET OF A MGS MONUMENT



I, JAMES L. EDWARDS, CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM AN ACTUAL SURVEY BY ME, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 THAT

AMANDA SMITH



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

September 10, 2020

Amanda L. Smith
408 Forlines Road
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, September 24, 2020 at 6 pm. PLEASE BE ADVISED THAT THE BOARD'S SEPTEMBER 24, 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, September 21, 2020.** 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 September 21st.**

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 September 21.** 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

September 10, 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, September 24, 2020 at 6 pm.** The request by Amanda L. Smith for a special use permit to place a mobile home on a lot pursuant to Appendix A, Use (2)g. of the Greenville City Code will be heard at this meeting. The proposed use is located at 408 Forlines Road. The property is further identified as being tax parcel number 27766. 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 SEPTEMBER 24, 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 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 September 21. 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, September 21, 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 September 21st.** **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. 1134968

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, September 21st will be added to the City's website no later than Friday, September 25, 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

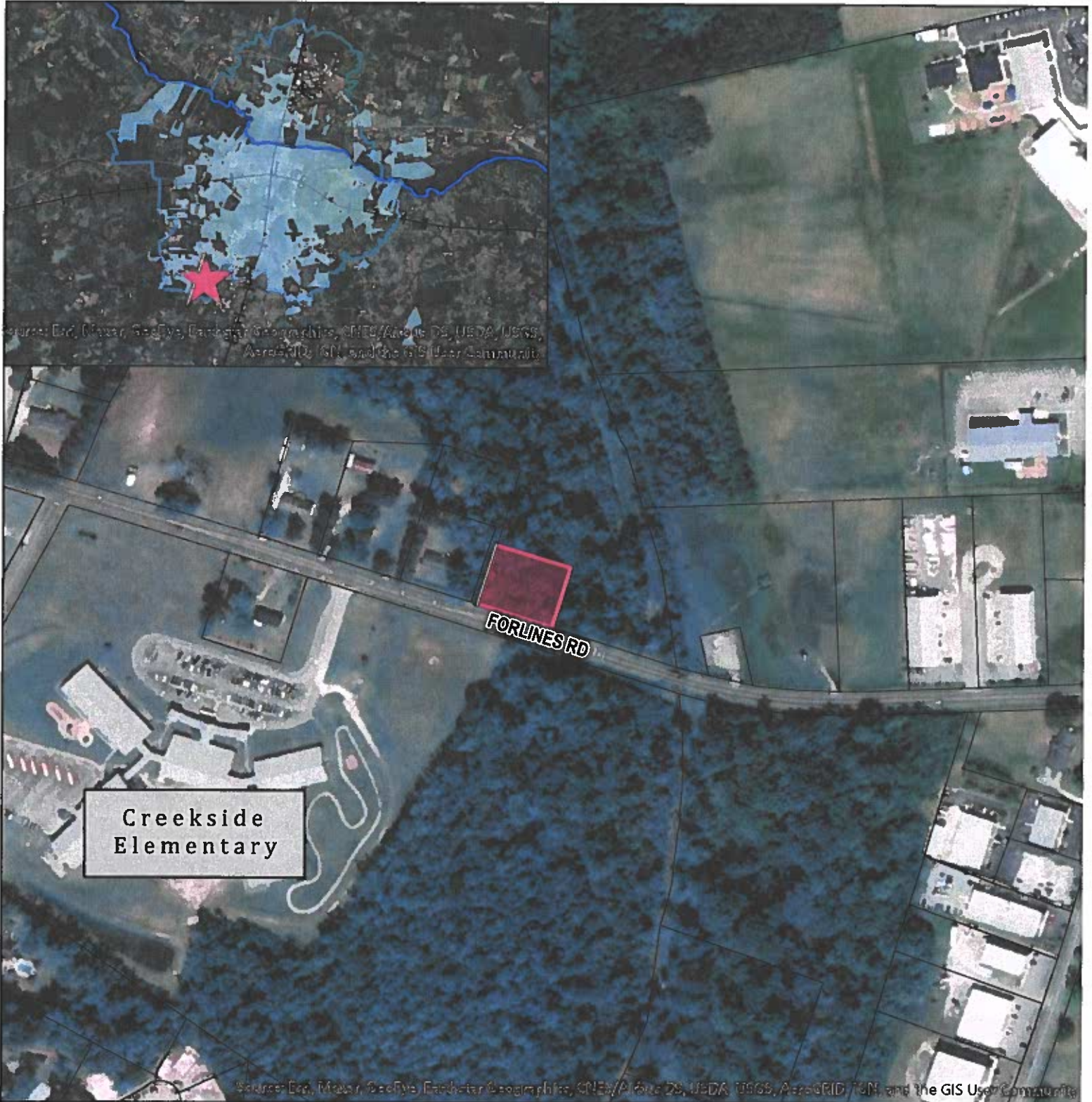
Enclosures

Doc. 1134968

AMANDA L. SMITH

OwnerName	OwnerName2	OwnerAddress1	CityStateZip
CONTINA ANN JONES	STANLEY GERALD WOOD	921 BENJAMAN DR	GREENVILLE NC 27834
CLARENCE LEROY SMITH		PO BOX 1352	WINTERVILLE NC 28590
JEFFREY CARROLL SMITH		434 FORLINES RD	WINTERVILLE NC 28590
SIMON B SMITH	JEFFREY CARROLL SMITH	408 FORLINES RD	WINTERVILLE NC 28590

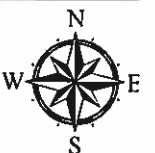
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■ Tar River □ ETJ ■ Subject Property

■ City Limits +— Railroads

0 240 480 960 Feet



Special Use Permit –Board of Adjustment Meeting

September 24, 2020 6:00 p.m.

Zoom Webinar

Staff Contact: Elizabeth Blount, 252-329-4608

Date: August 26, 2020

Applicant: Greenville Community Services, LLC

Agenda #: 2 (New Business)

Request: The applicant, Greenville Community Services, LLC, desires to incorporate a child care to its existing elementary school special use permit pursuant to Appendix A, Uses (8)h. and Use (8)a. of the Greenville City Code.

Location: The proposed use is located at 901 Staton Road. The property is further identified as being tax parcel number 28877.

Zoning of Property: IU (Unoffensive Industry)

Surrounding Zoning:

North: IU (Unoffensive Industry)

South: IU (Unoffensive Industry)

East: IU (Unoffensive Industry)

West: IU (Unoffensive Industry)

Surrounding Development:

North: ECVC Recycling Center

South: FED Ex

East: Greenville Aquatics Center

West: Prism Powder Coating and Signs and Tint

Description of Property:

The subject property is 11.78 acres and has approximately 490 feet of frontage along Staton Rd. The property is located within the recognized industrial area north of Staton Road. The applicant wishes to use the western portion of the building as a headstart program. The original special use permit was granted in January, 2016.

Comprehensive Plan:

The property is located within the Potential Conservation/ Open Space character type as designated by the Horizon Plan. Much of the areas identified by this character type is based on flood-prone land and environmental constraints that may not correspond precisely with conditions on the ground. The existing use has been in operation and has been determined not to contain barriers to development; therefore, the request is in compliance with the Future Land Use Plan for the subject property.

Notice:

Notice was mailed to the adjoining property owners on September 10, 2020. Notice of the public hearing was published in the Daily Reflector on September 14 and September 21, 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.

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

Specific Criteria:

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 expanded within a 50-foot setback from property and public street right-of-way lines

Specific Criteria

Section 9-4-86 (E)

Child day care facilities

- (1) All accessory structures, including but not limited to playground equipment and pools must be located in the rear yard.
- (2) The minimum lot size shall be increased by a ratio of 100 square feet per child in excess of five.
- (3) Outdoor play area shall be provided at a ratio of 75 square feet per child and shall be enclosed by a fence at least four feet in height. Further, all playground equipment shall be located in accordance with the bufferyard regulations.
- (4) If located in a residential district, a residential appearance of the site shall be maintained to the greatest possible extent.
- (5) Employee parking shall be at the rear of the structure when a child day care facility is located in a residential district.

Staff Recommended Conditions:

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 or any adjoining property or public street right-of-way line.

Day care facility shall comply with city code requirements, all state licensing regulations and NC Department of Health and Human Services regulations prior to operation.

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 - 16

Date Received 8-26-2020

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) Greenville Community Services, LLC

Contact Name and Mailing Address Robert P. (Trey) Greer, Member

1060 Ridge Grove

Greensboro, GA 30642

Contact Phone Number (404) 200-8343

Contact Phone Number (_____) _____

Contact Fax Number (_____) _____

Contact Email Address treygreer@isgpartner.com

Location /Street address of proposed use _____

901 Staton Road

Tax Parcel # 28877

Proposed use Childcare added to existing school special 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 site has been previously approved for a school and has met or exceeded all conditions and specifications. For daycare use there have been playgrounds added to the site as well as the needed drop off parking spaces.

- (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 plan has been approved for a school at this location and meets the comprehensive plan for the city of Greenville. The day care is an additional use for the facility.

- (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 play grounds which have been added are fenced in to meet all codes for having children playing as well as the ratio of children to playground space will be met. All other health and safety measures have been met.

- (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.

This additional use will not be detriment to the public welfare and will allow child care in an area where parents are employed and can easily pick up and drop off the children.

- (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.

As stated previously the site has been approved for a K-8 school and this request is for expanding the age to 0-4 to allow for childcare in this facility.

(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 addition of a day care to an existing school facility shall not injure the value to the adjacent properties.

(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 site will only be used during business hours for childcare and childcare related activities. This shall not create a nuisance or hazard to the area.

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.

Robert P. (Trey) Greer



August 24, 2020

Print Name

Signature of Applicant

Date

Print Name

Signature of Applicant

Date



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

September 10, 2020

Robert (Trey) Greer
1060 Ridge Grove
Greensboro, GA 30642

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, September 24, 2020 at 6 pm. PLEASE BE ADVISED THAT THE BOARD'S SEPTEMBER 24, 2020 MEETING WILL BE A REMOTE MEETING CONDUCTED BY ELECTRONIC MEANS.**

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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'. The signature is written in a cursive style with a large, looped 'B'.

Elizabeth Blount, Planner

Enclosures



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

September 10, 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, September 24, 2020 at 6 pm.** The request by Greenville Community Services, LLC to amend a special use permit to add the operation of a childcare facility to an elementary school permit pursuant to Appendix A, Use (8)a. and Use (8)h. of the Greenville City Code will be heard at this meeting. The proposed use is located at 901 Staton Road. The property is further identified as being tax parcel number 28877. You are receiving this notification because your property is within 250 feet of the proposed request.

-- COVID-19 UPDATE --

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Doc. 1134970

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

Best Regards,

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

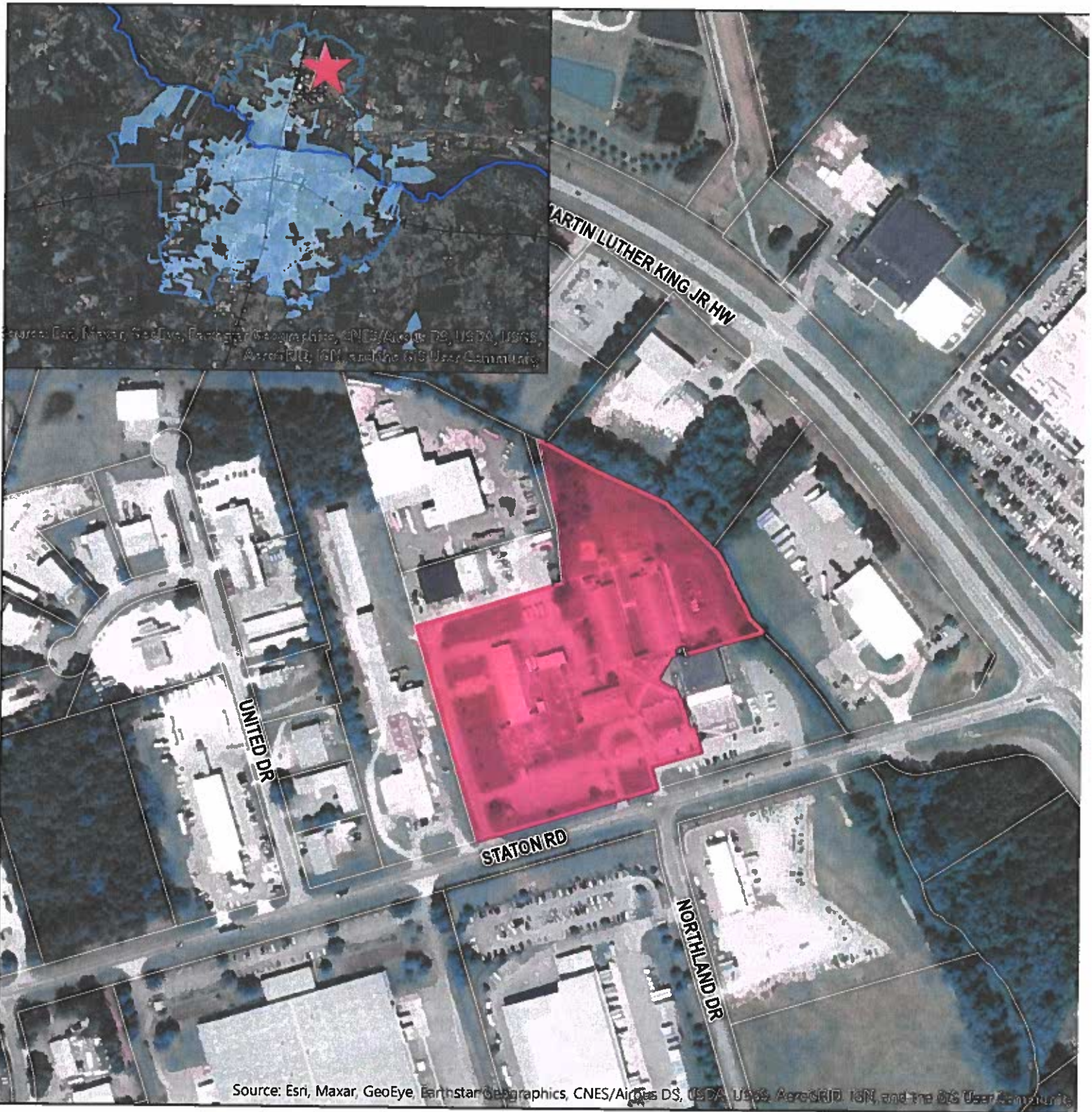
Enclosures

Doc. 1134970

GREENVILLE COMMUNITY SERVICES, LLC

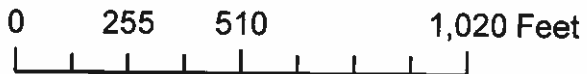
OwnerName	OwnerName2	OwnerAddress1
ARC3 FEGNVNC001 LLC	ATTN:REAL ESTATE TAX DEPT	1000 FEDEX DR
DONNA J ARNETTE	CHALLIE ARNETTE	704 PADDINGTON DR
CAMPING WORLD PROPERTY INC		250 PARKWAY DR STE 270
MICHAEL E DOUGHERTY TRUSTEE	MICHAEL E DOUGHERTY REVOCABLE TRUST	5710 W GATE CITY BLVD STE K #190
DSM PHARMACEUTICALS INC		45 WATERVIEW BLVD
GREENVILLE COMMUNITY SERVICES LLC		430 CAMERON VALLEY CT
PIEDMONT COCA-COLA BOTTLING		PO BOX 31487
TDG PROPERTIES LLC		PO BOX 3462

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Tar River
 ETJ
 Subject Property

City Limits
 Railroads



Special Use Permit - Board of Adjustment
September 24, 2020 6:00 p.m.
Zoom Webinar
Staff Contact: Elizabeth Blount, 252-329-4608

Date: August 26, 2020

Applicant: M.E.A. Tobacco & Vape, LLC

Agenda #: 3 (New Business)

Request: The applicant, M.E.A. Tobacco & Vape, LLC desires a special use permit to operate a Tobacco Shop Class 1 pursuant to Appendix A, Use (10)ff. of the Greenville City Code.

Location: The proposed use is located at 1914 Turnbury Drive, Suite E. The property is further identified as being Tax Parcel Number 51672.

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

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

Surrounding Development:

North: Summers & Johnson Periodontics, Carolina Therapy Connection and Tara Condominiums
South: Food Lion
East: Bamboo Garden
West: AJ McMurphy's and a vacant lot

Description of Property:

The subject property is 5.36 acres in size and contains a 48,179 square foot commercial building with five units. The building currently houses two conventional restaurants and a grocery store. The property has approximately 203 feet of frontage along Turnbury and 252 feet of frontage along Charles Boulevard. The applicant is currently operating in a 1300 square foot unit of the commercial building.

Comprehensive Plan:

The property is located within the Commercial character type as designated by the Horizon 2026 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 September 10, 2020. Notice of the public hearing was published in the Daily Reflector on September 14 and September 21, 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 bongos or similar products.

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

No loitering or outdoor activities permitted.

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

No smoking permitted on the premises.

Must comply with all federal, state and local laws.

Other Comments:

The proposed project must meet all related NC State fire and building codes prior to occupancy.

Staff Recommendation:

Planning staff is of the opinion that the request can meet all the development standards required for issuance of a special use permit upon proper findings by the Board.

BOA 20-17
Date Received 8-25-2020

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) M.E.A. LLC

Contact Name and Mailing Address Mohamed Ali
1914 Turnbury Dr.
Greenville, NC, 27858

Contact Phone Number (252) 219-2836

Contact Phone Number (252) 508-5457

Contact Fax Number (_____) _____

Contact Email Address MEATobacco@gmail.com

Location /Street address of proposed use 1914 Turnbury Dr.
Greenville, NC, 27858

Tax Parcel # 84-413-3502 51672

Proposed use Tobacco shop Class 1

City of Greenville NC
Special Use Permit Application

A.) The Conditions and Specification

The proposed establishment meets all required conditions and specifications of the Zoning Ordinance for it to be a Class 1 Tobacco Shop. Its location is in a Food Lion plaza that is located on 1914 Turnbury Rd, Greenville NC 27858. It has all required lot area, has off street parking and all requirements in Section 9-4-84 of Article E.

B.) Comprehensive Plan

The proposed establishment is in coherence with the 2030 Comprehensive Land Use Plan. M.E.A LLC has the same visions and priorities for developing Pitt county's best interest. Appearance, community health, growth and development are our goals as well in succeeding. We as a company truly believe that these qualities are a must in running a successful business.

C.) Health and Safety

One of M.E.A's priorities is the health and safety of its employees and clients. As stated the location has proper capacity and convenient location parking. The establishment is located next to AJ McMurphy's and China town restaurants. We require our customers and employees to wear face masks while they are in the premises during the crisis at hand. We know how serious Covid -19 is and have taken proper precautions to keep every one safe. We also do not accept any one carrying firearms in the premises. This will make it a safe environment for our clients. We have attached photos of our set up and our branch in Greenville NC.

D.) Detriment to Public Welfare

M.E.A LLC will not be a detriment to the public welfare. This establishment is insured and good willing there will be no damages, harm or loss to the property, clients, and employees etc. We require all customers to provide identification prior to any sales. We are well informed with our products and give correct usage and disclaimers. We are here to inform and help our clients in understanding the products they are using and always have the clients best interest. We have attached photos of our disclaimers and laws.

E.) Existing Uses Detrimental

The proposed establishment is located on 1914 Turnbury Rd Greenville NC, its in a public commercial plaza. The anchoring business is Food Lion. The uses of the establishment was intended for a Class 2 Tobacco Shop, but unfortunately due to Zoning regulations we are asking for a Class 1 Tobacco Shop permit. When the lease was created it was recognized what the initial intent for this location would be; which is a retail store. Therefore we ask to continue as a Class 1 Tobacco Shop.

F.) Injury to Properties or Improvements

We believe that M.E.A. LCC will not injure but in fact improve the value of the property. We spent a significant amount in remodeling, sanitizing, and creating a welcoming atmosphere. This location had been shut down for years and was just building up dust. We improved the look of the Plaza and also of our surrounding businesses. We have the same goals and plans as the Comprehensive Plan of Greenville NC. M.E.A LCC is committed in bring the best for the community with a structured foundation we will be able to provide, services, job opportunities, donations and etc.

G.) Nuisance and Hazard

M.E.A. LCC will neither be a nuisance or hazardous to anyone. The number of clients come in in a steady rate. All are required to wear face masks and social distance each other. We usually have no more than five customers at all times. Compared to the other business in the same location we would be the least to worry about when it comes to nuisance and hazardous. The branch is very well lit, the odor smells great and no hazardous issues or toxins. Mrs. Elizabeth Blount loved the atmosphere and I would believe that she felt welcomed during her visit to our branch.

Again thank you for everything.

(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.

(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.

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>Mohamed Ali</u>	<u></u>	<u>08-13-2020</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 RONALD PARKER am /are the owner(s) of the property located at TURN BERRY DR GREENVILLE, N.C.

I/We hereby authorize M.E.A. TOBACCO VAPE to appear by consent before the Greenville Board of Adjustment in order to ask for a special use permit to

_____ 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 RONALD PARKER at my address, P.O. B. 251 HARMVILLE, N.C. 27828 or by telephone at (252) 714-3986 or (_____) _____

Respectfully yours,
Ronald Parker Owner 8-15-20 Date
Dorell Park Owner 8-15-20 Date

Lenoir 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: August 14, 2020

Michelle J. Harper
Notary Public

(Official Seal)

My commission expires: August 25, 2024

To Whom It May Concern

This commercial landlord reference letter is made to verify the tenancy of **M.E.A Tobacco & Vape** in **1914 Turnbury Dr Suite E** in operation of their business.

M.E.A Tobacco & Vape has been our tenant for the last five months and has been the kind of tenant who is responsible for abiding to the tenancy agreement and very timely in the payment of his/her rental payments. Moreover, there have been no complaints from other neighboring tenants in the property against him/her and they have been very keen on observing the cleanliness policy implemented to all the tenants in the property. Furthermore, the tenant has improved the facility at their own expense. We strongly recommend you consider their request.

If you have further insightful queries as to the tenancy of **M.E.A Tobacco & Vape**, please feel free to contact us at **252-714-4765** or **252-714-3988**.

Regards,

Ronald & Donald Parker
Parker Grain Co., Inc.

Handwritten signatures in blue ink. The top signature is "Ronald Parker" and the bottom signature is "Donald Parker".



PLANNING AND DEVELOPMENT SERVICES

PLANNING DIVISION

September 10, 2020

Mohamed Ali
1914 Turnbury 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, September 24, 2020 at 6 pm. PLEASE BE ADVISED THAT THE BOARD'S SEPTEMBER 24, 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, September 21, 2020.** 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 September 21st.**

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 September 21.** Additional information will be posted on the City's website ([https://greenvillenc.gov](http://www.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

September 10, 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, September 24, 2020 at 6 pm.** The request by M.E.A., LLC to operate a Tobacco Shop Class 1 pursuant to Appendix A, Use (10)ff. of the Greenville City Code will be heard at this meeting. The proposed use is located at 1914 Turnbury Drive. The property is further identified as being tax parcel number 51672. 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 SEPTEMBER 24, 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 September 21. 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, September 21, 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 September 21st.** **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. 1134971

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, September 21st will be added to the City's website no later than Friday, September 25, 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

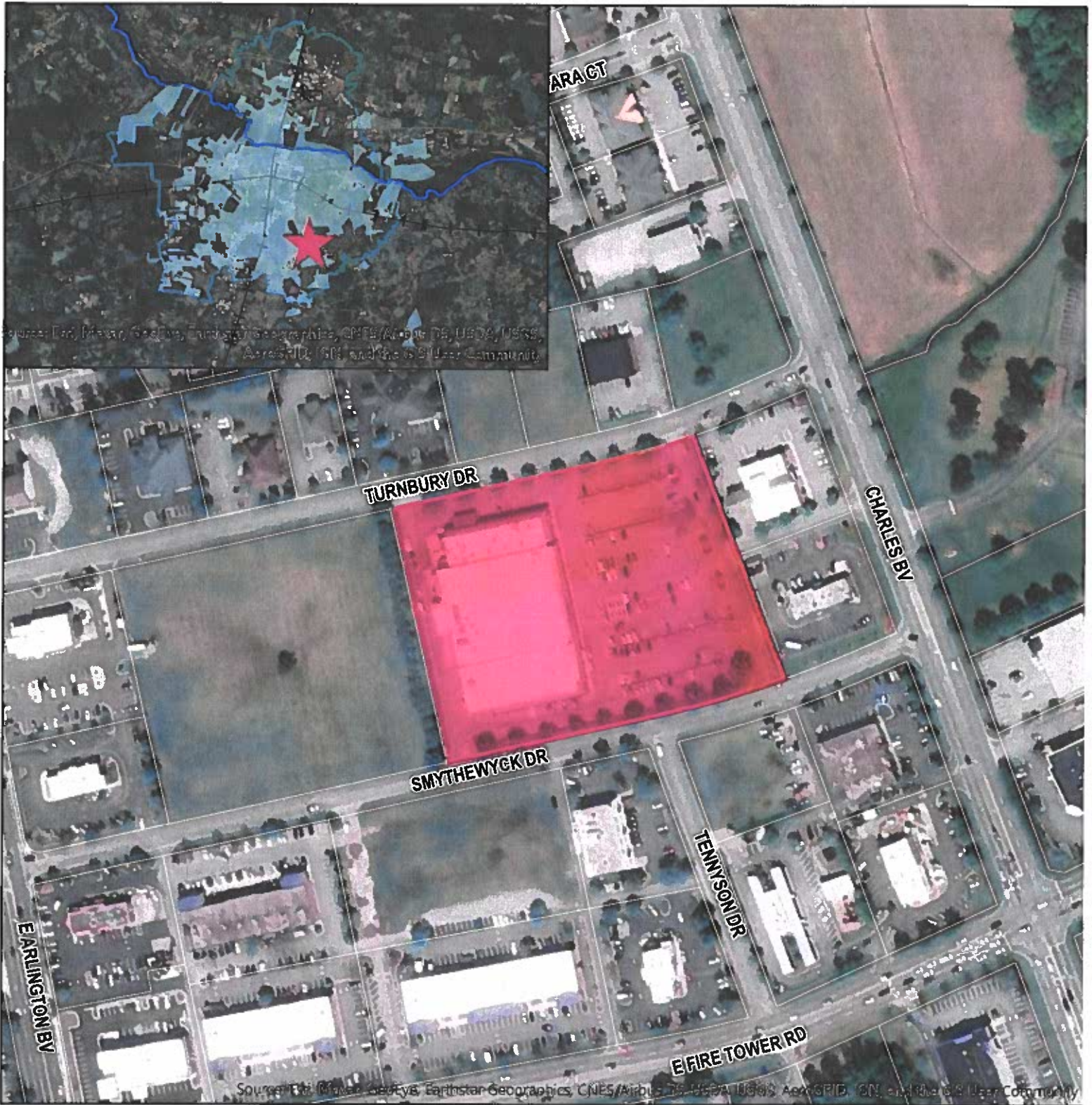
Enclosures

Doc. 1134971

M.E.A. TOBACCO & VAPE, LLC

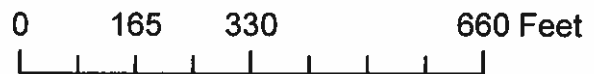
OwnerName	OwnerName2	OwnerAddress1	CityStateZip
ABC FAMILY LLC		PO BOX 2067	GREENVILLE NC 27836
BRS & PLJ LLC		1919 TURNBURY DR	GREENVILLE NC 27858
CLIFTON PARTNERS LLC		PO BOX 6969	SYRACUSE NY 13217
COVENGTON GROUP LTD THE		PO BOX 3075	GREENVILLE NC 27836
DEGROOT CHRISTOPHER M HEIRS		712 KENSINGTON DR	GREENVILLE NC 27858
GREENVILLE PITT COUNTY HOME BUILDERS ASSOCIATION INC		1913 TURNBURY DR	GREENVILLE NC 27858
MCCALL G GIBSON III AKA GLENN G MCCALL III	EMILIA T MCCALL	209 STEWARD LN	GREENVILLE NC 27858
GREGORY NUTTALL		PO BOX 3277	GREENVILLE NC 27836
PARKER GRAIN COMPANY		PO BOX 251	FARMVILLE NC 27828
SELECT BANK & TRUST CO		PO BOX 1988	DUNN NC 28335
TBB PROPERTIES LLC		1990 SMYTHEWYCK DR	GREENVILLE NC 27858
TRUSTATLANTIC BANK		1755 LYNNFIELD BLDG D	MEMPHIS TN 38119
WESTAY LLC		131 HOLLINGS CT	NEWPORT NC 28570

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Tar River
 ETJ
 Subject Property

City Limits
 Railroads



Special Use Permit - Board of Adjustment
September 24, 2020 6:00 p.m.
Zoom Webinar
Staff Contact: Elizabeth Blount, 252-329-4608

Date: August 27, 2020

Applicant: PBLA, Inc.

Agenda #: 4 (New Business)

Request: The applicant, PBLA, desires a special use permit to operate a Child Day Care Facility pursuant to Appendix A, Use (8)a. of the Greenville City Code.

Location: The proposed use is located at 118 W Firetower Road. The property is further identified as being tax parcel number 50114.

Zoning of Property: Office (O)

Surrounding Zoning:

North: RA20 (Residential Agricultural)
South: Winterville Jurisdiction
East: O (Office)
West: O (Office)

Surrounding Development:

North: South Hall subdivision
South: Winterville Jurisdiction
East: South Hall Professional Center
West: Ward and Smith, PA

Description of Property:

The subject property is 1.08 acres in size with approximately 170 feet of frontage along W. Firetower Road.

Comprehensive Plan:

The property is located within the Office Institutional character types as designated by the Horizon 2026 Greenville Community Plan. The proposed use is in compliance with the Future Land Use Plan which recommends institutional and commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on September 10, 2020. Notice of the public hearing was published in the Daily Reflector on September 14 and September 21, 2020.

Related Zoning Ordinance Regulations:

Definition:

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

Specific Criteria

- (1) All accessory structures, including but not limited to playground equipment and pools must be located in the rear yard.
- (2) The minimum lot size shall be increased by a ratio of 100 square feet per child in excess of five.
- (3) Outdoor play area shall be provided at a ratio of 75 square feet per child and shall be enclosed by a fence at least four feet in height. Further, all playground equipment shall be located in accordance with the bufferyard regulations.
- (4) If located in a residential district, a residential appearance of the site shall be maintained to the greatest possible extent.
- (5) Employee parking shall be at the rear of the structure when a child day care facility is located in a residential district.

Staff Recommended Conditions:

Day care facility shall comply with city code requirements, all state licensing regulations and NC Department of Health and Human Services regulations prior to operation.

Other Comments:

The proposed project must meet all related NC State fire and building codes for the associated use prior to occupancy.

Staff Recommendation:

Planning staff is of the opinion that the request can meet all the development standards required for issuance of a special use permit upon proper findings by the Board.

BOA 60 - 18
Date Received 8-27

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) PBLA, Inc.
dba: Care-O-World Early Learning Centers

Contact Name and Mailing Address Jason L. Carrow, Executive Director
146 Whispering Pines Road
Washington, NC 27889

Contact Phone Number (252) 975 2811

Contact Phone Number (252) 945 9350

Contact Fax Number (252) 975 3765

Contact Email Address jasonc@careoworld.org

Location /Street address of proposed use 118 West Firetower Road; Winterville, NC

Tax Parcel # 0050114

Proposed use childcare

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

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

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

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

City of Greenville, NC zoning has made a site visit and states everything under this item is met by the existing building and attachments.

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

The Land Use Plan recognizes child care as a special use. With the greater Greenville, NC area growing, additional childcare is needed.

Also, due to the COVID-19 pandemic, additional school-age care for when school is not in session is needed in the local area. The establishment of this business will also fill that need.

- (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 existing building and structures operated for over 20 year as a childcare facility, ending in late 2019. During this time there have been no health/safety deficiencies were noted by any of the inspecting agencies. Greenville Fire/Rescue, Pitt County Environmental Health, and the NC Division of Child Development and Early Education were all asked about health and safety concerns at this location. No concerns were noted.

- (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 establishment of high-quality childcare in any area is a boost the the neighborhood. It is anticipated that within 18 months of opening, this facility will be a 5-star licensed facility.

- (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.

Adjacent uses are primarily office space. Again, the establishment of childcare will enhance the existing uses and will not be a detriment.

- (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.

Again, this property has been used for over 20 years as a childcare facility. We are only looking to reestablish this use.

Injury to adjacent or abutting property is not a concern.

- (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.

Again, this property has been used for over 20 years as a childcare facility. We are only looking to reestablish this use.

For childcare there are no nuisance or hazard concerns. The facility will be operated from 6:30 am until 6:00 PM, Monday-Friday. Only maintenance work occurs after hours.

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.

Jason L Carraw

Print Name

[Signature]

Signature of Applicant

8/31/2020

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 _____ Charles McLaurin & Sarah McLaurin _____ am /are the owner(s) of the property located at _____ 118 West Firetower Road, Winterville, NC _____

I /We hereby authorize _____ PBLA, Inc. / Jason Carrow, Executive Director _____ to appear by consent before the Greenville Board of Adjustment in order to ask for a special use permit to _____ provide childcare services at this property _____

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 _____ Charles McLaurin _____ at my address,

_____ 5087 Wade Nash Road Holly Springs, NC 27540 _____

or by telephone at (_____ 919 _____) _____ 610.1505 _____ or (_____ n/a _____) _____ n/a _____.

Respectfully yours,

Charles McLaurin

Owner

8/31/20

Date

Sarah McLaurin

Owner

8-31-20

Date

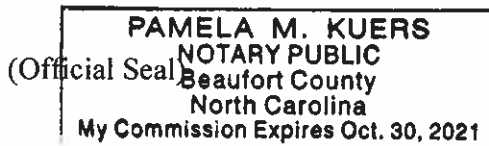
BEAUFORT _____ County, North Carolina

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: CHARLES MCLAURIN SARAH MCLAURIN

Date: AUGUST 31, 2020

Pamela M Kuers

Notary Public



My commission expires: OCTOBER 30, 2021



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

September 10, 2020

Jason L. Carrow, Executive Director
146 Whispering Pines Road
Washington, NC 27889

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, September 24, 2020 at 6 pm. PLEASE BE ADVISED THAT THE BOARD'S SEPTEMBER 24, 2020 MEETING WILL BE A REMOTE MEETING CONDUCTED BY ELECTRONIC MEANS.**

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Your presence (or that of your authorized representative) is required at this meeting to answer any questions which may arise concerning your request. Individuals who participate in this evidentiary hearing will be required to 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, September 21, 2020.** 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 September 21st.**

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 September 21.** 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

September 10, 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, September 24, 2020 at 6 pm.** The request by PBLA, Inc. to operate a Child Care Facility pursuant to Appendix A, Use (8)a. of the Greenville City Code will be heard at this meeting. The proposed use is located at 118 W. Firetower Road. The property is further identified as being tax parcel number 50114. 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 SEPTEMBER 24, 2020 MEETING WILL BE A REMOTE MEETING CONDUCTED BY ELECTRONIC MEANS

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Doc. 1134980

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, September 21st will be added to the City's website no later than Friday, September 25, 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

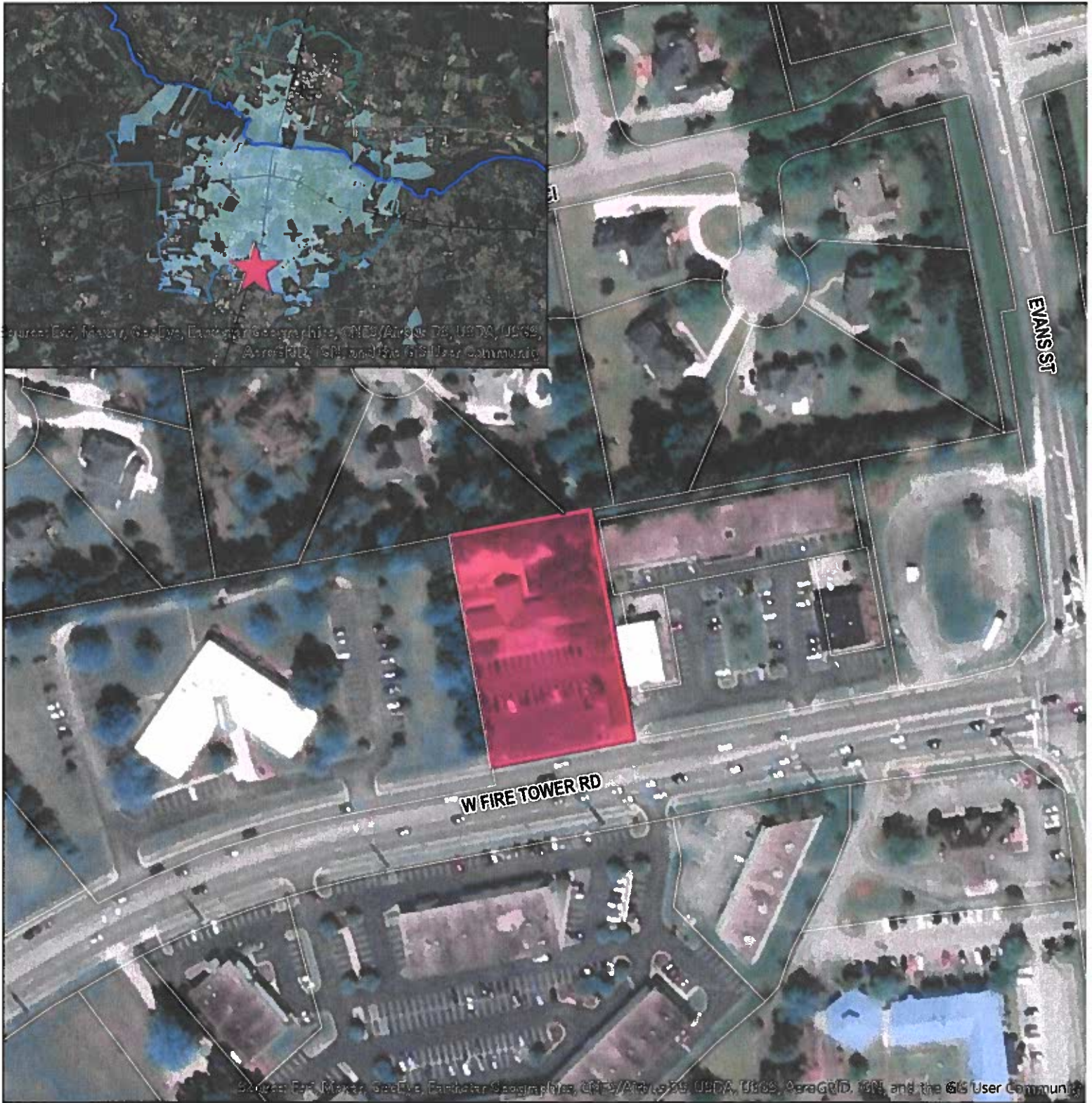
Enclosures

Doc. 1134980

PBLA, INC.

OwnerName	OwnerName2	OwnerAddress1	CityStateZip
ALBRITTON REALTY GROUP LLC		903 WEST ROAD	KINSTON NC 28501
DERRANCE W HUGHES	KIMBERLY HUGHES	4004 HIDCOTE CT	GREENVILLE NC 27834
CHARLES C MCLAURIN		5087 WADE NASH ROAD	HOLLY SPRINGS NC 27540
KHANH PHUONG NGUYEN		4002 HIDCOTE CT.	GREENVILLE NC 27834
NOVCOUX UN LLC		PO BOX 867	NEW BERN NC 28563
CRAIG J NOWAKOWSKI	JOANN P NOWAKOWSKI	4002 LYME CT	GREENVILLE NC 27834
RUTH DR PETERSON		P O BOX 2679	WINTERVILLE NC 28590
WILLIAM TODD PITTMAN	MARGARET B PITTMAN	4003 HIDCOTE CT	GREENVILLE NC 27834
KENNETH H SMITH		1588 NC 102 E	AYDEN NC 28513
WAINRIGHT HOLDINGS LLC		3112 SPEIGHT SEED FARM RD	WINTERVILLE NC 28590
WINTERGREEN COMMERCIAL PARK LLC		PO BOX 30189	GREENVILLE NC 27833

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