



**PROPOSED AGENDA
GREENVILLE BOARD OF ADJUSTMENT
Thursday, October 22, 2020
6:00 PM
Zoom Webinar**

- I. ROLL CALL
- II. APPROVAL OF MINUTES –September 24, 2020
- III. NEW BUSINESS
 - 1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY BRUCE & KYLE ELLSWORTH

The applicants, Bruce & Kyle Ellsworth, desire a special use permit to operate personal services not otherwise listed (tattoo shop) pursuant to Appendix A, Use (15)a. of the Greenville City Code. The proposed use is located at 3193 E. 10th Street, Suite A. The property is further identified as being tax parcel number 16439.
 - 2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY GENTRY RUSSO FOR EXCEL CONTRACTORS

The applicant, Gentry Russo, desires 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 1650 Sandstone Court. The property is further identified as being tax parcel number 46784.
 - 3. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY ANDREW DAVIS, III

The applicant, Andrew Davis, III, desires a special use permit to operate a child day care facility pursuant to Appendix A, Use (8)a. of the Greenville City Code. The proposed use is located at 1716 W. 5th Street. The property is further identified as being tax parcel number 17562.
- IV. ADJOURN

DRAFT MINUTES OF THE GREENVILLE BOARD OF ADJUSTMENT

September 24, 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- X	Stephen Atkinson- *
Rodney Bullock - Co-Chair - *	Ann Bellis - *
Hunt McKinnon - *	Dillion Godley-*
Sharon Evans-*	John Landrine –*

VOTING MEMBERS: Glenn, Bullock, Bellis, Atkinson, Evans, McKinnon, Cohen.

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; 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. 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 September 24, 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:

Mr. Atkinson pointed to errors with dates he would like to see corrected.

Motion made by Mr. McKinnon, seconded by Mr. Bullock, to approve the August 2, 2020 minutes with corrections as pointed out by Mr. Atkinson. Motion passed unanimously.

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

Assistant City 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.

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.

Mr. Glen asked Mr. Parker to name the speakers for this item. There was one, Chris Woelkers. Mr. Glen swore him in after he stated his name and home address and stated he is willing to participate in a virtual meeting.

Mr. Glen asked staff to present the report.

Ms. Blount presented:

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 bath rooms 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 parking requirements 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.

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- (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. 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 and may be established by City Council.
 - (o) 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 standard required for issuance of a special use permit upon proper findings by the Board.

Mr. Glen asked if there were questions for staff. Hearing none, Mr. Glenn asked the applicant to state his name for the record and to proceed with his presentation.

Mr. Woelkers said this is their twelfth year in operations, and like many small businesses, they have faced challenges this year. He said they are using this time to do renovations and repairs. He also said that they continue to be good neighbors with the surrounding area, including East Carolina University and uptown Greenville.

Mr. Glenn asked if there were any more speakers for the applicant.

There were no more speakers in favor or against the application.

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. McKinnon made a motion to adopt the Finding of Facts, Ms. Bellis seconded the motion and it passed unanimously. Vote: 7 to 0

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

Mr. Glenn announced that Christopher Woelker's SUP has been granted.

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 Rd. The property is further identified as being tax parcel number 27766.

Mr. Glen asked Mr. Parker to name the speakers for this item. There was one, Amanda L. Smith. Mr. Glen swore her in after she stated her name and home address and stated she is willing to participate in a virtual meeting.

Mr. Glen asked staff to present the report.

Ms. Blount presented:

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.

Mr. Glen asked if there were questions for staff. Hearing none, Mr. Glenn asked the applicant to state her name for the record and to proceed with her presentation.

Ms. Smith stated that she is requesting a permit to put a single family mobile home on her property. She said she has spoken with James Edwards who is the surveyor and who created the original plot plan. Ms. Smith said they are aware of the elevation requirements and are ready to move forward to meet the requirements.

Mr. Glen asked Ms. Blount for staff recommendation.

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

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

Mr. McKinnon noticed that the property was in two zoning districts and asked if the mobile home would be placed in the residential district.

Ms. Blount said the split is not a zoning split, but a character type for the future land use map. The property is zoned RA20 (Residential – Agricultural).

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, Mr. Bullock seconded the motion and it passed unanimously. Vote: 7 to 0

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

Mr. Glenn announced that Amanda Smith's SUP has been granted.

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

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

Mr. Glen asked Mr. Parker to name the speakers for this item. There were two, Robert Greer and Donnie Phillips. 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: 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: FEDEX
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 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 maybe allowed as a special use in the JU (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 daycare 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 of 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.

Mr. Glen asked if there were questions for staff. Hearing none, Mr. Glenn said that Mr. Greer was the applicant of record, therefore he asked Mr. Greer state his name for the record and to proceed with his presentation.

Mr. Greer suggested that Mr. Phillips could shed more light on the application. He then said the property is zone for kindergarten through grade 8. This will allow the organization to consolidate several Head Start programs into one location. This will help the several businesses in the area by having a preschool for their use.

Mr. Glen asked if there were any questions for Mr. Greer. Hearing none he asked Mr. Phillips to state his name for the record and to proceed with his presentation.

Mr. Phillips said this is a good program for preschool children and will assist north Greenville as an educational center.

Mr. Glen asked Ms. Blount for staff recommendation.

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

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, Mr. McKinnon seconded the motion and it passed unanimously. Vote: 7 to 0

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

Mr. Glenn announced that the Greenville Community Services, LLC, SUP has been granted.

3. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY M.E.A. TOBACCO & VAPE, 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.

Mr. Glen asked Mr. Parker to name the speakers for this item. There was one, Muhamad Ali. Mr. Glen swore him in after he stated his name and home address and stated he is 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: 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 bong 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 cafe 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.

Mr. Glen asked if there were questions for staff. Hearing none, Mr. Glenn asked that Mr. Ali state his name for the record and to proceed with his presentation.

Mr. Ali said that as Ms. Blount stated, they thought this would be a class two tobacco shop. As they learned this is not allowed in their zoning district, they are asking for a class one tobacco shop permit. He said the property has not been used for several years and that they have been operating about six months. Mr. Ali said they have invested in the building and he believes their shop is an asset to the community. He further said they created a safe environment by not allowing any firearms into the building and they continue to sanitize. Mr. Ali said they do want to continue as a class one tobacco shop.

Mr. Glen asked if there were any questions for the applicant.

Mr. Glen asked Mr. Ali if he was clear on the conditions that Ms. Blount stated would be required for this permit.

Mr. Ali affirmed that he was.

Mr. Glen asked Ms. Blount for staff recommendation.

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

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, Mr. Cohen seconded the motion and it passed unanimously. Vote: 7 to 0

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

Mr. Glenn announced that the M.E.A. Tobacco & Vape, LLC, SUP has been granted.

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

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. The proposed use is located at 118 W Firetower Road. The property is further identified as being tax parcel number 501 14.

Mr. Glen asked Mr. Parker to name the speakers for this item. There was one, Jason Carrow. Mr. Glen swore him in after he stated his name and home address and stated he is willing to participate in a virtual meeting.

Mr. Glen asked staff to present the report.

Ms. Blount presented:

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.

Mr. Glen asked if there were questions for staff. Hearing none, Mr. Glenn asked that Mr. Carrow state his name for the record and to proceed with his presentation.

Mr. Carrow said that he is the Executive Director of PBLA, and that they currently operate two facilities in Beaufort County and this is their first facility in Pitt County. He stated that they are a non-profit organization, and they are a blended program using differing revenue sources to maintain their programming.

Mr. Glen asked if there were any questions for the applicant.

Mr. Glen asked Ms. Blount for staff recommendation.

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

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, Mr. McKinnon seconded the motion and it passed unanimously. Vote: 7 to 0

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

Mr. Glenn announced that the PBLA, Inc., SUP has been granted.

Meeting adjourned at 7:06PM

Respectfully submitted

Elizabeth Blount

Lead Planner

Special Use Permit - Board of Adjustment

October 22, 2020 6:00 p.m.

Zoom Webinar

Staff Contact: Elizabeth Blount, 252-329-4608

Date: October 14, 2020

Applicant: Bruce W Ellsworth & Kyle M. Ellsworth

Agenda #: 1 (New Business)

Request: The applicants, Bruce & Kyle Ellsworth, desire a special use permit to operate a personal service otherwise not listed (tattooing shop) pursuant to Appendix A, Use (15)a. of the Greenville City Code.

Location: The proposed use is located at 3193 E. 10th Street, Suite A. The property is further identified as being tax parcel number 16439.

Zoning of Property: CH (Heavy Commercial)

Surrounding Zoning:

North: R6 (Residential)

South: CG (General Commercial) and CH (Heavy Commercial)

East: CH (Heavy Commercial)

West: CG (General Commercial)

Surrounding Developments:

North: Police East Zone Substation, PIC Kutz barber shop, Sherry's Beauty Shop, Cristiana Tax Service, The Place To Be beauty shop, and East 10th Street Bargains and Discounts

South: Domino's Pizza, MO's Barber Shop, Jet Nails, Lam's Garden Restaurant, Subway and Food Lion

East: Little Caesar's pizza, and G&K Restaurant

West: 42 Fry restaurant and Jackson Hewitt

Description of Property:

The property is 2.18 acres in size and contains three separate multi-unit commercial buildings.

The property has approximately 280 feet of frontage along E. 10th Street and 350 feet of frontage along River Bluff Road/Harbor Pointe Lane. The applicant wishes to occupy a unit which is 750 square feet in size.

Comprehensive Plan:

The property is located within the Mixed Use High Intensity character type as designated by the Horizon Plan. The proposed use is in compliance with the Future Land Use Plan which recommends commercial development within the subject property.

Notice:

Notice was mailed to the adjoining property owners on October 8, 2020. Notice of the public hearing was published in the Daily Reflector on October 12 and October 19, 2020.

Staff Recommended Conditions:

Must obtain and maintain a permit from the Department of Public Health as required by NCGS §130A-283 (Tattooing Regulation), and comply with any other health department requirements including but not limited to sanitation, first aid, vaccinations, health certifications, disposal of needles and other bio hazard waste material.

Must comply with including but not limited to NCGS §130A-283 and 15A NCAC 18A.3200 *et seq.*, (Rules governing tattooing from Environmental Health) *et seq.*, and any other federal, state and local laws and regulations.

Must not violate NCGS§14-400, Tattooing; body piercing prohibited regulations for those under 18 years of age.

No loitering permitted outside of business.

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 - 19
Date Received 9-15-2020

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) Bruce W Ellsworth
Kyle M Ellsworth

Contact Name and Mailing Address _____
Bruce Ellsworth, 1718 Spencer Ave, New Bern, NC 28560
Kyle Ellsworth, 1718 Spencer Ave, New Bern, NC 28560

Contact Phone Number (252) 229-5536

Contact Phone Number (252) 626-3068

Contact Fax Number (_____) _____

Contact Email Address brucee7@gmail.com, kyle.ellsworth93@gmail.com

Location /Street address of proposed use _____
Rivergate East Center, 3193 E. 10th Street Suite A, Greenville, NC 27858

Tax Parcel # 16439

Proposed use Tattoo Studio

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.

This proposed business will be located within a strip shopping center. This is in an existing building requiring no new additions to the building layout. The parking lot is a shared complex with the entrance/ exit off East 10th street.

The parking spaces exist already and are not on or connected to the East 10th street roadway. The building has two business storefront's, it is connected with Little Ceasers Pizza. Signage for the business is mounted on the building at the street front side above the entrance in conformity with the other existing businesses. Eye level information signs will be displayed dictating "No Loitering, Parking for customers only, Please reduce noise, Store Hours."

- (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 proposed business will conform to the existing businesses already within the shopping complex. Currently there are several barber shops, hair salons, and retail stores such as Ollies discount outlet. Barber shops, hair and nail salons enhance their customers individual appearance cosmetically. Tattoo Studios follow suit with these businesses by artistically complimenting and enhancing the customer's individual appearance cosmetically. This Tattoo shop will adhere to a "no nonsense policy". The "no nonsense policy" will assist with keeping our tattoo customer's conduct consistant with the existing community of retail and personal services businesses within the shared shopping complex.

- (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 parking spaces provided for this location are separated from the road, there is a grass area separating the parking spots from East 10th street. The parking lot entrance and exit is at the end of the parking lot and is not in front of the buildings. There is one Tattoo Artist (possibly two artist in the future) therefore this business anticipates one or two customers in the building at one time. The first one would be receiving a tattoo and the second one would be a next scheduled appointment arriving. We do not anticipate excessive traffic due to the statement above. Each tattoo artist can only work on one customer at a time dictating the amount of traffic in the shop.

- (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.

North Carolina regulates permitting of Tattoo Artists. Each artist must individually pass the Health Department inspection to be approved for the permit. Waste disposal at this business will be completed in accordance with the blood borne pathogen regulation laws. The visual appearance and cleanliness, interior and exterior, will be maintained to attract customers and build a return customer base. The art of a working tattoo artist does not cause any exterior noise disturbance or hinderance. The tattoo machines are quite.

- (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 tattoo shop will compliment the "existing uses" with the other businesses within this complex. The same current customer base utilizing the barber shops and hair salons will also utilize the Tattoo Studio. The Mexican restaurant and Little Ceasers Pizza will gain customers that will be utilizing the Tattoo Studio. Some of the tattoos requested take hours to produce the final tattoo art, during this process some customers' will need a break to eat something. The food businesses close to the tattoo shop will benefit from these customers utilizing their food goods.

(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.



This business will be occupying existing space. The exterior will be improved with the new sign which will be part of the exterior appearance. The space will be occupied enhancing the community of shops within the complex with a positive curb appeal and public image. This tattoo shop will maintain and enforce a "no nonsense policy". The shop policy will be presented and discussed with each customer. Customers will be advised of the detrimental health risk associated with consuming alcohol prior to the tattoo process. All customers are required to sign this policy contract and consent form. These are proactive actions this tattoo shop will be taking to discourage rowdy disruptive behavior from arising.

(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 interior space being utilized is approximately 700 Sq Ft. There is only one artist who will be providing services to customers. It is reasonable to predict no more than two customers in the business at a time. The proposed use for this business will be to provide a personal cosmetic service to our customers. This service can only be completed in an enclosed sterile environment which will be in the interior of our building. This service does not create noise or objectionable characteristics that would effect the adjoining area. All disposable waste products will be disposed of in accordance with regulated laws.

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.

Bruce W Ellsworth		9/10/2020
Print Name	Signature of Applicant	Date
Kyle M Ellsworth		9/10/2020
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 maxine A. Speight am /are the owner(s) of the property located at 3193 E. 10th St. Suite A Greenville NC

I/We hereby authorize Bruce + Kyle Ellsworth to appear by consent before the Greenville Board of Adjustment in order to ask for a special use permit to operate a tattoo parlor

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 Gayle Tripp (Cmng) at my address, 4761 NC Hwy 33 EAST Suite A. Greenville NC. or by telephone at (252) 757-1626 or ()

Respectfully yours,

Maxine A. Speight Sept 8, 2020
Owner Date

Owner

Date

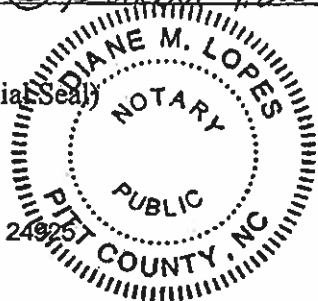
Pitt County, North Carolina

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: Physically

Date: September 9, 2020

Diane M. Lopes
Notary Public

(Official Seal)



My commission expires: 5/20/2023

Doc. # 24925



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

October 8, 2020

Bruce & Kyle Ellsworth
1718 Spencer Ave
New Bern, NC 28560

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, October 22, 2020 at 6 pm. PLEASE BE ADVISED THAT THE BOARD'S OCTOBER 22, 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, October 19th.** You may register on our website at www.greenvillenc.gov under the Board of Adjustment webpage. All **participates (including yourself)** 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 October 19th.**

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 October 19th.** Additional information will be posted on the City's website ([https://greenvillenc.gov](http://www.greenvillenc.gov)). Enclosed 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'. The signature is written in a cursive style with a large, looped 'B'.

Elizabeth Blount, Planner

Enclosures



PLANNING AND DEVELOPMENT SERVICES

PLANNING DIVISION

October 8, 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, October 22, 2020 at 6 pm.** The request by Bruce & Kyle Ellsworth for a special use permit to operate a personal service otherwise not listed (tattoo shop) pursuant to Appendix A, Use (15)a. of the Greenville City Code will be heard at this meeting. The proposed use is located at 3193 E 10th Street, Suite A. The property is further identified as being tax parcel number 16439. 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 OCTOBER 22, 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 October 19. 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, October 19, 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 October 19th.** **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. 1136747

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, October 19th will be added to the City's website no later than Friday, October 23, 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

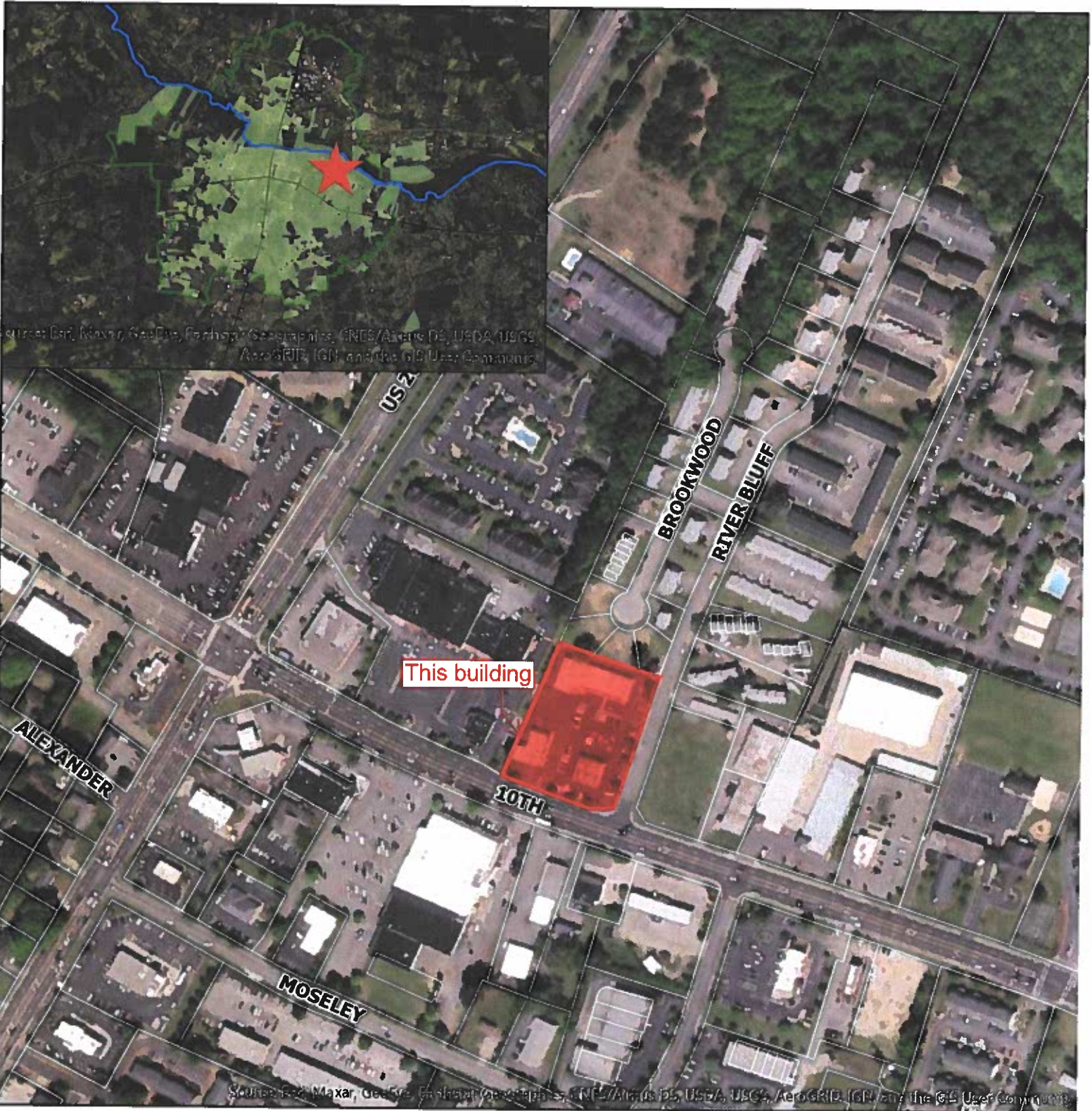
Enclosures

Doc. 1136747

BRUCE_KYLE ELLSWORTH

OwnerName	OwnerAddress1	CityStateZip
AMICUS INVESTMENTS LLC	539 SOUTH MAIN ST	FINDLAY OH 45840
CAMPUS POINTE APARTMENTS LLC	174 WATERCOLOR WAY	SANTA ROSA BEACH FL 32459
CTC2 LLC	PO BOX 7146	ROCKY MOUNT NC 27804
EWT 57 LLC	99 FISHERVILLE RD	CONCORD NH 03303
GREENVILLE MARKETPLACE LLC	PO BOX 2247	WASHINGTON NC 27889
HELENS GROOMING WORLD & PET MOTEL INC	215 HARDEE RD	GREENVILLE NC 27858
EDGARDO F JOSE	302 MARY BETH DR	GREENVILLE NC 27834
RIVERGATE CENTERS LLC	PO BOX 30189	GREENVILLE NC 27833
SHOUMEI WANG	109 TEMPLETON DR	GREENVILLE NC 27858

Find yourself in good company®



■ Tar River
 ETJ
 Subject Property

City Limits
 + Railroads

0 237.5 475 950 Feet



Special Use Permit – Board of Adjustment
October 22, 2020 6:00 p.m.
Zoom Webinars
Staff Contact: Elizabeth Blount, 252-329-4608

Date: October 14, 2020

Applicant: Gentry Russo for Excel Contractors

Agenda #: 2 (New Business)

Request: The applicant, Gentry Russo, 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 1650 Sandstone Court. The property is further identified as being tax parcel number 46784.

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: Residential Mobile Homes
South: Residential Mobile Homes
East: Vacant lot
West: Residential Mobile Homes

Description of Property:

The subject property is a 0.46-acre lot with 97 feet of frontage along Sandstone Court. The property is located within the 1% annual chance of flooding floodplain.

Comprehensive Plan:

The property is located within the Traditional Neighborhood 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 October 8, 2020. Notice of the public hearing was published in the Daily Reflector on October 12, 2020 and October 19, 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 floodplain. Development of this property will require a Floodplain Development Permit and shall comply with the provisions of the Flood Damage Prevention Ordinance. Minimum finished floor elevations is 2.0 feet above the 100 year flood elevation. A pre-construction elevation certificate is required with the building permit application. A final elevation certificate is required before the issuance of any occupancy 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 20-20
Date Received 9-24-2020

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) Gentry Russo for Excel Contractors

Contact Name and Mailing Address Gentry Russo

17 Bagwell Ave.

Raleigh, NC 27607

Contact Phone Number (919) 749-1818

Contact Phone Number (337) 380-3450

Contact Fax Number (_____) _____

Contact Email Address grusso@excelusa.com

Location /Street address of proposed use 1650 Sandstone Ct.

Greenville, NC 27834

Tax Parcel # 46784

Proposed use Replacement of existing Mobile Home, which was damaged by previous storms in the area.

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 replacement mobile home is of the same size and configuration of the previous home and it will be placed in the exact same foot print. We have also verified current setbacks and obtained a new survey in order to verify that we are compliant with all regulations and use.

- (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 is a exact replacement of the previous home, therefore we feel it should comply with all land use plans of the city.

- (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.

Again, this is a replacment of same size and will be placed in exact same position and area as previous mobile home, which is used for residential use only. This project should not affect any existing paths or roadways used by pedestrians or traffic. There should be no direct effect on the heath and safety of the general public.

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

This project will have no effect on the public welfare or the use or development of adjacent properties or other neighborhood uses.

- (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.

Since this is a like-for-like replacement of a pre-existing home there should not be any adverse effects on any existing uses in the area.

- (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.

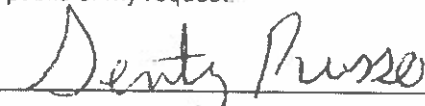
Since we are replacing the previously damaged home with a brand new like-for-like home there should be no negative effects on the valuse of this property or adjoining or abutting properties, as well as no negative affect on any public improvments in the neighborhood.

- (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.

The new home is for residential use only so the use of the property should not chage from its previous uses. No increase of persons expected to frequent the property, no change in use of property, no increased noise, odor, smoke, dust, etc should be expected.

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.

Gentry Russo		9/23/2020
Print Name	Signature of Applicant	Date
Print Name	Signature of Applicant	Date

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

I/We Herbert Earl Godley am /are the owner(s) of the property located at 1650 Sandstone Ct Greenville N.C. 27834

I/We hereby authorize Excel Contractors to appear by consent before the Greenville Board of Adjustment in order to ask for a special use permit to replace an existing Mobile Home which was damaged by previous storms in the area.

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 Herbert Earl Godley at my address, 1650 Sandstone Ct. Greenville N.C. 27834

or by telephone at (252) 717-7205 or ()

Respectfully yours,

Herbert E. Godley Herbert Earl Godley 9/23/20
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: Herbert E. Godley

Date: 9/23/2020

Jody S. Beamon
Notary Public

My commission expires: 02-25-2025





PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

October 8, 2020

Gentry Russo for Excel Contractors
17 Bagwell Ave.
Raleigh, NC 27607

Dear Petitioner:

This is to inform you that your request for a special use permit has been scheduled for the Board of Adjustment meeting on **Thursday, October 22, 2020 at 6 pm. Please be advised that the BOARD'S OCTOBER 22, 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, October 19th.** You may register on our website at www.greenvillenc.gov under the Board of Adjustment webpage. All **participates (including yourself)** 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 October 19th.** **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 October 19th.** Additional information will be posted on the City's website (<https://greenvillenc.gov>). Enclosed 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

October 8, 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, October 22, 2020 at 6 pm.** The request by Gentry Russo for Excel Contractors for a special use permit to install 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 1650 Sandstone Court. The property is further identified as being tax parcel number 46784. 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 OCTOBER 22, 2020 MEETING WILL BE A REMOTE MEETING CONDUCTED BY ELECTRONIC MEANS

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Doc. 1136757

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, October 19th will be added to the City's website no later than Friday, October 23, 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

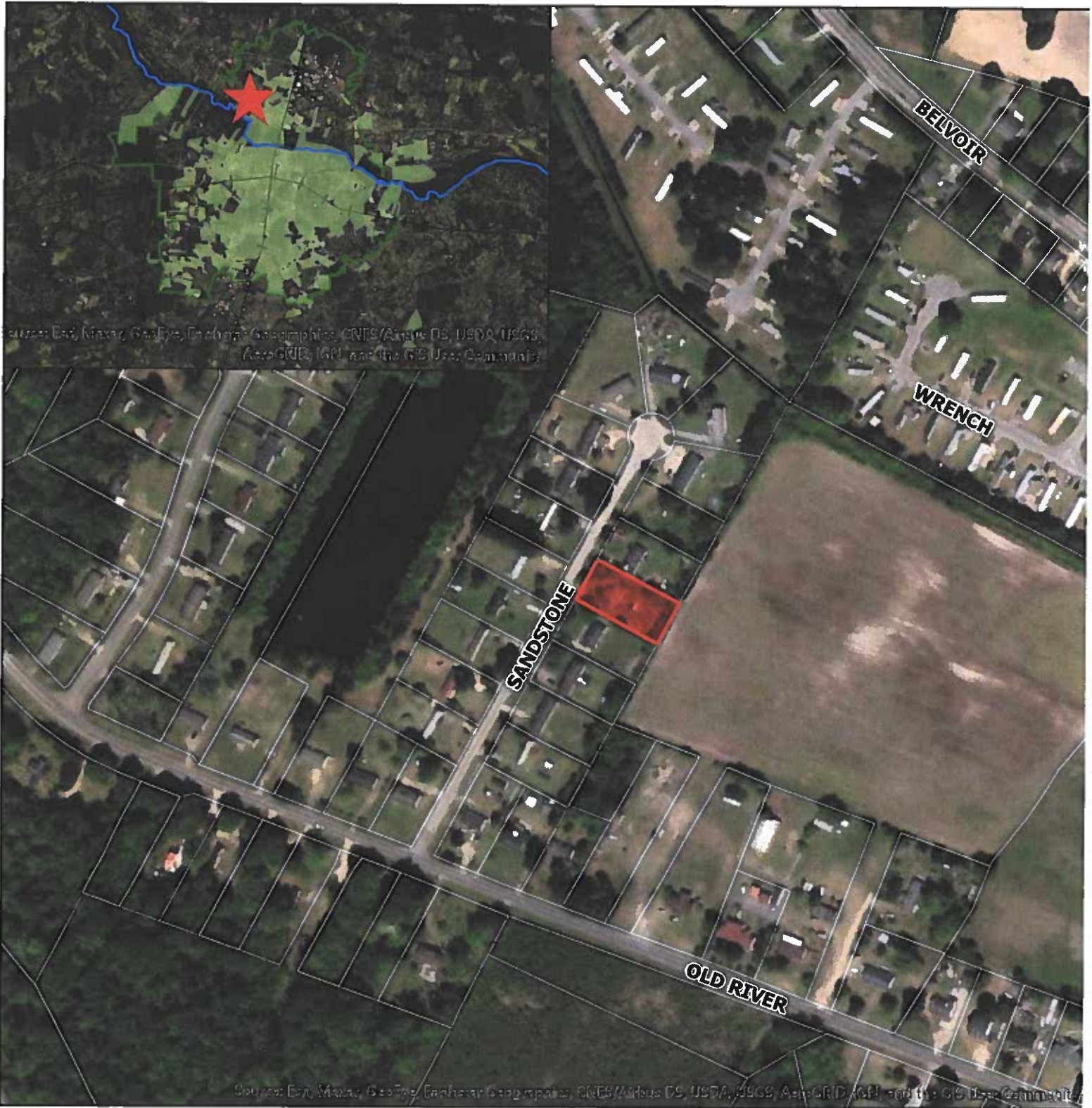
Enclosures

Doc. 1136757

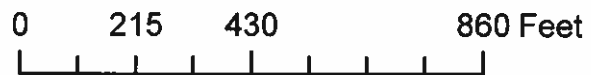
GENTRY RUSSO FOR EXCEL CONTRACTORS

OwnerName	OwnerName2	OwnerAddress1	CityStateZip
JAQUETTA L BARRETT		1660 SANDSTONE CT	GREENVILLE NC 27834
DLE INVESTMENTS LLC		PO BOX 283	FARMVILLE NC 27828
LILLIAN D FLEMING		624 ALLEGHENY RD	GREENVILLE NC 27834
DONALD LEE FRANKS	BRENDA SUE EDWARDS	1630 SANDSTONE CT	GREENVILLE NC 27834
HERBERT EARL GODLEY	MURIEL L. BARRETT	1650 SANDSTONE CT.	GREENVILLE NC 27834
HARRIS INVESTMENT GROUP LLC		4525 VOA RD	WASHINGTON NC 27889
BILLY G JOHNSON		108 WOODSIDE RD	GREENVILLE NC 27834
HENRY DAVIS HEIRS JONES		1457 BURFORD ST	GREENVILLE NC 27834
GABRIELLA MICHELLE LANGLEY		1661 SANDSTONE CT	GREENVILLE NC 27834
ANNIE BROWN MURPHY	RONALD NOBLES	1651 SANDSTONE CT	GREENVILLE NC 27834
VIRGINIA NOBLES		1671 SANDSTONE CT	GREENVILLE NC 27834
MARIO VILLEDA SALINAS	CRISTINA ROJO HERNANDEZ	1640 SANDSTONE CT	GREENVILLE NC 27834
GEORGE D SUTTON		4000 HIDCOTE CT	GREENVILLE NC 27834
JONATHAN K SUTTON		1311 W 14TH AVE	GREENVILLE NC 27834

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- ETJ
- Subject Property
- City Limits
- Railroads



Special Use Permit - Board of Adjustment

October 22, 2020 6:00 p.m.

Zoom Webinar

Staff Contact: Elizabeth Blount, 252-329-4608

Date: October 14, 2020

Applicant: Andrew Davis, III

Agenda #: 3 (New Business)

Request: The applicant, Andrew Davis, III, desires a special use permit to operate a child day care (drop-in service) pursuant to Appendix A, Use (8)a. of the Greenville City Code.

Location: The proposed use is located at 1716 W. 5th Street. The property is further identified as being tax parcel number 17562.

Zoning of Property: CDF (Downtown Commercial Fringe)

Surrounding Zoning:

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

South: MS (Medical Support), MI (Medical Institutional) and MCH (Medical Heavy Commercial)

East: CDF (Downtown Commercial Fringe)

West: MCH (Medical Heavy Commercial) and R6 (Residential)

Surrounding Development:

North: Moyewood Subdivision and a vacant lot

South: ECU Medical Pavilion and Taylor Warehousing

East: Joseph Murad, MD Gynecology and a vacant lot

West: Vacant Lots

Description of Property:

The subject property is 0.42 acres in size with approximately 142 feet of frontage along W. 5th Street. The property contains a 2,501 square foot commercial building. The applicant wishes to operate a childcare facility- drop-in service within the building.

Comprehensive Plan:

The property is located within the Office and 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 office and institutional/civic development within the subject property.

Notice:

Notice was mailed to the adjoining property owners on October 8, 2020. Notice of the public hearing was published in the Daily Reflector on October 12 and October 19, 2020.

Pertinent Information

NC General Statute 110-86(2)(d) defines drop-in/short-term child care as a child care arrangement where care is provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible. The statute also states that the business is not required to be licensed or regulated by any state agency but it must complete a registration application and post their notice notifying parents of the requirements by the general statute. Since the use is not required to obtain a Day Care License from the State, the use is not required to meet the minimum playground and lot size requirements in which we use as our specific criteria when considering a Child Day Care Center.

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.

Staff Recommended Conditions:

The proposed use must comply with NCGS 110-86(2)(d)(d1) and 110-99(c) and all federal, state and local laws and regulations.

The proposed request may not evolve into a complete child care facility by definition of NC G.S. 110-86(2) without obtaining a special use permit for such use.

All activities with the children shall remain inside the building at all times.

The proposed use must obtain and maintain all applicable licensing requirements for drop-in care.

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 20-21
Date Received 9-24

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) Andrew Davis, III
Rover Investments, LLC

Contact Name and Mailing Address Andrew Davis, III
PO Box 8546
Greenville, NC 27835

Contact Phone Number (252) 327-7709

Contact Phone Number () _____

Contact Fax Number () _____

Contact Email Address davisappco@gmail.com

Location /Street address of proposed use 1716 W Fifth Street, Greenville

Tax Parcel # 17562

Proposed use Children's Day Care Facility

1716 W Fifth Street, Greenville
Owner: Rover Investments, LLC
Tax Parcel ID#: 17562
Special Use Permit Application responses

CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION RESPONSES

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.

This redevelopment falls within the CDF "DOWNTOWN COMMERCIAL FRINGE" zoning district. The proposed use of childcare facility will provide commercial and service activities designed to enhance the downtown commercial area, stimulate redevelopment and become a part of a growing compatible mix of commercial and high-density residential development. Due to the commercial nature of this use, there are no requirements for maximum height nor maximum lot coverage. As the childcare use triggers an increased ratio of 100 square feet per child over five in number for minimum lot size, the maximum number of 25 children results in a figure of 0.05ac which is amply met by the 0.42ac-sized parcel. Lot width is 136.94 feet. Public street setback (MBL) is ten feet from the Right-Of-Way, with 4 feet Bufferyard A. West side setback is 4 feet Bufferyard B, East side setback is 4 feet Bufferyard B and rear setback is 4 feet Bufferyard B.

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

1716 W Fifth Street, Greenville

Owner: Rover Investments, LLC

Tax Parcel ID#: 17562

Special Use Permit Application responses

The City of Greenville's 2016 Community Plan, "Horizons 2026" lays out the City's desires for future growth and community character. This redevelopment project that proposes the reuse of existing building stock on the outskirts of the central business district is in keeping with the City's desire to focus future development within existing commercial districts, thus leveraging the City's existing infrastructure and increasing the amount active, multimodal transportation opportunities City-wide.

According to the Plan's Future Growth Framework map, this property lies along a designated "Signature Corridor" to which it will contribute to the goal for this primary corridor to improve the appearance of development and safety for all users. As indicated by the Future Land Use and Character Map, this project's proposed use is congruent with the designated Office/Institution Activity Center Character Type.

The proposed use serves as a transition between more intense commercial uses and its surrounding neighborhoods. The proximity to local services and residences presents an opportunity for walkability and connections to surrounding development via sidewalks, streets, and natural paths. Parking for this redevelopment will be primarily accommodated to the side and rear of the building. Proposed landscaping and signage anticipate an improvement to the public realm. Low to no visual obstructions at the City Right-Of-Way will provide for pedestrian and vehicular safety. What's more, this redevelopment is located in a "Preferred Growth Area" where the City encourages growth through increased density and redevelopment with the Horizons 2026 timeline.

This redevelopment also addresses Plan Policies 3.1.3. "Promote Rehabilitation and Reuse of Commercial and Industrial Building as another means of achieving the benefits of infill development" and 4.6.4. "Support Affordable Childcare." Finally, as laid out in the Medical Area Special Area Plan within the Horizons 2026 Plan, the proposed use will provide additional locally-serving amenities for employees, providing more support uses proximate to medical core employees as well as those residences nearby.

(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.

1716 W Fifth Street, Greenville

Owner: Rover Investments, LLC

Tax Parcel ID#: 17562

Special Use Permit Application responses

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.

The proposed use will utilize two existing curb cuts as sources of naturally separated ingress and egress to the property. Required parking spaces will be accommodated mainly at the side and rear of the property, leaving space in the front of the building for the required number of pickup and dropoff spaces.

2. The existing vehicular traffic on area streets.

The redevelopment will utilize existing curb cuts on a minor arterial uncontrolled access roadway, to which the existing vehicular traffic is accustomed.

3. The condition and capacity of area streets which will provide access to the proposed development.

The FHWA categorization NCDOT uses for West Fifth Street is "Minor Arterial" (two-lane divided), in between a "Local street" (Moyewood Dr) to the west and an "Other Principal Arterial" (S Memorial Drive) to the east. The proposed use of the project, as located on a minor arterial, will attract trips of moderate length and allows connectivity to the higher Arterial system, providing interconnections as well as allowing for intra-community continuity, as appropriate for this categorization of roadway.

4. The visibility afforded to both pedestrians and operators of motor vehicles both on-site and off-site.

The existing curb cuts to be used by the redevelopment appear to be visually unobstructed on a one-way, two-lane divided roadway, with plenty of visibility between pedestrians and drivers both entering and exiting the roadway and sidewalk.

5. The reasonably anticipated increase in vehicular traffic generated by the proposed use.

The anticipated increase in vehicular traffic would be less than 25 additional cars per day, and therefore not expected to generate a significant increase in traffic.

6. The anticipated, existing and designed vehicular and pedestrian movements both on-site and off-site.

1716 W Fifth Street, Greenville

Owner: Rover Investments, LLC

Tax Parcel ID#: 17562

Special Use Permit Application responses

Unobstructed viewsheds by cars and pedestrians alike, along with double curb cuts that lend themselves to a clear and safe entrance and exit designation, should allow for smooth ingress and egress to the development.

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

The proposed use will enhance public welfare and encourage the development of adjacent properties by catalyzing economic growth through the offering of much-needed childcare services in the midst of increased community needs due to current hybrid-learning models related to COVID-19, and altered patterns of teleworking that may not in the near future return to pre-COVID levels.

(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.

Existing uses include a mix of residential, commercial (convenience stores, restaurants), county government and essential services (hospital and related medical offices, pharmacies, etc.). The proposed use would therefore benefit from being able to serve the needs of the surrounding communities' residents and employees, thus providing the childcare center with a demand for clients.

(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.

Lacking other childcare facilities in the neighborhood, this is a needed use, whose business development will add positive activity, job opportunities, increased tax base by redeveloping an underutilized property. The proposed use is therefore anticipated to add value to the community and surrounding 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:

1716 W Fifth Street, Greenville
Owner: Rover Investments, LLC
Tax Parcel ID#: 17562
Special Use Permit Application responses

1. The number of persons who can reasonably be expected to frequent or attend the establishment at any one time.

The anticipated number of people who are expected to frequent the establishment at any one time includes two employees, 25 children, and their caregivers (two times each day at pickup and dropoff). Due to the low number of individuals, unique ingress and egress drives, and the establishment's anticipated hours of operation, and is not anticipated to be a nuisance to the surrounding property uses that include doctor's office and adjacent greenspace.

2. The intensity of the proposed use in relation to the intensity of adjoining and area uses.

Proposed and adjacent land use code of "3" is in concert with adjacent land uses that include office and residential, thus the intensity of proposed and adjacent uses are similar.

3. The visual impact of the proposed use.

The visual impact of the proposed use will involve building and facility signage enhancements such as painting, minor exterior repairs, etc., otherwise minimal changes will occur to the exterior of the existing facility.

4. The method of operation or other physical activities of the proposed use.

Method of operation will observe typical commercial hours, with extended evenings and anticipates no nuisance activities.

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.

Proposed use does not anticipate any level of reasonably expected noise, odor, smoke, dust, nor emissions of gas, particles, solids or other objectionable or toxic characteristics.

6. The danger of fire or explosion.

The proposed use of childcare facility does not require any reasonably expected situations or materials onsite in which there would present a danger of fire or explosion.

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 Pover Investments LLC / Michael Glenn am /are the owner(s) of the property located at 1716 W Elm St Greenville NC

I/We hereby authorize Andrew Davis to appear by consent before the Greenville Board of Adjustment in order to ask for a special use permit to operate a children's day care facility

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 me / Michael Glenn at my address, PO Box 35 Greenville NC 27835

or by telephone at (252) 412-0645 or (_____)

Respectfully yours,

[Signature] _____ 9/25/20
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: MICHAEL GLENN

Date: 9/28/2020

[Signature]
Notary Public

(Official Seal) **STEVEN R. JONES**
Notary Public
North Carolina
Pitt County

My commission expires: 3-3-2025



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

October 8, 2020

Andrew Davis, III
PO Box 8546
Greenville, NC 27835

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, October 22, 2020 at 6 pm. Please be advised that the BOARD'S OCTOBER 22, 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, October 19th.** You may register on our website at www.greenvillenc.gov under the Board of Adjustment webpage. All **participants (including yourself)** 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 October 19th.** **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 October 19th.** Additional information will be posted on the City's website (<https://greenvillenc.gov>). Enclosed 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

October 8, 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, October 22, 2020 at 6 pm.** The request by Andrew Davis for a special use permit to operate a child day 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 1716 W 5th Street. The property is further identified as being tax parcel number 17562. 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 OCTOBER 22, 2020 MEETING WILL BE A REMOTE MEETING CONDUCTED BY ELECTRONIC MEANS

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If you have competent and material evidence relevant to this case, you may participate in the evidentiary hearing. If you have questions about how to participate in the electronic evidentiary hearing, or if you have any issues or concerns about the electronic platform, please contact the undersigned plan reviewer as soon as possible, but no later than October 19. 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, October 19, 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 October 19th. **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. 1136759

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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. 1136759

ANDREW DAVIS III

OwnerName	OwnerName2	OwnerAddress1	CityStateZip
BETTY M BLACKWELL		822 NC 903	GREENVILLE NC 27834
SHEILA JOYCE CHASTEN		319 ROUNDTREE DR.	GREENVILLE NC 27834
MYRA ROUSE FARROW		301 GREENWOOD DRIVE	GREENVILLE NC 27834
LINDA J GLENN		PO BOX 39	GREENVILLE NC 27835
BOBBY CHRISTOPHER E KEYES		1045 NORTHWOODS DR.	GREENVILLE NC 27834
JOSEPH LOUIS JR MURAD	JUDITH WINSTEAD MURAD	412 WESLEY ROAD	GREENVILLE NC 27858
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