



Agenda

Greenville Board of Adjustment

March 25, 2021

6:00 PM

Assistive listening devices are available upon request for meetings held in the Council Chambers. If an interpreter is needed for deaf or hearing impaired citizens, please call 252-329-4422 (voice) or 252-329-4060 (TDD) no later than two business days prior to the meeting.

I. Call to Order

II. Roll Call

III. Approval of Minutes - February 25, 2021

IV. New Business

1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY CLIFF PADILLA AND DOROTHY COUNCIL

The applicants, Cliff Padilla and Dorothy Council, desire 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 956 Mizell Street. The property is further identified as being tax parcel number 41001.

2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY CRISTIAN DEJESUS, HARRY GARCIA, AND WILLIAM ASHBERY

The applicants, Cristian DeJesus, Harry Garcia, and William Ashbery, desire to operate a personal service not otherwise listed (tattoo shop) pursuant to Appendix A, Use (15)a. of the Greenville City Code. The proposed use is located at 905 Dickinson Ave. The property is further identified as being tax parcel number 02759.

V. Adjournment

DRAFT MINUTES OF THE GREENVILLE BOARD OF ADJUSTMENT
February 25, 2021

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 - X	Nathan Cohen- *
Christopher Lilley- *	Stephen Atkinson- *
Rodney Bullock - Co-Chair - *	Ann Bellis - *
Hunt McKinnon - *	John Landrine - *
Sharon Evans-*	Ryan Purtle - *

VOTING MEMBERS: Bullock, Bellis, McKinnon, Lilley, Evans, Atkinson, Cohen. After Agenda Item 4, Ryan Purtle was elevated to voting status to replace Sharon Evans who had left the meeting.

OTHERS PRESENT: Elizabeth Blount, Lead Planner; Donald Phillips, Assistant City Attorney; Tony Parker, Planner I; Thomas Barnett, Director of Planning and Development Services; Les Everett, Assistant Director of Planning Services; Taylor Bland, Staff Support Specialist II; Kelvin Thomas, Communications Specialist; Travis Welborn, Civil Engineer III; Rik DiCesare. Traffic Engineer

OPENING STATEMENT: Mr. Bullock read the following statement:

*The meeting will now come to order. Welcome to the **February 25, 2021** meeting of the City of Greenville Board of Adjustment. My name is Rodney Bullock and I am the Vice Chair of this Board and will be serving as Chair tonight.*

I would like to start by acknowledging that we are conducting this meeting using a remote, electronic platform. This is a meeting of the Greenville Board of Adjustment. I would ask for your patience tonight 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 Ordinances. We conduct evidentiary hearings on requests for special use permits and variances and also hear certain administrative appeals.

Before we begin the evidentiary hearings on tonight'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, tonight's meeting will be conducted by simultaneous communication in accordance with the newly enacted statutes such as N.C.G.S. § 166A-19.24 in Session Law 2020-3, which allow for remote meetings and quasi-judicial hearings during declarations of emergency and additional requirements regarding notice and the opportunity to be heard.

Second, each applicant on tonight's agenda was notified before being placed on the agenda that this meeting would be conducted using a remote, electronic platform. Applicants on tonight's agenda have consented to the Board conducting the evidentiary hearing on their requests using this remote platform. We will also confirm tonight at the start of each evidentiary hearing that the participants in the evidentiary hearing consent to the matter proceeding in

*this remote platform. Specifically, notice of tonight's remote evidentiary hearings was provided by mail to the applicants and 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. The letters also stated to contact the City immediately if there were any objections to the evidentiary hearing for which the notice was sent, or to the remote meeting platform. **No case is proceeding tonight in which the City has been contacted by an individual who objects to this meeting being heard by way of a simultaneous remote meeting platform.** Notice was also provided by the posting of a sign on the site of each property, publishing of a 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 tonight's meeting contained information about the means by which the public can access the remote meeting, as the meeting occurs.*

*Third, any individual wishing to participate in tonight'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 City's website. **No case is proceeding tonight in which anyone contacted the City to voice an objection to a request or the remote meeting platform.***

All individuals participating in tonight'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 tonight's remote meeting. Tonight's Agenda and all materials that the City received from the participants in tonight's cases, as well as a copy of City staff's presentations and documents, were posted online on the City's website at greenvillenc.gov prior to this remote meeting. All materials that will be discussed tonight can be viewed at any time during tonight's meeting by going to the City's website and clicking on the link at the top of the page for tonight's meeting.

All decisions of this Board are subject to appeal to the Pitt County Superior Court.

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

Elizabeth Blount, Lead Planner with the City's Planning and Development Services Department is serving as staff to the Board. Tony Parker, Neighborhood Liaison/Planner I, with the City's Planning and Development Services Department will be serving as the Clerk for the meeting tonight and will also assist with procedural questions. Also, Assistant City Attorney Donald Phillips will be advising the Board on legal and procedural questions.

MINUTES:

Motion made by Mr. McKinnon, seconded by Mr. Lilley, to approve the January 28, 2021. Motion passed unanimously.

Chairman Bullock swore in presenting staff members- Elizabeth Blount, Travis Welborn, Rik DiCesare.

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.

NEW BUSINESS

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

The applicant, Sidewalk Greenville, LLC, desires to amend their special use permit to operate a dormitory development to reduce the square footage of the nonresidential use pursuant to Appendix A, Use (2)e(1), of the Greenville City Code. The proposed use is located at 550 Pitt Greene Connector. The property is further identified as being tax parcel number 16544.

Chairman Bullock confirmed and swore in three registered speakers – Gus Cook, Jim Blount and Michelle Clements.

Ms. Blount delineated the area on the map. She stated that the request is located in the center portion of the City.

Zoning of Property:

CD (Downtown Commercial)

Surrounding Zonings:

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

Surrounding Developments:

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

Description of Property:

The subject properties are bounded by Dickinson Avenue, S. Pitt Street and Reade Circle and is located in the West Greenville Certified Redevelopment Area. The properties total 2.17 acres in size. The applicant wishes to amend their previous amended request dated February 28, 2020 to include the addition of 8 units and reducing the nonresidential square footage by 7,153 square feet. The proposed amendment would increase the total number of market rate units from 157 to 165 and the total number of beds from 426 to 437. This amendment would also decrease the nonresidential space from 13,269 square feet to 6,116 square feet.

Comprehensive Plan:

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

Notice:

Notice was mailed to the adjoining property owners on February 11, 2021. Notice of the public hearing was published in the Daily Reflector on February 14 and February 21, 2021.

Related Zoning Ordinance Regulations:

Definition:

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

Specific Criteria: Dormitory development within the CD District.

- (1) Minimum habitable (mechanically conditioned) floor area per each bedroom: 200 square feet. For purposes of this requirement, the term floor area shall include private living spaces and any connected common living spaces associated with the subject bedroom, provided however the common living space allocation devoted to a bedroom shall not qualify for or count toward the minimum floor area requirement of any other bedroom.
- (2) Minimum lot area: None.
- (3) Minimum lot width: None.
- (4) Minimum street, side and rear yard setbacks: None.
- (5) Minimum parking requirement: One half space per bedroom.
- (6) Parking location requirements:
 - (a) Each required parking space shall be located:
 1. On the lot containing the associated residential use;
 2. Within a remote parking facility located within 800 feet of the use it is intended to serve, as measured with and along an improved pedestrian path from the most distant parking space to the building entrance; or
 3. Within a remote parking facility located in a Downtown Commercial (CD) District.
 - (b) Such remote parking facility shall be in accordance with the applicable provisions of Article O.

- (7) Off-street parking: All off street parking areas designed for three or more spaces shall be in accordance with Article O.
- (8) Preservation design: In order to protect the architectural integrity of existing buildings within the CD Zoning District, and in so doing to preserve the continuity of scale and design within those areas, the following requirements shall be met:
 - (a) All slip covers previously applied to the facade of existing buildings shall be removed.
 - (b) All canopies, except for those made of canvas, shall be removed from the facade.
 - (c) Where evidence exists of original windows and door openings subsequently enclosed, the windows and doors shall be reopened in an operable manner and in a style in keeping with the building. Where other unique architectural features remain, including cornices, mid cornices and window surrounds, they shall be repaired and/or replaced with elements of like design.
 - (d) Nothing in this subsection shall supersede applicable North Carolina State Building Code requirements.
- (9) Maximum residential occupancy limits:
 - (a) Residential occupancy within dormitory units shall be limited to one bed per each bedroom and one person per each bedroom.
 - (b) Residential occupancy within dwelling units shall be limited to one family per each dwelling unit.
- (10) Signage: All signs shall be erected in accordance with Article N of this chapter, but in no event shall a sign be mounted over existing windows, doors or other architectural features described in subsection (MM)(8)(c) above.
- (11) Residential and nonresidential uses allowed: Subject to district standards, and requirements, development allowed under this section may include both residential and nonresidential use.

Staff Recommended Conditions:

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

Public parking along Pitt and Dickinson Ave shall remain as general public parking with a 1-hour parking restriction and not be calculated to fulfill the parking requirements. No special signing will be installed.

Contractual agreement for additional parking and a site plan indicating parking and any additional site improvements must be submitted and approved prior to the occupancy of the additional units.

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

Staff Comments:

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

Staff Recommendation:

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

Chairman Bullock opened the public meeting.

Mr. McKinnon made a motion to find that Gus Cook and Jim Blount have standing to participate in the proceeding, Ms. Evans seconded the motion and it passed unanimously. Vote: 7 to 0

Gus Cook, applicant, spoke in favor of the application. He stated it has been difficult to find tenants to fill the retail space on the bottom floor of the building. He stated the available retail space would be converted into live work units. He also stated the space could be converted back to retail space if the market for retail improves.

Ms. Bellis asked if all the retail space would be eliminated.

Mr. Cook stated all the retail space would not be eliminated. He stated over 6,000 square feet will remain as commercial space.

Ms. Bellis asked how many of the market rate units are currently rented.

Mr. Cook stated the units are fully occupied but they have vacancies with the student units.

Ms. Bellis asked if the units located along the street have interior and exterior entrances.

Mr. Cook stated that not all but most of the units have exterior entrances and all of them have interior entrances through the corridor that would allow secured access to other monitored points.

Ms. Bellis stated she had concerns about the security for the exterior entrances and people entering do not have to go through security.

Mr. Cook stated some of the units will have the ability to have exterior doors that will allow entry for business purposes but all will have lockable doors and security. The lease agreement will include a condition that there be no entry from the street unless there is a commercial use.

Jim Blount, partner of Sidewalk LLC, spoke in favor of the application. He stated it has been difficult to fill the retail space due to the ECU Student Center and other competition in the downtown area.

Michelle Clements, Engineer, spoke in favor of the application. She stated that her team is working to provide the parking requirements.

Mr. Atkinson asked Mr. Blount what the vacancy rate was at the start of the project versus the vacancy rate now.

Mr. Blount stated there are more vacancies now due to other apartment buildings in the downtown area.

Mr. Atkinson asked how the fast food retailers in the Student Center have affected their vacant retail spaces.

Mr. Blount stated he was referring more to the downtown area as a whole. He stated he has tracked that students seem to go to the Student Center for food rather than going downtown.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Chairman Bullock asked for staff's recommendation.

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

Chairman Bullock closed the public hearing and opened up for Board discussion.

No board discussion.

Chairman Bullock read the criteria and the board's silence was a vote in favor of the criteria.

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

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

Chairman Bullock announced that Gus Cook's special use permit had been granted.

2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY GEINO SURIEL

The applicant, Geino Suriel, 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 2010 Corbett Ave. The property is further identified as being tax parcel number 86675.

Chairman Bullock confirmed and swore in a speaker- Geino Suriel.

Ms. Blount delineated the area on the map. She stated that the request is located in the northeastern portion of the City.

Zoning of Property:

RA20 (Residential Agricultural)

Surrounding Zonings:

North: RA20 (Residential Agricultural)

South: RA20 (Residential Agricultural)

East: RA20 (Residential Agricultural)

West: RA20 (Residential Agricultural)

Surrounding Developments:

North: Vacant Lot
South: Single Family Home
East: Vacant Lot
West: Vacant Lot

Description of Property:

The subject property is a 0.39-acre lot with approximately 114 feet of frontage along Corbett Avenue. The property is currently vacant and is located within the 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 February 11, 2021. Notice of the public hearing was published in the Daily Reflector on February 14 and February 21, 2021.

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 establish (new setup) or relocated within the city planning and zoning jurisdiction shall be occupied until the mobile home has been inspected and approved for compliance with the Minimum Housing Code set forth under Title 9, Chapter 1, Article F of the City Code when the Building Inspector makes a finding of noncompliance with the Minimum Housing Code.
- (2) Mobile homes shall, upon installation, have either a permanent, continuous masonry foundation, or a continuous and opaque skirt consisting of vinyl, fiberglass or other similar solid nonmetal material. The skirt for a mobile home shall be attached to weather resistant material when required for support.

Staff Recommended Conditions:

Development of the property is subject to the requirements of the Flood Damage Prevention Ordinance. Minimum finished floor and service equipment to be elevated 2 feet above the base flood elevation.

Elevated service equipment on a platform such as HVAC unit and LP tanks shall be anchored to prevent movement and flotation.

Staff Comments:

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

Staff Recommendation:

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

Chairman Bullock opened the public meeting.

Ms. Bellis asked about the base flood elevation.

Mr. Welborn stated the base flood elevation is the where the state determines the elevation that the water will be when it floods and the structure needs to be built above that so it will not be impacted when flooding occurs.

Ms. Bellis asked if this is the 100 year or 500 year flood plain.

Mr. Welborn stated it is the 100 year flood plain.

Mr. Atkinson asked what the elevation at the site is.

Mr. Welborn stated he was unsure what the exact elevation at the site is. He stated during the building permit review process, there will be a survey completed by a surveyor to be sure the proposed finish floor elevation is two feet above the base flood elevation.

Mr. Bullock made a motion to find that Geino Suriel has standing to participate in the proceeding, Ms. Bellis seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. Suriel, applicant, spoke in favor of the application. He stated he purchased lots to place mobile homes for rent. He stated he has had a surveyor complete an elevation certificate.

Ms. Bellis asked how high the foundation will be for the mobile home.

Mr. Suriel stated the surveyor mentioned two feet.

Ms. Bellis asked if Mr. Suriel will have an engineer handle the foundation if the mobile home has to be raised.

Mr. Suriel stated he will submit the information he received from the surveyor to the movers so they are aware of how to set the mobile home.

Mr. Welborn stated to find out how high the foundation would be, the natural ground would be subtracted from the finished floor elevation.

Ms. Bellis stated she is concerned about the ground floor of the mobile home being high enough in regards to flooding.

Mr. Welborn stated it is required for the surveyor to check the finish floor and provide a certificate to the flood plain manager after construction.

Mr. Suriel stated after the foundation is placed, the surveyor will confirm that it is placed correctly.
Mr. Welborn stated the resident will not be allowed to move in until they receive a certificate of occupancy.

Ms. Blount stated the foundation will need to meet code before a permit will be issued.

Ms. Bellis asked what the expectant life is of a mobile home.

Mr. Suriel stated his team remodels the mobile homes so they will last many years.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Chairman Bullock asked for staff's recommendation.

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

Chairman Bullock closed the public hearing and open up for Board discussion.

No board discussion.

Chairman Bullock 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. Atkinson seconded the motion and it passed unanimously. Vote: 7 to 0

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

Chairman Bullock announced that Geino Suriel's special use permit had been granted.

3. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY GEINO SURIEL

The applicant, Geino Suriel, 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 2008 Corbett Ave. The property is further identified as being tax parcel number 86674.

Chairman Bullock confirmed and swore in a speaker- Geino Suriel

Ms. Blount delineated the area on the map. She stated that the request is located in the northeastern portion of the City.

Zoning of Property:

RA20 (Residential Agricultural)

Surrounding Zonings:

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

Surrounding Developments:

North: Vacant Lot
South: Single Family Home
East: Vacant Lot
West: A Barn and a Single Family Home

Description of Property:

The subject property is a 0.39-acre lot with approximately 114 feet of frontage along Corbett Avenue. The property is currently vacant and is located within the 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 February 11, 2021. Notice of the public hearing was published in the Daily Reflector on February 14 and February 21, 2021.

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 establish (new setup) or relocated within the city planning and zoning jurisdiction shall be occupied until the mobile home has been inspected and approved for compliance with the Minimum Housing Code set forth under Title 9, Chapter 1, Article F of the City Code when the Building Inspector makes a finding of noncompliance with the Minimum Housing Code.
- (2) Mobile homes shall, upon installation, have either a permanent, continuous masonry foundation, or a continuous and opaque skirt consisting of vinyl, fiberglass or other similar

solid nonmetal material. The skirt for a mobile home shall be attached to weather resistant material when required for support.

Staff Recommended Conditions:

Development of the property is subject to the requirements of the Flood Damage Prevention Ordinance. Minimum finished floor and service equipment to be elevated 2 feet above the base flood elevation. Elevated service equipment on a platform such as HVAC unit and LP tanks shall be anchored to prevent movement and flotation.

Staff Comments:

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

Staff Recommendation:

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

Chairman Bullock opened the public meeting.

Mr. Suriel, applicant, spoke in favor of the application. He stated he purchased this lot to place a mobile home.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Chairman Bullock asked for staff's recommendation.

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

Chairman Bullock closed the public hearing and open up for Board discussion.

No board discussion.

Chairman Bullock read the criteria and the board's silence was a vote in favor of the criteria.

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

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

Chairman Bullock announced that Geino Suriel's special use permit had been granted.

4. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY MANGO MAN, LLC.

The applicant, Mango Man, LLC, desires a special use permit to provide gasoline sales and convenience store pursuant to Appendix A, Uses (10)b. of the Greenville City Code.

Chairman Bullock confirmed and swore in eight speakers – Robert Jeffreys, Sophia Avila, Paige Heath, Ann Bristow, Ivy Bagley, Sylvia Starling Briley, Tyrek Alston, and Tammy Flynn.

Ms. Blount delineated the area on the map. She stated that the request is located in the southwest portion of the City.

Zoning of Property:

CN (Neighborhood Commercial) and O (Office)

Surrounding Zonings:

North: R6A (Residential)
South: CN (Neighborhood Commercial)
East: RA20 (Residential Agricultural)
West: CN (Neighborhood Commercial and O (Office))

Surrounding Developments:

North: Augusta Trails Duplex Residential Subdivision and Hawthorne Place Apartments (under construction)
South: Dollar General Store and a vacant lot
East: Single Family Home
West: Vacant lots

Description of Property:

The subject property is 2.116 acres in size and has approximately 312 feet of frontage along Frog Level Road and 452 feet of frontage along Davenport Farm Road. The property is bordered on two sides by minor thoroughfares and at the intersection of a residential transportation corridor. The property is currently undeveloped. The applicant wishes to subdivide the property and operate a convenience store with gasoline sales and a fast food restaurant as an ancillary use.

Comprehensive Plan:

The property is located within both the Mixed Use and the Traditional Neighborhood Medium to High Density Commercial character types as designated by the Horizon Plan. The proposed use is in compliance with the Future Land Use Plan which recommends neighborhood-scale commercial development at key intersections and a use that can provide shopping nearby residential uses while serving as a transition in intensity to nearby neighborhoods.

Notice:

Notice was mailed to the adjoining property owners on February 11, 2021. Notice of the public hearing was published in the Daily Reflector on February 14 and February 21, 2021.

Related Zoning Ordinance Regulations:

Definition:

Restaurant, fast food.

- (1) An eating establishment open to the general public of which the principal use is food services, including food ordering, food preparation and on-premises food consumption, and which meets all of the following:
 - (a) Does not require a membership, cover or minimum charge for admittance or service during regular or special periods of operation;
 - (b) Has sales of prepared and/or packaged foods, in a ready-to-consume state, in excess of 50% of the total gross receipts for the establishment during any month.
 1. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state, the following sales shall be included: food prepared in the establishment's kitchen and served as a meal to be consumed on the premises or as a take-out order; packaged food sold to accompany the meal; and non-alcoholic beverages sold to accompany the meal.
 2. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state: mixed alcoholic beverages, including the mixer; any other alcoholic beverage; grocery items not ordered and purchased with meals; and any other product, item, entertainment, service, or gratuity which is not specified in this subsection(b) as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state.
 3. For purposes of determining compliance under this subsection (b), the Zoning Enforcement Officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.
 - (c) Does not qualify as a conventional restaurant by definition; and
 - (d) May have as an ancillary or accessory use a full service bar, live or recorded amplified music, floor show, and dancing area which is open to the restaurant patrons and general public and is limited to the hours of operation of the principal use restaurant.
- (2) The following is not considered a "restaurant, fast food" under this definition.

(a) Ancillary or accessory food service for a permitted principal use where the food service is open to the general public such as an employee and/or patron cafeteria or eating area;

(b) Temporary food service as part of permitted temporary uses such as carnivals, fairs, street fairs, circuses, athletic events, community events, concerts, nonprofit fund raising events, emergency shelters and the like; or

(c) Any establishment where the preparation of food is merely incidental to the sale of food such as a grocery store or food market and the like.

Accessory use. A use which meets the following conditions:

- (1) A use located on the same lot as the principal use, whether located in the same building, in an accessory building or as an accessory use of land;
- (2) Is incidental to and subordinate to the principal use;
- (3) Is dependent to the principal use;
- (4) Is customarily associated with the principal use; and
- (5) Will not create a nuisance or hazard to the principal use or area uses to a greater degree than that which can be expected by the principal use prior to creation of the accessory use.

Specific Criteria:

(P) *Restaurant; conventional or fast food.*

- (1) Except as further provided, whenever a proposed restaurant is to be located adjacent to a permitted residential use, or a residential zoning district, the following minimum standards shall be required:
 - (a) The restaurant principal structure shall maintain a public street (front yard) setback not less than the adjoining residential zoning district;
 - (b) The restaurant principal structure shall maintain a side and rear yard setback not less than 25 feet from any property line which abuts a residential zoning district or a permitted residential use;
 - (c) The maximum height of the restaurant principal and/or accessory structure(s) shall not exceed 35 feet; and
 - (d) Any exterior menu reader board or order station which contains an audio speaker(s) shall be set back not less than 50 feet from any side or rear property line which abuts a permitted residential use or residential zoning district, and the speaker shall be oriented and directed away from any adjacent permitted residential use or residential zoning district in a manner approved by the Director of Community Development or the Director's authorized representative, and the requirements shall be indicated upon an approved site plan. Separation of the speaker from an adjacent permitted residential use or residential zoning district by an intervening

nonresidential building or structure of sufficient dimension to negate or block the transmission of sound may, upon approval of the Director of Community Development or representative, substitute for the speaker setback, orientation and direction standards of this section. No exterior menu reader board or order station shall be utilized or operated in a manner which constitutes a nuisance or hazard to the general public.

Staff Recommended Conditions:

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

A traffic impact analysis is required prior to site plan submission.

Parking shall satisfy both gasoline fuel sales and convenient store requirements.

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

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

- (i) Any sound transmission device, system, and/or speaker shall be oriented in a manner that directs all mechanical and/or amplified sound toward the building and away from any abutting residential property line, and
- (ii) No amplified sound shall be audible from any point located on any property zoned for residential purposes. Outdoor amplified sound is defined as any sound using amplifying equipment, whose source is outside or whose source is inside and the sound propagates to the outside through open door(s) or window(s) or other openings in the building. Measurement standards shall be human auditory senses.

No television transmission, movie projection and/or computer display shall be viewed from the gasoline activity area.

Exterior lighting associated with the gasoline activity area shall be directed away from all public and/or private street, and away from property zoned for residential purposes. On-site and under canopy lighting shall be shielded and directed to prevent the light cone from crossing the right-of-way line or perimeter property line. Exterior lighting shall comply with the City of Greenville Lighting Standards.

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

The owner(s) and operator(s) or designee(s) shall collect and properly dispose of all litter and debris located on their property immediately following the closure of business or not later than 7:00 a.m. each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public rights-of-way (inclusive of the open ditches along both street frontages) or other adjacent

public property open to the public. Posting this statement shall be visible to employees and management inside the building.

The convenience store shall not contain 20% or more of the establishment's floor area dedicated to the display or stocking of tobacco products or 40% or more of the establishment's on-site signage that is visible from public right-of-way advertising tobacco products.

The establishment shall not operate any outdoor dining area without obtaining the appropriate special use permit.

No loitering or outdoor activities permitted.

Staff Comments:

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

Staff Recommendation:

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

Chairman Bullock opened the public meeting.

Mr. Bullock made a motion to find that Robert Jeffreys and Sophia Avila have standing to participate in the proceeding, Mr. McKinnon seconded the motion and it passed unanimously. Vote: 7 to 0

Ms. Bellis asked if there is a vegetation requirement for the property line, especially the property line adjacent to the houses.

Ms. Blount stated there is a bufferyard requirement. She also stated that the applicant is going to subdivide the property so the convenience store will not be beside the houses.

Mr. Bullock confirmed that the intersection is a four-way stop. He also asked if the convenience store was going to be closer to the intersection.

Ms. Blount stated the convenience store will be closer to the intersection.

Robert Jeffreys, applicant, spoke in favor of the application. He stated the site will have a convenience store with food and gas sales.

Sophia Avila, proposed leasee, was in favor of the application but had no comment.

Mr. McKinnon asked if there has been any discussion with DOT about access to Davenport Farm Road and Frog Level Road.

Mr. Bullock asked what DOT would require for this project.

Rik DiCesare, Traffic Engineer, stated DOT and the City will require a Traffic Impact Analysis but this is not done until the site plan review, if approved.

Paige Heath, Home Owner, spoke in opposition of the application. She stated her property is 50 feet from the property. She stated she is concerned about the decrease in her property value, fumes and chemicals coming from the gas pumps, increased traffic, loitering, and sex trafficking.

Ms. Blount asked Mr. Phillips if the evidence Ms. Heath is speaking of could be submitted to the City for record.

Mr. Phillips stated any evidence needs to be submitted tonight or the board has the option to continue the matter to receive additional evidence.

Mr. Bullock confirmed Ms. Heath resided within 250 feet of the proposed property and that she lives across the street from a Dollar General.

Ms. Heath confirmed that she lived within 250 feet, she received the notification letter and she lives across from the Dollar General.

Mr. Bullock made a motion for the agenda item to be continued to the next meeting in order to receive the evidence.

Ms. Evans asked if the board could have discussion.

Mr. Phillips stated there is a motion on the floor, there was no second and the motion cannot be discussed.

Mr. Bullock withdrew the motion.

Ms. Bellis asked if Ms. Heath would be able to provide the evidence if the meeting is continued.

Mr. Bullock stated that he confirmed Ms. Heath received a letter meaning that she was in close proximity in order to have standing.

Mr. Phillips stated he has yet to confirm if Ms. Heath has standing to serve as a party in the hearing.

Ms. Evans stated she wants to make sure all evidence that is presented is factual. She stated she does not believe the evidence about sex trafficking in Pitt County is completely true due to her Ph.D. in Public Health and her work with law enforcement. She did not want anyone mislead that children are being trafficked at local gas stations. This action is more commonly at truck stops.

Mr. Lilley stated it would be better for the opposing parties to bring expert witnesses on the subject matter.

Mr. Phillips made a motion to find that Ms. Heath has standing to participate as a party in the proceeding, Mr. McKinnon seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. Phillips informed Ms. Heath that she has been determined a party in the case. He stated she may now ask questions and cross examine and rebuttal as a party with standing in the case.

Ms. Bellis asked Mr. Phillips to explain to Ms. Heath what evidence is acceptable and substantial for this case.

Mr. Phillips stated the evidence presented to the board has to be substantial, competent, and relevant. In this hearing, you cannot present a petition, affidavit that is not also testifying, a letter from someone that is not testifying, any scholar writing has to be presented by an expert witness. If someone that will receive damages to their property can say that they actually counted x number of cars, then that information can be presented. The board gets to decide based on the presentation.

Mr. Bullock made a motion to find that Ann Bristow had standing to participate as a witness to participate in the proceeding fulfilling all the statute regulations, Mr. McKinnon seconded the motion and it passed unanimously. Vote: 7 to 0

Ann Bristow, witness, spoke in opposition of the application. She stated she lives in Taberna Subdivision on Bryson Road off of Frog Level Road. She states traffic backs up from the four-way stop on Frog Level and Davenport Farm, past the Taberna entrance. She stated traffic cuts through her development.

Mr. Bullock made a motion to find that Ivy Bagley had standing to participate as a witness in the proceeding fulfilling all the statute regulations, Mr. McKinnon seconded the motion and it passed unanimously. Vote: 7 to 0

Ivy Bagley, witness, spoke in opposition of the application. She stated she lives in Taberna Subdivision. She stated her concern is the four-way stop and the accidents that occur there. She stated she can see the intersection from her back yard and there are accidents at least once a week or more.

Mr. Bullock asked if she can see the four-way stop from inside her home.

Ms. Bagley stated she can see the four-way stop from inside her home but there will be homes built on the property so she may not be able to see after development.

Mr. Bullock asked if there are housing sites there now but no homes.

Ms. Bagley stated that is correct.

Ms. Bellis stated it would be helpful to have a traffic count and accident report for the intersection.

Ms. Bagley stated she would be able to investigate that but she did not have enough time to prepare this information for the hearing.

Mr. McKinnon asked if Mr. DiCesare could get that information.

Mr. DiCesare stated he is going to wait until all the comments are provided and address those comments at once.

Mr. Lilley asked Mr. DiCesare if there would be right in and right out turns from the gas station.

Mr. DiCesare stated that is a possibility and a traffic impact analysis will be done, if approved.

Mr. Bullock made a motion to find that Sylvia Starling Briley has standing to participate as a witness in the proceeding fulfilling all the statute regulations, Mr. McKinnon seconded the motion and it passed unanimously. Vote: 7 to 0

Sylvia Starling Briley, witness, spoke in opposition of the application. She stated she is concerned about the water flow in the area and how this will be affected if there is a gas spill. She also stated there will be more traffic issues coming from the new bypass.

Mr. Bullock asked how close in proximity is Ms. Briley's residence to the proposed gas station.

Ms. Briley stated she can see the intersection and Dollar General from her driveway.

Mr. Bullock asked how long she has been a resident in the area.

Ms. Briley stated she has been a resident for over 30 years.

Mr. Bullock made a motion to find that Tyrek Alston has standing to participate as a witness in the proceeding fulfilling all the statute regulations, Mr. Lilley seconded the motion and it passed unanimously. Vote: 7 to 0

Tyrek Alston, witness, spoke in opposition of the application. He stated there is undesirable foot traffic through his neighborhood and there will likely be more with the proposed gas station. He also stated there is already increased traffic in the area due to the Dollar General.

Mr. Bullock made a motion to find that Tammy Flynn has standing to participate as a witness in the proceeding fulfilling all the statute regulations, Mr. Atkinson seconded the motion and it passed unanimously. Vote: 7 to 0

Tammy Flynn, witness, spoke in opposition of the application. She stated cars cut through the Dollar General parking lot to avoid the traffic at the four-way stop. She also stated she is concerned for the safety for children who walk down Frog Level Road.

Mr. Phillips noted that only the parties are allowed to cross examine. The parties were noted as the City of Greenville, Mr. Jeffreys and Ms. Heath.

Mr. DiCesare stated DOT has studied the intersection due to it being a high accident location. He also stated if this application is approved, the applicant will need to submit a Traffic Impact Analysis during the site plan review. He noted that when the State reviewed the Dollar General, they stipulated Dollar General had to dedicate the required right-away to accommodate a future round-about. He stated that requirement would most likely be placed on this parcel as well.

Mr. McKinnon asked if the current site plan would work if there is a round-about put in place at the intersection.

Mr. DiCesare stated the current site plan does not work but this cannot comment on the mitigation until site plan review. He stated the DOT is not planning to build the round-about any time soon due to finances. He also stated after the Traffic Impact Analysis is completed, there may be turn lanes or medians placed to help with traffic.

Mr. Bullock asked if this is premature because the board does not have all the information.

Ms. Blount stated in projects like this, the applicant wants to be sure they are going to be permitted to do the use before they create the site plan.

Mr. DiCesare stated there is a site plan review process and this is when there will be a Traffic Impact Analysis completed.

Mr. McKinnon stated the meeting package included a site plan.

Ms. Blount stated when an applicant submits an application, they are required to provide a special use map to show briefly how the project will be laid out. She also stated a more detailed plan will be submitted through the site plan review if the application is approved.

Mr. McKinnon asked the chair to consider a motion to continue. He stated there is not sufficient data or information to come to a conclusion.

Ms. Blount stated the board has not had a site plan submitted to them in the past, only special use maps.

Mr. McKinnon stated he would prefer to continue the application and receive more definite information.

Mr. DiCesare stated this application is to approve the special use of gasoline on the site.

Ms. Blount stated because this request has added gasoline sales that is why it is being brought before the board.

Mr. McKinnon stated it appears to him that the corner is crowded with the gasoline pumps and there is not enough information to move forward.

Ms. Blount asked the board what information they are requiring.

Mr. Purtle stated that at this juncture the board cannot take into account any mitigation strategies that may or may not be done because it has no bearing on the use of the property itself. He stated the board is voting on the use of the property itself which will dictate the mitigation strategies that they will have to implement down the road, if approved.

Ms. Blount stated that is why this application is a special use permit request because the board is looking at the special use of the property.

Mr. Bullock asked if Mr. McKinnon would like to move forward with the motion to continue.

Mr. McKinnon stated he believes what the board has heard is insufficient to assure this is done properly.

Chairman Bullock asked for staff's recommendation.

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

Mr. Lilley asked staff if the board is able to ask the applicant to submit a site plan to the board.

Ms. Blount stated if the applicant wishes to take that step, this is the time for him to speak.

Mr. Landrine asked at what point the board gets back to the potential motion to continue the application.

Mr. Phillips stated that motion was withdrawn and there would need to be a new motion.

Mr. McKinnon moved to continue the application to the next meeting to receive more definite information.

Mr. Atkinson seconded the motion to continue the application.

Ms. Blount asked the board to state what information they are asking for.

Mr. McKinnon stated if there is a round-about placed, there would be no room for the pumps. He stated operationally, he does not think the board has what they need to make a decision.

Mr. Purtle stated the round-about has no factor in this hearing. He stated it is a future plan and it has no bearing on the use of the property as it stands currently.

Mr. McKinnon asked if the right-away would be asked for prior to the round-about being built.

Mr. DiCesare stated it may or may not be by the DOT. He also stated the City will have to review the site plan, not what is presented here.

Mr. McKinnon stated the median also takes property and there may be no property to share.

Mr. DiCesare stated the median could be part of the mitigation

Mr. McKinnon asked why they are mitigating what isn't yet a problem.

Ms. Blount stated the board is looking at the use.

Mr. McKinnon asked why mitigation is required if the pumps aren't there.

Mr. DiCesare stated there will be mitigation applied to this whether or not there are gas pumps at the site.

Mr. Bullock reminded the board this is a special use permit for the allowance of gas pumps. He stated the applicant can legally place a convenience store at this site. He stated the board's task is to vote on the special use permit to allow gas pumps to accompany the convenience store.

Ms. Blount stated currently there is a motion on the floor. She asked what more specific information the board is requiring.

Mr. Landrine stated Ms. Heath stated she had evidence of the environmental impact and property value impact related to the gas pumps.

Mr. Bullock asked Mr. McKinnon if he wanted to leave his motion on the floor.

**Mr. McKinnon made a motion to continue the application, Mr. Atkinson seconded the motion and it passed.
Vote: 6 to 1**

Mr. Phillips stated the hearing may be continue without further advertisement by statute 406.

Ms. Blount clarified that no letters will be sent out.

Mr. Phillips stated according to the statute it does not need to be advertised but it is optional.

Ms. Bellis stated she would prefer the hearing be advertised again.

Ms. Blount confirmed that the information the board would like to be brought to the next meeting is the evidence from Ms. Heath.

Mr. Bullock confirmed.

Ms. Blount stated the city policy says that all information must be submitted 20 days prior to the next meeting which means that information would need to be received today. Ms. Blount asked if the board will allow Ms. Heath time to provide her evidence.

Mr. Phillips stated the application could be continued to the April 22, 2021 meeting or to schedule a special meeting.

Ms. Blount clarified that a special meeting would be in addition to the standard every fourth Thursday meeting.

Mr. Phillips stated that is correct.

Ms. Blount asked if the applicant has to agree.

Mr. Phillips stated there is not a requirement in the statute that the applicant has to agree and that the board has voted to continue the matter.

Mr. Bullock made a motion to continue the application to the April 22, 2021 meeting to allow time for all information requested to be shared with the board and sufficient time to share this information with the public. Mr. McKinnon seconded the motion and it passed unanimously. Vote: 7 to 0.

Mr. Phillips stated the motion does not prevent Mr. Jeffreys from including any additional evidence.

Mr. Jeffreys asked if he is allowed to bring a subject matter expert to the next meeting.

Mr. Bullock stated the board encourages him to do so.

Ms. Blount stated all information needs to be submitted no later than March 24, 2021.

Ms. Bellis asked if this item will appear on the April 22, 2021 agenda and advertised.

Ms. Blount stated it does not have to be advertised per Mr. Phillips.

Mr. Phillips stated it does not have to be advertised but it may be.

Ms. Bellis asked if the board can request that the item be on the agenda and advertised.

Mr. Phillips stated it will be on the agenda but the statute states it does not have to be further advertised.

Ms. Bellis asked what the board can do to be sure it will be advertised.

Mr. Phillips stated the board can make a motion that the City advertises the item in the newspaper.

Ms. Bellis made a motion to advertise this item in the newspaper. Mr. Atkinson seconded the motion and the motion passed unanimously. Vote: 7 to 0.

Mr. McKinnon made a motion to take a 10 minute break. Ms. Bellis seconded the motion and it passed unanimously. Vote: 7 to 0.

5. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY WGBJR HOWELL, LLC

The applicant, WGBJR HOWELL, LLC, desires to operate a building supply; lumber and materials sales, plumbing and/or electrical supply including outside storage pursuant to Appendix A, Use (12)d. of the Greenville City Code. The proposed use is located at 301 Hooker Road. The property is further identified as being tax parcel number 07166.

Chairman Bullock confirmed and swore in two speakers - Bryan Fagundus and Jason Tew.

Ms. Blount delineated the area on the map. She stated that the request is located in the central portion of the City.

Zoning of Property:

CDF (Downtown Commercial Fringe)

Surrounding Zonings:

North: CDF (Downtown Commercial Fringe)
South: CDF (Downtown Commercial Fringe) and CH (Heavy Commercial)
East: CDF (Downtown Commercial Fringe)
West: CDF (Downtown Commercial Fringe)

Surrounding Developments:

North: The Next Generation Funeral Home and a vacant lot
South: Electric Motor Sales & Service of Pitt County, Inc. and a warehouse
East: Vacant Lot
West: City of Greenville Building

Description of Property:

The subject property is 3.22 acres in size with approximately 325 feet of frontage along Hooker Road and 441 feet of frontage along Howell Street. The property is located along a minor thoroughfare. The applicant wishes to operate a building supply facility with outdoor storage racks.

Comprehensive Plan:

The property is located within the Mixed Use character types as designated by the Horizon 2026 Greenville Community plan. The proposed use is in compliance with the Future Land Use plan which recommends commercial for the subject property.

Notice:

Notice was mailed to the adjoining property owners on February 11, 2021. Notice of the public hearing was published in the Daily Reflector on February 14 and February 21, 2021.

Related Zoning Ordinance Regulations:

(LL) Building supply; lumber and material sales, plumbing and/or electrical supply including outside storage.

- (1) The Board of Adjustment may attach additional reasonable screening conditions to any perimeter property boundary when the Board determines that the proposed outside storage area and use would otherwise be incompatible with, and detrimental to, adjacent and area land uses absent such additional screening.
- (2) Required screening may be accomplished by a solid wood fence, masonry wall, earth berm, evergreen vegetation, enclosed structure or combination thereof. Vegetation utilized for this purpose shall comply with Article P.

- (3) The requirements of this section shall be in addition to the applicable bufferyard and planting requirements set out under Article G and Article P; provided, however, that qualified existing and planted vegetation shall be credited and count toward applicable requirements.

Staff Recommended Conditions:

Site plan approval is required prior to operation.

Opaque screening shall be installed around outside storage area.

Staff Comments:

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

Staff Recommendation:

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

Chairman Bullock opened the public meeting.

Mr. Bullock made a motion to find that Bryan Fagundus and Jason Tew have standing to participate in the proceeding, Mr. McKinnon seconded the motion and it passed unanimously. Vote: 7 to 0

Bryan Fagundus, Engineer, spoke in favor of the application. He stated there will be an opaque fence placed around the outdoor storage area. The storage area will store building materials that are non-decomposing materials that are suitable for outdoor storage.

Ms. Bellis asked what materials they plan to use for the fence.

Mr. Fagundus stated it will be a 6 to 7 foot tall commercial grade chain link fence with privacy slats.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Chairman Bullock asked for staff's recommendation.

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

Chairman Bullock closed the public hearing and opened up for Board discussion.

No board discussion.

Chairman Bullock 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

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

Chairman Bullock announced that WGBJR HOWELL, LLC special use permit had been granted

6. PUBLIC HEARING ON A REQUEST FOR A VARIANCE BY POWER OF HIS PRESENCE CHURCH, INC.

The applicant, Power of His Presence Church, Inc., desires a variance from parking regulations found in Section 9-4-251(B)(11) of the Zoning Ordinance in the Greenville City Code. The subject property is located at 114 E 11th Street. The property is further identified as being tax parcel number 86872.

Chairman Bullock confirmed and swore in two speakers- Bishop T.C. Daniels and Dwayne Alligood

Ms. Blount delineated the area on the map. She stated that the request is located in the central portion of the City.

Zoning of Property:

CDF (Downtown Commercial Fringe)

Surrounding Zonings:

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

Surrounding Developments:

North: Duplex residential dwelling and parking lot
South: Single family dwelling
East: Single family dwelling and duplex dwelling
West: Single family dwelling

Description of Property:

The subject property is 0.32 acres in size and has approximately 94 feet of frontage along 11th Street and 122 feet of frontage along Forbes Street. The applicant recently purchased an adjacent lot to build a parking lot. The property is located within the Center City Revitalization Area.

Comprehensive Plan:

The property is located within the Uptown Edge character type as designated by the Horizon 2026 Greenville Community Plan. The proposed use is in compliance with the Future Land Use Plan which recommends adapt and reuse of existing buildings for non-industrial uses.

Notice:

Notice was mailed to the adjoining property owners on February 11, 2021. Notice of the public hearing was published in the Daily Reflector on February 14 and February 21, 2021.

Staff Comments:

Pertinent facts regarding the application:

The applicant began construction on the recently purchased lot with a permit. The applicant was informed that a site plan was required. A site plan was submitted and during the review process the insufficient parking was noted. The parking requirements requires 1 space per 5 seats in the congregation area which would require 40 off-street parking spaces. The existing and proposed spaces will only provide approximately 16 spaces. Staff held a meeting with the applicant and engineer to discuss parking options. The property does not qualify for exemption because the maximum number of off-street parking spaces must be provided on the same lot as the principal use. With the proposed parking and the existing remote parking, the applicant still would not be able to comply with the ordinance parking requirement. Greenville City Code Section 9-4-251 (B)(11) requires all uses to provide off-street parking on the same parcel of land as the use is intended to serve. A variance would be required for legal documentation.

Variance Criteria:

The Board must find in favor of the applicant on each criteria in order to grant the requested variance.

1. Conditions and Specifications- The proposed property was built in 1950 and therefore is a legal nonconforming use in accordance to the current Greenville City Code specifications.
2. Notice- Persons owning property adjacent of the proposed development or use, as listed on the current tax records, were served notice of the public hearing by mail in accordance with applicable requirements; and that notice of a public hearing to consider the special use permit was published on February 14, 2021 and February 21, 2021 in The Daily Reflector.
3. Unnecessary Hardship- The applicant would suffer an unnecessary hardship if a strict application of the ordinance is applied.
4. Unique Circumstances- The hardship of which the applicant complains results from unique circumstances related to the applicant's land – location and size. Only two lots on the block are vacant. The rest of the land is built out and has been for decades. The applicant does not have the option to purchase land adjacent to the current location.
5. General Purpose of the Ordinance- If granted, the variance would be in harmony with the general purpose and intent of the Zoning Ordinance and would preserve its spirit.
6. Safety and Welfare- The granting of the variance secures the public safety and welfare and does substantial justice.

The Applicant is seeking relief of

Sec. 9-4-251 IMPROVEMENT STANDARDS

(B) All off-street parking areas designed from three or more spaces shall meet the following requirements:

(11) All uses shall provide off-street parking on the same parcel of land as the use it is intended to serve, provided however, parking may be allowed within parking bays located on private streets.

Staff Recommended Conditions:

Site plan approval is required for all off-street parking area prior to occupancy.

Off-street parking areas must be designed to accommodate the maximum number of off-street parking spaces allowed by the City's Manual of Standard Designs and Details.

Off-street parking areas shall be constructed with approved surface material.

Required city permits must be obtained prior to continuing construction.

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

Staff Comments:

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

Staff Recommendation:

Planning staff recommends approval of the request with the noted conditions.

Chairman Bullock opened the public meeting.

Mr. Bullock made a motion to find that Bishop T.C. Daniels and Dwayne Alligood have standing to participate in the proceeding, Mr. Atkinson seconded the motion and it passed unanimously. Vote: 7 to 0

Bishop T.C. Daniels, applicant, spoke in favor of the application. He stated the current facility takes up the entire area of the current parcel. He stated after submitting a site plan for the parcel that was purchased behind the building, he found that it does not meet the parking requirements as well. He stated the current parking situation utilizes street parking and a small grass lot across the street. He stated the grass parking lot is not up to code and asked the board to consider allowing a 365 day grace period to meet the code requirements for the lot.

Dwayne Alligood, Engineer, spoke in favor of the application. He stated the geometry of the lots has made it challenging to provide the spaces required.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Chairman Bullock asked for staff's recommendation.

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

Ms. Blount reminded the board that Mr. Daniels did make note of a special request for a 365 day grace period for the remote parking that is not a part of the variance.

Mr. Atkinson asked if church members are allowed to park on the street.

Ms. Blount stated there is no permit required and the church members are allowed to park on the street.

Chairman Bullock closed the public hearing and open up for Board discussion.

No board discussion.

Chairman Bullock read the criteria and the board's silence was a vote in favor of the criteria.

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

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

Chairman Bullock announced that variance has been granted.

With no further business, Mr. McKinnon made a motion to adjourn, Mr. Atkinson seconded, and the motion to adjourn passed unanimously. Meeting adjourned at 11:30 p.m.

Respectfully submitted,

Elizabeth Blount
Lead Planner

Special Use Permit – Board of Adjustment
March 25, 2021 6:00 p.m.
Zoom Webinars
Staff Contact: Elizabeth Blount, 252-329-4608

Date: February 15, 2021

Applicants: Cliff Padilla and Dorothy Council

Agenda #: 1 (New Business)

Request: The applicants, Cliff Padilla and Dorothy Council, desire 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 956 Mizell Street. The property is further identified as being tax parcel number 41001.

Zoning of Property: RA20 (Residential Agricultural)

Surrounding Zoning:

North: RA20 (Residential Agricultural)
South: RA20 (Residential Agricultural)
East: RA20 (Residential Agricultural)
West: RR (Pitt County Zoning)

Surrounding Development:

North: Residential Mobile Homes
South: Residential Mobile Homes
East: Residential Mobile Homes
West: Residential Mobile Homes

Description of Property:

The subject property is a 0.37-acre lot with approximately 104 feet of frontage along Mizell Street. The property is currently vacant.

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.

BOA 21-09
Date Received 2-15-2021

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) Cliff Padilla
Dorothy Council

Contact Name and Mailing Address Cliff Padilla, Dorothy Council
111 Phillips Cir Unit B
Greenville, NC 27834

Contact Phone Number (252) 814-3267

Contact Phone Number (_____) _____

Contact Fax Number (_____) _____

Contact Email Address darnellredhook505@gmail.com

Location /Street address of proposed use 956 Mizell St.
Greenville, NC 27834

Tax Parcel # 41001

Proposed use Setup New Single Wide Mobile Home

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.

See Attached Survey, Home will be
in compliance w/ setbacks and
permitted / inspections. A CO will
be granted @ completion

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

Home / Property to be used as
a primary residence. And will
not deteriorate value of land, there
will be no waste or disturbing
business bringing value down

- (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 home is a new manufactured home in "New" Condition. Therefore will not be detrimental to Health + Safety. The Setup Performed will not affect Any Safety to persons in the Neighborhood. The Contractor is Licensed w/ Insurance.

- (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.

A home for one Family will not be detrimental to the public welfare but however improve the welfare of my Family. It will also improve quality and surrounding areas/neighbors.

- (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 New Manufactured Home is an improvement. Setting a new home up will not affect the area other than improve in value. No Garbage / waste disposal will be buried on property.

(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.

A Site plan will be provided And
Property utility Connections will be followed
to City Licensed Contractors. utility
Lines will be marked correctly

(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.

A Residential Primary use 2 occupants
New Home New Condition No obscene
Structures, All Lines Marked to Avoid
Gas, Electric Striker

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.

Cliff Padilla Cliff Padilla 3-15-21

Print Name

Signature of Applicant

Date

Dorothy Council Dorothy Council 3-15-21

Print Name

Signature of Applicant

Date

(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.

A Site plan will be provided and property utility connections will be followed to code by licensed contractors. utility lines will be marked clearly.


(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.

A Residential Primary use, 2 occupants
New Home "New Condition" No obscene
Structures, All Lines Marked to Avoid
Gas, Electric Strikes.

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

<u>George Sutton</u>	<u></u>	<u>02/15/21</u>
Print Name	Signature of Applicant	Date

<u>Fay Sutton</u>	<u></u>	<u>02/15/21</u>
Print Name	Signature of Applicant	Date

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

I/We George D Sutton & Fay Sutton am /are the owner(s) of the property located at 956 Mizell St. Greenville, NC 27834

I/We hereby authorize Cliff Padilla & Dorothy Council

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

Setup a New Singlewide Mobile Home

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 George Sutton at my address, 4000 Hidecote Ct, Greenville, NC 27834

or by telephone at (252) 355-7042 or (252) 531-9260

Respectfully yours,

[Signature] 2/15/21
Owner Date

[Signature] 2/15/21
Owner Date

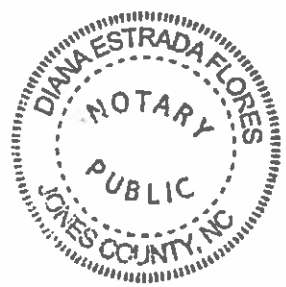
Pitt Jones ^{or} County, North Carolina

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: to authorize to appear before Greenville Board.

Date: 2-15-21

Diana Estrada Flores
Notary Public

(Official Seal)



My commission expires: March 23, 2022

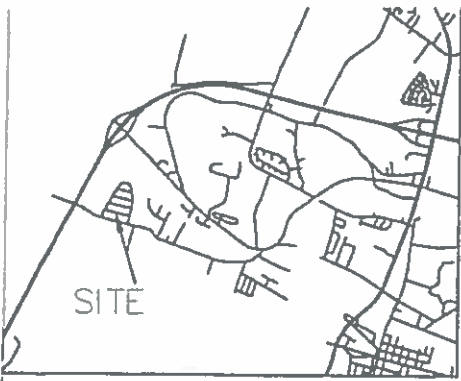
This is a contract for offer to purchase a property having the address of 956 Mizell St., Greenville, N.C. 27834, & known as parcel # 41001. This parcel is free of dept & without any loan or deed of trust. The seller of said property being George D. Sutton and the buyer's being Dorothy Council & Cliff Padilla. Property is classified as being Lot #24 of Eastwood Country Estates, Belvoir Township, Pitt County, N.C. The selling price of the said property is \$32,500. in which will be due to the seller, George Sutton, in full at the time of the closing, which will be no more than 120 days from todays date of January 11, 2021. The water and utilities are supplied by Greenville Utilities Commission. The said property is residential and is for Mobile Home use. The septic system was inspected on 10/04/19 which passed, but permitt was good for only 6 months. The said lot was surveyed on October 21, 2019 by Blake K Bjerkeset PLS. The buyer's will receive a copy of the survey.

This contract will be signed by both the seller and the buyer's upon agreement of the above terms:

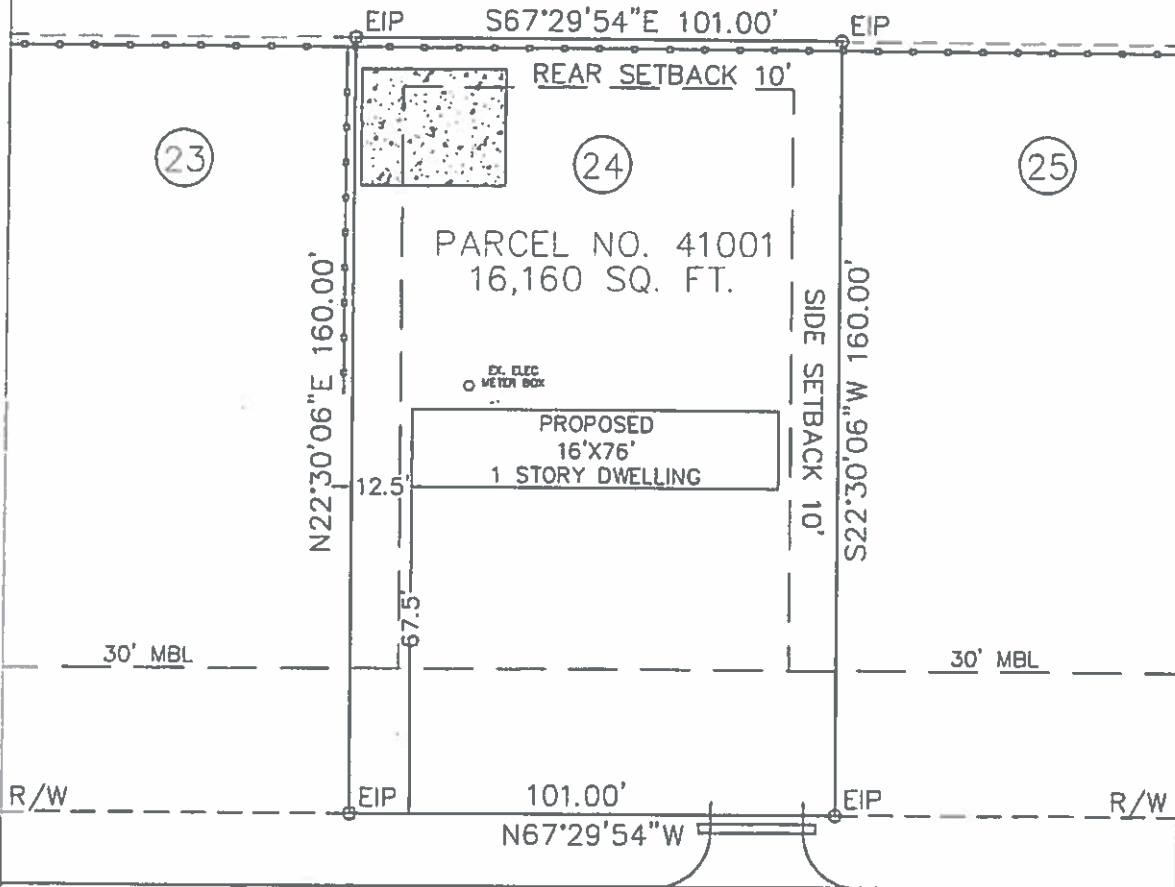
SELLER/GEORGE D SUTTON: *George Sutton*

BUYER'S/DOROTHY COUNCEL: *Dorothy Council*

& CLIFF PADILLA: *Cliff Padilla*



VICINITY MAP
NTS



MIZELL ST.
(20' PAVEMENT - 50' RIGHT OF WAY)

R/W

THE BOUNDARY FOR THIS LOT WAS DRAWN FROM
THE MAP RECORDED IN MAP BOOK 32, PAGE 18
ENTITLED EASTWOOD'S COUNTRY ESTATES, SECTION 2
AS SURVEYED AND PREPARED BY STROUD LAND SURVEYING, CO.

Kevin D. Leigh
PROFESSIONAL LAND SURVEYOR L-4354



PRELIMINARY PLOT PLAN FOR
CLIFF PADILLA

LOT 24, EASTWOOD'S COUNTRY ESTATES
REFERENCE: MAP BOOK 32, PAGE 18 OF THE
PITT COUNTY REGISTRY
GREENVILLE, BELVOIR TOWNSHIP, PITT COUNTY N.C.
DATE: FEBRUARY 10, 2021 SCALE: 1" = 30'

KEVIN D. LEIGH, PLS
2032 DELLA LANE
GREENVILLE, NC 27858
Ph (252) 814-5982 LICENSE NO. L-4354



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

March 11, 2021

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, March 25, 2021 at 6 pm.** The request by Cliff Padilla and Dorothy Council for a special use permit to place a mobile home on a lot pursuant to Appendix A, Use (2)g. of the Greenville City Code will be heard at this meeting. The proposed use is located at 956 Mizell Street. The property is further identified as being tax parcel number 41001. 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 MARCH 25, 2021 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 March 22nd.** 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, March 22, 2021. All participants 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 Planning Division at 252-329-4498 to set up an appointment to fill out the forms in person **or** electronically via Zoom **no later than March 22nd.** **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. 1144008

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, March 22nd will be added to the City's website no later than Friday, March 26, 2021.

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. 1144008

FOR **PARTICIPANTS** IN THE EVIDENTIARY HEARING ONLY

**City of Greenville Board of Adjustment
Witness Oath**

You have signed-up to participate in the evidentiary hearing for agenda item number **(1) Cliff Padilla and Dorothy Council** at the **March 25, 2021** meeting of the City of Greenville Board of Adjustment. All persons testifying and presenting evidence to the board in a case scheduled for evidentiary hearings must be under oath.

Please sign below to indicate that you swear or affirm that the evidence and testimony you shall give to the City of Greenville Board of Adjustment in the case or cases in which you signed-up to participate shall be the truth, the whole truth, and nothing but the truth, so help you God.

Date

Signature

**City of Greenville Board of Adjustment
Remote Meeting Consent**

You have signed-up to participate in the evidentiary hearing for agenda item number **(1) Cliff Padilla and Dorothy Council** at the **March 25, 2021** meeting of the City of Greenville Board of Adjustment. All persons with standing in a case scheduled for an evidentiary hearing must consent to the case being heard remotely.

Please sign below to indicate that you consent to the City of Greenville Board of Adjustment holding a remote public hearing to consider a special use permit to place a mobile home (case description) at 956 Mizell Street (address of proposed request).

Date

Signature

Notary Signature Only

_____ County, North Carolina

I signed this notarial certificate for the following person(s) located in the noted county according to the emergency video notarization requirements contained in G.S. 10B-25 :

Date: _____, Notary Public

My commission expires _____



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

March 11, 2021

Cliff Padilla
Dorothy Council
111 Phillips Cir, Unit B
Greenville, NC 27834

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, March 25, 2021 at 6 pm. Please be advised that the BOARD'S MARCH 25, 2021 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, March 22nd.** 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 Planning Division at 252-329-4498 to set up an appointment to fill out the forms in person **or** electronically via Zoom **no later than March 22nd.** **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 March 22nd.** Additional information will be posted on the City's website ([https://www.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'.

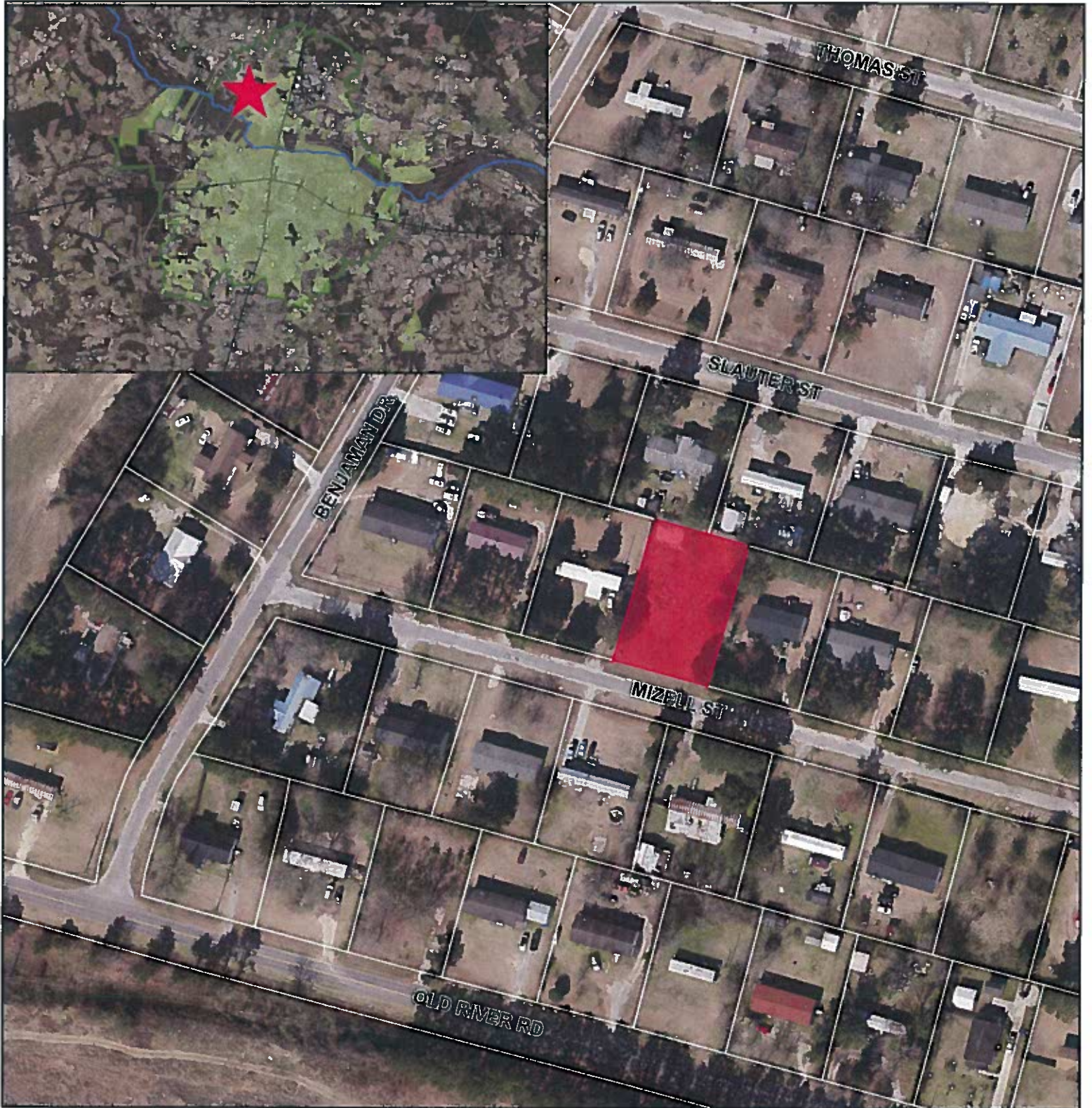
Elizabeth Blount, Planner

Enclosures

Cliff Padilla & Dorothy Council

OwnerName	OwnerName2	OwnerAddress1	CityStateZip
CHERYL P ADAMS		944 SLAUTER ST	GREENVILLE NC 27834
HORACE J ANDREWS JR	CAROLYN W ANDREWS	1704 OFARRELL AV	GREENVILLE NC 27834
JOHNNY RAY BARNHILL	SHARON C BARNHILL	940 MIZZELL ST	GREENVILLE NC 27834
MARY J BOWLES AKA MARY J MITCHELL		961 SLAUTER ST	GREENVILLE NC 27834
JIMMY L CARMON JR		978 MIZELL ST	GREENVILLE NC 27834
EMMA D DANIELS		935 SLAUTER ST	GREENVILLE NC 27834
WALTER GODLEY	RONETTA GODLEY	964 SLAUTER ST	GREENVILLE NC 27834
CONNIE C HAHN		941 MIZELL ST	GREENVILLE NC 27834
CURTIS RAY HARRIS		1705 BROWN PLACE DR	GREENVILLE NC 27834
BILLY JONES	YVONNE M JONES	1175 BENJAMAN DR	GREENVILLE NC 27834
ARLESTER KIRKMAN	NANNIE MAE KIRKMAN	948 MIZZELL ST.	GREENVILLE NC 27834
MARTHA LITTLE		4514 N 17TH ST	PHILADELPHIA PA 19140
STERY LEE MOORE	MARILYN D MOORE	PO BOX 209	GREENVILLE NC 27835
DOROTHY MAE RICHARDSON		962 MIZELL ST.	GREENVILLE NC 27834
ANNIE MAE ROGERS	RUTH H ROGERS	575 CHANNEL DR	WINTERVILLE NC 28590
GEORGE D SUTTON		4000 HIDCOTE CT	GREENVILLE NC 27834
JONATHAN K SUTTON		1311 W 14TH AV	GREENVILLE NC 27834
WILLIE RAY TYSON	LENORA CECELIA TYSON	953 SLAUTER ST.	GREENVILLE NC 27834
DOROTHY FOREMAN WHITEHURST		951 MIZELL ST	GREENVILLE NC 27834
KELVIN J WILLIAMS		1609 PEBBLE RIDGE DR	RALEIGH NC 27610
MAUDIE M WILLIAMS		970 MIZELL ST	GREENVILLE NC 27834

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-  Tar River
-  City Limits
-  ETJ
-  Railroads



Special Use Permit - Board of Adjustment
March 25, 2021 6:00 p.m.
Zoom Webinar
Staff Contact: Elizabeth Blount, 252-329-4608

Date: February 18, 2021

Applicants: Cristian DeJesus, Harry Garcia, and William Ashbery

Agenda #: 2 (New Business)

Request: The applicants, Cristian DeJesus, Harry Garcia and William Ashbery, desire 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.

Location: The proposed use is located at 0 W 9th Street. The property is further identified as being tax parcel number 02759.

Zoning of Property: CD (Downtown Commercial)

Surrounding Zoning:

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

Surrounding Developments:

North: Vacant Lot and CrossFit Greenville
South: Vacant Lots
East: City of Greenville Parking Lot, Tony's Auto Repair, University PC Care and 7 House
West: Friendly Boutique and vacant units

Description of Property:

The property is 0.34 acres in size and contains four separate units within the commercial building. The property has approximately 107 feet of frontage along Dickinson and 154 feet of frontage along W 9th Street. The applicant wishes to occupy the unit for a tattoo shop and art gallery.

Comprehensive Plan:

The property is located within the Uptown Edge 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 March 11, 2021. Notice of the public hearing was published in the Daily Reflector on March 14 and March 21, 2021.

Staff Recommended Conditions:

Must obtain and maintain a permit from the North Carolina Department of Public Health and Human Services 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 21 - 10
Date Received 2-18-2021

**CITY OF GREENVILLE
SPECIAL USE PERMIT APPLICATION**

Applicant Name(s) Cristian DeJesus
Herry Garcia
William Ashbery

Contact Name and Mailing Address Cristian DeJesus
406 John Deere Court
Richlands, NC 28574

Contact Phone Number (270) 832-6558

Contact Phone Number (910) 750-5444

Contact Fax Number ()

Contact Email Address Crisclj96@gmail.com

Location /Street address of proposed use 905¹ Dickinson Avenue, Greenville,
NC

Tax Parcel # 02759

Proposed use Tattoo shop & art gallery

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 zoning for the location is CD (Commercial Downtown)
Our Studio/art gallery will fit in nicely. Our
Studio looks forward to providing Greenville with
a space for the young professional to view
and purchase art as well as tattoos.

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

We are a modern Studio that will fit in
great with the surrounding businesses such as
the microbreweries, fitness studio's, and local
farmers markets. We look forward to providing
another avenue of self expression to Greenville

- (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.

Harm the Karma is an established business with over two decades of experience in the art and tattoo industry. With a mission of Client Safety and Satisfaction our management team ensures all Covid guidelines are followed.

- (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.

We operate during normal business hours to prevent disturbing local residents. To further ensure our clients well being we follow strict guidelines such as proper hygiene, hand washing stations as well as exceeding minimum cleanliness standards

- (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.

Our Studio will attract many other tenants to the area and building, providing growth. Our doors are always open for public viewing of the gallery.

(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.

Sound and noise will not be an issue due to our operating procedures and our unique basement setting that offers thick concrete floors between us and tenants.

(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.

Being a modern higher end Studio we do not use flashing neon signs or other off putting signage. All of our artists are also permitted and meet all requirements from the Health Department.

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

<u>Cristian DeJesus</u>	<u></u>	<u>2021/02/01</u>
Print Name	Signature of Applicant	Date

_____	_____	_____
Print Name	Signature of Applicant	Date

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

I/We RAHUL THAPAR, MANAGER OF IMPERIAL HOLDINGS, LLC am/are the owner(s) of the property located at 905 Dickinson Ave Greenville, NC 27834.

I/We hereby authorize Cristian De Jesus to appear by consent before the Greenville Board of Adjustment in order to ask for a special use permit to operate a tattoo shop and art gallery.

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 RAHUL THAPAR at my address, PO Box 2571 Greenville NC 27836

or by telephone at (252) 412 5583 or (_____)

Respectfully yours,

[Signature] Owner 2/5/21 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: Rahul Thapar

Date: 2/5/2021

[Signature]
Notary Public

(Official Seal)  BYRONAYNES
Notary Public
North Carolina
Pitt County

My commission expires: 6/7/2021



Pitt County Government

Greenville, North Carolina



www.pittcountync.gov

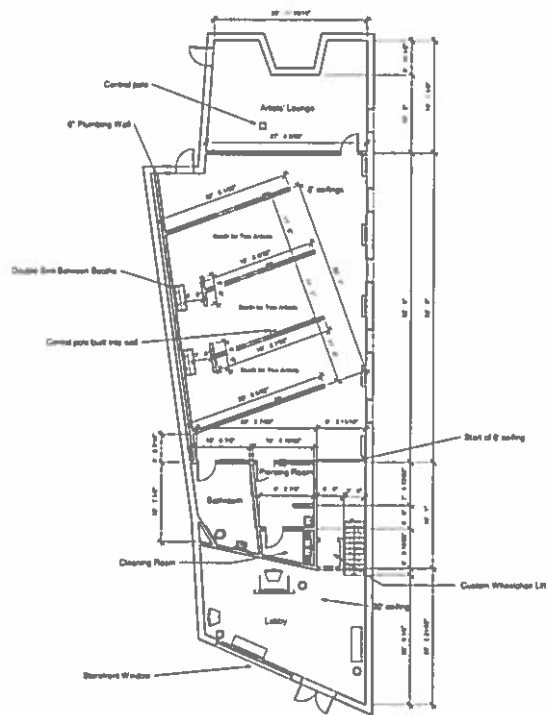


Parcel:	02759
More Info:	02759
Physical Address:	905 DICKINSON AV
Owner Name:	IMPERIAL HOLDINGS LLC
OwnerAddress1:	PO BOX 2571
OwnerAddress2:	
OwnerAddress3:	
City / State / Zip:	GREENVILLE NC 27836
NC PIN:	4688109037
Subdivision / Section / Phase:	
Prior Legal Description:	STORE 905 D' AVE
Block / Lot:	
Tract:	
Building Number / Unit:	
Acres:	0.34
Current Owner Deed/Document:	003885 00578
Map Book:	
Deed / Document Date:	02/2020
Deed / Document Sales Price:	\$0
Building Type / Use:	07-COMM-CONST(10-COMM)
Number of Buildings:	1
Year Built:	1914
Total Living Area:	15688
Building Value:	\$547,596
Extra Features Value:	\$0
Land Value:	\$148,100
Total Current Market Value:	\$695,696
Total 2019 Market Value:	\$157,603
Municipality:	GREENVILLE
Township:	GREENVILLE
Fire Service District:	INSIDE MUNICIPALITY
Census Tract:	100
Neighborhood:	004150
Elementary School:	Elmhurst ES
Middle School:	C M Eppes MS
High School:	J H Rose HS

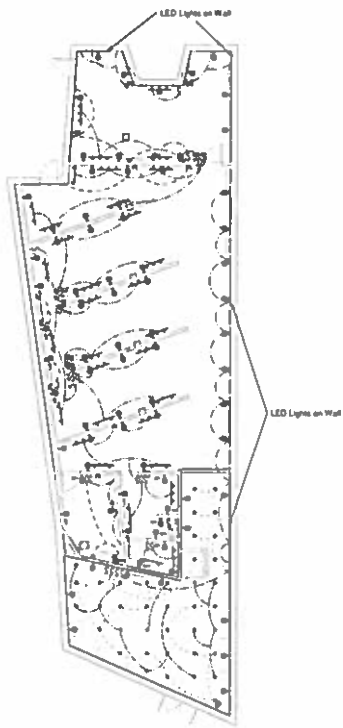
Disclaimer: This tax record is prepared for the inventory of real property within Pitt County and is compiled from recorded deeds, plats, tax maps, surveys, and other public records. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification. Pitt County assumes no legal responsibility for the information contained herein.

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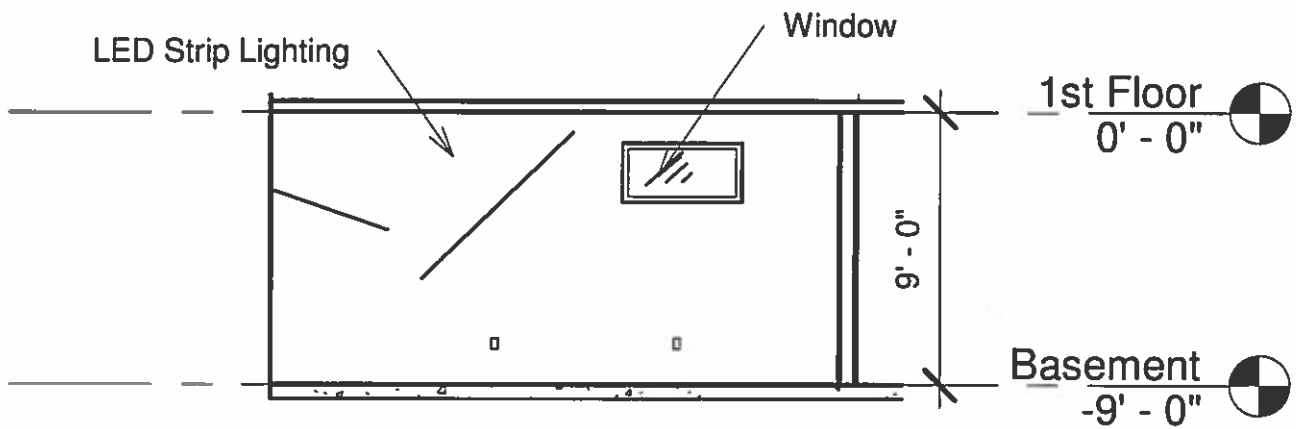
PLEASE NOTE:
 The parcel information is updated nightly and reflects current property values.
 Printed: 2/4/2021 4:29:17 PM



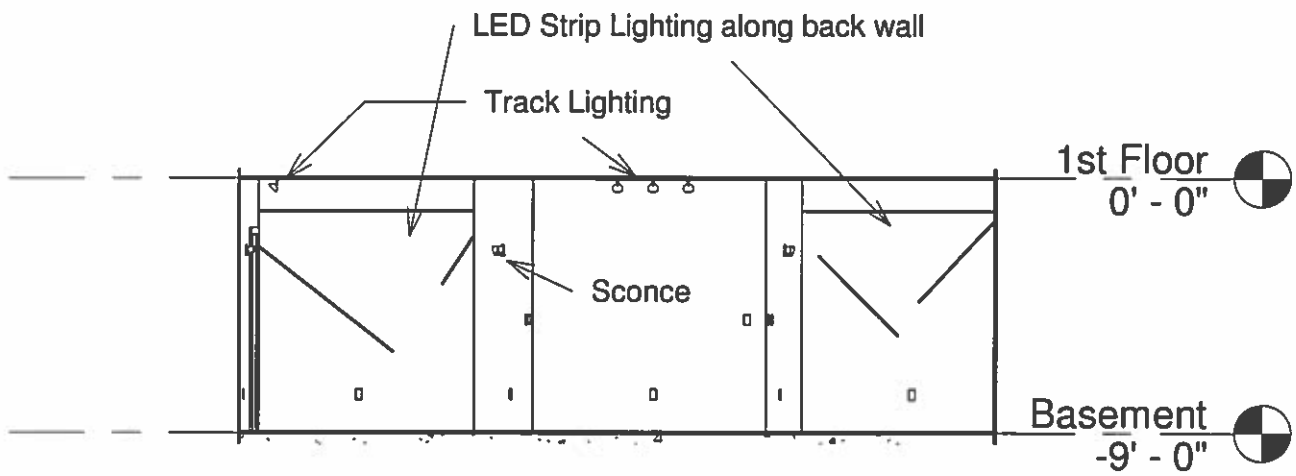
Basement Floor
Plan With Lobby



Electrical Plan for Basement and Lobby

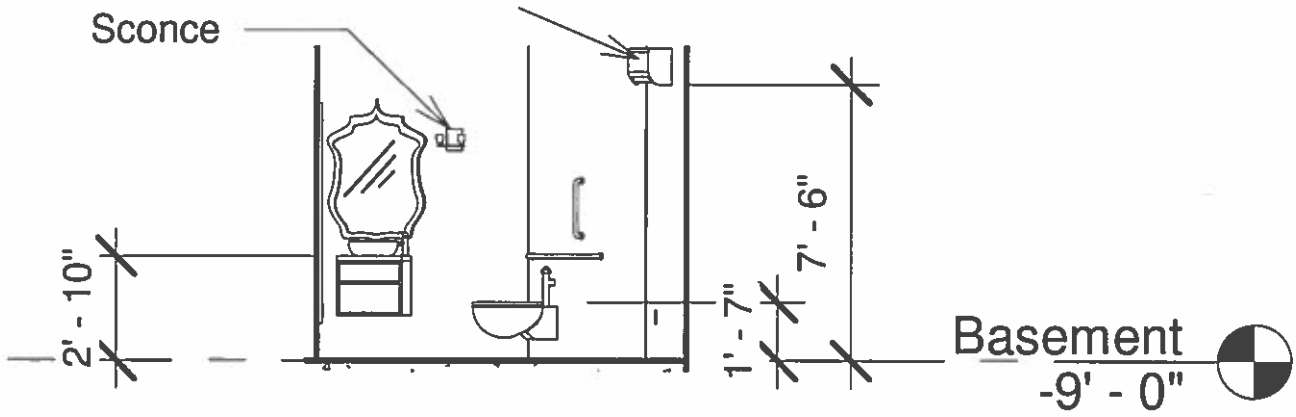


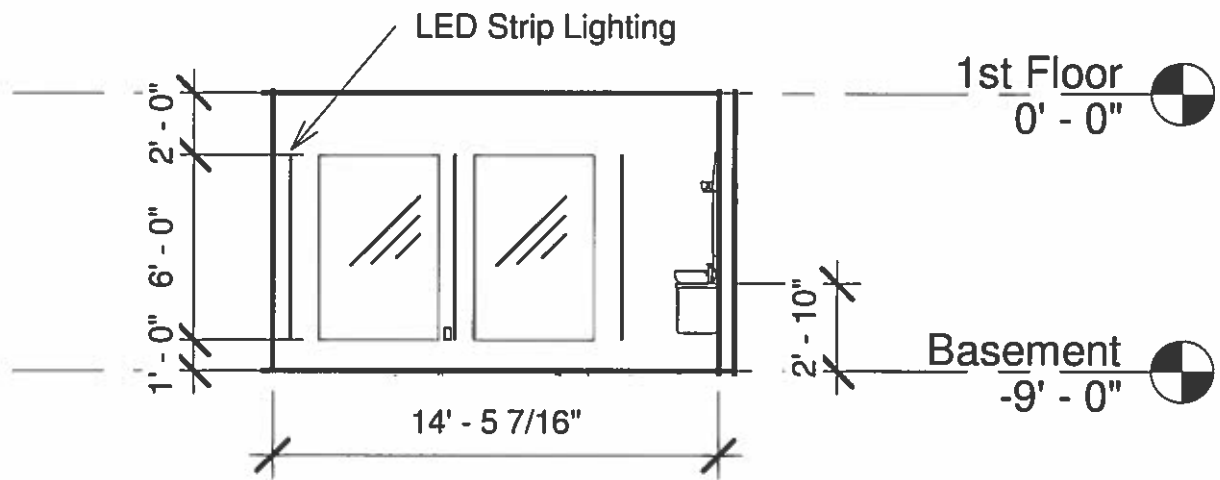
Artists' Lounge Right Side Wall



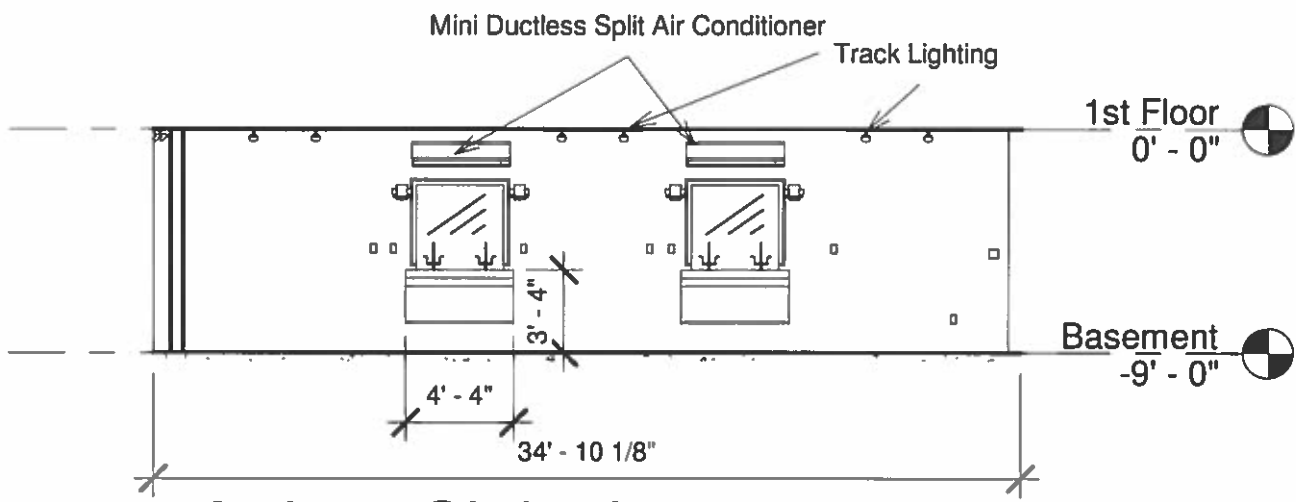
Artists' Lounge Back Wall

Mini Ductless Split Air Conditioner

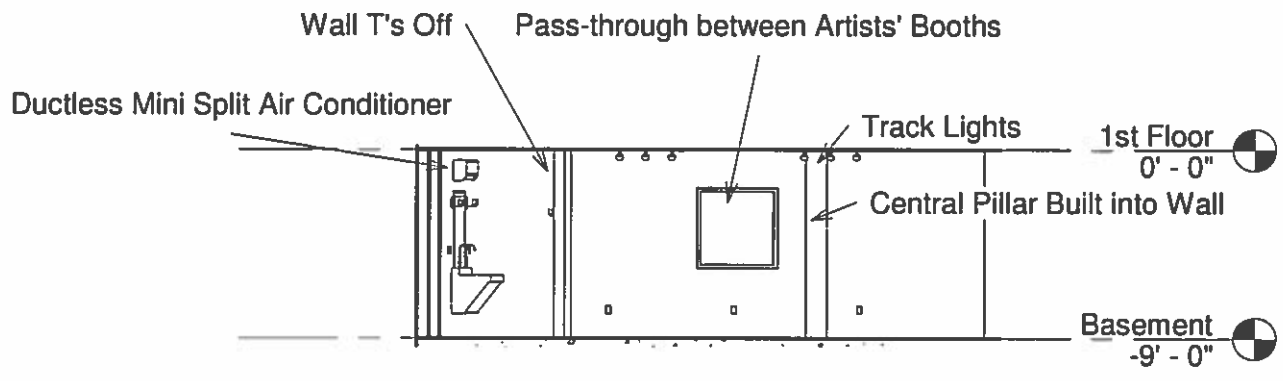




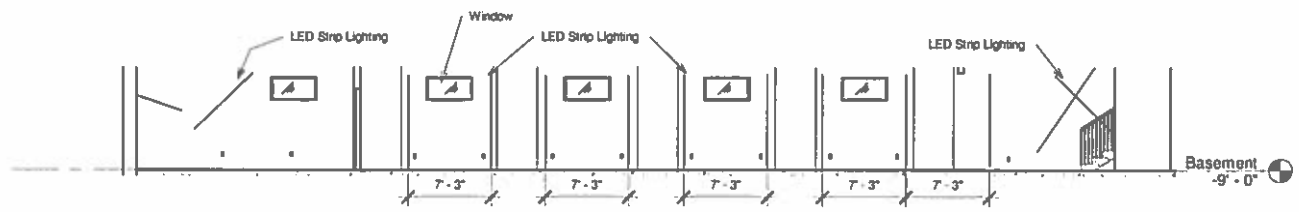
Left Bathroom Wall with Mirrors

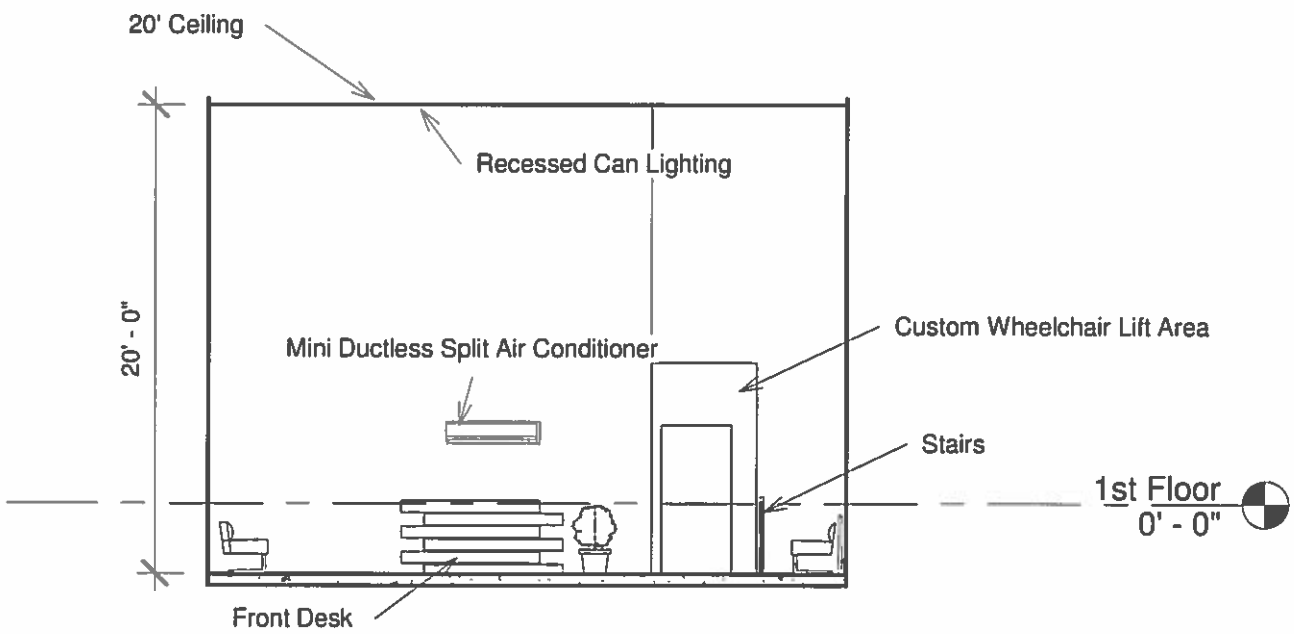


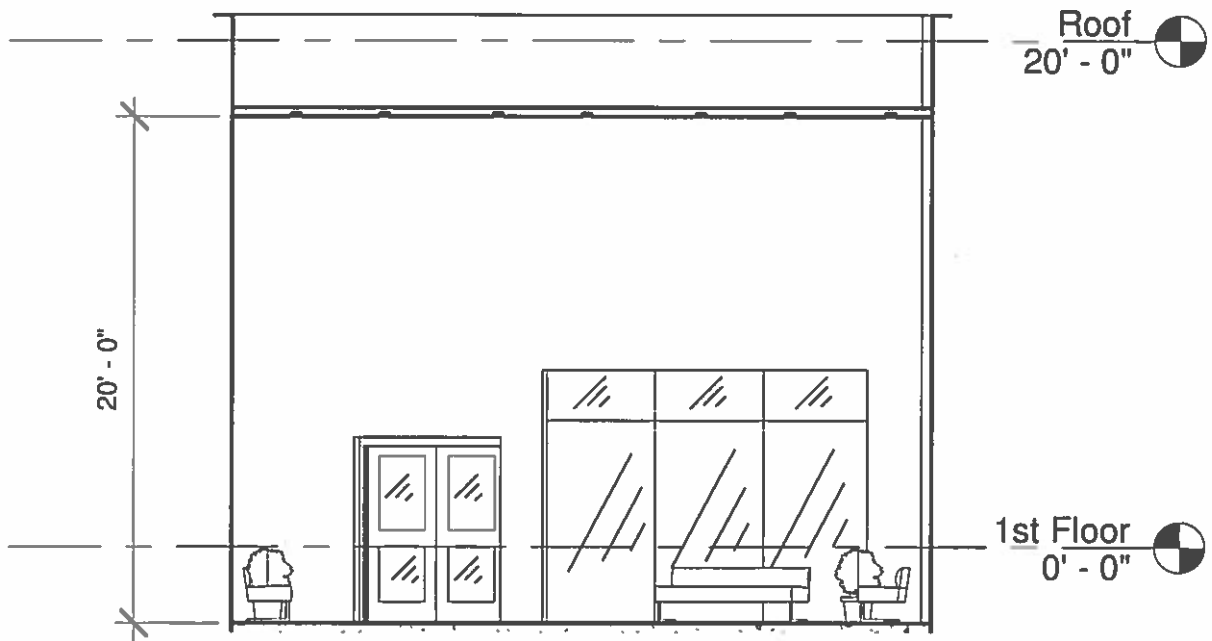
Artists' Sinks between Booths



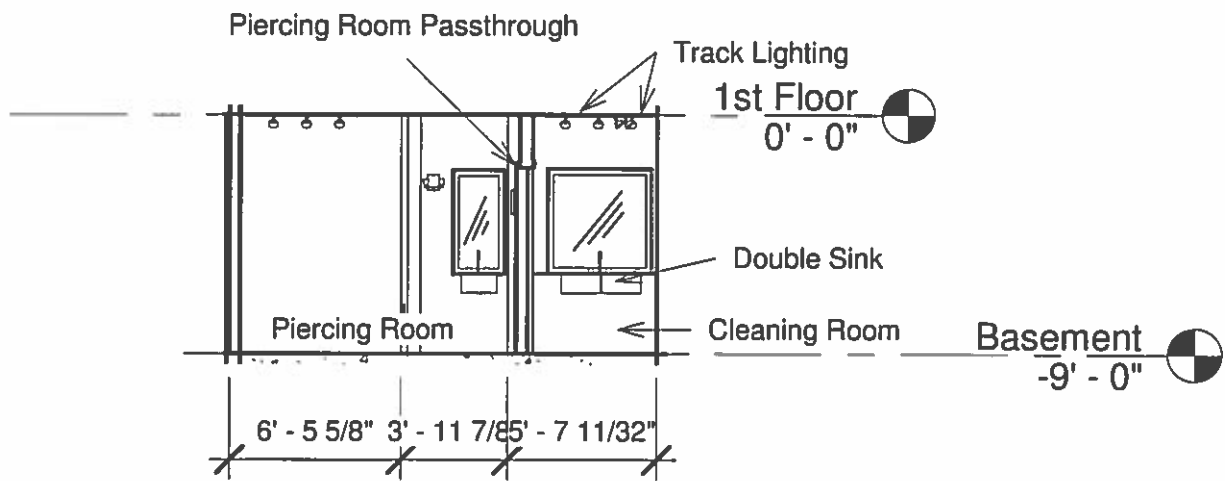
Facing a Wall Between Artists' Booths



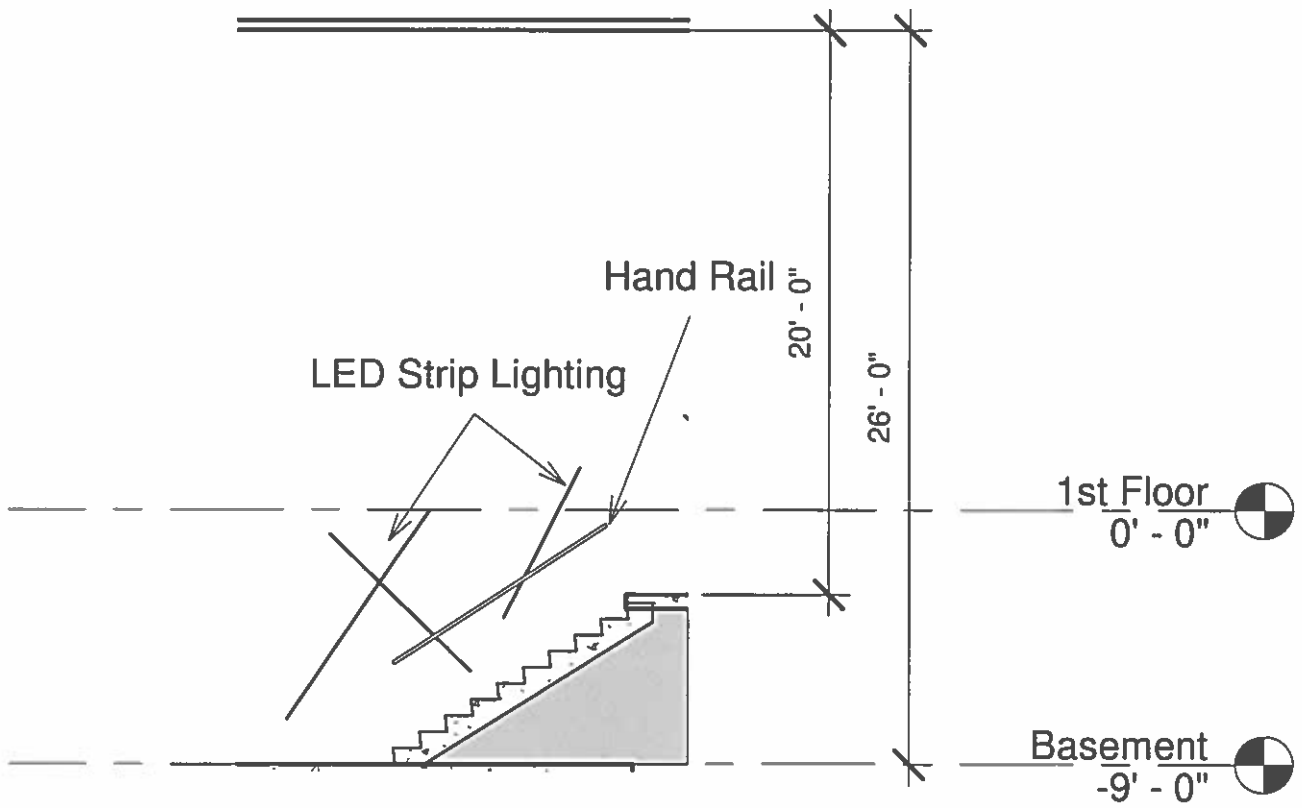


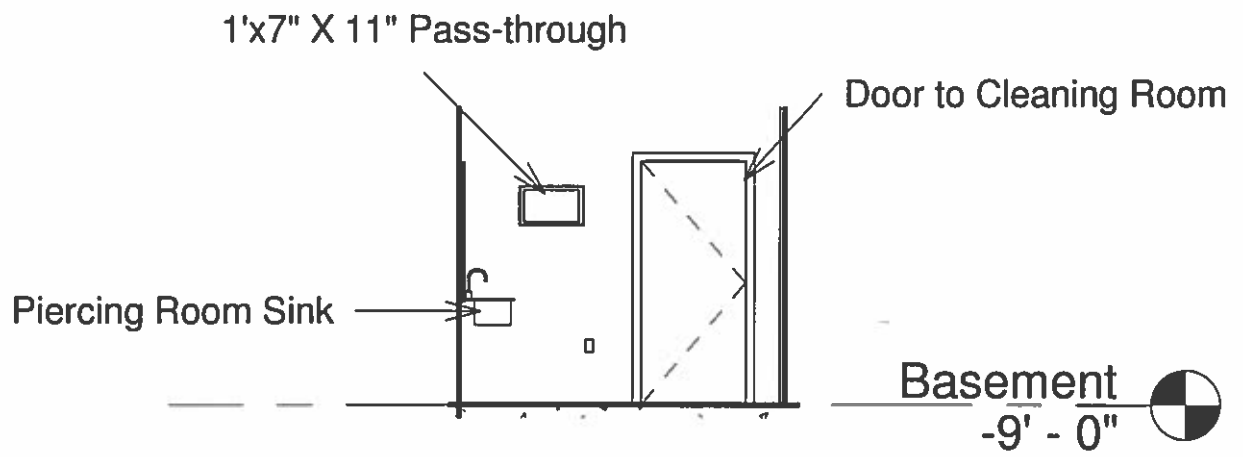


Lobby Facing Window from Front Desk



Piercing Room and Cleaning Room





Wall between Piercing Room and Sterilization Room



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

March 11, 2021

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, March 25, 2021 at 6 pm.** The request by Cristian DeJesus, Harry Garcia and William Ashbery 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 905 Dickinson Ave. The property is further identified as being tax parcel number 02759. 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 MARCH 25, 2021 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 March 22nd. 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, March 22, 2021. 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 Planning Division at 252-329-4498 to set up an appointment to fill out the forms in person or electronically via Zoom **no later than March 22nd.** **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. 1144009

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, March 22nd will be added to the City's website no later than Friday, March 26, 2021.

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. 1144009

FOR **PARTICIPANTS** IN THE EVIDENTIARY HEARING ONLY

**City of Greenville Board of Adjustment
Witness Oath**

You have signed-up to participate in the evidentiary hearing for agenda item number (2) Cristian DeJesus, Harry Garcia, and William Ashbery at the March 25, 2021 meeting of the City of Greenville Board of Adjustment. All persons testifying and presenting evidence to the board in a case scheduled for evidentiary hearings must be under oath.

Please sign below to indicate that you swear or affirm that the evidence and testimony you shall give to the City of Greenville Board of Adjustment in the case or cases in which you signed-up to participate shall be the truth, the whole truth, and nothing but the truth, so help you God.

Date

Signature

**City of Greenville Board of Adjustment
Remote Meeting Consent**

You have signed-up to participate in the evidentiary hearing for agenda item number (2) Cristian DeJesus, Harry Garcia, and William Ashbery at the March 25, 2021 meeting of the City of Greenville Board of Adjustment. All persons with standing in a case scheduled for an evidentiary hearing must consent to the case being heard remotely.

Please sign below to indicate that you consent to the City of Greenville Board of Adjustment holding a remote public hearing to consider a personal service not otherwise listed (tattoo shop) (case description) at 905 Dickinson Ave. (address of proposed request).

Date

Signature

Notary Signature Only

_____ County, North Carolina

I signed this notarial certificate for the following person(s) located in the noted county according to the emergency video notarization requirements contained in G.S. 10B-25 :

Date: _____

_____, Notary Public

My commission expires _____



PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

March 11, 2021

Cristian DeJesus
406 John Deere Court
Richlands, NC 28574

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, March 25, 2021 at 6 pm**. Please be advised that the **BOARD'S MARCH 25, 2021 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, March 22nd**. 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 Planning Division at 252-329-4498 to set up an appointment to fill out the forms in person or electronically via Zoom **no later than March 22nd**. **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 February 22nd**. 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, looping 'B' at the end.

Elizabeth Blount, Planner

Enclosures

Cristian DeJesus, Harry Garcia, and William Ashbery

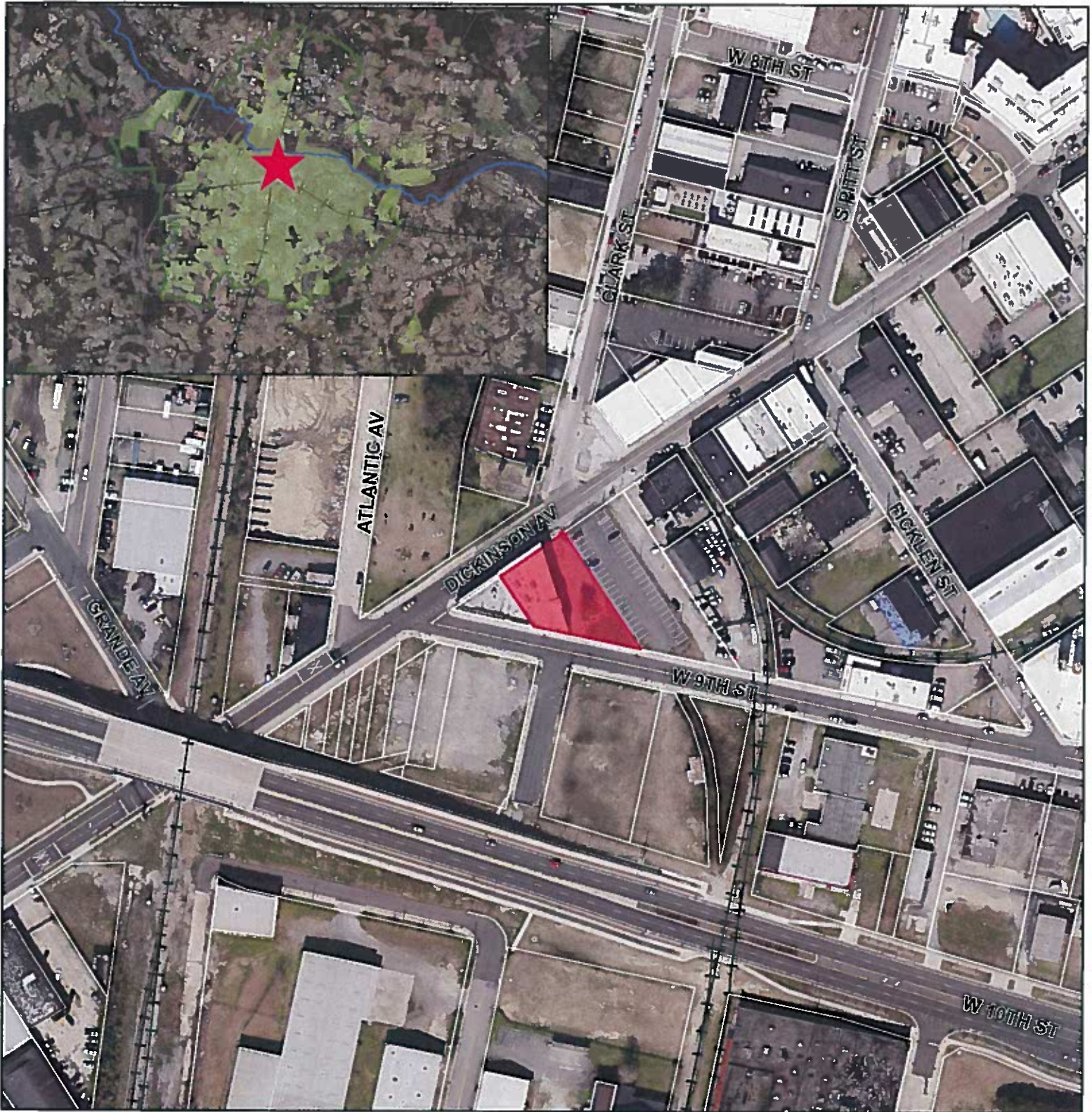
OwnerName	OwnerName2	OwnerAddress1	CityStateZip
907 DICKINSON LLC		PO BOX 873	GREENVILLE NC 27835
JAMES ANTHONY CARRAWAY	TERRY P CARRAWAY	821 DICKINSON AV UNIT C	GREENVILLE NC 27834
HINES STRENGTH AND CONDITIONING LLC		818 CLARK ST	GREENVILLE NC 27834
IMPERIAL HOLDINGS LLC		PO BOX 2571	GREENVILLE NC 27836
NORFOLK SOUTHERN RR CO		110 FRANKLIN RD SE	ROANOKE VA 24042
ROVER INVESTMENTS LLC		PO BOX 39	GREENVILLE NC 27835
TARHEEL HOLDINGS LLC		2253 DICKINSON AVE	GREENVILLE NC 27834



Greenville
NORTH CAROLINA

Find yourself in good company®

Cristian Dejesus, Harry Garcia, & William Ashbery



- Tar River
- ETJ
- City Limits
- Railroads

0 140 280 560 Feet

