

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT  
DECEMBER 20, 2012

The Greenville Board of Adjustment met on the above date at 7:00 PM in the City Council Chamber of City Hall.

Scott Shook, Chairman\*

Charles Ewen \*

Claye Frank \*

Linda Rich X

Sharon Ferris \*

Justin Mullarkey X

Bill Fleming \*

Kevin Faison \*

Thomas Taft, Jr. \*

The members present are denoted by an “\*” and those absent are denoted by an “X”.

VOTING MEMBERS: Shook, Ewen, Faison, Fleming, Frank, Ferris, Taft

OTHERS PRESENT: Mr. Merrill Flood, Community Development Director  
Mr. Mike Dail, Planner  
Mrs. Elizabeth Blount, Secretary  
Mr. Bill Little, Assistant City Attorney  
Mr. Jonathan Edwards, Communications Technician

**MINUTES**

Mr. Taft made a motion to approve the November 20<sup>th</sup> minutes as presented, Mr. Ewen seconded and the motion passed unanimously.

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY HERTZ CORPORATION-  
APPROVED**

The applicant, The Hertz Corporation, desires a special use permit to operate a car rental service pursuant to Appendix A, Use (11) d of the Greenville City Code. The proposed use is located at 321 E. Arlington Boulevard. The property is further identified as being tax parcel numbers 26127 and 31669.

Mr. Dail delineated the area on the map. He stated that the property is located in the southern portion of the city’s jurisdiction, close to Greenville Boulevard.

**Zoning of Property:** CG (General Commercial)

**Surrounding Zoning:**

North: CG (Heavy Commercial)

South: CG (Heavy Commercial)

East: CG (Heavy Commercial)

West: CG (Heavy Commercial)

**Surrounding Development:**

North: Big Time Sweepstakes, Homesmart, Kmart Shopping Center

South: Capel Rugs, US Cellular, Jackson Hewitt, Jersey Mikes, Ichiban Hibachi

East: Our House Home Care, Boulevard Bagel, My Sisters Closet  
West: WITN, Sherwin Williams

**Description of Property:**

The subject property contains a multiple unit commercial building, has 120 feet of frontage along E. Arlington Boulevard is 0.45 acres in size. The applicants business will be located in one of the units. Storage area for the associated rental vehicles will be in the parking lot located northwest of the subject property.

**Comprehensive Plan:**

The property is located within Vision Area "D" as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends commercial development for the subject property.

**Notice:**

Notice was mailed to the adjoining property owners on December 6, 2012. Notice of the public hearing was published in the Daily Reflector on December 10, 2012 and December 17, 2012.

**Staff Recommended Conditions:**

No storage of vehicles for rent shall be permitted on parcel 26127. Vehicles for rent shall be stored in the parking lot on parcel 31669.

**Other Comments:**

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

Mr. Fleming asked for the exact location of the applicant's unit.

Mr. Dail stated the unit between WITN and Our Home Care.

Mr. Fleming asked for the square footage of the unit.

Mr. Dail stated the unit was 1410 square feet.

Mr. Wesley Dodson, applicant, spoke in favor of the application. He stated that overflow parking would be at the airport.

Mr. Faison asked if fencing would be installed to protect the vehicles.

Mr. Dodson stated no.

Mr. Ewen asked how many vehicles would be on site.

Mr. Dodson stated eight.

Mr. Wayland Moore, representative of Brody Company, spoke in favor of the application. The rental company is working on a lease to accommodate 8-10 cars. The office will primarily be a business office and the cars will be

parked in the Office Depot parking lot.  
No one spoke in opposition of the application.

Mr. Dail stated that staff had no objection to the request.

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

No board discussion.

Chairman Shook read the criteria. No objections.

**Ms Ferris made a motion to adopt the finding of facts, Mr. Frank seconded and the motion passed unanimously.**

**Mr. Taft made a motion to approve the petition, Mr. Ewen seconded and the motion passed unanimously.**

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY JESSICA GARDNER-APPROVED**

The applicant, Jessica Gardner, desires a special use permit to operate a pet grooming and pet daycare service pursuant to Appendix A, Use (15)a. of the Greenville city Code. The proposed use is located t 1871 Allen Road. The property is further identified as being tax parcel number 27305.

Mr. Dail delineated the area on the map. He stated that the property is located in the western portion of the city's jurisdiction along Allen Road.

**Zoning of Property:** OR (Office Residential)

**Surrounding Zoning:**

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

**Surrounding Development:**

North: Vacant  
South: Vacant  
East: Vacant  
West: Single Family Residences

**Description of Property:**

The subject property contains a single unit commercial building, has 120 feet of frontage along Allen Road and is 0.34 acres in size.

**Comprehensive Plan:**

The property is located within Vision Area "F" as designated by the Comprehensive Plan. The proposed

use is in general compliance with the Future Land Use Plan which recommends office/institutional/multi-family development for the subject property.

**Notice:**

Notice was mailed to the adjoining property owners on December 6, 2012. Notice of the public hearing was published in the Daily Reflector on December 10, 2012 and December 17, 2012.

**Staff Recommend Conditions:**

Animal daycare services shall be limited to the hours of 7:00 am to 7:00 pm.

No overnight boarding of animals shall be permitted.

No more than three animals shall be in any outdoor area of the subject property at one time.

**Other Comments:**

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

Mr. Ewen asked if the applicant could have more than three animals but only three could be outside.

Mr. Dail stated correct.

Mr. Taft asked if boarding required a license.

Mr. Dail stated that the overnight board use is not permitted in the designated zoning.

Mr. Dail stated that staff had no objection to the request.

Ms Jessica Gardner, applicant, spoke in favor of the application. She stated that she has been a pet stylist for nine years. She had a mobile business but would like a permanent location for her customers. The fenced area behind the building will be for walking and potting purposes only. Pets will be attended to at all times and no overnight boarding is permitted.

Mr. Faison asked is the daycare only for dogs.

Ms Gardner stated it was for cats too.

Mr. Taft asked if any work had to be done to the building.

Ms Gardner stated that a plumber is needed for her washing area and a reception area will be set up to contain the customers until service is rendered.

Ms Ferris asked how many people would be on staff.

Ms Gardner stated herself and another groomer.

Mr. Steve Evans, representative of Evans Property of Greenville, spoke in favor of the application. He has known the applicant and her family for years. She has groomed their pet and does excellent work. The location of the building is great for the requested service.

No one spoke in opposition of the application.  
Mr. Dail stated that staff had no objection to the request.

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

No board discussion.

Chairman Shook read the criteria. No objections.

**Mr. Ewen made a motion to adopt the finding of facts, Ms Ferris seconded and the motion passed unanimously.**

**Mr. Fleming made a motion to approve the petition, Mr. Taft seconded and the motion passed unanimously.**

**PUBLIC HEARING ON A REQUEST FOR A REASONABLE ACCOMMODATION BY PARADIGM, INC.-APPROVED**

The applicant, Paradigm, Inc. desires a reasonable accommodation to locate a family care home within a quarter mile of an existing family care home pursuant to Section 9-4-103 (D)(4) of the Greenville City Code. The proposed use is located at 4003 Old Pactolus Road. The property is further identified as being tax parcel number 53242.

Mr. Dail delineated the area on the map. He stated that the property is located in the eastern portion of the city's jurisdiction north of the river on Old Pactolus Road.

**Zoning of Property:** RA20 (Residential Agricultural)

**Surrounding Zoning:**

- North: RA20 (Residential Agricultural)
- South: CH (Heavy Commercial) & RA20 (Residential Agricultural)
- East: RA20 (Residential Agricultural)
- West: RA20 (Residential Agricultural)

**Surrounding Development:**

- North: Vacant
- South: Grace Barber Shop, Mobile Homes, Vacant
- East: Duplex, Seasons Mobile Home Park
- West: Family Care Home (Owned by the Applicant), Single Family Residences

**Description of Property:**

The property is 0.74 acres in size, has 112 feet of frontage along Old Pactolus Road and contains a 2,187 square foot duplex.

**Proximity to Existing Family Care Homes**

*Location:* 4001 Old Pactolus Road.      *Distance:* 40 feet

*Location:* 2605 E. Third Street

*Distance:* 1.32 miles

**Comprehensive Plan:**

The property is located within Vision Area “B” as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends very low density residential development for the subject property.

**Notice:**

Notice was mailed to the adjoining property owners on December 6, 2012. Notice of the public hearing was published in the Daily Reflector on December 10, 2012 and December 17, 2012.

**Related Zoning Regulations:**

Table of Uses:

Family Care Homes are a permitted use within all residential zoning districts.

Mr. Dail presented the definition of a family care home and the newly adopted ordinance allowing this to be applied and come before the Board of Adjustment.

Mr. Fleming asked if the only reason why the request is before the Board of Adjustment is because of its close proximity to an existing facility.

Mr. Dail stated correct and gave the current rules of family care home.

Mr. Fleming asked to see a picture of the existing family care home.

Mr. Dail stated that the existing location was an duplex that was converted to a single family home and currently houses six residents.

Mr. Faison asked if the existing and the proposed both belong to the same owner.

Mr. Dail stated yes.

Chairman Shook asked if the separation role was a part of the City of Greenville code.

Mr. Dail stated correct.

Chairman Shook asked if the board needed to evaluate the request like a variance.

Attorney Little stated the request has to meet two criteria – if the request is reasonable and if it is necessary. He read suggested facts that should be considered in the board’s decision. If the applicant’s state license is revoked, rescinded or suspended then the permit is automatically forfeited.

Chairman Shook asked how the Federal Fair Housing affects the request if this is a Greenville code.

Attorney Little stated the code is amended to be more in compliance with the American Disability Act.

Chairman Shook asked when the amendment took place.  
Attorney Little stated September 2012.

Ms Helen Pace, executive director of Disabilities, Advocates and Resource Center and representative of Bob Townsend, spoke in favor of the request. She stated that the request would greatly enhance the lifestyle of disabled people in the area.

Mr. Fleming asked if the current residents have mental or physical disabilities.

Ms Pace stated probably both.

Mr. Fleming asked if two people were living in the residence.

Ms Pace stated yes.

Mr. Fleming asked if the residents were disabled.

Ms Pace stated yes.

Mr. Fleming asked if the total of residents between the two houses would be nine.

Ms Pace stated nine.

Mr. Taft asked if nine was the maximum allowed.

Mr. Dail stated that the state's maximum number is six and it depends on the unit.

Mr. Fleming asked if one side of the duplex was going to be used for the family care home and the other side for someone to live in.

Ms Pace stated she was reluctant to speak because she was not as involved as Mr. Bob Townsend.

Mr. John Bradley, father of potential client, spoke in favor of the request. He stated that the applicant was sick with the flu and was not able to come to the hearing. One resident is living on one side and his son would be the second resident.

Mr. Fleming asked if the whole duplex was on the request for approval or half.

Mr. Bradley stated just one side.

Ms Ferris asked why this particular location.

Mr. Bradley stated they have looked for five years for a suitable residence. The son's physical needs are demanding and he had two part time jobs and his parents cannot take care of him any longer.

Mr. Faison asked how long the speaker had been working with Paradigm.

Mr. Bradley stated for five months.

Mr. Faison asked if he was pleased with the services they provide.

Mr. Bradley stated yes and that they have a good reputation.

Mr. Ewen asked was it advantageous to have the business close to one another.

Mr. Bradley stated absolutely. The homes together allow for possible sharing of staff.

Chairman Shook asked if the speaker lived close to the proposed location.

Mr. Bradley stated he lived 3-4 miles away.

No one spoke in opposition of the application.

Mr. Dail stated that staff had no objection to the request.

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

No board discussion.

Chairman Shook read the criteria. No objections.

**Mr. Faison made a motion to adopt the finding of facts with the stated conditions, Mr. Fleming seconded and the motion passed unanimously.**

**Mr. Ewen made a motion to approve the petition, Ms Ferris seconded and the motion passed unanimously.**

**With no further business, Ms Ferris made a motion to adjourn, Mr. Ewen seconded, and it passed unanimously. Meeting adjourned at 7:39 p.m.**

Respectfully Submitted

Michael R. Dail, II  
Planner