

NEW BERN BOARD OF ADJUSTMENT MINUTES

October 29, 2007

The New Bern Board of Adjustment held a regular meeting on Monday, October 29, 2007 at 6:30 p.m. in the City Hall Courtroom, 300 Pollock Street.

Members present: Mr. Dean Knight, Chair(Recused)
Mr. Edward Risty
Mr. Gerald Stallings
Mr. Thomas Hardin
Mrs. Alfreda Kinsey
Mr. John Simmons
Mr. Dennis Sibole
Mr. Harry Gormley
Mr. John Reichenbach
Mr. Richard Scoppe (non-voting)
Mrs. Doris Foy
Mr. Jerry Walker

Members Excused: Mr. James Bland

Members Absent: None

Staff present: Mr. Bernard George, Land and Community Development Coordinator
Mr. Greg McCoy, Zoning Enforcement Officer
Mrs. Lorraine DiBella, Administrative Assistant

Minutes: Reading of the minutes from the regular meeting of September 24, 2007 was waived by unanimous consent and approved with motion by Mr. Gormley, second by Mr. Simmons and unanimous vote of the Board.

A prayer for guidance was given by Mrs. Kinsey. Five witnesses were sworn.

New Business:

- A. Consideration of a request for variance on the north side of Batts Hill Road, opposite River Lane (Olde Towne Subdivision), for relief of the curb and gutter requirements for streets.**

Chairman Knight stated that the applicant for this project has requested that the item be tabled and moved to the next meeting (November 26, 2007). He asked for a motion to table and re-schedule the item. Mr. Sibole moved. Mrs. Kinsey seconded and the Board voted unanimously in agreement.

- B. Consideration of special use permit application to construct a 54,000 square foot**

building (Tryon Palace Visitor Center)at 529 S. Front Street.

Chairman Knight stated he must recuse himself from consideration in this matter as he is employed by the Department of Cultural Resources which owns the subject property. He asked for a motion that Mr. John Simmons, senior Board member, be appointed to chair the hearing on this matter. Mr. Sibole moved. Mr. Hardin seconded and the Board voted unanimously in agreement.

Staff, Mr. George, presented the request to the Board stating that a special use permit is required because the development site is greater than 2 acres. He stated the site was posted as required and all property owners within 100' were notified. The plans were reviewed by the City technical review committee on September 13, 2007 and all comments made by the committee have been addressed by the developer. Staff is not opposed to the issuance of a special use permit in this case.

Applicant Comments: Mr. Bill A. Williams, Cole Jenest & Stone, Raleigh, NC, civil engineer, and Jennifer Anser, architect of record described the project. Mr. Williams said this is a brown field property that will feature parking on the east, a boardwalk on the water connecting to city's riverwalk, landscaping with native plants, information booths on the walkways describing the plant life, and a unique stormwater system constructed in the wetlands with bio retention cell islands in planting areas.

Ms. Anser discussed the DWQ approval and CAMA permitting. Mr. Williams said this is one of the first state projects to be "green" (LEAD certification).

Board Discussion: Mr. Walker asked for a broader explanation of the stormwater system and Mr. Williams obliged.

Mr. George restated that staff approves issuance of the special use permit adding condition that Danny Meadows, head of City's Public Works Department, must approve the exterior lighting plans. It was agreed.

Public Comments: None

Upon conclusion of the discussion, the Board voted upon the findings of fact, on the matter of a Special Use Permit to construct an educational center at 529 S. Front Street.

Staff Mr. George confirmed for the Board that the requested permit is within its jurisdiction according to the table of permissible uses. Motion in agreement was made by Mr. Risty and second by Mr. Hardin.

Motion carried unanimously.

Staff Mr. George confirmed for the Board that the application is complete. Motion in agreement was made by Mr. Risty and second by Mrs. Foy.

Motion carried unanimously.

Motion by Mr. Sibole, seconded by Mr. Risty, that if completed as proposed in the application,

the project will comply with all of the requirements of the ordinance.
Motion carried unanimously.

Motion by Mr. Gormley, seconded by Mrs. Foy, that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.
Motion carried unanimously.

Motion by Mr. Gormley, seconded by Mrs. Kinsey, that the use will not substantially reduce the value of adjoining or abutting property.
Motion carried unanimously.

Motion by Mr. Gormley, seconded by Mrs. Kinsey, that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City.
Motion carried unanimously.

Motion by Mr. Sibole, seconded by Mr. Risty to grant the special use permit with the following condition:

1. Exterior lighting plan must be approved by Danny Meadows, head of city Public Works Department.

Motion carried unanimously.

There was no further business and the meeting adjourned.

John Simmons, Acting Chair

Bernard George, Secretary