

45 and is further identified in Craven County Tax Book as 7-050 lot 3000. The project went before
46 Departmental Review on December 18th 2015 and has met all of the requirements. Adjacent
47 property owners within 100 feet were notified and the property was posted according to the Land
48 Use Ordinance. The reason the property is coming to the Board to request a Special Use Permit
49 is because the property is over 2 acres and it is going to have outside storage. Outside storage
50 means they will have 2 outside display centers. They have met all of the parking requirements
51 and all other requirements. Copies of staff comments were included in the Board member
52 packets.

53
54 **Applicant Comments:** Joe Avolis from Avolis Engineering stated that Staff McCoy covered the
55 majority of the project proposal. He clarified that the only storage on the site is actually 2 model
56 homes.

57
58 **Public Comment:** Chair Afflerbach opened the meeting for public comment.

59
60 No public comments. Public comment period was closed.

61
62 **Findings of fact:**

63
64 1. The requested permit is within the Board of Adjustment's jurisdiction according to the
65 table of permissible uses;

66 **Motion K. Brown; Second P.J. Walker**

67
68 2. The application is complete;

69 **Motion R. Parsons; Second K. Brown**

70
71 3. The use will not materially endanger the public health or safety if located where
72 proposed and developed according to the plan as submitted;

73 **Motion J. Riggs; Second K. Brown**

74
75 4. The use will not substantially reduce the value of adjoining or abutting property, or
76 that the use is a public necessity;

77 **Motion B. Walker; Second R. Parsons**

78
79 5. The location and character of the use, if developed according to the plan as submitted
80 and approved, will be in harmony with the area in which it is to be located and in general
81 conformity with the plan of development of the city;

82 **Motion B. Walker; Second R. Parsons**

83
84 6. If completed as proposed in the application and as presented tonight, the development
85 will comply with all the requirements of this ordinance.

86 **Motion R. Parsons; Second P.J. Walker**

87 **Motions passed by unanimous vote.**

88
89 **Condition:** In order to be consistent with major corridors within the City of New Bern, the front

90 portion of the building seen from the right of way shall be sheathed in materials such as wood,
91 masonry, or other materials except metal.

92
93 **Motion:** Mr. Adolph moved to approve the Special Use Permit. Mr. Richard Parsons seconded.
94 Motion passed by unanimous vote.

- 95
96 2. Consideration of a Variance request from Section 15-365 of the Land Use
97 Ordinance for relief of 7.5 feet from the required 10 foot side landscape buffer.
98 The property is located at 1308 Simmons Street and is further identified in Craven
99 County Tax Book 8-029 as lot 151.

100
101 **Staff Comments:** Staff Greg McCoy presented the request stating that applicant is requesting
102 relief of 7.5 feet from the required 10 foot side yard buffer. The property is located at 1308
103 Simmons Street and will be a worship center. That use is a permitted use, however in order to
104 maintain the required parking (the site currently has 13 parking spaces) if the Variance is granted
105 he would have 6 spaces. He would like to have a buffer of 2.5 feet instead of the required 10 foot
106 buffer. The last use of the property was a night club and at that time the applicant was required to
107 have additional parking spaces so they obtained off-site parking in accordance with Section 15-
108 329 of the Land Use Ordinance. Staff is not in favor and opposes this request, because the buffer
109 is used to provide screening and prevent adverse visual against adjacent properties. The required
110 landscape buffer is consistent with majority of projects in New Bern. The applicant is required
111 by the NCDOT to make modifications to the driveway and staff feels that it does not want to set
112 a precedent.

113
114 **Board Discussion:** The board discussed the possibility that the applicant may still be required to
115 obtain off-site parking even if the Variance is granted. Granting the Variance will reduce the
116 amount of vegetative buffer. The applicant does not currently reside on the property, so there is
117 no hardship on them currently.

118
119 **Applicant Comments:** Mr. Joe Avolis stated the owner does have an agreement for off-site
120 parking. The property is only approximately ¼ acre in size. The driveway does need to be
121 replaced as it is currently a hazard. There are currently no tree islands on the property. The
122 adjoining property is all gravel and asphalt. The goal is to improve the appearance of the
123 property with landscaping. He asked they consider the future hardship on the impact of parking
124 spaces if the Variance request is denied.

125
126 **Board Comments:** The Board discussed the application and the plans.

127
128 **Public Comment:** Chair Afflerbach opened the public comments period.
129 There were no public comments.

130
131 Public comment period was closed.

132
133 **Board Discussion:** The Board reviewed the following findings of fact before voting.
134

135 **Findings of fact:**
136

137 1. Unnecessary hardship would result from the strict application of the ordinance. It shall
138 not be necessary to demonstrate that, in the absence of the variance, no reasonable use
139 can be made of the property;

140 **Motion B. Walker; Second P. Adolph**
141

142 2. The hardship results from conditions that are peculiar to the property, such as location,
143 size, or topography. Hardships resulting from personal circumstances, as well as
144 hardships resulting from conditions that are common to the neighborhood or the general
145 public, may not be the basis for granting a variance;

146 **Motion P. Adolph; Second R. Parsons**
147

148 3. The hardship did not result from actions taken by the applicant or the property owner.
149 The act of purchasing property with knowledge that circumstances exist that may justify
150 the granting of a variance shall not be regarded as a self-created hardship;

151 **Motion P. Adolph; Second R. Parsons**
152

153 4. The requested variance is consistent with the spirit, purpose, and intent of the
154 ordinance, such that public safety is secured, and substantial justice is achieved;

155 **Motion R. Parsons; Second K. Brown**
156

157 **Motions FAILED by unanimous vote.**
158

159 **Motion:** Mr. Richard Parsons made a motion to deny the Variance based on the 4 finding of
160 facts. Mr. P.J. Walker seconded. Motion passed by unanimous vote.
161

162 3. Consideration of a Special Use Permit Application to construct a three story
163 addition that exceeds thirty five feet in height (38' to the cornice line) adjacent to
164 the existing hospital. The property is located at 2000 Neuse Boulevard and is
165 further identified in Craven County Tax Book 8-028 as lot 070.
166

167 **Staff Comments:** Staff McCoy presented the request to the Board stating any project that
168 exceeds 35' in height requires a Special Use Permit. Notices to adjacent property owners within
169 100' were sent and the property was posted. The applicant has addressed all comments submitted
170 through departmental review and staff recommends approval of the request. Mr. McCoy
171 introduced Mr. George Chiles, representative of the applicant.
172

173 **Applicant Comments:** Mr. George Chiles explained the project to the Board stating the 3 story
174 addition would be in front of the 5 story main building. Mr. Rich Henley, architect from
175 Charlotte was sworn in and explained that in keeping the new addition aesthetically in harmony
176 with existing structure(s) there was not much flexibility in the design attributing to the height.
177 Another contributing factor is the additional space required for modern day air condition and
178 heating systems.
179

180 **Board Comments:** The staff suggested condition was discussed. The findings of facts were
181 discussed.

182
183 **Public Comment:** Chair Afflerbach opened the meeting for public comment.

184
185 No public comments. Public comment period was closed.

186
187 **Findings of fact:**

188
189 1. The requested permit is within the Board of Adjustment's jurisdiction according to the
190 table of permissible uses;

191 **Motion P.J. Walker; Second P. Adolph**

192
193 2. The application is complete;

194 **Motion R. Parsons; Second P. Adolph**

195
196 3. The use will not materially endanger the public health or safety if located where
197 proposed and developed according to the plan as submitted;

198 **Motion J. Riggs; Second P. Adolph**

199
200 4. The use will not substantially reduce the value of adjoining or abutting property, or
201 that the use is a public necessity;

202 **Motion P. Adolph; Second K. Brown**

203
204 5. The location and character of the use, if developed according to the plan as submitted
205 and approved, will be in harmony with the area in which it is to be located and in general
206 conformity with the plan of development of the city;

207 **Motion R. Parsons; Second P.J. Walker**

208
209 6. If completed as proposed in the application and as presented tonight, the development
210 will comply with all the requirements of this ordinance.

211 **Motion B. Walker; Second R. Parsons**

212
213 **All Motions passed by unanimous vote.**

214
215 **Condition:** In order to be consistent with City screening requirements, submit a landscaping plan
216 to City staff for approval and replace removed landscaping adjacent to Neuse.

217
218 **Motion:** Mr. Walker moved to include the Condition. Mr. Brown seconded. Motion passed by
219 unanimous vote.

220
221 **Motion:** Mr. Parsons moved to approve the Special use Permit. Mr. Brown seconded. Motion
222 passed by unanimous vote.

223
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226 With no further discussion, meeting adjourned. The next regularly scheduled meeting is on
227 Monday, February 22nd, 2015 at **5:30 pm** in the City Hall Courtroom, 2nd floor, 300 Pollock
228 Street.

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Sarah Afflerbach, Chair



Greg McCoy, Board Clerk