

45 **New Business:**

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47 **A. 2013 North Carolina Legislation Planning and Development Regulation Update**

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49 **Staff Comments:**

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51 Mr. George advised the new regulations have been adopted by the General Assembly. He
52 advised these regulations address the modernization of the statues regarding quasi-judicial
53 decisions and the decision making process of the Board of Adjustment.

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55 The General Assembly for the first time since the 1980's have done a complete re-write. The
56 quasi-judicial decisions can now be appealed by those made by administrative boards (Board of
57 Adjustment, Planning Board) as well as by administrative officials (Building Inspectors, Zoning
58 Administrators, Planners, Subdivision Administrators). Therefore as a Board and as a City we
59 must now review our By-Laws and Land Use Ordinance to bring those within compliance of the
60 new General Statues.

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62 Staff has been in discussions with the City Attorney who is reviewing the regulations and who
63 will bring the regulations before the Planning & Zoning Board and the Board of Alderman as
64 Amendments to the Ordinance. It will be necessary to change the way we do business to be in
65 compliance with the newly adopted General Statues.

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67 Mr. George advised the regulations do not significantly alter the fundamental aspects, but does
68 make some important changes. The changes were proposed by the North Carolina Bar
69 Association which works directly under the General Assembly to create a draft for their
70 approval.

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72 Mr. George discussed the 313 E. Front Street Appeal which addressed a decision made by the
73 Historic Preservation Commission. This is an area that had not previously been addressed by the
74 general statues and local legislation, but now has been. There is a fairly comprehensive set of
75 steps in place to guide boards of this nature through this particular process as well as other types
76 of appeals that may come before the board.

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78 Mr. George advised the board members that future workshops will be established to review and
79 discuss the changes.

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82 **B. Annual Update of Board of Adjustment Projects**

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84 **Staff Comments:** Board members were provided a list of projects from the past year. Mr.
85 George reviewed these projects:

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- 87 • Trent Road – approved a series of variances requested for the Beartown Cinema property.
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- 89 • 213 Hancock Street - a property that required substantial renovations and approval of a 5'

90 setback. Approved.

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92 • Amhurst Boulevard – approved multiple tax-credit projects proposed for this location.

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94 • 313 E. Front Street – approved a variance request for this property.

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96 • 3115 Country Club Road – approved a variance request for this property.

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98 • Middle & New Streets – approved a Centenary Church request for an ash niche memorial
99 – columbarium.

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101 • Neuse Boulevard – approval of new construction of a Wal-Mart.

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103 • Cheryl Drive – approval of a 120-unit apartment development

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106 **C. Introduction of the New Board of Adjustment Secretary Greg McCoy**

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108 **Staff Comments:** Mr. George reminded the board members that he will be retiring at the end of
109 January and introduced Mr. Greg McCoy as the successor for the staff support for the Board.

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111 Mr. McCoy noted his enthusiasm for working with the board in the upcoming year.

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114 With no further discussion, meeting adjourned.

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Sarah Afflerbach, Chairman

Bernard George, AICP, Secretary