



Board of Adjustment

August 17, 2021

7:00 P.M.

WINTERVILLE TOWN HALL ASSEMBLY ROOM

- I. CALL TO ORDER.**
- II. WELCOME.**
- III. APPROVAL OF AGENDA.**
- IV. APPROVAL OF MINUTES (JULY).**
- V. ADMINISTRATIVE MATTERS.**
 - 1. ELECTION OF OFFICERS.**
- VI. NEW BUSINESS.**
 - 1. 139 VERNON WHITE ROAD - SPECIAL USE PERMIT.**
- VII. REPORTS FROM STAFF - INFORMATIONAL ITEMS.**
- VIII. ADJOURN.**

SPECIAL NOTICE: Anyone who needs an interpreter or special accommodations to participate in the meeting should notify the Town Clerk, Don Harvey at 215-2344 at least forty-eight (48) hours prior to the meeting. (Americans with Disabilities Act (ADA) 1991.)



**BOARD OF ADJUSTMENT MEETING
TUESDAY, JULY 20, 2021
MEETING MINUTES**

The Board of Adjustment met on the above date at 7:00 PM in the Town Hall Assembly Room, with Chairman Jeffrey Briley presiding. The following were present:

Jeffrey Briley, Chairman
Joseph Pierce, Vice Chair (absent)
Alfred Phillips, Member (absent)
Edward Reynolds, Member
Brian Miller, Member
Garrett Killian, Alternate Member (absent)
Keen Lassiter, Town Attorney
Bryan Jones, Planning Director
Donald Harvey, Town Clerk

CALL TO ORDER:

Chairman Briley asked for a motion to open the meeting:

Motion made by Member Reynolds and seconded by Member Miller to open the meeting. Motion carried unanimously, 3-0. Chairman Briley called the meeting to order.

WELCOME:

Chairman Briley welcomed all Board members and the public to the meeting.

APPROVAL OF AGENDA:

Motion made by Member Reynolds and seconded by Member Miller to approve the agenda as presented. Motion carried unanimously, 3-0.

ADMINISTRATIVE MATTERS: Election of Officers. Due the low attendance at the meeting it was determined it would be best to table election of officers.

Motion made by Member Miller and seconded by Member Reynolds to table election of officers to next meeting. Motion carried, 2-1, Member Reynolds opposed.

NEW BUSINESS:

1. **Special Use Permit – 510 Coventry Court:** Planning Director Jones gave the following presentation:

- Applicant: Jessica Monk
- Location: Coventry Court in Devonshire Subdivision
- Parcel Number: 46112
- Site Data: 0.21 Acres
- Zoning District: R-8
- Special Use Permit: Home Occupation (Bakery)



- Notice was posted on site on July 6, 2021.
- Adjacent property owners were mailed notification on July 6, 2021.
- Notice of the hearing was published in the Daily Reflector on July 9, 2021 and July 14, 2021.





USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	O-I	C-B	G-B	I-C	C-N	I	SR
Residential Uses																	
bed and breakfast inns	2	0000	S	S	S	S	S	S			X	X	X				1
dwelling, conventional or modular; multi-family (including single family attached of more than 2 attached units)	2	0000	S							S	S	S					2 / 42
single family detached	1	0000	X	X	X	X	X	X	X	X	X	S					42
two-family (including single family attached of no more than 2 attached units)	1	0000	S					S	X	X	S						2
dwelling, mobile home on individual lot:	1																
class A single-family		0000	S						X								3
class B single-family		0000															4
family care home (6 or less)	2	8351	X	X	X	X	X	X	X	X	X	X	X		X	X	5
family day-care home (3-5)	*	8322	S	S	S	S	S	S	S	S	S						5
home occupation, customary	*	0000	S	S	S	S	S	S	S	S	S						6
mobile home park	2	0000	S							S							7
planned unit development	2	0000															8

SR 6. Home Occupation, Customary

- a. Customary home occupations such as dressmaking, **cooking and baking**, hairdressing, music instruction, the practice of such professions as insurance and accounting may be permitted as a conditional use within the dwelling unit in the Zoning District indicated. The BOA shall decide whether other occupations not listed are within the spirit of this category of uses.
- b. Only one person other than those residing in the home shall be engaged in the occupation.
- c. The use of the dwelling unit for the home shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.



SR 6. Home Occupation, Customary

- d. There shall be no changes in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation except one non-illuminated sign not exceeding four (4) square feet.
- e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be off the street and not in the front yard.
- f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or which causes fluctuations in line voltage off the premises.



Staff Recommendation:

Planning staff is of the opinion that the request can meet all the development standards required for issuance of the Special Use Permit upon proper findings by the Board.



Special Use Permits

To hear and decide, in particular cases, and subject to appropriate conditions and safeguards, permits for special uses as authorized by Article VI. In granting a Special Use Permit the Board shall make the following affirmative findings:

- a) The Use requested is among those listed as an eligible Special Use in the District in which the subject property is located;
- b) That the Special Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;
- c) That the Special Use meets all required conditions and specifications;
- d) That the Special Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- e) That the location and character of the Special Use if developed according to the plan as proposed 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 Town and its environs.



Planning Director Jones ask for any questions.

Chairman Briley requested that anyone wishing to speak, please come forward. Attorney Lassiter swore in Ms. Jessica Monk, owner and Planning Director Jones. Chairman Briley opened the public hearing. No one spoke. Chairman Briley closed the public hearing.

Planning Director Jones went through the following criteria:

To hear and decide, in particular cases, and subject to appropriate conditions and safeguards, permits for special uses as authorized by Article VI. In granting a Special Use Permit the Board of Adjustment shall make the following affirmative findings:

- a) The Use requested is among those listed as an eligible Special Use in the District in which the subject property is located;
- b) That the Special Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;
- c) That the Special Use meets all required conditions and specifications;
- d) That the Special Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- e) That the location and character of the Special Use if developed according to the plan as proposed 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 Town and its environs.

In granting a Special Use Permit, the Board may impose such additional restrictions and requirements upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board shall authorize the issuance of the Special Use Permit, otherwise the Permit shall be denied. Any Special Use Permit so authorized shall be perpetually binding upon the property included in such Permit unless subsequently change or amended by the Board, as provided for in this Article.

Motion made by Member Reynolds and seconded by Member Miller to approve Special Use Criteria a). Motion carried unanimously, 3-0.

Motion made by Member Miller and seconded by Member Reynolds to approve Special Use Criteria b). Motion carried unanimously, 3-0.

Motion made by Member Reynolds and seconded by Member Miller to approve Special Use Criteria c). Motion carried unanimously, 3-0.

Motion made by Member Reynolds and seconded by Member Miller to approve Special Use Criteria d). Motion carried unanimously, 3-0.

Motion made by Member Reynolds and seconded by Member Miller to approve Special Use Criteria e). Motion carried unanimously, 3-0.

Chairman Briley asked if additional restrictions would apply to changes in the future. Planning Director Jones said condition stays with the property not the ownership requiring getting a Special Use Permit (SUP) with the same.

Motion made Member Reynolds and seconded by Member Miller to approve Special Use Permit. Motion carried unanimously, 3-0.

Chairman Briley stated the Special Use Permit was approved.

APPROVAL OF MINUTES:

Minutes of the May 18, 2021 meeting were presented for approval.

Motion made by Member Miller and seconded by Member Reynolds to approve the minutes as presented. Motion carried unanimously, 3-0.

REPORTS FROM STAFF – INFORMATIONAL ITEMS:

Planning Director Jones presented the following report:



2571 RAILROAD ST
PO BOX 1469
WINTERVILLE, NC
28590

PLANNING DEPARTMENT
BRYAN JONES
DIRECTOR

To: Town Council
From: Bryan Jones, Planning Director
Date: July 6, 2021
Re: Monthly Report

Please find below a summary of the projects, tasks and issues the Planning Department has been working on during the month of **June 2021.**

ZONING COMPLIANCES	Total = 18	YTD (2021) = 115
New Single-Family Residential	2	30
Accessory Structures	4	17
New Business	2	10
Residential Fence	4	21
Additions/Pools/Other	6	37
Other Activities/Projects		
Technical Review Committee	6/1/2021	TRC met to consider/review the site plan for Animal Care East – Addition (approved); Ange Plaza, Lots 14 and 15 Final Plat
Town Council Meeting	6/15//2021	BOA Appointments (approved); Kenneth Smith Properties – Rezoning PH (approved); Carroll Crossing, Sec 3 Rezoning – Set PH (approved)
NC Association of Floodplain Managers Webinar	6/17/2021	Attended NCAFPM Webinar that discussed NCDOT updates for Hurricane Season 2021.
Planning and Zoning Board Meeting	6/21/2021	Ange Plaza, Lots 14 and 15 Final Plat (approved); Sutton Capital Group Rezoning (tabled until July 19 PZ Meeting)
Greenville Urban Area MPO TCC Meeting	6/30/2021	TCC met to discuss transportation priorities for the Urban Area. Agenda included TIP review, Transit Safety Targets, and Fast-Track TIP amendment process.

COMMENTS FROM BOARD OF ADJUSTMENT MEMBERS:

ADJOURN:

Having no further business to come before the Board of Adjustment meeting, Chairman Briley requested a motion to adjourn.

Motion made by Member Reynolds and seconded by Member Miller to adjourn the meeting. Motion carried unanimously, 3-0. Meeting adjourned at 7:14 pm.

Adopted this the 17th day of August 2021.

Jeffrey Briley, Chairman

ATTEST:

Donald Harvey, Town Clerk



**Town of Winterville
Board of Adjustment
Agenda Abstract**

Item Section: New Business

Meeting Date: August 17, 2021

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: 139 Vernon White Road - Special Use Permit (Bed and Breakfast Inn)

Action Requested: Special Use Permit

Attachments: SUP Application, Notification to Adjacent Property Owners

Prepared By: Bryan Jones, Planning Director

Date: 8/3/2021

ABSTRACT ROUTING:

TC

FD

TM

Final

Supporting Documentation

Applicant: Dr. Sanjay Mehra

Location: Intersection of Winterville PW and Vernon White Road

Parcel Number: 24507

Site Data: 8.43 Acres

Current Zoning District: AR

Application: Special Use Permit for a Bed and Breakfast Inn.

- ❖ Adjacent property owners were mailed notification of the SUP application on August 3, 2021.
- ❖ Notification was posted on the site on August 3, 2021.
- ❖ Notification of the hearing was published in the Daily Reflector on August 4, 2021 and August 11, 2021.

Budgetary Impact: N/A

Recommendation: N/A



SPECIAL USE PERMIT APPLICATION
TOWN OF WINTERVILLE
2571 Railroad Steet
P O Box 1459
Winterville, NC 28590
Phone: (252) 756-2221

Staff Use Only
Appl. #

DATE 07/26/2021

NAME OF APPLICANT Dr. Sanjay Mehra

ADDRESS 2202 Trotters Ridge, Greenville, NC 27858 TELEPHONE 352-615-2727

PROPERTY OWNER purchasing / closing 08/06/21

ADDRESS 139 Vernon White Road, Winterville, NC 28590 TELEPHONE

1) Application is hereby made for permission to: Erect, Repair, Alter [checked], Extend, Remove, or Demolish, a Building, Sign, Other Structure, (Explain) changing from a residential to a Bed and Breakfast in accordance with special requirements

2) The building, sign or land is located at: Street Address 139 Vernon White Road, Winterville, NC 28590 Zoning District Agricultural / Residential

3) The intended use of the building, sign, structure, or land would be Conditional Use Bed and Breakfast in the Agricultural / Residential District and is described as follows: Bed and Breakfast with up to 6 bedrooms and 1 service kitchen with an Inn keeper / manager on site.

4) After completing sign the statement below:

OWNER/AGENT STATEMENT

I, Sanjay Mehra, being the Owner or Agent (if Agent, complete section below) request approval of a Conditional Use Permit as described herein. I agree that this permit, if granted, is issued on the presentation made herein and that this permit may be revoked in the event of any breach of representation or noncompliance of conditions of the permit. It is further understood that action implementing the proposed use must be completed within twelve (12) months from the date of issuance, or this permit shall become invalid.

DATE 07/26/2021 APPLICANT 

NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

I, _____, being the Owner of the property described herein, do hereby authorize _____ as agent for the purpose of this application.

Signature Date

Sworn to and subscribed before me, this _____ day of _____, 20_____.

Notary Public

My Commission Expires:



2571 Railroad Street
PO Box 1459
Winterville, NC 28590

Phone (252)215-2358
Fax (252)756-3109
www.wintervillenc.com

**Board of Adjustment Hearing
Special Use Permit**

NOTICE IS HEREBY GIVEN that the Winterville Board of Adjustment will meet on Tuesday, August 17, 2021 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, in order to have a Board of Adjustment hearing on the Special Use Application described below:

An application has been submitted for 139 Vernon White Road requesting a Special Use Permit for a Bed and Breakfast Inn. The subject property is zoned AR. Per the application, the Special Use Permit is for a "Bed and Breakfast with up to 6 bedrooms and 1 service kitchen with an Inn Keeper/Manager on site."

Copies of the Zoning Ordinance and Map are on file at the Planning Department Office in the Town Hall and are available for public inspection by contacting bryan.jones@wintervillenc.com or the Winterville Planning Department at (252) 215-2358 or at wintervillenc.com.

The Town of Winterville will be keeping measures in place in an ongoing effort to mitigate the spread of COVID-19. These measures include limiting physical attendance at the meeting and employing social distancing. The public is encouraged to watch the meeting live on YouTube (www.wintervillenc.com/videos). Those that wish to address the Board during the hearing should contact the Town Clerk at (252) 215-2344 to register by **one business day before the meeting at 5:00 p.m.

CHARLES VERNON WHITE
139 VERNON WHITE ROAD
WINTERVILLE, NC 28590

BADCOCK CENTER OWNERS
ASSOCIATION, INC
PO BOX 188
SIMPSON, NC 27879

LUID ANGE MOORE FAMILY
PARTNERSHIP
PO BOX 1207
WINTERVILLE, NC 28590

BOBBY THOMAS SELLERS
DOROTHY RAEBERRY
SELLERS
162 VERNON WHITE ROAD
WINTERVILLE, NC 28590

JOYCE R. SMITH
PO BOX 2323
GREENVILLE, NC 27835

SAMUEL SANCHEZ
LORENA SANCHEZ
4319 WINTERVILLE PW
WINTERVILLE, NC 28590

AQUATIC HOLDINGS, LLC
566 THIRD ST
AYDEN, NC 28513

NEVEEN B. MORALES
JAMES A. MORALES
181 VERNON WHITE RD
WINTERVILLE, NC 28590

DR. SANJAY MEHRA
2202 TROTTS RIDGE
GREENVILLE, NC 27858

TRIPP FARMS, LLC
105 MARION DRIVE
GREENVILLE, NC 27858

JAMES H. HUDSON
2875 LANDING CIRCLE
GRIMESLAND, NC 27837

ELIESER CUEVAS
DEBRA CUEVAS
173 VERNON WHITE ROAD
WITNERVILLE, NC 28590

ASHLEY KIM NGUYEN
BANG MINH LE
2210 WATERFORD DR
WINTERVILLE, NC 28590

MARC J. DENEAL
TERESA H. DENEAL
2140 MEDICAL DISTRICT DR
APT 3058
DALLAS, TX 75235



WINTERVILLE

A slice of the good life!

2571 RAILROAD ST
PO BOX 1459
WINTERVILLE, NC
28590

PLANNING DEPARTMENT
BRYAN JONES
DIRECTOR

To: Board of Adjustment
From: Bryan Jones, Planning Director
Date: August 2, 2021
Re: Monthly Report

Please find below a summary of the projects, tasks and issues the Planning Department has been working on during the month of **July 2021**.

ZONING COMPLIANCES	Total = 15	YTD (2021) = 130
New Single-Family Residential	2	32
Accessory Structures	4	21
New Business	3	13
Residential Fence	2	22
Additions/Pool/Other	4	41
Other Activities/Projects		
Technical Review Committee	7/6/2021	TRC met to consider/review the site plan for PCC Student Advancement Center (approved); Eleven at Main – Preliminary Plat
Greenville Urban Area MPO TAC Meeting	7/14/2021	Transportation Advisory Committee (TAC) met to discuss transportation priorities for the Urban Area. Agenda included Prioritization Process Review and Fast-Track TIP amendment process.
Planning and Zoning Board Meeting	7/19/2021	Eleven at Main-PP (approved); Sutton Capital Group Rezoning (approved); Pitt County Farms Rezoning (approved); Aquatic Holdings Rezoning (approved); Alfred McLawhorn Rezoning (approved)
Board of Adjustment Meeting	7/20/2021	510 Coventry Court – Special Use Permit (approved)