

# **Board of Adjustment**

March 22, 2022 7:00 P.M. WINTERVILLE TOWN HALL ASSEMBLY ROOM

- I. CALL TO ORDER.
- II. WELCOME.
- III. APPROVAL OF AGENDA.
- IV. APPROVAL OF MINUTES OCTOBER 19, 2021.
- V. NEW BUSINESS.
  - MILL STREET TOWNS SPECIAL USE PERMIT.
- VI. REPORTS FROM STAFF INFORMATIONAL ITEMS.
- VII. 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, OCTOBER 19, 2021 MEETING MINUTES (LIMITED IN-PERSON ATTENDANCE)

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

#### **CALL TO ORDER:**

Chairman Briley called the meeting to order.

#### WELCOME:

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

#### **APPROVAL OF AGENDA**:

Planning Director Jones noted amendment to the agenda to include approval of minutes.

Motion made by Vice Chair Reynolds and seconded by Member Pierce to approve the amended agenda as presented. Motion carried unanimously, 4-0.

#### **APPROVAL OF MINUTES:**

Minutes of the August 17, 2021 meeting presented for approval.

Motion made by Member Pierce and seconded by Vice Chair Reynolds to approve the August 17, 2021 minutes as presented. Motion carried unanimously, 4-0.

#### **NEW BUSINESS**:

Carrol Crossing, Section 3 - Special Use Permit - Planning Director Jones gave the following presentation.



Presenter: Bryan Jones, Planning Director





Carroll Crossing, Section 3- Special Use Permit

• Applicant: Baldwin Design Consultants, PA (Le & Lam Properties, LLC)

• Location: Intersection of Church Street Ext and Jeremy Lane

• Parcel Number: portion of 04819

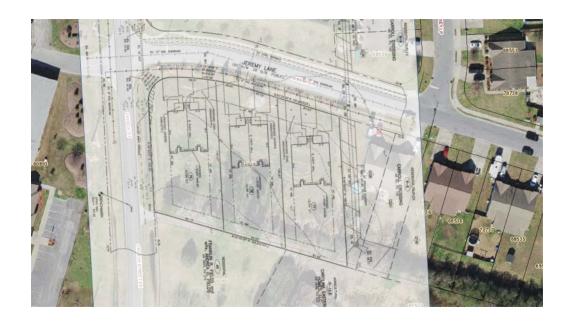
• Site Data: 1.102 Acres

· Zoning District: R-8 CD

• Proposed Use: Single-Family Attached Residential Development (Duplex)







#### TABLE OF PERMITTED & SPECIAL USES

USE TYPES	LUC	SIC	A-R	R-20	R-15	R-12.5	R-10	R-8	R-6	M-R	0-1	С-В	G-B	I-C	C-N	Т	SR
Residential Uses																П	
bed and breakfast inns	2	0000	s	s	s	S	s	S			Х	Х	Х				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	×	×	×	×	×	х	х	х	×	s					42
two-family (Including single family attached of no more than 2 attached units	1	0000	s					s	х	×	s						2
dwelling, mobile home on individual lot																П	
Class A single-family	1	0000	s						х								3
Class B single-family																	4
Family care home (6 or less)	2	8351	х	х	Х	x	Х	х	х	Х	x	х	Х		Х	х	5
Family day-care home (3-5)	٠	8322	s	s	s	s	s	s	s	s	s					П	5
home occupation, customary		0000	s	s	s	s	s	s	s	s	s					П	6
mobile home park	2	0000	s							s							7
Planned unit development	2	0000						"SI	EE SR	NOTE"							8



#### Carroll Crossing, Section 3- Special Use Permit

#### A slice of the good life!

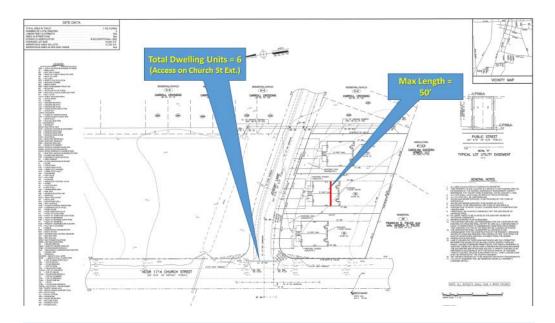
SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

a. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of <u>one hundred fifty (150) feet</u> when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment.

b.

- 1. No multi-family development shall contain more than <u>twenty (20) dwelling units</u> unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.
- No multi-family development shall contain more than <u>sixty (60) dwelling units</u> unless the
  development shall have frontage along and <u>direct access on two major or minor</u> thoroughfares or
  combinations thereof as shown on the Thoroughfare Plan.
- 3. Any multi-family development with more than 100 dwelling units shall meet the requirements of 2 above and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development. (N/A)







#### SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

c. An individual multi-family building, two family dwelling or a single series of attached dwelling units to be located on an individual lot shall be developed in accordance with the area, yard and height requirements of the district in which located the same as any other individual building on an individual lot. Provided that in the AR and R-8 zoning districts, two-family dwellings within a subdivision shall only be permitted on a corner lot. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the Subdivision Ordinance and may be subject to the North Carolina Unit Ownership Act.





#### Carroll Crossing, Section 3- Special Use Permit

#### SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

- d. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:
  - Site Plan. No zoning permit or building permit shall be issued for construction in a group
    residential development except in accordance with a site plan approved by the Planning Board, in
    accordance with the standards herein. In any case where land is to be dedicated in a group
    residential development, a Subdivision Plan may be required by the Subdivision Ordinance.
    Developments that are proposed to be developed under the North Carolina Unit Ownership Act
    shall meet the requirements of that Act by recording the declaration and plan with the Register of
    Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer
    shall first comply with the Subdivision Ordinance.



#### SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

- d. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:
  - 2. <u>Density.</u> The number of dwelling units per unit of land area shall not exceed the number of dwelling units per unit of land area permitted in the district in which the development is located. Fractional units above one-half (1/2) may be rounded to the next highest number once the basic number of units exceeds twenty (20).





#### Carroll Crossing, Section 3- Special Use Permit

SR 2. Two Family, Single-Family Attached and Multifamily Dwellings

Density Requirements (Per Section 7.1 – Dimensional Requirements):

#### Multi-family projects:

- (a) Minimum lot area for new construction = 15,000 square Feet. (Actual = 1.102Acres/48,003.12 sq ft)
- (b) Minimum square footage per dwelling unit:
  - 4,000 (1 UNIT = 4,000) square feet for the first unit.
  - 2,000 square feet for each additional one bedroom unit.
  - 2,500 (5 UNITS = 12,500) square feet for each additional two or more bedroom unit.
- (c) Minimum square footage for each conversion of an existing structure 2,000 square feet for each dwelling unit.

**REQUIRED SQUARE FOOTAGE** = 16,500 SQ FT **TOTAL SQUARE FOOTAGE ON SITE** = 48,003.12 SQ FT

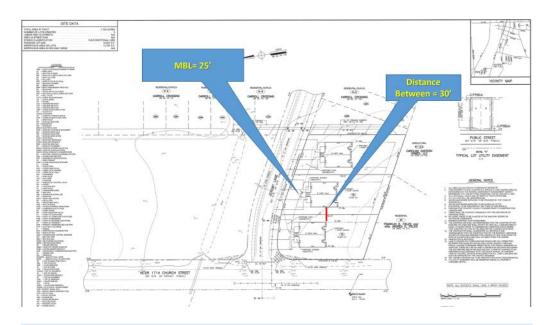




#### Carroll Crossing, Section 3- Special Use Permit

- SR 2. Two Family, Single-Family Attached and Multifamily Dwellings
  - d. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:
    - 3. Yard Requirements. The following yard requirements are hereby established:
      - a) <u>Exterior</u>. Along each exterior property line or public street, the minimum front, rear and side yard setback of the Zoning District shall be maintained.
      - b) <u>Interior</u>. For each building erected along a private street or accessway, a <u>minimum setback of twenty (20) feet</u> shall be maintained from the nearest edge of street or accessway pavement.
      - <u>Distance Between Buildings</u>. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.







- Two Family, Single-Family Attached and Multifamily Dwellings
  - d. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:
    - 4. Street or Accessways. All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations then in effect, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.
    - 5. Sidewalks. Sidewalks shall be installed in the same manner and under the same criteria as that established in the Subdivision Regulations.
    - 6. Storm Drainage Improvements. Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the Subdivision Regulations.





#### Carroll Crossing, Section 3- Special Use Permit

#### Two Family, Single-Family Attached and Multifamily Dwellings <u>SR 2.</u>

- d. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:
  - 7. Sanitary Containers. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Concrete pads in conformance with the public works department's stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container.



#### 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.





#### Carroll Crossing, Section 3- Special Use Permit

#### 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. No one came forward.

Motion made by Vice Chair Reynolds and seconded by Member Pierce to open the Public Hearing. Motion carried unanimously, 4-0.

No one spoke.

Motion made by Vice Chair Reynolds and seconded by Member Killian to close the Public Hearing. Motion carried unanimously, 4-0.

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 Vice Chair Reynolds and seconded by Member Pierce to approve Special Use Criteria a). Motion carried unanimously, 4-0.

Motion made by Member Killian and seconded by Vice Chair Reynolds to approve Special Use Criteria b). Motion carried unanimously, 4-0.

Motion made by Member Killian and seconded by Vice Chair Reynolds to approve Special Use Criteria c). Motion carried unanimously, 4-0.

Motion made by Member Pierce and seconded by Vice Chair Reynolds to approve Special Use Criteria d). Motion carried unanimously, 4-0.

Motion made by Member Killian and seconded by Vice Chair Reynolds to approve Special Use Criteria e). Motion carried unanimously, 4-0.

Chairman Briley asked for a motion approving the Special Use Permit (SUP).

Motion made by Vice Chair Reynolds and seconded by Member Pierce to approve Special Use Permit. Motion carried unanimously, 4-0.

Chairman Briley stated the Carrol Crossing, Section 3 - Special Use Permit was approved.

#### **REPORTS FROM STAFF – INFORMATIONAL ITEMS:**

Planning Director Jones referenced the following report and noted that the Internet Sweepstakes was closed down with a combined effort of surrounding law enforcement agencies.



2571 RAILROAD ST PO BOX 1459 WINTERVILLE, NC 28590 PLANNING DEPARTMENT BRYAN JONES DIRECTOR

To: Town Council

From: Bryan Jones, Planning Director

Date: October 4, 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 <u>September 2021.</u>

ZONING COMPLIANCES	Total = 28	YTD (2021) = 158
New Single-Family Residential	1	46
Accessory Structures	1	25
New Business	1	14
Residential Fence	0	26
Additions/Pools/Other	1	51
Other Activities/Projects		
Town Council Meeting	9/13/2021	Alfred Martin McLawhorn Rezoning - PH (Approved); Ange Plaza Lot 14 & 15 FP (approved); Sutton Capital Group Rezoning - PH (Denied); Aquatic Holdings, LLC Rezoning-PH (approved); Holly Grove Section 2 FP (approved); Holly Grove Annexation Certificate of Sufficiency (approved); Pitt County Farms, LLC Rezoning-PH (approved); Winterville Pump Station Annexation - Set PH (approved); Winterville Interconnect Site Annexation-Set PH (approved).
Planning and Zoning Board Meeting	9/20/2021	David Evan-Zoning Text Amendment Request (approved)
Board of Adjustment Meeting	ž.	No Meeting Held in September.

#### **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 Vice Chair Reynolds and seconded by Member Pierce to adjourn the meeting. Motion carried unanimously, 4-0. Meeting adjourned at 7:19 pm.

	Jeffrey Briley, Chairman	
ATTEST:		
Donald Harvey, Town Clerk		

Adopted this the  $22^{nd}$  day of March 2022.



# Town of Winterville Board of Adjustment Agenda Abstract

**Item Section:** New Business

Meeting Date: March 22, 2022

Presenter: Bryan Jones, Planning Director

Item to be Considered	
Subject: 2752 Mill Street (Parcels 16203 and 39149)	
Action Requested: Special Use Permit	
Attachments: SUP Application, Site Plan, Notification to Adjacent Property Owne	rs
Prepared By: Bryan Jones, Planning Director	Date: 3/16/2022
ABSTRACT ROUTING:  ☐ TC ☐ TM	☐ Final
Supporting Documentation	
Applicant: Jones and Smith Contractors, LLC (Kenneth H. Smith)	
Location: Mill Street north of its intersection with Laurie Ellis Road.	
Parcel Number: 16203, 39149 Site Data: 11.55 Acres Current Zon	ning District: MFR
<u>Application</u> : Development of 138 single-family attached dwelling units in 21 build	lings.
<ul> <li>Adjacent property owners were mailed notification of the SUP application of Notification was posted on the site on March 2, 2022</li> <li>Notification of the hearing was published in the Daily Reflector on March 9</li> </ul>	
Budgetary Impact: N/A	
Recommendation: N/A	



### CONDITIONAL USE PERMIT APPLICATION TOWN OF WINTERVILLE

2571 Railroad Steet P O Box 1459 Winterville, NC 28590 Phone: (252) 756-2221

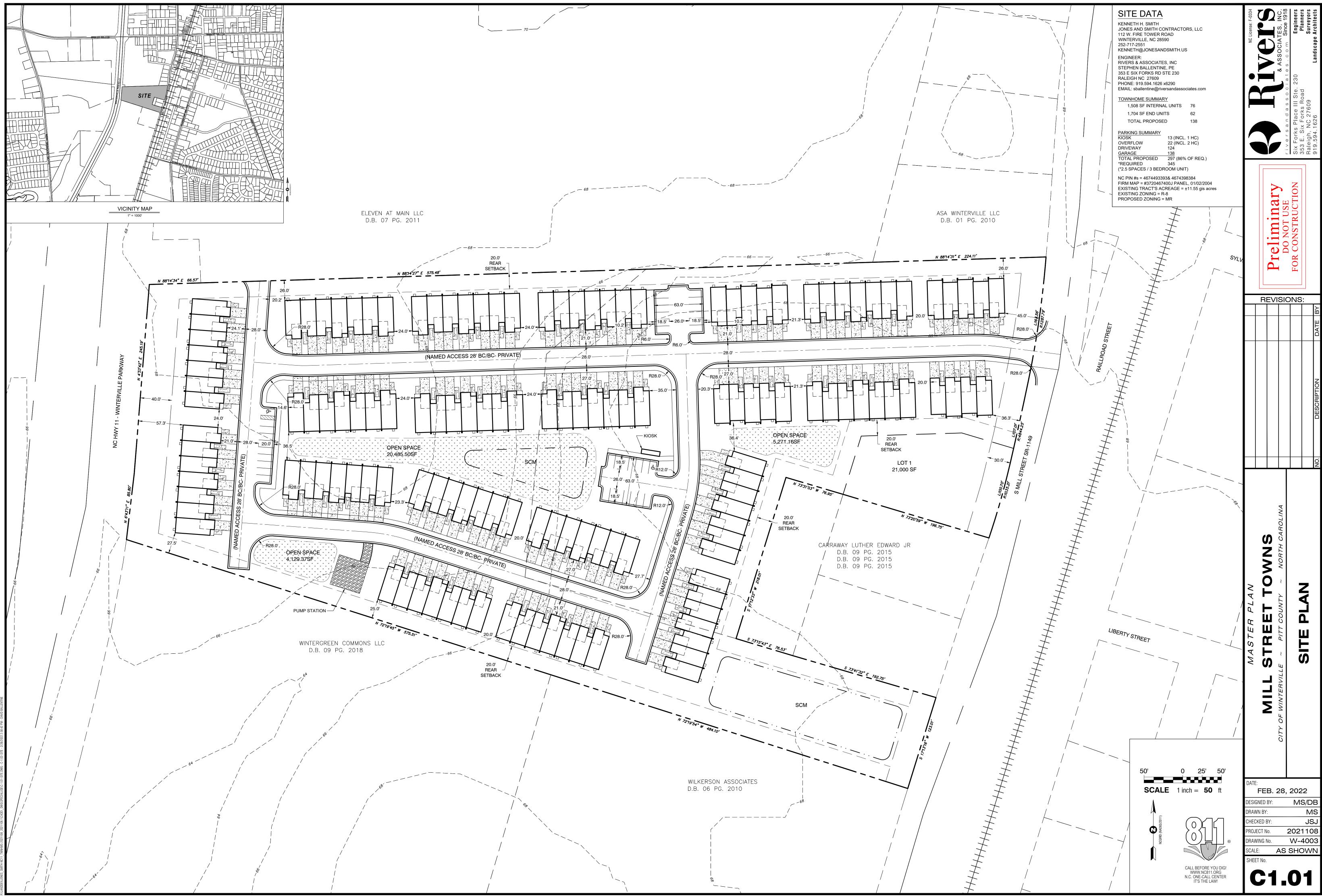
<b>Staff Use Only</b>	
Appl. #	

DATE02/28/2022
NAME OF APPLICANT Kenneth H. Smith -Jones and Smith Contractors, LLC
ADDRESS 112 W. Fire Tower Road Winterville, NC 28590 TELEPHONE 252-717-2551
PROPERTY OWNER Kenneth H. Smith -Jones and Smith Contractors, LLC
ADDRESS 112 W. Fire Tower Road Winterville, NC 28590 TELEPHONE 252-717-2551
kenneth@jonesandsmith.us
1) Application is hereby made for permission to: Erect, Repair, Alter, Extend,
Remove, or Demolish, a Building, Sign, Other Structure,
(Explain) 138 UNITS TOWNHOMES
2) The building, sign or land is located at: Street Address 2752 MILL ST WINTERVILLE, NC 28590
Zoning District MR
3) The intended use of the building, sign, structure, or land would be Conditional Use
in theDistrict and is described as follows:
Mill Street Towns is a proposed development of (138) 3 bedroom town-homes with a proposed
reduction to the parking space requirement. Per MR Zoning, 2.5 spaces are required for each 3
bedroom unit (138 x 2.5 = 345 required spaces), while the project proposes 297 spaces (86%
of the requirement).

4) After completing sign the statement below:

OWNER/AGENT S	STA	TEME	VT
---------------	-----	------	----

I,	Kenneth H. Smith	, being the Owner or Agent (if Agent, complete
section be	elow) request approval of a Condition	al Use Permit as described herein. I agree that this permit, if
granted, is	s issued on the presentation made her	ein and that this permit may be revoked in the event of any
breach of	representation or noncompliance of o	conditions of the permit. It is further understood that action
		eted within twelve (12) months from the date of issuance, or this
permit sha	all become invalid.	
DATE	02/28/2022APPLICANT	Kenneth H. Smith
NOTE:	AGENTS ACTING ON BEHALE NOTARIZED STATEMENT FR AUTHORITY TO ACT ON THE	OF THE PROPERTY OWNER MUST HAVE A OM THE PROPERTY OWNER GIVING THEM THE COWNER'S BEHALF.
I,	Kenneth H. Smith	, being the Owner of the property described herein,
do hereby	authorize	as agent for the purpose of this
application	on.	, /
1	Out I	2/24/22
Signature		Date
Sworn to	and subscribed before me, this	28 day of Ebruary, 2022.
	NICOLE CORTES  NOTARY PUBLIC  Lenoir County  North Carolina	Mich Cito
	My Commission Expires 10/31/2026	Notary Public
My Com	mission 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, March 22, 2022 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 Permit Application described below:

An application has been submitted for 2752 Mill Street (Parcels 16203 and 39149), as shown on the attached map, requesting a Special Use Permit for a single-family attached development. The subject property is zoned Multifamily Residential (MR). The proposed development, Mill Street Towns, consists of 138 single-family attached dwelling units. Per the Winterville Zoning Ordinance, the development must meet the special requirements for "SR 2–Two Family, Single Family Attached and Multifamily Dwellings" as listed in "Section 6.5–Special Requirements to the Table of Permitted and Conditional Uses."

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) 756-2221 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, employing social distancing, and implementing remote participation. The meeting is open to the public; however, limited attendance will be allowed to attend in-person due to COVID-19 provisions and the meeting will be available electronically. The public is encouraged to watch the meeting live on YouTube (www.wintervillenc.com/videos).

JONES AND SMITH CONTRACTORS, LLC 112 W. FIRE TOWER ROAD WINTERVILLE, NC 28590	ELEVEN AT MAIN, LLC PO DRAWER 545 GREENVILLE, NC 27835	ASA WINTERVILLE LLC 2500 NASH ST N SUTIE A WILSON, NC 27896
SHARON DAVIS 1013 DUNBROOK ROAD WINTERVILLE, NC 28590	LUTHER EDWARD CARRAWAY TERESA ADAMS BROZOWSKI 2772 MILL STREET WINTERVILLE, NC 28590	WINTERGREEN COMMONS LLC PO BOX 403 GREENVILLE, NC 27836
JENNIE WORTHINGTON FAULKNER PO BOX 207 WINTERVILLE NC 28590	ERVIN C SIMONS JACQUELINE D SIMONS 115 LIBERTY STREET WINTERVILLE, NC 28590	RONA J KNOTTS 2708 GAYLORD STREET WINTERVILLE NC 28590
SHIRLEY CARMON WILLIAMS PO BOX 2284 WINTERVILLE NC 28590	MELISSA LYNN GAYLORD PO BOX 1402 HALLANDALE FL 33008	NED HOLDEN ROUSE, JR CATHY B ROUSE PO BOX 466 WINTERVILLE NC 28590
RYAN KENT MCLAWHORN DAN SCOTT MCLAWHORN ETAL 5093 REEDY BRANCH ROAD WINTERVILLE, NC 28590	THOMAS H MCLAWHORN 904 HAVEL CT CHARLOTTE NC 28211	SOPHIA M YARBOROUGH 3102 ETON ROAD RALEIGH, NC 27608
R E DAVENPORT JR FAMILY LTD PARTNERSHIP PO BOX 66 FARMVILLE, NC 27828		



2571 RAILROAD ST PO BOX 1459 WINTERVILLE, NC 28590 PLANNING DEPARTMENT BRYAN JONES DIRECTOR

**To:** Board of Adjustment

From: Bryan Jones, Planning Director

**Date:** March 7, 2022

**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 **February 2022.** 

ZONING COMPLIANCES	<b>Total</b> = <b>19</b>	YTD (2022) = 32
New Single-Family Residential	8	14
Accessory Structures	6	8
New Business	1	2
Residential Fence	0	3
Additions/Pools/Other	4	5
Other Activities/Projects		
Winterville Technical Review	2/1/2022	TRC reviewed a sketch plan for DPD HWY
Committee (TRC)		11 Storage/Flex Concept Plan.
Town Council Meeting	2/14/2022	WLH Rezoning – PH (Approved); Carroll
		Crossing, Sec 3, Ph 1 FP Approved); Carroll
		Crossing, Sec 3, Ph 1 Annexation
		(Certification); Planning Board
		Appointments; Villa Grande, Phase 3
		Rezoning (Set PH).
Planning and Zoning Board Meeting		Forbes Property Rezoning (Approved)
Greenville Urban Area MPO TCC	2/23/2022	STIP prioritization update; traffic count
Meeting		data presentation; self – certification
		process for 2023; approval of Unified
		Planning Work Program.