

Board of Adjustment

December 22, 2020 7:00 P.M. WINTERVILLE TOWN HALL ASSEMBLY ROOM

- I. CALL TO ORDER.
- II. WELCOME.
- III. APPROVAL OF AGENDA.
- IV. APPROVAL OF MINUTES (NOVEMBER).
- V. ADMINISTRATIVE MATTERS.
 - NEW MEMBER APPOINTMENT.
- VI. **NEW BUSINESS.**
 - 1. PARCEL 55092 SPECIAL USE PERMIT APPLICAITON.
- 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.)



PLANNING BOARD OF ADJUSTMENT NOVEMBER 17, 2020 BOARD OF ADJUSTMENT MEETING MINUTES

The Planning 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
Alfred Phillips, Member (absent)
Edward Reynolds, Member
Brian Miller, ETJ Alternate Member
Bryan Jones, Planning Director
David Moore, Fire Chief
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:

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

APPROVAL OF MINUTES:

Minutes of the October 20, 2020 meeting presented for approval.

Motion made by Member Reynolds and seconded by Member Pierce to approve the October 20, 2020 minutes as presented. Motion carried unanimously, 4-0.

NEW BUSINESS:

1. 403 Castlewood Drive – Variance Application (Side Yard Setbacks).

Planning Director Jones gave the following presentation:



403 Castleford Drive Variance Application

Presenter:
Bryan Jones,
Planning Director





403 Castleford Drive - Variance Application

• Applicant: William O. Kuhn (Will Kuhn Homes, LLC)

• Location: Castleford Drive in Brookfield Subdivision

• Parcel Number: 84244

• Site Data: 0.34 Acres

• Zoning District: R-10

• Variance Request: 8' side setback

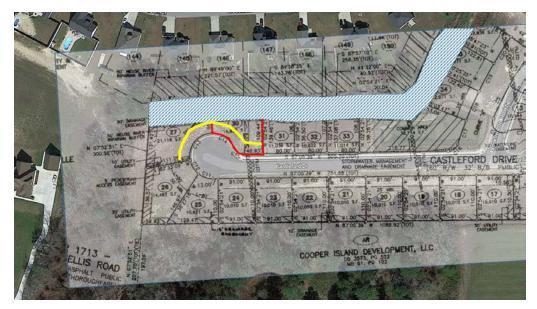




403 Castleford Drive - Variance Application

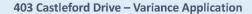
- Notice was posted on site on October 5, 2020
- Adjacent property owners were mailed notification on October 5, 2020.
- Notice of the hearing was published in the Daily Reflector on October 7, 2020 and October 14, 2020.
- Action was tabled until November 17, 2020 (lack of voting members present).







	Districts	Lot Area Square Feet	Width (in feet) (1)	yard setback (in feet)	yard (in feet)	(in feet)	Maximum height (in feet)
A-R	Single-family	20,000	90	25	15	20	35
	Two-family (4)	25,000	90	25	20	20	35
	Multi-family (2)	(3)	90	25	20	25	35
	Other Principal Structures	40,000	150	35	20	20	35
R-20	Single-family	20,000	90	25	15	20	35
	Other Principal Structures	25,000	90	25	20	20	35
R-15	Single-family	15,000	80	25	12.5	20	35
	Other Principal Structures	17,000	90	25	20	20	35
R-12.5	Single-family	12,500	80	25	12.5	20	35
	Other Principal Structures	14,500	80	25	17.5	20	35
R-10	Single-family	10,000	80	25	10	20	35
	Other Principal Structures	12,000	90	25	15	20	35
R-8	Single-family	8,000	70	25	10	20	35
	Two-family (4)	10,000	80	25	15	20	35





Variance

To authorize upon appeal in specific cases such variances from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship where the Board of Adjustment makes the following affirmative findings:



403 Castleford Drive - Variance Application

Variance

a) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance.

- If he complies with the provisions of the Ordinance, the property owner can secure no reasonable return from or make no reasonable use of, his property.
- 2) The hardship results from the application of the Ordinance.
- 3) The hardship is suffered by the applicant's property.
- 4) The hardship is not a result of the applicant's own actions.
- 5) The hardship is peculiar to the applicant's property.
- b) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
- c) In granting the variance the public safety and welfare have been assured and substantial justice has been done.

QUESTIONS and DISCUSSION

Chairman Briley requested that anyone wishing to speak, please come forward. Will Kuhn, Applicant, sworn in to provide testimony. Chairman Briley opened the public hearing.

Discussion and comments followed relative to the 403 Castleford Drive variance request.

Chairman Briley closed the public hearing.

The following criteria was presented:

Variances. To authorize upon appeal in specific cases such variances from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship where the Board of Adjustment makes the following affirmative findings:

- a) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance.
 - 1) If he complies with the provisions of the Ordinance, the property owner can secure no reasonable return from or make no reasonable use of, his property.
 - 2) The hardship results from the application of the Ordinance.
 - 3) The hardship is suffered by the applicant's property.
 - 4) The hardship is not a result of the applicant's own actions.
 - 5) The hardship is peculiar to the applicant's property.
- b) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
- c) In granting the variance, the public safety and welfare have been assured and substantial justice has been done.

Motion made by Member Pierce and seconded by Member Reynolds to approve Variance Criteria a) 1). Motion carried unanimously, 4-0.

Motion made by Member Pierce and seconded by Member Miller to approve Variance Criteria a) 2). Motion carried unanimously, 4-0.

Motion made by Member Reynolds and seconded by Member Pierce to approve Variance Criteria a) 3). Motion carried unanimously, 4-0.

Motion made by Member Pierce and seconded by Member Miller to approve Variance Criteria a) 4). Motion carried unanimously, 4-0.

Motion made by Member Reynolds and seconded by Member Pierce to approve Variance Criteria a) 5). Motion carried unanimously, 4-0.

Motion made by Member Pierce and seconded by Member Reynolds to approve Variance Criteria b). Motion carried unanimously, 4-0.

Motion made by Member Pierce and seconded by Member Reynolds to approve Variance Criteria c). Motion carried unanimously, 4-0.

Chairman Briley stated the variance approved.

REPORTS FROM STAFF – INFORMATIONAL ITEMS:

Planning Director Jones provided informational items to the Board.

COMMENTS FROM BOARD OF ADJUSTMENT MEMBERS:

There were no comments from the Board.

ADJOURN:

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

Motion made by Member Pierce and seconded by Member Reynolds to adjourn the meeting. Motion carried unanimously, 4-0. Meeting adjourned at 7:22 pm.

Adopted this the 22^{nd} day of December 2020.

	Jeffrey Briley, Chairman		
ATTEST:			
Donald Harvey, Town Clerk			



Town of Winterville Board of Adjustment Agenda Abstract

Item Section: New Business

Meeting Date: December 22, 2020

Presenter: Bryan Jones, Planning Director

Item to be Considered					
Subject: 717 Laurie Ellis Road (Par	cel 55092)				
Action Requested: Special Use Pe	Action Requested: Special Use Permit				
Attachments: SUP Application, Site Plan, Notification to Adjacent Property Owners					
Prepared By: Bryan Jones, Planning Director			Date: 12/15/2020		
	ABSTRACT ROUTING	:			
			Final		
	Supporting Docume	entation			
Applicant: F & A Construction					
Location: 717 Laurie Ellis Road					
Parcel Number: 55092	Site Data: 11.12 Acres	Current Zoning	District: AR		
Application: Development of 62 si	ngle-family attached dwelling	units in 14 buildir	ngs.		
 Adjacent property owners were mailed notification of the SUP application on December 7, 2020. Notification was posted on the site on December 1, 2020. Notification of the hearing was published in the Daily Reflector on December 8, 2020 and December 15, 2020. 					
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

Staf	f Use	Only	
Appl. #			_

DATE11/13/2020
NAME OF APPLICANTF&A CONSTRUCTION LLC
ADDRESS 1537 W. 5TH STREET, WASHINGTON, NC 27889 TELEPHONE 704-771-4366
PROPERTY OWNERF&A CONSTRUCTION LLC
ADDRESS 1537 W. 5TH STREET, WASHINGTON, NC 27889 TELEPHONE 704-771-4366
1) Application is hereby made for permission to: Erect X, Repair, Alter, Extend,
Remove, or Demolish, a Building_X_, Sign, Other Structure,
(Explain) PROPOSED DEVELOPMENT OF 62 SINGLE FAMILY ATTACHED DWELLING UNITS IN 14 BUILDINGS
2) The building, sign or land is located at: Street Address 717 LAURIE ELLIS ROAD
Zoning DistrictAR
3) The intended use of the building, sign, structure, or land would be Conditional Use SINGLE FAMILY ATTACHE
in the District and is described as follows:
PROPOSED DEVELOPMENT OF 62 SINGLE FAMILY ATTACHED DWELLING UNITS IN 14 BUILDINGS, ALONG
WITH ASSOCIATED DRIVEWAYS, STORM DRAINAGE, AND UTILITIES.

4) After completing sign the statement below: OWNER/AGENT STATEMENT SCOTT T. ANDERSON I. 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 11/13/2020 APPLICANT **F&A CONSTRUCTION LLC** AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTE: NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF. I, <u>LUIS LIBREROS FOR F&A CONSTRUCTION LLC</u>, being the Owner of the property described herein, SCOTT T. ANDERSON do hereby authorize as agent for the purpose of this application Signature Date Sworn to and subscribed before me, this

Notary Public

My Commission Expires:



LEGEND:

EIP — EXISTING IRON PIPE IPS — IRON PIPE SET

• TEL/PED - TELEPHONE PEDESTAL

TSP - TRAFFIC SIGNAL POLE

R/W - RIGHT OF WAY B/B - BACK TO BACK

P/P - POWER POLE

0 WM - WATER METER

□ GM − GAS METER

O CO - CLEAN OUT ■ CB - CATCH BASIN □ DI − DROP INLET

E/FE ROAD ELEVATION

SILT FENCE

---- - s -- - SANITARY SEWER MAIN/SERVICE — — — FM — — SANITARY SEWER FORCE MAIN

⊗71.73 *GROUND ELEVATION*

CONCRETE

BACK OF CURB

PROPOSED PL

— — GAS — — GAS MAIN/SERVICE

TREE LINE

---- --- WATER MAIN/SERVICE

□ EB − ELECTRICAL BOX

PROPOSED ROAD GRADE

LIMIT OF DISTURBANCE

DEMO/TO BE REMOVED

UNDERGROUND ELECTRIC TEMPORARY DIVERSION DITCH

ROCK INLET SEDIMENT TRAP

PROPOSED

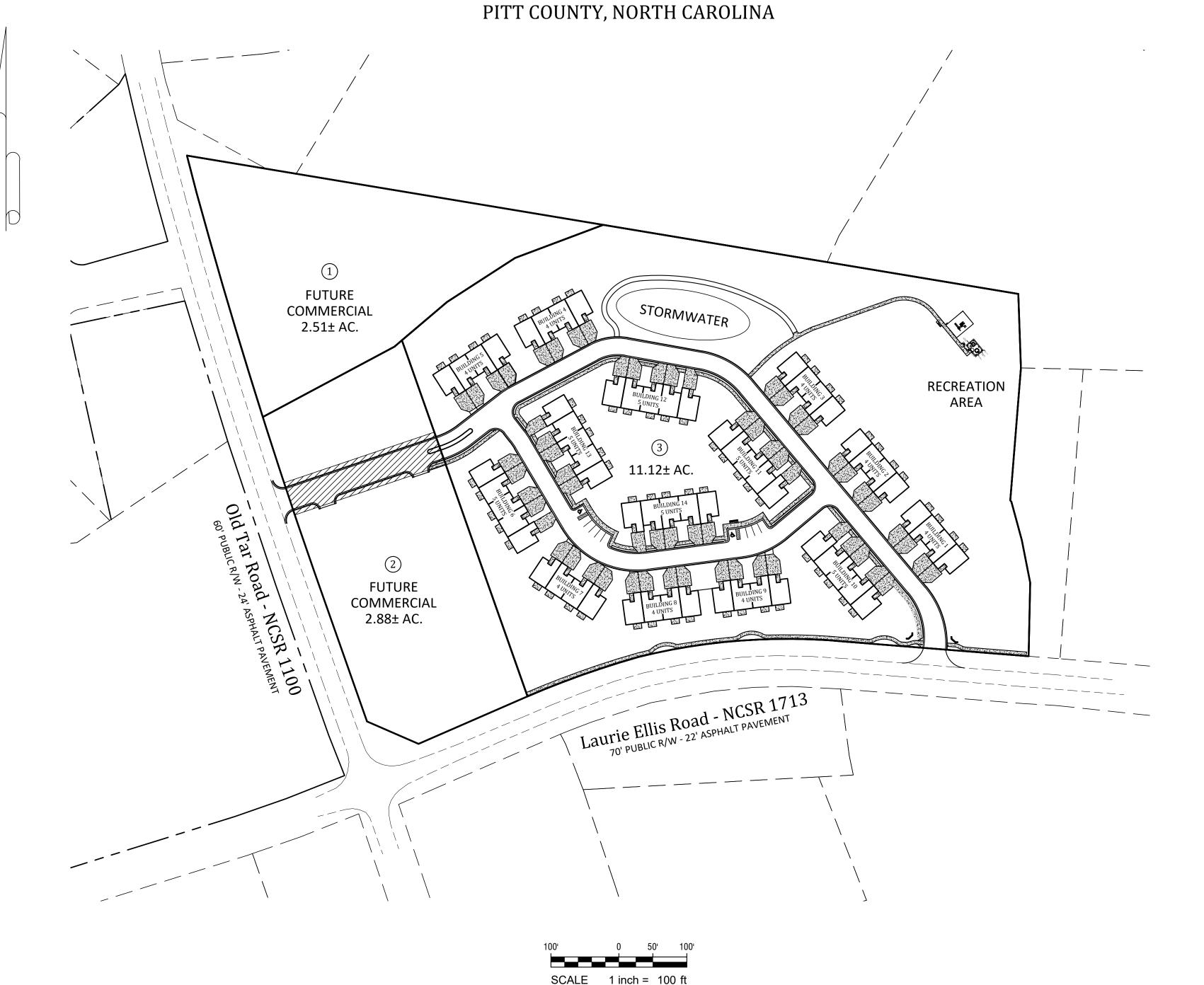
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BSP

SUNSET MEADOWS

CONDITIONAL USE PLAN

PROPOSED ATTACHED SINGLE FAMILY DEVELOPMENT LAURIE ELLIS ROAD, WINTERVILLE TWSP.



Parking Requirements:

PARKING REQUIRED: SINGLE-FAMILY ATTACHED RESIDENCES

2 SPACES PER DWELLING UNIT

TOTAL REQUIRED PARKING:

TOTAL PROVIDED PARKING:

124 SPACES

124 SPACES

135 SPACES

General Notes:

- 1. NCDOT DRIVEWAY PERMIT APPROVAL IS REQUIRED.
- 2. CONTACT NORTH CAROLINA ONE-CALL CENTER, INC. (NC ONE-CALL) AT 811 TO HAVE ALL UNDERGROUND UTILITIES LOCATED PRIOR TO EXCAVATING OR TRENCHING.

BACTERIOLOGICAL SAMPLE POINT

- 3. ALL REQUIRED IMPROVEMENTS SHALL CONFORM TO THE TOWN OF WINTERVILLE ZONING ORDINANCE AND THE TOWN OF WINTERVILLE MANUAL OF STANDARD DESIGNS AND DETAILS.
- 4. THIS PROPERTY ARE LOCATED IN A FLOOD ZONE X (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 3720468400J, EFFECTIVE JANUARY 2, 2004.
- 5. ELECTRIC AND TELEPHONE UTILITIES SHALL BE INSTALLED
- 6. REFER TO ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS.
- 7. REFER TO M.E.P. PLANS FOR COORDINATION OF BUILDING UTILITY
- 8. THIS PROJECT DISTURBS MORE THAN 1 ACRES. STORMWATER MANAGEMENT IN ACCORDANCE WITH THE TOWN OF WINTERVILLE STORMWATER MANAGMENT ORDINANCE IS REQUIRED FOR THIS SITE
- 9. THIS PROJECT DISTURBS MORE THAN 1 ACRE. EROSION AND SEDIMENTATION CONTROL PLAN APPROVAL BY NC DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES IS REQUIRED.
- 10. REFUSE COLLECTION SHALL BE PROVIDED BY PRIVATE SERVICE.
- 11. ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
- 12. SITE SHALL MEET ALL RELATED ACCESSIBILITY CODE REQUIREMENTS.

Site Data

TOTAL ACREAGE IN TRACT: TOTAL ACREAGE IN LOT 3: TAX PARCEL NUMBER: **CURRENT ZONING:** TOTAL NUMBER OF UNITS: BUILDING LOT COVERAGE: **BUILDING HEIGHT IN FT. & STORIES:** TOTAL NO. OF PARKING SPACES REQUIRED: TOTAL NO. OF PROPOSED PARKING SPACES:

TOTAL SQ. FEET OF EXIST. IMPERVIOUS AREA: REFERENCES:

DEED BOOK 3759, PAGE 648-652 717 LAURIE ELLIS ROAD WINTERVILLE, NC 28590

0% EXIST., 14% PROPOSED

AR (AGRICULTURAL RESIDENTIAL

16.51± AC. 11.12± AC.

89,032 S.F

SHEET INDEX

Sheet No. C-1 Sheet No. C-2

Survey (Surveyor)

Cover

Site Plan

1 Sheet

Owner / Developer

F & A CONSTRUCTION, LLC. 1537 WEST 5TH STREET WASHINGTON, NC 27889 PHONE: (252) 974-0100

Survey Note:

BOUNDARY SURVEY INFORMATION SHOWN HEREON WAS PREPARED BY SORRELL LAND SURVEYING, INC., AS SHOWN ON DRAWING ENTITLED "A SURVEY OF AN EXISTING PARCEL OF LAND FOR F&A CONSTRUCTION LLC, DATED MAY 9, 2019, ATTACHED TO THIS DRAWING SET FOR REFERENCE.

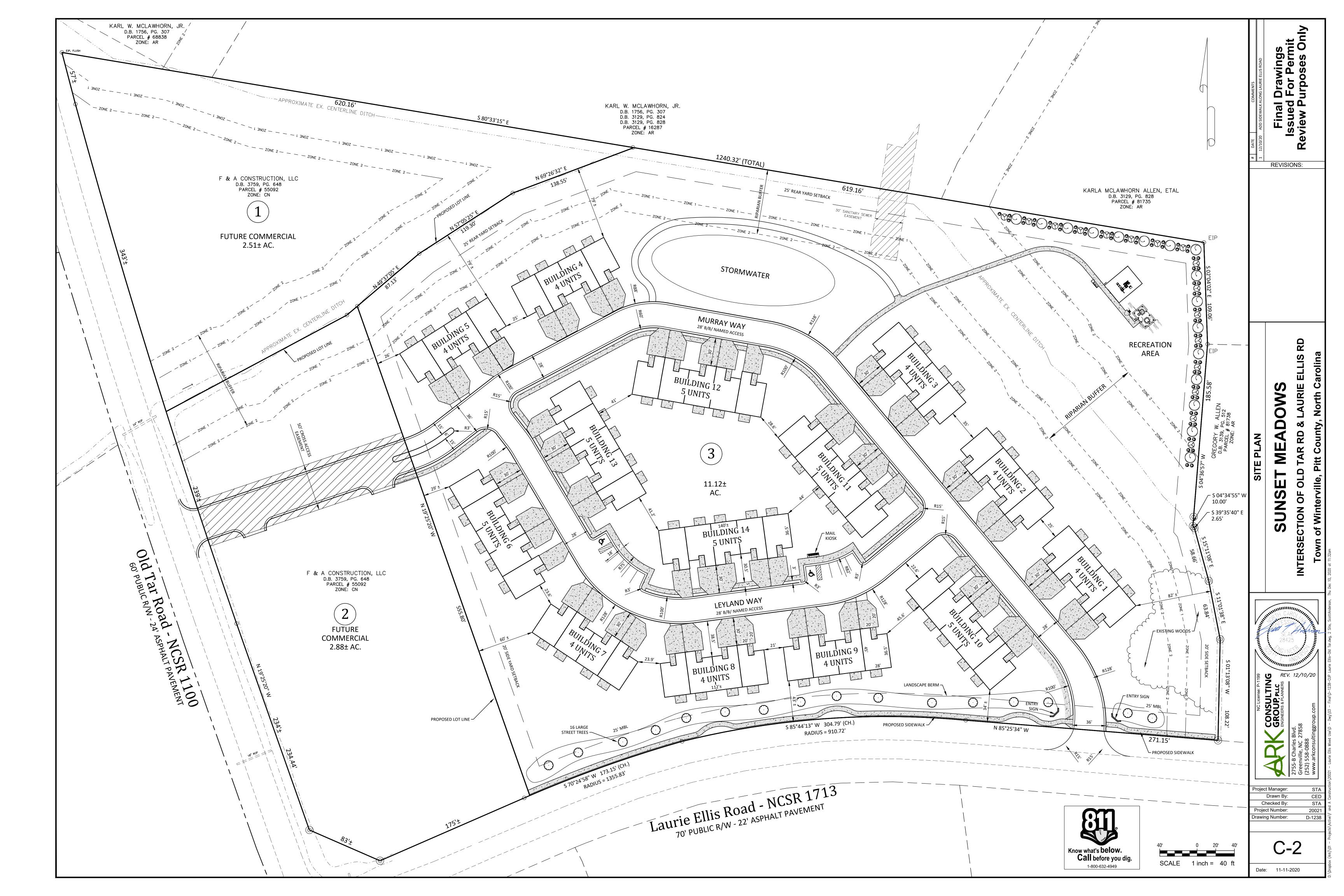
REVISIONS:

Vicinity Map

Project Manager:

Checked By Drawing Number: D-1238

Date: 11-11-2020





2571 Railroad Street PO Box 1459 Winterville, NC 28590 Phone (252)215-2358 Fax (252)756-3109 www.wintervillenc.com

Board of Adjustment Hearing Conditional Use Permit

NOTICE IS HEREBY GIVEN that the Winterville Board of Adjustment will meet on Tuesday, December 22, 2020 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 Conditional Use Permit Application described below:

An application has been submitted for 717 Laurie Ellis Road (Parcel 55092) requesting a Conditional Use Permit for a single-family attached development. The subject property is zoned Agricultural Residential (AR). The proposed development will consist of 62 single family attached dwelling units in 14 buildings. 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 Tall 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 barring physical attendance at the meeting, employing social distancing, and implementing remote participation. The public is encouraged to watch the meeting live on YouTube (www.wintervillenc.com/videos). Those that wish to address the Board of Adjustment 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. Prior to or within 24-hours following a public hearing, the public may submit written comments to the Town Clerk's office, 2571 Railroad Street, Winterville, NC 28590, or via email to don.harvey@wintervillenc.com. Please include your name and address.

SIDETTE BOYCE BROWN EMANUELL BROWN 5108 OLD TAR ROAD WINTERVILLE NC 28590

LINDA VERNELSON MCLAWHORN 2351 OLD CREEK ROAD GREENVILLE, NC 27834

KARL WESLEY MCLAWHORN, JR KARLA MCLAWHORN ALLEN PO BOX 611 WINTERVILLE, NC 28590

ALVA WAYNE WORTHINGTON, JR JONI B. WORTHINGTON 5921 HEATHERSTONE DRIVE RALEIGH, NC 27606

KARL W. MCLAWHORN, JR 5111 OLD TAR ROAD WINTERVILLE, NC 28590 FISHER ISLAND, LLC PO BOX 72 Winterville, NC 28590

COOPER ISLAND DEVELOPMENT PO BOX 606 GREENVILLE NC 27835

JANE MELLON BOFENKAMP MARY F MELLON PO BOX 1827 WAKE FOREST, NC 27588

MAILED ON 12/7/2020

ASHLEY MARIE CRAFT 5079 OLD TAR ROAD WINTERVILLE, NC 28590 BROOKFIELD HOA OF WINTERVILLE NC 300 COTANCHE STREET GREENVILLE, NC 27858

PEDRO BALDERA TRUST 1036 MADISON AVE SAN DIEGO, CA 92116

MATTHEW J GASKILL DENISE C GASKILL 716 LAURIE ELLIS ROAD WINTERVILLE NC 28590

KARLA MCLAWHORN ALLEN GREGORY W. ALLEN 753 LAURIE ELLIS ROAD WINTERVILLE NC 28590



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

To: Board of Adjustment

From: Bryan Jones, Planning Director

Date: December 15, 2020

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 **November 2020**.

ZONING COMPLIANCES	Total = 9	YTD (2020) = 178	
New Single-Family Residential	0	49	
Accessory Structures	1	33	
New Business	4	12	
Residential Fence	2	38	
Additions/Pools/Other	2	46	
Other Activities/Projects			
Development Review Committee	11/3/2020	PCC Student Advancement Center – Site Plan	
Town Council Meeting	11/9/2020	David Evans Property Rezoning (Set PH); Zoning Ordinance Amendments – Chapter 160D (Set PH).	
Board of Adjustment Meeting	11/17/2002	403 Castleford Drive Variance (Approved)	
Pitt County Comprehensive Transportation Plan Steering Committee	11/23/2020	Met to discuss development of the multi- modal plan to identify transportation needs for the next 30 years.	