

# NEW BERN BOARD OF ADJUSTMENT MINUTES

May 21, 2012

The New Bern Board of Adjustment held its regularly scheduled meeting on Monday, May 21, 2012 at 6:30 PM in the City Hall Courtroom, 2nd floor, 300 Pollock Street. The meeting was preceded by a 5:30 PM workshop on board functions, policies and procedures.

**Members Present:** Mr. Edward Risty, Chairman  
Mrs. Sarah Afflerbach  
Mr. John Paul Andrews  
Mr. Starlin Beatty  
Mr. Barry Evans  
Mr. David Herndon  
Mr. Willie Newkirk, Jr.  
Mr. Phil Urick  
Mrs. Beth Walker

**Members Excused:** Mr. Thomas Hardin  
Mr. Jeffrey Midgette  
Mrs. Renee Murphy  
Mr. John Reichenbach

**Staff Present:** Mr. Bernard George, Planning Manager  
Mrs. Rebekah Pelletier, Administrative Assistant

Chairman Risty called the meeting to order. A prayer for guidance was given by Mr. George.

Mr. George introduced and welcomed the new Director of Development Services for the City of New Bern, Mr. Jeff Ruggieri.

Roll call was taken and a quorum declared.

**Minutes:** Reading of the minutes from the regular meeting of September 6, 2011 was waived by unanimous consent. Minutes were approved with motion by Mr. Starlin Beatty, second by Mr. Phil Urick, and unanimous vote of the Board.

Witnesses were sworn.

## **New Business:**

- A. Consideration of a Special Use Permit application to construct 22 residential condominium units on a 1.65 acre lot at 1113 Chelsea Road.**

Mr. George described the application as a multifamily development located in the C-5 Office and Institutional District and it is further identified in Craven County Tax Book 8-207, as Lot 103. The proposed development will have 18 exterior parking spaces adjacent to Chelsea Road and 28 street level parking spaces under the building. The project was reviewed and approved by the Departmental Site Plan Review Committee on April 12, 2012. The applicant has since submitted revised plans and addressed staff comments in writing. According to Section 15-146 of the Land Use Ordinance, multifamily residences with five or more units must obtain a Special Use Permit from the Board of Adjustment.

**Applicant Comments:** Zack Taylor, representative for Flamingo Development, LLC, stated that zoning of the property allows for 33 condominium units. The applicant is proposing a maximum of 22 units and a minimum of 16 units based on the number of bedrooms in each condominium. The property would offer a transition between the nearby hardware store and the Vineyards subdivision. Pictures of a similar project design in Raleigh, NC were examined. The original design called for three attached buildings, but after meetings with the NC Department of Water Quality, one building was eliminated to reduce the storm water impact on the site.

Chairman Risty commented that the design appeared to be three stories with the bottom story as a parking area for the tenants. Mr. Taylor responded affirmatively. He also added that there will be a secure elevator lobby between the two parking areas with a security keypad entry to the second and third levels.

Mr. Taylor noted that many of the neighbors are concerned with storm water and drainage. The footprint of the project has been reduced to less than one half acre which eliminates the need for a storm water retention pond. Also, the Department of Environmental Management in Raleigh, NC has granted the project a variance for the Neuse River buffer rules. Mr. Taylor stated that the variance allows the building to extend into the 50 foot Neuse River buffer only if the development plants 44 trees along the creek on the north side of the property. No further development is allowed in that area. Mr. Taylor then commented that the project will be filling less than one-tenth of an acre of wetlands.

Chairman Risty stated that the creek extends across the street to the other side of the graveyard. He asked if there is a culvert in between and if so, which way does the water run. Mr. Taylor responded affirmatively and commented that the water flows towards Wilson Creek.

Chairman Risty questioned what the applicant would do with the existing house on the property. Mr. Taylor replied tear it down or if someone wanted to purchase the home they can relocate it.

**Public Comments:**

Mr. Douglas Yuengling, 829 Vineyard Drive, expressed concern about the proposed development and its potential impact on the adjacent floodway, trees and other natural resources. He felt the lot's buildable area was too small for the proposed density.

Ms. Jo Akins, 807 Vineyard Drive, expressed concern about potential impacts of excess traffic generated by the proposed development. She stated Chelsea Road traffic is awful now and will

only get much worse should the development be allowed.

**There being no further questions, the public hearing was closed.**

**Motion** by Mr. Herndon, second by Mr. Andrews, that the requested permit is within the Board of Adjustment's jurisdiction according to the table permissible uses.

Motion carried unanimously.

**Motion** by Mr. Beatty, second by Mr. Newkirk, that the application is complete.

Motion carried unanimously.

**Motion** by Mr. Beatty, second by Mr. Evans, that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.

Motion carried unanimously.

**Motion** by Mr. Urick, second by Mr. Andrews, that the use will not substantially reduce the value of adjoining or abutting property.

Motion carried unanimously.

**Motion** by Mr. Andrews, second by Mr. Herndon, that the location and character of the use, if developed according to the plan as submitted and approved, 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 city.

Motion carried unanimously.

**Motion** by Mr. Evans, second by Mr. Andrews, that if completed as proposed in the application, the development will comply with all the requirements of this ordinance and is consistent with the City's plan of development.

Motion carried unanimously.

**B. Consideration of a variance application for relief of 1.8' from the minimum 5' side yard setback requirement at 222 Change Street in the Downtown Historic District.**

This item was tabled to the June 25, 2012 meeting in order that the applicant could obtain final approval from the Historic Preservation Commission.

There was no further business and the meeting adjourned.

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Edward Risty, Chairman

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Bernard George, AICP, Secretary