

1 **NEW BERN BOARD OF ADJUSTMENT**  
2 **MINUTES**

3  
4 **June 26, 2017**

5 The New Bern Board of Adjustment held a regular meeting on Monday, June 26, 2017 at 5:30  
6 pm in the City Hall Courtroom, 2nd floor, 300 Pollock Street.  
7

8 **Members Present** Ms. Beth Walker-Vice Chair  
9 Mr. Alfred Barfield  
10 Mr. Kenneth Brown  
11 Mr. Kenneth Peregoy  
12 Mr. John Murrell  
13 Mr. PJ Walker  
14 Mr. Steve Strickland  
15 Mr. Richard Parsons  
16 Mr. Peter Adolph  
17

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19 **Members Absent:** Ms. Lois Jamison  
20 Mr. Benjamin Beasley  
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23 **Members Excused:** Ms. Sarah Afflerbach-Chair  
24 Mr. John Riggs  
25

26  
27 **Staff Present:** Mr. Greg McCoy, Land & Community Development Administrator  
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30 Vice Chair board member Beth Walker called the meeting to order.  
31

32 Roll call was taken and a quorum declared.  
33

34 **Minutes:** Minutes were reviewed and passed.  
35

36 Witnesses were sworn in.  
37

38 **New Business:** The purpose of the public hearing is to consider a Special Use Permit  
39 Application submitted by Go Architectural Design to allow the construction of a forty-four slip  
40 private marina at 818 East Front Street. The marina will provide eleven off street parking spaces  
41 and one loading space. The property is further identified as Craven County parcel identification  
42 number 8-003-B-00C. According to Section 15-146 (use 6.210) of the Land Use Ordinance, a  
43 Special Use Permit is required to construct a marina in the R-6 Residential District.  
44  
45

46  
47 **Staff Comments:** Board member Mr. Peregoy wanted to know if the dock would be floating or  
48 fixed. Sarah assured it would be a combination of floating and fixed. Board member Mr.  
49 Strickland questioned if the facility will offer public restroom and showers to the public. Sarah  
50 answered public restrooms are not required and will not be provided. Board member Walker  
51 questioned if boats will arrive only from water, and if overnight stay would be available to those  
52 docking in the marina. Sarah responded overnight stay is not permitted and the marina is  
53 specifically for docking boats only.

54  
55 **Public Comment:** Vice Chair Beth Walker opened the meeting for public comment. Mr. James  
56 Schout presented a PowerPoint presentation with information regarding why the Marina proposal  
57 should be rejected. In the presentation he stated there are problems with the site contour lines are  
58 wrong. He promises to make calls saying the information provided to CAMA by the applicant is  
59 false. Mrs. Parriot commented the residential area will endure excessive traffic because of the  
60 proposed constructed forty-four slips. Ms. Sutliff distinguished the difference between live-a-  
61 boards and overnight. Safety was also a concern for her due to no live-a-boards on the dock, she  
62 is afraid the marina will create a magnet for crime. Mr. Johnston voiced concerns related to  
63 parking issues that will arise from the proposed marina and the notification method about when  
64 the meeting will be held.

65  
66 **Board Discussion:** The Board reviewed the findings of fact.

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68 Public comment period was closed.

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70 **Findings of fact:**

71  
72 **The requested permit is within the jurisdiction according to the table of permissible**  
73 **uses;**

74 **Motion;** Peter Adolph **Second;** Richard Parsons

75  
76 **The application is complete;**  
77 **Motion;** P.J. Walker **Second;** Steve Strickland

78  
79 **If completed as proposed in the application, the development will comply with all of the**  
80 **requirements of this ordinance.**

81 **Motion;** Richard Parsons **Second;** Peter Adolph

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83 **4. The use will not materially endanger the public health or safety if located where**  
84 **proposed and developed according to the plan as submitted**

85 **Motion;** Kenneth Peregoy **Second;** Alfred Barfield

86  
87 **5. The use will not substantially reduce the value of adjoining or abutting property, or**  
88 **that the use is a public necessity;**

89 **Motion;** Kenneth Peregoy **Second;** Richard Parsons

90

91 **6. The location and character of the use, if developed according to the plan as submitted**  
92 **and approved, will be in harmony with the area in which it is to be located and in**  
93 **general conformity with the plan of development of the city;**

94 **Motion; P. J. Walker Second; Steve Strickland**  
95  
96

97 The purpose of the public hearing is to consider a request for a twenty-five percent residential  
98 density bonus for Gaston Boulevard Senior Housing. The previously approved multifamily site  
99 density consisted of 4.42 acres. The applicant is requesting to have a total density of 3.248 acres.  
100 The multifamily building and required parking will be in compliance as approved/granted on  
101 April 25, 2016 by the Board of Adjustment. The project is located on Gaston Boulevard and is  
102 further identified in Craven County as parcel identification numbers 8-012-095, 307, 330, 117,  
103 21000, 21001, and 21003.  
104

105 According to Section 15-183 of the Land Use Ordinance, in order to obtain a density bonus  
106 the applicant must comply with the below noted procedures;

- 107 1. **A subdivision plat or site plan complying with the city's rules and regulations for**  
108 **subdivision plats or site plans and containing the maximum allowable number of units**  
109 **permitted in the zoning district in which the development is to be located; and**
- 110 2. **A plat or plan representing the same with the density bonus included.**

111  
112 **(b) Upon receipt of such application the planning staff shall transmit to the planning**  
113 **and zoning board notice of such application. The planning and zoning board shall**  
114 **review the site plan using the procedures specified in Article XXII and submit a**  
115 **written advisory report to the board of adjustment.**  
116

117 The approval of the density bonus shall be determined by the Board of Adjustment if;

- 118 1. The construction of an appropriate number of single-family owner-occupied units, which are  
119 affordable to low-and moderate-income households as defined by the guidelines of the North  
120 Carolina housing finance agency, and (ii) have appropriate resale controls to assure  
121 affordability; **or**
- 122 2. The construction of an appropriate number of rental units which (i) are affordable to low- and  
123 moderate-income households as determined by the U.S. Department of Housing and Urban  
124 Development's fair market rents, and (ii) have appropriate provisions to assure continued  
125 affordability; **or**
- 126 3. In lieu of construction of low- and moderate-income housing, the offer of payment  
127 by the applicant to the City of New Bern's community development, block grant  
128 fund.

129 The payment shall be equal to 15 percent of the density bonus's present market value  
130 as certified by an independent certified appraiser acceptable to the city. All such  
131 payments are to be allocated only for the provision of low- and moderate-income  
132 housing units in the City of New Bern;

- 133 4. **An appropriate number of low and moderate-income units shall be**

134 **deemed 50 percent of the density bonus.** However, this percentage may be  
135 adjusted where an overriding public benefit is demonstrated

136  
137 **Staff Comments:** Staff McCoy restated why the applicant is asking for the density bonus.  
138

139 **Public Comments:** Property owner Mr. Jones has concerns regarding the amount of units built,  
140 if it will increase or decrease the property value, and parking space allotted for residents.  
141

142 **Board Discussion:** The Board reviewed the findings of fact.  
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144 Public comment period was closed.  
145

146 **Finding Facts:**  
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- 148 1. **The construction of an appropriate number of single-family owner-occupied units**  
149 **which (i) are affordable to low- and moderate-income households as defined by the**  
150 **guidelines of the North Carolina housing finance agency, and (ii) have appropriate**  
151 **resale controls to assure affordability; or**

152 **Motion; Richard Parsons Second; Alfred Barfield**

- 153 2. **The construction of an appropriate number of single-family owner-occupied units**  
154 **which (i) are affordable to low- and moderate-income households as defined by the**  
155 **guidelines of the North Carolina housing finance agency, and (ii) have appropriate**  
156 **resale controls to assure affordability; or**

157 **Motion; Richard Parsons Second Kenneth Peregoy**

- 158 3. **In lieu of construction of low- and moderate-income housing, the offer of payment**  
159 **by the applicant to the City of New Bern's community development block grant**  
160 **fund. The payment shall be equal to 15 percent of the density bonus's present**  
161 **market value as certified by an independent certified appraiser acceptable to the**  
162 **city. All such payments are to be allocated only for the provision of low- and**  
163 **moderate-income housing units in the City of New Bern**

164 **Motion; Richard Parsons Second; Kenneth Peregoy**  
165

- 166 4. **An appropriate number of low- and moderate-income units shall be**  
167 **deemed to be 50 percent of the density bonus.** However, this percentage may  
168 be adjusted where an overriding public benefit is demonstrated.

169 **Motion; Richard Parsons Second; Kenneth Peregoy**  
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171 With no further discussion, meeting adjourned. The next regularly scheduled meeting is on  
172 Monday, March 27, 2017 at 5:30 pm in the City Hall Courtroom, 2nd floor, 300 Pollock Street.  
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Beth Walker, Vice Chair

  
Greg McCoy, Board Clerk