

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

3
4 **February 23rd, 2015**

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6 The New Bern Board of Adjustment held a regular meeting on Monday, February 23, 2015 at
7 6:30 pm in the City Hall Courtroom, 2nd floor, 300 Pollock Street.
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9 **Members Present:** Ms. Sarah Afflerbach – Chair
10 Ms. Beth Walker – Vice-Chair
11 Mr. Peter Adolph
12 Mr. Benjamin Beasley
13 Mr. Kenneth Brown
14 Mr. David Herndon
15 Ms. Renee Murphy
16 Mr. John Murrell.
17 Mr. PJ Walker
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19 **Members Excused:** Mr. Barry Evans
20 Mr. Jeffrey Midgette
21 Ms. Lois Jamison
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23 **Members Absent:** Mr. Alfred Barfield
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28 **Staff Present:** Mr. Greg McCoy, Land & Community Development Administrator
29 Mr. Bradleigh Sceviour, Planner
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31 Chair Sarah Afflerbach called the meeting to order.
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33 Roll call was taken and a quorum declared.
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35 **Minutes:** Reading of the minutes from the previous meeting was waived by unanimous
36 consent. Minutes from November 17th Work Session meeting were approved as amended.
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38 **New Business:**
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- 40 1. Consideration of Special Use Permit request to construct five multi-family
41 buildings on a 6.078 acre tract near the intersection of South Glenburnie Road
42 and Elizabeth Avenue. This is Phase Two of The Reserve at Glenburnie.
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44 **Staff Comments:** Staff Greg McCoy stated that Blue Ridge Construction, Inc has requested that

the Board of Adjustment hold a public hearing at its regular meeting on February 23, 2015 to consider a Special Use Permit application to construct five (5) multifamily buildings containing 120 apartment units. The proposed multifamily development is Phase Two of the previously approved development that is known as the Reserve at Glenburnie located near the intersection of Elizabeth Avenue and South Glenburnie Road. The site is further identified in Craven County Tax Book 8, Block 212, as Lot 13000. The development was previously approved on November 26, 2007 for thirteen buildings consisting of 312 units, which only eight buildings were constructed consisting of 192 units. That permit expired and the applicant proposes to build the remaining five buildings containing 120 units. The total site is on a 19+/- acre tract, and phase two is a 6.078 acre portion of the overall tract.

The proposed project was reviewed and approved by the City's Departmental Site Plan Review Committee on January 30, 2015. Staff found that the proposed project is consistent with the approved plans with no major changes. When completed, the development will have 78-one bedroom apartments, 156-two bedroom apartments, and 78-three bedroom apartments totaling 312 apartments in thirteen buildings. Staff further stated that according to Section 15-147 of the Land Use Ordinance, developments that exceed two acres and multi-family residences with five or more units must obtain a Special Use Permit. Staff finds that the applicant has met all Land Use Ordinance requirements of Section 15-54 for a Special Use Permit and therefore recommends approval of this request.

Board Comments: Chair Afflerbach questioned the previous permit expiration and if there were any changes requested. Mr. McCoy stated the previous Special Use Permit expired and that the applicant was not requesting any changes to the plans that were approved on November 26, 2007.

Applicant Comments: Blue Ridge Representative, Attorney, C. H. Pope of Ward and Smith stated they received a Special Use Permit in 2007 for a two phase project. The 2nd phase was never completed. They were not aware the permit had expired. Phase one currently contributes approximately \$55,000 per year in property taxes and phase two will bring an additional \$32,000 per year in property taxes. He stated that he believes the permit to still be in force but is seeking new approval due to a disagreement on the issue with City staff. He requested an extension to 5 years on a new permit.

Mr Brown asked about the rules for how long the permit is valid. Mr. McCoy stated that according Section 15-61 of the Land Use Ordinance a Special Use Permit is valid for 2 years and up to 5 years with vested rights.

Mr. Walker asked if this new plan was consistent with the previously approved plan.

Mr. Jim Girdich, Vice President of Land Development for Blue Ridge Construction clarified for Mr. P.J. Walker that this plan was consistent with the previously approved plan and no changes would be made.

Public Comment: Chair Afflerbach opened the meeting for public comments. None were made.

Public comments period was closed.

Board Discussion: There was a brief discussion clarifying the purpose of the application.

Findings of fact

1. The requested permit is within the Board of Adjustment's jurisdiction according to the table of permissible uses;

Motion B.Walker ; Second P.Adolph

2. The application is complete;

Motion K. Brown ; Second P.J. Walker

3. If completed as proposed in the application and as presented tonight, the development will comply with all the requirements of this ordinance.

Motion B.Walker ; Second K. Brown

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

Motion P.Adolph ; Second P.J. Walker

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

Motion K. Brown ; Second R. Murphy

6. 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 P.J. Walker ; Second P.Adolph

Motions passed by unanimous vote.

Motion: Mr. Adolph made a motion to issue the Special Use Permit. Mr. Walker seconded. Chair Afflerbach suggested an amendment to add a garage condition. Mr. Adolph agreed. Mr. Brown seconded.

Motion passed by unanimous vote.

2. Consideration of the Board of Adjustment to adopt a new schedule

Mr. McCoy stated that during the last workshop several board members asked if the 5:30 pm workshop time can be applied to the regular meeting schedule. Mr. McCoy further stated that if the board preferred the 5:30 schedule versus a 6:30 meeting time, then the board would have to adopt a new schedule.

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136 Mr. McCoy explained the proposed new meeting schedule stating that the only change to the
137 schedule is the meeting time from 6:30 pm to 5:30 pm for regularly scheduled meetings.
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139 Mrs. Murphy stated that this might conflict with her work schedule, however she will make the
140 necessary adjustments to meet the new time if adopted by the board.
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142 No other board comments were made and the following took place;
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144 **Motion:** Mr. Adolph moved to adopt the new schedule. Mr. Brown seconded.
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146 **Motion passed by unanimous vote.**
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149 With no further discussion, meeting adjourned. The next regularly scheduled meeting is on
150 Monday, March 30th 2015 at 5:30 pm in the City Hall Courtroom, 2nd floor, 300 Pollock Street.
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156 Sarah Afflerbach, Chair


Greg McCoy, Board Clerk