

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

3
4 **September 28, 2015**

5
6 The New Bern Board of Adjustment held a work session on Monday, September 28, 2015 at
7 5:30 pm in the Development Services conference room located on 303 First Street.
8

9 **Members Present:** Ms. Beth Walker – Vice-Chair
10 Mr. Benjamin Beasley
11 Mr. Kenneth Brown
12 Mr. Jeffrey Midgette
13 Mr. John Murrell
14 Mr. Richard Parsons
15 Mr. John Riggs
16 Mr. PJ Walker
17

18 **Members Excused:** Ms. Sarah Afflerbach – Chair
19 Mr. Peter Adolph
20

21 **Members Absent:** Ms. Lois Jamison
22 Mr. Alfred Barfield
23

24 **Staff Present:** Mr. Greg McCoy, Land & Community Development Administrator
25
26

27 Chair Sarah Afflerbach called the meeting to order.
28

29 Roll call was taken and a quorum was declared.
30

31 **Minutes:** Reading of the minutes from the previous meetings was waived by unanimous consent.
32 Minutes from the June 29th and the July 27th meetings were approved.
33

34 Witnesses were sworn in.
35

36 **New Business:**
37

- 38 1. Consideration of Special Use Permit request to operate a car wash at 1115 Queen Street.
39 The property is further identified in Craven County as Township 8, Map Number 011,
40 and Lot Number 245.
41

42 **Staff Comments:** Staff McCoy presented the application. This is a Special Use Permit request
43 to operate a car wash. The project is located in the C-3 commercial district. According to section
44 15-146, which is the Table of Permissible uses, a car wash can operate in the C-3 district as long

45 as it has a Special Use Permit. That would be use number 9.500. The project went before
46 Departmental Review on June 12, 2015. The applicant has addressed all the comments. Board
47 members were given a copy of the comments in their packets. The property was posted and
48 adjacent property owners were notified according to the Land Use Ordinance.
49

50 **Applicant Comments:** Ms. Sarah Afflerbach, representative of the applicant presented the
51 project to the Board and showed them the plans. In Departmental Review, the City does not
52 require any upgrades to the building to operate a hand wash car wash. The property was used as
53 a car wash in the past, but a special use permit was not applied for. The property is currently also
54 operating as an automotive garage with a zoning permit.
55

56 Vice Chair Walker opened the meeting for public comment.
57

58 **Public Comment:**

59 *Carl Edwards*, 101 Pollock St – stated his support for the property being used as a car wash, but
60 does not want it to become a junk yard. He didn't like when they had tires piled up everywhere
61 and appreciates that they have cleaned that up.
62

63 Mr. Brown asked if there is a time limit for how long tires can be allowed to remain on a
64 property. Mr. McCoy stated that the time limit is 180 days and one of the suggested conditions
65 from staff is that all activities dealing with this business must be conducted inside. He spoke with
66 the owner and they had the tires removed.
67

68 *Elijah Brown* – stated that he knows the owner of the business and the tires that were left out
69 were only there while he unloaded a truck, repaired a truck and loaded the tires back up.
70

71 Vice-Chair Walker closed the Board meeting for public comments.
72

73 **Board Comments:** The Board went through the 6 finding of facts to discuss before voting.
74

75 **Findings of fact:**
76

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

79 **Motion P.J. Walker** moved that the permit is within the jurisdiction since the table of
80 permissible uses allows for a car wash with the issuance of a special use permit; **Second**
81 **K. Brown . Motion carried by unanimous vote**
82

83 2. The application is complete;

84 **Motion R. Parsons** moved to find the application complete; **Second K. Brown**
85 **Motion carried by unanimous vote**
86

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

89 **Motion K. Brown** made a motion that if completed as proposed in the application

development will comply with all requirements of this ordinance and all City State and Federal ordinance.; **Second R. Parsons**

Motion carried by unanimous vote

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.J. Walker moved that since the car wash will be done within the walls in the building and that it will not materially endanger the public health or safety;

Second J. Midgette

Motion carried by unanimous vote

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

Motion R. Parsons moved that the Board determine that this use will not not substantially reduce the value of adjoining or abutting property; **Second P.J. Walker**

All members voted "yes" except Mr. Walker & Ms. Jamison who voted "no"

Motion carried by unanimous vote

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 J. Midgette made a motion that this business be accepted as being in harmony. That it does fall within the general characteristics of the surrounding area;

Second R. Parsons

Motion carried by unanimous vote

Motion: Mr. Parsons made a motion to issue a Special Use Permit with the condition that all activities must be conducted inside the existing structure and not on the right of way. Mr. P.J. Walker seconded. Motion carried by unanimous vote.

With no further discussion, meeting adjourned. The next regularly scheduled meeting is on Monday, October 26, 2015 at **5:30 pm** in the City Hall Courtroom, 2nd floor, 300 Pollock Street.


Beth Walker, Vice-Chair


Greg McCoy, Board Clerk