

Board of Adjustment  
January 7, 2010  
Minutes

The Morehead City Board of Adjustment conducted a regular meeting, rescheduled from December 2009, on Thursday, January 7, 2010, in the Municipal Building Auditorium, 202 South Eighth Street, which started at 5:30 p.m. The following were present:

MEMBERS: Chairman James Walker  
Holly Briggs, Laura Drewyor, Dick Gambill, Joe Green, Tripp Mudge, Dave Robertson, Beth Taylor and Vice-Chairman Bill Ward

ABSENT: None

OTHERS PRESENT: Zoning Enforcement Officer Joyce Veltman, Secretary Jeannie Vaughan, Planning Director Linda Staab, City Attorney Derek Taylor, Mike Shutak of the Carteret News-Times, Deputy City Clerk Janet Hill, Robin Lancaster, David Sims, David Ward, Billy Anderson, and others.

Vice-Chairman Bill Ward called the meeting to order and gave the invocation.

City Attorney Derek Taylor explained that Chairman James Walker had asked to be excused from the hearing due to his involvement with the Bayview Homes Housing Project, overseen by Eastern Carolina Regional Housing Authority (ECRHA). Mr. Walker stated that he could not be impartial in the matter. Laura Drewyor made **MOTION**, seconded by Dick Gambill to excuse Mr. Walker from the hearing. The motion carried unanimously.

The roll was called and all members were present.

Vice-Chairman Bill Ward advised that Beth Taylor was re-appointed as an Extraterritorial Member, and Deputy City Clerk Janet Hill administered the Oath of Office.

**MINUTES:** *September 24, 2009*

Vice-Chairman Bill Ward called for changes or amendments to the minutes. Dick Gambill made **MOTION**, seconded by Holly Briggs, to adopt the minutes as submitted and dispense with the reading. The motion carried unanimously.

**BUSINESS:**

**A. Request submitted by Eastern Carolina Regional Housing Authority (David B. Sims, Jr., Housing Authority Engineer) for a special-use permit under Article 11 of the Unified Development Ordinance (UDO) to replace a 2-unit dwelling (duplex) with a 5-unit multi-family dwelling at Macon Court located at 402 North 22nd Street, which is zoned R5 (Residential District).**

Laura Drewyor made **MOTION**, seconded by Beth Taylor to open the public hearing. The motion carried unanimously. Joe Green, Tripp Mudge, and Dave Robertson were excused as only 5 members were needed.

Those wishing to give testimony were sworn in (Joyce Veltman, Robin Lancaster, and David Sims).

Zoning Enforcement Officer Joyce Veltman introduced the case. David B. Sims, Jr. has submitted an application for a special-use permit to replace a 2-unit dwelling (duplex) with a 5-unit multi-family dwelling at Macon Court, a low rent housing project. Each of the 5 proposed units will have 2-bedrooms. Slides were shown depicting the location of the property which is zoned R5 (Residential). Surrounding development includes Bayview Cemetery to the east, a multi-

family building (part of the same development) and single-family dwellings to the south, single-family dwellings and additional units to the west, and additional units and Calico Creek to the north. "Dwelling, multi-family" is allowed in the R5 district with a special-use permit. A minimum of one acre (43,560 square feet) is required for a multi-family lot and this parcel is 1.129 acres or 49,179 square feet. Currently there are 6 units on the parcel. If the project is approved, a total of 9 units will be located on the lot. There are additional development requirements in Article 13-2. The minimum area necessary for 9, 2-bedroom units (4 existing and 5 proposed) is 29,000 square feet per Article 13-2.2(D). The site plan is in compliance with this requirement. Open space is required at a rate of 28%; 18% natural and 10% useable. Useable open space provided is in excess of the required 4,918 square feet (10% of the site) and natural open space provided is in excess of the required 8,853 square feet (18% of the site). The applicant is planning to use roll-out carts for waste disposal. There is an improved public water access area on the north side of the property which was developed as part of the Calico Creek Boardwalk. Currently, the only parking provided is on-street parking. A total of 11 off-street parking spaces are proposed for the new units (2 spaces per unit plus 1 space for every 6 units for overflow). Parking is in compliance with the UDO for the new units. The maximum allowable height is 50 feet and the proposal is for a 2-story building approximately 26 feet in height. The building is located 31 feet from North 22<sup>nd</sup> Street and 60 feet from Bay Street. It is 31 feet from the east property line and 240 feet from the north property line. The proposal exceeds minimum front and side setback requirements. The lighting plan required by 13-2.2(K) has been received. Landscaping is only required in the area of the new construction. The applicant is proposing landscaping directly in front of the proposed building. A 2.5-foot landscape strip will be installed along the east property line in accordance with the UDO. Staff is also planning to work with the developer on pruning existing vegetation to allow for safer access to North 22<sup>nd</sup> Street.

Staff requested the following conditions be attached to the special use permit should the Board decide to grant it:

1. All Macon Court units shall be low rent per the adopted "Cooperation Agreement" between the Town and ECRHA dated October, 1949, including the newly constructed units.
2. All landscaping shall be installed in accordance with landscaping requirements described in the UDO.

Ms. Veltman addressed the special-use criteria: A written application was received. The proposed use is not in conflict with any known plans. The proposed use is not contrary to regulation purposes. Per previous testimony, setbacks, lot coverage, and parking requirements have all been met. The hearing has been advertised, and notices were mailed to property owners within 100 feet to notify them of the request.

The applicant, Engineer David Sims, requested approval of the special-use and addressed the special-use criteria: 1) the proposed use will not adversely affect the health and safety of residents or workers in the town; 2) the proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses because it already exists; 3) the proposed use will not be adversely affected by the existing uses, again because it already exists; and 4) the proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, of the vehicular movement, or noise or fumes or of the type of physical activity. Mr. Sims stated that the ECRHA Board of Trustees and HUD have approved the project. The residents of the building to be demolished have all moved into other housing and, if the request is approved, five new families will have the opportunity to move in.

Holly Briggs questioned plans for further construction on the Macon Court site. Mr. Sims said that no other buildings are expected to be built in the near future; however, based on funding availability, renovations might be done.

Robin Lancaster, Executive Director of ECRHA, spoke about the sixty-four units in Macon Court. The building scheduled to be demolished has structural problems and sinking floors that cannot be fixed. She said that in addition to sinking floors, termite damage is extensive in some of the units. Renovations in other units are slated to be done in the future, but the first priority for the ECRHA is to build the requested 5-unit building. Ms. Lancaster said that two-bedroom units are requested more than all other units combined. One of the goals of the ECRHA is to have more energy-efficient units, so when renovations are done, that will be a priority. Ms. Lancaster also agreed to the 2 conditions requested by the Planning Staff.

No one spoke in opposition to the request.

Laura Drewyor made **MOTION**, seconded by Dick Gambill, to close the public hearing. The motion carried unanimously.

***CONSIDERATION AND DETERMINATION OF CASE HEARD:***

Bill Ward commented that with all of the older housing in Macon Court, new energy-efficient units would be a positive improvement for the community. All of the members agreed.

Dick Gambill made **MOTION**, seconded by Beth Taylor, to grant the special-use request with the following 2 conditions: 1) All Macon Court units shall be low rent per the adopted "Cooperation Agreement" between the Town and ECRHA dated October, 1949, including the newly constructed units; and 2) All landscaping shall be installed in accordance with landscaping requirements described in the UDO. The motion carried unanimously.

***NEW BUSINESS:***

No new business was discussed.

***ADJOURNMENT:***

Laura Drewyor made **MOTION**, seconded by Holly Briggs, to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 6:05 p.m.

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Jeannie Vaughan  
Secretary