

The Morehead City Board of Adjustment conducted a regular meeting on Thursday, February 25, 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, Tripp Mudge, and Beth Taylor

ABSENT: Joe Green, Dave Robertson, and Bill Ward

OTHERS PRESENT: Zoning Enforcement Officer Joyce Veltman, Building and Zoning Inspector Dean Lombreglia, Secretary Jeannie Vaughan, Planning Director Linda Staab, City Attorney Derek Taylor, Mike Shutak of the Carteret News-Times, Lenka Mareckova, Mary Futch, Catherine Piner, Aeonie Doyle, and Cynthia Jackson of Carteret Partnership for Children.

Chairman James Walker called the meeting to order and gave the invocation.

The roll was called and Joe Green, Dave Robertson, and Bill Ward were absent. Dick Gambill made **MOTION**, seconded by Holly Briggs, to excuse the called-in absences. The motion carried unanimously.

MINUTES: *January 28, 2010*

Chairman James Walker called for changes or amendments to the minutes. Laura Drewyor made **MOTION**, seconded by Holly Briggs, to adopt the minutes as submitted and dispense with the reading. The motion carried unanimously.

AGENDA AMENDMENT:

Laura Drewyor made **MOTION**, seconded by Holly Briggs, to amend the Agenda for the Consideration and Determination of each case to be done following the respective presentation. The motion carried unanimously.

BUSINESS:

A. Request submitted by Lenka Mareckova for a special-use permit under Article 11 of the Unified Development Ordinance (UDO) to permit a home child daycare at 1907 Joslyn Drive (Tax PIN 638713134090000), which is zoned R20 (Single-Family Residential District).

Tripp Mudge made **MOTION**, seconded by Holly Briggs, to open the public hearing. The motion carried unanimously. Dick Gambill was excused as only 5 members were needed. Voting members were: Chairman Walker, Holly Briggs, Laura Drewyor, Tripp Mudge, and Beth Taylor.

Those wishing to give testimony were sworn in (Joyce Veltman, Lenka Mareckova, and Cynthia Jackson).

Zoning Enforcement Officer Joyce Veltman introduced the case.

Lenka Mareckova has applied for a special-use permit at 1907 Joslyn Drive where she currently operates a home child daycare. The property is zoned R20, and the UDO permits a home child daycare if a special-use permit is obtained from the Board of Adjustment. Surrounding properties are zoned R20 to the north, south, and east and R15SM to the west.

A home child daycare is defined by the UDO as “a private residence where care, protection and supervision are provided for a fee at least twice a week to no more than five (5) children at one time, including children of the adult supervisor.”

Article 14-13 and 4-8.3 must be met in order to establish a home child daycare:

Ms. Mareckova has adequate parking and will therefore meet the off-street parking requirement of four spaces. The applicant already has a State child daycare license and a fence already surrounds the rear of the property.

The special use criteria of Article 14-8.3 must also be met.

The applicant has submitted an application. The use does not adversely affect general plans for physical development of the town. The city allows a home child daycare if the Board of Adjustment finds the use compatible with the surrounding area. The proposed use is not contrary to the purposes of the regulations. The plan is to continue the use of the structure as a single-family dwelling as well as a home child daycare, which is permitted by the UDO with a special-use permit if this Board finds the use compatible with the area.

Notices were mailed to property owners within 100’ of the site and the hearing was properly advertised. The City did not receive any public comments, positive or negative, concerning this request.

Cynthia Jackson of the Carteret Partnership for Children, a support group that assists home daycares in retaining their compliance with the state statutes, testified that Ms. Mareckova is in compliance with all State Regulations.

Ms. Mareckova testified that she has been in business for the past two years. The fence surrounding her property is more than four feet high except in a few areas where it measures approximately three feet nine inches. The applicant addressed the following items:

Item D: Ms. Mareckova stated that the proposed use will not affect adversely the health and safety of residents and workers in the town.

Item E: Ms. Mareckova stated that the proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses. She is planning to have no more than four additional children in her home, which means that only a few more cars will be traveling on her road. The daycare will only be in Ms. Mareckova’s home and yard, and therefore shouldn’t adversely affect adjacent properties.

Item F: Ms. Mareckova stated that she has one child, and that the additional daycare children will have no adverse affect on the existing use of the home.

Item H: Ms. Mareckova stated again that she will only have five children in her home at a time. Her business hours will generally be 7:30 am - 9 pm, Monday through Friday. She stated that the home daycare will not create a hazard or nuisance to the surrounding area.

No one spoke in opposition to the request.

Tripp Mudge made **MOTION**, seconded by Beth Taylor, to close the public hearing. The motion carried unanimously.

CONSIDERATION AND DETERMINATION OF CASE HEARD:

Members all agreed that the applicant meets all of the requirements and that the special-use should be granted.

Tripp Mudge made **MOTION** to grant the special-use request with the condition that the business hours would be limited to 7 am to 10 pm, 7 days a week. The motion died due to the lack of a second.

Beth Taylor made **MOTION**, seconded by Holly Briggs, to grant the special-use request with the condition that if complaints are received from neighbors, the request must be re-evaluated by the Board. The motion carried unanimously.

B. Request submitted by Mary Futch for a special-use permit under Article 11 of the Unified Development Ordinance (UDO) to permit a home child daycare at 2017 Mayberry Loop Road (Tax PIN 638609155920000), which is zoned R7 (Single-Family Residential District).

Laura Drewyor made **MOTION**, seconded by Holly Briggs, to open the public hearing. The motion carried unanimously. Dick Gambill was excused as only 5 members were needed. Voting members were: Chairman Walker, Holly Briggs, Laura Drewyor, Tripp Mudge, and Beth Taylor.

Those wishing to give testimony were sworn in (Joyce Veltman, Mary Futch, and Cynthia Jackson).

Zoning Enforcement Officer Joyce Veltman introduced the case.

Mary Futch has applied for a special-use permit at 2017 Mayberry Loop Road where she currently operates a home child daycare. The property is zoned R7, and the UDO permits a home child daycare if a special-use permit is obtained from the Board of Adjustment. Surrounding properties are zoned R7 to the south, east, and west and RMF and CN to the north, across Mayberry Loop Road.

A home child daycare is defined by the UDO as “a private residence where care, protection and supervision are provided for a fee at least twice a week to no more than five (5) children at one time, including children of the adult supervisor.”

Article 14-13 and 4-8.3 must be met in order to establish a home child daycare:

Ms. Futch has adequate parking and will therefore meet the off-street parking requirement of four spaces. The applicant already has a State child daycare license and a fence already surrounds the entire property.

The special use criteria of Article 14-8.3 must also be met.

The applicant has submitted an application. The use does not adversely affect general plans for physical development of the town. The city allows a home child daycare if the Board of Adjustment finds the use compatible with the surrounding area. The proposed use is not contrary to the purposes of the regulations. The plan is to continue the use of the structure as a single-family dwelling as well as a home child daycare, which is permitted by the UDO with a special-use permit if this Board finds the use compatible with the area.

Notices were mailed to property owners within 100’ of the site and the hearing was properly advertised. The City did not receive any public comments, positive or negative, concerning this request.

Cynthia Jackson of the Carteret Partnership for Children, a support group that assists home daycares in retaining their compliance with the state statutes, testified that Ms. Futch is in compliance with all State Regulations.

Ms. Futch testified that she has been in business for the past twelve years with no complaints. The applicant addressed the following items:

Item D: Ms. Futch stated that the proposed use will not affect adversely the health and safety of residents and workers in the town.

Item E: Ms. Futch stated that the proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses. She is planning to have no more than five children in her home, which means that only a few more cars will be traveling on her road. The daycare will only be in Ms. Futch’s home and yard, and therefore shouldn’t adversely affect adjacent properties.

Item F: Ms. Futch stated that the daycare children will have no adverse affect on the existing use of the home.

Item H: Ms. Futch stated again that she will only have five children in her home at a time. Her business hours will generally be 7 am - 10 pm, Monday through Friday. She stated that the home daycare will not create a hazard or nuisance to the surrounding area.

No one spoke in opposition to the request.

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

CONSIDERATION AND DETERMINATION OF CASE HEARD:

Members all agreed that the applicant meets all of the requirements and that the special-use should be granted.

Beth Taylor made **MOTION**, seconded by Holly Briggs, to grant the special-use request with the condition that if complaints are received from neighbors, the request must be re-evaluated by the Board. The motion carried unanimously.

C. Request submitted by Catherine Piner for a special-use permit under Article 11 of the Unified Development Ordinance (UDO) to permit a home child daycare at 802 Fisher Street (Tax PIN 638619721049000), which is zoned R5 (Residential District).

Holly Briggs made **MOTION**, seconded by Laura Drewyor, to open the public hearing. The motion carried unanimously. Dick Gambill was excused as only 5 members were needed. Voting members were: Chairman Walker, Holly Briggs, Laura Drewyor, Tripp Mudge, and Beth Taylor.

Those wishing to give testimony were sworn in (Dean Lombreglia, Catherine Piner, and Cynthia Jackson).

Building and Zoning Inspector Dean Lombreglia introduced the case.

Catherine Piner has applied for a special-use permit at 802 Fisher Street where she currently operates a home child daycare. The property is zoned R5, and the UDO permits a home child daycare if a special-use permit is obtained from the Board of Adjustment. Surrounding properties are zoned R5 to the north, east, and west and OP to the south.

A home child daycare is defined by the UDO as “a private residence where care, protection and supervision are provided for a fee at least twice a week to no more than five (5) children at one time, including children of the adult supervisor.”

Article 14-13 and 4-8.3 must be met in order to establish a home child daycare:

Ms. Piner has submitted to Staff letters from surrounding property owners giving her permission for temporary parking associated with her daycare business so that she will meet the off-street parking requirement of four spaces and per Article 20-1.3(A), this is allowed. The applicant already has a State child daycare license and a fence already surrounds the rear of the property.

The special use criteria of Article 14-8.3 must also be met.

The applicant has submitted an application. The use does not adversely affect general plans for physical development of the town. The city allows a home child daycare if the Board of Adjustment finds the use compatible with the surrounding area. The proposed use is not contrary to the purposes of the regulations. The plan is to continue the use of the structure as a single-family dwelling as well as a home child daycare, which is permitted by the UDO with a special-use permit if this Board finds the use compatible with the area.

Notices were mailed to property owners within 100’ of the site and the hearing was properly advertised. The City did not receive any public comments, positive or negative, concerning this request.

Cynthia Jackson of the Carteret Partnership for Children, a support group that assists home daycares in retaining their compliance with the state statutes, testified that Ms. Piner is in compliance with all State Regulations.

Ms. Piner testified that she has been in business for the past 18 years with no complaints. The applicant addressed the following items:

Item D: Ms. Piner stated that the proposed use will not affect adversely the health and safety of residents and workers in the town.

Item E: Ms. Piner stated that the proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses. She is planning to have no more than five children in her home, which means that only a few more cars will be traveling on her road. The daycare will only be in Ms. Piner’s home and yard, and therefore shouldn’t adversely affect adjacent properties.

Item F: Ms. Piner stated that the daycare children will have no adverse affect on the existing use of the home.

Item H: Ms. Piner stated again that she will only have five children in her home at a time. Her business hours will be 7 am - 6 pm, Monday through Friday. She stated that the home daycare will not create a hazard or nuisance to the surrounding area.

No one spoke in opposition to the request.

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

CONSIDERATION AND DETERMINATION OF CASE HEARD:

Members all agreed that the applicant meets all of the requirements and that the special-use should be granted.

Tripp Mudge made **MOTION**, seconded by Holly Briggs, to grant the special-use request with the condition that if complaints are received from neighbors, the request must be re-evaluated by the Board. The motion carried unanimously.

D. Request submitted by Aeonie Doyle for a special-use permit under Article 11 of the Unified Development Ordinance (UDO) to permit a home child daycare at 3008 Fairway Road (Tax PIN 637608797132000), which is zoned R20 (Single-Family Residential District).

Laura Drewyor made **MOTION**, seconded by Beth Taylor, to open the public hearing. The motion carried unanimously. Dick Gambill was excused as only 5 members were needed. Voting members were: Chairman Walker, Holly Briggs, Laura Drewyor, Tripp Mudge, and Beth Taylor.

Those wishing to give testimony were sworn in (Dean Lombreglia, Aeonie Doyle, and Cynthia Jackson).

Building and Zoning Inspector Dean Lombreglia introduced the case.

Aeonie Doyle has applied for a special-use permit at 3008 Fairway Road where she currently operates a home child daycare. The property is zoned R20, and the UDO permits a home child daycare if a special-use permit is obtained from the Board of Adjustment. Surrounding properties are zoned R20.

A home child daycare is defined by the UDO as “a private residence where care, protection and supervision are provided for a fee at least twice a week to no more than five (5) children at one time, including children of the adult supervisor.”

Article 14-13 and 4-8.3 must be met in order to establish a home child daycare:

Ms. Doyle has adequate parking and will therefore meet the off-street parking requirement of four spaces. The applicant already has a State child daycare license. A fenced area in the rear of the property will be constructed in the near future.

The special use criteria of Article 14-8.3 must also be met.

The applicant has submitted an application. The use does not adversely affect general plans for physical development of the town. The city allows a home child daycare if the Board of Adjustment finds the use compatible with the surrounding area. The proposed use is not contrary to the purposes of the regulations. The plan is to continue the use of the structure as a single-family dwelling as well as a home child daycare, which is permitted by the UDO with a special-use permit if this Board finds the use compatible with the area.

Notices were mailed to property owners within 100’ of the site and the hearing was properly advertised. A letter was received by the City from neighbors, Mr. and Mrs. DiFederico, in support of Ms. Doyle’s daycare business.

Cynthia Jackson of the Carteret Partnership for Children, a support group that assists home daycares in retaining their compliance with the state statutes, testified that Ms. Doyle is in compliance with all State Regulations.

Ms. Doyle testified that she has been in business for the past 12 years with no complaints. The applicant addressed the following items:

Item D: Ms. Doyle stated that the proposed use will not affect adversely the health and safety of residents and workers in the town.

Item E: Ms. Doyle stated that the proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses. Ms. Doyle stated that she is planning to have no more than five children in her home, which means that only a few more cars will be traveling on her road. The daycare will only be in Ms. Doyle's home and yard, and therefore shouldn't adversely affect adjacent properties.

Item F: Ms. Doyle stated that she has two teenage children and that the additional daycare children will have no adverse affect on the existing use of the home.

Item H: Ms. Doyle stated again that she will only have five children in her home at a time. Her business hours will be 7:30 am - 5:30 pm, Monday through Friday. She stated that the home daycare will not create a hazard or nuisance to the surrounding area.

No one spoke in opposition to the request.

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

CONSIDERATION AND DETERMINATION OF CASE HEARD:

Members all agreed that the special-use should be granted with conditions.

Laura Drewyor made **MOTION**, seconded by Holly Briggs, to grant the special-use request with two conditions: 1) that if complaints are received from neighbors, the request must be re-evaluated by the Board; and 2) the four-foot fence must be erected for the permit to be valid. The motion carried unanimously.

NEW BUSINESS:

No new business was discussed.

ADJOURNMENT:

Beth Taylor made **MOTION**, seconded by Holly Briggs, to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 7:08 p.m.

Jeannie Vaughan
Secretary