

The Morehead City Board of Adjustment conducted a regular meeting on Thursday, March 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  
Laura Drewyor, Dick Gambill, Joe Green, Tripp Mudge, Dave Robertson, and Bill Ward

**ABSENT:** Holly Briggs and Beth Taylor

**OTHERS PRESENT:** Zoning Enforcement Officer Joyce Veltman, Building and Zoning Inspector Dean Lombreglia, Secretary Jeannie Vaughan, City Attorney Derek Taylor, Mike Shutak of the Carteret News-Times, Cynthia Jackson of Carteret Partnership for Children, Regina Southard, Gary Brown of Hooters Restaurant, Pastor Dennis Evans, Julie Doshier, Lynne Mullineaux, Donlan Papp, Dolly Owens, Lydia Evans, Flynn Evans, Adam Husek, Miranda Evans, Ashleigh Owens, Rosemary Markham, Gary Browne, Faye Hashley, Dave Hashley, Matthew Willis, and many other supporters for the South Banks Community Church.

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

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

**MINUTES:** February 25, 2010

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

**AGENDA AMENDMENT:**

Laura Drewyor made **MOTION**, seconded by Bill Ward, 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 Regina Southard for a special-use permit under Article 11 of the Unified Development Ordinance (UDO) to permit a home child daycare at 117 Savannah Avenue (Tax PIN 636616828988000), which is zoned R10 (Single-Family Residential District).**

Joe Green made **MOTION**, seconded by Laura Drewyor, to open the public hearing. The motion carried unanimously. Tripp Mudge and Dave Robertson were excused as only 5 members were needed. Voting members were: Laura Drewyor, Dick Gambill, Joe Green, Chairman Walker, and Bill Ward.

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

Building and Zoning Inspector Dean Lombreglia introduced the case.

Regina Southard has applied for a special-use permit at 117 Savannah Avenue where she currently operates a home child daycare. The property is zoned R10, and the UDO permits a home child daycare if a special-use permit is obtained from the Board of Adjustment. Surrounding properties are zoned R10 and R7 with a strip of CH to the north along Highway 70. There are residences and vacant lots surrounding the property.

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. Southard 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 there is a fenced area in 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. Southard is in compliance with all State Regulations.

Ms. Southard testified that she has been in business for the past six (6) years, two and one-half (2.5) years at the current address. The fence in the rear yard is more than four feet high. The applicant addressed the following items:

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

Item E: Ms. Southard 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 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. Southard’s home and yard, and therefore shouldn’t adversely affect adjacent properties.

Item F: Ms. Southard stated that she has two children, ages eleven (11) and sixteen (16), who do not require full-time attention and that the additional daycare children will have no adverse affect on the existing use of the home.

Item H: Ms. Southard stated again that she will only have five daycare children in her home at a time. Her business hours will generally be 7:30am - 5:30pm, 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 Dick Gambill, 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.

Laura Drewyor made **MOTION**, seconded by Bill Ward, 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 South Banks Community Church for a special-use permit under Article 11 of the Unified Development Ordinance (UDO) to permit a church at 5058 Highway 70. The property is zoned CH (Highway Commercial).***

Laura Drewyor made **MOTION**, seconded by Joe Green, to open the public hearing. The motion carried unanimously. Tripp Mudge and Dave Robertson were excused as only 5 members were needed. Voting members were: Laura Drewyor, Dick Gambill, Joe Green, Chairman Walker, and Bill Ward.

Those wishing to give testimony were sworn in (Joyce Veltman, Dennis Evans and Gary Brown).

Zoning Enforcement Officer Joyce Veltman introduced the case.

South Banks Community Church has applied for a special-use permit to occupy a portion of West Ridge Center at 5058 Highway 70 as a church. The property is zoned CH, and the UDO permits a church if a special-use permit is obtained from the Board of Adjustment. Surrounding zoning is CH with IP (Port-Industrial) to the north on the opposite side of the railroad right-of-way. Surrounding development includes Guy C. Lee and a nonconforming single-family dwelling to the west, the railroad right-of-way and vacant property to the north, Mike Toler's Auto Dealership, Beach Care Urgent Care and Walgreens to the south, and Coastal Home Gallery, a vacant lot, and Hooters Restaurant to the east. The units that the church wishes to use were occupied by All Saints Church prior to their relocation to a new building on McCabe Road. Site plans showing the building layout and parking layout were shown to the Board. Modifications to the units have been proposed to accommodate a maximum of four hundred (400) people in the church. Parking requirements are one (1) space per six (6) seats which would require sixty-seven (67) spaces. The site plan shows more than one hundred (100) spaces; therefore, they meet and exceed the parking requirements.

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 proposed use is not contrary to the purposes of the regulations. The proposed use will be in an existing building which meets required setbacks and size requirements. The off-street parking requirements have also been met.

The applicant will need to appear before the Board of Adjustment again in two (2) years to request a renewal of the permit.

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.

Pastor Dennis Evans testified that his congregation currently meets at the Boys & Girls Club on Bridges Street in Morehead City. He asked the Board to grant his request and then addressed the special-use criteria:

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

Item E: Pastor Dennis stated that the proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

Item F: Pastor Dennis stated that the proposed use will have no adverse affect on the existing uses.

Item H: Pastor Dennis stated that the proposed use will not create a hazard or nuisance to the surrounding area.

Gary Brown spoke on behalf of Hooters restaurant and said that he was not against the proposal, but he wanted to comment on possible conflicting events like car shows and bikini contests. Pastor Dennis responded by saying that the church and Hooters do not share a parking lot, and therefore he didn't foresee any problems between the two endeavors.

No one spoke in opposition to the request.

Bill Ward made **MOTION**, seconded by Joe Green, 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.

Laura Drewyor made **MOTION**, seconded by Joe Green, to grant the special-use request. The motion carried unanimously.

#### ***NEW BUSINESS:***

No new business was discussed.

***ADJOURNMENT:***

Joe Green made **MOTION**, seconded by Bill Ward, to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 6:01 p.m.

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Jeannie Vaughan  
Secretary