

# NEW BERN BOARD OF ADJUSTMENT MINUTES

August 30, 2010

The New Bern Board of Adjustment held a regular meeting on Monday, August 30, 2010 at 6:30 p.m. in the Planning Conference Room, 3rd floor, 248 Craven Street.

**Members present:** Mr. Dean Knight Chairman  
Mr. Edward Risty  
Mr. Thomas Hardin  
Mr. Willie Newkirk, Jr.  
Mr. John Paul Andrews  
Mr. John Reichenbach  
Mr. David Herndon  
Mr. Richard Scoppe  
Mr. Bill Franklin  
Mr. Harry Gormley

**Members Excused:** Mr. Gerald Stallings  
Mr. Starlin Beatty  
Mr. Jerry Walker

**Staff present:** Mr. Bernard George, Land and Community Development Administrator  
Mrs. Lorraine DiBella, Administrative Assistant

**Minutes:** Reading of the minutes from the regular meeting of June 28, 2010 was waived by unanimous consent. Minutes were approved with motion by Mr. Gormley, second by Mr. Newkirk, and unanimous vote of the Board.

A prayer for guidance was given by Mr. George. Roll call was taken and quorum declared. Witnesses were sworn.

## **New Business:**

### **A. Consideration of a special use permit application to construct a 13,464 square foot church on a 2.9 acre tract at the southeast corner of Washington Post Road and Honeycutt Court. (Ward 5)**

Mr. George introduced the application, saying a request is made by Without Limits Christian Center for construction of their church, a 13,464 square foot structure on a 2.9 acre tract at the southeast corner of Washington Post Road and Honeycutt Court. Section 15-146 of the Land Use Ordinance requires developments that exceed two acres to obtain a Special Use Permit. The map and drawings of the proposed church were reviewed. Mr. George said the property was formerly farmland. Heirs have sold and subdivided portions of the original tract.

The Departmental Site Plan Review Committee reviewed the proposed project on August 12, 2010. Staff finds that the application is complete and is within this Board's jurisdiction according to the table of permissible uses. Staff recommends approval of the special use permit request.

**Applicant Comments:** Bobby Billingsley with Thomas Engineering stated he represents Without Limits

Christian Center. Pastor James McIver is in attendance, as is Patrick Allen, who represents the builder, Tarheel Builders. Mr. Billingsley testified concerning the project, adding that the parking exceeds what's required and the landscaping plan has been approved.

In addressing the required findings of fact, Mr. Billingsley said the use will not materially endanger the public health or safety, the use will not substantially reduce the value of adjoining or abutting property, the location and character of the project will be in harmony with the surrounding area and in general conformity with the plan of development of the city, and the development will comply with all the requirements of this ordinance.

Offering additional support, Mr. Allen said developing the agricultural property into a church will benefit the City as the developers will be installing utilities (fire hydrants, water main, etc) at their own expense, a considerable benefit to the community. Additionally, those usage fees will be paid to the City.

**Board Comments:** Developers' plans for stormwater mitigation were noted. Landscaping plan was noted.

Mr. Franklin inquired concerning the height. (Heights over 35' require a special use permit). Mr. George stated that upon re-evaluation of the elevations it was determined that the measurement to the cornice line is well below 35' so height does not come into play here.

Mr. Franklin asked if a school is planned for the site. Pastor McIver said no; Mr. Allen added that the term 'classrooms' designates Sunday School classrooms, a term required for fire egress.

Mr. Herndon asked if there are plans for expanding beyond what is in the subject drawings. Mr. Billingsley answered no.

Mr. Gormley asked if corridor standards apply at this location. Mr. George answered the site is just beyond the Neuse Boulevard corridor.

Mr. Allen said they were not exactly sure where the Neuse Boulevard corridor line stopped when developing the property but the plan does meet the corridor standards so far as exterior materials and glass-front.

The adjoining uses were discussed with Mr. Herndon noting that no public representatives are in attendance to speak for or against the project. He believes the project to be in character with the area. Mr. George added that when push comes to shove, the courts give zoning precedence over character. For this reason, local ordinances allow for board of adjustment to add conditions for special use permits that will make allowable uses more palatable to the public. Churches are allowed in all zonings and the applicant is benefiting from this location being very rural. Often special use permits for churches in residential neighborhoods are met with a lot of opposition.

Mr. Reichenbach complimented the design and layout of the project.

Mr. Andrews asked about the lighting at the church. Mr. Allen answered to the satisfaction of the Board, saying the foot candles will be adequate and within the City's electrical codes. Black out lights are not required.

Mr. Billingsley added that a large existing berm separates this lot from the West Crossroads subdivision.

**Public Comments:** None

**Motion** by Mr. Scoppe, second by Mr. Hardin, that the requested permit is within the Board of Adjustment's jurisdiction according to the table of permissible uses.

Motion carried unanimously.

**Motion** by Mr. Risty, second by Mr. Gormley, that the application is complete.  
Motion carried unanimously.

**Motion** by Mr. Risty, second by Mr. Gormley, that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.  
Motion carried unanimously.

**Motion** by Mr. Risty, second by Mr. Reichenbach, that the use will not substantially reduce the value of adjoining or abutting property, or that the use is a public necessity.  
Motion carried unanimously.

**Motion** by Mr. Risty, second by Mr. Scoppe, that 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 carried unanimously.

**Motion** by Mr. Risty, second by Mr. Reichenbach that if completed as proposed in the application, the development will comply with all the requirements of this ordinance.  
Motion carried unanimously.

**Motion** by Mr. Risty, second by Mr. Hardin and unanimous vote of the Board to grant the special use permit as requested.

**Other Business:**

Mr. George discussed board appointments, stating Mr. Stallings's replacement has been appointed; Mr. Gormley and Mr. Scoppe will likely be replaced in the next month or two. The Board members were thanked and congratulated.

On request of staff, the Board agreed unanimously to appoint Misters Herndon, Hardin and Franklin to serve as a nominating committee and requested they bring nominations for chair and co-chair to the next meeting.

There was no further business and the meeting adjourned.

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Dean Knight, Chairman

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Bernard George, Secretary