

BOARD OF ADJUSTMENT
REGULAR MEETING
September 28, 2022
1 of 7

1 **MEMBERS PRESENT:** David Bullock, *Chair*; George Corbin; Karla Liner; Reuben
2 Mikul; Kristen Lewis

3
4 **EXCUSED:** Teresa Kaufman, *Vice Chair*; Tom McCarthy

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6 **STAFF PRESENT:** Katrina Marshall, *AICP, Planning Director*; Sue Steinhauser,
7 *Planner/Zoning Code Enforcement Officer*;
8 Sandra Gahlinger, *Clerk to the Board*

9
10 **ALSO PRESENT:** Zoraida Terry, *Board of Adjustment Alternate*; Shirley Powell,
11 *Agent for Mary Quinn*; Lori Morris, *Agent for Tidewater*
12 *Associates, Inc.*; Kim Whaley, *Tidewater Associates, Inc.*

13
14 **A. CALL TO ORDER**

15 Chairman Bullock called to order the September 28, 2022, City of Havelock Board of Adjustment
16 Meeting to order at 5:30 p.m.

17
18 **B. APPROVAL OF MINUTES**

19 The Chair entertained a motion to dispense with the reading of the May 18, 2022, minutes. Mr.
20 Corbin made the motion. The motion was seconded by Ms. Liner. The motion carried unanimously
21 (5-0).

22
23 After reviewing the May 18, 2022, minutes, Ms. Lewis moved to approve the minutes as presented.
24 Mr. Corbin seconded. The motion carried unanimously (5-0).

25
26 The Chair entertained a motion to dispense with the reading of the May 25, 2022, minutes. Mr.
27 Corbin made the motion. The motion was seconded by Ms. Liner. The motion carried unanimously
28 (5-0).

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30 After reviewing the May 25, 2022, minutes, Ms. Liner moved to approve the minutes as presented.
31 Ms. Lewis seconded. The motion carried unanimously (5-0).

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33 **C. ELECTION OF OFFICERS**

34 Mr. Bullock was nominated for Chair. Mr. Corbin made the motion. Ms. Liner seconded. The
35 motion carried unanimously (5-0). Ms. Kaufman was nominated for Vice-Chair. Mr. Bullock made
36 the motion. Ms. Liner seconded. The vote was unanimous (5-0). Ms. Gahlinger was nominated for
37 Secretary. Mr. Bullock made the motion. Mr. Corbin seconded. The vote was unanimous (5-0).

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39 **D. OLD BUSINESS** NONE

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41 **E. NEW BUSINESS**

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AGENDA ITEM E-1

**SPECIAL USE PERMIT
PROPERTY OWNER: MARY QUINN
AGENT: SHIRLEY POWELL
MANUFACTURED HOME ON AN INDIVIDUAL LOT,
NOT IN A PARK
175 HAZELDALE LANE
HAVELOCK, NC 28532
TAX PARCEL ID: 6-022-020**

The Chair called for the following disclosures: ex parte communication, any conversations or other communications to disclose, any objections from the board to any party or any other member's participation in the hearing of the case. All members responded in the negative.

Chairman Bullock then called for all those who have business with agenda item E-1 to step forward for swearing in. Sworn in were: Ms. Marshall. Ms. Steinhauser, and Ms. Powell.

The Chair entertained a motion to go into public hearing. Ms. Liner made that motion. Mr. Corbin seconded. The vote was unanimous (5-0).

Ms. Steinhauser presented the case and placed the packet into evidence.

Ms. Shirley Powell, on behalf of Ms. Mary Quinn, is requesting a Special Use Permit (SUP) for a Manufactured home on an individual lot (SLUCM #1401) at 175 Hazeldale Lane, Tax Parcel ID 6-022-020. The application is attached as Exhibit A.

Facts of the Case:

1. The parcel address is 175 Hazeldale Lane. An aerial view of the site and surrounding area is attached as Exhibit B-1.
2. According to the Craven County Tax records, Parcel 6-022-020 is owned by Mary Magee Quinn.
3. The property is zoned R-20A (Single-family residential) as are the properties to the north and east. The property to the west is zoned R-MH (Manufactured Home) and R20A, and to the south is zoned R-MH. (Exhibit B-2)
4. The property is 1.13 acres. A copy of the survey of the property is attached (Exhibit C).
5. The City of Havelock Unified Development Ordinance (UDO) Table 155-8 requires a Special Use Permit for a Manufactured home on an individual lot, not in park in the R-20A zoning district

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86 6. Section 155.0703(A) and 155.04(C)(1) of the City's UDO set forth the development
87 standards and general lot requirements for manufactured homes on individual lots. (Exhibit
88 D)

89
90 7. On September 13, 2022, the SUP application was reviewed at the Technical Review
91 Committee (TRC) meeting. Ms. Powell presented the case on behalf of the property owner.
92 (Exhibit E)

93
94 The property is located in the City's Extraterritorial Jurisdiction (ETJ). It is served by Craven
95 County Water and has a septic system. Electrical service is through New Bern Electric.

96
97 The property is currently vacant. A review of the past aerial photos on the Craven County GIS
98 website shows a manufactured home had been on the property as far back as at least 1999 but was
99 not present on the 2020 aerial photos. Replacement of the manufactured home requires that an SUP
100 be approved. The owner must comply with the requirements of the UDO sections cited above for
101 the manufactured home. The property owner has shown evidence to City staff that a septic permit
102 is in place and the manufactured home has a Wind Zone III rating, which exceeds the requirements
103 of the required Wind Zone II rating.

104
105 Planning Department staff supports the replacement of the manufactured home on this property.

106
107 As required, a copy of the Public Notice was mailed to the property owners, all adjacent property
108 owners and MCAS Cherry Point. The Certification of Mailing is included as Exhibit F. A Public
109 Notice was posted on the site.

110
111 The Future Land Use Map shows this area is classified as "Residential – Medium Density." The
112 residential densities allowed in the category range from 2.0 to 6.0 dwelling units per net acre. The
113 typical housing types in this category include single-family detached homes among others. This
114 request is consistent with the City's Land Use Plan.

115
116 **Discussion**

117 Chairman Bullock asked if the Board had any questions for the City. They did not.

118
119 Ms. Powell asked about the zoning for the property saying that she was replacing a mobile home
120 that had been on the property at one time. Mr. Bullock explained that since the property had been
121 vacant for six months, the Special Use Permit was required. Ms. Marshall added that prior to 2016,
122 this address was within Craven County's jurisdiction, but in 2016, this address was added to
123 Havelock's Extraterritorial Jurisdiction (ETJ) and now must comply with the City's Unified
124 Development Ordinances (UDO). In 2018, Hurricane Florence destroyed the mobile home on the
125 property, and the replacement must meet the City's UDO.

126
127 Chariman Bullock asked if the members of the board had any questions. They did not.

128

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129 Chariman Bullock entertained a motion to come out of public hearing. Mr. Corbin made the motion.
130 Ms. Liner seconded. The vote was unanimous (5-0).

131

132 The Chair asked if all members had visited the site. All responded that they had.

133

134 The Chair then read the findings:

135 1) *Will not endanger the public health or safety;*

136 2) *Will not adversely impact the value of adjoining or abutting property;*

137 3) *Will be in harmony with the area in which it is located;*

138 4) *Will not be affected adversely by the existing uses;*

139 5) *Will not constitute a nuisance or hazard because of the number of persons who will attend
140 or use the facility, vehicular movement, noise or fume generation, type of physical activity;*

141 6) *Will meet all minimum UDO regulations and standards of the zoning district in which it
142 will be located; and,*

143 7) *Will be in conformity with the land use plan, thoroughfare plan, or other plan officially
144 adopted by the Board of Commissioners.*

145

146 All Board members responded in the affirmative to each finding.

147

148 The Chair entertained a motion to approve the Special Use Permit for a manufactured home on an
149 individual lot, not in a park, at 175 Hazeldale Lane, New Bern, NC 28560, tax parcel 6-022-020,
150 based on the application following the findings found to be in the affirmative.

151

152 Ms. Liner made the motion. Ms. Lewis seconded. The vote was unanimous (5-0).

153

154 **AGENDA ITEM E-2**

SPECIAL USE PERMIT

155

**APPLICANT/PROPERTY OWNER: GORDON ROAD
156 STORAGE, LLC**

157

**APPLICANT/AGENT: LORI MORRIS, TIDEWATER
158 ASSOCIATES, INC.**

159

**EQUIPMENT RENTAL & LEASING (WITH OUTSIDE
160 STORAGE)**

161

51 GREENFIELD HEIGHTS BLVD.

162

HAVELOCK, NC 28532

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TAX PARCEL ID: 6-039-008

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165

165 The Chair called for the following disclosures: ex parte communication, any conversations or other
166 communications to disclose, any objections from the board to any party or any other member's
167 participation in the hearing of the case. All members responded in the negative.

168

169 The Chair entertained a motion to go into public hearing. Ms. Liner made that motion. Mr. Corbin
170 seconded. The vote was unanimous (5-0).

171

172 Chairman Bullock then called for all those who have business with agenda item E-2 to step forward

173 for swearing in. Sworn in were: Ms. Marshall, Ms. Steinhauser, and Ms. Morris.

174

175 Ms. Steinhauser presented the case and placed the packet into evidence..

176

177 Ms. Lori Morris of Tidewater Associates, LLC, on behalf of Gordon Road Storage, LLC is
178 requesting a Special Use Permit (SUP) for Equipment rental and leasing (with outside storage)
179 (SLUCM #6394) at 51 Greenfield Heights Blvd., Tax Parcel ID 6-039-008. The application is
180 attached as Exhibit A.

181

182

183 **Facts of the Case:**

184

185 1. The parcel address is 101 US Hwy 70 West. There are several buildings on the parcel
186 including a strip mall which houses the former Food Lion, a newly constructed mini-storage
187 building (Pinnacle Storage), and a boat/RV storage building. The Pinnacle Storage building
188 has been assigned the address of 51 Greenfield Heights Blvd. A 2021 aerial view of the site
189 and surrounding area is attached as Exhibit B-1 and does not include the new construction.

190

191 2. According to the Craven County Tax records, Parcel 6-039-008 is owned by Gordon Road
192 Storage, LLC.

193

194 3. The property is zoned HC (Highway Commercial) as are the properties to the east and south.
195 The properties to the west are zoned HC and GS (Governmental Services), and to the north
196 are zoned HC and LI (Light Industrial). (Exhibit B-2)

197

198 4. Equipment rental and leasing is permitted in the HC Zoning District with an SUP.

199

200 5. The property is 4.94 acres. A copy of a survey of the property is attached and shows the
201 proposed locations for the mini-storage and boat/RV storage buildings. (Exhibit C).

202

203 6. On June 17, 2020, an SUP was issued for Mini-storage (self-storage) for the property which
204 included the newly constructed building, conversion of the former Food Lion and
205 construction of a boat/RV storage building. (Exhibit D)

206

207 7. The current request is to additionally operate U-Haul rentals from the property. The office
208 rentals will be from the same office as the mini-storage rentals in the new mini-storage
209 building (51 Greenfield Heights Blvd.).

210

211 8. The rental vehicles and equipment will be parked in 14 spaces on the west side of the former
212 Food Lion. The original mini-storage plan provided 48 parking spaces, 24 more than
213 required. The parking spaces are not visible from the right-of-way.

214

215 8. On September 13, 2022, the SUP application was reviewed at the Technical Review
216 Committee (TRC) meeting. Ms. Morris, Tidewater Associates, LLC, presented the case on
217 behalf of the property owner. (Exhibit E)

218

219 The property is currently under construction. It is served by City of Havelock water and sewer and
220 City of New Bern Electric.

221

222 There are no Development Standards listed in the UDO for Equipment rental and leasing (with
223 outside storage). The property will still need to conform to the site plan approved for the mini-
224 storage. Should the number of trucks/trailers increase beyond the allotted 14 spaces, the parking
225 may not reduce the required number of parking spaces noted on the site plan. Any new signage to
226 be placed on the existing pole will require a Sign Permit.

227

228 The Planning Department staff supports the approval of the SUP.

229

230 As required, a copy of the Public Notice was mailed to the property owners, all adjacent property
231 owners and MCAS Cherry Point. The Certification of Mailing is included as Exhibit F. A Public
232 Notice sign was posted on the site.

233

234 The Future Land Use Map shows this area is classified as "Commercial." The typical uses within
235 this category include retail. This request is consistent with the City's Land Use Plan.

236

237

238 **Discussion:**

239 The Chair asked if the Board had any questions for the City.

240

241 In response to a question about maintenance of trucks on site, Ms. Morris answered that there will
242 be no maintenance of trucks on site as there is no capability to do so. After further discussion, Ms.
243 Morris agreed that there will also be no washing of vehicles on site either.

244

245 When asked about the size of the largest vehicle, Ms. Morris responded that the largest vehicle on
246 site will be the standard U-Haul truck with regular brakes and does not require special licensing.
247 She added that the site is fenced in and trucks will be kept within fenced area with employees
248 bringing the trucks to renters.

249

250 With no further questions, the Chair called for a motion to come out of Public Hearing. Ms. Liner
251 made the motion. Mr. Corbin seconded. The vote was unanimous (5-0).

252

253 The Chair asked if all members had visited the site. All responded that they had.

254

255 The Chair then read the findings:

- 256 1) *Will not endanger the public health or safety;*
257 2) *Will not adversely impact the value of adjoining or abutting property;*
258 3) *Will be in harmony with the area in which it is located;*
259 4) *Will not be affected adversely by the existing uses;*
260 5) *Will not constitute a nuisance or hazard because of the number of persons who will attend*
261 *or use the facility, vehicular movement, noise or fume generation, type of physical activity;*
262 6) *Will meet all minimum UDO regulations and standards of the zoning district in which it*
263 *will be located; and,*

264 7) *Will be in conformity with the land use plan, thoroughfare plan, or other plan officially*
265 *adopted by the Board of Commissioners.*
266

267 All Board members responded in the affirmative to each finding.
268

269 The Chair entertained a motion to approve the Special Use Permit for equipment rental and leasing
270 (with outside storage) at 51 Greenfield Heights Blvd., Havelock, NC 28532, tax parcel 6-039-008,
271 with the condition that no vehicular maintenance or washing of vehicles be allowed to affect EPA
272 stormwater regulations, based on the application following the findings found to be in the
273 affirmative.
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275 Ms. Lewis made the motion. Ms. Liner seconded. The vote was unanimous (5-0).
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277 **F. ADJOURNMENT**

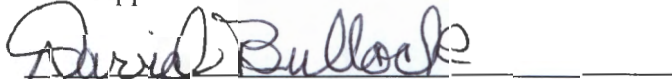
278 With no other business, Ms. Liner moved to adjourn. Mr. Corbin seconded, and the motion carried
279 unanimously (5-0). The meeting adjourned at 6:09 p.m.
280

281 Respectfully Submitted,

282 
283 Sandra Gahlinger, Secretary to the Board
284

285 March 1, 2023

286 Date Approved

287 
288 David Bullock, Chair
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