

May 25, 2006

The Greenville Board of Adjustment met on the above date at 7:00 PM in the City Council Chamber of the Municipal Building. The following members were present:

Ms. Ann Bellis, Vice Chair	
Mr. John Hutchens	Mr. Charles Ward
Ms. Renee Safford-White	Mr. Scott Shook
Mr. Steve Estes	Mr. Thomas Harwell

THOSE MEMBERS ABSENT: Dr. Wubneh and Joe Wright

VOTING MEMBERS: Bellis, Hutchens, Ward, Safford-White, Shook, Estes and Harwell.

OTHERS PRESENT: Mr. Wayne Harrison, Planner
Ms. Kathy Stanley, Secretary
Mr. Les Everett, Chief Building Inspector
Mr. Tim Corley, Engineer
Mr. Bill Little, Assistant City Attorney

MINUTES

Vice Chairman Bellis asked if there were any corrections to the minutes. Motion was made by Mr. Ward, seconded by Mr. Estes, to accept the April 27, 2006 minutes as presented. Motion carried unanimously.

REQUEST FOR A VARIANCE BY T. A. LOVING –MCCARTHY, A JOINT VENTURE – GRANTED WITH CONDITIONS

Vice Chair Bellis stated that the first item of business is a request by T. A. Loving-McCarthy, a joint venture for a variance. The applicant, T. A. Loving-McCarthy, a joint venture, has requested a variance from the height standards of the Airport Overlay zone, Section 9-3-5 of the Greenville City Code. The request is for a variance of a 133 foot above the maximum height standard of 177 feet above mean sea level. The property is located at 2100 Stantonsburg Road (Pitt County Memorial Hospital) and is further identified as Tax Parcel 29132.

Vice Chair Bellis declared the meeting a public hearing as advertised in The Daily Reflector on May 15, 2006 and May 22, 2006. Those wishing to speak for or against the request were sworn in.

Mr. Harrison delineated the area on the map. This application is made by T. A. Loving-McCarthy, a joint venture, for a variance from Section 9-3-5 of the Greenville City Code, which regulates height standards within the Airport Zoning Overlay and is to allow a temporary construction crane 133' above the height limit. The Airport Zone establishes the maximum height at this location to be 177' above mean sea level. The proposed crane will be use at the property located at 2100 Stantonsburg Road which is Pitt County Memorial Hospital and will be used to construct the Eastern Carolina Cardiovascular Institute. The property is further identified as being Tax Parcel Number 29132. The property is zoned MI which is Medical Institutional. North of the property is ECU medical school and is also zoned MI, south of the property is zoned MS, medical support and has various retail and offices located on it. East of the property is zoned MI, and Beverly Nursing Home is located there. West of the property is zoned MS and is the location of various Medical offices. The proposed Eastern Carolina Cardiovascular Institute will be located on the existing main campus of the hospital directly east of the main hospital and fronting along Moye Blvd. The proposed crane will be needed to construct the proposed structure. Airport Zoning limits the height of any structure to 177' above mean sea level. The proposed crane will extend to a height of 310' above mean sea level or 133' above the height limit. The property is located within Vision Area "F" as designated by the Comprehensive Plan. Management actions for Vision Area "F" supports the increase in number and intensity of medical related uses. The Land Use Plan Map recommends Medical Core for the subject property. Notice was mailed to the adjoining property owners on May 11, 2006 and notice of the Public hearing was published in the Daily Reflector on May 15th and 24th 2006. The criteria for voting on a variance is that the Board of Adjustment must find in favor of the applicant on each of the five following criteria in order to grant the requested variance.

1. Reasonable Return – The applicant could not comply with the literal terms of the ordinance and still secure a reasonable return or make reasonable use of the property.
2. Unique Circumstances – The hardship of which the applicant complains results from unique circumstances related to the applicant's land.

3. Hardship by Applicant's Action - The hardship is not the result of the applicant's own action.
4. General Purpose of the Ordinance – If granted, the variance would be in harmony with the general purpose and intent of the ordinance and would preserve its spirit.
5. Public Safety and Welfare – The granting of the variance must secure the public safety and welfare and does substantial justice.

Madam Chair, I ask that the finding of fact be entered into the record and there will be some additional facts that the applicant and Mr. Little will present about the airport and I will be glad to answer and questions that the board may have.

Applicant: T. A. Loving-McCarthy, a joint venture

Request: The applicant, T. A. Loving-McCarthy, a joint venture, desires a variance from Section 9-3-5 of the Greenville City Code, which regulates height standards within the Airport Zoning Overlay to allow a temporary construction crane 133' above the height limit.

Location: The property is located at 2100 Stantonsburg Road (Pitt County Memorial Hospital). The property is further identified as being Tax Parcel Number 29132.

Zoning of Property: MI (Medical Institutional)
The Airport Zone establishes the maximum height at this location to be 177' above mean sea level.

Surrounding Development:

Zoning

North: ECU Medical School

MI (Medical Institutional)

South: Retail & Offices

MS (Medical Support)

East: Nursing Home

MI (Medical Institutional)

West: Medical Offices

MS (Medical Support)

Description of Property:

The proposed Eastern Carolina Cardiovascular Institute will be located on the

existing main campus of the hospital directly east of the main hospital and fronting along Moye Blvd. The proposed crane will be needed to construct the associated Institute structure. Airport Zoning limits the height of any structure to 177' above mean sea level. The proposed crane will extend to a height of 310' above mean sea level or 133' above the height limit.

Comprehensive Plan:

The property is located within Vision Area "F" as designated by the Comprehensive Plan. Management actions for Vision Areas "F" supports the increase in number and intensity of medical related uses. The Land Use Plan Map recommends Medical Core for the subject property.

Notice:

Notice was mailed to the adjoining property owners on May 11, 2006. Notice of the public hearing was published in the Daily Reflector on May 15, 2006 and May 22, 2006.

Variance Criteria:

The Board of Adjustment must find in favor of the applicant on each criteria in order to grant the requested variance.

1. Reasonable Return – The applicant could not comply with the literal terms of the ordinance and still secure a reasonable return or make reasonable use of the property.
2. Unique Circumstances – The hardship of which the applicant complains results from unique circumstances related to the applicant's land.
3. Hardship by Applicant's Action - The hardship is not the result of the applicant's own action.
4. General Purpose of the Ordinance – If granted, the variance would be in harmony with the general purpose and intent of the ordinance and would preserve its spirit.

5. Public Safety and Welfare – The granting of the variance must secure the public safety and welfare and does substantial justice.

Staff Comments:

Planning staff does not object to the requested variance provided that the Federal Aviation Administration and the Pitt Greenville Airport Manager does not have any objections.

Mr. Hutchens asked if the documents from the FAA included in the packet is part of the findings of fact.

Mr. Harrison stated the documents are considered part of the findings of facts.

Mr. Little explained that they are part of the findings of fact as well as part of the evidence for the Board to consider.

Mr. Ward stated that a variance was requested earlier by the hospital when they were constructing the building.

Mr. Little stated that was November 17, 2005 for a variance by the contractor of the hospital. Mr. Little explained the variance request on November 17th was for the Heart Tower. That request was for a variance because it was also above the limits established by 14CFR 77, which is the FAA regulation dealing with noise, height, and air hazards. Mr. Little explained in detail what the contractor and applicant did was divided into two parts, one for the actual construction of the building and one for the crane because it is a temporary equipment. Mr. Little went on to explain the FAA regulations and requirements in respect to 14 CFR 77. Mr. Little explained that the Board would need to consider is that it notes by the regulation that if the FAA Administrator has determined that such a determination last 18 months from the date of the request/decision until they come back and make an additional request for an extension. Mr. Little explained that if the Board grants the variance they could condition it by stating they have to return to the Board if they want an extension or that the variance is granted as long as the Administrator of the FAA determines that there is no air space hazard.

Mr. Ben Johanneman, Project Manager, T.A. Loving-McCarthy, spoke on behalf of the request. Mr. Mr. Johanneman made reference to the information included in the

packets. Mr. Johanneman stated that the crane will extend no higher than 236 feet above the ground. Mr. Johanneman explained that the crane will have a red flashing light and white strobe light at the end of the far tip of the crane and the end of the boom and be lower at night to 120 feet above the ground. A flag will be placed at the tallest portion of the crane.

There was discussion in regards to the height of the crane and its purpose.

No one spoke in opposition.

Mr. Harrison stated that the Planning staff does not object to the requested variance provided that the Federal Aviation Administration and the Pitt Greenville Airport Manager does not have any objections.

Vice Chair Bellis read the criteria in granting/denying a variance. Reasonable Return, Unique Circumstances, Hardship by Applicant's Action, General Purpose of the Ordinance and Safety and Welfare.

Mr. Harwell asked for a vote on Safety and Welfare.

Vice Chair Bellis called for a vote. Those voting in favor were: Bellis, Hutchens, Ward, Safford-White, Shook and Estes. Those voting in opposition: Harwell.

Motion was made by Mr. Hutchens, seconded by Mr. Ward, to adopt the proposed findings of fact and evidence presented. Motion carried unanimously.

Motion was made by Mr. Estes, seconded by Mr. Ward, to approve the variance. Motion carried unanimously.

Motion was made by Mr. Hutchens, seconded by Mr. Ward, to add the condition that the variance is effective as long as the FAA approval is effective. Motion carried unanimously.

Motion was made by Mr. Ward, seconded by Mr. Estes to approve the variance with the condition. Motion carried unanimously.

Based on the facts found by the Board and the evidence presented, the Board orders that this permit be granted and subject to full compliance with all of the specific

requirements stated in the Zoning Ordinance of the City of Greenville for the proposed use.

INFORMATION

Mr. Harrison stated that staff has checked on the day care with the possible sign violation. Mr. Harrison stated that a notice of violation was sent out and the signs have been removed.

There being no further business the meeting adjourned at 7:47 PM.

Respectfully submitted

Wayne Harrison
Planner