

March 24, 2005

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:

Mr. Charles Farley, Chairman	
Ms. Sharon McLawhorn	Ms. Ann Bellis
Mr. Thomas Harwell	Dr. Multau Wubneh
Mr. Jack Warren	Mr. Joe Wright
Mr. William Dunn	Mr. Charles Ward

THOSE MEMBERS ABSENT: Mr. John Hutchens

VOTING MEMBERS: Farley, McLawhorn, Bellis, Harwell, Wubneh, Warren, Wright, Ward and Dunn

OTHERS PRESENT: Mr. Ed Lynch, Planner  
Ms. Kathy Stanley, Secretary  
Mr. Les Everett, Chief Building Inspector  
Mr. Merrill Flood, Deputy Director of Planning & CD  
Mr. Koehler Queen, Engineer  
Mr. Bill Little, Assistant City Attorney

#### MINUTES

Chairman Farley asked if there were any corrections to the minutes. Motion was made by Mr. Harwell, seconded by Mr. Wright to accept the February 24, 2005 and March 9, 2005 minutes as presented. Motion carried unanimously.

#### REQUEST FOR A SPECIAL USE PERMIT BY TRACY ROUSE – GRANTED

Chairman Farley stated that the first item of business is a request by Tracy Rouse. Ms. Rouse was not in attendance therefore the Board moved to the second public hearing.

#### REQUEST BY KRISTI ALLEN – GRANTED

Chairman Farley stated that this is a request for a public hearing by Kristi Allen. The applicant, Kristi Allen, requests a special use permit to allow a child daycare center, pursuant to Section 9-4-78(f)(8)a of the Greenville City Code. The property is located in the proposed North Creek Commercial Park, Lot 6 and is currently identified as Tax Parcel 02262 off Old Creek Road and Greenville Boulevard.

Chairman Farley declared the meeting a public hearing as advertised in The Daily Reflector on March 14, 2005 and March 21, 2005. Those wishing to speak for or against the request were sworn in.

Mr. Lynch delineated the area on the map. This is a request for a special use permit to allow the use of property off Old Creek Road for a child day care facility. The proposed use is to be located in a proposed commercial subdivision off Old Creek

Road, east of Greenville Boulevard. Currently the property is vacant farmland. There is a proposed commercial subdivision on the tract and a rezoning petition to CH to go along with it. A child day care facility is a special use in either the CH or the RA-20 Districts. The proposed lot within this subdivision is approximately 3 acres. The property is located within Vision Area "B" of the Comprehensive Plan. The Land Use Plan Map recommends (Commercial) use for this property. It is the determination of staff that the proposed is in general compliance with the Land Use Plan. Mr. Lynch read the definition of a child day care facility. Mr. Lynch asked that the proposed Findings of Fact be entered into the record.

Applicant: Jeanette A Smith

Request: The applicant, Kristi Allen, desires a special use permit to allow the use of property located off Old Creek Road for a Child Day Care Facility pursuant to Section 9-4-78(f)(8)a of the Greenville City Code.

Location: The proposed use is to be located in a proposed commercial subdivision off Old Creek Road, east of Greenville Boulevard. The property is further identified as being a portion of Tax Parcel Number 02262.

Zoning of Property: RA-20 (Rural Residential)

<u>Surrounding Development:</u>	<u>Zoning</u>
North: Vacant	RA-20 (Rural Residential)
South: Commercial	CH (Heavy Commercial)
East: Vacant	RA-20 (Rural Residential)
West: Commercial	CH (Heavy Commercial)

Description of Property:

Currently the property is vacant farmland. There is a proposed commercial subdivision on the tract and a rezoning petition to CH to go along with it. A Child Day Care Facility is a special use in either the CH or the RA-20 Districts. The proposed lot within this subdivision is approximately 3 acres.

Comprehensive Plan:

The property is located within Vision Area "B" of the Comprehensive Plan. The Land Use Plan Map recommends commercial use for this property. It is the determination of staff that the proposed is in general compliance with the Land Use Plan.

Comments:

*Day care; child.* An establishment which provides for the care and supervision of six (6) or more children away from their homes by persons other than their family members, custodians or guardians for periods not to exceed eighteen (18) hours within any twenty-four-hour period.

(e) *Child day care facilities.*

- (1) All accessory structures, including but not limited to playground equipment and pools must be located in the rear yard.
- (2) The minimum lot size shall be increased by a ratio of one hundred (100) square feet per child in excess of five (5).
- (3) Outdoor play area shall be provided at a ratio of one hundred (100) square feet per child and shall be enclosed by a fence at least four (4) feet in height. Further, all playground equipment shall be located in accordance with the bufferyard regulations.
- (4) If located in a residential district, a residential appearance of the site shall be maintained to the greatest possible extent.
- (5) Employee parking shall be at the rear of the structure when a child day care facility is located in a residential district.

Notice:

Notice was mailed to the adjoining property owners on March 10, 2005. Notice of the public hearing was published in the Daily Reflector on March 14, 2005 and March 21, 2005.

Staff Recommendation:

Site plan approval required prior to issuance of a building permit. All construction is required to meet NC State Building Codes.

Planning staff is of the opinion that the request can meet all of the developmental standards required for the issuance of a special use permit.

Ms. Allen spoke on behalf of her request. Ms. Allen stated that she plans to have approximately 139 children at full capacity. There will be 15 full time staff persons and 15 part-time staff persons.

Chairman Farley then read the criteria in granting/denying a special use permit.

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

Motion was made by Ms. McLawhorn, seconded by Mr. Dunn, to approve the request. 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.

REQUEST FOR A SPECIAL USE PERMIT BY TRACY ROUSE – GRANTED

Chairman Farley stated that the next item is a request by Tracy Rouse. The applicant, Tracy M Rouse, requests a special use permit to allow a home occupation

specifically a home child daycare, pursuant to Section 9-4-78(f)(3)b of the Greenville City Code. The property is located at 908 Peed Drive and is further identified as Tax Parcel 43003.

Chairman Farley declared the meeting a public hearing as advertised in The Daily Reflector on March 14, 2005 and March 21, 2005. Those wishing to speak for or against the request were sworn in.

Mr. Lynch delineated the area on the map. The proposed home occupation is located at 908 Peed Drive. The property has an existing residential structure that was built in 1997. The property is located at the Summerfield Subdivision off S Memorial Drive. The neighborhood is entirely single-family housing. The single-family dwelling has 1,318 heated square feet. The property has driveway access on Peed Drive. The property is located within Vision Area "E" of the City of Greenville Comprehensive Land Use Plan. The Land Use Plan allows home occupations, provided that they comply with the specific standards upon issuance of a special use permit by the Board of Adjustment. Mr. Lynch read the characteristics for a home occupation that the applicant must comply with if granted the permit. Mr. Lynch asked that the findings of fact be entered into the record.

Applicant: Tracy M Rouse

Request: The applicant, Tracy Rouse, desires a special use permit to establish of a home occupation (Child Day Care) pursuant to Section 9-4-7-78(f)(3)a and 9-4-86(v) of the Greenville City Code.

Location: The proposed home occupation is located at 908 Peed Drive. The property has an existing residential structure that was built in 1997. The property is further identified as being Tax Parcel Number 43003.

Zoning of Property: R-6 (High Density Residential)

<u>Surrounding Development:</u>	<u>Zoning</u>
North: Residence	R15-S (Single Family Residential)
South: Residence	R-6 (High Density Residential)
East: Residence	R-6 (High Density Residential)
West: Residence	R-6 (High Density Residential)

Description of Property:

The property is located at the Summerfield Subdivision off S Memorial Drive. The neighborhood is entirely single-family housing. The single-family dwelling located on the lot has 1318 heated square feet. The property has driveway access on Peed Drive.

Comprehensive Plan:

The property is located within Vision Area "E" of the City of Greenville

Comprehensive Land Use Plan. The Land Use Plan allows home occupations, provided that they comply with the specific standards upon issuance of a special use permit by the board of adjustment.

Notice:

Notice was mailed to the adjoining property owners on March 10, 2005. Notice of a public hearing was published in the Daily Reflector on March 14, 2005 and March 21, 2005.

Staff Comments:

If approved, the applicant shall comply with the following pursuant to Section 9-4-86, Specific Criteria:

Home Occupations shall meet the following characteristics:

1. Shall be only permitted within single-family dwellings;
2. Shall not be permitted within any accessory buildings;
3. Shall constitute an accessory use to the principal use;
4. Shall not occupy more than (20) percent of the heated floor space of the dwelling unit (maximum of 263 square feet in this case)
5. Shall not employ more than one (1) person other than those legally residing within the principal use dwelling;
6. Shall not be visible from any public street right-of-way or adjacent property line;
7. Shall not involve the on-site sale of products;
8. Shall not involve the outside storage of related materials, parts or supplies;
9. Shall have signage in accordance with article N, Signs; and
10. Shall not create any hazard or nuisance to the occupants residing or working within the principle use dwelling or to area residents or properties.

A Home Occupation is an activity conducted for financial gain in an owner occupied dwelling. If the applicant is issued a special use permit for a home occupation she must occupy the home as a residence.

Staff is under the opinion that the request meets all the development standards required for the issuance of a special use permit.

Operation of a child day care is required to comply with all standards and obtain licensure from the State of North Carolina.

Ms. Rouse stated that she desires to open a child day care center in her home. Ms. Rouse stated she is aware of the State and local regulations she must meet.

Ms. Juanita Robinson stated she supports Ms. Rouse opening a child day care center. Ms. Robinson stated she would not hesitate to have Ms. Rouse keep her child.

Motion was made by Mr. Harwell, seconded by Mr. Wright, to use the total house square footage submitted by the applicant (1,338) and add an additional four (4) square feet to the total heated floor space dedicated to the home occupation. Motion carried unanimously.

Motion was made by Mr. Harwell, seconded by Mr. Wright, to add all city, state and federal regulation requirements as conditions to the permit.

Chairman Farley then read the criteria in granting/denying a special use permit.

Motion was made by Ms. Bellis, seconded by Mr. Dunn, to adopt the proposed findings of fact and evidence amended. Motion carried unanimously.

Motion was made by Mr. Wright, seconded by Ms. Bellis, to approve the request. 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.

There being no further business the meeting adjourned at 8 PM.

Respectfully submitted

Ed Lynch, AICP  
Planner

APPROVED

Charles Farley, Chair