

PITT COUNTY BOARD OF ADJUSTMENT
DRAFT MINUTES – January 24, 2017
GREENVILLE, NORTH CAROLINA

The Pitt County Board of Adjustment met in a regular session on Tuesday, January 24, 2017 at 5:30 p.m. in the EUGENE JAMES AUDITORIUM of the Pitt County Office Building, 1717 W. 5th Street, Greenville, North Carolina.

1. CALL TO ORDER

Chairman Stokes called the meeting to order at 5:30 p.m. and welcomed guests.

2. PLEDGE OF ALLEGIANCE

Chairman Stokes led the Board in a moment of silent prayer and Faye Barefoot led the Pledge of Allegiance.

The following members were present:

David Davenport Joe Whitaker
Rex Fleming
Porter Stokes

Alternate Members

Faye Barefoot

The following members were not present:

Donald Skinner

Alternate Members

Lee Ball

Staff in Attendance:

James Rhodes, Planning Director
Tabitha Auten, Office Manager
Eric Gooby, Planner III
Jordan Smith, Assistant County Attorney

3. APPROVAL OF MINUTES OF MARCH 22, 2016 MEETING

UPON MOTION by Rex Fleming, seconded by Joe Whitaker, the Pitt County Board of Adjustment voted unanimously to approve the minutes of the March 22, 2016 meeting.

ADMINISTRATIVE MATTERS

4. BOARD OF ADJUSTMENT APPOINTMENTS AND REAPPOINTMENTS

Mr. Rhodes acknowledged new appointments and reappointments to the Board. North Carolina's State Constitution requires that all individuals elected or appointed to office take an oath. David Davenport were administered the oath of office by Ms. Auten.

5. ELECTION OF OFFICERS/ALTERNATE MEMBERS

Mr. Rhodes advised the Chairman presides over the Board's meetings and administers oaths to witnesses coming before the Board. The Vice-Chairman assumes the roles of Chairman during his or her absence. Mr. Rhodes noted both the Chairman and Vice-Chairman may participate in all deliberations and may vote on all issues.

Jordan Smith, Assistant County Attorney opened the floor for nomination for Chairman and Vice-Chairman.

UPON MOTION by Faye Barefoot, seconded by Rex Fleming, the Board of Adjustment voted unanimously to re-elect Porter Stokes for Chairman and Joe Whitaker for Vice-Chairman.

Mr. Rhodes provided the Board with information on the designation of first and second alternate. He stated Faye Barefoot has been serving as first alternate and Lee Ball as second alternate. The Board agreed to allow the alternate members to retain their existing designations.

6. BOARD OF ADJUSTMENT RULES AND PROCEDURES

Mr. Rhodes presented the Board with the Board of Adjustment Rules of Procedure.

TRAINING SESSION

7. HISTORY AND OVERVIEW OF THE PITT COUNTY BOARD OF ADJUSTMENT – JAMES RHODES

Mr. Rhodes provided the Board with the history and overview of the Board of Adjustment. Mr. Rhodes stated under the Rules of Procedures the Board of Adjustment is an appointed, quasi-judicial body formed for the purpose of hearing and deciding appeals, variance requests, and requests for interpretations from the zoning ordinance. Mr. Rhodes advised the Board's regular meetings are held on the 4th Tuesday of each month at 5:30 p.m.

Mr. Rhodes provided an overview of the Pitt County Comprehensive Land Use Plan adopted on April 15, 2002, and last amended on December 5, 2011.

Mr. Rhodes provided an overview of the Pitt County Zoning Ordinance that became effective on November 3, 2003, and is amended periodically as necessary. Mr. Rhodes advised the Board of Adjustment's purpose is to hear and decide on appeals from the decision or interpretations made by the Zoning Administrator. The Board hears and decides on special use permits, variances, requests for special exceptions, and any other matter that Board is required to act upon by other County ordinances. Mr. Rhodes provided the Board with examples of special use permits.

8. BOARD OF ADJUSTMENT TRAINING SESSION – ERIC GOOBY

Mr. Gooby provided the Board with a brief overview of the governmental roles in planning. He explained the differences between legislative boards (Board of Commissioners), advisory boards (Planning Board), quasi-judicial (Board of Adjustment) and administrative staff.

Mr. Gooby explained in detail the key differences between legislative and quasi-judicial decisions such as evidence, findings, and voting. He explained to the Board the local government authority to regulate land uses.

Mr. Gooby provided insight into vested rights and nonconformities.

Mr. Gooby explained the make-up and function of the Board of Adjustment, conflicts of interest, and open meeting laws. Mr. Gooby also described the rules of quasi-judicial decisions and elaborated on appeals/interpretations, special use permits, variances, and special exceptions.

Following the presentation, the Board was given several examples of issues they might face while serving on the Board. Members were then asked to provide their decision based upon the evidence presented to them.

ZONING ADMINISTRATION

9. ZONING ORDINANCE TEXT AMENDMENT – MINIMUM DISTANCE FOR MAILED PUBLIC HEARING NOTICES

Mr. Gooby advised the Board at its November 16, 2016 the Board reviewed the proposed amendments to Pitt County Zoning Ordinance to increase the minimum distance for providing mailed notices to adjacent owners for public hearings. Planning staff mailed hearing notices to property owners within 100 feet of any property subject to a public hearing for rezoning, conditional/special use permits, and variances. Staff proposed to increase the minimum distance to 500 feet in order to allow notice to be provided to additional property owners within the vicinity that may have interest in such requests.

Mr. Gooby advised that the Board of County Commissioners approved the amendment at its December 19, 2016 meeting with an effective date of January 1, 2017, and adopted the replacement pages in the code of ordinances book and updated the historical notes.

10. ZONING ORDINANCE TEXT AMENDMENT – EXPIRATION OF PERMITS

Mr. Gooby advised the Board at its September 21st meeting the Board reviewed the proposed amendments to the Pitt County Zoning Ordinance to increase the amount of time before zoning, special use, and conditional use permits automatically expire. The Zoning Ordinance required that permits automatically expire after six (6) months if the use has not yet commenced, or less than 10% of the total cost of construction has been completed on-site. Time extensions may be granted for periods of up to six (6) months without resort to the formal process or fees required for a new application. Such extensions may only be granted if the permit has not yet expired, the permit recipient has proceeded with due

diligence and in good faith, and conditions have not changed so substantially as to warrant a new application. Planning staff proposed to increase the time period to one (1) year which will allow more time for additional regulatory approvals to be obtained, and will reduce the number of permit extension requests.

Mr. Gooby advised that the Board of County Commissioners approved the amendment at its December 19, 2016 meeting with an effective date of January 1, 2017, and adopted the replacement pages in the code of ordinances book and updated the historical notes.

11. ZONING ORDINANCE TEXT AMENDMENT – RECREATIONAL VEHICLES, RECREATION VEHICLE PARKS, AND TINY HOUSES

Mr. Gooby advised the Board at its November 16, 2016 meeting they reviewed the proposed amendments to the Pitt County Zoning Ordinance for recreational vehicles, recreational vehicle parks, and tiny houses. Recent information received from the North Carolina Department of Insurance and North Carolina Department of Public Health has provided some guidelines that help clarify how certain types of RV's can be setup and occupied. Mr. Gooby stated Pitt County has had permit requests for RV's in the past with very little regulation in place. The goal with the amendments will be to ensure that applicants know how RV's, Park Models, and Tiny Homes may be permitted and occupied, while maintaining compliance with North Carolina Building Codes and Department of Public Health Regulations.

Mr. Gooby advised that the Board of County Commissioners heard the proposed amendments at its December 19, 2016 meeting, and tabled the item, requesting Planning staff to research the proposed amendments further.

12. SUBDIVISION ORDINANCE AMENDMENTS – STREET INTERCONNECTIVITY

Mr. Gooby advised the Board a recent ruling by the Court of Appeals (Butterworth v. City of Asheville) states that land use decisions based on ordinances with subjective standards require that the decision-maker follow quasi-judicial proceedings. Additionally, a recent publication of the UNC School of Government, Land Subdivision Regulation in North Carolina, reiterates this same position, but also states that ordinances with objective standards can be approved by decision-makers without a quasi-judicial hearing.

Mr. Gooby stated Planning and Legal staff members reviewed the Pitt County Subdivision Ordinance and agreed the standards regarding street interconnectivity were somewhat subjective. Mr. Gooby advised the Board that at the October 17, 2016 Board of County Commissioners meeting the Board adopted the recommended changes to the Subdivision Ordinance to place objective standards on the location of stub-roads and on the design of road networks within proposed subdivisions.

INFORMATIONAL ITEMS

10. 2017 DEPARTMENT WORK PROGRAM

Mr. Rhodes shared major projects and activities the Planning Department will be involved with in 2017.

11. NEXT MEETING DATE – TUESDAY, FEBRUARY 28, 2017 AT 5:30P.M.

12. ADJOURNMENT

There being no further business, the Pitt County Board of Adjustment adjourned at 7:00pm.

Respectfully submitted,
/s/James Rhodes
Executive Secretary