City of Washington
Planning & Inspections

BOARD OF ADJUSTMENT AGENDA
Regular Scheduled Meeting
Thursday, April 12, 2018
6:00 PM

I. Opening of the meeting

II. Invocation

III. Roll call

IV. Old Business

1. **Board of Adjustment training session from 6:00 – 7:00.**

V. New Business

1. A request has been made by IBX Development Co. for a **Variance** from Section 40-263 of the City of Washington Zoning Ordinance, Article X Flood Damage Prevention (Provisions for flood hazard reduction) requirements of the property located at **227 Water Street**. The property is zoned B1H and currently located within the 100 year flood plain.

2. A request has been made by Austin Smithwick for a **Special Use Permit** to allow a club at the property located at **227 Water Street**. The property is zoned B1H. Clubs, both public and private, within the B1H zoning district require a special use permit as provided under Section 40-93 Table of Uses.

VI. Other Business

1. None

VII. Approval of minutes

City of Washington
NORTH CAROLINA

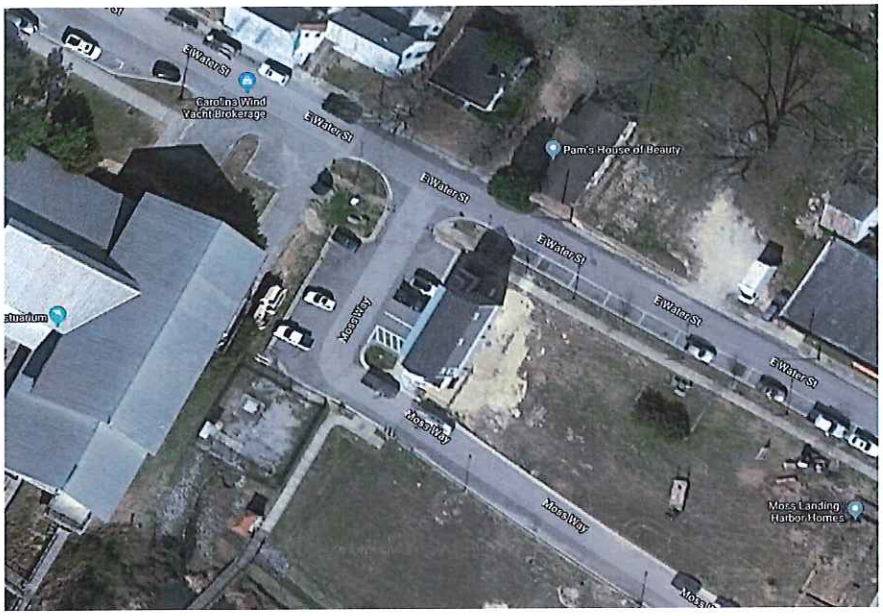
Variance Request

IBX Development Co.
227 Water Street
Washington, NC

Variance Request

City of Washington
Planning & Inspections

227 Water Street



A request has been made by IBX Development Co. for a **Variance** from Section 40-263 of the City of Washington Zoning Ordinance, Article X Flood Damage Prevention (Provisions for flood hazard reduction) requirements of the property located at **227 Water Street**. The property is zoned B1H and currently located within the 100 year flood plain.

City of Washington
Department of Planning and Development
Application for a Variance

Page 1: Applicant Information & Statement, Relevant Factors

Date: 3/26/2018	Fee:
Applicant: IBX DEVELOPMENT CO. MOSS LANDING MARINA	
Address: 1589 W. 5th ST. WASHINGTON AUSTIN Smithwick	
Phone No.: 252-945-8353	
Location of property for which variance is requested: 227 WATER ST. WASHINGTON NC (Address of Property)	
Parcel Tax Card No.:	Zone:

TO THE BOARD OF ADJUSTMENT:

I, Austin Smithwick, (Name of Applicant)

hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the City of Washington Zoning Ordinance because it prohibits the use of the parcel of land described above in a manner shown by the attached plot plan. I request a variance from the following provisions of the ordinance:

FLOOD ZONE ELEVATION RESTRICTIONS

so that the property can be used in a manner indicated by the attached plot plan or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein: OPERATE A SHIPS STORE ON THE GROUND LEVEL OF THE FACILITY

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance:

a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.

b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and

c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

Continue to Page 2 of the Variance Application

Return to: [Home] [Planning & Development] [Zoning Applications & Forms]

V1

City of Washington
Department of Planning and Development
Application for a Variance
Page 2: Applicant Responses to Relevant Factors, Pt. 1

In the spaces provided below, indicate the <u>facts</u> that you intend to show and the <u>arguments</u> that you intend to make to convince the Board that it can properly reach these three required conclusions.

a. THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE.
The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist.
State facts and arguments in support of each of the following:

(1) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property.
Note: It is not sufficient that failure to grant the variance simply makes the property less valuable.

Statement by Applicant: WE HAVE INVESTED APPROXIMATELY TWO MILLION DOLLARS IN THE CONSTRUCTION OF A 52 SLIP MARINA AND BATHHOUSE/OFFICE/SHIPSSTORE COMPLEX AT 227 WATER STREET. THE LOWER LEVEL IS THE ONLY AREA LARGE ENOUGH TO SERVE AS A SHIPS STORE.

(2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land.
Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land. Hardship in this sense means only a physical problem with the land, i.e. a ditch which runs through the property.

Statement by Applicant: THE ECONOMIC SUCCESS OF THE ENTIRE MARINA DEPENDS ON THE SHIPS STORE AS A PROFIT CENTER AND OPERATIONS CENTER. IT IS IMPERATIVE IT BE ON A GROUND FLOOR LEVEL BECAUSE OF ACCESS TO CUSTOMERS AND EQUIPMENT MOVEMENT.

(3) The hardship is not the result of the applicant's own actions.

Statement by Applicant: THE CONSTRUCTION AND ELEVATIONS OF THE FACILITY WERE DICTATED BY THE DEVELOPER TO ENSURE CONTINUITY IN THE DEVELOPMENT. WE WERE NEVER INFORMED THAT WE COULD NOT OPERATE FROM THE GROUND FLOOR - WE CALLED THE PLANNING DEPARTMENT BEFORE CONSTRUCTING THE SHIPS STORE AND WERE TOLD EVERYTHING WAS OK.

Continue to Page 3 of the Variance Application
Return to: [Home] [Planning & Development] [Zoning Applications & Forms]

City of Washington
Department of Planning and Development
Application for a Variance
Page 3: Applicant Responses to Relevant Factors, Pt. 2

In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

b. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT.

State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land, and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.

Statement by Applicant: THE ELEVATION OF THE GROUND FLOOR OF THIS PROPERTY IS CURRENTLY 7.57 FEET- THE FEMA FLOOD MAPS HAVE ALREADY BEEN REDRAWN AND WILL BECOME EFFECTIVE IN 2019. THE NEW FLOOD ELEVATION FOR THIS PROPERTY HAS BEEN REDUCED TO 6 FT - REMOVING IT ENTIRELY FROM THE FLOOD ZONE.

c. THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE.

State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.

Statement by Applicant: MOSS LANDING MARINA IS A PUBLIC MARINA BEING ENJOYED AND UTILIZED BY OVER 50 FAMILIES. IT'S ECONOMIC IMPACT AND TAX BASE IS VITAL TO THE MERCHANTS OF WASHINGTON AND THE CITY ITSELF. THE LOSS TO THE WASHINGTON WATERFRONT DISTRICT WOULD BE SUBSTANCIAL SHOULD IT CLOSE.

NOTE: APPLICANTS, AND/OR THEIR AGENTS OR PARTIES OF INTEREST ARE PROHIBITED FROM ANY CONTACT IN RELATION TO THIS MATTER WITH BOARD OF ADJUSTMENT MEMBERS OR PLANNING BOARD MEMBERS PRIOR TO THE PUBLIC HEARING.

I certify that all of the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Respectfully submitted, this 26 day of March, 2018.

(Signature of Applicant)

Continue to Page 4 of the Variance Application

Return to: [Home] [Planning & Development] [Zoning Applications & Forms]

U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

OMB No. 1660-0008
Expiration Date: November 30, 2018

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1–9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION

FOR INSURANCE COMPANY USE

A1. Building Owner's Name
IBX Development

Policy Number:

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
227 East Water Street

Company NAIC Number:

City	State	ZIP Code
Washington	North Carolina	27889

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
NC Pin Number 5675-97-1141

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) Residential

A5. Latitude/Longitude: Lat. 35.53999 Long. 77.05304 Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 7

A8. For a building with a crawlspace or enclosure(s):

a) Square footage of crawlspace or enclosure(s) 605.64 sq ft

b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 2

c) Total net area of flood openings in A8.b 710 sq in

d) Engineered flood openings? ☐ Yes ☒ No

A9. For a building with an attached garage:

a) Square footage of attached garage _____ sq ft

b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade _____

c) Total net area of flood openings in A9.b _____ sq in

d) Engineered flood openings? ☐ Yes ☐ No

SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number	B2. County Name	B3. State
City of Washington 370017	Beaufort	North Carolina

B4. Map/Panel Number	B5. Suffix	B6. FIRM Index Date	B7. FIRM Panel Effective/ Revised Date	B8. Flood Zone(s)	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth)
3720567500J	J	05/15/2003	07/07/2014	AE	10.00'

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9:
☒ FIS Profile ☐ FIRM ☐ Community Determined ☐ Other/Source: _____

B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No
Designation Date: _____ ☐ CBRS ☐ OPA

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 227 East Water Street			Policy Number:
City Washington	State North Carolina	ZIP Code 27889	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: GPS-VRS NC Network Vertical Datum: _____

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

		Check the measurement used.	
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	7.57	☒ feet	☐ meters
b) Top of the next higher floor	17.22	☒ feet	☐ meters
c) Bottom of the lowest horizontal structural member (V Zones only)	N/A	☒ feet	☐ meters
d) Attached garage (top of slab)	N/A	☒ feet	☐ meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	11.50	☒ feet	☐ meters
f) Lowest adjacent (finished) grade next to building (LAG)	6.91	☒ feet	☐ meters
g) Highest adjacent (finished) grade next to building (HAG)	9.63	☒ feet	☐ meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	8.25	☒ feet	☐ meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. *I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.*

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.

Certifier's Name Hugh A. Sorrell	License Number L-2849	
Title Professional Land Surveyor		
Company Name Sorrell Land Surveying Inc.		
Address 107 Union Drive, Suite 101		
City Washington	State North Carolina	ZIP Code 27889
Signature	Date 10/19/2016	Telephone (252) 948-2464

NORTH CAROLINA PROFESSIONAL SEAL L-2849 LAND SURVEYOR HUGH A. SORRELL

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

C2e. Lowest machinery is a air condition unit.

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 227 East Water Street			Policy Number:
City Washington	State North Carolina	ZIP Code 27889	Company NAIC Number

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B,and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).

a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is _____ . _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name			
Address	City	State	ZIP Code
Signature	Date	Telephone	

Comments

☐ Check here if attachments.

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 227 East Water Street			Policy Number:
City Washington	State North Carolina	ZIP Code 27889	Company NAIC Number

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued

G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____.____ ☐ feet ☐ meters Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____.____ ☐ feet ☐ meters Datum _____

G10. Community's design flood elevation: _____.____ ☐ feet ☐ meters Datum _____

Local Official's Name	Title
Community Name	Telephone
Signature	Date

Comments (including type of equipment and location, per C2(e), if applicable)

☐ Check here if attachments.

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

OMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 227 East Water Street			Policy Number:
City Washington	State North Carolina	ZIP Code 27889	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

Photo One

Photo One Caption Front View, Picture Taken 10/19/2016

Photo Two

Photo Two Caption Rear View, Picture Taken 10/19/2016

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS
Continuation Page

OMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 227 East Water Street			Policy Number:
City Washington	State North Carolina	ZIP Code 27889	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

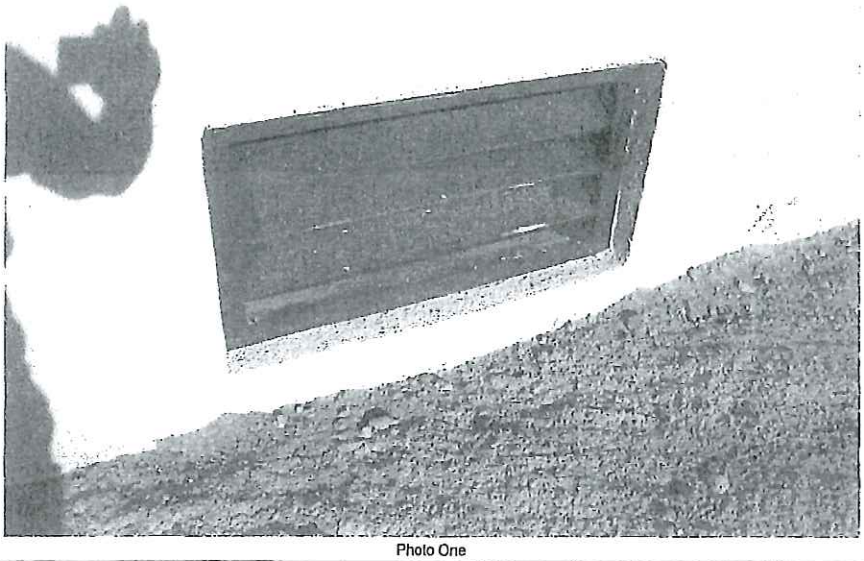


Photo One

Photo One Caption Flood Vents, Picture taken 10/19/2016

Photo Two

Photo Two

Photo Two Caption

City of Washington
Planning & Inspections

102 East Second Street
Washington, NC 27889
252-975-9383

April 5, 2018

Subject: Variance Request

Dear Adjoining Property Owner:

The Department of Planning and Development has received a request from IBX Development Co. for a **Variance** from Section 40-263 of the City of Washington Zoning Ordinance, Article X Flood Damage Prevention (Provisions for flood hazard reduction) requirements of the property located at 227 Water Street. The property is currently zoned B1H and located within the 100 year flood plain.

The Board of Adjustment will hold its public hearing on the Variance request at the following date and time:

Date:	**Thursday, April 12, 2018**
Place:	**City Council Chambers - City Hall - Municipal Building, 102 East Second Street. Enter from the Market Street side of the building and go to the second floor.**
Time:	**7:00 P.M.**

The public is welcome to attend this public hearing and present evidence either in support of or in opposition to the request.

During the meantime, should you have any questions, please feel free to call the Department of Planning and Development at 975-9317 during normal working hours Monday through Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,

Glen Moore
Planning Administrator

City of Washington
NORTH CAROLINA

Special Use Request

Austin Smithwick
227 Water Street
Washington, NC

City of Washington
Department of Planning and Development
Application for a Special Use Permit
Page 1: Applicant Information

Date:	3/26/17
Fee is $125.00	Date paid:
Applicant Name:	Austin Smithwick
Address:	1589 W 5th St Washington NC 27889
Phone Number:	252-945-8353
Location of Proposed Special Use:	227 Water St
Purpose of Special Use:	Allow the sale of alcohol
Reason for Special Use:	Fill a need
Property Zoned:	(X) City ( ) ETJ
Authority to grant the requested special use is contained in the Zoning Ordinance, Section:	
Parcel Tax Card #	

To be completed by Applicant and returned no later than the fifteenth (15th) day of the month before the month in which the request will be heard by the Board of Adjustment.

Continue to Page 2 of the Special Use Permit Application
Return to: [Home] [Planning & Development] [Zoning Applications & Forms]

City of Washington
Department of Planning and Development
Application for a Special Use Permit
Page 2: Applicant Responses to General Requirements

The Zoning Ordinance imposes the following General Restrictions on the use request by the applicant. Under each requirement the applicant should explain, with reference to attached plan, where applicable, how the proposed use satisfies these requirements.
Answers should be supported by the facts when possible.

General Requirements:
The proposed use does not adversely affect the general plans for the physical development of the city as embodied in these regulations or in any plan or portion thereof adopted by the Planning Board or by the City Council.
Statement by Applicant:
No impact on development

General Requirements:
The proposed use will not be contrary to the purposes stated in these regulations.
Statement by Applicant:

General Requirements:
The proposed use will not adversely affect the health and safety of residents and workers in the city.
Statement by Applicant:
There is no health + safety risk associated with commerce

General Requirements:
The proposed use will not be detrimental to the use of or development of adjacent properties or other neighborhood uses.
Statement by Applicant:
Improved commerce will only benefit our downtown

General Requirements:
The proposed use will not be affected adversely by existing uses.
Statement by Applicant:
No

General Requirements:
The proposed use shall be subject to the minimum area, setback, and other locational requirements of the zoning district in which it will be located (state whether building is existing or proposed and refer to plot plan for setbacks). Note: Existing building not meeting these developmental standards does not necessarily mean this requirement cannot be fulfilled.
Statement by Applicant:
All development + zoning requirements are met

General Requirements:
The proposed use shall be subject to the off-street parking and loading requirements of these regulations. All parking and driveways shall be located in a save and convenient manner (refer to the plot plan).
Statement by Applicant:
There is a parking lot currently in use.

Continue to Page 3 of the Special Use Permit Application
Return to: [Home] [Planning & Development] [Zoning Applications & Forms]

City of Washington
Department of Planning and Development
Application for a Special Use Permit
Page 3: Applicant Responses to General Requirements pt. 2

The Zoning Ordinance imposes the following General Restrictions on the use request by the applicant. Under each requirement the applicant should explain, with reference to attached plan, where applicable, how the proposed use satisfies these requirements.
Answers should be supported by the facts when possible.

General Requirements:
The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.
Statement by Applicant:
Commerce will take place in a existing structure, there is no impact on space.

General Requirements:
The proposed use will not constitute a fire hazard because of the number of persons who will attend or use such facility, of the vehicular movement, of noise or fumes, or of the type of physical activity.
Statement by Applicant:
Risk of fire is not increased.

General Requirements:
The proposed use will comply with all additional specific criteria set forth for each particular use as established in these regulations.
Statement by Applicant:

General Requirements:
The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size, capacity, and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles and the visibility afforded to pedestrians and the operators of motor vehicles on such roads.
Statement by Applicant:
There will be no impact to vehicular or pedestrian traffic.

Note: The Special Use Permit will expire six months from the date of issuance if a building permit is not obtained.

Note: Applicants, and/or their agents or parties of interest are prohibited from any contact in relation to this matter with Board of Adjustment members prior to the public hearing.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief. I authorize the City of Washington to place a sign on the property in question, for the purpose of alerting the general public of my request, no less than seven (7) days prior to the Board of Adjustment meeting.
Signature of Applicant:

Continue to Page 4 of the Special Use Permit Application
Return to: [Home] [Planning & Development] [Zoning Applications & Forms]

City of Washington
Department of Planning and Development
Application for a Special Use Permit
Page 5: Owner Authorization for Non-Owner Application

NOTE:
IF THE PERSON WHO IS REQUESTING THE BOARD OF ADJUSTMENT TO TAKE ACTION ON A PARTICULAR PIECE OF PROPERTY IS NOT THE OWNER OF THE PROPERTY OR DOES NOT HAVE A BINDING OPTION TO PURCHASE THE PROPERTY, THEN THE ACTUAL OWNER OF THE LAND MUST COMPLETE THIS FORM.
IF THE PERSON WHO IS REQUESTING THE BOARD OF ADJUSTMENT TO TAKE ACTION ON A PARTICULAR PIECE OF PROPERTY IS THE OWNER OF THE PROPERTY OR HAS A BINDING OPTION TO PURCHASE THE PROPERTY, PLEASE DISREGARD THIS FORM.

Dear Sir or Madam,

I am the owner of the property located at: 227 Water St

I hereby authorize: Austin Smithwick

to appear with my consent before the City of Washington Board of Adjustment in order to ask for a special use permit to: sell alcohol

at this location. I understand that the special use permit, if granted, is permanent and runs with the land. I authorize you to advertise and present this matter in my name as the owner of the property.

If there are any questions, you may contact me at my address:

1589 W 5th St Washington NC 27889

or by telephone at: 252-945-8353.

Respectfully yours,

Owner

Sworn to and ascribed before me, this the 27 day of March 2018.

Notary Public

My commission expires: 3-14-21

LINDA B. ALLIGOOD NOTARY PUBLIC BEAUFORT COUNTY, NC

City of Washington
Planning & Inspections

102 East Second Street
Washington, NC 27889
252-975-9383

April 5, 2018

Subject: Special Use Request

Dear Adjoining Property Owner:

The Department of Planning and Development has received a request from Austin Smithwick for a **Special Use Permit** to allow a club at the property located at **227 Water Street**. The property is zoned B1H. Clubs, both public and private, within the B1H zoning district require a special use permit as provided under Section 40-93 Table of Uses.

The Board of Adjustment will hold its public hearing on the Special Use request at the following date and time:

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Time: **7:00 P.M.**

The public is welcome to attend this public hearing and present evidence either in support of or in opposition to the request.

During the meantime, should you have any questions, please feel free to call the Department of Planning and Development at 975-9317 during normal working hours Monday through Friday, 8:00 A.M. to 5:00 P.M.

Sincerely,

Glen Moore
Planning Administrator

City of Washington
NORTH CAROLINA

Board Minutes

BOARD OF ADJUSTMENT MNUTES
Regular Scheduled Meeting
Thursday, March 15, 2018
7:00 PM

Members Present
Steve Fuchs Mitch St. Clair
Stan Friedman Richard McDonald
Tim Cashion Andy Olsen

Members Absent
Derek Davis

Others Present
John Rodman, Director

I. Opening of the meeting
The Chairman called the meeting to order.

II. Invocation
A moment of silent meditation was taken.

III. Roll Call
A silent roll call was taken by staff.

IV. Old Business

None

V. New Business

1. Request from Golden Way Home Care for a Variance from the building setback requirements for the property located at 2501 W 5th Street.

Scott Brooks came forward and was sworn in. He explained that his wife owns and manages Golden Way Home Care. He stated that they are requesting a Variance to move the setback 10 ft on the side of the property to allow them enough room for a drive-in entrance on the Tranters Creek side of the property and to have some parking on that side as well. He stated that they would also have parking on the front adjacent to Hwy 264. Steve Fuchs stated that it is a 20ft setback there, so they are asking for a 50% Variance. Mr. Rodman explained that staff can approve 20%, but that would only allow them 16ft. Tim Cashion asked if there would still be a fence between this property and the neighboring AAA property. Mr. Brooks stated that the fence would remain

there and that the fence actually belongs to AAA. Steve Fuchs asked if they had spoken to the AAA business and if they had any concerns. Mr. Brooks stated that his wife did speak to them when she submitted the application and they did not relay any concerns or opposition to her at that time. Mr. Rodman stated that staff did send out notifications to all the adjourning property owners and anyone with any opposition is free to attend the meeting and speak.

The Chairman opened the floor. No one came forward to speak for or against the request.

Mr. Rodman stated that this property had been vacant for a number of years and has been an eye sore for some time. He stated that the new owners have already removed the old structure and plan to rebuild a commercial structure on the lot. He stated that this will enhance the appearance of the area. Mr. Rodman then presented the findings of fact.

Andy Olsen made the following motion: I move that the Board grant the request for a Variance to Golden Way Home Care for the construction of a commercial structure with ten-foot (10') side yard setback located at 2501 West 5th Street based on the stated findings of fact 1-6. His motion was seconded by Stan Friedman, all voted in favor and the motion carried.

VI. Other Business

None

VII. Minutes – February 15, 2018

Stan Friedman made a motion to approve the February minutes. Andy Olsen seconded the motion and all voted in favor.

Mr. Rodman stated that the next time the Board meets he would like to start at 6:30 for an informational workshop for some of the new members.

VIII. Adjourn

There being no other business Tim Cashion made a motion to adjourn. Stan Friedman seconded the motion and all voted in favor.