

AGENDA
PLANNING COMMISSION
Monday, February 22, 2021 at 6:00 P.M.

The Planning Commission will hold their meeting in Monday, February 22, 2021 at 6:00 P.M. in the City Council Chambers, 214 N. Center St. in the historic City Hall building.

NC Gov. Cooper's Executive Order 189 restricts mass gatherings due to COVID-19; therefore, public attendance of the Planning Commission is restricted to those who are on the agenda. The meeting will be streamed live on the City's Facebook and YouTube pages. The meeting will be streamed live on the City's Facebook and YouTube pages at <https://www.goldsboronc.gov/mayor-of-goldsboro/city-council-minutes>

- I. Minutes – January 25, 2021 _____
- II. BOARD OF ADJUSTMENT PUBLIC HEARING
Variance Request:
 - 1. A-1-21 Worrell & Lamberth Properties – 1717, 1719 & 1803 W. Grantham St. _____
- III. BOARD OF ADJUSTMENT PUBLIC HEARING
Variance Request:
 - 2. A-2-21 Estate of Benjamin Mozingo - 3759 E. Ash St. _____

CLOSE PUBLIC HEARING
- IV. PLANNING COMMISSION ITEMS:
 - A. Subdivision Requests: *(Contingent on Variance Approvals)*
 - (1) S-2-21 Estate of Benjamin Mozingo – 3759 E. Ash St. _____
 - B. Conditional Use Permit Request:
 - 1. CU-1-21 E-Z Window Tinting – 4245 E. US 70 Hwy _____
- V. CITY COUNCIL PUBLIC HEARING ITEMS / PLANNING COMMISSION RECOMMENDATIONS
MARCH 2021
 - A. Rezoning Requests:
 - (1) Z-1-21 Shannon View - Located on the west side of W. New Hope Rd. between Cuyler Best Rd. and N. Harding Dr.
 - (2) Z-2-21 Tiffany Garden – Phase II - Located on the west side of Thoroughfare Rd. between Central Heights Rd. and NC Railroad
 - (3) Z-3-21 Barnes Jewelers Building – The property is located on the south side of Eastgate Drive between Mall Road and N. Berkeley Blvd.
 - B. Conditional Use Requests:
 - (1) CU-2-21 A & M Cafe - The applicant is requesting conditional use permit for the operation of an internet café with 18 game units.
This request is subject to the approval of rezoning case #Z-3-21.

(2) CU-3-21 New Hope Place Apartments - The applicant is requesting conditional use permit for an 80 unit apartment complex.

(3) CU-4-21 Shannon View - The applicant is requesting conditional use permit for an eighty-four (84) unit senior apartment complex.

This request is subject to the approval of rezoning case #Z-1-21.

(4) CU-5-21 Tiffany Gardens – Phase II - The applicant is requesting conditional use permit for an eighty-four (84) unit apartment complex.

This request is subject to the approval of rezoning case #Z-2-21.

**Planning Commission Minutes
January 25, 2021**

The Goldsboro Planning Commission met in regular session on Monday, January 25, 2021 at 6:00 p. m., in the Large Conference Room located at the City Hall Annex Building, City Hall. The following members were present or absent:

Present: Mr. Boyette
Mr. Reid
Ms. Rojas
Mr. Slater

Ms. Barnett
Absent: Mr. Bauer
Mr. Waters

Also Attending: Ms. Laura Getz, Assistant City Clerk
Mr. Kenny Talton, Assistant Planning Director
Ms. Debra Creighton, Secretary

Swearing in New Member:

Ms. Laura Getz, Assistant City Clerk sworn in Ms. April Rojas as a Planning Commission/Board of Adjustment member.

2021 Election of Officers:

Mr. Slater nominated Mr. Boyette as Chairman. Mr. Reid seconded the motion and the motion carried.

Mr. Reid nominated Mr. Slater as Vice-Chairman. Ms. Rojas seconded the motion and the motion carried.

Minutes – December 21, 2020

Mr. Slater moved that the Commission's minutes of December 21, 2020 be approved as submitted. Mr. Reid seconded the motion and the motion carried.

Planning Commission Items:

A. Conditional Use Permit Requests:

(1) CU-10-20 Jayme S. Dearing – West side of N. Center Street between W. Oak Street and W. Ash Street

Mr. Talton indicated the location of the request and displayed a map showing the subject property. Photographs of the site were displayed. Mr. Talton said the existing building and lot was formerly operated as a used car business and service center known as J.D. Pike Motor Company. Mr. Talton said the site has been closed for more than six months and the owner is in the process of selling the property.

Mr. Talton said the applicant is proposing to operate an automobile repair, service and inspection facility upon subject property. Mr. Talton said in the City's Unified Development Ordinance, the proposed use is permitted in the CBD (Central Business District) however; a conditional use permit is required and must be approved by City Council. Mr. Talton said the subject property is located on the north side of Ash Street therefore not located within the CBD (Central Business District) bounded by the south side of Ash Street, the east side of George Street, the north side of Chestnut Street and the west side of William Street where auto-oriented uses are not permitted.

Mr. Talton said the existing building consists of approximately 10,120 sq. ft. of floor space consisting of offices, a service bay, storage/warehouse space and restrooms for customers and employees. Mr. Talton said the site was developed prior to the adoption of the City's Unified Development Code, building setbacks do not comply with current regulations. A modification is required for the side-yard setback from 15 ft. to 0 ft. from City Council. Mr. Talton said a modification is required for the rear-yard setback from 20 ft. to 0 ft. from City Council.

Mr. Talton said parking for the site requires 1 parking space per working bay and 1 space per employee. Mr. Talton said a total of 6 striped parking spaces are required to include handicap accessible parking.

Mr. Talton said junked or inoperable motor vehicles shall not be parked in view of any road right-of-way or adjoining property for more than forty-eight hours. Mr. Talton said no vehicle that has been repaired and is awaiting removal, or that is awaiting repair, shall be stored or parked for more than 30 consecutive days. Mr. Talton said no vehicle shall be parked or stored as a source of parts and no vehicle shall be parked for the purpose of sale or lease/rent.

Mr. Talton said at the public hearing held on January 19, 2021, no one appeared to speak in favor or against this request.

Mr. Slater moved that the Commission recommend approval of Conditional Use Permit for the operation of an automobile repair, service and inspection facility in the CBD (Central Business District) with no outdoor storage of vehicles with modifications. Mr. Reid seconded the motion and the motion carried.

C. Upcoming Meeting Items – February 22, 2021

A. Board of Adjustment:

- (1) A-1-21 Wooten & Lamberth
- (2) A-2-21 Estate of Benjamin Mozingo

B. Subdivision Requests: (Contingent on Variance Approval)

- (1) S-1-21 Wooten & Lamberth

(2) S-2-21 Estate of Benjamin Mozingo

C. Conditional Use Permit:

(1) CU-1-21 E-Z Window Tinting

Adjournment:

There being no further business, the meeting was adjourned at 6:22 p.m.

Debra Creighton, Secretary
Goldsboro Planning Commission

Approved: _____

DRAFT

CITY OF GOLDSBORO PLANNING DEPARTMENT
MEMORANDUM

TO: BOARD OF ADJUSTMENT MEMBERS
FROM: KENNETH K. TALTON, ASSISTANT PLANNING DIRECTOR
DATE: FEBRUARY 22, 2021
RE: A-1-21 WORRELL & LAMBERTH – 1717, 1719 AND 1803 W. GRANTHAM STREET
REQUEST: VARIANCE FROM GENERAL DISTRICT DIMENSIONAL TABLES/STANDARDS AND LOTS

The subject properties are located on the north side of W. US Hwy. 70 between Springwood Drive and Westwood Drive. The Wayne County Tax Identification No. is 2680-94-8945, 2680-94-5772, 2680-94-7824 and 2680-94-8945. They are located in the R-16 (Residential) and R-16RM-NC (Residential/Manufactured Non-Conforming) zoning districts.

The applicant is requesting a variance of the City's General Use District Dimensional Tables/Standards to include setbacks, lot width, and area. In addition, the applicant is requesting a variance of the City's requirement that requires lots to have frontage along an improved public street of no less than 50 ft. If approved, the applicant proposes to subdivide the property into four (4) lots for the purposes of settling a family estate. (See proposed preliminary plat). The applicant has submitted a proposed preliminary subdivision plat which cannot be approved without the specified variances approved by the Goldsboro Board of Adjustment.

The properties consist of the following proposed tracts or lots and the requested variances for each tract or lot:

**Lot 1: 1717 W. Grantham St. (Existing Single-family dwelling) Tax Id: 2680948945
(17,787 sq. ft. or 0.408 acres)**

Section 5.3 General Use District Dimensional Table/Standards

<i>Front setback:</i>	<i>40 ft. to 6.42 ft.</i>
<i>Side setback:</i>	<i>16 ft. to 5.67 ft.</i>
<i>Lot frontage or width:</i>	<i>100 ft. to 80.85 ft.</i>

Lot 2: 1719 W. Grantham St. (Existing single-family dwelling) Tax Id: 2680945772
(20,900 sq. ft. or 0.0480 acres)

Section 5.3 General Use District Dimensional Table/Standards

Front setback: 40 ft. to 6.64 ft.
Side setback: 16 ft. to 10.18 ft.
Lot frontage or width: 100 ft. to 95 ft.

Lot 3: Tax Id: 2680947824/2680948945
(50,398 sq. ft. or 1.157 acres)

Section 7.1.9 Lots: *Lots shall have frontage along an improved public street of at least 50 ft.*

Lot frontage or width: 50 ft. to 0 ft.

The subject properties are not located within the City limits of Goldsboro, but are located within its extraterritorial jurisdiction thereby conferring jurisdiction of these matters with the City and this Board. The subject properties existed prior to the adoption of the City's Unified Development Code. City water and sewer are not available to serve the properties. The properties are not located within a Special Flood Hazard Area. As previously stated, the subject properties are located within the R-16 (Residential) and R-16RM-NC (Residential/Manufactured Non-Conforming) zoning districts. Setbacks for the Residential-16 zoning district are as follows:

Front:	40 ft.
Rear:	25 ft.
Side:	16 ft.
Corner:	32 ft.
Minimum lot width (frontage):	100 ft.
Minimum lot area:	16,000 sq. ft.

Currently, Lots 1, 2 and 4 are occupied by single-family dwellings. Originally, Lot 3 was one of two existing non-conforming lots previously occupied by three (3) manufactured homes. The manufactured homes have been removed and the applicant is proposing a new lot accessed by a proposed 30 ft. wide ingress, egress and regress easement from U.S. Highway 70 West for single-family residential development. NCDOT has been contacted regarding the proposed access easement and have issues with the applicant's request.

Variances as stipulated in the North Carolina General Statutes Section 160A-388(d):

“When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the general public may not be basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

FINDINGS OF FACT

The City makes the following **Findings of Fact** as it relates to the variance request from Section 5.4 of the City of Goldsboro’s Unified Development Ordinance for building setbacks, lot width, area and Section 7.1.9 Lots:

**Lot 1: 1717 W. Grantham St. (Existing Single-family dwelling) Tax Id: 2680948945
(17,787 sq. ft. or 0.408 acres)**

Section 5.3 General Use District Dimensional Table/Standards

Front setback: 40 ft. to 6.42 ft.

Side setback: 16 ft. to 5.67 ft.

Lot frontage or width: 100 ft. to 80.85 ft.

- (1) “Unnecessary hardship would result from the strict application of the ordinance.

Finding: The single-family dwelling was built prior to the adoption of the City’s Unified Development Code.

- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are

common to the neighborhood or the general public may not be basis for granting the variance.

Finding: The hardship results from conditions that are peculiar to the property.

- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Finding: The hardship does not result from actions taken by the property owner.

- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.”

Finding: The requested variances are consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

**Lot 2: 1719 W. Grantham St. (Existing single-family dwelling) Tax Id: 2680945772
(20,900 sq. ft. or 0.0480 acres)**

Section 5.3 General Use District Dimensional Table/Standards

Front setback: 40 ft. to 6.64 ft.

Side setback: 16 ft. to 10.18 ft.

Lot frontage or width: 100 ft. to 95 ft.

- (1) “Unnecessary hardship would result from the strict application of the ordinance.

Finding: The single-family dwelling was built prior to the adoption of the City’s Unified Development Code.

- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the general public may not be basis for granting the variance.

Finding: The hardship results from conditions that are peculiar to the property.

- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Finding: The hardship does not result from actions taken by the property owner.

- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.”

Finding: The requested variances are consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Lot 3: Tax Id: 2680947824/2680948945

Section 7.1.9 Lots: *Lots shall have frontage along an improved public street of at least 50 ft.*

50,398 sq. ft. or 1.157 acres

Lot frontage or width: 50 ft. to 0 ft.

- (1) “Unnecessary hardship would result from the strict application of the ordinance.

Finding: The subject property existed prior to the adoption of the City’s Unified Development Code.

- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the general public may not be basis for granting the variance.

Finding: The hardship results from conditions that are peculiar to the property.

The existing non-conforming lot is not located along an improved public street and will be accessed by a proposed 30 ft. in width ingress, regress and egress access easement.

- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Finding: The hardship does not result from actions taken by the property owner.

- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.”

Finding: The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

CONCLUSIONS:

Based on the above findings, the City of Goldsboro's Board of Adjustment concludes the following:

**Lot 1: 1717 W. Grantham St. (Existing Single-family dwelling) Tax Id: 2680948945
(17,787 sq. ft. or 0.408 acres)**

Section 5.3 General Use District Dimensional Table/Standards

Front setback: 40 ft. to 6.42 ft.
Side setback: 16 ft. to 5.67 ft.
Lot frontage or width: 100 ft. to 80.85 ft.

- (1) Unnecessary hardship would result from the strict application of the ordinance due to the fact that the existing single-family dwelling was built prior to the adoption of the City's Unified Development Code.

Approve____ Deny____

- (2) The hardship results from conditions that are peculiar to the property, such as location of the single-family dwelling to property lines and the existing lot size.

Approve____ Deny____

- (3) The hardship did not result from actions taken by the applicant or the property owner.

Approve____ Deny____

- (4) The requested variances are consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Approve____ Deny____

**Lot 2: 1719 W. Grantham St. (Existing single-family dwelling) Tax Id: 2680945772
(20,900 sq. ft. or 0.0480 acres)**

Section 5.3 General Use District Dimensional Table/Standards

Front setback: 40 ft. to 6.64 ft.
Side setback: 16 ft. to 10.18 ft.
Lot frontage or width: 100 ft. to 95 ft.

- (1) Unnecessary hardship would result from the strict application of the ordinance due to the fact that the existing single-family dwelling was built prior to the adoption of the City's Unified Development Code.

Approve____ Deny____

- (2) The hardship results from conditions that are peculiar to the property, such as location of the single-family dwelling to property lines and the existing lot size.

Approve____ Deny____

- (3) The hardship did not result from actions taken by the applicant or the property owner.

Approve____ Deny____

- (4) The requested variances are consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Approve____ Deny____

Lot 3: Tax Id: 2680947824/2680948945

Section 7.1.9 Lots: *Lots shall have frontage along an improved public street of at least 50 ft.*

(50,398 sq. ft. or 1.157 acres)

Lot frontage or width: 50 ft. to 0ft.

- (1) Unnecessary hardship would result from the strict application of the ordinance due to the fact that the existing single-family dwelling was built prior to the adoption of the City's Unified Development Code.

Approve____ Deny____

- (2) The hardship results from conditions that are peculiar to the property, such as location of the single-family dwelling to property lines and the existing lot size.

Approve____ Deny____

- (3) The hardship did not result from actions taken by the applicant or the property owner.

Approve____ Deny____

- (4) The requested variances are consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Approve____ Deny____

***NOTE: BEFORE GRANTING A VARIANCE, THE BOARD MUST TAKE A SEPARATE VOTE TO AFFIRM BY A (4/5) FOUR-FIFTHS MAJORITY ON EACH OF THE FOUR REQUIRED FINDINGS STATED ABOVE.**

A MOTION TO DENY A VARIANCE MAY BE MADE ON THE BASIS THAT ANY ONE OR MORE OF THE FOUR CRITERIA STATED ABOVE ARE NOT SATISFIED. SUCH A MOTION

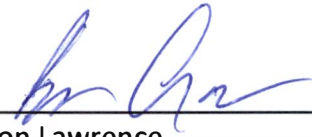
SHALL INCLUDE A STATEMENT OF THE SPECIFIC REASONS OR FINDINGS OF FACT THAT SUPPORT IT. THIS MOTION IS ADOPTED AS THE BOARD'S DECISION IF SUPPORTED BY A SIMPLE MAJORITY OF THE BOARD'S MEMBERSHIP.



Jennifer Collins
Planning Director



Kenneth K. Talton
Assistant Planning Director



Ron Lawrence
City Attorney

A-1-21 VARIANCE
Relief from UDO 5.5.3 General District Dimensional
Tables/Standards AND Section 7.1.9 Lots
Front, Side Setback Reduction; Lot Width/Area Dimension Reduction
AND Road Frontage Requirement



VARIANCE REQUEST:

CASE NO: A-1-21 WORRELL & LAMBERTH
OWNER: LAWRENCE WORRELL & ANITA LAMBERTH
APPLICANT: ANITA LAMBERTH
REQUEST: RELIEF FROM UDO 5.5.3 GENERAL DISTRICT
 DIMENSIONAL TABLES/STANDARDS AND SECTION
 7.1.9 LOTS.

FRONT, SIDE SETBACK REDUCTION LOT WIDTH/AREA
DIMENSION REDUCTION AND ROAD FRONTAGE
REQUIREMENT

PIN #: 2680948945; 2680956040; 2680945772
LOCATION: 1717, 1719 & 1803 W. US 70 HWY

0 75 150 300
 Feet



GOLDSBORO
 BE MORE DO MORE SEYMOUR

North Carolina

The data represented on this map has been compiled by the best methods available. Accuracy is contingent upon the source information as compiled by various agencies and departments both internal and external to the City of Goldsboro, NC. Users of the data represented on this map are hereby notified that the primary information sources should be consulted for verification of the information contained herein. The City of Goldsboro and the companies contracted to develop these data assume no legal responsibilities for the information or accuracy contained on this map. It is strictly forbidden to sell or reproduce these maps or data for any reason without the written consent of the City of Goldsboro.

PRELIMINARY PLAT – NOT FOR RECORDATION, CONVEYANCES OR SALES.

AREA TRACT NO. 1
17,787 SQUARE FEET OR 0.408 ACRE±
AREA TRACT NO. 2
20,900 SQUARE FEET OR 0.480 ACRE±
AREA TRACT NO. 3
50,398 SQUARE FEET OR 1.157 ACRE±
AREA TRACT NO. 4
177,650 SQUARE FEET OR 4.078 ACRE±, INCLUDING 30' INGRESS, EGRESS AND REGRESS EASEMENT
– 9,688 SQUARE FEET OR 0.222 ACRE±, 30' INGRESS, EGRESS AND REGRESS EASEMENT
167,962 SQUARE FEET OR 3.856 ACRE± EXCLUDING 30' INGRESS, EGRESS AND REGRESS EASEMENT

MODIFICATIONS FOR LOT NO. 1
MODIFICATION OF THE FRONT SETBACK FROM 40.00 FEET TO 6.42 FEET.
MODIFICATION OF THE SIDE SETBACK FROM 16.00 FEET TO 10.18 FEET.
MODIFICATION OF THE MINIMUM LOT WIDTH FROM 100.00 FEET TO 80.85 FEET.
MODIFICATIONS FOR LOT NO. 2
MODIFICATION OF THE FRONT SETBACK FROM 40.00 FEET TO 6.64 FEET.
MODIFICATION OF THE SIDE SETBACK FROM 16.00 FEET TO 10.18 FEET.
MODIFICATION OF THE MINIMUM LOT WIDTH FROM 100.00 FEET TO 95.00 FEET.

PROPERTY ZONED R-16 (CITY OF GOLDSBORO)

MINIMUM LOT AREA = 16,000 SQUARE FEET
MINIMUM LOT WIDTH = 100 FEET
MINIMUM SETBACK REQUIREMENTS
FRONT = 40 FEET
REAR = 25 FEET
SIDE = 16 FEET
CORNER = 32 FEET
MAXIMUM HEIGHT = 35 FEET

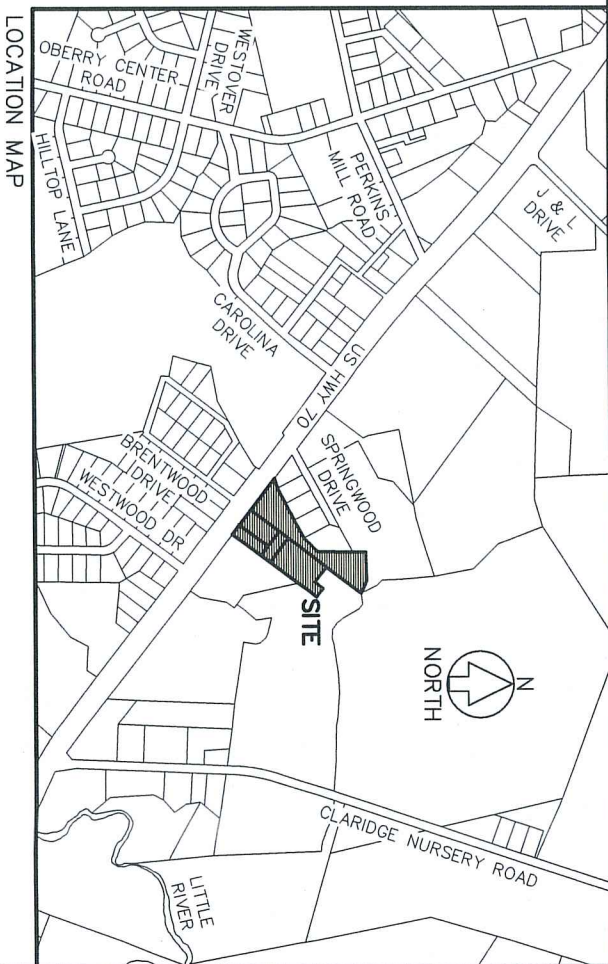
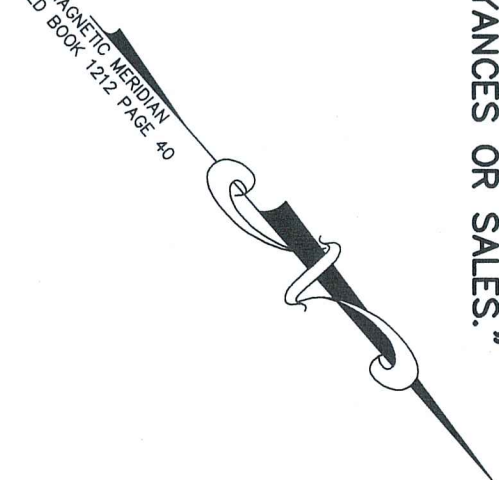
PIN NUMBER: 2680956040, 2680948945, 2680945772, 2680947824

REFERENCE: DEED BOOK 502 PAGE 68, DEED BOOK 1212 PAGE 40, DEED BOOK 2124 PAGE 466
ACREAGE IN TOTAL TRACT = 266,735 SQUARE FEET OR 6,123 ACRES±
ACREAGE IN PARK OR OTHER LAND USE = NONE
NUMBER OF LOTS = 4

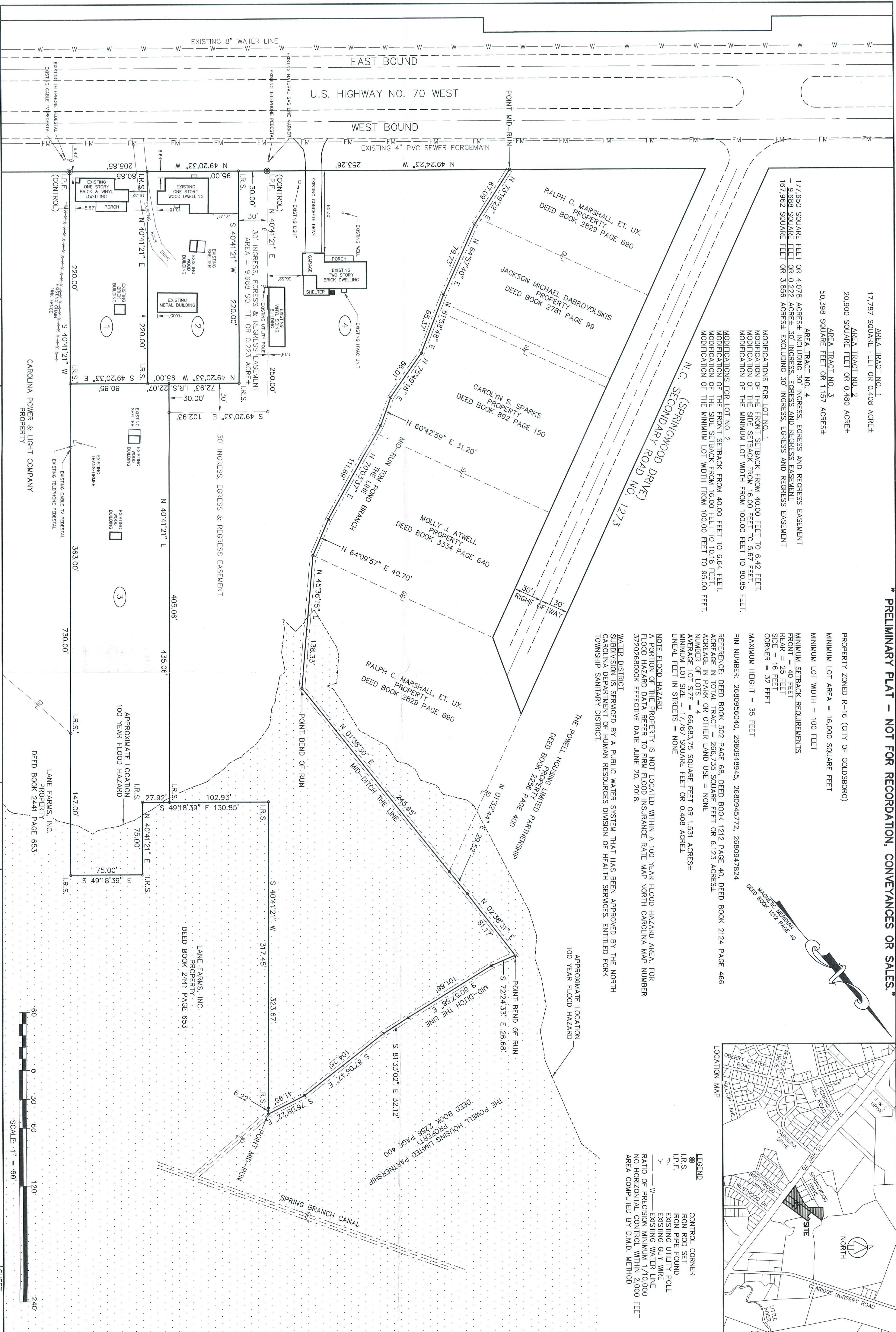
AVERAGE LOT SIZE = 66,683.75 SQUARE FEET OR 1.531 ACRES±
MINIMUM LOT SIZE = 17,787 SQUARE FEET OR 0.408 ACRE±
LINEAL FEET IN STREETS = NONE

NOTE FLOOD HAZARD
A PORTION OF THE PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD HAZARD AREA. FOR
FLOOD HAZARD DATA REFER TO FIRM FLOOD INSURANCE RATE MAP NORTH CAROLINA MAP NUMBER
372028000K EFFECTIVE DATE JUNE 20, 2018.

WATER DISTRICT
SUBDIVISION IS SERVED BY A PUBLIC WATER SYSTEM THAT HAS BEEN APPROVED BY THE NORTH
CAROLINA DEPARTMENT OF HUMAN RESOURCES DIVISION OF HEALTH SERVICES. ENTITLED FORK
TOWNSHIP SANITARY DISTRICT.



LEGEND
● CONTROL CORNER
○ IRON ROD SET
— I.P.F. EXISTING UTILITY POLE
— EXISTING GUY WIRE
— EXISTING WATER LINE
— RATIO OF PRECISION MINIMUM 1/10,000
— NO HORIZONTAL CONTROL WITHIN 2,000 FEET
— AREA COMPUTED BY D.M.D. METHOD



B. R. KORNEGAY, INC.
LAND SURVEYING • ENGINEERING • PLANNING
License Number: F-1054
500 East Walnut Street
Goldsboro, N.C. 27530
(919) 735-5886 Fax: (919) 580-9053



PRELIMINARY PLAN
CITY OF GOLDSBORO ETJ
FORK TOWNSHIP
WAYNE COUNTY, N.C.

DRAWN BY:	TSB
DESIGNED BY:	BRK
DATE:	11-25-2020
SCALE:	1" = 60'

PROPERTY OF
LAWRENCE WORRELL
AND WIFE
VIRGINIA WORRELL

SHEET:	1
OF:	1
WORK ORDER:	200520
CADD DWG:	200520

CITY OF GOLDSBORO PLANNING DEPARTMENT
MEMORANDUM

TO: BOARD OF ADJUSTMENT MEMBERS
FROM: KENNETH K. TALTON, ASSISTANT PLANNING DIRECTOR
DATE: FEBRUARY 22, 2021
RE: A-2-21 ESTATE OF BENJAMIN MOZINGO-3759 E. ASH STREET
REQUEST: (VARIANCE FOR LOT FRONTAGE ON AN IMPROVED PUBLIC STREET OF NO LESS THAN 50 FT.)

The property is located on the north side of E. Ash Street between N. Oak Forest Road and Piedmont Airline Road. The Wayne County Tax Identification No. is 3518-88-1854. The property is located in the R-16 (Residential) zoning district and has 0 ft. of frontage along an improved public street. The property contains approximately 307,098 sq. ft. or 7.05 acres. Currently, one (1) single-family dwelling occupies the property.

The applicant is requesting a variance of the City subdivision ordinance requirement that all lots have frontage along an improved public street of at least 50 ft. If approved, the applicant proposes to subdivide the property into two (2) private lots for single-family use. (See proposed preliminary plat). The applicant has submitted a proposed preliminary plat which cannot be approved without the specified variances approved by the Goldsboro Board of Adjustment.

The following *variances* are requested by the applicant:

Lot 1: New Lot (Approximately 44,350 sq. ft. or 1.02 acres)

Section 7.1.9 Lots: *Lots shall have frontage along an improved public street of at least 50 ft.*

Lot frontage or width: *50 ft. to 0 ft.*

The subject property is not located within the City limits of Goldsboro. The subject property existed prior to the adoption of the City's Unified Development Code. An existing access easement approximately 20 ft. in width provides access to the property. City water and sewer are available to serve the property. The property is not located within a Special Flood Hazard Area. As previously stated, the subject property is within the Residential-16 zoning district. Setbacks for the Residential-16 zoning district are as follows:

Front:	40 ft.
Rear:	25 ft.
Side:	16 ft.

Corner:	32 ft.
Minimum lot width (frontage):	100 ft.
Minimum lot area:	16,000 sq. ft.

There is an existing home on the residual tract adjacent to Lot #1 and addressed as 3763 E. Ash Street, Goldsboro, North Carolina. Should the Board of Adjustment approve the variance request, the applicant will be required increase the existing access easement to 30 ft. in width (see proposed preliminary plat) and to annex Lot #1 into the Goldsboro City limits since access to City utilities is within 1,000 ft. of subject property.

Variances as stipulated in the North Carolina General Statutes Section 160A-388(d):

“When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the general public may not be basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

FINDINGS OF FACT

The City makes the following **Findings of Fact** as it relates to the variance request from *Section 7.1.9 Lots of Goldsboro’s Unified Development Ordinance*

Lot 1: New Lot (Approximately 44,350 sq. ft. or 1.02 acres)

Section 7.1.9 Lots: Lots shall have frontage along an improved public street of at least 50 ft.

Lot frontage or width: 50 ft. to 0 ft.

- (1) “Unnecessary hardship would result from the strict application of the ordinance.

Finding: The subject property existed prior to the adoption of the City's Unified Development Code.

- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the general public may not be basis for granting the variance.

Finding: The hardship results from conditions that are peculiar to the property.

The existing non-conforming lot is not located along an improved public street and is accessed only by an existing 20 ft. in width paved access easement.

- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Finding: The hardship does not result from actions taken by the property owner.

- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved."

Finding: The requested variances are consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

CONCLUSIONS:

Based on the above findings, the City of Goldsboro's Board of Adjustment concludes the following:

Lot 1: New Lot (Approximately 44,350 sq. ft. or 1.02 acres)

Section 7.1.9 Lots: *Lots shall have frontage along an improved public street of at least 50 ft.*

Lot frontage or width: 50 ft. to 0 ft.

- (1) Unnecessary hardship would result from the strict application of the ordinance due to the fact that the subject property existed prior to the adoption of the City's Unified Development Code.

Approve____ Deny____

- (2) The hardship results from conditions that are peculiar to the property, such as the location of an existing residentially-zoned parcel with no direct access to an improved public street.

Approve____ Deny____

(3) The hardship did not result from actions taken by the applicant or the property owner.

Approve____ Deny____

(4) The requested variances are consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Approve____ Deny____

***NOTE: BEFORE GRANTING A VARIANCE, THE BOARD MUST TAKE A SEPARATE VOTE TO AFFIRM BY A (4/5) FOUR-FIFTHS MAJORITY ON EACH OF THE FOUR REQUIRED FINDINGS STATED ABOVE.**

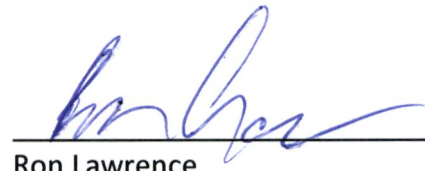
A MOTION TO DENY A VARIANCE MAY BE MADE ON THE BASIS THAT ANY ONE OR MORE OF THE FOUR CRITERIA STATED ABOVE ARE NOT SATISFIED. SUCH A MOTION SHALL INCLUDE A STATEMENT OF THE SPECIFIC REASONS OR FINDINGS OF FACT THAT SUPPORT IT. THIS MOTION IS ADOPTED AS THE BOARD'S DECISION IF SUPPORTED BY A SIMPLE MAJORITY OF THE BOARD'S MEMBERSHIP.



Jennifer Collins
Planning Director



Kenneth K. Talton
Assistant Planning Director



Ron Lawrence
City Attorney

**A-2-21 ESTATE OF BENJAMIN MOZINGO
3759 E. ASH STREET**

VARIANCE REQUEST: Relief from UDO 7.1.9 LOTS - All lots shall have a minimum frontage along a public or private street.

PROPOSED HOUSE

PROPOSED 1.018 ACRE LOT

**PROPOSED NEW
30' ACCESS EASEMENT**

VARIANCE REQUEST:

CASE NO: A-2-21 ESTATE OF BENJAMIN MOZINGO

OWNER: BENJAMIN MOZINGO

APPLICANT: FRANKIE BEST

REQUEST: RELIEF FROM REQUIRED FRONTAGE ALONG PUBLIC ROAD

PIN #: 3518-88-1854 (portion of)

LOCATION: 3759 E. ASH STREET

0 87.5 175 350
Feet



GOLDSBORO
BE MORE DO MORE SEYMOUR

North Carolina

The data represented on this map has been compiled by the best methods available. Accuracy is contingent upon the source information as compiled by various agencies and departments both internal and external to the City of Goldsboro, NC. Users of the data represented on this map are hereby notified that the primary information sources should be consulted for verification of the information contained herein. The City of Goldsboro and the companies contracted to develop these data assume no legal responsibilities for the information or accuracy contained on this map. It is strictly forbidden to sell or reproduce these maps or data for any reason without the written consent of the City of Goldsboro.

DATUM DESCRIPTION

THE LOCALIZED COORDINATE SYSTEM DEVELOPED FOR THIS PLAT IS BASED ON NORTH CAROLINA STATE PLANE COORDINATES ESTABLISHED BY USING THE NORTH CAROLINA REAL TIME NETWORK (RTN).

ETIP (3) NO GRID COORDINATES NAD 83 (2011)

NAD 83 (2011) E = 2317.886, 594.4

THE AVERAGE COMBINED GRID FACTOR USED ON THIS PLAT IS 0.9987464 (GROUND TO GRID) OR 1.00012546 (GRID TO GROUND). THE N. C. LAMBERT GRID BEARING AND LOCALIZED HORIZONTAL GROUND DISTANCE FROM ETIP (3) TO ISS (4) IS N 15°12'26" E 216.05 FEET.

ALL LINEAR DIMENSIONS ARE LOCALIZED HORIZONTAL GROUND DISTANCES. GEOTID-201.28 CONUS GNSS RECEIVER - TOPCON HIPER SR WITH MINIMUM TIME OF 220 SECONDS COMPLETED DURING NOVEMBER OF 2020.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new streets or changes any existing streets and that the subdivision shown is in all respects in compliance with the provisions of the Unified Development Ordinance of the City of Goldsboro. Therefore, this plat has been approved by the Goldsboro Planning and Community Development Director, subject to its being recorded in the Wayne County Registry within sixty days of the date below.

Date _____ Planning and Community Development Director

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) hereby certify that I (we) am (are) the owner of the property described hereon and that I (we) adopt this subdivision plan with my (our) free consent. I (We) acknowledge the land as shown is within the subdivision jurisdiction of the City of Goldsboro.

Date _____ Executor for the estate of Ben F. Mozingo

STATE OF NORTH CAROLINA
COUNTY OF WAYNE

Filed for registration at _____ M. _____, 2021 in the Register of Deeds
Office. Recorded in P.C. _____, S.L. _____.

Register of Deeds

By _____

STATE OF NORTH CAROLINA
COUNTY OF WAYNE

I, _____, Review Officer of Wayne County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer

SURVEYOR'S CERTIFICATIONS

Surveyor's disclaimer: No attempt was made to locate any cemeteries, wetlands, hazardous material sites, underground utilities or any other features above or below ground other than those shown. However, no visible evidence of cemeteries or utilities, aboveground or otherwise, was observed by the undersigned (other than those shown).

I certify that the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

I, JOHN A. RUDOLPH, certify that this plat was drawn under my supervision from an actual survey made under my supervision (description recorded in Book SEE, Page REES, etc.) (other), that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____, that the ratio of precision or positional accuracy as calculated is 1:110,000; that this plat was prepared in accordance with G.S. 47-50 as amended. Witness my original signature, license number and seal this 22nd day of January, A.D., 2021.

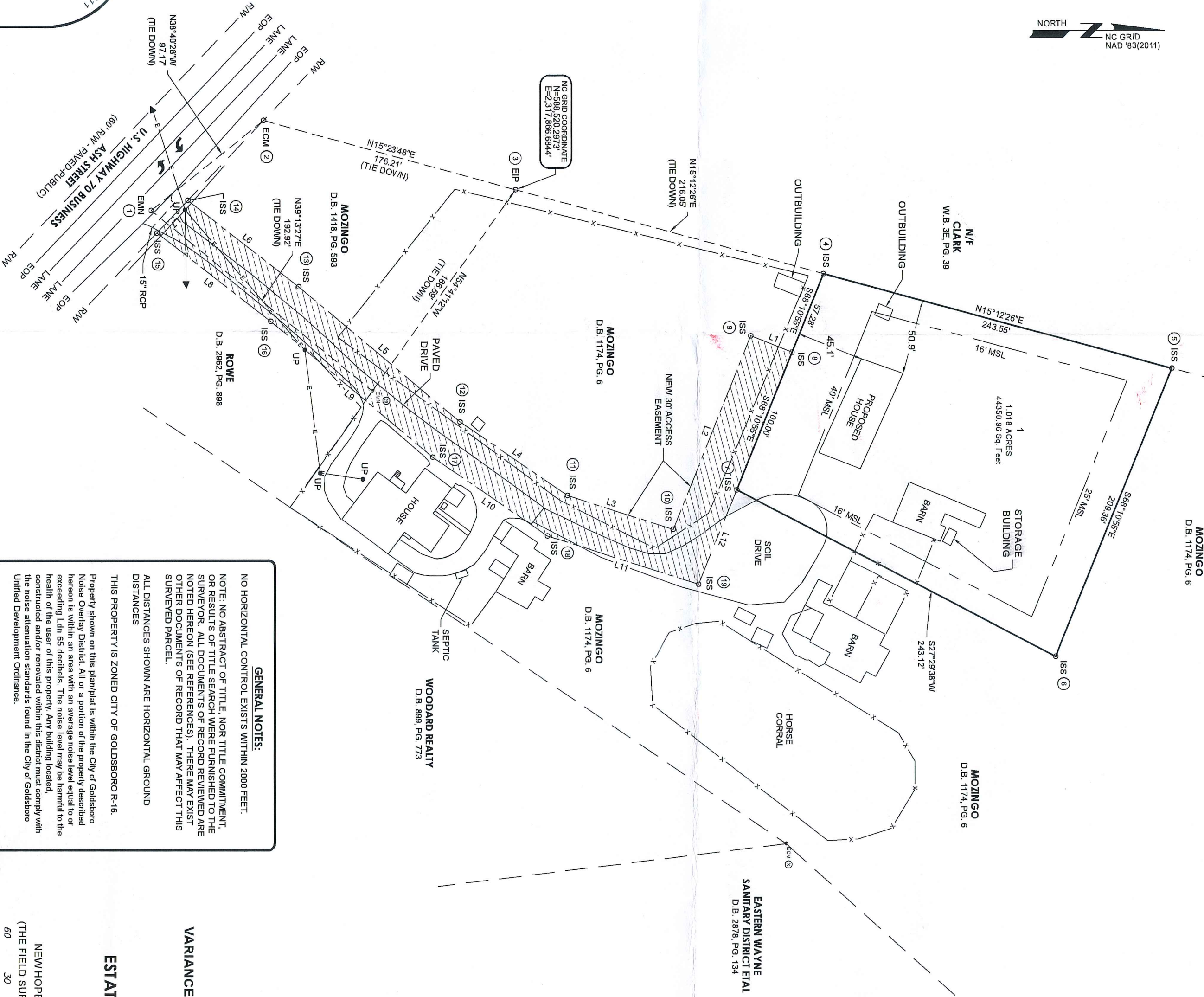
SEAL OR STAMP

Professional Land Surveyor License Number L-4194

"PRELIMINARY PLAT"
NOT FOR RECORDATION,
CONVEYANCES OR SALES

DRAWN BY: FGR
DATE: 01/22/21
DWG. NO.: BES472MR20
SURVEYED BY: J.A.R.

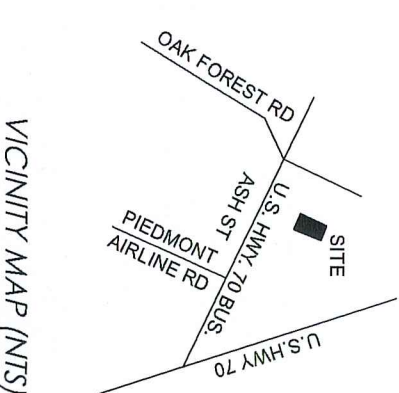
k2 design group
774 S. Beeson Road
La Grange, NC 28551
252.582.3087
www.k2designgroup.com



LINE DATA		
LINE	BEARING	DISTANCE
L1	S21°49'05"W	30.00'
L2	S68°10'55"E	140.73'
L3	S17°41'41"W	75.21'
L4	S34°25'03"W	88.10'
L5	S27°45'23"W	144.89'
L6	S37°45'23"W	144.89'
L7	S46°25'56"E	30.15'
L8	N37°45'42"E	97.41'
L9	N40°01'08"E	142.86'
L10	N34°25'03"E	93.98'
L11	N17°41'41"E	107.54'
L12	N68°10'55"W	68.65'

DEED REFERENCES:
BEING A PORTION OF THE PROPERTY DESCRIBED IN D.B. 1174, PG. 6 OF THE WAYNE COUNTY REGISTER OF DEEDS.

MAP REFERENCES:
P.C. L. SL. 88-G
P.C. 8, SL. 230
P.C. C. SL. 343
P.C. D. SL. 5



LEGEND:
ISS - IRON STAKE SET
ECM - EXISTING CONCRETE MARKER
EIP - EXISTING IRON PIPE
ERRR - EXISTING RAILROAD RAIL
PTI - PINCHED TOP IRON
EA - EXISTING AXLE
EDS - EXISTING DRIVE SHAFT
EMN - EXISTING MAG NAIL
EDS - EXISTING DRIVE SHAFT
RCP - REINFORCED CONCRETE PIPE
EMN - EXISTING MAG NAIL
EIS - EXISTING IRON STAKE
EPP - EXISTING PUMP PIPE
PPS - PUMP PIPE SET
NMC - NON-MONUMENTED CORNER
R/W - RIGHT OF WAY
EOP - EDGE OF PAVEMENT
EB - EASEMENT BOUNDARY
CL - CENTERLINE
UP - UTILITY POLE
MB - MOUNTED BOOK
PB - PLAT BOOK
DB - DEED BOOK
PG - PAGE
O - NON-MONUMENTED CORNER UNLESS OTHERWISE NOTED

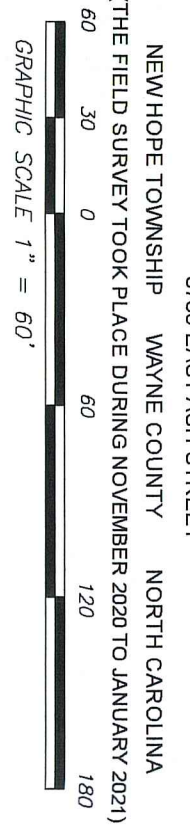
PROPERTY LINE
TIE DOWN LINE
ADJOINER OR R/W LINE
FENCE LINE

CORNER #	DESCRIPTIONS
(1)	MAG NAIL FLUSH WITH GRADE
(2)	3" x 3" CONCRETE MARKER 0.3' ABOVE GRADE
(3)	1.0" O.D. IRON PIPE FLUSH WITH GRADE
(4) thru (9)	NO 6 REBAR FLUSH WITH GRADE
(20)	MAG NAIL FLUSH WITH GRADE

ACREAGE DATA
TOTAL AREA OF NEW TRACT IS 1.02 ACRES (44,350.96 SQ. FT.) EXCLUDING RHE NEW 30 ACCESS EASEMENT BY COORDINATE COMPUTATION
TOTAL AREA OF RESIDUAL TRACT IS 6.03 ACRES PER D.B. 1174, PG. 6

FEMA FLOOD STATEMENT:
THE NEW TRACT REPRESENTED BY THIS PLAT IS NOT LOCATED IN A FLOOD HAZARD BOUNDARY ACCORDING TO FEMA FLOOD MAP NUMBER(S) 572051800A, ZONE(S) 2, DATED 05/06/20, 2016.

VARIANCES REQUESTED SECTION 7.1.9 AND SECTION 5.3.2 (R-16 LOT REQUIREMENTS)
SUBDIVISION OF LAND
for the
ESTATE OF BEN F. MOZINGO (DECEASED)
CURRENT OWNER(S) PER D.B. 1174, PG. 6
PORTION OF PIN: 3518881854
3759 EAST ASH STREET
NEW HOPE TOWNSHIP WAYNE COUNTY NORTH CAROLINA
(THE FIELD SURVEY TOOK PLACE DURING NOVEMBER 2020 TO JANUARY 2021)



**CITY OF GOLDSBORO
AGENDA MEMORANDUM
MARCH 1, 2021 COUNCIL MEETING**

SUBJECT: CU-1-21 Anthony Mathis (EZ Choice)-North side of E. US 70 Hwy between Miller's Chapel Road and Carriage Road.

Applicant requests a Conditional Use Permit for the installation of a prefabricated accessory structure used for the operation and expansion of an existing automotive service center located in the Airport-Business zoning district. Services include automobile window tinting, automobile inspections and tire sales. As part of the request, separate site plan approval is required.

Frontage: Approximately 200 ft.
Area: 46,295 sq. ft. or 1.06 acres
Zone: Airport Business
Overlay: APZ-I/Noise Contour 75-80dnl/80-85dnl

BACKGROUND: In June of 2009, City Council approved a conditional use permit, as well as, site and landscape plans to allow an automobile window tinting operation upon the subject property. A modification of the protected street yard width from 8 ft. to 2.5 ft. was also approved.

As a condition of the permit issuance, City Council required the extension of a vehicular surface buffer across the easternmost driveway which was required to be closed by NCDOT limiting access to the property from two driveways to one along E. US 70 Hwy.

DISCUSSION: The submitted site plan indicates two existing buildings (673 sq. ft. for office use and 900 sq. ft. for automobile tinting and inspections) totaling approximately 1,573 sq. ft. An additional 930 sq. ft. prefabricated and enclosed metal building is proposed that will serve as an additional service bay for automobile window tinting.

Number of employees: 2

Hours of Operation: Monday-Friday 9:00 a.m. - 6:00 p.m.

Access: An existing 35 ft. wide driveway cut provides access to the site off E. US 70 Hwy.

Parking: Parking shall be based on 1 space per working bay, plus one per employee. A total of 16 spaces have been provided to include one handicap accessible parking space.

Landscaping: The proposed use does not require additional landscaping for the site.

Overlay District: The subject property falls within SJAFB Accident Potential Zone (APZ-I) and 75-80/ 80-84 day-night average sound level (DNL) noise zones. Base officials have been contacted and recommend that noise attenuation measures be incorporated into the design and construction of any new structure where the public is received.

In addition, base officials have indicated that retail sales are an incompatible land use in the 80-84 day-night average sound level (DNL) noise zone. Applicant has been informed that tire sales must be conducted within the 75-80 day-night average sound (DNL) zone in order to continue the existing use in the future.

Engineering: City water and sewer are available to serve the property. The property is not located in a Special Flood Hazard Area.

At the public hearing held on February 15, 202, the applicant came forward to speak in favor of the request. No one else appeared to speak for or against this request.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and.....

Date: _____

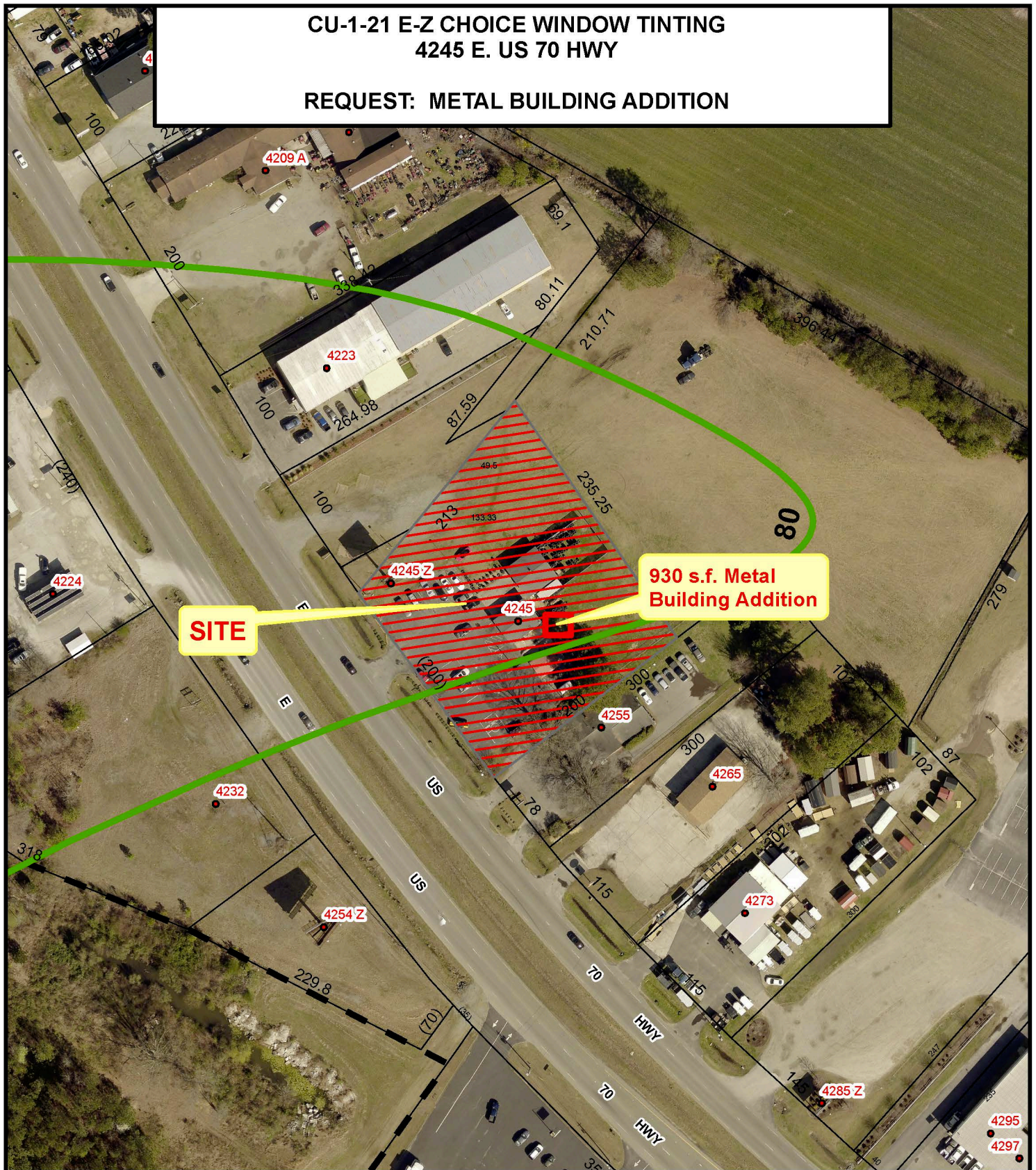
Planning Director

Date: _____

City Manager

**CU-1-21 E-Z CHOICE WINDOW TINTING
4245 E. US 70 HWY**

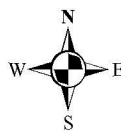
REQUEST: METAL BUILDING ADDITION



CONDITONAL USE REQUEST:

CASE NO: CU-1-21
REQUEST: Metal Building Addition
APPLICANT: Anthony Mathis
OWNER: Shirley Sutton ETAL
LOCATION: 4245 E. US 70 Hwy
HOURS OF OPERATION: Mon - Fir 9:00 a.m. to 6:00 p.m.
NUMBER OF EMPLOYEES: 2 Employees

0 37.5 75 150
Feet



GOLDSBORO
BE MORE DO MORE SEYMOUR

North Carolina

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