

**CITY OF ELIZABETH CITY
BOARD OF ZONING ADJUSTMENT
REGULAR MEETING
TUESDAY, MARCH 20, 2018
5:30 pm**

MEMBERS PRESENT

William "David" Harris - Chair
Peggy Davenport -Vice Chair (Absent)
Rwanda Farrer
William "Bill" Hiemer
Geraldine Hill (Absent)
William Henry Thompson (Alternate) (Absent)
Rodney Walton
Thomas Ward

Also present were Matthew Schelly, Community Development Director; Kaitlen Alcock, Planner; Cheryl Eggar, Planner; and members of the audience.

Chairman Harris called the meeting to order at approximately 5:31pm with a roll call and stated there was a quorum.

Chairman Harris called for a motion to approve the agenda as presented. Mr. Hiemer made a motion to **APPROVE** the adopted agenda as presented. Mr. Thomas Ward seconded the motion. **ALL IN FAVOR: FARRER, HIEMER, WALTON, AND WARD. NONE OPPOSED. MOTION CARRIED.**

Chairman Harris called for a motion to approve the Tuesday, December 19, 2017 minutes. Mr. Walton made a motion to **APPROVE** the Tuesday, December 19, 2017 minutes. Mr. Hiemer seconded the motion. **ALL IN FAVOR: FARRER, HIEMER, WALTON, AND WARD. NONE OPPOSED. MOTION CARRIED.**

Ms. Eggar read the **Statement of Disclosure** as follows:

Elizabeth City Code of Ethics provides that public officials and employees be independent, impartial, and responsible to the public; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals and in keeping with the ethical standards of conduct for city public officials and its employees, disclosure of interest in legislative action must be stated for public record, as per City of Elizabeth City Code of Ordinances Section 32.04. Any member of the Board of Adjustment who has interest as defined in

Section 32.05 of the City of Elizabeth City Code of Ordinances, in any official act or action before the Board shall publicly disclose on the record of the Board the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the Board pursuant to N. C. G. S. 160A-75.

Chairman Harris called all persons, who wish to testify in this case, to come forth and be sworn. Kaitlen Alcock, Planner; Helen Williams, applicant; Ms. Gloria Williams, former tenant; and Dr. Andrea R. Williams, adjacent property owner came forth to be sworn in.

CASE NO.: SUP 02-16 Special Use Permit filed by Helen Williams on behalf of Visions of Hope Emergency Shelter and Outreach Center. The applicant is requesting a renewal of a Special Use Permit to continue to operate a homeless shelter to be located at 709 Herrington Road. Zoning classification for this property is Residential (R6).

Ms. Alcock presented the following Staff report:

This case before you this afternoon is SUP 02-16, a special use permit filed by Helen Williams on behalf of Visions of Hope Emergency Shelter and Outreach Center for property located at 709 Herrington Road. The original special use permit was issued in 2016 and a requirement of the special use permit was to be renewal annually. Requirements are stated in 11-4.43 in the Unified Development Ordinance for a homeless shelter with specifications to bullet points "C" and "D."

(C) Operation of the homeless shelter as follows:

- Homeless shelter must be operated by a resident owner or manager;
- Homeless shelter shall be owned and managed by a charitable or benevolent operation qualifying for tax exemption under Section 501 of the Internal Revenue Code as amended;
- There shall be no compensation required for occupancy in the shelter; and
- There shall be a minimum of fifty square feet of sleeping space per person.

(D) Permit Renewal requirement as follows:

The special or conditional use permit authorizing such use shall be renewed annually (every 12 months) by the permit issuing authority. Failure to apply for renewal within the specified time period shall render the special use permit null and void. The special

use permit may be revoked by the permit issuing authority at any time upon a finding that the use has caused a habitual nuisance to adjacent properties.

When the special use permit was originally approved in 2016, staff recommended and the board approved the following conditions for the permit, which are listed on page 3 of the staff report.

- All State and City code regulations and Ordinance required conditions are satisfied prior to permit issuance and maintained in proper standing thereafter;
- No more than eight (8) persons, including the resident manager, shall be sheltered at the facility at any time;
- The applicant is required to renew said permit annually; the deadline for renewal shall be calculated as twelve (12) months from the previous date or (re)issue date; failure to renew the permit by the requisite deadline shall void the original permit; and
- If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

This concluded Ms. Alcock's presentation.

Ms. Helen Williams, president and founder of Visions of hope Emergency and Outreach Center, came forth to address the Board of Zoning Adjustment. Ms. Williams requested to withdraw her SUP 02-16 renewal application due to issues that need to be addressed, specifically the 501-C3.

The Board of Zoning Adjustment took no action and allowed Ms. Helen Williams to withdraw her renewal application.

Ms. Gloria Williams came forth to address the Board of Zoning Adjustment. Ms. Williams commented on the following:

- She was one of the last residents to reside at the shelter; she was the last house manager of the shelter; and she was the person who reported and provided a sample of the bed bugs to the inspectors;
- Exterminators located bed bugs upstairs and downstairs;

- She and two other elderly people residing at the shelter were told to leave the shelter by 8pm the same day as the bed bugs were discovered or be charged with trespassing;
- Ms. Helen Williams paid for two out of the three people to stay in a hotel for one night;
- She remains homeless, while living in her automobile;
- Shelter wasn't providing food; and
- She provided her thoughts on reconsidering re-opening the shelter.

Dr. Andrea Williams came forth, introduced herself, and addressed the following concerns to the Board of Zoning and Adjustment:

- Recognizing the needs of shelters in Elizabeth City;
- Maintaining shelter facilities properly;
- Extent of success for the shelter;
- Success rate of occupancy, placement, and transferal;
- Maximum upkeep of the shelter;
- Partnership with the City of Elizabeth City;
- Requirements of the City of Elizabeth City's application process;
- Partners in the original application;
- Expectations of the shelter;
- Types of contributions received by the shelter;
- Adjacent property owners concerns of the bed bugs;
- Limbs hanging over the adjacent property and the limbs need to be removed;
- Resubmittal or submittal of the shelter being owned by another entity; and

- She provided her concerns about the homelessness of the people, who had to evacuate the shelter.

Ms. Alcock commented the issue with tree limbs would be discussed with the City of Elizabeth City's Administration.

Ms. Farrer commented were items being discarded once the bed bugs were detected at the shelter or was the shelter left as is. Ms. Gloria Williams commented the shelter was left as is. Ms. Farrer commented having a procedure to allow the tenants ample time to evacuate the shelter instead of having the tenants abruptly leave. Ms. Alcock commented the decision came from the City of Elizabeth City's Administration.

Ms. Alcock commented the Vision of Hope Emergency Shelter and Outreach Center's 501-3C was revoked at the end of 2016 with no specific date provided by the IRS.

Chairman Harris spoke in reference to the importance of the Board of Zoning and Adjustment working closely with the City of Elizabeth City in preparation when another applicant comes forth to discuss a shelter.

Dr. Andrea Williams commented how she supported the shelter when the shelter was implemented in Elizabeth City. Dr. Williams shared her concerns about the bed bugs spreading to the community and how she can offer her services to the City of Elizabeth City when establishing another shelter within the City.

No **COMMITTEE REPORTS** given.

No **STAFF REPORT** given.

No **OLD BUSINESS** given.

No **NEW BUSINESS** given.

Chairman Harris called for a motion to adjourn the Tuesday, March 20, 2018 Board of Zoning and Adjustment meeting. Ms. Farrer made a motion to **ADJOURN** the Tuesday, March 20, 2018 Board of Zoning and Adjustment meeting. Mr. Walton seconded the motion. **ALL IN FAVOR: FARRER, HIEMER, WALTON, AND WARD. NONE OPPOSED. MOTION CARRIED.**

The Board of Zoning and Adjustment meeting adjourned at approximately 5:55pm.