

**CITY OF ELIZABETH CITY
BOARD OF ZONING ADJUSTMENT
SPECIAL CALL MEETING
TUESDAY, SEPTEMBER 26, 2017
4:00PM**

MEMBERS PRESENT

William "David" Harris - Chairman
Peggy Davenport - Vice Chair
William "Bill" Hiemer
Geraldine Hill
Thomas Ward
Rodney Walton

Also present were Matthew Schelly, Community Development Director; Kaitlen Alcock, Planner; Yvette Chamblee, Secretary to the Board; and members of the audience.

Chairman Harris called the meeting to order at approximately 4:00pm with a roll call and stated there was a quorum.

Chairman Harris requested for a motion to approve the agenda as presented. Ms. Hill made a motion to **APPROVE** the agenda as presented. Mr. Ward seconded the motion. **ALL IN FAVOR: WARD, HILL, WALTON, DAVENPORT, AND HIEMER. NONE OPPOSED. MOTION CARRIED.**

Chairman Harris requested a motion to approve the Tuesday, August 15, 2017 minutes. Mr. Hiemer made a motion to **APPROVE** the Tuesday, August 15, 2017 minutes. Ms. Davenport seconded the motion. **ALL IN FAVOR: DAVENPORT, WALTON, WARD, HILL, AND HIEMER. NONE OPPOSED. MOTION CARRIED.**

Ms. Chamblee, secretary to the board, 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.

NEW BUSINESS: CASE NO.: SUP-02-17 submitted by Thomas E. Reese, Jr. for property located at 606 B East Colonial Avenue. This property is zoned Central Business District. The applicant is requesting to operate a Ghost Harbor Brewing Company, which is a microbrewery, with an attached tasting room.

Mr. Thomas Reese, the applicant for Ghost Harbor Brewing Company, was called and sworn by Ms. Chamblee, secretary to the Board.

Chairman Harris asked the Board if anyone had a disclosure of interest in the case of SUP 02-17. Mr. Hiemer commented he visited the location of the brewery in order to get an idea and visual view of where the brewery was located. Mr. Hiemer was greeted by the applicant at the brewery location and Mr. Hiemer wanted to make sure this interaction wouldn't cause a conflict in the case. Chairman Harris and staff commented the interaction wouldn't cause a conflict.

Ms. Kaitlen Alcock presented the following Staff Report:

The single item on the agenda this afternoon is SUP 02-17 filed by Thomas Reese to allow for the operation of a microbrewery, Ghost Harbor Brewing Company, at 606B E Colonial Avenue. As the Board will recall, Staff underwent a lengthy text amendment process in 2016 to add language to the UDO to define and regulate brewpubs and microbreweries within the City's Central Business District. The amendment was approved by the Council earlier this year. The structure, which lies within the Downtown Historic District, has historically been used for general storage. The property owner has made several petitions to the Historic Preservation Commission to allow various exterior modifications to the structure including the additional a several doors and windows. All such requests have been approved and renovations to the structure are underway. The applicable development standards as found in Article 11-4.50.1 of the UDO were included on pages 5 and 6 of the staff report provided to the Board. Staff is of the opinion that the request as presented satisfies all said standards. The Technical Review Committee reviewed the request at their June meeting and unanimously recommended approval of the request subject to the following:

- Public Works requested further clarification of the disposal of waste materials and grain from the brewery operations. This item has since been satisfied.
- The Police Department stated for the record that all regulations found in Chapter 18B of the State Statutes shall be adhered to.
- The Fire Department requested the Applicant provide detailed specifications of the brewing equipment.
- An ABC License Inspection would be required by Building Inspections prior to opening. This item has since been satisfied.

The Planning Commission subsequently reviewed the case in August and again, unanimously recommended approval of the request as presented.

If the Board grants approval of this case as present, Staff offers the following as conditions of the approval:

- All necessary state and local permits, including the zoning permit, business registration, and ABC permits, be secured prior to commencing operations;
- Continued adherence to the development standards as stated in the City of Elizabeth City Unified Development Ordinance; and
- The Applicant must record the approved permit with the Pasquotank County Register of Deeds within 10 days of the notification of decision.

This concluded Ms. Alcock's presentation.

Mr. Hiemer questioned staff about receiving any correspondence from neighbors or adjacent property owners, who may have spoken against the microbrewery. Ms. Alcock responded there weren't any correspondence received.

Mr. Thomas Reese, the applicant, addressed the board about his passion for micro brewing and gave background on how the concept of Ghost Harbor Brewing Company was established.

Ms. Davenport commented would Ghost Harbor Brewing Company be the first microbrewery in the Albemarle region. Mr. Reese commented Ghost Harbor Brewing Company would be the first microbrewery in the Albemarle region but, not the first in the surrounding area because Currituck County has the Weeping Radish Farm Brewery.

Ms. Davenport commented what is the difference between unfortified wines opposed to fortified wine. Mr. Reese commented alcohol content over 15% is considered fortified wine.

Mr. Walton commented how long has Mr. Reese been in the microbrewery business. Mr. Reese commented he's spent about a year and a half in establishing a microbrewery and he's been very passionate about creating beer.

Ms. Davenport commented had Mr. Reese contacted any farmers about disposing the waste from the brewery. Mr. Reese commented he's been contacted by three farmers, who have expressed interest in disposing the waste from the microbrewery.

There were no further comments.

Ms. Davenport commented about seeing recommendations being needed in the agenda packets. Ms. Alcock commented once the Special Use Permit is granted, the permit would need to be recorded at the Pasquotank County Register of Deeds office within ten days.

Chairman Harris called for a motion to approve Special Use Permit 02-17. Mr. Ward made a motion to **APPROVE** SUP-02-17 with the following recommendations: all necessary state and local permits, including the zoning permit, business registration, and ABC permits, be secured prior to commencing operations; continued adherence to the development standards as stated in the City of Elizabeth City Unified Development Ordinance; and the applicant must record the approved permit with the Pasquotank County Register of Deeds within 10 days of the notification of decision. Ms. Hill seconded the motion. **ALL IN FAVOR: HIEMER, HILL, WALTON, WARD, AND DAVENPORT. NONE OPPOSED. MOTION CARRIED.**

No **COMMITTEE REPORTS** were given.

STAFF REPORTS

Ms. Alcock reported an upcoming Special Use Permit for a Bed & Breakfast will be scheduled for the Board of Zoning Adjustment sometime in November 2017.

No **OLD BUSINESS** was reported.

Mr. Schelly commented were there any questions from board members about the training modules or the training materials provided by the UNC Chapel Hill School of Government in Durham, NC. Chairman Harris commented he's completed two modules. Mr. Walton commented the modules should send some type of confirmation when the modules are completed. The Board members commented the modules and training materials are very helpful and informative.

Chairman Harris called for a motion to adjourn the meeting. Ms. Hill made a motion to **ADJOURN** the meeting. Ms. Davenport seconded the motion. **ALL IN FAVOR: DAVENPORT, WALTON, WARD, HILL, AND HIEMER. NONE OPPOSED. MOTION CARRIED.**

Meeting was adjourned at approximately 4:20pm.