

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

BEFORE THE MOREHEAD CITY
BOARD OF ADJUSTMENT

In the matter of an Application for)
Two Variances and a Special-Use Permit)
for 2900 Bridges Street, Unitarian Church)

ORDER

Index: Grantor: **Town of Morehead City**
Grantee: **Unitarian Coastal Fellowship Church**

**THE TOWN OF MOREHEAD CITY, NORTH CAROLINA
ORDER GRANTING A VARIANCE**

The Board of Adjustment for the Town of Morehead City, NC, having held a public hearing on December 10, 2020, to consider an application for a Variance to use property in a manner not permissible under the literal terms of the Town of Morehead City Unified Development Ordinance (UDO), and having heard all of the evidence and arguments presented at the hearing, granted a Variance on December 10, 2020, for the use of the property identified below in accordance with the plan and conditions listed below:

LOCATION OF PROPERTY: 2900 Bridges Street

CARTERET COUNTY PIN NUMBER: 637616832357000

NATURE OF VARIANCE: A variance from Article 20 of the UDO to allow for a reduction of parking requirements from thirty-six (36) to twenty-three (23) parking spaces, and a variance from Article 14-9 of the UDO to allow for a reduction of the west side setback from fifty feet (50') to sixteen feet (16'), the north side setback from fifty feet (50') to eleven feet (11'), and the east side setback (front) from forty-five feet (45') to thirty-seven feet (37'). The **FINDINGS OF FACT** based on testimony provided during the public hearing were as follows:

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. **A hardship was presented due to the fact that the size of the property will not physically allow thirty-six (36) parking spaces. There are also shape issues not created by the Unitarian Church, but created when the property was subdivided to separate the church from the parsonage. There is insufficient acreage to reconstruct a new Sanctuary building that conforms to setback requirements.** The vote on the finding was 5-0 in favor of the finding and conclusion.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. **The Unitarian Church would be very limited as to what could be built on the property in the absence of the requested variances due to the small and odd shape of the property. The property has always been a church and the parcel has been modified by subdivision and is only about half the size it once was.** The vote on the finding was 5-0 in favor of the finding and conclusion.

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 the variance shall not be regarded as a self-created hardship. **There are limitations on this lot which were imposed when subdivided. The Church purchased the property long after the subdivision of the church and parsonage.** The vote on the finding was 5-0 in favor of the finding and conclusion.

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. **The church along Bridges Street is located along a commercial section of Town, and it makes sense to have a structure of this nature as a transition between the commercial area and the residential neighborhood behind the church. Without the variances, the church will be unable to direct the parking away from the residential areas and would be very limited as to what could be built on the property. Justice will be served by granting the variances because the Unitarian Coastal Fellowship Church purchased the property with a building that they are unable to use.** The vote on the finding was 5-0 in favor of the finding and conclusion.

NOW, THEREFORE, based on the foregoing Findings of Fact and the conclusions reached by the unanimous vote of the Board of Adjustment, **IT IS ORDERED** that the application for a **VARIANCE** to allow for a reduction of parking requirements from thirty-six (36) to twenty-three (23) parking spaces and a **VARIANCE** to allow for a reduction of the west side setback from fifty feet (50') to sixteen feet (16'), the north side setback from fifty feet (50') to eleven feet (11'), and the east side setback (front) from forty-five feet (45') to thirty-seven feet (37') at 2900 Bridges Street, zoned R10 (Single-Family Residential) District are both **GRANTED**.

This order shall be presented to the Carteret County Register of Deeds office for recording after the expiration of statutory time for filing an appeal, or if a timely appeal is so filed, then after a determination by a court of competent jurisdiction that the Board's determination is upheld.

THE TOWN OF MOREHEAD CITY, NORTH CAROLINA ORDER GRANTING A SPECIAL USE PERMIT

The Board of Adjustment for the Town of Morehead City, NC, having held a public hearing on December 10, 2020, to consider application number BOA20-0006, submitted by Guerry Stirling Willis, on behalf of the Unitarian Coastal Fellowship Church, a request for 2900 Bridges Street (PIN# 637616832357000) for a Special Use Permit to allow for a church to be located in the R10 (Single-Family Residential) Zoning District, and having heard all of the evidence and arguments presented at the hearing makes the following **FINDINGS OF FACT**:

1. A complete application was submitted indicating the correct section of the ordinance and that section does allow a "church" with a special-use permit; and
2. The public hearing was properly advertised, notices were mailed to property owners within one hundred feet (100') of the site, and the property was posted per the statutory requirements; and
3. The proposed development does not affect adversely the general plans for the physical

development of the town as embodied in these regulations or in any plan or portion thereof adopted by the Planning Board and/or the Council; and

4. The proposed use will not be contrary to the purposes stated in the regulations; and

5. The proposed use is required to be placed on a lot of sufficient size to satisfy space requirements of the use, that the standards set forth for the use be met, that minimum area requirements be met, and that setback and other locational requirements of the district and parking requirements be met.

- a. *Standards set forth for the use would not be met without the requested variances from parking and setback requirements. Both variances were granted prior to the vote for the Special-Use Permit.*
- b. Landscaping requirements will be met per the submitted site plan.

Based on the foregoing Findings of Fact, the Board of Adjustment makes the following **CONCLUSIONS OF LAW**:

1. The proposed use will not affect adversely the health and safety of residents and workers in the town;
2. The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
3. The proposed use will not be adversely affected by existing uses; and
4. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, of the vehicular movement, or noise or fumes or of the type of physical activity.

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the Board of Adjustment of the Town of Morehead City, North Carolina by unanimous vote orders the issuance of a Special Use Permit to the Unitarian Coastal Fellowship Church to operate a church at 2900 Bridges Street, Morehead City, NC.

ORDERED, this the 10th day of December, 2020.

Charles Sewell, Chairman

NORTH CAROLINA
CARTERET COUNTY

I, _____, Notary Public, do hereby certify that Charles Sewell, Chairman to the Board of Adjustment for the Town of Morehead City, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this the _____ day of _____, 2021.

Notary Public Signature

My commission expires on: _____