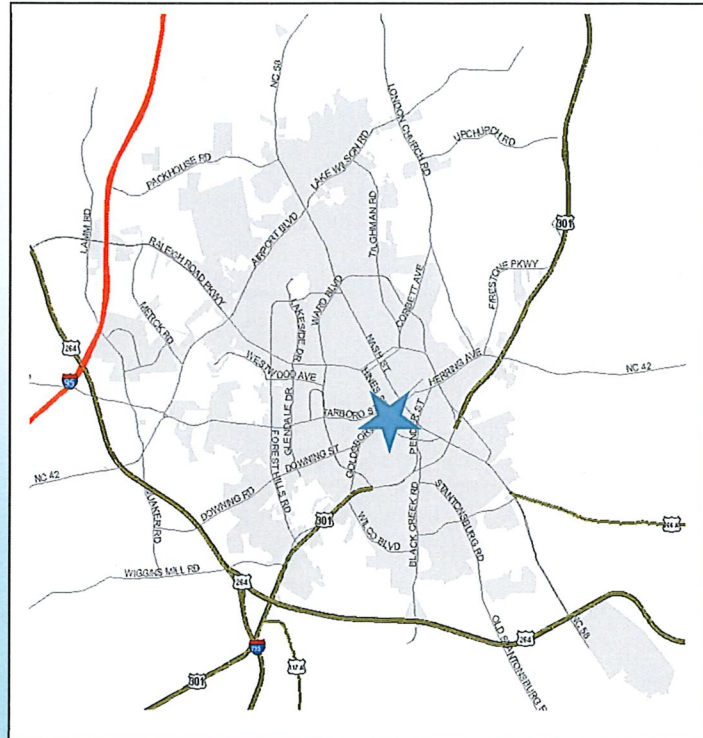




**BOARD OF ADJUSTMENT**  
**Development Services**  
112 Goldsboro Street E, Wilson, NC 27893  
PO Box 10, Wilson, NC 27894-0010  
(252) 399-2220  
[www.WilsonNC.org](http://www.WilsonNC.org)

**PROJECT: 24-131**  
**AGENDA ITEM # 2**  
**PIN # 3721-39-1818.000**  
**& 3721-39-1828.000**  
**DATE: April 16, 2024**

**DESCRIPTION:** A request by Bartlett Engineering on behalf of the owner for a Special Use Permit to allow the applicant to operate a Nightclub at 222 Barnes St, S and 206 Douglas St, S in a CCMX zone.



**STAFF ANALYSIS:**

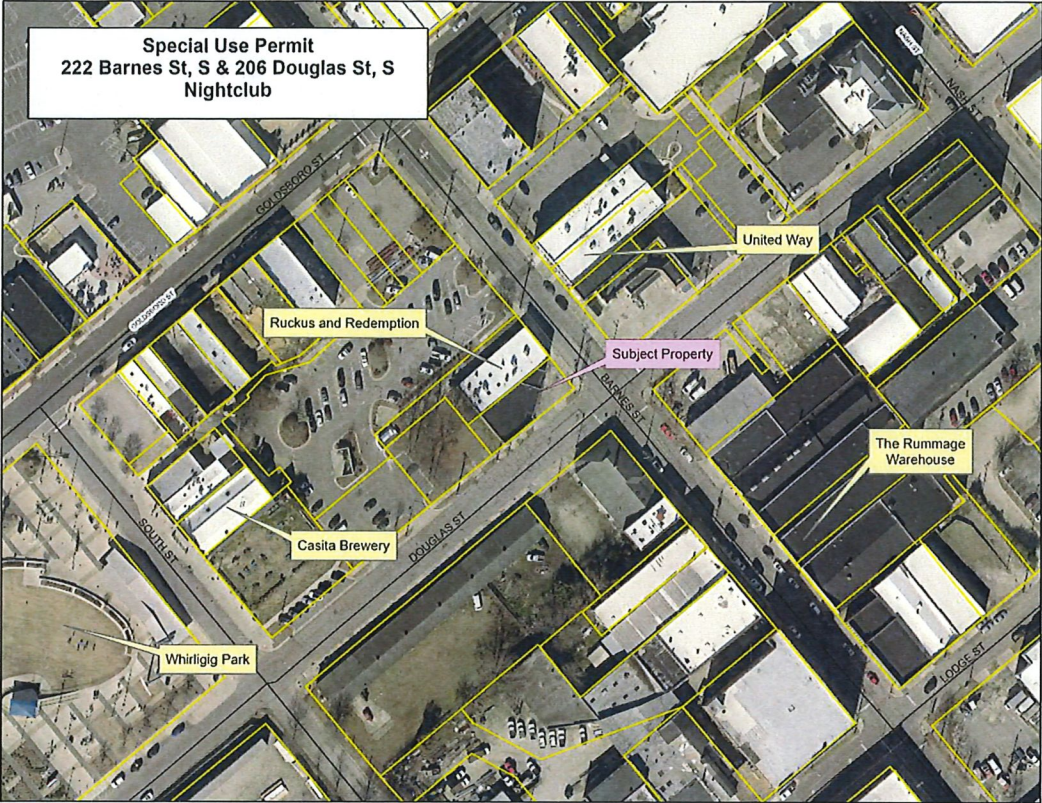
In its review of the request, the City Planning Staff made the following “findings of fact” and suggests that the Board, likewise, include these among any specific “findings of fact” that they make regarding this case. Any such “findings of fact” should be made by separate motion(s) and vote(s) prior to any motion and vote to grant or deny the permit.



Board of Adjustment – Special Use Permit  
222 Barnes St, S & 206 Douglas St, S – Nightclub  
April 16, 2024

**Photos of Property**

Aerial View:

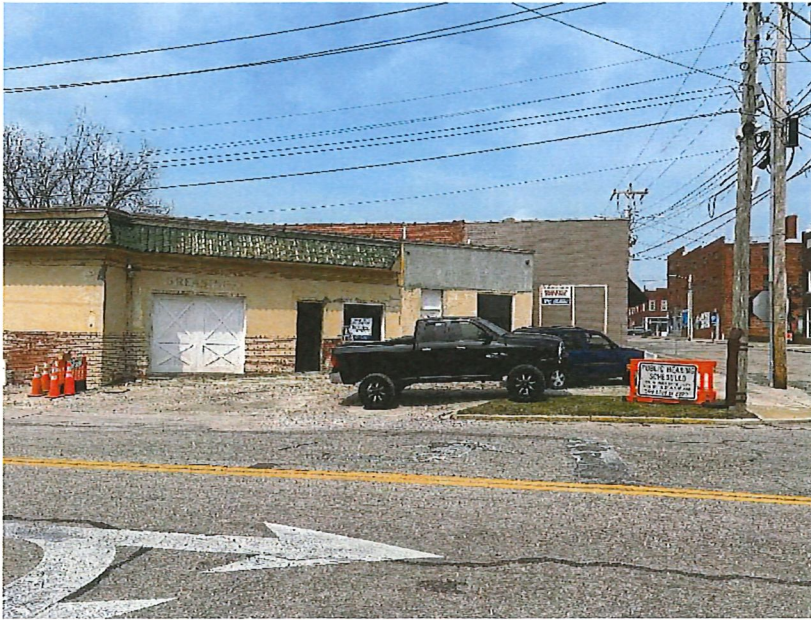


Street Views: 222 Barnes St, S





Board of Adjustment – Special Use Permit  
222 Barnes St, S & 206 Douglas St, S – Nightclub  
April 16, 2024



206 Douglas St, S – Adjacent Lot



- FACT 1: The properties in question are located at 222 Barnes St, S, and 206 Douglas St, S, Wilson County, North Carolina.
- FACT 2: The property is also known as 3721-39-1818.000 (222 Barnes St, S) and 3721-39-1828.000 (206 Douglas St, S) (PINs) and recorded in the Wilson County Register of Deeds in Plat Book 43 Page 275 as WPO Properties, LLC Lots 2 & 3 (see attached).

- FACT 3: The property is zoned CCMX (Center City Mixed-Use).  
The surrounding properties are zoned as follows:
- North – CCMX (Center City Mixed-Use)
  - East – CCMX (Center City Mixed-Use)
  - West – CCMX (Center City Mixed-Use)
  - South – IMX (Industrial Mixed-Use)
- FACT 4: The property is located within the Municipal Service District and the Downtown/Tobacco Warehouse Historic District of the City of Wilson.
- FACT 5: The property was most recently L. S. Kustoms, a vehicle service repair shop.
- FACT 6: Wilson Downtown Development Corporation (WDDC) reviewed this request on April 10, 2024. The WDDC supports this request with the conditions 1 - 11.
- FACT 7: Chapter 17 of the City of Wilson Unified Development Ordinance defines **Nightclub** as:
- “Establishments where the aggregate floor area of concentrated use and standing space that is used for dancing or viewing of performers exceeds ten percent (10%) of the business floor area. Alcoholic beverages may be included for consumption on premises through separate permitting.”
- FACT 8: Section 2.7.3 of the City of Wilson Unified Development Ordinance includes a “Use Table”. The table lists “nightclub subject to a Special Use Permit and subject to the requirements of 3.5.3” as a permitted use in the CCMX district.
- FACT 9: Section 3.5.3 of the City of Wilson Unified Development Ordinance is entitled “Requirements for particular uses and development types – nightclub” and lists the requirements as follows:
- 3.5.3 BAR, TAVERN, or NIGHTCLUB
- A. Separation Requirement: All new bar, tavern, nightclubs in the GC and HC districts shall be located no closer than 500 feet to any residential district or use, church, school, park or playground, or other existing public or private club.
- This property is not in the GC or HC districts, so this requirement does not apply to this request.*



B. Minimum Net Floor Area: Night Clubs shall have a minimum floor area of 1,500 square feet.

*The subject property meets the requirement as follows:  
Total net floor area of 2,796 square feet as per the Wilson County Tax Administration website (see attached).*

C. Hours of Operation: In issuing a Special Use Permit for this use, the board shall consider the surroundings and restrict the hours of operation of the business if they deem it warranted.

*The Board may restrict the hours of operation if they deem it warranted. An option is included with condition #11.*

FACT 10: The Fire Department recommends approval subject to the following:

The property is located within the Primary Fire District within the City and shall meet the district standards, any NC Fire Prevention Code requirements and have an approved inspection in accordance with the NC Fire Code schedule.

FACT 11: Neighborhood Improvement recommends approval subject to the following:

Must follow all applicable local, state, and federal laws, rules, and ordinances.

FACT 12: Construction Standards recommends approval subject to the following:

Must comply with the current edition of the NC Building Code and have an approved Certificate of Occupancy prior to commencing operations.

FACT 13: Section 15.10.2E of the Unified Development Ordinance: pertaining to the issuance of Special Use Permits, reads as follows:

1. That the proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site;

*This request conforms to the character of the neighborhood and with the direction of the Wilson Downtown Development Corporation.*



2. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;

*This request should not impact negatively on traffic congestion on the public roads. There is public parking on in the rear adjacent to the 210 Barnes St S parking lot (Lot #11), and across Barnes to the west at the 209 Barnes St S (Lot #12) and 114 Douglas St, S (Lot #17) .*

3. That adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use;

*Adequate utilities are available for the proposed use.*

4. That the proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;

*This request should not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. Any creation of such items would require meeting state and federal standards or requirements.*

5. That the establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the land development district; and

*This request will not impede the orderly development and improvement of surrounding property for uses permitted within the CCMX (Center City Mixed-Use) by allowing this use within Historic Downtown Wilson.*

6. That the establishment, maintenance and/or operation of the proposed use will not be detrimental to or endanger the public health, safety or general welfare.

*This request, if operated as described, should not be detrimental to or endanger the public health, safety or general welfare of the property owners, residents and visitors to the City of Wilson.*

7. That the establishment will be operated in compliance with all local, state and federal laws and will not become a nuisance by creating criminal activity or public disturbance.

*The request, if operated as described, should be compliant with all laws and not become a nuisance to the downtown area. Conditions in the Recommendations Section should assist in monitoring the operation of this proposed business.*



Board of Adjustment – Special Use Permit  
222 Barnes St, S & 206 Douglas St, S – Nightclub  
April 16, 2024

PROCEDURE: The Board must proceed in accordance with Section 15.10 as quoted in Fact 13 (motion-second-and vote).

RECOMMENDATION: Staff recommends the Board proceed as follows:

- **Move that Facts 1-13 in the staff findings be adopted as “findings of fact” of the Board (motion-second-and vote).**
- **Move to Conclude:**
  1. that the requested permit is within the jurisdiction of the Board to issue;
  2. that the application is complete; and
  3. that, if completed as proposed in the application and in compliance with the recommended conditions, the development will comply with the requirements of the Unified Development Ordinance.
- **Move to grant the Special Use Permit subject to the following conditions: (motion-second-and vote). *Indicate whether to include Condition #11.***
  1. The applicant and operator of the establishment shall fully comply with all of the requirements of the Order together with any other applicable state or local rules, ordinances, laws and regulations of whatever nature.
  2. If any of the conditions affixed to the permit or any part thereof shall be held invalid or void, then the permit shall become void and of no effect.
  3. The Special Use Permit is granted for Nightclub, ONLY.
  4. All required building permits, inspections, and a fire inspection will be maintained throughout the duration of the business operation.
  5. Must comply with the current edition of the NC Building Code and have an approved Certificate of Occupancy prior to commencing operations.
  6. Any pattern of recurring incidents of violence, illegal, or nuisance activity, which results in at least two incidents over 3 days, or more than 9 events over 90 days, reported to the City of Wilson Police Department or the City of Wilson Nuisance Department, shall be grounds to schedule a hearing with the Board of Adjustment for a warning to revoke or revocation of the Special Use Permit. In



addition, if there is a serious violent crime such as rape, homicide, or serious assault, shall be potential grounds to schedule a hearing with the Board of Adjustment for a warning to revoke or revocation of the Special Use Permit. The Special Use Permit hearing shall be for revocation of the Special Use Permit or placing additional amendments to the Conditions of Approval. Upon Revocation, the business shall immediately be closed.

7. After closing each night, the on-site manager shall pick-up, dispose of properly, and clean-up outside areas within 50 feet of the building. This includes the trash, refuse, or other evidence of public drunkenness.
8. A City of Wilson privilege license as related to the alcohol permits will be maintained at all times.
9. All exterior lighting shall be directed downward to prohibit fugitive light from leaving the area/building. All lighting shall be extinguished, (except for the light necessary for security lights) within 30 minutes of the close of business.
10. The Special Use Permit will expire on the third Tuesday of May 2026. The applicant should submit an application to renew the Special Use Permit by the third Tuesday of April 2026.

#### **Operational Conditions**

11. The business will close no later than is allowed in accordance with NC ABC laws.

**ATTACHMENTS:** 1) Application. 2) Adjacent Property Owners Labels. 3) Wilson County Tax Information. 4) Minor Plat (WPO Properties, LLC).



## APPLICATION FOR SPECIAL USE PERMIT

### APPLICANT/AGENT INFORMATION:

Name Bartlett Engineering & Surveying PC  
Address 1906 Nash St N Wilson, NC 27893  
Phone 252-399-0704

### PROPERTY OWNER INFORMATION (IF DIFFERENT FROM ABOVE):

Name WPO Properties LLC  
Address 4508 Chippenham Ct Wilson, NC 27896  
Phone 252-292-0807

### PROPERTY INFORMATION:

Address 222 Barnes St and 206 Lodge St Wilson, NC 27893  
Property Identification Number (PIN) 3721-39-1818, 3721-39-1828  
Current (or most recent) Use Vehicle Services Minor Maintenance\repair, vacant  
Zoning District CCMX  
Proposed Use Nightclub, outdoor seating

### DESCRIPTION OF THE PROPOSED USE OF THE PROPERTY:

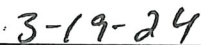
The owner wishes to open an entertainment business that classifies as a  
nightclub use. Every effort will be made to ensure adherence to all local and state laws,  
regulations and ordinances. The owner's goal is to provide an atmosphere where adults  
can enjoy music and entertainment in an upscale professional setting.

This property will have a minimum 1500 sq ft of floor space per ordinance.

CERTIFICATION:

I (We), certify that all of the information presented in this application and in its accompanying attachments is accurate to the best of my (our) knowledge, information, and belief.

  
Signature

  
Date

**NOTE: An incomplete application will be considered invalid and will not be processed.**



BOOK 2950 PAGE 548



Doc ID: 006874630002 Type: CRP  
Recorded: 02/25/2022 at 03:16:48 PM  
Fee Amt: \$276.00 Page 1 of 2  
Revenue Tax: \$250.00  
Wilson, NC  
Lisa J. Stith Register of Deeds  
BK 2950 PG 548-549

This instrument prepared by T. D. Jones, III, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by T. D. Jones, III, a licensed North Carolina attorney and closing attorney to the county Tax Collector upon disbursement of closing proceeds. Return to T. D. Jones, III.

NORTH CAROLINA

REVENUE STAMPS \$250.00

WILSON COUNTY

WARRANTY DEED

TAX PIN#3721-39-1818-000

THIS DEED, made this 24th day of February, 2022, by HARBO, LLC, a NC limited liability company, whose mailing address is 1100 Laurel Lane NW, Wilson, NC 27896, GRANTOR, to WPO PROPERTIES, LLC, GRANTEE, whose mailing address is 4508 Chippenham Court, Wilson, NC 27896;

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid to the GRANTOR by the GRANTEE, the receipt of which is hereby acknowledged, the GRANTOR has bargained and sold, and by these presents does bargain, sell and convey to the GRANTEE, its successors and assigns, that certain lot or parcel of land lying and being situate in Wilson County, North Carolina, and more particularly described as follows:

That property shown as Lot 2 (0.27 acres) on that certain plat of survey entitled "Minor Plat Property of P and R Real Estate, LLC" recorded in Plat Book 41, Page 271, Wilson County Registry. For back reference, see deed recorded in Book 2776, Page 489, Wilson County Registry.

TO HAVE AND TO HOLD the above lands and all privileges and appurtenances thereto belonging to the GRANTEE, its successors and assigns, in fee simple forever.

BUT, NEVERTHELESS, expressly subject to all restrictions, rights of way, easements and permits of record.

AND, the GRANTOR, for itself, its successors and assigns, covenants to and with the GRANTEE, its successors and assigns, that it is seized of said premises in fee and has full right to convey the same in fee simple; that there are no encumbrances thereon except as set forth above, and that it will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

BOOK 2950 PAGE 549

IN TESTIMONY WHEREOF, HARBO, LLC, a NC limited liability company, has caused this instrument to be signed in its name and on its behalf by its Members/Managers, this the day and year first above written.

HARBO, LLC,  
a NC limited liability company

BY: [Signature] (SEAL)  
BRENT BOYETTE, Member/Manager

BY: [Signature] (SEAL)  
CAROL S. BOWEN, Member/Manager

BY: [Signature] (SEAL)  
NANCY J. HARRIS, Member/Manager

SELLER HEREBY CERTIFIES:

✓ THAT THE FOREGOING PROPERTY IS HIS/HER PRIMARY RESIDENCE.

\_\_\_\_\_ THAT THE FOREGOING PROPERTY IS NOT HIS/HER PRIMARY RESIDENCE.

NORTH CAROLINA  
WILSON COUNTY

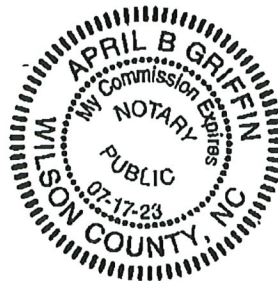
I, April B. Griffin, Notary Public in and for said County and State, do hereby certify that BRENT BOYETTE, CAROL S. BOWEN, and NANCY J. HARRIS, Members/Managers of HARBO, LLC a NC limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes expressed therein on behalf of the company.

Witness my hand and seal, this 25 day of February, 2022.

April B Griffin

Notary Public

My Commission Expires: 7-17-2023





**222 Barnes St, S and 206 Douglas St, S – Proposed Nightclub**

|                                  |                                |                               |
|----------------------------------|--------------------------------|-------------------------------|
| WPO PROPERTIES LLC               | AE PROPERTY LLC                | MERKIN BRIAN                  |
| 4508 CHIPPENHAM CT               | PO BOX 1914                    | 12797 VIA ESPERIA             |
| WILSON NC 27896                  | DURHAM NC 27702-1914           | DEL MAR CA 92014-3718         |
| KIRKLAND FAMILY HOLDING LLC MBKW | BARNESHARP LLC                 | RUNNING VALLEY PROPERTIES LLC |
| PO BOX 3283                      | 4700 COUNTRY CLUB DR N         | 2901 FALLING MAPLE DR NW      |
| WILSON NC 27895-3283             | WILSON NC 27896-9116           | WILSON NC 27896-9005          |
| AE PROPERTY LLC                  | SALEH PROPERTIES OF WILSON LLC | SARGENT PROPERTIES LLC        |
| PO BOX 1914                      | PO BOX 1202                    | 2811 DEERFIELD LN N           |
| DURHAM NC 27702-1914             | WILSON NC 27894                | WILSON NC 27896-8743          |
| MILLS ERADER JR                  | WPO PROPERTIES LLC             | MOORE'S MAINTENANCE SER INC   |
| 8374 SAVAGE RD                   | 516 MADISON AVE                | 221 E BARNES ST               |
| SPRING HOPE NC 27882             | CARY NC 27513-4403             | WILSON NC 27893-4901          |



**Wilson County**  
PROPERTY REPORT - PRINT

|  |   |  |             |      |                 |                |       |                   |                    |     |                   |       |                 |   |                |   |               |   |                |                               |                           |     |
|--|---|--|-------------|------|-----------------|----------------|-------|-------------------|--------------------|-----|-------------------|-------|-----------------|---|----------------|---|---------------|---|----------------|-------------------------------|---------------------------|-----|
| <b>Property Owner</b><br>WPO PROPERTIES LLC  | <b>Owner's Mailing Address</b><br>4508 CHIPPENHAM CT<br>WILSON , NC 27896   | <b>Property Location Address</b><br>222 BARNES ST S  |             |      |                 |                |       |                   |                    |     |                   |       |                 |   |                |   |               |   |                |                               |                           |     |
| <b>Administrative Data</b><br>Parcel ID No. 3721391818.000<br>PIN 3721 39 1818 000<br>Previous Parcel 3721391964.000<br>Owner ID 1126087<br>Tax District 32 - C/CIWI/MSD1/MUNC-WILSON<br>Land Use Code 53<br>Land Use Desc SERVICE GARAGE<br>Neighborhood 8309 - TARBORO-NASH_B-1  | <b>Administrative Data</b><br>Legal Desc 222 BARNES ST S<br>L2 .11AC<br>Deed Year Bk/Pg 2022 - 2950 / 548<br>Plat Bk/Pg 43 / 275<br><b>Sales Information</b><br>Grantor HARBO LLC<br>Sold Date 2022-02-25<br>Sold Amount \$ 125,000 | <b>Valuation Information</b><br>Market Value \$ 118,229<br>Market Value - Land and all permanent improvements, if any, effective January 1, 2024, date of County's most recent General Reappraisal<br>Assessed Value \$ 118,229<br>If Assessed Value not equal Market Value then subject parcel designated as a special class -agricultural, horticultural, or forestland and thereby eligible for taxation on basis of Present-Use. |             |      |                 |                |       |                   |                    |     |                   |       |                 |   |                |   |               |   |                |                               |                           |     |
| <b>Improvement Detail</b><br><table border="0"> <tr><td>Year Built'</td><td>1960</td></tr> <tr><td>Built Use/Style</td><td>SERVICE GARAGE</td></tr> <tr><td>Grade</td><td>C+05 / C+05 GRADE</td></tr> <tr><td>* Percent Complete</td><td>100</td></tr> <tr><td>Heated Area (S/F)</td><td>2,796</td></tr> <tr><td>Fireplace (Y/N)</td><td>N</td></tr> <tr><td>Basement (Y/N)</td><td>N</td></tr> <tr><td>** Bedroom(s)</td><td>0</td></tr> <tr><td>** Bathroom(s)</td><td>0 Full Bath(s) 0 Half Bath(s)</td></tr> <tr><td>*** Multiple Improvements</td><td>001</td></tr> </table> <p>* Note - As of January 1<br/>         ** Note - Bathroom(s), Bedroom(s), shown for description only<br/>         *** Note - If multiple improvements equal "MLT" then parcel includes additional major improvements</p> |   |  | Year Built' | 1960 | Built Use/Style | SERVICE GARAGE | Grade | C+05 / C+05 GRADE | * Percent Complete | 100 | Heated Area (S/F) | 2,796 | Fireplace (Y/N) | N | Basement (Y/N) | N | ** Bedroom(s) | 0 | ** Bathroom(s) | 0 Full Bath(s) 0 Half Bath(s) | *** Multiple Improvements | 001 |
| Year Built'  | 1960  |  |             |      |                 |                |       |                   |                    |     |                   |       |                 |   |                |   |               |   |                |                               |                           |     |
| Built Use/Style  | SERVICE GARAGE  |  |             |      |                 |                |       |                   |                    |     |                   |       |                 |   |                |   |               |   |                |                               |                           |     |
| Grade  | C+05 / C+05 GRADE   |  |             |      |                 |                |       |                   |                    |     |                   |       |                 |   |                |   |               |   |                |                               |                           |     |
| * Percent Complete   | 100   |  |             |      |                 |                |       |                   |                    |     |                   |       |                 |   |                |   |               |   |                |                               |                           |     |
| Heated Area (S/F)  | 2,796   |  |             |      |                 |                |       |                   |                    |     |                   |       |                 |   |                |   |               |   |                |                               |                           |     |
| Fireplace (Y/N)  | N   |  |             |      |                 |                |       |                   |                    |     |                   |       |                 |   |                |   |               |   |                |                               |                           |     |
| Basement (Y/N)   | N   |  |             |      |                 |                |       |                   |                    |     |                   |       |                 |   |                |   |               |   |                |                               |                           |     |
| ** Bedroom(s)  | 0   |  |             |      |                 |                |       |                   |                    |     |                   |       |                 |   |                |   |               |   |                |                               |                           |     |
| ** Bathroom(s)   | 0 Full Bath(s) 0 Half Bath(s)   |  |             |      |                 |                |       |                   |                    |     |                   |       |                 |   |                |   |               |   |                |                               |                           |     |
| *** Multiple Improvements  | 001   |  |             |      |                 |                |       |                   |                    |     |                   |       |                 |   |                |   |               |   |                |                               |                           |     |



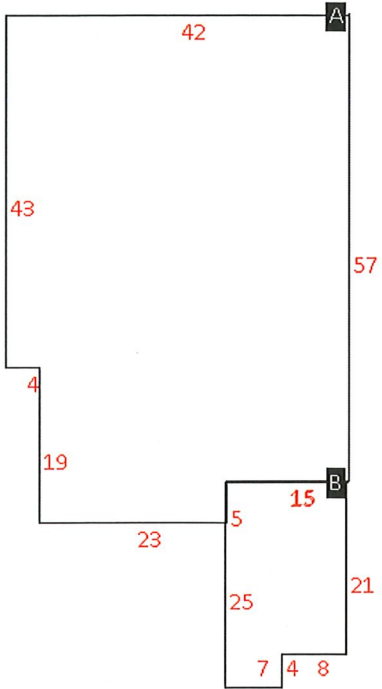
Photo

Photo 1



Building Sketch - NOTE: Sketches are updated the first day of every month.

(Building 1) - Sketch for Parcel ID: **3721391818.000**  
NOTE: Sketches are updated the first day of every month.



| Label | Description     | Base SF | Total SF |
|-------|-----------------|---------|----------|
| A     | SERVICE GARAGE  | 2453.00 | 2453.00  |
| B     | OFFICE BUILDING | 343.00  | 343.00   |



**Land Supplemental**

|                   |                              |
|-------------------|------------------------------|
| Map Acres         | 0.11                         |
| Tax District Note | 32 - C/CIWI/MSD1/MUNC-WILSON |
| Present-Use Info  | SERVICE GARAGE               |
| Zoning Code       | CCMX                         |
| Zoning Desc       | CENTER CITY MIXED USE        |

**Total Improvements Valuation**

\*Total Improvements Full Market Value \$

**83,640**

\*\*Total Improvements Assessed Value

**83,640**

\* Note - Market Value effective Date equal January 1, 2024, date of County's most recent General Reappraisal  
\*\* Note - If Assessed Value not equal Market Value then variance resulting from formal appeal procedure

**Land Value Detail (Effective Date January 1, 2024, date of County's most recent General Reappraisal)**

Land Full Value (LFV) \$

**34,589**

Land Present-Use Value (PUV) \$ \*\*

**34,589**

Land Total Assessed Value \$

**34,589**

\*\* Note: If PUV equal LMV then parcel *has not* qualified for present use program

**Land Detail (Effective Date January 1, 2024, date of County's most recent General Reappraisal)**

Rate Type

Rate Code

Description

Quantity

