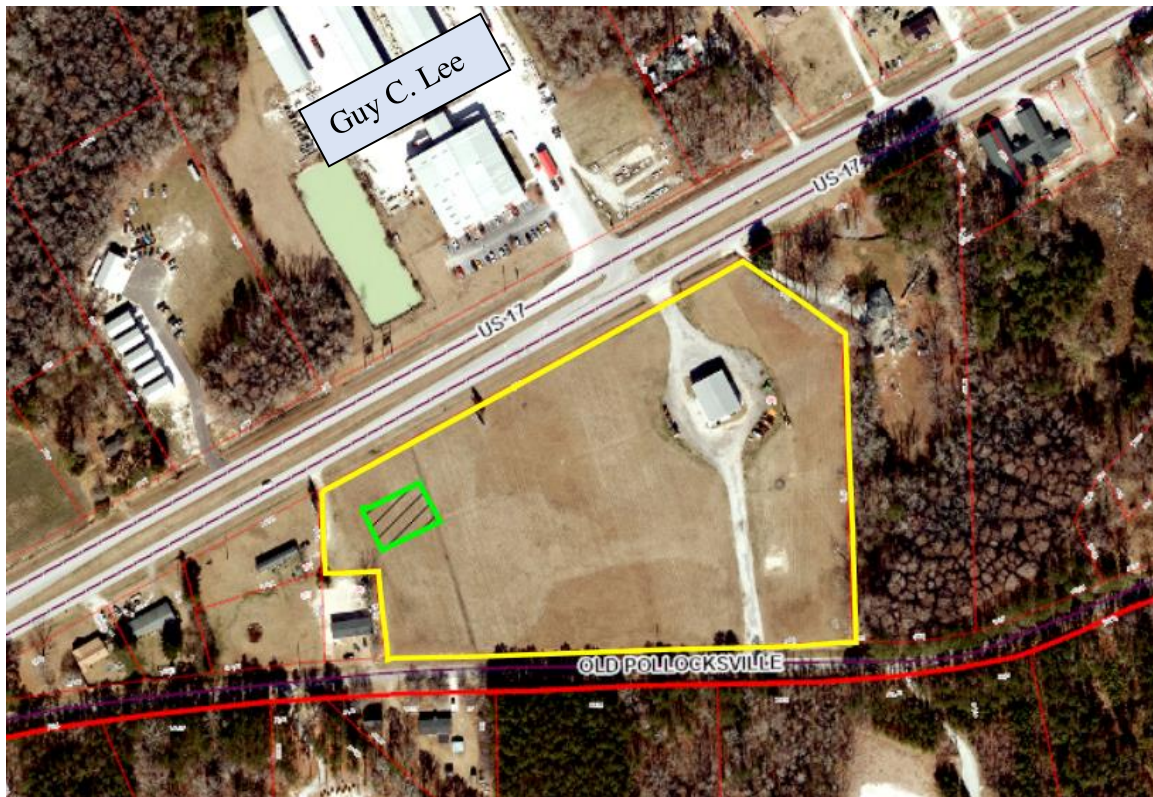


## **NOTICE OF PUBLIC HEARING**

The Board of Adjustment (BOA) of the Town of River Bend has received a request from Harmoni Towers Development Co., LLC to obtain a special use permit to construct a 235' wireless communication tower in River Bend's extraterritorial jurisdiction. The proposed site is zoned BD (Business District) and is a 100'x100' portion of a +/- 10.3 acre parcel identified by Craven County PIN: 8-205-2000 with an address of 5431 US Hwy. 17 South, New Bern, NC. The request requires a quasi-judicial hearing, which is very similar to a court hearing. All testimony must be sworn and in person before the BOA. Comments called in and letters or written statements [such as petitions] cannot be entered into the record. Having first-hand testimony allows for cross-examination of all witnesses by the BOA and others in attendance. Testimony offered on the case should be from direct personal or professional knowledge and focus on the ordinance-specified considerations of the BOA. The hearing will be held on April 21, 2026 at 6:00 p.m. at Town Hall, located at 45 Shoreline Drive, River Bend, NC. The application and related documents may be reviewed at the Town of River Bend Zoning Department, 45 Shoreline Drive, between 8:00 AM and 4:00 PM, Monday through Friday.

The parcel is outlined in yellow below. The approximate location of the tower is shown in green.



**TOWN OF RIVER BEND**  
**BOARD OF ADJUSTMENT MEETING**

**April 21, 2026**

**6:00PM**

**Town Hall – 45 Shoreline Drive**

**Agenda**

1. Call to Order
2. Accept minutes from March 28, 2024 meeting
3. Conduct Evidentiary Hearing
  - A. Announce the case
  - B. Explanation of Quasi-Judicial nature of the case
  - C. Swear all witnesses
  - D. Call for disclosures by Board of Adjustment members
  - E. Consider Questions on Standing
  - F. Staff overview and presentation of preliminary materials
  - G. Presentation by applicant
  - H. Presentation by other parties with standing
  - I. Other witnesses called if necessary
  - J. Applicant rebuttal
  - K. Other parties' rebuttal
  - L. Board deliberations on case
4. Consideration of granting Special Use permit
  - A. Vote on findings
  - B. Vote on issuing permit
5. Adjournment

**River Bend Board of Adjustment**  
**March 28<sup>th</sup>, 2024**  
**Town Hall**  
**6:30 PM**

Board Members present: Vice Chair Patty Leonard, Chris Barta, Cinda Hill, Jon Hall

Board Members absent: Chairman Paige Ackiss, Rick Fisher (ETJ Alternate), Kelly Forrest (ETJ Representative), Dave Zinni (Alternate)

Others present: Councilman Buddy Sheffield (Liaison to BOA), Councilman Buddy Sheffield, Councilwoman Barbara Maurer, Town Manager Delane Jackson, Assistant Zoning Administrator Allison McCollum, Town Attorney Dave Baxter, and 6 members of the public

**CALL TO ORDER**

Vice Chair Patty Leonard called the meeting to order at 6:30 PM on Thursday, March 28<sup>th</sup>, 2024 at the River Bend Town Hall with a quorum present.

**APPROVAL OF OCTOBER 27<sup>TH</sup>, 2022 MEETING MINUTES**

Board Member Chris Barta made a motion to accept the minutes from the October 27<sup>th</sup>, 2022 meeting of the Board of Adjustment. Motion was seconded by Board Member Cinda Hill and the motion carried unanimously.

**EVIDENTIARY HEARING**

Vice Chair Leonard introduced the case. The Board of Adjustment assembled to conduct an evidentiary hearing and consider a special use permit to construct a water treatment facility on a portion of Parcel #8-200-028, adjacent to the existing Public Works Building. The Application was submitted by Town Manager Delane Jackson on behalf of the Town of River Bend.

Vice Chair Leonard explained the quasi-judicial nature of the case.

Vice Chair Leonard swore in the following attendees as witnesses: Town Manager Delane Jackson and Assistant Zoning Administrator Allison McCollum.

Vice Chair Leonard called for any necessary disclosures from the Board of Adjustment members. There were no disclosures.

Vice Chair Leonard asked if anyone present wished to establish standing in the hearing. No one responded.

Assistant Zoning Administrator Allison McCollum presented 12 exhibits that Town staff had prepared as relevant materials for the case. (See attached.)

Town Manager Delane Jackson (acting as the applicant) gave a PowerPoint presentation about the proposed water treatment facility.

During the presentation, board members asked questions regarding security of the facility. Board Member Chris Barta asked several questions about the extent of the security measures required by the state code and questioned if those requirements were outdated and should be expanded on. Board Member Jon Hall raised concerns that the location of this building might inhibit further road development. Board Members briefly discussed conditions Town Attorney Dave Baxter noted that discussions need to be related to things directly related to the development, not based on suppositions with no evidence.

Vice Chair Leonard skipped items H-K on the agenda as there were no other parties present. He moved to open the deliberation portion of the meeting.

Vice Chair Leonard asked if any board members had specific concerns or questions that they wanted to discuss. Board Members discussed security issues again, specifically 24/7 surveillance and security cameras. Vice Chair Leonard closed the evidentiary hearing at 7:11 PM.

## DECISIONS

Following the testimony and discussion, the Board voted on the following motions:

1. Board Member Chris Barta moved that **the proposed use will 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 Town Council.** Board Member Cinda Hill seconded and the motion carried unanimously.
2. Board Member Chris Barta moved that **the proposed use will not be contrary to the purposes stated in the Town's zoning regulations.** Board Member Jon Hall seconded and the motion carried unanimously.
3. Board Member Chris Barta moved that **the proposed use will not affect adversely the health and safety of residents and workers in the zoned area.** Board Member Jon Hall seconded and the motion carried unanimously.
4. Board Member Chris Barta moved that **the proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses.** Board Member Cinda Hill seconded and the motion carried unanimously.
5. Board Member Chris Barta moved that **the proposed use will not be affected adversely by the existing uses.** Board Member Cinda Hill seconded and the motion carried unanimously.
6. Board Member Chris Barta moved that **the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use.** Board Member Jon Hall seconded and the motion carried unanimously.
7. Board Member Chris Barta moved that **the proposed use will not constitute a nuisance or hazard because of number of persons who will attend or use these facilities, vehicular movement, noise or fume generation, or type of physical activity.** Board Member Jon Hall seconded and the motion carried unanimously.
8. Board Member Chris Barta moved that **the standards set forth for each particular use for which a permit may be granted have been met or will be met.** Board Member Cinda Hill seconded and the motion carried unanimously.

9. Board Member Chris Barta moved that **the proposed use shall be subject to the minimum area, setback, and other dimensional requirements of the zoning district in which it will be located.** Board Member Jon Hall seconded and the motion passed unanimously.
10. Board Member Chris Barta moved that **the proposed use shall be subject to the off-street parking and service requirements of these regulations.** Board Cinda Hill seconded and the motion carried unanimously.

Board Member Chris Barta moved that **the request for a special permit be approved with conditions as submitted with the following additional restrictions and standards necessary to protect the health and safety of workers and residents of the community, and to protect the value and used of property in the general neighborhood.**

1. **Security cameras with 24-hour surveillance be established at the location.**

Board Member Cinda Hill seconded and the motion carried unanimously.

#### **ADJOURNMENT**

Board Member Chris Barta motioned to adjourn the meeting. Board Member Cinda Hill seconded the motion; it carried unanimously. The meeting adjourned at 7:21 PM.

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Allison McCollum, Secretary

## **TABLE OF EVIDENCE**

EXHIBIT 01 – Special Use Permit Application

EXHIBIT 02 – Recommendation from the Planning Board

EXHIBIT 03 – Online Notice of Public Hearing

EXHIBIT 04 – Newspaper Advertisement of Public Hearing

EXHIBIT 05 – Sign Posted at Parcel #8-205-2000

EXHIBIT 06 – Letter Sent to Adjacent Property Owners

EXHIBIT 07 – Site Plan Detail

EXHIBIT 08 – Ordinance §15.02.124 – District Use Regulations

EXHIBIT 09 – Ordinance §15.02.080 – Off-Street Parking Requirements

EXHIBIT 10 – GIS Map of Parcel

EXHIBIT 11 – Zoning Map of Parcel

EXHIBIT 12 - Ordinance §15.02.122 – Review and Approval of Special Uses

EXHIBIT 13 - Ordinance §15.02.120 – General Regulations











VIEW FROM OLD POLLOCKSVILLE ROAD



VIEW FROM US HWY 17 S



**TOWN OF RIVER BEND**45 Shoreline Drive  
River Bend, NC 28562T 252.638.3870  
F 252.638.2580[www.riverbendnc.org](http://www.riverbendnc.org)

April 6, 2026

Dear Property Owner:

The River Bend Board of Adjustment (BOA) will hold a public hearing on Tuesday, April 21<sup>st</sup>, 2026 at 6:00 PM in the Council Chambers of the River Bend Town Hall located at 45 Shoreline Drive, for the following request:

To gather comments on a request for a special use permit for the construction of a wireless communications tower. The proposed site is located at 5431 South US Highway 17 within the extra-territorial jurisdiction of the Town of River Bend. The property is zoned business (BD), and is a +/- 10.3 acre lot identified by Craven County PIN: 8-205-2000. The proposed site is shown on the attached map.

This is a quasi-judicial hearing, very similar to a court hearing. All testimony must be sworn and in person before the BOA. Comments called in and letters or written statements [such as petitions] cannot be entered into the record. Having first-hand testimony allows for cross-examination of all witnesses by the BOA and others in attendance. Testimony offered on the case should be from direct personal or professional knowledge, and focus on the ordinance-specified considerations of the BOA. If several people have testimony to offer, it is suggested they coordinate their efforts to avoid repetition. Action on issuing the permit may be taken by the BOA following the public hearing.

The application and maps may be reviewed at the Town of River Bend Zoning Department, 45 Shoreline Drive, between 8:00 AM and 4:00 PM, Monday through Friday or by visiting the town's website at [www.riverbendnc.org](http://www.riverbendnc.org) and clicking on the "Special Use Application" tab.

All decisions of the Board of Adjustment are subject to appeal to Superior Court within 30 days after the aggrieved party receives the BOA's written decision. An appeal to the BOA action must be filed pursuant to procedures noted in the North Carolina General Statutes.

If you have questions, please contact me between 8:00 AM and 4:00 PM, Monday through Friday at 252-638-3870 or via email at [manager@riverbendnc.org](mailto:manager@riverbendnc.org).

Sincerely,

  
Delane Jackson,  
Town Manager

NOTE:  
THIS IS NOT A SURVEY. THESE PLANS ARE FOR REFERENCE AND ALL DIMENSIONS AND SETBACKS ARE ESTIMATES ONLY AND SUBJECT TO CHANGE. PLEASE REFER TO FIELD SURVEY FOR MORE ACCURATE INFORMATION.

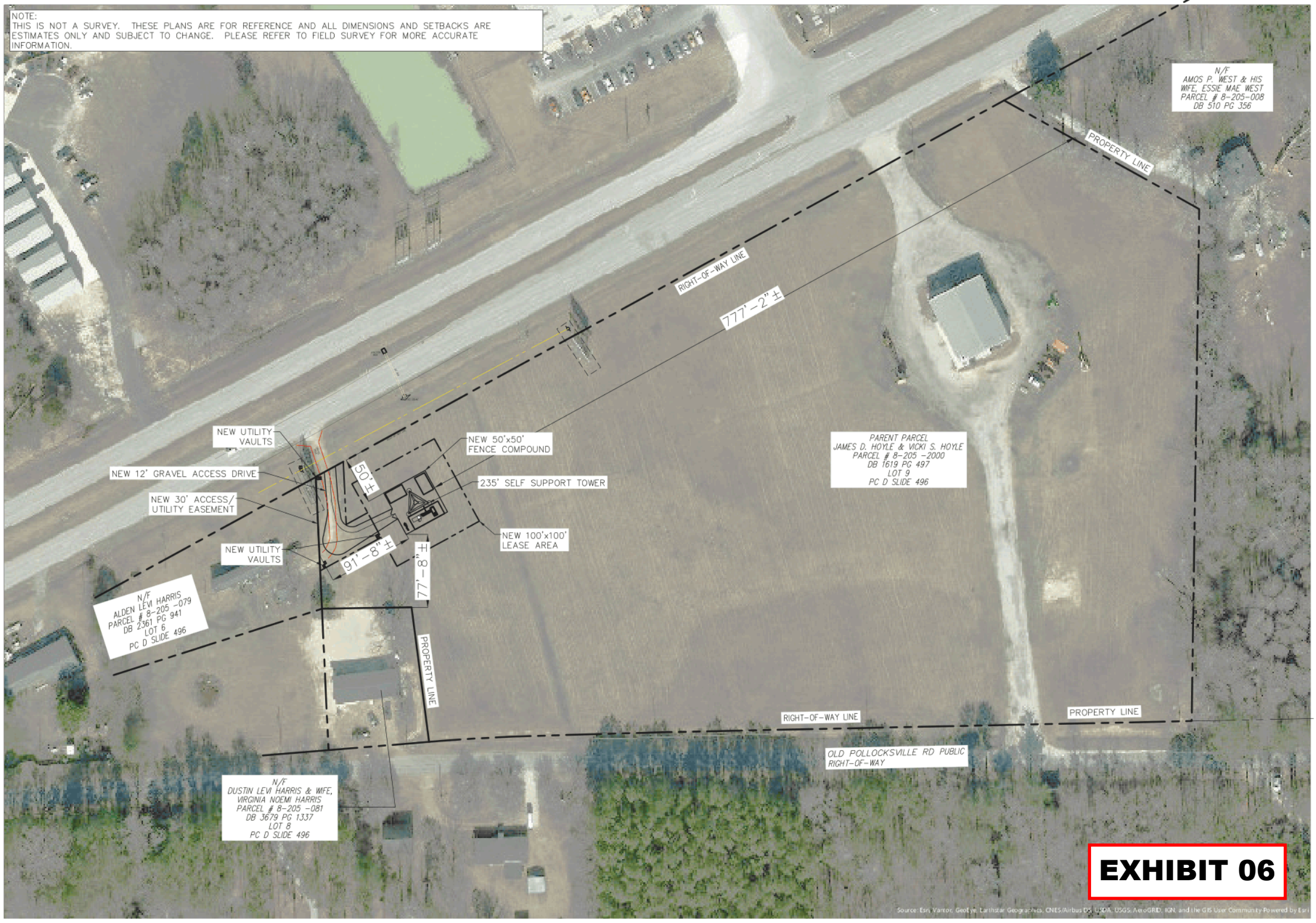
N/F  
AMOS P. WEST & HIS  
WIFE, ESSIE MAE WEST  
PARCEL # 8-205-008  
DB 510 PG 356

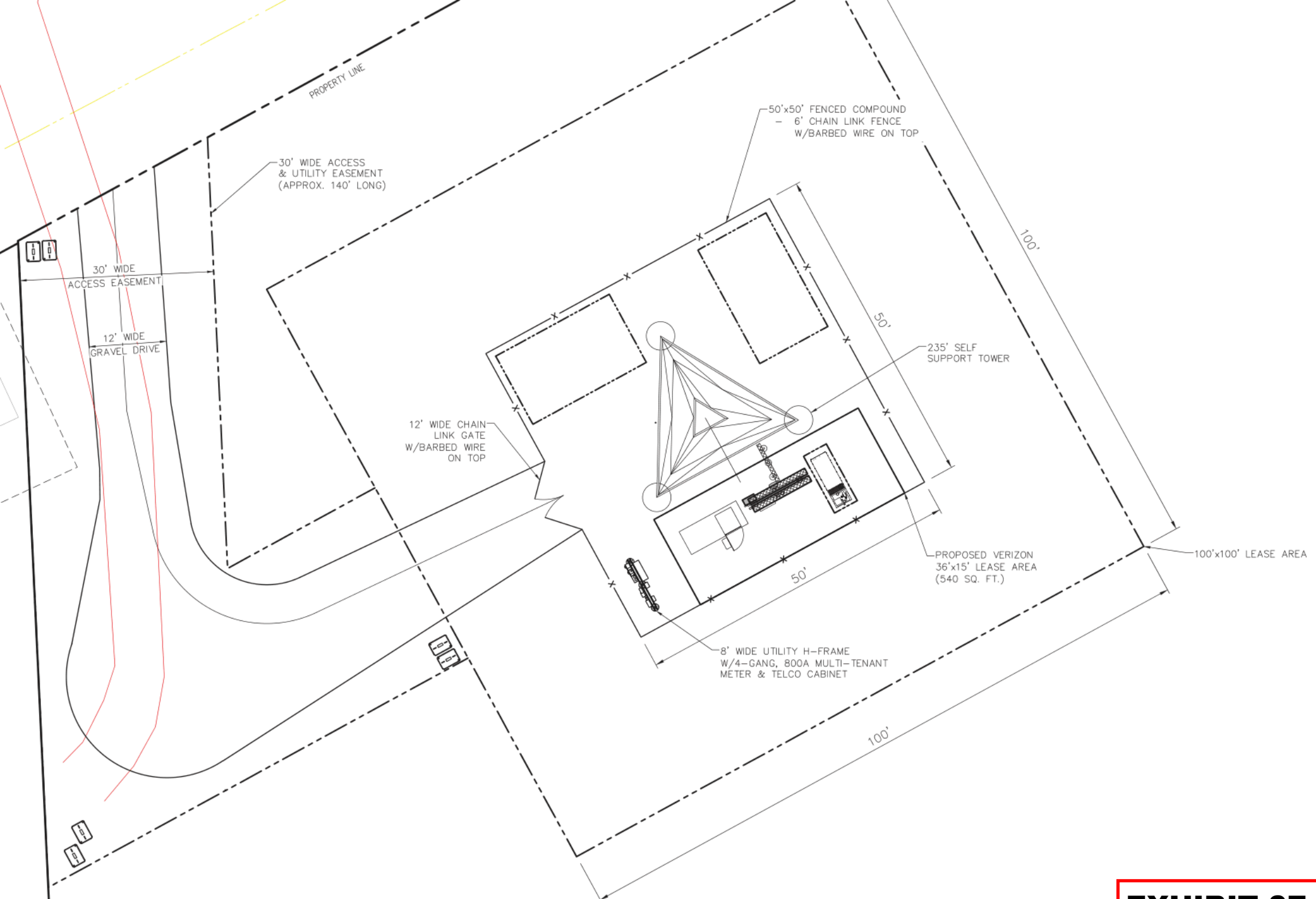
PARENT PARCEL  
JAMES D. HOYLE & VICKI S. HOYLE  
PARCEL # 8-205-2000  
DB 1619 PG 497  
LOT 9  
PC D SLIDE 496

N/F  
ALDEN LEVI HARRIS  
PARCEL # 8-205-079  
DB 2361 PG 941  
LOT 6  
PC D SLIDE 496

N/F  
DUSTIN LEVI HARRIS & WIFE,  
VIRGINIA NOEMI HARRIS  
PARCEL # 8-205-081  
DB 3679 PG 1337  
LOT 8  
PC D SLIDE 496

**EXHIBIT 06**





**§ 15.02.124 DISTRICT USE REGULATIONS.**

For convenience in the administration of this chapter, there hereby is established and made a part of this chapter the following schedule of district use regulations.

<b>SCHEDULE OF DISTRICT USE REGULATIONS</b>									
<b>KEY:</b>									
<b>P</b> – Use permitted by right									
<b>SU</b> – Special use permitted upon approval by Board of Adjustment after recommendation of the Planning Board									
<b>Blank/Unlisted</b> – Prohibited use									
<b>Use</b>	<b>R20/ R20A</b>	<b>R15</b>	<b>PDR- SF</b>	<b>PDR- MF</b>	<b>ID</b>	<b>BD</b>	<b>BD- PD</b>	<b>AGR</b>	<b>Parking Code*</b>
Accessory Building	P	P	P	P	SU	SU	SU	P	
Adult Day Care					P	P	P		G
Bakery, Retail						P	P		G
Financial Services						P	P		G
Barber Shop/Beauty Shop						P	P		G
Boats and Trailer Sales						SU	SU		G
Cabinet, Woodworking or Upholstery Shops						P	P		G
Child Day Care						SU			
Churches	SU	SU	SU	SU	P	SU	SU		E
Clubs and Lounges, Private					P	SU	SU		F
Clothing Store						P	P		G
Computer Sales and Service						P	P		G
Dairy Bar and Ice Cream Parlors						P	P		G
Drug Store						P	P		F
Dry Cleaners/Drop Off/Pick Up Only						P	P		G

## SCHEDULE OF DISTRICT USE REGULATIONS

**KEY:**

**P** – Use permitted by right

**SU** – Special use permitted upon approval by Board of Adjustment after recommendation of the Planning Board

**Blank/Unlisted** – Prohibited use

Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Dwellings, Single-Family	P	P	P	P		SU			A
Dwellings, 2-Family				P		SU			A
Dwellings, Multi-Family				P		SU			A
Fire Department Buildings	SU	SU	SU	SU	SU	SU	SU		F
Fitness Center						P	P		G
Florists/Gift Shop						P	P		G
Furniture Store						P	P		G
Golf Course	SU	SU	SU	SU	P	SU	SU		F
Grocery Store						P	P		G
Hardware Sales						P	P		G
Home Occupations	P	P	P		P				G
Tourist Home***	P	P			P	P	P		D
Jewelry and Watch Repair						P	P		G
Libraries	SU	SU	SU	SU		P	P		G
Marina						P			G
Nursing Home and Rest Home					P				G
Office for Business, Professional and Personal Services						P	P		G

SCHEDULE OF DISTRICT USE REGULATIONS									
<b>KEY:</b> <b>P</b> – Use permitted by right <b>SU</b> – Special use permitted upon approval by Board of Adjustment after recommendation of the Planning Board <b>Blank/Unlisted</b> – Prohibited use									
Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Pet Shops (excluding Veterinary Services)						P	P		G
Pharmacy						P	P		G
Photo Shop/Supply						P	P		G
Police Station	SU	SU	SU	SU	SU	SU	SU		F
Public Enterprise**	SU	SU	SU	SU		SU	SU		F
Public Utility	SU	SU	SU	SU	SU	SU	SU		F
Restaurants					P	P	P		F
Schools	SU	SU	SU	SU	SU				F
Service Station						SU	SU		J
Shoe Sales and Repair						P	P		G
Sporting Goods Sales						P	P		G
Storage Rental Units/Areas						P	P		G
Travel Agency						P	P		G
Utility Tanks, Pumps, Electrical Substations & Related Services	SU	SU	SU	SU	SU	SU	SU	SU	
Wholesale and/or Retail Janitorial Sales & Services						SU	SU		F
Youth Center					P	P	P		G

**SCHEDULE OF DISTRICT USE REGULATIONS****KEY:****P** – Use permitted by right**SU** – Special use permitted upon approval by Board of Adjustment after recommendation of the Planning Board**Blank/Unlisted** – Prohibited use

Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
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\*Parking code described in §15.02.080

\*\* As defined by G.S. § 160A-311

\*\*\* Non-conforming uses of tourist home at the time of its addition to this ordinance shall be amortized for a period of 12 months from November 17,2022. After that date, the use must terminate if not permitted in the corresponding zone or a special use permit has not been obtained, as applicable.

Penalty, see § 1.01.999

*Amended 11/17/22*

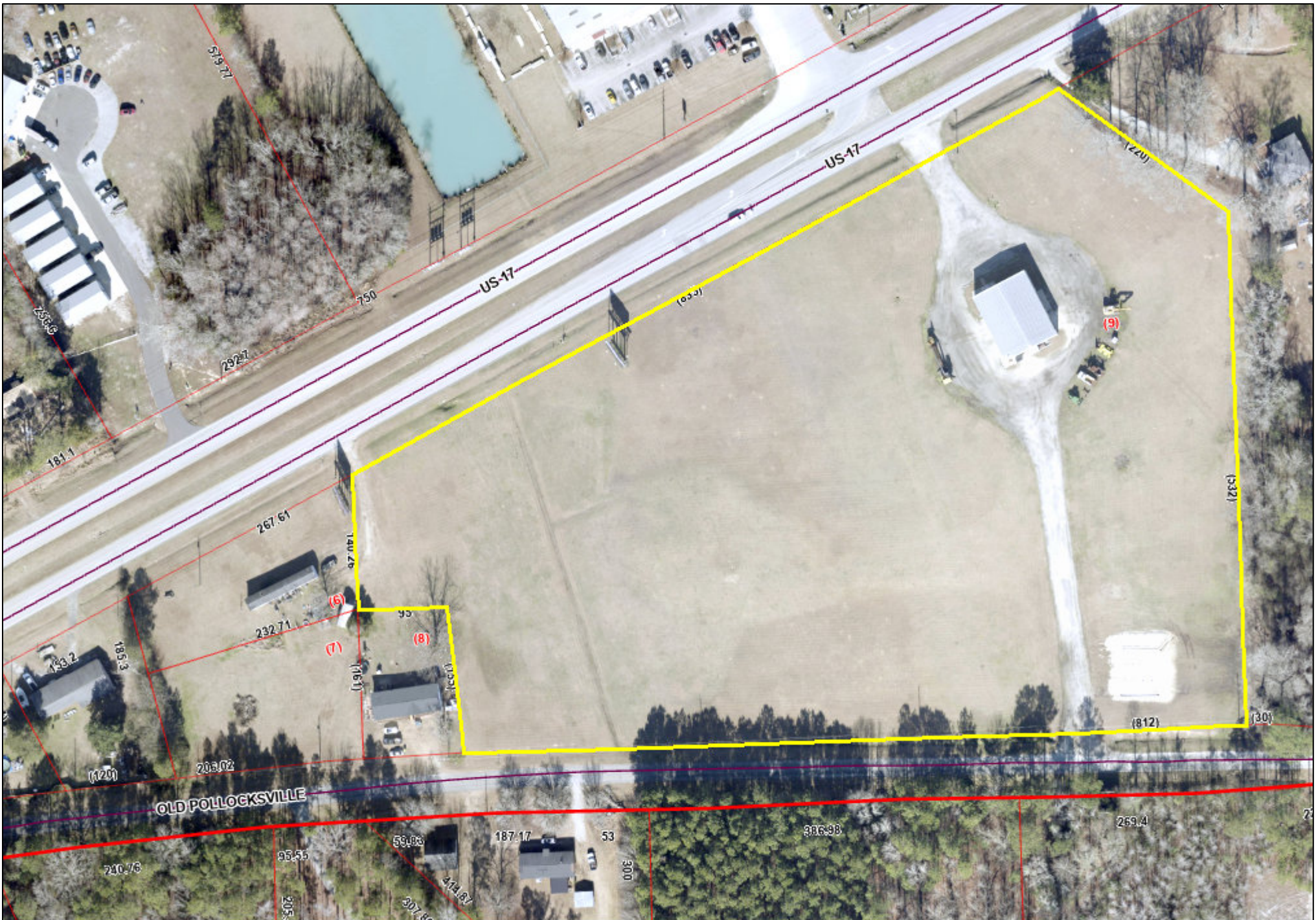
**§ 15.02.080 OFF-STREET PARKING REQUIREMENTS.**

- A. There shall be provided at the time of the erection of any building permanent off-street parking space in the amount specified by this section.
- B. The parking space may be provided in a parking garage or properly paved open area.
- C. Except for residential parking spaces, all the parking area shall be in accordance with North Carolina State Department of Transportation standards.
  - 1. Each application for an initial zoning permit shall include information as to the location and dimension of off-street parking and loading space and the means of ingress and egress to the space. This information shall be sufficient detail to enable a determination whether or not the requirements of this section are met.
  - 2. The required parking space for any number of separate uses may be combined in 1 lot but the required space assigned to 1 use may not be assigned to another use, except that ½ of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.
  - 3. If the off-street parking space required by this chapter cannot be reasonably provided on the same lot on which the principal use is located, the Board of Adjustment may, as a special use, permit the space to be provided on any land within 400 feet of the main entrance to the principal use, provided the land is in association with the principal use and is zoned for the principal use involved. The land shall be used for no other purpose so long as no other adequate provision for parking space meeting the requirements of this chapter has been made for the principal use and is zoned for the principal use involved.
  - 4.
    - a) The minimum number of required off-street parking spaces shall be calculated from the following table. In the case of a building or use not expressly provided for, the number of off-street spaces shall be the same as for a similar use of inclusive category which is provided for.
    - b) Where there is more than 1 use in a single structure or on a single tract, or 2 or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses.
  - 5. The following parking requirements shall be applied as indicated in the schedule of district use regulations of this chapter.

<b>Minimum Off-street Parking Facility Requirements</b>	
<b>Category</b>	<b>Parking Spaces Required</b>
A	2 parking spaces per dwelling unit
B	2 parking spaces per dwelling unit plus 1 for each 4 dwelling units
C	1 parking space per room plus 10% of the number of employees
D	3 parking spaces in addition to residence requirements

<b>Minimum Off-street Parking Facility Requirements</b>	
<b>Category</b>	<b>Parking Spaces Required</b>
E	1 parking space for each 4 seats in the principal place of assembly
F	Parking space requirements are conditional with individual special use permits granted
G	1 parking space for each 200 square feet of gross floor area
H	1 parking space for each 600 square feet of gross floor area
I	1 parking space for each 1,000 square feet of gross floor area
J	2 parking spaces for the lot plus 1 parking space for each service bay area

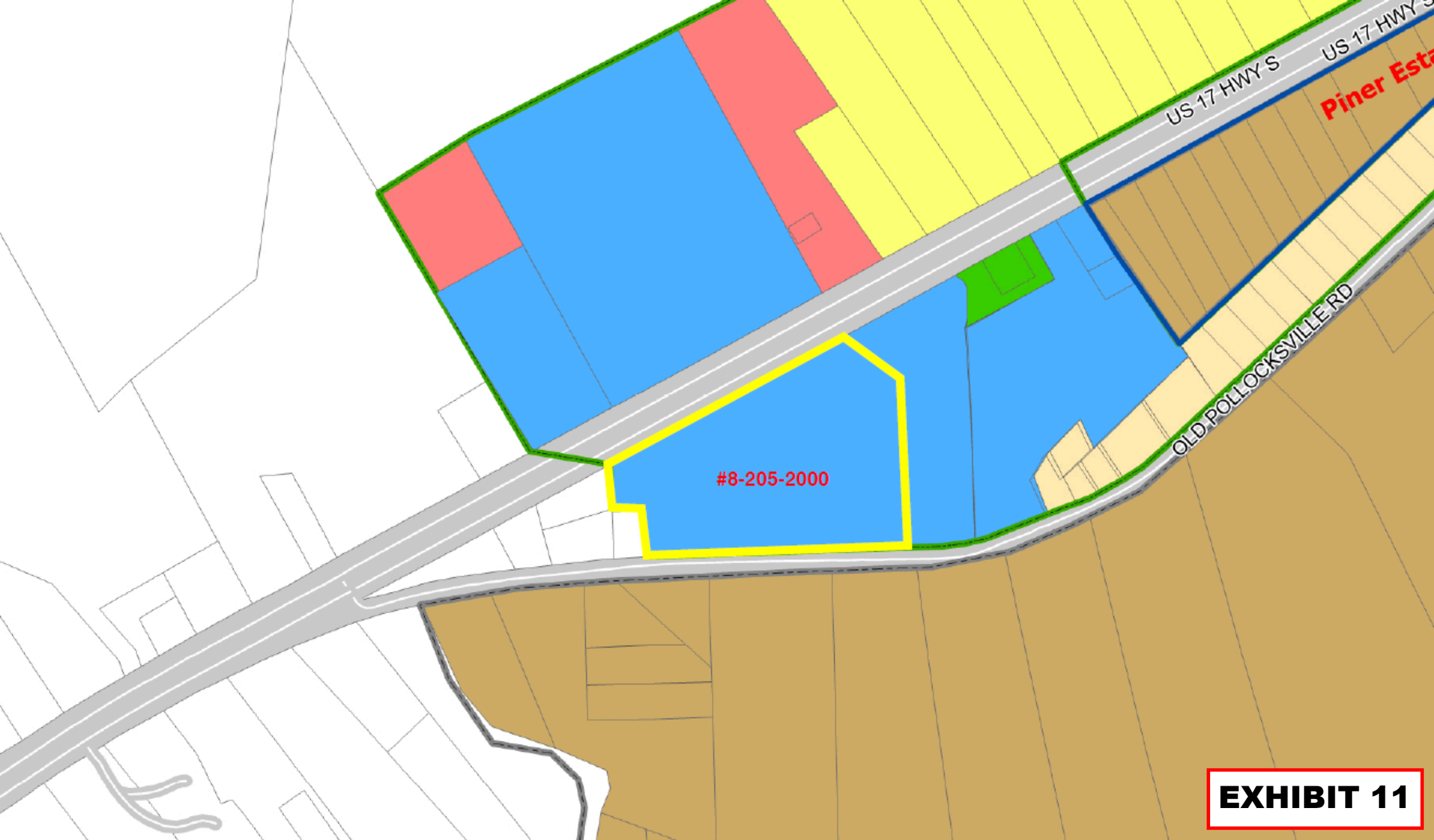
Penalty, see § 1.01.999



# Craven County GIS

Craven County does NOT warrant the information shown on this map and should be used ONLY for tax assessment purposes. Printed on April 6, 2026 at 9:01:31 AM


**EXHIBIT 10**



#8-205-2000

**EXHIBIT 11**

**§ 15.02.122 REVIEW AND APPROVAL OF SPECIAL USES.**

- A.
  - 1. The application forms for a special use permit shall be transferred along with required plans, plats and the like to the Planning Board by the Zoning Administrator 7 days before a regularly scheduled Planning Board meeting so that the application can be placed on the Board's agenda.
  - 2. At this meeting, the owner of the property for which the special use is sought or his agent shall appear.
- B. The Planning Board shall review the application for details, where applicable, of the site, situation, existing and proposed structures, architectural plans, neighboring land and water uses, proposed parking areas, driveway locations, highway access, traffic generation and circulation potential, drainage, waste disposal, water supply systems and the effects of the proposed use, structure, operation and potential changes in water quality, shoreland cover, natural beauty and wildlife habitat.
- C.
  - 1. The Planning Board shall consider recommending conditions that may be placed in the granting of the special use permit by the Board of Adjustment.
  - 2. These conditions may include items such as landscaping, architectural design, type of construction, construction commencement and proposed completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, performance standards, street dedication, certified survey maps, floodproofing, ground cover, sedimentation control from the project construction, terraces, stream bank protection, planting of buffer screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, yard sizes or additional parking.
- D. In addition, the Planning Board shall check for compliance of the requested special use with all other relevant provisions of this subchapter, such as lot dimensional requirements, building heights, parking and loading standards.
- E. The Planning Board shall consider the application at the first regular meeting of the Planning Board after receiving the completed application. Within 45 days after the meeting at which the application is considered, the Planning Board shall make its written recommendations and pass them on to the Board of Adjustment.
- F. The Zoning Administrator shall set a date and advertise for Board of Adjustment public hearing. The Board of Adjustment shall review the application and all recommendations from the Planning Board.
-  G. The Board of Adjustment shall approve or deny the application following a public hearing provided for in division (F) above.
- H. After approval or conditional approval of the special use by the Board of Adjustment, the Board shall notify the Zoning Administrator of the approval. Notification shall be by a written letter signed by the Chairperson of the Board of Adjustment, and a copy of the approval letter shall be forwarded to the special use permit applicant and the Planning Board Chairperson.

Applicant/landowner must give written consent to conditions related to the special use permit to ensure enforceability.

I.

1. Rejection of an application for a special use permit shall be recorded in the minutes of the Board of Adjustment meeting during which the decision was made.
2. Notification of the rejection or denial of an application for a special use permit shall be a letter signed by the Chairperson of the Board of Adjustment.
3. The letter shall state reasons for denial and reference the specific sections or paragraphs in this chapter that would be violated if the special use were granted.
4. The denial letter shall be forwarded to the applicant by certified or registered mail and copies of the letter shall be forwarded to the Chairperson of the Planning Board and the Zoning Administrator.
5. One copy shall be retained in the files of the Board of Adjustment.

Penalty, see § 1.01.999

**§ 15.02.120 GENERAL REGULATIONS.**

- A. Permission may be granted by the Board of Adjustment for the establishment of uses listed as special uses (SU) in the district use regulation tables in this subchapter, after Planning Board review and recommendations and after a public hearing held by the Board of Adjustment. And further, that the Board of Adjustment finds that:
1. The proposed use 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 Town Council;
  2. The proposed use will not be contrary to the purposes stated in these regulations;
  3. The proposed use will not affect adversely the health and safety of residents and workers in the zoned area;
  4. The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
  5. The proposed use will not be affected adversely by the existing uses;
  6. The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use;
  7. The proposed use will not constitute a nuisance or hazard because of number of persons who will attend or use these facilities, vehicular movement, noise or fume generation or type of physical activity;
  8. The standards set forth for each particular use for which a permit may be granted have been or will be met;
  9. The proposed use shall be subject to the minimum area, setback and other dimensional requirements of the zoning district in which it will be located; and
  10. The proposed use shall be subject to the off-street parking and service requirements of these regulations.
- B. The Board of Adjustment shall impose or require any additional restrictions and standards as may be necessary to protect the health and safety of workers and residents of the community, and to protect the value and use of property in the general neighborhood.
- C. Whenever the Board of Adjustment shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions or restrictions upon which the permit was granted are not being complied with, the Board shall rescind and revoke the permit after giving due notice to all parties concerned.
- D. If construction of a use authorized by a special use permit does not begin within 6 months of the time the permit is issued, the permit shall be revoked.

Penalty, see § 1.01.999