



New Bern Board of Adjustment Minutes

October 28, 2019 Meeting

1) Call to Order

2) Roll Call

Members Present: Richard Parsons
Dorothea White
Peter Dillon
Jim Morrison
John Riggs
Kenneth (Kip) Peregoy
Barbara Sampson
Ross Beebe

Members Absent: John Murrell

Members Excused: Jonathan Foster

3) New Business

Consideration of a Special Use Permit request to allow a Bed and Breakfast use at 501 Metcalf Street. The subject property is further identified as Craven County Parcel Identification Number 8-003-019.

Staff Comment

Gregory Rusch (owner) has requested the Board of Adjustment hold a public hearing at its regular meeting on October 28th, 2019 to consider a Special Use Permit application to allow a 2-unit Bed and Breakfast use at 501 Metcalf Street (Craven County PID# 8-003-019). The .26-acre tract is currently a Single Family Residential use. The proposed project was conditionally approved by the City's Departmental Site Plan Review Committee on 9/25/2019 pending HPC approval. The project was approved at the October 16 meeting of the New Bern Historic Preservation Commission. At that meeting the HPC recommended the Board of Adjustment reduce the amount of off-street parking required for single family residential uses from 2 spaces to 1 space.

The applicant has agreed to all required changes to the Site plan as recommended by staff and the Historic Preservation Commission. Staff finds the proposed project is consistent with the plans, rules, and regulation of the City of New Bern with no further changes. According to Section 15-146 of the Land Use Ordinance, Bed and Breakfast uses must obtain a Special Use Permit to operate in the R-8 zoning district when also located in the Historic District overlay. Staff finds that the applicant has met all Land Use Ordinance requirements of Section 15-54 for a Special Use Permit and therefore recommends approval of this request.

Speakers Sworn In: Gregory Rusch the applicant, Nancy Hollows in favor, Lori Ann Prill, Sherry Jones, Lorelei Schaffhausen, Leslie Fritzsche

Gregory Rusch explained his request for the renting of 2-bedrooms in his home as a bed and breakfast. Mr. Rusch stated that he anticipates the rooms will be rented for approximately 180 days per year, that both have private bathrooms, and that food service will not be offered. Mr. Rusch stated for the record that he is before the Board making application for a Bed and Breakfast Special Use Permit in the R-8 zoning district as permitted in the City of New Bern's Land Use Code, Section 15-146 Table of Permissible Uses.

A. Testimony

1. The requested permit is within the BOA's jurisdiction according to the table of permissible uses:
Comment: "Chairman Peregoy explained that Mr. Rusch had previously stated it was."
2. The application is complete:
Comment: "Gregory Rusch stated that the application is complete with all the paperwork."
3. If completed as proposed in the application, the development will comply with all the requirements of this ordinance:
Comment: "Mr. Rusch stated that the project was submitted for City's Departmental Site Plan Review and was approved by each department as it meets all the required land use codes including health and safety. The plan was submitted to the Historic Preservation Commission and received a Certificate of Appropriateness."
4. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted:
Comment: "Mr. Rusch stated that there is no substantial evidence that the use will negatively impact adjacent property values."
5. The use will not substantially reduce the value of adjoining or abutting property, or that the use is a public necessity:
Comment: "Mr. Rusch stated that there is no factual evidence that the use will have any negative financial impacts. Data from the Neuse River Association of Realtors

indicates the values of residential if the historical downtown New Bern have increased in the last two years.”

6. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the city:

Comment: “Mr. Rusch stated the proposed use is harmony and general conformity with the current plan for development of the city and is in compliance with the Land Use Ordinance. He stated also that the plan has been reviewed by all departments required and received a Certificate of Appropriateness from the Historic Preservation Commission.”

Board member Sampson asked for more details on the estimated 180 days of rentals.

Board member Morrison discussed the proposed parking configuration as it relates to the site plan drawing included in the member packets.

Vote to close Public Comment Period

Motion: Dorothea White

Second: Richard Parsons

Vote: 8-0

B. Vote on Six Requirements: 501 Metcalf Street

1. The requested permit is within the BOA’s jurisdiction according to the table of permissible uses:

Motion: Jim Morrison

Second: Richard Parsons

Vote: 8-0

2. The application is complete:

Motion: Jim Morrison

Second: Dorothea White

Vote: 8-0

3. If completed as proposed in the application, the development will comply with all the requirements of this ordinance:

Motion: Jim Morrison

Second: Barbara Sampson

Vote: 8-0

4. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted:

Motion: Peter Dillon
Second: Richard Parsons
Vote: 8-0

5. The use will *a) not substantially reduce the value of adjoining or abutting property, b) or that the use is a public necessity:*

a) Motion: Jim Morrison	b) Motion: Richard Parsons
Second: Barbara Sampson	Second: Jim Morrison
Vote: 8-0	Vote: 8-0

6. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the city:

Motion: Jim Morrison
Second: Richard Parsons
Vote: 8-0

4) Issuance of Permit for 501 Metcalf Street

Motion: Richard Parsons
Second: Jim Morrison
Vote: 8-0


Special Conditions: *Per 15-417: A reduction in the requirement of off-street parking for Single Family Residential uses from two (2) space to One (1) off street parking space.*

MOTION TO ADJOURN

Motion: Barbara Sampson
Second: Ross Beebe
Vote: 8-0

Date Approved: 5-18-20


Kip Peregoy, Chair

Attest: 
Seth Laughlin, Recording Secretary

***Video of tonight's meeting can be viewed on the link below. CD's of the meeting are available by request. Video Link: [https://www.newbernnc.gov/how do i \(faq\)/watch city 3 tv/index.ph](https://www.newbernnc.gov/how_do_i_(faq)/watch_city_3_tv/index.ph)