



City of New Bern

Board of Adjustment

June 24, 2019 Meeting

1. Call to Order: 5:30 pm

2. Roll Call

Members Present: John Riggs
Dorothea White
John Murrell
Tripp Eure
Richard Parsons
Edward Bellis
Ross Bebe
Jim Morrison

Members Absent:

Members Excused: Kip Peregoy

3. Approval of Minutes for April 29, 2019 Meeting

Motion: Jim Morrison

Second: Richard Parsons

Vote: 8-0

4. New Business

Consideration of a Special Use Permit request for a Bed & Breakfast. The property is located at 212 New Street and is further identified as Craven County Parcel Identification Number 8-002-159

Staff member Brad Sceviour presented the request for the Board of Adjustment to consider a Special Use Permit for a 2-bedroom Bed & Breakfast. The project went before the City's Departmental Site Planning and Review Committee during which staff found the proposed project consistent with approved plans and no major changes. The development will have two guest bedrooms with off-site parking accommodations.

According to section 15-146 of the Land Use Ordinance, Bed & Breakfasts in the R-10 zoning district that fall within the boundary of the local Historic District must obtain a Special Use Permit. Staff found the applicant met all of the land use ordinance requirements and recommends approval of the request with valid satellite parking.

Owners of 212 New Street, Rick and Lori Ann Prill relayed they have been opening their home to New Bern visitors for over 2 years, using the AirB&B platform to achieve. Since they host more than one person at a time, they are in violation of City standards, and therefore are before the committee with this request to be in compliance.

Public Comment opened by Tripp Eyre. No public in attendance.

A. Testimony

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

Comment: *Owners replied yes.*

2. The application is complete:

Comment: *Owners replied yes.*

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

Comment: *Owners replied the project was submitted for City site plan review and meets all requirements of the Land Use Ordinance.*

Comment: *Andrew Bernbram, lives at the corner of New and Metcalf Streets, brought a list of 4 criteria used in a previous AirB&B special permit assessment and questioned two criteria; a. value of adjoining or abutting property, and b. location and character of use. Mr. Bernbram was advised by Tripp Eyre that these questions would come up later and he could address at that time.*

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: *Owners advised that over the past ten years many homes in their area host short-term visitors with no adverse affects based on the City of New Bern crime statistics which have previously been provided to this board.*

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

Comment: *Owners noted that based on sales data of the area, the values of surrounding properties have not decreased.*

Comment: *Andrew Bernbram voiced concerns with potential concerns of future buyers that may view this type of AirB&B activity as a detriment and reconsider moving into the area. He noted his house is next to an illegal AirB&B that a realtor relayed would have to be disclosed to future buyers and may be a*

deterrent. He relayed that adding another AirB&B to the existing 37 in the downtown area would not be beneficial for the integrity of historic downtown.

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: *Owners relayed the special use is in compliance with the Land Use Ordinance.*

Comment: *Joyce Stacy, 212 New street, believes the harmony of her street will be changed if this is approved.*

Comment: *Andrew Bernbram also has concerns with the harmony, it's definition, and definition of use for R-8 and R-10 of the Land Use Ordinance, for this special permit consideration.*

Motion to close public comment: Jim Morrison

Second: Richard Parsons

Vote: 8-0

B. Vote

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

Motion: Richard Parsons

Second: Jim Morrison

Vote: 8-0

2. The application is complete:

Motion: Ross Beebe

Second: Edward Bellis

Vote: 8-0

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

Discussion: *Board member referenced the ordinance regarding provided meals being limited to breakfast, and questioned the owners of their intent to follow this. Ms. Lori Ann advised they do not provide meals for their guests based on a discussion with the local Health Department, number of bedrooms (4) means it is exempt from public health ordinances, and therefore they opted not to provide breakfast.*

Richard Parsons confirmed the owners live in the home full time, to which they acknowledged they do.

Motion: Jim Morrison

Second: Richard Parsons

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: Jim Morrison

Second: John Riggs

Vote: 8-0

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

Discussion: Edward Bellis asked fellow board members their thoughts on the potential impacts to home prices in the area. Richard Parsons noted he follows home prices in the area diligently and has not seen much movement of homes affected by the hurricane, but those that weren't seem to have strong sales. Jim Morrison relayed thoughts on the need to have expert testimony based on being a quasi-judicial board.

Edward Bellis asked another question, which I could not decipher, to which Brad Sceviour relayed AirB&B's in downtown are not illegal, as has been eluded to. Referring to Mr. Andrew Bernbram's number of 37 existing Air B&B's, Mr. Sceviour advised he could not confirm that number, but there are a number of circumstances of AirB&B's without the need for a special use permit is legal within the City of New Bern and the historic downtown area. He clarified that the application being discussed during this meeting was not to run an AirB&B, rather to use two bedrooms of their home as a Bed & Breakfast.

Brad Sceviour acknowledged a document that was provided to the board members from an opponent of the application in regard to the number of AirB&B's in the area. Again he reiterated the application before them this evening did not pertain to AirB&B's, and therefore doesn't pertain to the question at hand.

Motion: Jim Morrison

Second: Richard Parsons

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

Approve or Deny issuance of the Special Use Permit

Motion to Approve: Jim Morrison

Second: Richard Parsons

Vote: 8-0

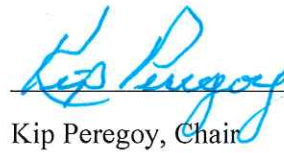
Motion to Adjourn: Ross Beebe

Second: Richard Parsons

Vote: 8-0

Meeting time 42:11

Date Approved: 5-18-20



Kip Peregoy, Chair

Attest: _____



Seth Laughlin, Recording Secretary