



New Bern Board of Adjustment Minutes

September 30, 2019 Meeting

1) Call to Order

2) Roll Call

**Members Present:** Richard Parsons  
Dorothea White  
Peter Dillon  
Jim Morrison  
Kenneth (Kip) Peregoy  
Barbara Sampson

**Members Absent:** -----

**Members Excused:** Alfred Barfield  
John Murrell

3) New Business

**Consideration of a Special Use Permit request to allow a Multifamily use at 309 Pollock Street. The subject property is further identified as Craven County Parcel Identification Number 8-001-C-090.**

**Staff Comment**

GO Architectural Design has requested the Board of Adjustment hold a public hearing at its regular meeting on September 30th, 2019 to consider a Special Use Permit application to allow a 13-unit multifamily development at 309 Pollock Street (Craven County PID# 8-001-C-090). The .7 acre tract is the current site of Branch's Furniture store. The proposed project was reviewed and approved by the City's Departmental Site Plan Review Committee. The applicant has made all required changes to the Site plan as recommended by staff. Staff finds the proposed project is consistent with the plans, rules, and regulation of the City of New Bern with no changes. According to Section 15-146 of the Land Use Ordinance, multifamily uses must obtain a Special Use Permit to operate in the C1 Central Business Zoning District. 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.

- Sarah Afflerbach of Go Architecture was sworn in to speak on behalf of the applicant. Ms. Afflerbach stated that the proposed project was heard by the Historic Preservation Commission and was approved by a unanimous vote. The application also completed the Department Review Committee process and met all the comment requirements. Ms. Afflerbach went on to discuss the historic nature of the property, its current configuration, and the proposed renovations. The applicant, Mr. David Blythe briefly discussed the positive reviews his existing rental properties receive and his desire to increase his positive impact on downtown New Bern.

#### A. Testimony

1. The requested permit is within the BOA's jurisdiction according to the table of permissible uses:  
**Comment:** "Sarah Afflerbach stated that multifamily uses require a special use permit in the C-1 zoning district".
2. The application is complete:  
**Comment:** "City staff, Mr. Jeff Ruggieri stated that the application is complete"
3. If completed as proposed in the application, the development will comply with all the requirements of this ordinance:  
**Comment:** "Sarah Afflerbach stated that the application has successfully completed both the Historic Preservation Commission and Departmental Review processes which are meant to catch anything that would stand out from the ordinances that would not be appropriate"

Chairman Kenneth (Kip) Peregoy stated that per the ordinance for parking, if one went to the ordinance and looked at multifamily or rental, you would be requiring 15-18 spaces possibly, but there is an exception in C-1. Mr. Peregoy asked City Staff to explain that to the Board.

City staff, Mr. Jeff Ruggieri stated that there is a section of code that exempts parking essentially in the C1 and C2 areas of downtown as delineated in the code where there is no required parking, and that the proposed project falls in that overlay.

Chairman Kenneth (Kip) Peregoy asked Ms. Afflerbach if the subject property has 4 rental units and 4 total spaces and where are the current guests or tenants parking?

Mr. Blythe answered the question, stating that he has two types of visitors: business visitor that comes during the week. These visitors come in the afternoon. After 2 o'clock in the afternoon, there is no enforcement until 10am the following morning which works perfectly for his daytime customers and for the evening customers.

The typical business traveler will come in between 3 and 4 o'clock in the afternoon. Check-in is at 3pm. There is no parking requirement until 10am. These business customers are typically at work by 8-9 am and no parking enforcement is needed until 10 am. The other type of guest are tourist. These tourists are often in town for a wedding event and come in on a Thursday afternoon. He tells his guests that there is a drop-off and pick-up area and is 2-hr enforced parking. If they come in on a Thursday afternoon, they park in the afternoon and move by 10 am. Once Friday at 2pm comes, there is no enforcement until 10 am on Monday morning. These are instances when he has a tourist come into town, during the week, and needs a place to park. This is when his four spaces come in. Guests may use one of his four spaces mentioned previously and have access to four 24-hr public lots. Mr. Blythe stated that he has additional spaces that are within 600' of the subject property that although are not required by code, will be provided for use with the project and will accommodate the number of units that he has.

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:** "Sarah Afflerbach stated that Mr. Blythe has much experience in managing downtown rentals which will help him create a seamless transition for the proposed multifamily use."

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

**Comment:** "Sarah Afflerbach explained that the intent is to create the highest and best use of the property which will bring more people into downtown and will contribute in a positive way to adjacent properties and downtown overall."

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:** "Sarah Afflerbach explained that the project is about making a space that will provide opportunities for more people to visit and enjoy downtown New Bern. Ms. Afflerbach also stated that the property is currently underutilized."

#### **Vote to close Public Comment Period**

**Motion:** Barbara Sampson

**Second:** Richard Parsons

**Vote:** 7-0

#### **B. Vote on Six Requirements: 309 Pollock Street**

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

**Motion:** Jim Morrison

**Second: Dorothea White**  
**Vote: 7-0**

**2. The application is complete:**

**Motion: Jim Morrison**  
**Second: Peter Dillon**  
**Vote: 7-0**

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

**Motion: Peter Dillon**  
**Second: Barbara Sampson**  
**Vote: 7-0**

**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: Jim Morrison**  
**Vote: 7-0**

**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**  
**Second: Richard Parsons**  
**Vote: 7-0**

**b) Motion: Richard Parsons**  
**Second: Jim Morrison**  
**Vote: 7-0**

**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: 7-0**

**6) Issuance of Permit for 309 Pollock Street**

**Motion: Jim Morrison**  
**Second: Richard Parsons**  
**Vote: 7-0**

7) Special Conditions: None

**MOTION TO CONTINUE TO OCTOBER 15, 2019**

**Motion: Jim Morrison**

**Second: Dorothea White**

**Vote: 7-0**

Date Approved: 9-18-20

  
\_\_\_\_\_  
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.newbernc.gov/how do i \(faq\)/watch city 3 tv/index.php](https://www.newbernc.gov/how-do-i-faq/watch-city-3-tv/index.php)