Aldermen

Sabrina Bengel
Jameesha S. Harris
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Jeffrey T. Odham

NEW BERN

CITY OF NEW BERN

300 Pollock Street, P.O. Box 1129
New Bern, NC 28563-1129
(252) 636-4000

Dana E. Outlaw
Mayor

Mark A. Stephens
City Manager

DATE: October 21, 2019

TO: City of New Bern Board of Adjustment Members

FROM: Jeff Ruggieri, Director of Development Services

SUBJECT: Regular meeting at **5:30 p.m.** on Monday, October 28th, 2019 in the 2nd floor Courtroom, City Hall

The New Bern Board of Adjustment will hold its regular meeting at **5:30 p.m.** on Monday, October 28th, 2019, in the 2nd floor Courtroom, City Hall, 300 Pollock Street.

AGENDA

1. Call to Order
2. Roll Call
3. New Business
   A. Consideration of a Special Use Permit request for a Bed and Breakfast. The property is located at 501 Metcalf Street and is further identified as Craven County Parcel Identification Number 8-003-019.
4. Adjourn

Individuals with disabilities requiring special assistance should call 639-7501 no later than 3:00 p.m. on the day of the meeting.

Board Members: If for any reason you will be unable to attend this meeting, or if you are unable to participate in the decision on this case because of personal or financial interest, please notify the Director of Development Services at (252) 639-7587 as soon as possible so that an alternate member can attend.

NEW BERN
NORTH CAROLINA
Development Services
303 1st Street, P.O. Box 1129
New Bern, NC 28563
(252)639-7581

October 21, 2019

MEMO TO: Board of Adjustment

FROM: Jeff Ruggieri
Director of Development Services

SUBJECT: Consideration of a Special Use Permit to allow a bed and breakfast use for the Property located at 501 Metcalf Street

Background

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. A memo from the Historic Preservation Commission Administrator Matthew Schelly is included in your packet.

The applicant has agreed to all required changes to the Site plan as recommended by staff and the HPC. Staff finds the proposed project is consistent with the plans, rules, and regulation of the City of New Bern with no further changes.

Recommendation

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.

Please contact me at (252) 639-7587 should you have questions or need additional information.

NEW BERN

NORTH CAROLINA

Development Services
Planning Division
303 First St., P.O. Box 1129
New Bern, N.C. 28563
(252) 639-7581

MEMORANDUM

TO: The City of New Bern Board of Adjustment

FROM: Matt Schelly, AICP, CZO, City Planner, Historic Preservation Administrator

DATE: October 21, 2019

RE: Recommendation by the Historic Preservation Commission to Reduce the Parking Requirement for 501 Metcalf St.

BACKGROUND INFORMATION / ANALYSIS

On October 16, 2019, the Historic Preservation Commission (HPC) considered the application for a Certificate of Appropriateness for 501 Metcalf St., a corner property, which included, among other items, a request for a total of 4 parking spaces, to wit: two parking spaces accessed by a driveway from Metcalf St., and two parking spaces plus a turnaround area accessed from New St. Upon considerable testimony and some deliberation about the appropriateness and congruity of the Metcalf St. driveway and parking spaces, the HPC voted to recommend to the Board of Adjustment (BOA) that the number of spaces required for the residential use be reduced from 2 spaces to 1 space and that no parking spaces be allowed in the area of the property accessed from Metcalf St.

The HPC is specifically authorized by Section 15-417 of the LUO to make such a recommendation:

> Where the commission, in considering an application for a certificate of appropriateness, shall find that the number of off-street parking spaces required by the zoning regulations for a building or structure for which a building permit is requested would render the building incongruous with the historic aspects of the district, it shall recommend to the board of adjustment a waiver, in part or in whole, of off-street parking requirements. The board of adjustment may authorize a lesser number of off-street parking spaces, provided:
>
> (1) The board finds that the lesser number of off-street parking spaces will not create problems due to increased on-street parking; and
>
> (2) No threat to public safety is thereby created.

In view of the testimony and deliberation and the context of the Historic Preservation Guidelines which recognizes the special conditions of the historic district with the following introduction to the specific guidelines for parking, namely:

> 2.7 Parking
>
> Project Planning Considerations
>
> The widespread reliance on the automobile, and the desirable character of the historic districts, results in pressure to accommodate increasingly more vehicles. The historic districts were largely developed prior to the introduction of automobiles, and many properties do not include driveways or off street parking. Street parking is limited, and most driveways are narrow compared to today's standards. Driveways and parking frequently supplement the parking capacity available. Configure access to off street parking in a manner that avoids important landscape features and maintains the integrity of development patterns.

Therefore, with this letter, the HPC specifically and officially recommends a reduction of the required number of spaces for the residential use from 2 spaces to 1 space.

RECOMMENDATION

Approve a reduction of the required number of spaces for the residential use from 2 spaces to 1 space.

CITY OF NEW BERN DEVELOPMENT SERVICES DEPARTMENT REVIEW

SITE PLAN REVIEW: ***501 Metcalf***
ADDRESS: ***501 metcalf***
DATE/TIME: ***September 25, 2019***
OWNER/FIRM: ***Applicant: Gregory Rusch (ruschhome@gmail.com)***

DEVELOPMENT SERVICES:

1. One parking space is required for each bedroom to be rented out. Please identify parking areas within project boundary or secure satellite parking per 15-349 of the Land Development Code.
2.
3. Vehicle accommodation areas must comply with Sections 15-340 through 15-352 of the Land Development code
4. On the Vicinity Map – Remove W from New Street.
5. Listed the owner to the left twice or duplicated
6. Needs to note the location is in the New Bern Locally Designated Historic District
7. Submit revised plans (with revision dates) and address all written comments to Development Services Staff (Jeff Ruggieri at ruggierij@newbernnc.gov). 3 paper sets and a digital copy of both the plans and the written response should be provided.

WATER RESOURCES/ENGINEERING:

1. No comments at this time

PUBLIC WORKS:

1. No comments at this time

ELECTRICAL:

2. No Comments received

INSPECTIONS:

1. No comments at this time

FIRE:

1. No comments at this time

POLICE/COMM:

1. No comments at this time

CRAVEN COUNTY HEALTH DEPARTMENT

1. Plans and specifications must be approved by the Health Department prior to beginning construction. Please contact Keith Jernigan at 252-636-4936 with questions.

NC DEPARTMENT OF TRANSPORTATION

1. NCDOT has no comments, the proposed development is not accessed by nor will the generated traffic negatively impact a state maintained road.

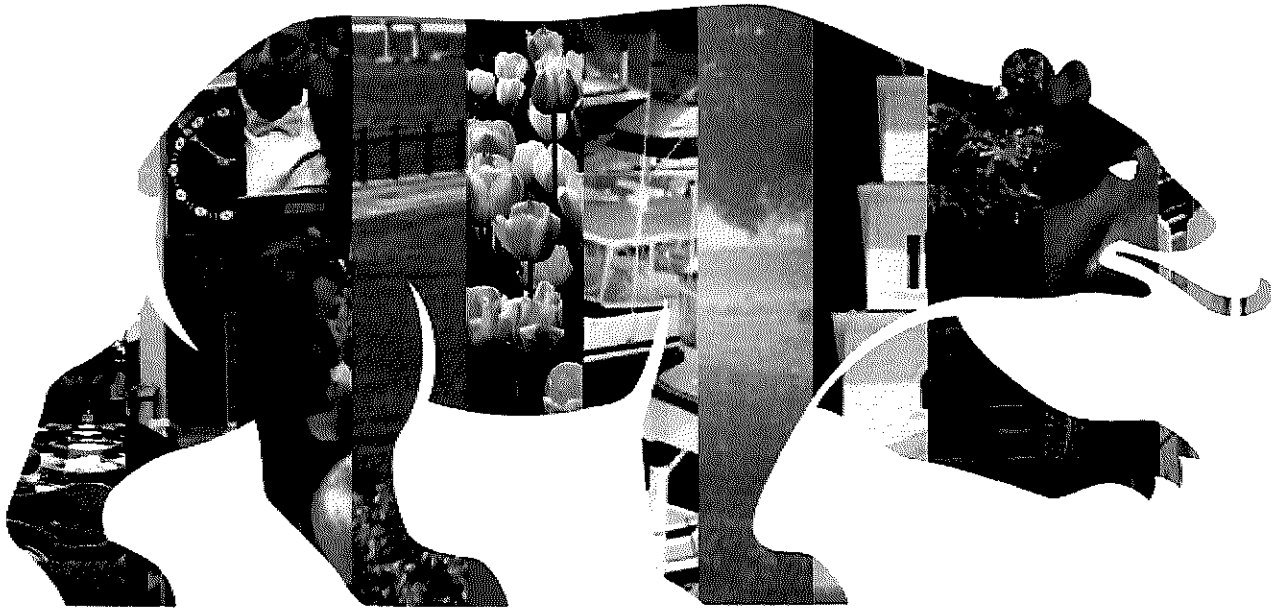
NORTH CAROLINA RAILROAD COMPANY

1. No comments received.

Special instructions to the developer:

In the event an application for a building permit is not submitted within six months, another departmental review committee meeting is required.

NEW BERN
NORTH CAROLINA



Special Use Permit – 501 Metcalf Street

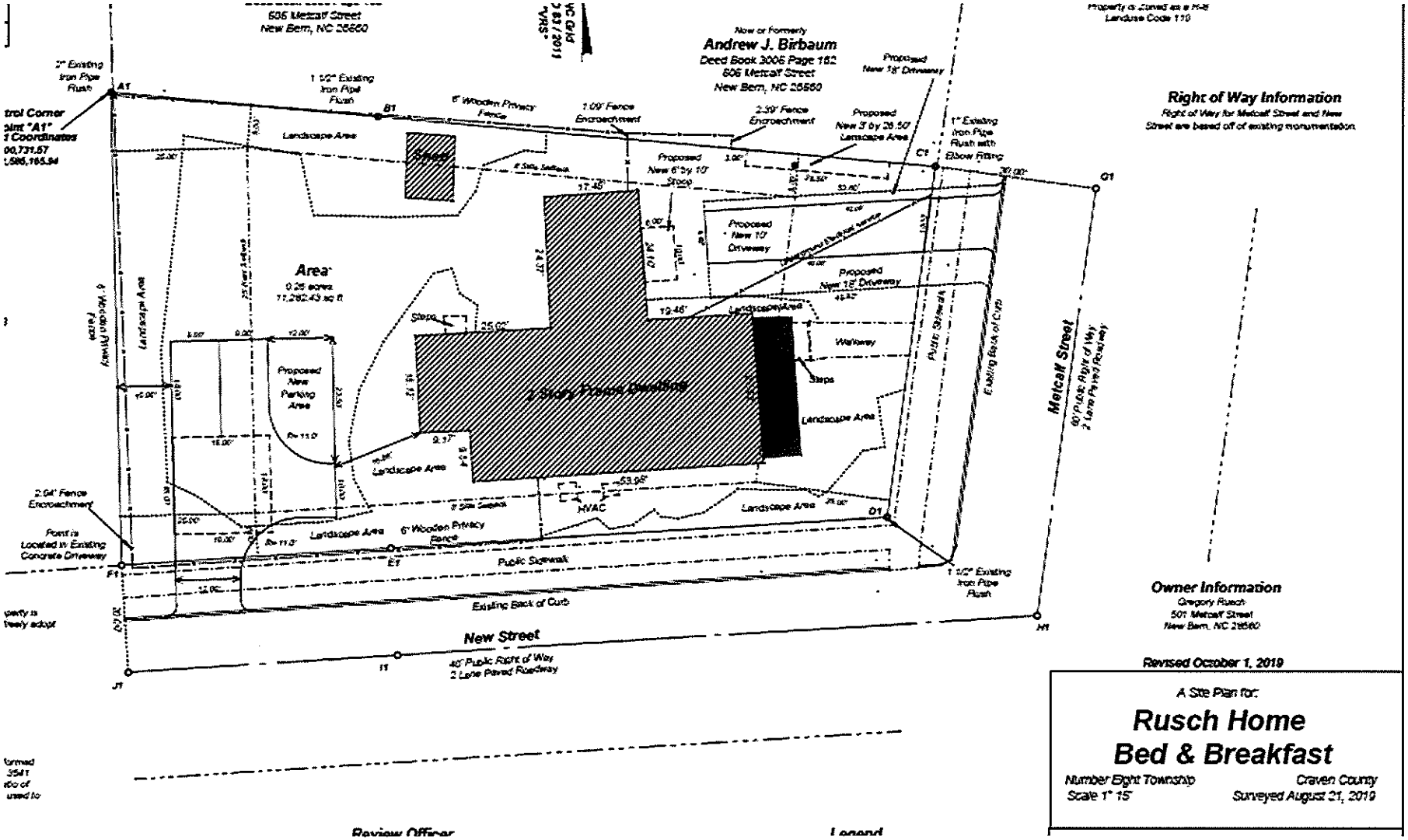
October 28, 2019

501 Metcalf Street

- Applicant: Gregory Rusch
- Location: 501 Metcalf Street
- Existing Zoning: R-8 Residential
- Request: Allow a 2 Room Bed and Breakfast
- Size: .26 acres
- Present Land Use: Single Family Residential

Aerial Imagery and Location

Proposed Site Plan



Existing Zoning

Section 15-146: Table Of Permissible Uses

Uses	Description	A-5	A-5F	R-20	R-15	R-10S	R-10	R-10A	R-8
[1.000]	**Residential**								
1.100	*Single-family residence*								
1.110	Single-family detached	Z	Z	Z	Z	Z	Z	Z	Z
1.120	Single-family attached						Z	Z	Z
1.200	Duplex	Z	Z				Z	Z	Z
1.300	Multifamily residence	S	S					S	S
1.400	*Group homes*								
1.410	Homes for handicapped or infirm	Z	Z	Z	Z	Z	Z	Z	Z
1.420	Boardinghouses, roominghouses								S
1.430	Elderly housing designed for independent living with separate housing units	S	S	S				S	S
1.500	Temporary residence								
1.510	Hotels and motels								
1.520	Bed and breakfast and other temporary residences renting rooms for relatively short periods of time						S*		S*

Property Posting

Recommendation

- The proposed project was reviewed and conditionally approved by the City's Departmental Site Plan Review Committee on 9/25/2010. Staff finds the proposed project is consistent with the plans, rules, and regulation of the City of New Bern with no further changes.

Recommendation

- According to Section 15-146 of the Land Use Ordinance, Bed and Breakfast uses must obtain a Special Use Permit to operate in the R8 Residential District when 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.

HPC Recommendation

HPC Recommendation

- Per section 15-417 of the Land Use Ordinance The Historic Preservation Commission is authorized to make recommendation to the Board of Adjustments for alterations to parking requirements in the City's Locally Designated Historic Districts.
- **HPC Recommendation**: Reduce required off street parking requirement for SFR from 2 spaces to 1 space.

HPC Recommendation cont

- In order to do so the Board must make 2 additional findings.
  - 1. The Boards finds the lesser number of off-street parking spaces will not create problems due to increased on-street parking and
  - 2. No threat to public safety is hereby created

SUP-001838-2019

SPECIAL USE PERMIT APPLICATION

Fee: $321.00

Fee paid - Rec. # 97641

NEW BERN
NORTH CAROLINA
Everything comes together here

Bradleigh Sceviour
(252) 639-7582
Fax: (252) 636-2146
sceviourb@newbernnc.gov
303 First Street
New Bern, NC 28560

Applicant: Gregory Rusch Owner: Gregory Rusch

Address: 501 Metcalf St Address: SAME

New Bern NC 28560

Telephone: 678-637-1563 Telephone: Same

Fax: Fax:

Email: Rusch1home@gmail.com Email: Same

Legal relationship of applicant to property:

Purpose of application: Special use permit application for Bed + Breakfast · 2 Bedroom

Property location: 501 Metcalf Street

Tax Map 8 Block 003 Lot 019

Lot Size 11,195 Total square feet 3275 Zoning District RS

No. of Buildings Existing 1 Gross Floor Area Existing 2802

No. of Buildings Proposed 1 Gross Floor Area of Proposed Buildings 0

Total Square Footage of Land to be Disturbed 0

Estimated Cost of Project $ 0

- **List all required site plans, specifications and documents included as exhibits to this application.**
- **Fifteen (15) copies of the site plan must be submitted with application.**

Signature 8/16/2019 Date

Signature Date

Applications to be considered must be submitted 21 days prior to the Board of Adjustment meetings, which are held on the last Monday of each month.

I, the undersigned, do certify that all the information presented in this application is accurate and complete to the best of my knowledge, information, and belief.

Signature 9/27/19 Date

FOR OFFICE USE ONLY:

Date application was received: _____

Staff comments: _____

_____

Departmental Review Date: _____

Staff comments: _____

_____

Public Hearing Date: _____

Staff comments: _____

_____

Disposition: _____

Zoning Administrator: _____

DRC Department of Review committee

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Dana E. Outlaw
Mayor

Mark A. Stephens
City Manager

October 14, 2019

NOTICE TO ADJACENT PROPERTY OWNERS

The City of New Bern Board of Adjustment will conduct a regular public hearing on Monday, October 28th, 2019 at 5:30 pm in the City Hall Courtroom, located at 300 Pollock Street, New Bern, NC 28560. All interested persons will be given an opportunity to be heard. The purpose of the public hearing is to consider a Special Use Permit request for a Bed and Breakfast located at 501 Metcalf Street. The property is further identified in Craven County Tax Book 8, Block 003, as Lot 019. **Property owned by you is located within 100 feet of the subject site.**

A copy of the application is available for public review during normal business hours in the office of the Development Services Department located at 303 First Street. For further information contact the City of New Bern Development Services Department at (252) 639-7581.

Jeffrey Ruggieri
Director of Development Services

Individuals with disabilities requiring special assistance should call (252)639-7501 no later than 3:00 p.m. the date of the meeting.

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City Manager
Brenda E. Blanco
City Clerk
Joseph R. Sabatelli
Director of Finance

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of October, 2019, the property was posted and I served a copy of the foregoing Notice of Board of Adjustment hearing on October 16, 2019 for a twenty-five percent density bonus request for 501 Metcalf Street that is further identified in Craven County as parcel identification number 8-003-019 upon the following persons by depositing a true and correct copy thereof in an envelope bearing sufficient postage in the United States mail at New Bern, North Carolina, addressed as follows:

CHARLES P JR & BARBARA J BOSMAJIAN
520 NEW ST
NEW BERN, NC 28560

DANIEL R & SHEILA B BATTEN
608 NEW ST
NEW BERN, NC 28560

ELLEN MEYERSON & EUDY SHERIDAN
744 E FRONT ST
NEW BERN, NC 28560

JAMES M HOWELL
517 NEW ST
NEW BERN, NC 28560

MEREDITH L & JAN W EBBINAGE NEWMAN
610 NEW ST
NEW BERN, NC 28560

CHRISTOPHER & CHER ALEXIS MCGRATI
419 METCALF ST
NEW BERN, NC 28560

HARRY L & KATHLEEN M. GORMLEY
509 METCALF ST
NEW BERN, NC 28562

MARK & JILL MAXWELL
711 NEW ST
NEW BERN, NC 28560

DAEWON & LAURA GOLDENBAUM-YANG
417 METCALF ST
NEW BERN, NC 28560

DANIEL M & SHERRY J JONES
507 METCALF ST
NEW BERN, NC 28560

ROBERT JAMES CRABTREE
810 OLD CHERRY POINT RD
NEW BERN, NC 28560

GREGORY RUSCH
501 METCALF ST
NEW BERN, NC 28560

ANDREW J & MARTHA J BIRNBAUM
505 METCALF ST
NEW BERN, NC 28560

PAULA MARY DUBAY
1904 GAYMOOR TER
LYNCHBURG, VA 24503

Jeff Ruggieri, AICP
Board Clerk