

**CITY OF ELIZABETH CITY  
BOARD OF ZONING ADJUSTMENT  
REGULAR MEETING  
TUESDAY, DECEMBER 19, 2017  
5:30 PM**

**MEMBERS PRESENT**

William "David" Harris - Chair (Absent)  
Peggy Davenport - Vice Chair (Absent)  
Rwanda Farrer  
William "Bill" Hiemer  
Geraldine Hill  
William Henry Thompson (Alternate) (absent)  
Rodney Walton  
Thomas Ward

Also present were Matthew Schelly, Community Development Director; Kaitlen Alcock, Planner; Yvette Chamblee, Secretary to the Board; and members of the audience.

Mr. Schelly called the meeting to order at approximately 5:33pm with a roll call and stated there was quorum.

Due to the absence of a Chair and Vice Chair for tonight's meeting, Mr. Schelly called for a nomination of a temporary Chair. Mr. Walton nominated Mr. Hiemer as temporary Chair. Ms. Hill seconded the motion. Mr. Hiemer accepted the nomination. There was no discussion. **ALL IN FAVOR: WALTON, FARRER, HILL, HEIMER, WARD, AND HILL. NONE OPPOSED. MOTION CARRIED.**

Temp Chair Hiemer called for a motion to approve the adopted agenda as presented. Ms. Hill made a motion to **APPROVE** the adopted agenda as presented. Mr. Walton seconded the motion. **ALL IN FAVOR: WALTON, HILL, WARD, AND FARRER. NONE OPPOSED. MOTION CARRIED.**

Temp Chair Hiemer called for a motion to approve the Tuesday, October 17, 2017 minutes. Mr. Ward made a motion to **APPROVE** the Tuesday, October 17, 2017 minutes. Ms. Farrer seconded the motion. **ALL IN FAVOR: HILL, WARD, WALTON, AND FARRER. NONE OPPOSED.**

Ms. Chamblee, secretary to the board, read the **Statement of Disclosure** as follows:

Elizabeth City Code of Ethics provides that public officials and employees be independent, impartial, and responsible to the public; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals and in keeping with the ethical standards of conduct for city public officials and its employees, disclosure of interest in legislative action must be stated for public record, as per City of Elizabeth City Code of Ordinances Section 32.04. Any member of the Board of Adjustment who has interest as defined in Section 32.05 of the City of Elizabeth City Code of Ordinances, in any official act or action before the Board shall publicly disclose on

the record of the Board the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the Board pursuant to N. C. G. S. 160A-75.

**NEW BUSINESS: SUP 03-17** Special Use Permit filed by Richard and Kelly Boyd for property located at 313 W Main Street. The property is zoned R-8 Residential. The applicants are requesting to operate a bed and breakfast at this location.

Temp Chair Hiemer called all persons, who wish to testify in this case, to come forth and be sworn. Kaitlen Alcock, Planner; Mrs. Kelly Boyd, applicant; and Mr. Richard Boyd, applicant, were sworn.

Ms. Alcock presented the following Staff report:

The first case before you this evening is SUP 03-17 filed by Rick and Kelly Boyd for property located at 313 W Main Street. The applicant requests approval of a special use permit to operate a bed and breakfast at the subject location. As required by the UDO, the B&B will be owned and operated by the property owners with all meals served on-site being solely for guests. Access to the subject property is via a shared driveway with the adjacent property as recorded in book 354, page 160 in the Pasquotank County Register of Deeds Office. The request, as presented, satisfies all UDO requirements relating to B&B's and is consistent with the joint City/County Land Use Plan. The request was reviewed administratively by the Technical Review Committee, with all comments being summarized on page 5 of the staff report provided to the Board. The Planning Commission reviewed the case at their November meeting and voted unanimously in favor of approval. If the Boards grant approval of the request, Staff recommends the following conditions:

- Guests of the bed and breakfast shall not park in such a manner that would prevent access to the adjacent property; and,
- The record owner of the property shall record the permit with the Pasquotank County Register of Deeds. The authorized use shall not commence until the property owner provides documentation that the permit has been recorded and indexed under the record owners name as grantor.

This concluded Ms. Alcock's presentation.

Mr. Richard Boyd and Mrs. Kelly Boyd came forth and were willing to answer any questions from the Board of Zoning Adjustment members.

Ms. Farrer questioned any experience in operating a Bed & Breakfast. The Boyds commented no experience in operating a Bed & Breakfast but, Ms. Boyd has had previous experience in the hotel and restaurant business. Mr. Boyd commented they have friends who operate a Bed and Breakfast. Ms. Farrer questioned the name of the business. The Boyd's responded the bed and breakfast would be named, "Pepper Berry."

Ms. Hill questioned the shared or separate driveway between the Boyd's Bed and Breakfast and the neighbor's house. The Boyds responded the driveway is a shared driveway and they foresee no issues with their neighbors.

Temp Chair Mr. Hiemer questioned staff about any comments received from adjacent property owners. Staff commented there weren't any comments received.

Ms. Farrer questioned the maximum occupancy of the Bed and Breakfast. The Boyd's responded there would be two rooms available with two people to a bedroom. Ms. Farrer questioned about the heat system of the Bed and Breakfast. The Boyd's commented there were two natural gas logs and a fuel oil with giant hot oil radiators heating the home. Ms. Farrer questioned not having a garage. The Boyd's commented there's a three car garage in the back of the Bed and Breakfast but, a car hadn't been in the garage for years. Ms. Farrer questioned the plans for advertising the Bed and Breakfast on Airbnb. Ms. Boyd commented Airbnb conducts a background check on the guest/applicants; contact is only made through their website; occupancy and state taxes are handled through Airbnb; and general liability is covered by Airbnb. Also, Airbnb requires you not to serve any foods but, you can establish your own calendar for availability. Ms. Farrer questioned Bed and Breakfast being a part of the downtown business group. The Boyd's confirmed.

After no further discussion, Temp Chair Hiemer called for a motion. Mr. Ward made a motion to APPROVE SUP 03-17. Ms. Hill seconded the motion. **ALL IN FAVOR: WARD, WALTON, FARRER, AND HILL. NONE OPPOSED. MOTION CARRIED.**

No **COMMITTEE REPORTS** were given.

No **STAFF REPORTS** were given.

No **OLD and NEW BUSINESS** was given.

Temp Chair Hiemer called for a motion to adjourn the meeting. Ms. Hill made a motion to **ADJOURN** the meeting. Mr. Ward seconded the motion. **ALL IN FAVOR: FARRER, WALTON, HILL, AND WARD. NONE OPPOSED. MOTION CARRIED.**

The Board of Zoning Adjustment meeting adjourned at approximately 5:49pm.