



CITY OF SOUTHPORT
ZONING BOARD OF ADJUSTMENT
113 W. MOORE STREET
November 26, 2024
4:30 PM

Minutes

Present: Pete Haislip, Jason Robbins, Josh Cline-McGee, Loten Masker

Absent: Harley Lemons

Staff Present: Maureen Meehan, City Planner
Noah Saldo, City Clerk

A. Chairman Haislip called the meeting to order at 4:30 p.m.

B. Chairman Haislip led the attendees in the Pledge of Allegiance

C. Explanation of Quasi-Judicial Process

1. Quasi-Judicial Process

Chairman Haislip provided an overview of the quasi-judicial process for the public

D. New Business

1. Special Use Permit Application-209 E Moore St.

Ms. Meehan discusses the special use permit request for events at the Carriage House Bed and Breakfast, owned by John Manning and Amy Coggins. The applicants had previously been granted approval to use their existing single-family home as a bed and breakfast in July. They now sought approval to host events such as weddings, birthdays, and other gatherings at the property. However, the initial approval did not include event standards, and there was a lack of detail on what types of events they intended to host. Therefore, the board asked for a secondary special use permit to specifically address the conditions for these events.

The property is zoned R-10 and is located near a central business district and a post office, with single-family residential properties to the left and rear. The applicants provided a survey showing the parking layout for the bed and breakfast, as well as a yard space

between 2,500 and 3,000 square feet that could be used for events.

The applicants emphasized that their bed and breakfast would remain the primary use of the property, with events being secondary. They justified the request by pointing out the proximity to non-residential uses, such as the post office, and believed that hosting events would not conflict with the neighborhood. They outlined two types of events they wish to host: small functions, with up to 30 guests lasting no more than 4 hours, and larger private events, with up to 150 guests lasting a full day, including setup and teardown.

For small events, non-overnight guests would be allowed, and the events would be held in the common areas of the property when they are not in use by the bed and breakfast guests. For larger events, the entire facility would need to be reserved for at least two nights. These larger events would primarily take place in the rear yard of the property, which is where they plan to host the larger gatherings.

The applicants provided a management plan for these events. There would always be an innkeeper or manager on-site, and temporary staff would be hired when necessary. Food would be catered, and there would be no on-site cooking. For events with fewer than 75 guests, on-site restrooms would be sufficient, but for larger events, portable restroom facilities would be required. No outside alcohol would be allowed, and guests would need to park on the public street. Noise ordinances would be followed, and the facility would secure a noise permit for each event. Additionally, the applicants outlined that any event would be contingent upon following these conditions.

Ms. Meehan explains staff reviewed the application, noting that the UDO (Unified Development Ordinance) allows the administrator to approve uses not explicitly listed, provided they are similar in intensity to permitted uses. While a bed and breakfast is considered a low-intensity use, adding event space would increase the intensity and could lead to conflicts with the surrounding residential area. Ms. Meehan states that the board would need to determine if the proposed events were comparable in intensity to other permitted uses in the R-10 district, such as churches, educational facilities, or private recreational facilities.

Ms. Meehan asked the board to consider various factors, including the density and intensity of the proposed use, the potential impact on adjacent land uses, parking, buffers, noise, light, and the frequency of events before making a decision. The floor was then opened for questions from the board or the applicants.

Discussion arises between Mr. Haislip and Mr. Masker about the distribution and use of alcohol.

Amy Coggins, property owner, points out the property and its proximity to other non-residential uses. Ms. Coggins mentions the possibility of rezoning and the consideration of the church. Ms. Coggins points out that the neighborhood is not quiet, as might be expected from the "R 10" area. It has various active amenities, including a community center, tennis courts, and a playground that is frequently used by children. The area experiences significant noise from 18-wheelers, post office trucks, and other sources. While one block over the environment is quieter, the overall area is still not completely peaceful. Despite the noise, the speaker appreciates the vibrant atmosphere of the neighborhood.

Mr. McGee questions about the carriage house. Ms. Coggins notes that the structure requires significant interior renovation due to termite damage but emphasizes that no expansion or footprint is being added to the building.

Mr. Masker inquires about the policy regarding outside alcohol, which is confirmed as a rule that no alcohol can be brought onto the premises. Ms. Coggins explains this policy is in place to allow bartenders the ability to cut off guests if necessary.

Ms. Coggins states that there are five parking spots, which Ms. Meehan confirms that there are actually six: Two for each innkeeper themselves and one for each room.

City Clerk, Noah Saldo, is sworn in and reads a letter from Paul Swenson opposing the special use permit, expressing concerns about noise, parking, and the impact on property values. The board discusses the acceptance of the letter as evidence and the need for notarization. Mr. Robbins moves to accept the letter as evidence, and the motion is seconded by Mr. Masker and approved.

Ms. Coggins explains that they were unaware that events would not be allowed at their property, as the UDO (Unified Development Ordinance) did not explicitly exclude such events when they purchased the property. They acknowledge the issue of loud bands but argue that such noise is acceptable for a personal residence.

Ms. Meehan provides context, mentioning that other Bed and Breakfast establishments in the city, such as La Polena, have hosted events, and that La Polena's management plan allows for such activities. She notes that past events were held at the end of Bay Street at the Lois Janes Bed and Breakfast before it ceased operations. Ms. Meehan further clarifies that La Polena's event hosting was granted through a conditional use permit, which was reviewed by the planning board and the board of adjustments.

When asked about the limitations of this permit, Ms. Meehan explains that La Polena's plan includes offering breakfast, hors d'oeuvres, and small private social events for holidays and special occasions, but these events are not open to the public and are only for private individuals. This was approved on January 24, 2017. She also notes that the reason she did not include this specific case in her analysis was that event hosting is not allowed in residential zoning districts, so she had to focus on uses permitted within the R-10 zoning district.

Mr. Masker raises a concern about the lack of clear specifications or conditions in the proposal, suggesting that comparisons to similar businesses or events that have been permitted in the same zoning area could help frame the decision. He specifically refers to one-time permits for events at other Bed and Breakfasts, like Lois Janes's establishment, which may have been granted on a case-by-case basis.

Mr. McGee expresses concern about the lack of a buffer between commercial and residential areas, highlighting that the neighbor had already voiced opposition to loud events like a Led Zeppelin concert. He also mentions the capacity of the community center, noting that it can hold around 125 people, and after estimating the space required for such an event, he finds that a venue accommodating 150 people would likely need a much larger facility, which raises concerns for him.

Mr. Masker disagrees with Mr. Robbin's point about the specifications of the permit,

referencing Section D of the UDO, which he believes gives the board the authority to impose conditions such as limiting the number of people or setting hours of operation without the need for rezoning or additional hearings. He reads from Section D, emphasizing that the board must ensure the proposed use is similar in character and intensity to other uses allowed within the zoning district. He argues that this gives the board the authority to make decisions on the proposal and shape its terms.

Mr. Gillespie acknowledges Mr. Masker's point but raises an issue with the UDO's interpretation over time. He explains that if the chart doesn't incorporate specific uses, then those uses are prohibited by default. He suggests that, while the UDO may not officially allow for the proposed use, the board could consider relevant factors and apply business judgment to make a decision, even if it's not strictly in line with the UDO's previous interpretations.

Mr. Robbins agrees with Mr. Gillespie's concept of using the UDO as a framework but acknowledges that Ray's point about the unlisted uses is crucial. He agrees that, while the UDO does not explicitly list the proposed use, the unlisted uses section can provide guidance. However, he clarifies that the board must still operate within the framework of the code, and it's acceptable to use relevant factors when making a decision.

Chair Haislip asks if there are any further questions before closing the public hearing and moving to the motion section of the meeting.

Motion 1: Mr. Robbins made a motion that the use will materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved. Seconded by Mr. Cline-McGee. ***Unanimous Vote.***

Motion 2: Mr. Robbins made a motion that the use **does not** meet all required conditions and specifications UDO specifically Section 3.4A, seconded by Mr. Masker. ***Unanimous Vote.***

Motion 3: Mr. Masker made a motion that the use will adversely affect the use or any physical attribute of adjoining or abutting property or that the use is a public necessity, particularly UDO Section 3.4A, Mr. Cline-McGee seconded. ***Unanimous Vote.***

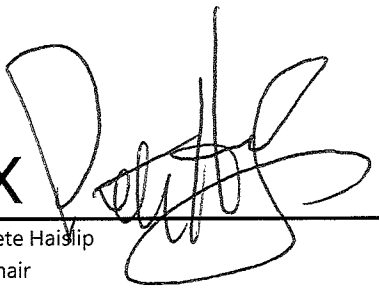
Motion 4: Mr. Robbins made a motion that the location and character of the use, if developed according to the plan submitted and approved, **will not** be in harmony with the area in which it is to be located and in general conformity with the City of Southport Comprehensive Plan, seconded by Mr. Masker. ***Unanimous Vote.***

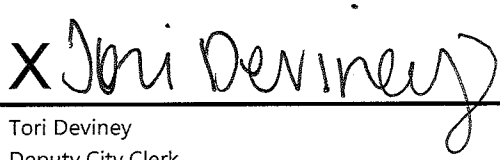
Motion 5: Mr. Robbins made a motion that based on the findings of fact and the evidence presented, the Board of Adjustments Recommends **Denial** of the special use application based on the reasoning of motion 4. Seconded by Mr. Masker. ***Unanimous vote***

2. Discussion on Board of Adjustment Procedures, Particularly Variance Decisions
The board discusses how to address situations where they are approached by citizens in public regarding different cases.

E. Adjourn

A motion to adjourn the meeting was made by Mr. Masker and seconded by Mr. McGee. The meeting was adjourned at 5:50 p.m.

X 
Pete Haislip
Chair

X 
Tori Deviney
Deputy City Clerk

