

**Guilford County
Planning Board
DECEMBER 9, 2015**

The Guilford County Planning Board met on Wednesday, December 9, 2015 at 6:00 p.m. in the Blue Room of the Old Guilford County Courthouse, Greensboro, North Carolina. There was a brief Business Meeting prior to the regular session.

Members Present: Mr. Leonard, Acting Chair; Mr. Apple; Mr. Jones; Mr. Mann; Mr. Alexander; Mr. Cannon; Ms. Gibson.

Members Absent: Chair Collins, Mr. Geter.

Staff Present: Les Eger and Tonya Hodgin, Planning Department. Also present was Leslie Bell, Guilford County Planning Director.

AGENDA AMENDMENTS:

None.

APPROVAL OF MINUTES:

November 18, 2015 Regular Meeting Minutes

Mr. Jones moved approval of the November 18, 2015 regular meeting minutes, seconded by Mr. Cannon. The Board voted 7-0 in favor of the motion. (Ayes: Leonard, Apple, Mann, Jones, Alexander, Cannon, Gibson. Nays: None.)

Acting Chair Leonard reviewed the rules and procedures of the Guilford County Planning Board.

PUBLIC HEARING ITEMS:

SPECIAL USE PERMIT CASE # 15-11-GCPL-05938 Tourist Home (Bed & Breakfast) Located on the west side of Wood Burn Drive approximately 609 feet north of Wiley Lewis Drive, in Fentress Township. Being Guilford County Tax Parcel #0134890, approximately 3.2 acres owned by Lisa and Larry Copeland. **(DENIED)**

Mr. Eger stated that this is a request for a Special Use Permit to permit the operation of a Bed & Breakfast facility on the subject property. The owners of the property are Lisa and Larry Copeland. Surrounding uses to this proposed Bed & Breakfast are low density residential uses. There are no designated historical properties on the request. This request is consistent with the use on the RS-40 zoning district with approval of the Special Use Permit. During consideration of the Special Use Permit, the following determinations should be made based on relevant and credible information presented: (1) That the use requires a Special Use Permit in the Development Ordinance; (2) That the conditions of the use meet or exceed the standards of all required conditions and specifications found in the Development Ordinance; (3) That the use as proposed subject to additional conditions that the owners may present tonight or the Planning Board may impose is consistent with the purpose of the district and compatible with the surrounding uses; and (4) That the Special Use Permit may be granted when the following Findings of Fact have been made by the Planning Board: (a) That the use will not materially endanger health or safety if located where proposed and developed according to the plan submitted; (b) That the use will not substantially injure the value of adjoining or abutting property, or

that the use is a public necessity; and (c) That the location and character of the use, if developed according to the plan submitted, 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 Jurisdiction and its environs.

After reviewing the proposed development plan for this request, staff submits the following: (1) The Tourist Home (Bed & Breakfast) is represented by an "S" in the Guilford County Development Ordinance table of permitted uses; (2) The proposed site plan conditions of the request meet development standards of the development ordinance; and (3) The proposed Tourist Home (Bed & Breakfast) as presented meets the intended use within the RS-40 district with approval of a Special Use Permit.

Swearing in of anyone speaking in favor of the request:

Lisa Copeland

Swearing in of anyone speaking in opposition to the request:

Kay Lampley, Sheila Randleman, Wilimena Garner, John Young, and Steve Middleton.

In Support:

Lisa Copeland, 3709 Wood Burn Drive, stated that her intention is to have a high scale Bed & Breakfast ranging in price from \$250 to \$350 per night for each room. She would like to keep the volume of guests down to avoid wear and tear on the building and septic system. She wants to be in compliance with everything so the project will be in harmony with the environment and neighbors.

Ms. Copeland said that her home is located around nine different properties. Utilizing tax value information, she indicated that her property is double the average value of any surrounding properties. Therefore, property values in the area will not be lowered.

The Bed & Breakfast will be located in a small building behind her house. The building cannot be seen from the street and surrounding homes cannot be seen from the driveway circling around her property. The average distance from the proposed Bed & Breakfast to neighboring properties is 455 feet.

Ms. Copeland said that the southeast side of Greensboro is lacking in the access to an upper scale Bed & Breakfast. It will be a welcomed alternative to hotels located five or six miles away and would contribute to the economy of the area. The closest Bed & Breakfast is downtown located more than five miles away.

In Opposition:

Kay Lampley, 1335 Wood Burn Drive, read from the list of restrictive covenants for the neighborhood and noted among other things that the lot should be used only for residential purposes and the small building proposed for the facility should not have been built on the property. She expressed concerns for privacy and felt there was no need for a Bed & Breakfast in the neighborhood. In addition, she was concerned that the Bed & Breakfast building could be used as apartments in the future.

Sheila Randleman, 1403 Wiley Lewis Road, walked the lot and noted that the road had already been developed and there were several nice looking storage buildings. She pointed out that there is a nearby venue that hosts weddings and where overnight accommodations are offered. She values privacy and commented that the neighborhood is currently safe and very quiet. She expressed concerns with privacy, safety, and noise if the facility is built.

Wilimena Garner, 3715 Wood Burn Drive, said that she and her husband purchased their property based on the restrictive covenants. The property is a quiet cul-de-sac and there has been no major crime. She pointed out that Wood Burn Drive is a private road and is not state maintained. The lots are oddly shaped and have had problems with perking. In order to get the road maintained, residents would have to pay to have the entire road paved. She was also concerned with property values and the possibility of the property selling in the future and transitioning to apartments.

John Young, 3704 Wood Burn Drive, stated that he does not want additional traffic on the road because of the fact they have to pay for the road if there is any damage to it. He was opposed to a commercial property in the neighborhood because it would open the way for other commercial properties to come into the neighborhood. He said that Wood Burn Drive is a dead end street. Vehicles must pull into residential driveways to turn around causing potential damage to properties as he has experienced in the past.

Steve Middleton, 3708 Wood Burn Drive, said that he built his home based on it being in a residential area. The road is a private road and in the 27 years he has lived there, the only necessary maintenance that was ever done was when a rental neighbor broke a portion of the asphalt on the road. The homeowner paid for the repair. Responding to questions, he indicated that the road was paved when he moved in. There is no Homeowners Association in the neighborhood.

Sheila Randleman, 1403 Wiley Lewis Road, stated that the woman who sold the original properties had the restrictive covenants drawn up before she was allowed to sell the properties. In addition, she explained that in order to find a place that would perk, the lots had to be made big and irregularly shaped.

Mr. Jones explained that it is not the Board's purview to enforce private restrictive covenants. The Board must consider public health, safety issues, property values, and other testimony in its consideration of this case.

Rosemary Clark, 3711 Wood Burn Drive, was sworn as to her testimony. When purchasing her lot in 1992, Ms. Clark was told the neighborhood would be a residential area with no commercial in the future. Her main concerns were noise and safety.

Rebuttal in Support:

Lisa Copeland indicated that their lot was the last to be sold and they had to purchase a special type of septic system because of the difficult perking situation. They are not under the restrictive covenants and the covenants were never registered with their property. Responding to a question about the roads, she indicated that they paved the bib outside of their property onto the road and then they paved another 1,500 feet. She offered to help the neighbors pay to pave the rest of the road so the State could maintain it but only if all neighbors would participate. Responding to a question from Acting Chair Leonard, she clarified that an appraiser was not contacted. Her comments regarding the fact their property value is 265 percent higher than the 27406 zip code is based on information from Zillow.

Responding to questions, Ms. Copeland clarified that there is a house and an accessory house on her property. The Bed & Breakfast will be in the accessory house. There is also a garage with a workshop along with another storage building. The garage and storage building have received approved permits. No new structures are planned on the property. Ms. Copeland is waiting for information regarding what must be done to increase the septic system to accommodate the additional bedrooms. The accessory storage building cannot be converted into cabins. Addressing the issue of privacy, Ms. Copeland commented that she is far away from any other house. There is a circular drive around her property and two houses must be passed to get to her house. She noted that Wiley Davis Road is a state maintained road and Wood Burn Drive is the only private road in the area.

Jerry Coble, Fire Marshall's Office, was sworn as to his testimony. He had no concerns related to the request.

Rebuttal in Opposition:

Kay Lampley read from the restrictive covenant document for the Wood Burn subdivision. She asked why Ms. Copeland's lot was not required to adhere to the document. Mr. Jones reiterated that the Board does not have the power to consider the document. The Board must look at criteria to determine if the request is in harmony with surrounding uses, whether it injures adjoining property values, etc. The Board is governed by General Statutes and the local ordinance and they cannot determine the validity of the document. Mr. Cannon reiterated that the Board must abide by the ordinance as they evaluate available criteria.

John Young pointed out that signage will be necessary in the neighborhood for the proposed Bed & Breakfast facility. He felt signage would create a detriment to property values.

Sheila Randleman asked for clarification on how the Board reaches their determination. Acting Chair Leonard explained that they will consider the information and the Board will make Findings of Fact to support their decision. The decision of the Board can be appealed by either side.

Tom Clark, 3711 Wood Burn Drive, was sworn as to his testimony. He reiterated that this is a quiet and safe neighborhood. He felt it would be unsettling for neighbors to have unknown Bed & Breakfast guests exploring the neighborhood.

Edward Garner, 3715 Wood Burn Drive, was sworn as to his testimony. He referred to perking tests for lots on Wood Burn and reiterated difficulties experienced in the past. It was pointed out that the septic component must pass before a Bed & Breakfast can be built.

Leslie Bell commented that the Board's vote tonight has no bearing on whether or not the septic system is adequate. The Board is determining if the proposed Bed & Breakfast is compatible with the subject property.

There being no other speakers, Acting Chair Leonard closed the Public Hearing.

Comments:

Mr. Cannon reiterated criteria that the Board must consider as follows: (1) Whether or not the use will materially endanger the public health or safety if located where proposed and developed according to the plan that has been submitted; (2) That the use will not injure the value of the adjoining property or that the use is a public necessity; and (3) That the location, character, and use according to the plan will be in harmony with the area in which it is to be located and in general conformity with the plan of development in the jurisdiction and its environs.

Mr. Jones indicated his concern with putting a commercial use on a privately maintained road. Mr. Mann was in agreement with Mr. Jones and asked if the Board can take that issue into consideration. Mr. Eger commented that Wood Burn Drive is a public road that was built to DOT (Department of Transportation) standards. There might not have been enough homes on the road at the time for the state to take over maintenance of the road. In addition, even though there are presently enough homes on the road, it could be that the road has become in such disrepair over the years that the only way DOT would take it over for maintenance would be if the citizens living on the road bring it back up to standards. The road is currently a public road for public use.

Mr. Leonard expressed concern with the appraisal issue. It was not shown that the surrounding property would be affected by the presence of a Bed & Breakfast.

After considering the evidence presented in regard to the application for this Special Use Permit, Mr. Cannon moved that the Guilford County Planning Board finds from the credible evidence that the Special Use Permit should be approved, subject to the site plan and all applicable conditions and in support of this decision, the Board makes the following findings: (1) The proposed use requires a Special Use Permit under the Development Ordinance; (2) The proposed conditions meet or exceed the development standards found in the Development Ordinance; (3) The use as proposed and/or agreed to, and/or as the Planning Board has imposed, is consistent with the purposes of the District and compatible with surrounding uses; (4) The use will not materially endanger the public health or safety if located where proposed and developed according to the plan; (5) The use meets all required conditions and specifications; (6) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity; and (7) the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of this jurisdiction and its environs. Therefore, Mr. Cannon moved that this request for a Special Use Permit, with all applicable conditions and subject to the site plan and applicable law, be approved. The motion was seconded by Mr. Apple. The Board voted 6-1 against the motion. (Ayes: Cannon. Nays: Leonard, Apple, Jones, Alexander, Gibson, Mann)

NON-PUBLIC HEARING ITEMS:

(1) Approval of the 2016 Guilford County Planning Board Schedule

Mr. Jones moved to approve the 2016 Guilford County Planning Board Schedule as presented, seconded by Mr. Cannon. The Board voted unanimously in favor of the motion. (Ayes: Leonard, Cannon, Apple, Jones, Alexander, Gibson, Mann. Nays: None.)

(2) Election of Chairperson and Vice-Chairperson

Mr. Leonard moved to nominate Tony Collins as Chairman of the Guilford County Planning Board, seconded by Mr. Jones. The Board voted unanimously in favor of the motion. (Ayes: Leonard, Cannon, Apple, Jones, Alexander, Gibson, Mann. Nays: None.)

Mr. Cannon moved to nominate Acting Chair Leonard as Vice-Chairman of the Guilford County Planning Board, seconded by Mr. Jones. The Board voted unanimously in favor of the motion. (Ayes: Leonard, Cannon, Apple, Jones, Alexander, Gibson, Mann. Nays: None.)

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 7:11 p.m.

Respectfully submitted,

Al Leonard, Acting Chairman

Les Eger, Secretary to the Board

AL:sm/jd