

Notes for DRB Meeting, January 4, 2017

as of 1/4/2017

Testimony of all the resident property owners on Country Club Road regarding Jennifer Ranz's conditional use permit/variance (Integrated Agriculture) application for a year-round event center at her barn at 491 Country Club Road. The signers are Diane Irish (#819), Bronwyn and Conrad Massé (#703), Jane Sprenger (#579), and Thomas Anastasio and Virginia Jenkins (#314).

Everyone recognizes the effort Jennifer has put into restoring and preserving her beautiful barn. It's a well-known landmark. She's done a magnificent job of restoration. Everyone agrees that the barn is a great achievement.

Jennifer now wants to find additional ways to generate income to support the maintenance of the barn. She, and all of us too, want it be available for herself and her family into the future. We are all strong believers in family, understand the motivation, and applaud her concern for her family.

However, in a democracy, the rub comes when one person's attempt to support her family and preserve her property causes reduction in value of nearby properties whose owners are equally concerned for their families. Jennifer proposes to hold year-round events involving 200 people or so, inside and outside of the barn. We invite you to close your eyes and think about your own homes; do you think a commercial event center near your house would enhance its property value? On the contrary, a commercial event center would clearly have negative impact.

Let's examine what a commercial event center at the barn really means. Many letter-writing supporters evidently think the events would be held entirely inside the barn. The reality is there would be a bar and food service set up outside the barn along with setups inside the barn. Two hundred people would be gathered socializing, chatting, and maybe getting a bit tipsy. Amplified music, although inside the barn, would be projected out over the crowd through the open barn doors. There would be a tent erected in case of inclement weather and parking for as many as 100 cars. Picture this in your mind's eye and ask yourself if we residents are wrong to be concerned.

Section 5.4 of the Zoning By-Laws states that a conditional use must not result in undue adverse effects on the character of the neighborhood, including noise. Reduction in neighboring property values alone must certainly be considered an undue adverse effect. Crowds outside the barn make it even worse.

Let's note that a commercial event center is not the only way for Jennifer to maintain her barn; it's just the only way she has put forward. One practical alternative is crowd-funding where a large amount of money can be raised through small donations from lots of people.

So, let us make a serious and we hope useful proposal:

First, speaking personally, I hereby pledge to contribute \$500 a year for five years for maintenance of Jennifer's barn. The other Country Club Road signatories also will contribute as they are able. Additionally, Jennifer has presented 50 letters in support of her barn. If only half of those people were to donate \$500 a year Jennifer would receive some \$13,000 a year. I'm sure other people in and around Greensboro would also sign on at some level to support this worthy cause. Who knows? It could go

viral and start a wave of support around the nation.

Jennifer -- would you be willing to modify your application to remove the all-year event center for two years while you raise money for your barn through crowd-funding? If, after the two years, you find you can't raise enough money, you can re-apply for the conditional variance. All we're asking is that you not pursue the commercial event center, you can still have your other money-making endeavors like selling art, selling produce, holding educational programs, and even renting out your apartment.

[[If Jennifer accepts, great. If not, then proceed as follows]]

Well, it appears our idea is not acceptable, so we'd like to make suggestions to the Board for conditions that should be applicable to Jennifer's application.

You know, Jennifer put more than \$175,000 into her purchase of the Kesselman house and the old firehouse on Breezy Avenue. The house, now called the "Greensboro Little House" is rented through AirBnB. We think that money could have been earmarked to barn maintenance rather than to acquiring yet another piece of commercial property. It would have provided over \$19,000 a year for nine years.

If, in spite of the adverse impacts on the neighborhood, the DRB approves Jennifer's application, the following safety and suitability conditions must be included:

Condition 1. Every activity in the center must be fully disclosed and suitably licensed. As the most glaring example, an unreported rental apartment must not be allowed. Jennifer has not mentioned the existence of the apartment as part of her business, but it's on her AirBnB site. She gets \$145 a night (\$160 a night on weekends), two nights minimum, plus a cleaning fee of \$35. The renters have full unsupervised access to the entire barn during their stay. Think about the tragedy of the warehouse fire in Oakland, California which started in an unreported apartment in an old wooden warehouse structure. The old wood burned so rapidly that more than thirty people died in the blaze, unable to get out in time. Jennifer's old wooden barn bears an eerie similarity to the Oakland warehouse.

Condition 2. Every installation in the center must be done by licensed tradesmen. For example, Jennifer has high-temperature pottery kilns in the lower level. A year or so ago, Jennifer had to replace an element in one of the kilns. I advised her against using ordinary plastic-insulated wire as she was going to do. As I recall, she took that advice, contacted the kiln manufacturer, and obtained a length of suitable wire. I consider that a potential disaster avoided. The point is this: Jennifer wants to run a commercial operation with the lives of hundreds of people at stake. She must not use unlicensed people to do electrical work.

Condition 3. Educational activities must be required to meet State licensing requirements to ensure the safety of children involved. The safety and well-being of children is a prime consideration for any educational uses the barn may have. The educators here can vouch for the strict regulations imposed on activities that involve children.

These three conditions address safety issues. The next group of six conditions addresses suitability.

Condition 4. Events may be held only during the months of June through October, not “year-round.” In Jennifer's previous, withdrawn application as a home business, the neighbors pointed out the difficulties with the road during mud season and winter. Jennifer states that she “will voluntarily suspend activity when Country Club Road is impassable.” An event planned and under contract weeks in advance will be suspended on a moment's notice when the road becomes impassable? This doesn't seem feasible.

Condition 5. Events must be held entirely inside the barn - no outdoor events. This is important to reduce the visual, noise, and trespass impact on neighbors. Setting up a bar and food buffets outside the barn with amplified music inside the barn directed to the outside through open barn doors should not be permitted.

Condition 6. Amplified sound must be contained within the structure so it is not audible outside. This means barn doors and windows must be closed when amplified sound is being used. Jennifer's proposal to stop all music by 11pm is not good enough. 11 at night is too late. All amplified sound must stop by 9pm.

Condition 7. Liquor, if served, must be by a person licensed and regulated by Greensboro authorities.

Condition 8. The zoning permit must not be transferable. It should be Jennifer's permit only and not assigned to the property. No one besides Jennifer should be included in the permit. Jennifer hopes to keep the barn forever, but if the permit is attached to the property, any subsequent owner will be able to run a commercial event center. A subsequent owner may not fully share Jennifer's concern for her neighbors.

Condition 9. While traffic may arrive in dribs and drabs at the beginning of an event, there will be a mass exodus at the end. This will include drivers who may have imbibed more than was wise. It should be Jennifer's responsibility to ensure that Country Club Road remains safe during and after events. She must provide adequate traffic policing.

These nine conditions seem to us quite reasonable to allow Jennifer to have her event center and to reduce its negative impact. No one is trying to stop the event center; we're just trying to ameliorate its impact on the neighborhood.

The Board is being asked to evaluate that impact. Although the maximum number of annual events is mentioned in Jennifer's supporting documentation (18 over the year), there is no way to tell how often events will be allowed during the peak-use summer months. Conceivably, all 18 could take place in the summer. Unless the nature, duration, and frequency of events is well defined, the DRB will have no valid basis for making a decision.

We think our quite positive proposal would be a good start: “Events will occur only during the months of June through October, limited to a frequency of no more than two a month with a total of no more than ten events. No event will involve more than 200 attendees. All events will be held entirely inside the barn.”

The Board should also consider how this application may set a dangerous precedent. Greensboro has

many residents who make extensive agricultural use of their residential properties. Approving Jennifer's application as "integrated agriculture" could open a Pandora's box. Just on Country Club Road alone, there are residents whose extensive fields are hayed under contract and whose personal vegetable plots are even more splendid than Jennifer's. Would we want to allow their admittedly agricultural use to be a pretext for undesirable commercial activities? How would the DRB avoid it with the precedent set by Jennifer's application?

In conclusion, the DRB is being called on to apply the wisdom of Solomon to this application. The zoning By-Laws do not offer as strong guidance for integrated agriculture as for other uses such as home businesses. We don't know how you will evaluate the validity of Jennifer's claim for an integrated agriculture variance. We don't know how you will find a good balance between Jennifer's proposal and the property rights and well-being of the other residents of Country Club Road. If all the conditions we have proposed are added to a conditional approval, the application may be safely permitted. Without all the conditions, reasonable development on Country Club Road and elsewhere in Greensboro will not be well-served.