

RATIONALE FOR ZONING AMENDMENT**DEAN BROWN, APPLICAN (BEVIN HOUSE BED & BREAKFAST)****Submitted by Mark Branse, Applicant's Representative**

Most towns, including East Hampton, allow Bed & Breakfast uses in residential zones. The purpose is to provide incentives for people to restore and maintain historic or iconic homes that define the character of a community but that, due to their size, age, condition, and lack of modern insulation and HVAC systems are too expensive to own and use as a single family dwelling. Too often, these magnificent homes are demolished and their lots subdivided because no one wants to tackle the challenges of such buildings. East Hampton had the foresight to adopt Section 8.4 allowing Bed & Breakfast uses and that has allowed the Bevin House—a designated Historic Landmark in East Hampton—to be beautifully restored by its owner, Dean Brown. Mr. Brown spent a year and half completing the restoration that was begun by the prior owner, and has furnished the House with period antiques and restored it to its former glory.

As the Bevin House began operation, Mr. Brown was asked to host events. Initially, Mr. Brown was asked to host fundraising events for local non-profit organizations which he was happy to do. Unfortunately, we have determined that under the Connecticut Building and Fire Codes, Bed & Breakfast uses can have no more than eight rooms (which is what the Bevin House has) and that *no one can occupy the house unless they are guests, the resident owner(s), or employees*. Therefore, no more than sixteen (16) people (guests) plus owner occupants and employees are allowed to be inside a Bed & Breakfast at any given time—even briefly. We have investigated and determined that this is not some arbitrary rule by East Hampton's Fire and Building officials but is found directly in the applicable Codes and applies State-wide. Therefore, Mr. Brown reluctantly stopped offering to host fundraisers for local non-profit groups.

However, outdoor events would not violate Building or Fire Codes as long as those in attendance did not enter the Bevin House building. Portable toilets would be required so that outdoor guests would not have to use the rest rooms of the Bevin House.

Mr. Brown filed an application with this Commission on February 1, 2018 to amend the Zoning Regulations to allow events at Bed & Breakfast uses. This amendment was not prepared by an attorney and did not recognize that Building and Fire Codes prohibited indoor events for non-occupants of the Bed & Breakfast. Letters from the Fire Marshal and Building Official addressing *indoor* events created confusion about the proposed *outdoor* events. Further, the text was lacking in detail and protections that should have been included, and it proposed events for up to sixty (60) people—more than the Bevin House site could actually have supported. This Commission denied that application on July 11, 2018. Mr. Brown retained Attorney Michael F. Dowley to file an appeal of this denial but, during the pendency of the appeal, Mr. Dowley died suddenly. Mr. Brown turned to me for assistance.

I did not feel that the pending appeal was worth either the Town's costs or Mr. Brown's. By agreement with the Town Attorney, we have stayed the appeal while we try to resolve the underlying issues by filing a new text amendment application. This amendment allows *outdoor* events at a Bed & Breakfast by Special Permit under very strict conditions, including:

- The new text expressly prohibits indoor use of the building by outdoor event guests unless and until the applicable codes allow it, which at this time, they don't. Indoor events can only be for guests of the facility.
- It sets strict caps on the number, frequency, hours, and size of events: No more than two (2) indoor events per week, no more than one per day, and no earlier than 8 am nor later than 11 pm on Friday and Saturday or 9 pm on weekdays (so basically either a luncheon event or a cocktail/dinner event for those staying at the Bevin House). Outdoor events are limited to 30 persons, maximum, no more than eighteen (18) events per year nor more than one per week, starting no earlier than noon nor ending later than 11 pm on Friday or Saturday or 9 pm on Sunday (plus maximum one hour setup and take-down), with no outdoor events Monday through Thursday.
- Amplified sound is allowed only until 10 pm on Friday and Saturday and 8 pm on Sunday.
- All of the above are *maximums*, with the text allowing the Commission to reduce any of these parameters depending on the location of the Bed & Breakfast and the character of the neighborhood where it is located.
- The text contains a requirement for prior notice of events to the Zoning Enforcement Officer so that he can keep track of the annual and weekly caps on the number of events, and can monitor the hours if necessary.

These changes should give the Commission the confidence to amend the regulations to allow limited events at Bed & Breakfasts. Nearly all Bed & Breakfast uses host events of some kind, and this amendment would allow the Bevin House to compete in that market. Adopting this amendment would not require the Commission to approve any particular Special Permit application for events. The size and frequency of the proposed events would have no impact on established restaurant or banquet facilities, which cater to much larger groups and can't rely on tents for year-round events in our New England weather. This would be a seasonal use to supplement the services that a Bed & Breakfast can offer to the public and its patrons.

We hope that the Commission will approve this amendment so that the Bevin House and other Bed & Breakfast uses remain viable and have the income to support the maintenance of a very large and ornate building.
