

City of Beaufort Zoning Board of Appeals
1911 Boundary Street
Beaufort, South Carolina 29902
Phone (843) 525-7011, Fax (843) 986-5606
E-Mail: jbachety@cityofbeaufort.org
*Revised September 12, 2014

Application Fee
\$300

AP/3275
pd 5/25/16
CK

SPECIAL EXCEPTION APPLICATION

OFFICE USE ONLY: Date Filed: 5-25-16 Application #: ZB/16-14 Zoning District: R-2

Instructions

Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not the owner, the owner(s) must sign the Designation of Agent (below).

Submittal Requirements

1. A legal survey of the property. 2. An accurate, legible site plan showing the north arrow, dimensions, and locations of all existing and proposed structures and any improvements relevant to the appeal such as trees, fences, power lines. Six copies of all plans are required. 3. Photograph(s) of the site.

APPLICANT(S): Frances and James Ackerman

Address: 2215 Wilson Drive

Telephone: 406 570 6828 [day] [fax]

E-mail: Ackfrha@gmail.com

OWNER(S) if other than Applicant(s): _____

Address: _____

Telephone: _____ [day] [fax]

PROPERTY STREET ADDRESS: 910 Woodward Avenue

Tax Map No.: R120 002

Parcel No.: 000 0209

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application?
 Yes No

DESIGNATION OF AGENT [complete only if owner is not applicant]:

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: _____

Owner's Signature: _____

I (We) certify that the information in this application is correct.

Date: 5/24/2016

Applicant's Signature: Frances Ackerman

PAID
MEM 5/25/16
CK

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APPLICATION FOR SPECIAL EXCEPTION

Applicant hereby appeals to the Zoning Board of Appeals for a special exception for a (ex. Type 2 Home Occupation) Short Term Rental

on property described on Page 1, which is permitted by special exception under the district regulation in Section 5.1 of the Unified Development Ordinance (UDO).

1. Applicant will meet the standards in Section 3.16.D of the UDO which are applicable to the proposed special exception in the following manner:

- a. The proposed use is compatible with existing land uses in the surrounding area as follows: the property is a two bedroom one bath home suitable for four occupants as long term home. The request is to use the home for the same number of occupants on a short term basis
- b. The proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area in that: the use will not change occupants will just stay for a shorter length of time.
- c. The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City are as follows: there should be no change on impact to area as there will be the same number of residents using the home.
- d. The proposed use(s) and designs are in general conformity with the City's comprehensive Plan and any other plans officially adopted by the City in that: The home will be used in a quiet manner as a short term residence
- e. The likely impact on public health and safety is as follows: there should be no negative impact. A positive impact is anticipated as the property has been greatly improved and it will be occupied by nice, respectful tenants.
- f. Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts is as follows: None! Tenants know if there is any problem they must leave and forfeit rent!! Short term tenants are checked out and have references in the system.
[A site plan must be submitted]

STAFF REPORT
910 WOODWARD AVENUE

**CITY OF BEAUFORT
ZONING BOARD OF APPEALS
Staff Report and Recommendations
Meeting of 27 June 2016**

Case Number: ZB16-14
Property Address: 910 Woodward Avenue
Applicant: James and Frances Ackerman
Type of Request: Special Exception for Short Term Rental
Zoning: R-2 District

Background: The property is located at 910 Woodward Avenue in the Pigeon Point neighborhood (see Site Location Map attached). The property is identified as District 120, Tax Map 2, Parcel 209. The property is zoned “R-2 Medium Density Single-Family Residential District” (R-2). A single-family dwelling is located on the lot. Photos of the property are attached.

The property owners, who live on Wilson Drive, desire to rent the dwelling unit on a short term basis (i.e., for periods less than 30 days). Short term rental of a primary dwelling unit is permitted by special exception in the R-2 District.

The unit has two bedrooms and one bath.

The property owners are proposing to manage the unit themselves. The rental agreement specifies a minimum 3-night stay which complies with the City’s ordinance. The rental agreement limits the persons in the unit to four. The agreement limits the number of vehicles to two. The lot has adequate on-site parking for two vehicles. The agreement states that vehicles are to park in the driveway and not on the street.

Questions for the applicant: Will the unit be rented when applicants/property owners are out of town? If so, who will manage the short term rental? How quickly will that individual be able to respond to any issues at the property? Will they be available 24/7?

Staff comments: Any persons being paid for management of the unit will need a City of Beaufort business license for a real estate management firm.

Public comment: The property was posted on June 10. The public hearing notice referencing this application appeared in the June 12 edition of *The Beaufort Gazette*. Letters were sent to adjoining property owners on June 15. The president of the Pigeon Point Neighborhood Association was informed of the application by e-mail on June 17. Staff has received no public comments on this application as of the date of this writing.

Criteria for approval of a special exception set out in Section 3.16:

According to the UDO, the Zoning Board of Appeals may approve an application for a Special Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The UDO stipulates that the Board shall consider six criteria in its review of an application for a special exception. Staff comments on how the application relates to these criteria follows.

- (1) *Whether the proposed use is compatible with existing land uses in the surrounding area.* The property is located in the Pigeon Point neighborhood. The property is located within an easy bike ride of the downtown core.
- (2) *Whether the proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area.* No changes are proposed to the property as part of its use as a short term rental.
- (3) *The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City.* The proposed use is not likely to have a greater impact on public infrastructure than for use as a long-term rental.
- (4) *Whether the proposed use and designs are in general conformity with the City's comprehensive plan and any other plans officially adopted by the City.* The proposed use is in general conformity with the City's comprehensive plan and the Civic Master Plan.
- (5) *Likely impact on public health and safety.* The proposed use will likely have little impact on public health and safety given that the unit will be managed by local residents.
- (6) *Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.* Staff believes that there is little potential to create injurious or obnoxious impacts if a local property manager is available 24/7 to address any issues that arise with rental of the unit.

Staff recommendation: If the Board can determine that there will be no significant negative impact on surrounding property, staff recommends approval of the special exception on the following conditions:

- that no large parties (ex. more than four persons not listed on the rental agreement) or special events (ex., weddings, reunions) be permitted as part of the short term rental;
- that a monitored fire alarm system be installed as required by the building official; and
- that the applicant certify that a local manager can be available 24/7 to address any concerns that arise with the property rental.

PHOTO FROM GOOGLE MAPS

