

A meeting of the Zoning Board of Appeals was held on **June 27, 2016 at 5:30 p.m.** in the City Hall council chambers, 1911 Boundary Street. In attendance were Chairman Josh Gibson, board members Tim Wood, Jody Caron, Nigel Stroud, and Joe Noll, and Libby Anderson, planning director.

In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80(d) as amended, all local media were duly notified of the time, date, place, and agenda of this meeting.

CALL TO ORDER

Chairman Gibson called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance. He read the notice of compliance with the Freedom of Information Act requirements.

MINUTES

Mr. Stroud made a motion, second by Mr. Caron, to approve the minutes of the April 25, 2016 meeting as submitted. The motion passed unanimously.

Chairman Gibson reviewed the procedure for ZBOA meetings.

REVIEW OF PROJECTS

910 Woodward Avenue, Identified as District R120, Map 2, Parcel 209

Special Exception

Applicant: Frances and James Ackerman (ZB16-14)

The applicant is requesting a special exception in order to operate a short-term rental.

The property owners live on Wilson Drive in Pigeon Point and wish to operate the property as a short-term rental, Ms. Anderson said. The unit has two bedrooms and one bath. The property owners propose to manage the unit themselves. The rental agreement limits the persons in the unit to four and the vehicles to two, she said. The lot has adequate on-site parking for two vehicles.

Staff had the following questions, Ms. Anderson said:

- Who will manage the short-term rental when the property owners are out of town?
- Will that manager be available 24-7?
- Will that manager be paid? If so, (s)he will need a City of Beaufort business license.

The property was posted on June 10, and all other public notices were made; the president of the Pigeon Point neighborhood association was also notified. There was no public comment received, Ms. Anderson said.

A special exception application may be approved if there is no significant negative impact on surrounding residents or the general public, Ms. Anderson said. She presented staff's opinions on the criteria that the Board must use to determine if this application receives a special exception:

1. **Proposed use is compatible with existing uses in the surrounding area:** Ms. Anderson said the property is in the Pigeon Point neighborhood and is within an easy bike ride of the downtown core and walking distance from Pigeon Point Park.
2. **Proposed changes are harmonious with the character of area:** Ms. Anderson said staff feels this doesn't apply because no changes are planned for its use as a short-term rental.
3. **Impact on public infrastructure:** Staff feels this would have no greater impact than if it were a long-term rental.
4. **Compatible with Comprehensive Plan and the Civic Master Plan:** Staff feels it is in general conformity with these plans.
5. **Impact on public health and safety:** Staff feels it will have little impact, as local residents will manage it.
6. **Potential creation of nuisances:** Staff believes there is little potential for nuisances if a local manager is available 24-7 for any issues that may arise.

Staff recommends approval with the following conditions, Ms. Anderson said:

- In the rental agreement, there should be a stipulation that no large parties (four or more people not listed on the rental agreement) or special events are permitted;
- A monitored fire alarm must be installed; and
- The applicant must certify that a local manager can be available 24-7 whenever the property is being rented on a short-term basis.

Frances Ackerman said she and her husband had appeared before the Zoning Board of Appeals (ZBOA) before about the short-term rental of their Wilson Drive house. They found this house on Woodward Avenue after they sold their house in Spartanburg and moved to Beaufort, she said. The Woodward Avenue house was very derelict, though there are nice houses on the street; they feel its renovation has been beneficial to the street, the neighborhood, and the city in general, Ms. Ackerman said.

They had six short-term rentals of the Wilson Drive house, which "all went wonderfully," Ms. Ackerman said. They had two local property managers for that short-term rental, and they were selective about their guests. They will fulfill the requirements that staff has stipulated, she said.

A number of Marine Corps graduations have family members who are staying in other locations, and those staying in the short-term rental might want to have a cookout at noon, Ms. Ackerman said; she wanted to be sure that if their application is approved, they could say "Yes" to a renter who wanted to host such a gathering at the short-term

rental, as people did at the Wilson Drive Short-Term Rental. The Woodward Avenue house is 675 square feet, she said, and they wouldn't want to do anything to jeopardize its status as a short-term rental, so they wouldn't have wedding parties, reunions, etc. there.

Mr. Stroud said there hasn't been an application that has come to the ZBOA before that included this stipulation about parties that Ms. Anderson had made for this short-term rental. He asked if this was new. Ms. Anderson said it is. The owner of a short-term rental property on the water in the Pigeon Point neighborhood had asked about using the property for a wedding and reception. If these kinds of events are going to happen regularly, large weddings and reunions could become an issue for neighbors, and could "end the short-term rental opportunity," she feels. There have been no complaints, though. The Ackermans' property is on the water, too. However, a noon barbecue is different, Ms. Anderson said, than a wedding.

Ms. Ackerman said two local people will manage the short-term rental in their absence: one has a city business license and also owns a short-term rental, and the other is "a young man with the fire department," who renovated the Woodward Avenue house and knows the wiring, etc.

Chairman Gibson asked how Ms. Ackerman felt about the limit on the number of other people who could be at the house, other than those renting it. Ms. Ackerman said there might be as many as ten people at a barbecue to celebrate a graduation. She "would have no problem with having a wedding" at her short-term rental; she knows the people Ms. Anderson had referred to who had asked permission to have one at their short-term rental, but she understands not giving "carte blanche for something like that"; those who want to do that might need to get additional permitting, etc., Ms. Ackerman suggested.

Mr. Caron said staff's stipulation would limit Ms. Ackerman's renters to having eight people at the house for a barbecue or party. Chairman Gibson asked if she thought that "would be problematic," and at what number of people she would draw the line. Ms. Ackerman said she will defer to what the board decides, and she sees the benefit in limiting the number of people at a party on the property, but making it "no greater than 15 people" might be more fair, she said. She added that it's "hard to answer" this question "on the spot."

Mr. Caron said he sees that the rental agreement limits the number of guests to four. If more people come to a barbecue at the short-term rental, he asked where they would park. Mr. Stroud said that the number of those staying in the house is limited, as is the number of their vehicles, but he doesn't "feel a strict limit is appropriate" for the number of visitors the guests can have, as "it's their right" to have people visit. Mr. Caron feels it should be "an aggregate total of something like ten for a social engagement."

Mr. Wood said he has “no trouble” with the application. The short-term rental task force could determine the guidelines for parties, not the ZBOA. He understands why staff suggested doing this – “to prevent loud parties ‘til 2:00 a.m.” – but he feels “a family barbecue is another matter,” and the task force or city council could better determine if there should be a limit, and if so, what the number should be.

Mr. Noll said the Ackermans’ house is why he likes short-term rentals, as opposed to long-term rentals: they have put money into the house and done more than just make it “habitable.” Mr. Noll said he “would pass” on the question of the number of guests that should be allowed.

Chairman Gibson said a beautiful house on the water could be more likely to be used for events like weddings, and if it were to become “a party venue” because of the frequency of events there, that could be a concern for the neighborhood. However, he feels having people over for a barbecue at a short-term rental is no different than a family that lives in an owner-occupied house having people over for dinner or a graduation party.

Mr. Stroud agreed with Mr. Wood that it should not be the Board’s job to set the precedent of limiting the number of non-renting guests. The Short-Term Rental Task Force or council can tell the ZBOA what its purview should be, he said.

Mr. Stroud made a motion to grant approval of this application with the conditions of a monitored fire alarm installation and a local manager who is available 24/7. Mr. Caron seconded the motion. The motion passed unanimously.

1498 Riverside Drive, Identified as District R120, Map 8, Parcel 635

Variance from restriction on timing of construction of an accessory dwelling unit

Applicant: Frederick + Frederick Architects for Leslie Segal (ZB16-15)

The applicant is requesting a variance in order to construct a garage with an accessory dwelling unit.

This property is in the Mossy Oaks community on the water, Ms. Anderson said. It’s zoned R-1. The applicant desires to construct a carriage house – a garage with an upstairs accessory dwelling unit – and to build the accessory dwelling unit and garage now and the primary structure later. Ms. Anderson showed elevations of what the accessory dwelling unit and garage would look like.

Ms. Anderson said the current ordinance stipulates that accessory dwelling units can be built at the same time as the primary structure, but not *before* the primary structure. The applicant has stated that the primary dwelling will be built within four to five years, and it will have a footprint of a little over 2,200 square feet, “so the garage will be about 38% of the size of the dwelling,” she said, which complies with the city’s ordinance.

Ms. Anderson said staff had asked the applicant for an idea of the materials they will use for the garage and the carriage house; both will be constructed with horizontal lap siding, 5V metal roofs, and Anderson 400-series double-hung windows.

The city is in the process of preparing a new development code, Ms. Anderson said. Part of the code proposes that a carriage house or other accessory dwelling unit could be built before the primary dwelling if three conditions are met:

1. The site has been master-planned.
2. The carriage house has been sized so that a primary dwelling can be built.
3. The future primary structure's materials must coordinate with the carriage house.

For this application, all three criteria have been met, Ms. Anderson said. All of the usual public notices were made, Ms. Anderson said, and no public comment was received.

Ms. Anderson enumerated the six findings the Board needs to make to approve this application for a variance:

1. **Extraordinary and exceptional conditions:** Ms. Anderson said the Board needs to determine that there are extraordinary and exceptional conditions attached to this property.
2. **Conditions as applied to other properties in the vicinity:** The Board must determine that this is a unique situation, Ms. Anderson said.
3. **Conditions are not the result of the applicant's own actions:** The Board should consider this, Ms. Anderson said.
4. **Granting the variance would not conflict with Comprehensive Plan:** Staff feels this finding could be made, Ms. Anderson said. The Civic Master Plan also encourages infill development, and this project would be considered infill.
5. **Unreasonable restriction on utilization of the property:** Ms. Anderson said staff feels the board could make this finding because the draft code, if adopted, would permit a carriage house to be built before a primary dwelling. This project meets this provision of the draft code, which Ms. Anderson noted has not received any public objections. Since these buildings could be built in this order per the draft code, and since there have been no public objections to this provision in it, this finding could be made, Ms. Anderson said.
6. **Not a detriment to adjacent property and the public good:** Staff feels this finding could be made. The carriage house is being sited in the appropriate place on the lot. An architect has designed the carriage house, and it is of high quality, Ms. Anderson said.

If the board determines that all of these findings can be made, staff recommends approval, Ms. Anderson said.

Mr. Stroud said the ZBOA has had a similar application come before it, "so this is no longer a unique situation," which means "two of the criteria are ambiguous." Also, the UDO limits the footprint of the garage to 50% of the footprint of the primary dwelling,

so the size of the primary structure is limited by the size of the accessory structure. Ms. Anderson said, "It's . . . the reverse. There's a minimum size" for the primary dwelling's footprint.

Mr. Stroud said he understood. He's concerned about whether the city has any assurance that the primary dwelling will be built within the stated timeframe, given possible fluctuations in the economy that might affect the property owners' ability to build it. Also, there is not yet a development code, Mr. Stroud said, so the Board doesn't know what its conditions will be, when it is passed, for the order in which one can build accessory structures and the primary structure. He said he's nervous about approving something "so open-ended" and is concerned they are "jumping the gun," when there's no performance bond or guarantee that the primary structure will be built. Ms. Anderson said she doesn't feel that conditions put on the building of the primary structure are enforceable. This is why this restriction was in the ordinance to begin with, she said.

Ms. Anderson said it could be argued, as was the case with a similar application, that this accessory dwelling is actually the primary dwelling, but that's unlikely, given the size of the lot and its location: on Battery Creek. The siting and size mean this accessory dwelling probably won't be the primary structure. Mr. Stroud asked, if the owners were to say that the accessory dwelling was their main structure, would that affect "their ability to build something else down the road?" Chairman Gibson said he'd wondered if the owners could build "this building . . . without asking for a variance," then "get a building permit later on to build a second building that would be in compliance with the current code at the time that it (is) built, as opposed to approving all of it right now."

Ms. Anderson said the applicants "has been very forthcoming"; staff knew this was an accessory dwelling because "the primary (was) shown there." She said in the example she had given of an application similar to this one, "we permitted it as the primary (structure) – it was a 'park below' kind of situation" – but because of the way it was sited, it was unclear if it was the accessory dwelling or the primary dwelling. The owners said it was the primary structure, Ms. Anderson said, they wanted to park below, but it wasn't sited "right up against the side property line (like) this one is." Those property owners have now come back to the city and said they are "thinking about building a primary" structure, but "they are having some issues because of where they sited" the structure initially.

Ms. Anderson said she would prefer an applicant to be upfront from the beginning, and properly plan the site, including a future building. That way, whether it takes three years or five years to complete the main structure, "at least when it is completed, it will be an asset to the neighborhood." Mr. Stroud said then there's no reason this accessory dwelling couldn't be considered a primary structure, given its side yard setback. Ms. Anderson said, "That's probably true," adding that there's no build-to line, but "this wasn't presented that way."

Mr. Wood asked if there had been discussion about a time limit on building the primary structure. Ms. Anderson said they haven't discussed that because the city can't enforce such a time limit. Some planned communities have them but face "challenges" with enforcement.

Mr. Noll asked if the six variance criteria the ZBOA uses would be rolled into the new draft code. Ms. Anderson said applicants wouldn't have to request a variance if the draft code as it stands passes. Staff would look at the site plan, ensure that the sizing was right (to prevent "a McMansion"), and look at the materials. Mr. Noll said, "The big picture I'm fine with," though he feels the third finding is a problem, since "this is what the applicants want to do," and therefore the conditions are the result of their actions.

Jane Frederick said she represents the Segals, who own the property, and she would cover the three variance criteria that Ms. Anderson hadn't addressed staff's position on. In regard to "extraordinary and exceptional conditions," Ms. Frederick said, the first article in the *Beaufort Gazette* that she found about a new code was published April 28, 2014: "Beaufort resumes work on the form-based code, put on hiatus since last summer," so "we've been working on this since 2013," she said. The delay is "paralyzing my client," she said; therefore, the conditions are extraordinary and exceptional because people are unable to move forward with their projects while waiting for the code to be perfected.

In regard to the second finding, this is an infill lot, Ms. Frederick said, and it is the only vacant lot around Riverfront and Riverside Drives. Most of the other structures in the area were built in the 1960s and 1970s, and they have "a variety of outbuildings." These lots were developed before the current ordinance, she said, so these circumstances haven't occurred with other properties in the area. Ms. Frederick said her clients live in Virginia, so they have had no involvement in the public comments, the nature and number of which is delaying the adoption of the Beaufort Code.

Ms. Frederick said she also wanted to address the matter of the master plan for this property: Even if her clients can't build the main house for some reason, "this is deep-water property close to town." The obvious location on the site for a main house has been left for that purpose, she said, so someone would build one there, if her client is unable to.

Chairman Gibson said he was "having a hard time with the extraordinary and exceptional conditions." Ms. Frederick said her client has owned this property for six years. Chairman Gibson said if the development code had already passed, "You would already be building this house." Ms. Frederick said, "Exactly." As Ms. Anderson had said, the code passing in three to six months is "optimistic," and while "it seems that they will get to do this" project, her clients have had to "delay and delay and delay."

Mr. Stroud said he's frustrated. As in the last case, what is being proposed "makes logical sense," but they're waiting on a decision about the code, so the Board must make "a decision based on what *might* happen." Mr. Caron said he doesn't like putting "the carriage in front of the horse"; there is no development code yet, so the Board has "to go by what is in place now," which means there are questions.

Mr. Wood said, "To me, that's what a variance is." He said if this were his property, this is how he would want to build on it – construct the secondary structure first, so he'd have a place to live in while the main structure was being constructed – so he supports the concept. That option is not in the present code, but the owners are ready to build, so they have come to the ZBOA to get a variance, Mr. Wood said.

Mr. Noll said if the accessory dwelling unit is the only house that goes on the lot, "it's a good-looking house." Mr. Wood said, "It's a gorgeous piece of property," and it's unlikely to be the residence of "the Beverly Hillbillies." Chairman Gibson said he has no aesthetic objections to the property. His problem is that he feels the Board is "being asked to make an exception based on a future political decision over which we have no influence." While Chairman Gibson said he likes the project and Ms. Frederick, he "can't get past" the findings of "extraordinary and exceptional conditions" and "conditions as applied to other properties in the vicinity." He feels this is "a big leap for what we've been tasked to do."

Chairman Gibson asked what the hardship would be for her client "if they were just to apply for this (accessory dwelling) as a primary residence, and then come back and apply to build another building after that." Ms. Frederick said it wouldn't be "a hardship," but they prefer to be straightforward about what they're doing. Chairman Gibson said he understands, but he thinks this variance shouldn't be granted "if all the applicant has to do is . . . do a regular application to build" a primary structure, while leaving space for the *actual* primary structure and building the accessory dwelling. He feels this would "solve the problem for" the applicants, without putting the Board "in an awkward position" if someone other than Ms. Frederick's clients build the primary structure there, and it's nothing like the one in this application.

Mr. Stroud asked if Ms. Frederick is "100% certain that this is valid." Ms. Frederick said, "I'm not the city." Ms. Anderson said the accessory structure doesn't read to her as the primary structure. It doesn't have to be elevated because it's not in the flood zone. Staff would really question this, she said, but they didn't have to because the site plan came in as it did.

Mr. Stroud asked if there were any legal reasons that the city wouldn't accept a drawing in which the accessory structure was designated as "house" (i.e., the primary dwelling), and "push it through." Then the applicants could come back later, Mr. Caron agreed, with another drawing, which would be of the *actual* main house. Ms. Anderson said that there can't be two single-family dwellings on one lot.

Ms. Frederick said there have been no public comments about this provision of the code that deals with the order in which structures are built. She believes that is "significant"; it means that this element of the draft code is "pretty much what it's going to be" like when it's approved, she said. Chairman Gibson said, "The code is only in effect when it's in effect." Mr. Wood said that's what a variance does, though: if the code changes, the property owners won't have to apply for a variance, and if it is *not* changed, the applicants *would* apply for a variance, as they are applying today. Chairman Gibson asked, if the code were not about to change, would the property owners be asking for a variance now. Ms. Frederick answered, "Yes," because it "makes sense for their business plan" to build the accessory structure first.

Mr. Stroud said the board members "have to think about this as a very unusual situation," and consider the consequences if they vote against it. What would the property owners' next step be if the variance is turned down? Would they apply to build the primary structure, then come back and reapply to the ZBOA for a variance? Ms. Anderson said the applicants would have to wait for a year to reapply, unless conditions change. She reiterated that, given the site plan, that this is a deep-water lot, and the structure's design, this accessory dwelling does not appear to be the primary structure.

Chairman Gibson asked if the ZBOA members would feel that this application didn't meet the criteria if the draft code wasn't coming up. Mr. Caron said the accessory dwelling unit is already designated as a carriage house. Chairman Gibson asked the board, if they felt it would "harm the neighbors" if the applicants were to build an accessory dwelling unit on this lot, and sited it to leave room for a main house, but then didn't build the main house and sold the property.

Mr. Stroud said if this "were a pure variance," he would "have issues with #1, #2, and #3." The property owners can't afford to build the main structure at this time, he said, but the board members "can't consider that" as a factor in their decision. Ms. Frederick said, "That's not necessarily so," and added that the county and Palmetto Bluff allow structures to be built in this order; "the City of Beaufort is unique" in that it does not allow secondary structures to be built first, she said.

Mr. Noll made a motion to approve the variance for the timing of building the accessory structure at 1498 Riverside Drive. Mr. Wood seconded the motion. The motion passed 3-2, Mr. Stroud and Mr. Caron opposed.

2601 Harvey Road, Identified as R120, Map 8, Parcel 204

Special Exception

Applicant: Arlene Burton (ZB16-16)

The applicant is requesting a special exception in order to operate a home occupation with two outside employees.

Ms. Anderson said this property is in the Mossy Oaks area. It's zoned R-2 Medium-Density Single-Family Residential District. The applicant, who is the property owner, wants to operate a family/home day care for up to six children. The daycare facility meets city zoning requirements and is licensed by the SC Department of Social Services (DSS), Ms. Anderson said. The applicant would like to employ two individuals who live outside of the household to assist her with daycare, so she is applying for a Type 2 home occupation.

Ms. Anderson reviewed staff's questions for the applicant:

- How many vehicles are associated with the household?
- What is the maximum number of children who will be cared for?
- Will children be outside for part of the day, and are there set recess hours?
- Where will the employees park?

Public notice was made, and no comments were received, Ms. Anderson said. She presented staff's opinions on the criteria that the Board must use to determine if this application receives a special exception:

1. **Proposed use is compatible with existing uses in the surrounding area:** This property is a block from Waddell Road, Ms. Anderson said. This area of Mossy Oaks has large lots. A daycare facility is in keeping with the character of this residential neighborhood, and two employees should not change the character of the area.
2. **Proposed changes are harmonious with the character of area:** Ms. Anderson said no external changes are planned that she's aware of. The property is a corner lot and over 13,500 square feet in area with a house of modest size. There's adequate room for parking three vehicles, and there appears to be adequate room to accommodate daycare pick-up and drop-off.
3. **Impact on public infrastructure:** Staff feels the proposed use will have little impact on public infrastructure.
4. **Compatible with Comprehensive Plan and the Civic Master Plan:** Staff feels the proposed use is in general conformity with the city's plans, Ms. Anderson said.
5. **Impact on public health and safety:** Staff feels the impact of the proposed use will be negligible, and DSS "has a role in this as well," Ms. Anderson said.
6. **Potential creation of nuisances:** Staff feels the family daycare has little potential for creating nuisances if the hours of operation are limited to 7:00 a.m. to 5:00 p.m., and employees park in the driveway or to the side of the dwelling, not on the grass, Ms. Anderson said.

Staff recommends approval of the application if any of the household's vehicles or those associated with the home occupation are parked in the driveway or to the side of the house, not on the street or in the front yard. Ms. Anderson said the city doesn't have a problem with parents parking in the street to pick up and drop off children, though DSS may not allow it.

Mr. Wood asked Ms. Anderson if the applicant had any problem with the designated hours of operation. Ms. Anderson said the applicant had designated those hours herself.

Arlene Burton, the applicant, said she had retired after 30 years as an educator in Beaufort County schools. From 2007 – 2012, she operated a family daycare in her residence, then “opened a full center in the Port Royal area,” and now she’s returning to having daycare in her home. Additional workers would “enhance the ratio” set by DSS, Ms. Burton said, which is 6 to 1. If she had two employees, she could “rotate them out,” so the ratio “would always be 6 to 2,” for more “stable care,” enhanced safety, and improved transitioning between activities.

One of the center’s “employees” might be a volunteer, such as a student at TCL, Ms. Burton said, who would have the opportunity to learn hands-on about the operations of a daycare facility from a professional with many years’ experience. This would also enable Ms. Burton to give back to the community by helping others learn to provide quality daycare. Employees and volunteers have to undergo SLED background checks and fingerprinting, to ensure they meet the requirements for working with children, she said.

There are two cars that belong to the residents of her home, Ms. Burton said, but only one would be there during the day. There is “more than enough room” for pick-up and drop-off. There are only three students at this time, she said, but there were no problems with this even when there were six children. They have 15–30 minutes of outside play, if the weather permits, and that would be in the morning, Ms. Burton said. There is an indoor space for physical activities if the children aren’t able to go outside. Mr. Noll asked if her yard needs to be gated and fenced; Ms. Burton said yes.

Mr. Stroud made a motion to grant the request for the special exception for a Type 2 home occupation. Mr. Wood seconded the motion. The motion passed unanimously.

2411 Allison Road, Identified as R120, Map 5, Parcel 180A

Special Exception

Applicant: Oliver Spencer (ZB16-17)

The applicant is requesting a special exception in order to operate a short-term rental.

This property has frontage on the marshes of Battery Creek, Ms. Anderson said. It’s zoned R-2 Medium-Density Single-Family Residential District. A single-family residence is located on the property. The applicant is the property owner; he lives in North Carolina and desires to rent the house on a short-term basis. He would use Seaside Rentals to manage the property.

The rental agreement limits the number of vehicles to three but doesn’t mention where they should park, Ms. Anderson said, which should be in the driveway, not on the street. The agreement specifies a minimum 2-night stay, and limits the number of guests to six.

Staff would like to know the number of bedrooms and bathrooms, Ms. Anderson said. Public notice was made; no public comments were received.

Ms. Anderson presented staff's opinions on the criteria that the Board must use to determine if this application receives a special exception:

1. **Proposed use is compatible with existing uses in the surrounding area:** This location is within a block of the Spanish Moss Trail and within a block and a half of Ribaut Road, Ms. Anderson said. The property is zoned Residential, but the eastern half of the neighborhood is zoned Medical. Staff feels the proposed use as a short-term rental is appropriate.
2. **Proposed changes are harmonious with the character of area:** No changes are proposed, Ms. Anderson said.
3. **Impact on public infrastructure:** Ms. Anderson said the impact on infrastructure should be no greater than if this were a long-term rental.
4. **Compatible with Comprehensive Plan and the Civic Master Plan:** Yes, Ms. Anderson said, the proposed use is in conformity with the city's plans.
5. **Impact on public health and safety:** A local property management company is being hired, Ms. Anderson said, and staff feels there should be little impact if a monitored fire alarm is installed.
6. **Potential creation of nuisances:** There is little potential for the creation of nuisances, staff feels, since the property management company will be available 24-7.

Staff recommends approval of the application with the following conditions, Ms. Anderson said:

- This property has a marsh view, so the Board may need to address the prohibition against special events;
- The rental agreement is revised to reference the city's noise ordinance and states that "quiet hours" are between 9 p.m. and 8 a.m.
- A monitored fire alarm is installed; and
- The rental agreement is revised to stipulate where the short-term renters' vehicles must be parked. There is no formalized on-street parking there, Ms. Anderson said, and it's difficult for vehicles to park on the street.

Oliver Spencer, the applicant and owner, said he lives in Raleigh, NC. He said his mom bought this property about ten years ago; she passed away in February. He loves the place and wants to live there full-time eventually. His work is virtual, so he can be in Beaufort sometimes, and when he's not using the home, he said it "would be advantageous to get income" by renting it. Mr. Spencer has done landscaping on the property, and he said the neighbors are happy that he's "made it neater." Mr. Spencer's mother's artwork is in the house, and he wants to stay there himself when he's in town, so he said he doesn't "want a lot of craziness and parties" there.

The house has three bedrooms and two bathrooms, Mr. Spencer said. Chairman Gibson said "pointing out the noise ordinance" in the rental agreement is a good compromise concerning "the problem of excessive partying" in a short-term rental. It's the "ideal enforcement mechanism . . . we all live by the same rules." He feels that having that language in the motion would allow the Board to eliminate the wording about the number of people.

Mr. Caron made a motion to approve the special exception on the condition that staff's stipulation about the noise ordinance is added to the rental agreement, as is the need to park in the driveway, and a monitored fire alarm is installed. Mr. Stroud seconded the motion. The motion passed unanimously.

There being no further business to come before the board, the meeting was adjourned at 6:59 p.m.