MINUTES
CITY OF BEAUFORT
ZONING BOARD OF APPEALS
January 28, 2013, 5:30 P.M.
City Hall Council Chambers – 1911 Boundary Street
Beaufort, South Carolina

STATEMENT OF MEDIA NOTIFICATION: "In accordance with 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."

Members Present
Brad Hill, Vice-Chairman
Rod Mattingly
Eric Powell
Don Starkey
Tim Wood

Staff Present
Libby Anderson, Planning Director

FREEDOM OF INFORMATION ACT COMPLIANCE Public Notification of the Zoning Board of Appeals meeting has been published in compliance with the *Freedom of Information Act* requirements.

Chairman Hill led the Pledge of Allegiance and called the meeting to order at 5:30 p.m. He read the Freedom of Information Act.

MINUTES
Mr. Mattingly said on the last page of the minutes, in the third paragraph, the word "for" should be "and" in relation to January business. **Mr. Mattingly made a motion, second by Mr. Powell, to accept the minutes of the December 18, 2012 meeting as amended. The motion passed unanimously.**

ELECTION OF OFFICERS
Mr. Mattingly made a motion, second by Mr. Powell, to nominate Chairman Hill to be the chairman of the ZBOA. The motion passed unanimously.

Mr. Powell made a motion, second by Mr. Wood, to nominate Mr. Starkey to be the vice-chairman of the ZBOA. The motion passed unanimously.

REVIEW OF PROJECTS
1499 Salem Road, identified as District 122, Tax Map 29, Parcel 172

Appeal of outdoor display of merchandise
Applicant: Bryan and Dawn Randel (ZB13-01)
The applicant is requesting an appeal of the decision of the Zoning Administrator to prohibit outdoor display of merchandise.

Ms. Anderson said the property is zoned Highway Commercial District. The Randels own a lawnmower sales and service business, and they recently moved to this location. They display their merchandise in front of the parking lot, which is in front of their building. They were informed that this is not allowed by ordinance, Ms. Anderson said, and they are now appealing that decision.

Ms. Anderson showed some photos of the site and said the ordinance defines "merchandise" as either "outdoor" or "indoor" merchandise. "Outdoor merchandise" is that which is typically used and stored outdoors. Such merchandise may be displayed anywhere but on a public sidewalk, street right-of-way or in areas designated for parking.

The ordinance lists exceptions to this, including the display of lawn maintenance equipment, Ms. Anderson said. Because lawn maintenance equipment is specifically exempted from outdoor display, there are few restrictions for outdoor merchandise. The intent is to reduce visual clutter and reduce driver distraction, Ms. Anderson said. The size of some items - such as cars and boats - makes it difficult to store them indoors. In addition, due to the size of some merchandise and its character, such as a storage shed, it's not feasible to move it around the site on a daily basis.

A better way to define outdoor display might be "temporary" and "permanent," Ms. Anderson suggested. Those things that can't be moved inside would be exempted as "permanent," while merchandise that is moved inside at night and then outside during the day would be considered "temporary." Staff feels that merchandise that can be easily moved should not be allowed to be different than furniture or clothing, for example, which are moved inside at night. If the lawnmowers were left outside at night, it would be different, Ms. Anderson said, but they're not, so it's the same as with used furniture, etc. Ms. Anderson said, per the ordinance, it needs to be located right in front of the building, not along the street.

No public comment has been received.

Staff would like the ZBOA to affirm its decision to regulate the lawnmower display to being only within 5' of the building, Ms. Anderson concluded.

Chairman Hill asked Ms. Anderson the number of mowers the applicant would like to display. Ms. Anderson said "not that (she knows) of." Mr. Starkey said the yard in front of the building is large. **Dawn Randel** said it's a little more than an acre and the merchandise is lined up in a straight line in front of the building; they would have the merchandise to be parallel to Robert Smalls Parkway. Mr. Wood asked if other businesses can use the property, and Ms. Randel said

no, because they have purchased the property, and Butler Automotive will not be using it.

Mr. Starkey asked if there was any variance granted for this kind of indoor/outdoor storage in the city. Ms. Anderson said the outdoor display ordinance "was a long time in the drafting." Lowe's generally complies within their outdoor display. She said the ordinance is very difficult to enforce in terms of location, which can change from day to day.

Mr. Mattingly said they could have a sign in the grassy area, or even two signs on a corner lot – one on Highway 170 and one on Salem Road. Mr. Starkey asked if the sidewalk is large enough to have 42" plus the lawnmower. Mr. Wood said "Lowe's leaves their mowers out all the time and leaves them chained up." Ms. Anderson said they would allow that with a site plan to ensure where the display area is located. Mr. Wood said taking the mowers in and out is the problem, and Ms. Anderson agreed.

Ms. Randel said they were provided with the ordinance when they started their business. She stated that it says "lawn maintenance equipment is that which is typically stored outdoors." They bring the mowers in at night for security, Ms. Randel said. Some weigh 3000 pounds, so it's not easy to move them in and out like clothing is. They have a sidewalk that runs the perimeter of the building. Ms. Randel said they are supposed to leave 42" for pedestrians, which they "can't do because it would damage the machine and make it impossible to walk around them." They are not allowed to place the mowers in the parking lot, either. They have only the grassy area between the parking lot and the road, where there is about one acre. They have been on Highway 21 for five years and moved the mowers in and out, Ms. Randel said. The mowers have never been a distraction or caused an accident. The ordinance that they were provided when the business was permitted was the ordinance that Ms. Anderson read, Ms. Randel said. It says that lawn maintenance equipment may be displayed outdoors and is that which "is typically used outdoors."

There was no public comment. Mr. Starkey said he had gone to the site that day and thought he saw some mowers out; Ms. Randel said they were closed that day, so there shouldn't have been any merchandise out at all. They are trying to keep the mowers along the building now, and "it's awkward for the pedestrian." The first day they displayed them on the grass, they were told by Al Johnson that they could not.

Bryan Randel described that the mowers take up 8+ parking spaces. Mr. Mattingly asked about the site plan and said only one row in front was permissible. He asked if they had done a site plan that would allow them to keep the same sidewalk and keep the mowers there. Ms. Randel said the space would be very limited and could damage the equipment; customers' cars "would have to drive in and out between" the mowers.

Mr. Starkey asked how many mowers the Randels are trying to park out front. Mr. Randel said they have 60 models, and he guessed that they put 20 outside. They're "in a straight line and very neatly displayed," Ms. Randel said, and "it adds to the look of the building." The

lawnmowers “are neatly lined up like in a car lot.”

They don’t want to be all the way up to the road, Ms. Randel said; the most traffic is on Robert Smalls Parkway, so that would be a concern. Mr. Starkey said he thinks the lawnmowers are a distraction, and the applicants “should have a pad of some kind” to designate that that is where the lawnmowers go when displayed. They can be back where the trees are now, Mr. Starkey suggested, and the applicants need a permanently designated spot so that the lawnmowers always go in the same place; this spot could be “bound with gravel or something to identify it.”

Ms. Randel said she feels they should be allowed to display the lawnmowers like cars are displayed, per the ordinance. Mr. Starkey said the “new car dealers are putting landscaping in between the cars and the road now.” His objection is that the applicants “have nothing breaking up the vision from the road,” he said.

Chairman Hill said the Board needs to determine if the equipment is outdoor equipment; Ms. Anderson had pointed out that lawnmowers are “more similar to furniture.” Chairman Hill said this is maintenance equipment, but he wondered “if it should have another designation.” If the lawnmowers sat out all night, the applicants would be allowed to display them as they wish to it, and he is concerned they “are splitting hairs.” It is maintenance equipment, Chairman Hill said, and they should be allowed, but bringing it in every night “makes it technically like indoor merchandise.” Putting them up against the building is not practical for obvious reasons, he added.

Mr. Powell said the applicants should not be penalized for protecting their equipment. He has no problem designating an area on the property for their display, and maybe limiting the number of pieces that can be displayed. Mr. Mattingly said that the Randels “don’t appear to be sacrificing parking” in the photo they’ve shown. Ms. Randel said the ordinance says they aren’t allowed to use parking spaces to display the equipment. Mr. Mattingly said he’s “looking at the possibility of a designated area and allowing them to keep 4-6 parking spaces there.” Ms. Randel said if there are cars parked on the right hand side of the building, and mowers are in front of the building, a car can’t back up. Mr. Mattingly said he thought if the mowers were parked as in the picture of what the Randels wants, he feels a customer would have had enough room to park and get out of the lot. Ms. Randel said that’s not possible if there are cars parked on the right side of the road, because no one can back out and get out to the Salem Road entrance/exit. Ms. Randel said it would be very tight, and the number of spaces they should be allotted to the building is “another can of worms.”

Mr. Starkey asked if the applicants could expand the parking lot. Ms. Randel said no. Chairman Hill said if the Board felt that the fact that the lawnmowers are coming in and out shouldn’t determine whether they are outdoor equipment or not, the Randels could put up a fence and barbed wire so that the lawnmowers would be safe.

Chairman Hill asked the Board how they would feel if the applicant returned with a site plan to

show how many machines would be displayed and where they would like for them to go. Mr. Starkey said Lowes' lawnmowers are out all night, and they are chained. Mr. Wood said the mowers are parked in the fire lane and the applicant doesn't have the room for that. Mr. Randel said some of the mowers are worth $15,000.

Mr. Starkey said there is a concern with setting precedent, so he's "trying to figure out how to make it work." He said they might move the parking lot so that they are 7' from the building or increase the size of the sidewalk. Ms. Randel said they have a tree line that would be a barrier to increasing the parking lot's size. They thought when they bought the property that they would be able to use the grass in front of the building, which "would be ideal for their business," and that the ordinance said lawnmower equipment would be considered "outdoor display." They want to put it on the grass like they had planned, Ms. Randel said. Some of the grills and mowers at Lowes do go inside at night, Ms. Randel said. Mr. Randel said they had had problems with their mowers rusting at Lowes, because they were leaving them outside.

Mr. Starkey said when he looks at the photo, it shows there's a lot of room for parking spaces, and he thinks they should look at what it would take to increase parking spaces and then use the parking lot for display, instead of displaying the lawnmowers out in front. Mr. Starkey said he read "maintenance" equipment as lawn equipment, too. Ms. Randel said the ordinance says "typically" and not "always" in regard to the bringing inside of equipment at night.

Chairman Hill said, with due respect to staff, he doesn't feel that "the bringing it in and out makes it *not* outdoor equipment." Ms. Anderson said if it is considered outdoor equipment, it can be displayed on the grass. Ms. Randel said the area inside the building is limited and used to store the equipment at night.

Mr. Wood asked if the grassy area is in the right-of-way. Ms. Randel said it's no longer a right-of-way; they purchased it. Mr. Wood said they "could then use it to park anything 'outdoor' there." Ms. Randel said yes, they thought it would be an enhancement to the business when they moved.

Chairman Hill asked if they would need a site plan and a designated display area. Ms. Anderson said yes, they would and assurance of the limits of their property. Mr. Mattingly asked the lateral distance that would be taken up to display 20 lawnmowers. Mr. Randel said 100'. With a site plan, they could designate exactly how much it would use. He said he would prefer walking on gravel to walking on mud if the outdoor display is permitted. Mr. Powell said he agreed with Chairman Hill's suggestion of a site plan to show how many lawnmowers there would be and where they would be. Ms. Randel asked if car lots have to indicate how many cars they will display. Mr. Powell said they do, but they're also displayed "in a parking lot."

Chairman Hill said if the ZBOA approves it, the Randels could put 20 – 200 mowers outside. Ms. Randel said yes, but they "don't want to bombard the area"; they want to make it look nice and display them outside, and Mr. Randel added "on grass, not cement. "

Mr. Starkey said the ZBOA is talking about not making the decision because it's not clear, and the Board is trying to work with the applicant but to put some restrictions on where the lawnmowers would be, as they would with the DRB for a parking lot. He feels whether it's indoor and outdoor equipment is less important than the Randels showing - like a car dealer - where they will put the mowers and how many they'll show "with some degree of setback. They need to have some way to mark the area in which they will put the mowers. Mr. Mattingly said this would be subject to an approved site plan which would establish limitations for what the applicants can do, which would then "establish precedent for another future company."

Ms. Anderson commented that it "sounds like the applicant is making a good case," but the ZBOA is interested in setting conditions. If a business wants to do outdoor display, Ms. Anderson said, they need a site plan. If the Board feels the Randels are making a strong case, the application can be approved under conditions of numbers of mowers, and then the site plan would show how they want to display them: how many and where. That's what Ms. Anderson recommends that the Board approve with conditions.

Mr. Powell said the application could be tabled, and the applicants "work with staff to design a mutually agreeable site plan," and then they can come back to the ZBOA in a month, and the matter will be reviewed again. If the Randels can work with staff, "it would be a reasonable compromise."

Mr. Mattingly said that tabling it prevents the ZBOA from having to make stipulations, and with a month to work with staff, they can develop a site plan.

Mr. Wood made a motion to table the matter if the applicants meet with the planning staff to work out a site plan to determine the location, appropriate setbacks, the number of vehicles to be displayed, and a way to identify that area - other than grass - where the vehicles park. Mr. Powell seconded the motion. The motion passed unanimously.

Mr. Mattingly said he'd rather see an area be the limitation for the equipment rather than the number. Chairman Hill said that will be part of the discussion for the applicants working with planning staff. Mr. Starkey said they should also discuss signs and include them in the site plan when they are in discussion with staff so that the two will work together.

<u>1411 Duke Street identified as District 120, Tax Map 4, Parcel 343</u>
Appeal of outdoor storage of carriages
Applicant: Walter Gay d/b/a Sea Island Carriage Co. (ZB12-09)
The applicant is requesting an appeal of the decision of the Zoning Administrator to prohibit outdoor unscreened storage of carriages.

Ms. Anderson said **Walter Gay** of the Sea Island Carriage Company is appealing the decision of the Zoning Administrator and the ZBOA had heard the appeal at their last meeting and tabled

the matter until tonight with request including screening of the property. This property is in the Northwest Quadrant and is zoned General Commercial District. A vacant abandoned structure is located on the lot. Ms. Anderson went on to discuss the ordinance as it applies to this property.

Ms. Anderson said that staff had received complaints from neighbors and then she went through the history through the November ZBOA meeting. There is no evidence that the site was ever used for commercial activity. The applicant had stated that the carriages are "vehicles," not "equipment." Ms. Anderson cited the dictionary definition of "equipment" and stated that the carriages are both vehicles *and* equipment, as is a dump truck, for example.

Since the last meeting, the applicants have replaced the fence and resubmitted an application to the HDRB for demolition; that was approved 1-25-13. If the appeal is upheld, Ms. Anderson said, parking can be the primary use of the lot, but it would have to be screened, should the Board decide that the carriages are vehicles, not equipment. Staff asks that the Board affirm that open storage not be permitted and the carriages be removed within 7 days. However, if they decide they are vehicles, not equipment, staff asks that there be conditions: demolition of the building and a site plan to be approved at staff level for a parking lot plan including screening and landscaping.

Mr. Powell clarified that if the building is demolished, the lot can be used as a parking lot, but it needs to have screening. Ms. Anderson said yes, it would need an appropriate surface and has to have screening, with wheel stops, etc. At a minimum, they will need screening because, with the demolition, the carriages will be completely visible. A building could be used to store the carriages, she said, but it will take longer to approve and build a building.

Mr. Gay said since the last appearance, he and **Jim Moss**, the property owner, have looked at ways to come into compliance. The departments of transportation in other states where carriages operate were contacted, and they all considered the carriages a vehicle, Mr. Gay said. Carriages in Beaufort are licensed and inspected and the state of South Carolina considers them vehicles.

Mr. Gay said that he had spoken to neighbors of the property in the Northwest Quadrant and over 90% didn't know the carriages were stored there, including people who lived less than a block away. There's shrubbery all around the property, Mr. Gay said.

He has looked at raising the roof of the parking shed by 3'. One carriage is parked there, but the other two are nearly 10' high, so they can't be parked under the shed, too. "The expense (of raising the roof) is within the reality of expense," Mr. Gay said, "but building another building is not." He is not able to afford a permanent building, roll-up doors, etc.

No one among "the couple hundred people" Mr. Gay talked to in the area said that a commercial use for carriage storage was an inappropriate use in their opinion. The horses are

there 7-9 minutes for harnessing, Mr. Gay said. The neighbors come over to the property for horse manure for their gardens. Another location in the city "will be the same thing," Mr. Gay said, because the city considers its carriage equipment "and it's not." Unlike some other vehicles, Mr. Gay said, his are inspected and have many provisions they must meet in order to keep their license. Mr. Gay reiterated that his vehicles are *vehicles*, not *equipment*.

Mr. Gay said he's only seen one violation among those examples that he showed at the previous meeting be corrected. The other carriage company – Mr. Gay's competitors – is parked openly on Boundary Street with their carriages, he said. He went on to cite a piece of John Deere equipment that is parked openly and has not been notified to move. Mr. Gay would like to stay in this particular neighborhood, he said, and it complies with all commercial requirements. There's no pollution, he said, and the buggies are cleaned every day at the waterfront.

Mr. Moss said the dispute over the property began in 2010 when he went to the HDRB to get approval to demolish the building on the property and develop the property. When he did so, he was told it was historical property because the building was built in 1920. Since then, there was a hearing, and the HDRB has approved tearing the building down, Mr. Moss said, and he is waiting for a permit for that. He bought the property 5 years ago; he said Mr. DeLoach had a business on that property and made furniture. The house on the corner was stocked with furniture when he bought it and that was removed. The second piece of property is an old fish market, Mr. Moss said, and that's where the carriages are left at night. Mr. Gay has obtained a *vehicle* license as described by the City of Beaufort statutes, Mr. Moss said.

Mr. Moss said the ZBOA needs to decide if the vehicles are "equipment." He, too, said Mr. Gay's competitors are licensed as vehicles, are openly parked, and have not been cited. He went on to show other vehicles stored that "are not contained and covered up." Mr. Gay is willing to spend money, Mr. Moss said, and the property will be grassed over and fenced. The carriages will be stored at the property next door, not on the piece that currently has the house on it.

Mr. Moss said that, in reviewing the code, a General Commercial District is a district "designed to encourage the formulation and continuance of a compatible and economically helpful environment for business." The only income he receives from the property is from Mr. Gay, Mr. Moss said. Storage of office equipment and old files from his office also brings in $300 a month and those buildings will eventually be torn down as well. He hopes to build commercial / residential buildings there. He agreed with Mr. Gay that they had contacted many people in the neighborhood, and no one objected to the use of the property for carriage storage.

Maxine Lutz said the Historic Beaufort Foundation owns the adjacent property to Mr. Moss's, and they were not asked how they felt about it. She asked for clarification of which property Mr. Gay would use: 1409 or 1411 Duke Street, which is the one where the house is going to be demolished. Ms. Lutz said 1409 Duke Street, Mr. Moss feels, is two lots. 1407 Duke Street, the

property that Historic Beaufort Foundation owns, will be developed for residential use, Ms. Lutz said. They have concerns about the site being a detriment to the selling of the property that they are restoring. She said she wasn't aware of the distribution of manure, but she thinks "that's an intrusion on a residential property." If it's approved, she would like to see a stipulation about that and the need for it to be cleaned up every day as it is on the streets.

Mr. Powell said 1409 and 1411 Duke Street are zoned General Commercial, and he asked Ms. Lutz if 1407 Duke Street was residential. Mr. Moss said 1407 Duke Street is an old lodge which is "very dilapidated," and it's being restored to be residential. He explained which lot the carriages come into and where they are stored. The demolition is on 1411 Duke Street and the storage is on 1409 Duke Street, Mr. Mattingly clarified. 1407 Duke Street, Ms. Lutz said, is zoned General Commercial, too, but residential uses are allowed. It was a house in the 1870s to the 1970s when the lodge used it for their building.

Mr. Mattingly asked Mr. Gay about the recommendation when the issue was tabled: the ZBOA requested that he do things to screen the property, etc. Mr. Mattingly asked if anything else was done to the property to screen it. Mr. Gay said they had "removed cut up wood" from the property, "cleaned up the whole property," and pushed the carriages back to the back of the building, but three of the drivers are women and can't push the carriages back to the back of the lot. If the application is approved and he raises the roof, they can use some equipment to push those carriages back.

Mr. Gay said the property was used commercially in the past, and they will want to store the carriages at 1411 Duke Street. Mr. Mattingly said putting up the fence was all that was done, and there's "no screening related to the gate." Mr. Gay said he was told that the lattice work they wanted to put in would not be approved by Historic Beaufort Foundation. Ms. Anderson said the chain link gates were permitted - though they would not normally be - because that's what was there; it was a replacement in kind. They could use wood, though, Ms. Anderson said, and that would be approved. Mr. Gay reiterated that Historic Beaufort Foundation would not approve wooden gates, according to "someone (he) spoke with who deals with Historic Beaufort Foundation frequently."

Ms. Lutz said Historic Beaufort Foundation would not say yes or no on a wooden gate; he should have asked the HDRB and asked the staff person for that Board, and he "might have gotten a different answer." She asked if there was an ordinance that prohibits crossing one property to get to another property, or, because Mr. Moss owns "the whole thing," if it is considered one property.

Mr. Starkey asked if any of the people who commented to Mr. Gay's informal survey were from Historic Beaufort Foundation. **BJ Adams** works for Mr. Moss, and he said that he had discussed the matter with Ms. Anderson, and she had said "she approved a parking lot." Mr. Adams said the carriages are either vehicles or not. One complainant was concerned about the quality of the neighborhood. He and Mr. Moss intend to try to get approval for a fence to hide the view of

the carriages once the building is demolished. It would go from 1411 Duke Street to 1409 Duke Street. The demolition was accepted as written, Mr. Adams said, but he doesn't know how high the fence can be or of what material.

Mr. Moss showed the recommendations of the HDRB. He said the chair of the HDRB had said that the stipulations of the staff's recommendations were not in the Board's purview. The recorder read the motion of the HDRB.

Mr. Powell asked Ms. Anderson about fencing. Ms. Anderson said along the property line on the front fences are no more than 4' high and would have to fit into the Historic District. The fence across the front is existing and is grandfathered. Ms. Anderson said they would look at the fence and consider its condition after the demolition.

Ms. Anderson asked how they would ensure that the carriages are parked on 1409 Duke Street in the future. If there will be changes made to the buildings, she said, they also need to know if those changes are approvable. In regard to enforcement of the vehicles versus carriages issue, staff can't address the other carriages and trailers that Mr. Moss and Mr. Gay have brought up, because staff needs to know how to handle this in the future with "things that aren't clearly 'equipment'." In general, Ms. Anderson said they can't go back and deal with other trailers and equipment until this is decided; they may need to make an ordinance change.

Mr. Starkey said that the previous discussion of lawn mowers is relevant: "there should be a place where these carriages are parked, period." They "have to have a home and a driveway which shows where they belong," and the drivers know to get them to that place. He feels unclear where 1409 Duke Street and 1411 Duke Street meet and where the carriages will be so that they will not be seen from the street. Mr. Gay demonstrated how the building to store the carriages would be raised and where it is. He said it's about 24' wide with a center truss and needs to be raised 3'. There are about 16' behind that building and carriages can be pushed in and the doors closed. Mr. Gay said the lot dimensions are about 90' x 90', and the carriages need to cross through the other lot to get to the one where the carriages are stored. Mr. Gay said he didn't do more than cleaning up because they didn't know what was going to happen in terms of the demolition, and he didn't want to invest money in raising the roof until he knew.

Mr. Starkey asked if the carriages could be seen from Monson, and Mr. Gay said no: both buggies can be parked at the back of the lot if they had the equipment to push them back. "If they are on the old seafood market property," he said, they will not be seen from Monson.

Mr. Mattingly said there are 7' fences in Beaufort that screen the property on every side. Whether it encroaches on 1411 Duke Street or not makes no difference to him. He thinks that Mr. Gay and Mr. Moss have "gotten bad advice, and the screening wasn't done," so "it's still a mess," in his opinion. The building will be demolished, the carriages can drive through there, and they can put up a 7' fence so that whether they're in a building or not, no one will be able to see them. Chairman Hill asked if Mr. Mattingly was suggesting that they divide 1409 Duke

Street and 1411 Duke Street with a wooden fence and gate and Mr. Mattingly said yes. 1411 Duke Street would be the access from Monson, Mr. Mattingly said.

Mr. Moss asked why they couldn't put the wooden fence where the chain link gate currently is. Mr. Wood said he likes the concept of parking the carriages on 1409 Duke Street because it will be more exposed to seeing the carriages when the building is demolished. The carriages are often parked at 1411 and not 1409 Duke Street. The building demolition will make the carriages more exposed, so isolating them to 1409 Duke Street makes sense, and the current chain link gate becomes irrelevant.

Mr. Starkey asked what screens the other side of the adjacent property and if they would need screening between 1407 and 1409 Duke Street. Mr. Wood said that when the house is demolished, they will have to identify what the lots will be used for and submit a plan. Mr. Starkey said there is "a way to keep the carriages on these lots somehow to keep them out of plain sight and parked neatly." He is trying to avoid the decision about whether a carriage is a vehicle or equipment.

Mr. Moss said what Mr. Gay is proposing is a garage with two doors on the front, raised 3', and the carriages put in there so that they would be enclosed. Chairman Hill asked where the doors on that garage would be. Mr. Moss said they are only on one side. It's big enough for two cars and has two doors. It's behind 1409 Duke Street.

Ms. Anderson said there are unanswered questions about enclosing the shed, such as whether it is feasible technically and if the HDRB will approve it. If Mr. Moss goes with fencing, Ms. Anderson said, he should look at fencing between 1407 and 1409 Duke Street. Mr. Mattingly said 1407 and 1409 Duke Street is a completely different issue. Ms. Anderson said if they uphold the appeal on the condition that the carriages are parked at 1409 Duke Street, then they will need to consider the screening between 1407 and 1409 Duke Street. They have to table it to determine if the shed improvement is approvable or that there should be a fence installed between 1411 and 1409 Duke Street, and the carriages are only parked at 1409. Ms. Lutz said altering the shed would have to go before the HDRB and "might open another can of worms, whereas a fence sounds like a simple solution."

Mr. Gay explained that there is a tree line and said that if they put a 7' fence there, and the house is demolished, he doesn't know what the HDRB would permit in terms of fencing, but he would be willing to do that, and the carriages would not be seen from any side.

Chairman Hill said the Board wants to work with the applicants but expenses can't influence their decisions. He said he thinks the ZBOA should go to the site. Many options have been offered, and they don't know if the roof can be raised or whether a 7' fence is possible. There are too many questions to approve or deny Chairman Hill feels.

Mr. Wood said they could do a site tour but should wait until the building is demolished. Mr.

Moss said he planned to take everything on the lot out originally and build three buildings; the freezer is secure and files are stored there. The other demolition would be a different decision that he would make himself. He has no objection to the ZBOA going to look at the site after the demolition.

Mr. Starkey asked for a plot of where the house and buildings are so that they can see where everything is. Mr. Moss said they can furnish that to the Board. Mr. Starkey said, if the carriages are put on 1409 Duke Street, and carriages are going across 1411, and Mr. Moss builds three buildings, which seems like a longer term commitment if Mr. Moss decides to build on this lot. If Mr. Gay makes an investment in the property or buildings, he might be forced out of there if Mr. Moss gets plans and wants to build.

Mr. Moss said he has two proposals, done in conjunction with the Duke Street improvements, and he could supply them to the Board. **Eric Brown** had suggested an alleyway between the two properties.

Chairman Hill said if the application is tabled, the Board has a month to meet on site and have time to look for a reasonable solution for everybody. Mr. Starkey asked Mr. Moss to show on Mr. Brown's plans how it would work in the future for Mr. Gay.

Ms. Anderson said Planning would love for Mr. Moss to take out the other buildings as well. Chairman Hill said with Mr. Moss's information, the information they already have, and a site visit, they will have more questions for the next meeting. Mr. Starkey suggested that they speak to people on the HDRB in regard to Milner and fencing to determine if it's feasible.

Mr. Mattingly made a motion to table the application with the understanding that the ZBOA will make a site visit after the demolition of the building on 1411 Duke Street and come back next month for a final assessment. Mr. Powell seconded the motion. The motion passed unanimously.

Ms. Anderson said she will offer available dates for the site visit to the Board after the demolition is complete.

DISCUSSION: UPDATE ON FORM-BASED CODE COMMITTEE

Mr. Starkey said the committee's work is going very slowly, but he doesn't "see these kinds of questions (raised at this ZBOA meeting) being answered in form-based code." He said the issues that come before the ZBOA are not approached; the committee is "working at a high level."

They just started on section 2, Mr. Starkey said, and they have "a PDF on 'the cloud'" so that comments can be offered. He said he would find out if others can get in to read it but not comment. He thinks it would be worthwhile for others to look at it.

He doesn't see things in the code like "What's a vehicle?" "What is equipment?" Ms. Anderson

said **Lauren Kelly** has been taking the lead on this, and she thinks Mr. Starkey is right about the kinds of issues the form-based code will approach, and what has been considered tonight is "the nitty-gritty of the aspects of running a business." There will still be a ZBOA and a DRB "of some sort," when form-based code is implemented. Ms. Anderson said she thinks these issues they are dealing with now will be beneficial so that they can get the staff experts to weigh in on things like outdoor display.

Mr. Starkey said that there was work done on the ordinance in regard to gas stations; there is a section about putting vending machines outside buildings - only newspaper boxes are allowed - but all gas stations in Beaufort have propane tanks, videos, ice machines, etc. Ms. Anderson said they "are not to be visible from the street." Mr. Starkey said he couldn't find anything about this in the form-based code. He thinks they need to determine how the "nitty gritty" and details that the ZBOA routinely covers gets into the form-based code.

Mr. Starkey said he'd appreciate it if Ms. Anderson and staff would put together these issues to allow the committee to decide whether they will address them or not in the form-based code. Section 2 involved "uses," and the second meeting this month will be about changes to the zoning maps. He said "it's not clear what the committee does." City council will approve the document, but there's a contractor doing the work of compiling the document.

Ms. Anderson said it's hard to read the document when it talks about a zone even though they don't know where the zone is. "The T-4 zone will have these standards," for example, she said, "and the T-4 zones will be in these various locations." They have not done the zoning maps in the more rural areas.

Ms. Anderson said there are currently no new applicants for the ZBOA for next month.

ADJOURNMENT

There being no further business to come before the Board, Chairman Hill adjourned the meeting at 7:52 p.m.