

A meeting of the Zoning Board of Appeals was held on **October 26, 2015 at 5:30 p.m.** in the City Hall council chambers, 1911 Boundary Street. In attendance were Chairman Brad Hill, board members Don Starkey, Tim Wood, and Libby Anderson, planning director.

Eric Powell and Joe Noll were absent.

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 Hill 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.

Chairman Hill said that the board had a quorum, but with two members missing, for a motion to carry, it would need all three board members to vote in favor of it. For this reason, he said the board would give any applicants the option of tabling their applications until the next meeting on November 23, if they preferred to appear before at least one more board member. The applicants from 804 Washington and 2400 Wilson indicated that they preferred to table their applications.

**Mr. Starkey made a motion, second by Mr. Wood, to approve the minutes of the August 24, 2015 meetings as submitted. The motion passed unanimously.**

**Mr. Wood made a motion, second by Mr. Starkey, to approve the minutes of the September 28, 2015 meetings as submitted. The motion passed unanimously.**

### **REVIEW OF PROJECTS**

**2215 Wilson Drive, Identified as District R120, Map 2, Parcel 22**

Special Exception☐

Applicant: James and Frances Ackerman (ZB15-23)

*The applicants are requesting a special exception in order to operate a short-term rental.*

Ms. Anderson said this property is in the Pigeon Point neighborhood, and a single-family dwelling is on the property. The owners live in Spartanburg. They will have local residents manage the property. The rental agreement specifies a minimum two-night stay, limits the number of guests to 6, states that the driveway has adequate parking for three vehicles (but does not limit the vehicles to 3), and prohibits parking on the street.

Ms. Anderson said questions for the applicant should include whether a local resident will always be available when the unit is rented, should any issues arise.

Anyone being paid to manage the unit will need a business license.

All the usual public notice was made, and the president of the Pigeon Point Neighborhood Association was notified. There have been no public comments.

Ms. Anderson presented staff's opinions on the criteria that the board must use in determining if this application receives a special exception:

1. **Proposed use is compatible with existing uses in the surrounding area:** Ms. Anderson said it's a single-family neighborhood, within a bike ride of downtown Beaufort and walking distance from Pigeon Point Park.
2. **Proposed changes are harmonious with the character of area:** No changes are proposed to the property as part of its use as a short-term rental, Ms. Anderson said.
3. **Impact on public infrastructure:** Staff feels the proposed use will have no greater impact on infrastructure than if it were a long-term rental.
4. **Compatible with Comprehensive Plan and the Civic Master Plan:** Ms. Anderson said staff feels it is generally conforming.
5. **Impact on public health and safety:** The unit will have little impact on public health and safety, as local residents will manage it, if they're available 24 hours a day.
6. **Potential creation of nuisances:** Ms. Anderson said the board must determine if friends of the owners are adequate as managers of this short-term rental, or if professional management should be hired.

Ms. Anderson said staff recommends approval of the special exception if the board determines there will be no significant negative impact on surrounding properties, the number of vehicles allowed overnight is restricted to three in the rental agreement, and a monitored fire alarm is installed.

Mr. Starkey asked how many short-term rentals are in Pigeon Point. Ms. Anderson said the numbers she has are in residential neighborhoods, but short-term rentals are also allowed in commercial districts. She showed those that the Zoning Board of Appeals had installed, and Pigeon Point has the highest number of approved units.

**Frances Ackerman**, the applicant, said they fell in love with the neighborhood and plan for it to be their home; they will sell their home in Spartanburg, and then move here. They will hire management if it's necessary, but their current tenants know the neighborhood and each neighbor. The husband is an attorney and will enforce problems if they arise. Someone will be in residence "absolutely," at all times to deal with any problems that might arise, Ms. Ackerman said, and if there were an emergency, the Ackermans would be there. The house is wired for a security and a fire alarm system. Ms. Ackerman has spoken to a representative of that agency, and they will have it set up.

In regard to parking, Ms. Ackerman said they would limit it to three cars. She

responded to a query about the people managing the property, saying that it is a couple who are long-term renters of the property now. They will stay in Beaufort and will manage the property while they look for a house to buy. Ms. Ackerman said she and her husband want to do this so they can be here when they come visit until they sell their Spartanburg house and can live here full time.

**Ron Mattingly**, a former Zoning Board of Appeals member, was on the board when short-term rentals became an option in Beaufort. He said this subject had come up at their most recent neighborhood association meeting. Mr. Mattingly said he feels the board gets the benefit of the planning staff's work. The board has always listened to any neighbors who spoke up about a short-term rental. He knows the renters are taking good care of the property. Most short-term rentals are taken care of better than many, or most, long-term rentals. It's been a "great benefit" for the city, plus a number of people who have stayed in short-term rentals have subsequently bought homes in Beaufort; Mr. Mattingly said they're good tenants and prospective homeowners and taxpayers, plus the city collects fees from short-term rentals.

**Maxine Lutz**, 811 North Street, said she defers to the Pigeon Point Neighborhood Association and the applicants' neighbors. However, she has a request from herself and her neighbors. "A lot of people come to town, fix up a property" and want to rent it short-term, she feels, then realize a short-term rental is not wanted in the neighborhood. Ms. Lutz thinks something should be done about that, so people don't "assume a short-term rental is an option." In some neighborhoods, she said, this is an issue. Pigeon Point may be able to absorb short-term rentals more easily than other neighborhoods, such as hers - the Old Commons - which is small. There are nine houses on Ms. Lutz's block, and only two are occupied full-time. There's one second home, two short-term rentals, one home being rehabbed, one commercial property, one vacant property, and one that is vacant and abandoned.

Ms. Lutz feels short-term rentals need to be looked at on a case-by-case basis, considering the block and the neighborhood. They could "lead to the demise of neighbors." She hopes the Zoning Board of Appeals and council will "call a moratorium on decision-making" about short-term rentals "until council can give you advice on the proliferation of short-term rentals in any one neighborhood" or block. She recalled the controversy about B&Bs in Beaufort, when neighborhoods feared being overrun by them; Ms. Lutz said council had decided that no B&B could be within 500' of another B&B. Council and the Civic Master Plan "want people to live downtown." Chairman Hill encouraged her to make the same presentation at a council meeting because "this board cannot issue a moratorium."

**Evelyn Caldwell**, 2106 Wilson Drive, said, "We have a neighborhood, a real neighborhood." She agreed with Ms. Lutz's statement and said council needs "to create a real master plan so that we don't ruin Beaufort the way that it is." She said she can "live with" the Ackermans' application when Chairman Hill asked her.

Mr. Wood said, "It's the same old story with this application," and he, too is concerned about density and the number of short-term rental applications coming before the board. He wishes their success could be gauged. He has heard no complaints. Mr. Wood feels people may have a hard time calling the police to complain about a short-term rental, but the board and staff have heard of no action against any of them. It's difficult to monitor the parking, in spite of their rules, especially in the Old Commons, he said. The board does discuss every short-term rental on a case-by-case basis. The turnout of people who were against a short-term rental in the Bluff was strong, and the Zoning Board of Appeals respected their wishes.

Mr. Wood personally feels short-term rentals are not detrimental for the reasons that Mr. Mattingly had stated. He "take(s) a strong view" when the owners plan to live in/retire in the house that they are staying in now when they are in town. They don't want or can't afford for it to sit empty when they're not there. He echoed Chairman Hill's assertion that the Zoning Board of Appeals can't issue a moratorium, and he said the board would continue to consider the applications individually.

Mr. Starkey said the people in Pigeon Point had not objected to short-term rentals in their neighborhood. In the Bluff, for example, "many more than one person showed up to object." He explained that the Zoning Board of Appeals had to look out for the neighbors and had instituted a probationary period of up to a year, during which, if there were 3 police calls, the short-term rental owners would lose their business licenses, and the special exception would no longer apply. "This is one way to fill these houses," however, that would otherwise be empty, Mr. Starkey said. And owners won't be able to rent houses that need repairs or with lawns that are messy. On the other hand, Mr. Starkey said, some small neighborhoods with a couple of short-term rentals "become too much of a short-term rental area." The board is looking at the number of cases – if there are too many in an area – or if the majority of the people in that neighborhood are against it, they consider that, but they can't take away the rights of the homeowners, either. They are trying to keep a balance, Mr. Starkey said.

Chairman Hill said if a neighborhood is outspoken one way or the other, the board has to listen to them. **Mr. Starkey made a motion to approve the special exception for 2215 Wilson Drive, to include the comments of the staff to install a monitored fire alarm and resolve the parking issue. In addition, a one-year probationary period will be in place; if there are three objections about issues with the short-term rentals made to the police or the city administration, the special exception will no longer be valid. Mr. Wood seconded. The motion passed unanimously.**

**804 Washington Street, Identified as District R120, Map 4, Parcel 414**

**Special Exception**

**Applicant: Jeffrey and Courtney Mullins (ZB15-24)**

*The applicants are requesting a special exception in order to operate a short-term rental.*

**Jeffrey Mullins** asked the board to table the application until it has more representation, in case there are objections to their application. **Mr. Starkey made a motion to table this application until the November 23 ZBOA meeting. Mr. Wood seconded. The motion passed unanimously.**

**507 North Street, Identified as District R120, Map 4, Parcel 739**

Variance

Applicant: Katherine F. McClintie (ZB15-25)

*The applicant is requesting a rear-yard setback in order to construction a garden shed.*

This is a variance application, Ms. Anderson said. It is in The Point neighborhood. The minimum lot area is 6000 square feet, and this lot is 6769 square feet in area. The minimum lot width is 60', and this one is 53' wide. A single-family dwelling is located on the property. She showed some views of the lot.

The applicant wants to construct a garden shed on the rear corner of the lot. It will be 8' x 12' with a 4' x 12' porch. Its total footprint is 144 square feet. She showed some elevations on the overhead.

The applicant desires to locate it as close to the rear property line as possible. The shed will consume a large portion of what useable backyard there is. For an accessory structure of this size, the side and rear setbacks must be 5' and the sides are fine, but the rear may be a problem. 5' is stipulated, and they are requesting a 3-4' variance. The lot has poor drainage, so establishing landscaping is difficult in the area where the shed will be. The design will need to receive a certificate of appropriateness from staff, which recommends that the applicant rethink some design elements. This will be handled during design review, Ms. Anderson said.

She presented some questions for the applicant:

- How far will the eave extend beyond the building? It cannot extend across the property line.
- How will the shed be maintained if it's at the "0" lot line?
- Can the shed be moved closer to the east side property line? It might be possible to achieve the 5' rear yard setback. This could eliminate or minimize the need for a variance, and the applicant could still retain a little backyard.

All public notice was made, and the president of The Point Neighborhood Association was notified. Ms. Anderson said no public comment was received.

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

1. **Extraordinary and exceptional conditions:** The property is non-

- conforming for lot width, Ms. Anderson said.
2. **Conditions as applied to other properties in the vicinity:** This is unusual to this property.
  3. **Conditions are not the result of the applicant's own actions:** This unusual condition is not self-created; staff feels this finding can be made.
  4. **Granting the variance would not conflict with Comprehensive Plan:** This would not conflict with plans, Ms. Anderson said.
  5. **Unreasonable restriction on utilization of the property:** The board should decide if it's an unreasonable restriction on the use of this property for this small shed to have to meet the 5' setback requirement.
  6. **Not a detriment to adjacent property and the public good:** Staff feels this finding can be made, if no part of the shed crosses the property line, and a certificate of appropriateness is issued for the design.

Mr. Starkey asked if there is a requirement from the fire department for a minimum space between buildings. Ms. Anderson said the building code only regulates buildings over 200 square feet, so this shed is exempt from that building code review.

The applicant, **Katherine McClintie**, said she is a gardener, and she has a lot of tools, mulch, etc. that is currently out and visible, so she'd like to store it all out of sight. She envisions the shed as simple and in keeping with the architecture around it. She has discussed it at length with the neighbor behind her, and he has no objections to where she places it. Both of them have very small backyards and appreciate each other's yard "as our own," Ms. McClintie said.

Ms. McClintie has a brick walkway that goes around the back, and she said she would like as much space as possible between that and the shed, in order to have lawn and planting space in front of the shed, not behind it. She would like to go about a foot to the property line, not right up to it. The overhang will be within 9" of the property line.

The round air vent, Ms. McClintie agrees, could be redesigned to look more proportionate to the side of the house. Also, she said, her lot was subdivided in 2000, and three other houses around her were built in 2003. When they did that, the adjacent homes "built up their soil level," so both are "quite a bit higher than mine." She's raised hers in order to grow grass, but the rains lead to big puddles. Also, the house was built on a salt marsh, Ms. McClintie said, so that will be a challenge. She plans to put piers in the soil and raise the shed so that the water level is not a problem, and then she'll put in shade- and water-loving plants.

Ms. McClintie said her neighbor diagonally has a large studio apartment/garage that is on or right up to the lot line; she thinks, even if her shed were 5' from the lot line, "it would be a rather moot issue" because she is trying "to fill the corner visually to look nice." She also has a large palm that is 2½'-3' from the side property line. She indicated where it was on the overhead projection. She just wants a few feet to "get

as much planting space as I can.”

Mr. Wood said that the board must comply with the findings in order to approve a variance, so he asked for clarification for #1 (exceptional conditions): “You’re claiming the water . . . and . . . a soggy area in your yard you’re trying to take up” are the conditions. Ms. McClintie replied affirmatively. Moving the shed will create more grassy area, Mr. Wood said, and finally, in regard to the palm tree, she had to bring it right up into it, and in this way, she created a bigger setback on the side. Ms. McClintie said she has tried to plant “back there” and raise the soil level, and she’s installed a French drain which works until there are “big rains,” when it floods in spite of the drain.

Mr. Wood asked Ms. McClintie, in regard to #5, why she is keeping the right side setback and bringing it up 5’; how does she view doing that as unreasonable? Ms. McClintie said she is trying to attain more planting space, and where it will be more visible, so she’ll have more of a sight line, and the architectural feature “will be an end point.” The driveway and walkway are all brick, Ms. McClintie said, and she has plantings all along the side. She wants something attractive and functional for her gardening needs. There’s no fence at the back of the property line; she has some 4’ bushes to the left of the garden shed.

Ms. Lutz, representing Historic Beaufort Foundation, said, “We have an easement on this property,” so the organization has “the right to say yea or nay about anything on the property.” They “do not object to the gardening shed at all,” Ms. Lutz said. They will be involved in design, but as far as what’s before the board tonight, Ms. Lutz said they approve of the gardening shed with a 5’ side setback, and no dumping of water into the rear neighbor’s yard.

Mr. Starkey said, since there’s a 9” overhang on the roof, if Ms. McClintie ever has a fence (or someone else does), he would like there to be enough room to get behind it to trim. He would like another foot – maybe 2.5 feet behind the property line – to do maintenance

Mr. Wood said the fact that Historic Beaufort Foundation has no problem with it “means a lot” to him. He doesn’t see why it is a hassle coming in further toward the front yard. He doesn’t see the hardship of bringing it in 3’ from the property line. Mr. Starkey said Ms. Lutz had mentioned the water run-off. Mr. Wood said those properties have been built up, though. Ms. McClintie will get more water than they will, if they are that much higher.

Ms. McClintie said she would want to be far enough back so the roof doesn’t interfere, and “well within my own property.” She speculated 1.5’ would be good.

Chairman Hill said he doesn’t see the hardship, either. He thinks 2.5’ “won’t make much difference.” He would lean toward a variance of that size. It’s a good compromise, even if it doesn’t really make a difference. **Mr. Starkey made a motion to approve the variance for the setback of the garden shed at no closer than**

**2.5' from the property line. There should not be a detriment to the adjacent property. Also, there should be no water run-off into the adjacent property. Mr. Wood seconded. The motion passed unanimously.**

**2400 Wilson Drive, Identified as District R120, Map 2, Parcel 6**

Special Exception

Applicant: Beaufort Rentals for Gary Geboy & Teresa Bruce (ZB15-26)

*The applicants are requesting a special exception in order to operate a short-term rental.*

A Beaufort Rentals representative said he would like the board to table the application until more board members can be present. **Mr. Wood made a motion to table, second by Mr. Starkey. The motion passed unanimously.**

**203 Robert Smalls Parkway, Identified as District R122, Map 29, Parcel 242**

Variance

Applicant: Navy Federal Credit Union (ZB15-27) ☒

*The applicants are requesting a variance from Section 7.5.A Off-Street Parking and Section 7.5.C Parking Standards in order to construct a new commercial building.*

Ms. Anderson said this is an outparcel in front of Lowe's. It's currently undeveloped, and it's zoned Highway Commercial District. The applicant desires to construct a credit union on the property of 3865 square feet in area, with two teller drive-thru lanes and a drive-thru ATM. Ms. Anderson said by ordinance, a minimum of 13 on-site spaces are required. A maximum, by ordinance, is 140% of the minimum number of spaces, which is 18. The applicant is applying for 37 spaces. All spaces over the required 13 will be of a pervious material, per the UDO.

Questions for the applicant

- Parking data on several branches was provided. Does each of these facilities have two drive-thru tellers and a drive-thru ATM? If not, Ms. Anderson asked, what drive-thru facilities are available at each branch, so a comparison can be made?
- Are any trees over 8" diameter breast height being removed for parking? If so, the applicant should describe what they are.
- What is the impervious surface percentage, and what is the material for these pervious spaces?

Staff comments and more questions

- The proposed 37 spaces is 2.5 times the minimum required and more than twice the maximum permitted by ordinance. According to the *Parking Generation Manual* (2<sup>nd</sup> ed.), a bank this size would have 16 occupied spaces on a weekday, Ms. Anderson said, so the applicant should explain why they need more.

- The three drive-thru lanes create a lot of paved area. If the pervious spaces are concrete, it will still read as pavement, Ms. Anderson said. She said the applicants should discuss if the three drive-thru lanes are really necessary with the additional parking that's being requested.
- Could the drive-thru teller lanes be reduced to 10' and the escape lane be reduced to 16' for a little savings in regard to the effective paved area?
- For comparison with parking in the adjoining businesses: Dollar Tree has 45 spaces (for a building of 10,000 square feet), and the Taco Bell has 24 parking spaces and a drive-thru (for a building of 2,490 square feet). There is a lot of surface parking going on, Ms. Anderson said, so she asked the board to consider if "a few more spaces matter."

All the usual public notice was made, and no public comment was received.

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

1. **Extraordinary and exceptional conditions:** The board must make this finding for this property, Ms. Anderson said.
2. **Conditions as applied to other properties in the vicinity:** The board must find that these conditions do not generally apply elsewhere in the vicinity.
3. **Conditions are not the result of the applicant's own actions:** Ms. Anderson said the board must determine that the applicant's actions did not create these conditions.
4. **Granting the variance would not conflict with Comprehensive Plan:** Staff feels this finding could be made: there's already a lot of surface parking in this area, Ms. Anderson said.
5. **Unreasonable restriction on utilization of the property:** The board must determine if the applicant has provided documentation that these additional spaces are required.
6. **Not a detriment to adjacent property and the public good:** Staff feels this finding could be made; the applicant has not requested a variance on the surface provision, and there is already a lot of surface parking in this area.

The project is subject to design review at the staff level, Ms. Anderson added.

Representing the applicant were **John Mueller** and **Blake Bredbenner** from Foresite Group, which performed the transportation analysis. According to the data that the applicant gave them to perform their analysis, the Navy Federal Credit Union (NFCU) "has a very large base of members in the area," Mr. Mueller said, and the other location has 2 drive-thru tellers and a drive-thru ATM.

- In regard to trees over 8" DBH being removed, JM said, they have a plan with the tree overlay, and except for the spaces in the immediate front of the property, where the ADA spaces are, all the parking they are asking for is in areas of the site that have no trees of 8" or greater.

- In regard to the third question, as to the percentage of impervious surface, they are at 59.2%, Mr. Mueller said, which is under the 65% maximum.
- The applicant prefers impervious concrete "for liability purposes and stability."
- They are asking for so many more parking places than the city's maximum because the NFCU "is fairly specialized in its business model and . . . in their members," and they have demonstrated that "on peak days" – military pay days – "they have extremely demand for their services," so Foresite has maximized available parking, while maintaining buffers and preserving as many trees as possible.
- In regard to reducing the width of the drive-thru and escape lanes, Mr. Mueller said that can be accommodated; he had been concerned about fire access, but 16' is acceptable to the local fire department, he has learned.

Mr. Starkey said they are taking out quite a few trees, and he sees nowhere they're being put back in. He noted the removal of a 56" oak, "a bunch of 20" oaks," and a 24" oak. He'd like to see trees put back in and doesn't see them on the drawing.

Mr. Mueller said they will present a landscape plan. Mr. Starkey said the area where trees would go is being used. Mr. Mueller said they will preserve significant large trees, and on the driveway side, they have places to plant. He indicated other places they will preserve, and areas where they "can augment as well."

Mr. Starkey asked about the pervious surfaces for the extra parking places. Different types last for different periods of time. Concrete was used at Publix, and it needs the minimum maintenance. They will want to put in something that will last and *remain* pervious. Mr. Mueller said they are proposing pervious concrete. Chairman Hill asked how they keep it from clogging; Mr. Mueller said through regulation maintenance, vacuuming, and pressure washing; the applicant is using the material elsewhere and is familiar with the maintenance requirements.

Chairman Hill asked for elaboration on why the client's business model requires it to have 37 spaces. Mr. Mueller said the only other location in the area in at Parris Island, and unless you have a pass to get on Parris Island, you may have a 30-minute wait sometimes; this location, then, will be for military spouses, people from overseas, and others who "may come from significant distances" to go to this credit union.

Mr. Wood said he knows that credit unions "really are unbelievably busy." On payday, the traffic going in "is unbelievable." Mr. Mueller said there are approximately 20,000 members of this credit union in the area.

Chairman Hill said 2.5 times the maximum number of spaces is "a lot." There are two, maybe three, entrances to the parking adjacent to the Dollar Tree; Mr. Mueller said the area between this site and the Taco Bell is "all planted," so there are just

two connections. Chairman Hill said people will have to walk through four lanes of traffic. Mr. Mueller said that area would probably be designated as primarily employee parking for that reason. There would be a maximum of 12 employees working there at a time.

Chairman Hill asked if they were familiar with the Institute of Transportation Engineers' data. Mr. Bredbenner said the ITE surveys different properties – from one the size of Bank of America to a local credit union, so there's variation. Foresite has found the best way to obtain useful information is to ask the clients their usage data to get an accurate representation. Mr. Bredbenner said they got comparative data from eight different locations when they did that, and took an estimate based on those land sizes and uses and applied an average rate for what they would expect from the credit union. About 50% of the customers would go inside to use the bank; this was determined through interviews with branch managers, for example. Mr. Bredbenner said they also looked at ITE's parking generation rate, which "returned 22 parking spaces as a peak rate," and the total trip generation to the site was around 36 vehicles that would be stopping.

Chairman Hill asked if 50% of customers would be parking and going in. Mr. Bredbenner said certain credit union members can't get out the car to do business because they are in uniform, so they will use the drive-thru lanes. When those are full, others – if they are able – will park to use the ATM or to go in the credit union. Chairman Hill asked Mr. Bredbenner if, on average, 50% of the 36 would need to park. Mr. Bredbenner explained how the trip generation rates are calculated, and how they came to the peak hour figure of 36 vehicles. He told Chairman Hill that "this is inexact and based on the ITE rates."

Chairman Hill asked for a worst-case scenario. Mr. Bredbenner said the credit union data they had obtained, which was based on the credit union's experiences, when factored in to the land rates they have observed among their members on average and on peak days, was averaged across banks of different sizes, but all had two drive-through lanes (at least) and an ATM. This yielded 103 people coming in on peak days, Mr. Bredbenner said, and at 50%, that means 64 people will be using the parking. With 37 spaces, most of the traffic can be handled.

Mr. Bredbenner offered Charleston's credit union as a comparison, which has 92 parking spaces, and other examples with many parking spaces as well – up to more than 100. On average days, most use 50% of their parking capacity, and on peak days, they are filling them up. Mr. Wood asked if the buildings in the places Mr. Bredbenner had cited were on lots as big as this one. Mr. Bredbenner showed the numbers for sizes of the eight sites they had looked at. He said for this applicant's location, they "estimate less than some of the larger ones that are coming in."

Chairman Hill asked the number of spaces for Chesapeake, Newtown Road and Summerville. Summerville has 58, Mr. Bredbenner said; he didn't know the others. Summerville is seeing 50-67% of their spaces being utilized on an average day, he

said. 39 spaces are used at their peak times, and they have about the same amount of floor space as the applicant will have. Chairman Hill said the credit union's parking "would be maxed out at peak," and Mr. Bredbenner said that's what they are expecting because this proposed site is the only location off base.

Mr. Starkey asked if they had talked to Lowes about overflow parking. Other places have done so, according to **Chris Hill**, who works for Navy Federal credit union. They have reached out, he said, but they haven't heard from Lowe's. Mr. Hill said they are also negotiating with a location in Washington State, where Lowes has "opened up their consideration now," though they have not historically been responsive to the idea of sharing their parking for overflow. Mr. Hill explained another "option to which we are open." Mr. Wood said that section of Lowe's parking "hardly ever" has cars parked in it. It is a high-traffic area and would need a crosswalk.

Mr. Wood said they would be counting on other businesses' parking lots, and those businesses might not let NFCU use them. The Dollar Tree's lot is underutilized, and the Lowes section is dangerous, he believes, and now they "are talking about increasing the traffic there." Mr. Wood described a preferable scenario "to avoid walking across the front of the pull-up." Mr. Mueller said they can add more parking there, but they are trying to preserve trees. He showed another area where Dollar Tree traffic might create a conflict. Mr. Wood acknowledged that it would be tight where Mr. Mueller had indicated.

Mr. Starkey said he would like to see islands in the long parking areas. Mr. Mueller said the planning department request is to make the leading edge of the parking place line up with the façade of the building. Mr. Starkey said, on the other side of the Dollar Tree, there is "no room to put in any trees at all." Mr. Mueller said the Dollar Tree had built up to within a foot of their property line. The perimeter of the credit union site will be screened.

Mr. Starkey asked if the outer drive-thru could be a foot narrower to make a couple feet more at the Dollar Tree border. Mr. Mueller said they could do that. They can reduce it to 16', which the fire department allows. Mr. Hill said the reduction is welcome if they meet the fire codes.

Mr. Wood asked Ms. Anderson if the board was stepping outside its bounds, and if the applicant would have to go before the Design Review Board on landscaping and other design issues. Ms. Anderson said they will go through a design review process, but it's done on the staff level. Mr. Mueller mentioned that staff has told them where the ordinance requires the parking to be.

Mr. Wood said the Zoning Board of Appeals is only here to "say yea or nay to the number of spaces." The only line that bothers him is the backline, and it could be designated that only employees park there. That is not within the board's control.

"In my opinion, it's a monster, no matter how you look at it," Mr. Wood said, "and it will only go away on a bigger piece of property."

Mr. Starkey said increasing the number of parking spaces takes away the option of planting trees or other landscaping, so he thought if they asked the questions about the design that would help. The owner of the property must talk to the adjacent property owners, Mr. Starkey feels, because according to their plan, parking will be overflowing.

Mr. Wood said, if Lowes gives the credit union permission to use its lot for overflow, and a credit union client in high heels breaks her ankle on Lowes' dangerous parking surface as she goes between the credit union and Lowes' parking, she will sue Lowes, not the credit union: "They are just trying to create it so they can be self-contained."

Mr. Wood feels the seven spaces on the side should have some greenery. Chairman Hill asked if they can live with 30 spaces. Mr. Mueller said they could. Chairman Hill said they could take out the seven spaces adjacent to the drive-thru, if they can live with 30. The board can make conditions on the granting of the variance. They have agreed to knock 2' off the drive-thru, he said, and the board could ask them: to provide a maintenance program "to make sure the pervious material stays pervious" and "to drop the seven spaces on the right." Landscaping will be reviewed by staff, Chairman Hill said, and the Zoning Board of Appeals can "request heavy landscaping," not "one gallon plants every 5'."

Mr. Starkey agreed that if they eliminate the seven spaces, and plan their landscaping, they could put in pervious parking at a future time, if they find their lot is 100-110% full in 6 months. They could come back to staff and get its provisions to redo those seven spaces.

Mr. Wood asked if the cross-access to the Dollar Tree is adequate. Mr. Mueller said that is part of the agreements. Mr. Wood said people would naturally go to that when they need extra parking.

**Mr. Wood made a motion to grant the variance, provided the applicant takes out the seven spaces adjacent to the Dollar Tree, provides staff with a maintenance schedule to keep the pervious surface pervious, and puts in "significant landscaping."** Mr. Hill asked if there were particular areas they wanted to see landscaping in, and Chairman Hill said, "All of them." Mr. Wood said he thinks they can get two more spaces on the left side. **Mr. Starkey seconded the motion. The motion passed unanimously.**

There being no further business to come before the board, the meeting was adjourned at 7:25 p.m.