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A meeting of the Zoning Board of Appeals was held on **March 28, 2016** at 5:30 p.m. in the City Hall council chambers, 1911 Boundary Street. In attendance were temporary Chairman Tim Wood, board members Jody Caron, Josh Gibson, 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 Wood 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.

**Mr. Stroud made a motion, second by Mr. Gibson, to approve the minutes of the February 22, 2016 meeting as presented. The motion passed unanimously.**

### **REVIEW OF PROJECTS**

**Mr. Noll made a motion, second by Mr. Stroud, to table both Harris Teeter projects until the April ZBOA meeting. The motion passed unanimously.**

### **1104 Greene Street, Identified as District R120, Map 4, Parcel 278**

Special Exception

Applicant: Albert and Lana Hefner (ZB16-06)

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

Ms. Anderson said this project is in the Northwest Quadrant neighborhood. The owners live on Cat Island and would like this property to be a short-term rental. The applicants will manage the short-term rental themselves, and they have provided a rental agreement. It doesn't specify a minimum two-night stay, which is required by ordinance, but it limits the number of guests to six and the number of vehicles to two, and specifies that parking is to be in the back of the lot, where there's adequate parking for two vehicles, Ms. Anderson said.

Public notice was made, Ms. Anderson said, including to a representative of the Northwest Quadrant neighborhood association and to the Historic Beaufort Foundation (HBF). No public comments have been received.

Ms. Anderson presented staff's perspective 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 this is in the Northwest Quadrant neighborhood and is within walking and biking distance of downtown Beaufort.
2. **Proposed changes are harmonious with the character of area:** No changes are

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proposed to this property as a result of its use as a short-term rental. It's been "very nicely renovated," Ms. Anderson said, and she congratulated the owners on that.

3. **Impact on public infrastructure:** Staff feels the impact on infrastructure is likely to be no greater than if it were a long-term rental.
4. **Compatible with Comprehensive Plan and the Civic Master Plan:** Staff feels that it is in conformity with the city's plans, Ms. Anderson said.
5. **Impact on public health and safety:** Staff feels a short-term rental here will have no greater impact than a long-term rental would have, and a monitored fire alarm is required, so the impact could be less than a long-term rental.
6. **Potential creation of nuisances:** This short-term rental has little potential to create nuisances, staff feels, because management is local, it will have a monitored fire alarm, and parking is behind the house.

Staff recommends approval of the special exception, on the condition that the owners install a monitored fire alarm and update the rental agreement to stipulate a minimum two-night stay.

**Albert Hefner**, the applicant, said he and his son, an architect, had renovated the cottage five years ago, and the high-maintenance needs of the house led them to think of making it a short-term rental. A short-term rental might need to be painted three or four times a year, Mr. Hefner said, to achieve a "high fit and finish." People who visit Beaufort might be thinking about living here, and want to live "in that historic relationship" in a historic neighborhood, so staying in a historic short-term rental is a good option for their time here. One of the Hefners' guests bought the lot across the street from theirs and will move to Beaufort within two years. They "have had really good luck" with their guests, and like other short-term rentals, Mr. Hefner said, they attract "high-end people."

Mr. Gibson asked about parking. Mr. Hefner said they had discovered an alleyway: A corridor cuts through the neighborhood from when the city used it to collect garbage, and they hope the city will eventually "acknowledge that corridor." Mr. Hefner said a rotten tree had fallen down over this alley, and it took 15 truckloads to clean up the 2.2 acres of property.

**Aleatha Williams** said she's the applicant's neighbor; the Hefners "cut across my property" in their use of the alley, she feels, and she hasn't given them "permission to do that." The alley was not for parking, Ms. Williams said; it was once used for postal service and garbage pickup, but she believes the Hefners park in the alley "to hide their cars so people don't know they're home." Others who live on the street park in front of their houses, she said. Ms. Williams doesn't live on the property – "There's no address on (it) because (it) burned down years ago" – but she is "still paying property taxes on it."

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A commissioner told Ms. Williams that there appears to be an alley there. Chairman Wood asked if the alleyway was still a right-of-way for the city. Ms. Williams said it may be, but Mr. Hefner "is not the city." Mr. Stroud said if it's a city right-of-way, then it's public property, so Mr. Hefner can access his property that way. Ms. Williams said her lot "covers that whole area." Mr. Stroud said the plat the board had received shows where Mr. Hefner's property begins and ends, and Mr. Hefner has the right to use the alley.

**Judy Crawford**, Ms. Williams' sister, said Ms. Williams's "rights in this don't seem to be protected." A fence had been torn down, she said, and Mr. Hefner had admitted that he was the person who did it. Ms. Crawford asked the board who "drew up the blueprint." Mr. Caron showed Ms. Crawford the public access area, which is 20' wide. Ms. Crawford said that doesn't include "crisscrossing (Ms. Williams's) property." Mr. Hefner "must adhere to the alley," she said.

Mr. Caron said even if there were a fence there, the alley is still public access. Mr. Stroud said the board is looking at a legal document, though Ms. Williams could get another survey. Mr. Hefner showed the boundaries of the property he had bought and said he "would never touch" Ms. Williams's property.

Mr. Hefner showed the area he had cleaned up and cleared, and where he had put a fence. He pointed out two city "corridors," one of which he said is "violated by many people" who block it. The value of the alleyway, Mr. Hefner said, is that people who live there could park in it and "could quit parking in their front yard(s)."

An argument ensued between Mr. Hefner and Ms. Williams about property lines and other disputed matters. Mr. Gibson said the six points the board is to review do not involve where people's property lines are or alleyway access.

Chairman Wood suggested that the matter could be tabled. He explained to Ms. Williams that there are alleyways that "have been abandoned by the city," so it's not always clear where the right-of-way is. Chairman Wood said Mr. Hefner had put a fence on his property, so there should be a survey, and Ms. Williams should get a survey of her property. The city establishes the right-of-way, he said, but as residences are purchased and restored, the city will want to restore the alleyways, which are advantageous because they offer more access to one's property. Chairman Wood proposed that the board table this matter until the Ms. Williams and Mr. Hefner "can get a better understanding." Ms. Williams could also get a plat from the county clerk, Chairman Wood said, but for greatest accuracy, she would need a survey.

Mr. Caron told Ms. Williams that it would benefit her to use the alleyway, too. If she gets a copy of her plat, she will see where the "pins" are. When she sees where her land is, she may not have as much as she thinks because of the public right-of-way. Using the plat, she could measure her property, so she can see where the property lines and right-

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of-way are. Chairman Wood said the pins aren't always easy to see. Mr. Hefner's pins should be, and if Ms. Williams is able to find the others that are on her property, she could put up a cable to identify it.

**Charlie Calvert** said he supports Mr. Hefner's application and suggested the ZBOA could make a recommendation to the city to explore these alleys. He thinks the matter shouldn't be tabled, because staff had recommended that this application be approved, as it meets the special exception criteria. Ms. Williams requested that the board have "a continuance," if they don't table it.

Chairman Wood said he's changed his mind and agreed with Mr. Calvert about not tabling it. No one seems to have a clear understanding of the alleyway, so a board member could make a motion that the city should clarify where it is. Mr. Stroud said that the city could also confirm with the surveyor where the pins are, so no one has to spend money.

Mr. Gibson said the preponderance of evidence shows there's an alley; it's on the survey, and it's stamped and certified. Anecdotal evidence of where a fence used to be is not of the same weight as a legal document and a city plat, he said. Chairman Wood said the alley hasn't been used for years, and Mr. Hefner's opening it probably surprised people in the neighborhood who thought the right-of-way was part of their property.

Mr. Noll said he would like to move forward. Chairman Wood encouraged Mr. Hefner to go to his neighbors and determine where their property boundaries are. Mr. Hefner said they've used the alley for five years, and this has never been an issue until today.

Chairman Wood asked Ms. Anderson the city's position on established alleyways and how the board might proceed. Ms. Anderson said maintenance is an issue because of budgets, so alleys have been neglected and overgrown. The city thinks alleys could be valuable in the future, so they don't want to give them up to property owners. In Pigeon Point, Public Works had to remove some fences on the right-of-way that people had put up because they hadn't known it was public property, not part of theirs. The city has no program at this time for maintaining alleys, though, Ms. Anderson said.

Ms. Anderson said if there's new construction with a back alley, the city encourages the owners to utilize it for parking behind the property, which is appropriate. If they've not been maintained, though, it's easy to forget about an alley, she said.

Mr. Hefner said, "The access corridor has always been wide open." Mr. Gibson asked if Mr. Hefner had confidence in the accuracy of the survey. Mr. Hefner said yes. Mr. Gibson said Ms. Williams believes the survey is incorrect, and Ms. Williams agreed. He said they could approve the application with the condition that if a survey shows that this disputed area is not an alley, the applicant would have to find another parking solution.

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**Mr. Gibson made a motion to approve the application for a special exception with the following conditions: If a survey is presented that shows there is no alley, the board will revisit the parking condition for the short-term rental; a monitored fire alarm is installed, and the two-night stay is clearly added to the rental agreement. The motion passed unanimously.**

**1700 Pigeon Point Road, Identified as District R120, Map 2, Parcel 221**

Special Exception

Applicant: C. Kemp Littlepage for Adair Acquisitions, LLC (ZB16-07)

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

Ms. Anderson said this is also a special exception application for a short-term rental. The dwelling is at Pigeon Point Road and Emmons Street. She showed “before” and “after” photos of the lot. The applicant lives in Pennsylvania and has a house here. Seaside Residential Management would manage the rental. The applicant provided a rental agreement, Ms. Anderson said, which has been revised to specify that there is a minimum two-night stay. Guests are limited to four and vehicles to two; they must park in the driveway. Public notice was made, and the Pigeon Point neighborhood association was notified; 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:** The property is on Pigeon Point Road, a residential collector street, and is one block from Pigeon Point Park. It’s near Boundary Street and is a short bike ride from downtown Beaufort.
2. **Proposed changes are harmonious with the character of area:** The property underwent major renovation in the last few years, and Ms. Anderson commended the applicant for the investment.
3. **Impact on public infrastructure:** Staff feels the impact on infrastructure is likely to be no greater than if it were a long-term rental, Ms. Anderson said.
4. **Compatible with Comprehensive Plan and the Civic Master Plan:** Staff feels it conforms to the city’s plans.
5. **Impact on public health and safety:** Staff feels there will be little impact because a local professional property management firm will run it.
6. **Potential creation of nuisances:** There is little potential for nuisances because a local property management company will manage the property and a monitored fire alarm will be installed.

Staff recommends approval with the condition that a monitored fire alarm is installed, Ms. Anderson said.

The applicant, **Kemp Littlepage**, said he “profoundly respects” his neighbors and his

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house. He has spoken individually to all of his neighbors about this. Adair Acquisitions, LLC is his company, he told Mr. Gibson. There was no public comment.

Mr. Caron thanked the applicant for his renovation, which improves the neighborhood. **Mr. Caron made a motion to approve the special exception with the condition that a monitored fire alarm is installed. Mr. Gibson seconded. The motion passed unanimously.**

**2912 Waters Edge Court, Identified as District R120, Map 3, Parcel 739**

Special Exception

Applicant: C. Kemp Littlepage for Adair Acquisitions, LLC (ZB16-08)

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

Ms. Anderson said this is on Battery Creek, across Boundary Street from Kmart. It's in a PUD. The property owner is Mr. Littlepage, as the in previous application; he has contracted with Seaside for management of this property, as well. The limits on the number of vehicles and people are the same, and the rental agreement has been revised to include a minimum two-night stay per the ordinance. Ms. Anderson said the board was emailed the one public comment that was 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 property is in the West End neighborhood, near North Street, where there is a traffic signal. It also near the Spanish Moss Trail and a short walk or bike ride from the downtown core.
2. **Proposed changes are harmonious with the character of area:** No changes are proposed to this property as a result of its use as a short-term rental.
3. **Impact on public infrastructure:** Staff feels the impact on infrastructure is likely to be no greater than if it were a long-term rental.
4. **Compatible with Comprehensive Plan and the Civic Master Plan:** Staff feels that it is in conformity with the city's plans, Ms. Anderson said.
5. **Impact on public health and safety:** Staff feels there will be little impact because a local professional property management firm will run it.
6. **Potential creation of nuisances:** This short-term rental has little potential to create nuisances, staff feels, because property management is local, and a monitored fire alarm will be installed.

Ms. Anderson said staff recommends approval of the application on the condition that a monitored fire alarm is installed.

Mr. Caron asked Ms. Anderson how many short-term rentals had been approved in this area. Ms. Anderson said in preparation for the formation of a short-term rental task force, staff is preparing a spreadsheet about "what's been approved" for short-term

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rentals in all the city's neighborhoods. They are "trying to get a good handle on it," she said, because, for example, some short-term rentals had been approved, but then the property was sold before it became one. In the West End neighborhood, she believes there are two or three short-term rentals: she knows there is one on Oaklawn and one on North Street. The highest volume of short-term rentals is in Pigeon Point, Ms. Anderson said.

Mr. Littlepage said both of the homes for which he's applying for special exceptions to operate a short-term rental *could* sleep six, but for the sake of his neighbors, he's only allowing four people to stay at a time, and they can have no more than two cars. He said he likes the opportunity to meet people that short-term rentals offer.

There was no public comment. **Mr. Noll made a motion, Mr. Caron seconded to approve the special exception on the condition that a monitored fire alarm is installed. The motion passed unanimously.**

### **817 Audusta Place, Identified as District R120, Map 2, Parcel 137**

Special Exception

Applicant: Greta Maddox, Natural Retreats, for Mary and Marc Honaker (ZB16-09)

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

Ms. Anderson said this property is in the Pigeon Point neighborhood and is on the Beaufort River. It has two bedrooms and two bathrooms. The owners live in Charlotte, North Carolina, and have contracted with Seaside Residential Management. The rental agreement was provided, but it needs to be revised to stipulate a minimum two-night stay. It limits overnight guests to four and vehicles to two, with parking in the driveway.

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:** The property is two blocks from Pigeon Point Park and one-half mile from Boundary Street; it is a short bike ride to downtown Beaufort.
2. **Proposed changes are harmonious with the character of area:** No changes are proposed to this property as a result of its use as a short-term rental.
3. **Impact on public infrastructure:** Staff feels the impact on infrastructure is likely to be no greater than if it were a long-term rental.
4. **Compatible with Comprehensive Plan and the Civic Master Plan:** Staff feels that it is in conformity with the city's plans, Ms. Anderson said.
5. **Impact on public health and safety:** Staff feels there will be little impact because a local professional property management firm will run it.
6. **Potential creation of nuisances:** This short-term rental has little potential to create nuisances, staff feels, because property management is local, and a monitored fire alarm will be installed.

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Staff recommends approval of the special exception application, Ms. Anderson said, with the conditions that a monitored fire alarm is installed, and the two-night minimum stay is stipulated in the rental agreement.

Ms. Anderson said there are probably 6–8 short-term rentals in the Pigeon Point neighborhood at this time. Asked how to determine how many long-term rentals are in the city, Ms. Anderson said there is a 6% property map. Some of those could be second homes, Mr. Stroud said, and offered a more specific way to find out. Ms. Anderson said a 6% assessment is a quick way to see, and then a business license check.

**Greta Maddox**, representing the applicant, said the owners want to be able to come to the house on some weekends, which is why they would like it to be a short-term rental. It was renovated when they bought it, and Ms. Maddox has “freshened it up” recently, she said.

Mr. Calvert said he lives in Pigeon Point, and people are renting their second homes on a short-term basis so that they can to pay for taxes and insurance on their second homes, yet also stay in the properties themselves when in Beaufort. He believes that people will eventually move into these short-term rentals permanently. Short-term rentals spur redevelopment, Mr. Calvert said. He, too, would like to see data on long-term rentals. He added that the impact of short-term rentals in his neighborhood is “great.”

The Kemps had added a bedroom to their house, Mr. Calvert said, which was “a big improvement.” He feels they are “great people,” and their home is “awesome.”

**John Dickerson**, Charles Street, said, in regard to 4% taxes vs. 6% taxes, a so-called 6% property is a taxed at 6% of the property’s value *plus* 6% for the school system; therefore, 6% properties are really 12% properties. So investing in short-term rental properties also “puts a lot of money into the school system,” Mr. Dickerson said, and is “a significant investment in the community” because of the costs to make the properties “pristine,” so they can be competitive with others on VRBO, etc.

**Rod Mattingly**, chair of the Pigeon Point Neighborhood Association, said every time anyone objects to short-term rentals in a neighborhood association meeting, he tells them to come to ZBOA meetings. Pigeon Point has more than ten short-term rentals now, Mr. Mattingly said. Two houses on Audusta that were short-term rentals are now owner-occupied, which is positive, he said. In the new Beaufort development code, there will be a requirement that B&Bs must be more than 500 feet from each other, and Mr. Mattingly said the city might consider that for short-term rentals as well.

Mr. Gibson suggested that at the Pigeon Point neighborhood association meetings, Mr. Mattingly could tell people that the ZBOA is a good place to be heard, and so are the code meetings. Only city council can change the short-term rental policy. People might

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be less frustrated if they can see action being taken and feel they are being heard, Mr. Gibson said.

Mr. Noll asked if the people at the neighborhood association meetings see short-term rentals as “lesser than owner-occupied homes.” Mr. Mattingly said there’s not that much objection to them. People only object that “there may be too many of them.” He told the board that the Pigeon Point residents all get minutes of the neighborhood association meetings, whether they attend or not.

Mr. Dickerson said he’s more concerned that too many long-term rentals are not being maintained than he is about short-term rentals. Also, B&Bs typically have 8–10 rooms, which means they have more vehicles that need parking. A short-term rental has 2–3 rooms, and each guest doesn’t bring a car.

Mr. Noll said he wishes there were *more* short-term rentals on his street. They’re very well taken care of, while the poorly maintained “homes on my street are long-term rentals.”

Mr. Stroud said this property seems to meet all of the criteria for a special exception. **Mr. Noll made a motion to approve the request for a special exception with the condition that a monitored fire alarm is installed, and a two-night minimum stay is stipulated in the rental agreement. Mr. Stroud seconded the motion. The motion passed unanimously.**

Mr. Caron said he never hears about what takes place at neighborhood association meetings where he lives, which is why he had asked about Pigeon Point’s. He added that he would like to see something done to avoid short-term rental saturation.

Ms. Anderson said council has said it will establish a short-term rental task force. There is a short-term rental inventory. She compared those that had a business license with those that had applied for a special exception as a short-term rental. They are updating the inventory now (some short-term rentals had become owner-occupied, for example), and staff will present a detailed spreadsheet. There is no inventory of long-term rentals, she said.

Chairman Wood asked what the advantage is of knowing the scope of long-term rentals in the city. Mr. Gibson said it’s most relevant for whoever drafts the criteria. Mr. Gibson asked if it would be appropriate for a ZBOA member to be on the short-term rental task force. Ms. Anderson said yes, and she would mention that to council.

Mr. Caron said, in talking to people, he has learned that some people “don’t understand what is going on.” Some “think the Civic Master Plan is etched in stone, and this is happening whether we like it or not,” for example. He feels the ZBOA “represent(s) every homeowner (and) renter in the neighborhoods around us.” The first item in the

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criteria for approval of a special exception application, Mr. Caron said, is that “the proposed use is compatible with existing land uses in the surrounding area.” Down the street from his home, there’s a property that has been abandoned for 13 years. It’s been bulldozed now and is a vacant lot. There are other “things I don’t want to see” in his neighborhood, like “tract homes.” He would rather see “a good neighbor across the street (who’s) long-term, that I know,” than to see a home that’s been renovated with “a fancy, beautiful, polished brass door knob” and is a short-term rental.

Chairman Wood asked Ms. Anderson if the city’s neighborhood meetings were designed to address these types of issues. Ms. Anderson said they’re primarily a way to exchange information. She updates people about the ZBOA and about commercial development projects that are coming in.

Chairman Wood asked, when a long-term rental “goes very far downhill,” if people can complain. Ms. Anderson said yes, they can complain to the code enforcement office; the code is “pretty stringent” about peeling paint, a hole in the roof, etc. Mr. Caron said he lives on Frazier, and across from the charter school, there’s a “run-down” house. The city put up a sign for the owners to take care of the debris and high grass when the neighbors had had enough.

Mr. Caron said he’s very concerned that there will be a point at which there are too many short-term rentals, so the ZBOA will say “No” to applications, which will be a problem because those applicants will say that the board has approved other ones. Chairman Wood said he’s always been concerned about “a saturation point.” Mr. Noll said, when there are too many short-term rentals, people won’t want to do have them because they won’t be able to make money at it. They will then sell their properties, rent them long-term, or move into them.

Ms. Anderson said there would be an April Zoning Board of Appeals meeting.

There being no further business to come before the board, the meeting was adjourned at 6:57 p.m.

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