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A meeting of the Zoning Board of Appeals was held on **April 25, 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.

**ELECTION OF CHAIRMAN**

Chairman Wood made a motion, seconded by Mr. Caron, to elect Mr. Gibson to be the chairman of the Zoning Board of Appeals. The motion passed unanimously.

**ELECTION OF VICE CHAIRMAN**

Mr. Stroud made a motion, seconded by Chairman Wood, to elect Mr. Noll to be the vice chairman of the Zoning Board of Appeals. The motion passed unanimously.

**MINUTES**

Mr. Gibson made a motion, second by Mr. Caron, to approve the minutes of the March 28, 2016 meeting as submitted. The motion passed unanimously.

**REVIEW OF PROJECTS**

**169 Sea Island Parkway, Identified as District R123, Map 15, Parcel 606 – Special Exception**

Applicant: Andrews & Burgess, Inc. for Harris Teeter (ZB16-05)

*The applicant is requesting a special exception in order to construct a gas station.*

Ms. Anderson said the property is approximately .5 acres and has a building on it that has had many uses, including a gas station. The property owners have submitted an annexation petition, which would have a second reading at council the following night. The applicant proposes to demolish the current structure and construct a gas station and convenience store at the location of the Harris Teeter, Ms. Anderson said. The convenience store is proposed to be 850 square feet, with 6 pump islands and 12 fueling stations.

The Design Review Board (DRB) is handling special design standards and siting. They have given final approval to the site plan. It's anticipated that the final building design will be presented to the DRB in June.

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Public notice was made in February, Ms. Anderson said. Two public comments were received today, and the board had been given copies.

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

1. **Proposed use is compatible with existing uses in the surrounding area:** Ms. Anderson said that this is a major commercial corridor on Lady's Island. There are other major grocery stores, drive-thrus, etc. – "fairly intense commercial development" – so this use is compatible.

2. **Proposed changes are harmonious with the character of area:** Ms. Anderson said the site plan has gotten final approval by the DRB, and they will look at the design of the convenience store, the canopy, etc. in June.

3. **Impact on public infrastructure:** A traffic impact analysis will be required for this convenience store/gas station and the grocery store, Ms. Anderson said. The proposed use is not likely to have any negative impact, other than on the roads.

4. **Compatible with Comprehensive Plan and the Civic Master Plan:** The Comprehensive Plan designates this area of Lady's Island as "Corridor–Mixed Use" or G-3. Ms. Anderson detailed the allowable uses in G-3. Staff feels this use is compatible with the city's plans.

5. **Impact on public health and safety:** The traffic issues will be addressed, so it will have little impact, staff feels.

6. **Potential creation of nuisances:** Staff feels the proposed use has little potential to cause nuisances if the design standards are upheld, Ms. Anderson said.

Staff feels that the gas station and convenience store meet the conditions of the UDO and have received the approval of the Design Review Board, Ms. Anderson said; they should not have any significant negative effect on residents, surrounding property, or the general public, so staff recommends approval.

Mr. Caron asked if there's a layout of the property vs. the footprint of the buildings on it. Ms. Anderson indicated the parcel for this development and the footprint of the former Publix building, which will be demolished. Mr. Caron asked the square footage of the parcel on which this gas station would be built. Ms. Anderson said .5 acres. Mr. Gibson asked what was out of compliance with the UDO; Ms. Anderson said it's not out of compliance. In General, Commercial zoning, gas stations are permitted, but only with a special exception, because of the possible proximity to residential neighborhoods. Ms. Anderson said if this were zoned Highway Commercial, "we wouldn't be here today."

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Mr. Gibson asked if there were anything in the draft development code that "leads us to believe it would be outside of (accepted) uses going forward." Ms. Anderson said that this use "is consistent with the proposed ordinance as well."

Mr. Stroud asked if the proximity of other gas stations in the area that are not annexed into the city would be an issue. Ms. Anderson said the fact that there are several gas stations in the area means this gas station is consistent with its fairly intense commercial development, which staff considers in its report.

Chairman Wood said he feels that the third special exception criteria can't be met because the traffic impact studies are not done yet. That was a concern expressed to the board by the public. The "traffic is already pretty gnarly over there," he said. Chairman Wood asked Ms. Anderson about her statement that "other than roads, the proposed use is not likely to have a negative impact" on public infrastructure: "Are we presuming that without the proper studies being complete?" Staff has said that a traffic impact analysis will be done, as is required, he said, "but we don't have it."

The purview of the traffic impact analysis is at staff level via the Technical Review Committee (TRC) with the assistance of the traffic engineer, Ms. Anderson said. They will put on conditions as needed (e.g., a right-turn signal). The project cannot move forward until staff approves a traffic impact analysis. She foresees that it will not address the gas station itself, because it has direct access to Sea Island Parkway and Sams Point Road. The desire is to have "full turning movement," and she can see the TRC saying it needs to be right-in/right-out. For example, as a result of the new Publix's traffic study and staff's review, a small median was put in on Sea Island Parkway, with the recommendation that it be right-in/right-out.

Chairman Wood said the idea is to encourage "the development because it's almost there, anyway." The city would like to have it there, as the space is wasted now, so the traffic study will "make it as good as it can be." Ms. Anderson said that's the intention.

Chairman Wood said he's concerned about the trees, about which there was "a huge uproar" when the last Publix was built. He sees "no sign of a tree in this expanse." He asked if "the little retaining pond in the back" is part of Harris Teeter's property, and if it would remain green. Ms. Anderson said a certified arborist has done a report that the DRB has looked at. It's on the city's website for public view. The siting of this gas station is in part based on saving some of the healthy trees on the site, per the certified arborist's report, she said. Some of the trees have been in tree wells for many years, which isn't the best for their health. The heavily wooded area at the rear of the site would mostly be retained, Ms. Anderson said. The Harris Teeter development is comprised of three parcels: the grocery parcel, the gas station parcel, and the wooded parcel to the rear.

Mr. Stroud said they appear to have tried to save a lot of live oaks in one area, which he

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thinks is positive. On the other side, they are taking out trees, but he doesn't think they are live oaks. When they do a traffic impact analysis, there are a lot of areas marked "future commercial." Ms. Anderson said those are the planned "future liner buildings," and the infrastructure is being designed to support them. The traffic study will consider development in the general service area, "plus they add in . . . a 2% growth factor for background traffic." These will be detached buildings, she added, unlike the liner buildings at the new Publix, which are attached.

Mr. Gibson asked if there are tanks/environmental issues on the site, as it was once a gas station. Ms. Anderson said they could ask the applicant about that.

**David Tedder** said he was representing the applicant as the attorney for Harris Teeter. He thanked the Board for tabling this matter previously, because it had allowed the development team to agree on the best place for the building in order to save the most trees. On this small site, there is a large live oak that is being preserved because of the placement of the building. The certified arborist's report helped them "to save what needed to be saved."

Mr. Tedder said he had grown up in this area. The gas station that was there was a Gulf station, and the use was changed in the 1970s. He recollects that the tanks were taken out as part of the Superfund program; even if they weren't, he said, they would have to be taken out to put in "new, twenty-first century tanks."

Mr. Tedder pointed out two existing curb cuts that will be removed. One of the goals of Harris Teeter's plans is "to create internal traffic patterns," so cars "move around within the site." Harris Teeter likes people to "multi-task" – i.e., buy groceries, then gas – which reduces traffic by "capturing it," he said.

Mr. Tedder said the applicants "agree with the staff report." One of the reasons for the special exception, as Ms. Anderson had said, is when the gas station is near a residential area. This area is "all commercial," so the special exception is not necessary to avoid light spillage into a residential area, for example.

Mr. Noll said the parking at the old Publix was "challenging." Mr. Tedder said that the Harris Teeter parking spots will be angled 60 degrees and "hopefully it will be more user-friendly."

Mr. Caron said he counts more than 200 parking spaces. It's difficult to get traffic out of the lot onto Sams Point Road with a left-hand turn, so he asked if consideration of a light there would be part of the traffic study. Mr. Tedder said based on his familiarity with the study required for SCDOT permitting of the new Publix, "that's the kind of thing that the technical review committee of the city looks for: what opportunities are, when can you get them, how can you get them. We don't have those results now," he said, "but at the time we started the Publix, they knew that there was going to be commercial

development back where the Publix was coming from, so it should be included in the background analysis of what's going on." The number of parking spaces is driven not only by the convenience and grocery stores, Mr. Tedder added, but also by the liner buildings that the city is requiring Harris Teeter to put in, so parking spaces for those buildings must be included in the current parking count and lot design.

Mr. Caron pointed out the difficulty of making a left-hand turn "on the other side" (i.e., onto Sea Island Parkway), which in heavy afternoon traffic "is almost impossible." Mr. Tedder said as a patron of the former Publix, he knows what Mr. Caron is talking about. A "liner road" has been added that runs behind the building, which gives people "the opportunity to avoid that point of conflict." The "best way to get out is to go to a light," Mr. Tedder said. Mr. Caron asked if Mr. Tedder was saying there would be "a merging road onto Sams Point Road for access out." Mr. Tedder said the TRC and the DOT would also have some say in this, "because that's their road and their encroachment."

Mr. Gibson said, "The store appears to have a storefront that addresses Sea Island Parkway." Mr. Tedder said that's required, "and basically you have two entrances: one on Sea Island Parkway and one on Sams Point Way."

Chairman Wood solicited public comment. **Jeffrey Grout**, Dataw Island, said he would like to reinforce Chairman Wood's statement about the importance of the traffic study. He urged the board to deliberate over this, "rather than pass it along to the TRC." "Interesting things can happen in tech review," Mr. Grout believes, and he thinks it's important that the Zoning Board of Appeals (ZBOA) have a say on the most important issue of this development, rather than passing it along to a technical review committee.

**Bill Prokop**, City Manager, said he "respectfully disagree(s) with Mr. Grout" because the city, the county, and the state are all involved in "all of the impact studies of all of the development that's going on in that area." The goal is a long-term (six-month) study "of all the different construction." Harris Teeter has worked hand-in-hand with the city on what needs to be done, Mr. Prokop said. The ZBOA is just to look at the gas station section of the property, not at the Harris Teeter store. The city "totally supports what Harris Teeter is doing," he said, and they have done everything the city has asked them to do, including with regard to trees. Mr. Prokop thinks "we should leave the work to the experts," and "should thank Harris Teeter for being so accommodating" about what the city has asked of them.

Chairman Wood said he was going to bring up the fact that the Board is meant to approve the gas station, specifically, and they "shouldn't get bogged down" about "what we think is going to happen with the traffic." However, he feels unsure that the ZBOA should proceed without the traffic impact analysis in hand. Chairman Wood added that his questions to Mr. Tedder had been meant to address the public comments that the board had received about the trees and the traffic.

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**Mr. Gibson made a motion to approve the application for special exception as presented. Mr. Caron seconded the motion. The motion passed unanimously.**

**1006 Church Street, Identified as District R120, Map 4, Parcel 159 – Special Exception**
Applicant: Britt Hunt, for Casados, LLC (ZB16-11)
*The applicant is requesting a special exception in order to operate a short-term rental.*

Ms. Anderson said this property is in the Northwest Quadrant neighborhood. The lot is zoned General Residential district. The applicants provided a survey of the property, which is very narrow but deep. The property owners live in Columbia and want to rent the property short-term. They provided a copy of the rental agreement, and the minimum stay is three nights, which is more than the city's ordinance requires. The homeowners have said the rental's cleaning service will move the garbage roll carts in and out. The yard maintenance service, H&S Services, will be the local point of contact, according to the applicants, but the business does not have a current city business license, so Ms. Anderson said she would like the board to discuss this.

There is no on-site parking on the property at this time, Ms. Anderson said. The ordinance requires short-term rentals to have on-site parking, so staff recommends creating a driveway and installing a gate. The applicant has agreed to this. With this retrofit, there is adequate parking for one vehicle on the property.

Public notice was made, including to the Northwest Quadrant neighborhood association, and no comments were received.

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

1. **Proposed use is compatible with existing uses in the surrounding area:** The proposed use as a short-term rental is considered compatible, Ms. Anderson said. The property is a short walk or bike ride from Bay Street and Waterfront 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.

3. **Impact on public infrastructure:** Staff feels it is not likely to have a greater impact on public infrastructure than if it were a long-term rental.

4. **Compatible with Comprehensive Plan and the Civic Master Plan:** Staff feels it is consistent and conforms to these plans.

5. **Impact on public health and safety:** Ms. Anderson said this is where the management plan comes into play, and the Board should consider if it is

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"sufficient to address all the issues that come into play" with a short-term rental.

6. **Potential creation of nuisances:** Here, too, Ms. Anderson said she would like the Board to consider the management plan. H&S Services must get a business license if it is to manage this property.

If the Board determines that the management plan for this short-term rental is acceptable, Ms. Anderson said, staff recommends that approval be under the following conditions: installation of a monitored fire alarm, city business licenses for all businesses that service the rental, and permitting, installation, and approval of on-site parking.

Mr. Gibson said the ordinance requires on-site parking, but he asked how that is determined. Ms. Anderson said for single-family residential, two spaces are required, but for a short-term rental with one bedroom and a limited number of guests, only one space might meet their needs.

Chairman Wood said he thought it had been established by staff and the ZBOA that property management should be done by a professional property management firm, but if someone who lives next door to the short-term rental cares for the property, they would not necessarily be required to have a business license. Ms. Anderson said if that neighbor is being paid to manage the property, they need a business license. Under the business name "H&S Services," they don't have one. Chairman Wood said the applicant is proposing that H&S Services takes on the role of property manager, but he thought the ZBOA had determined that professional management companies should manage short-term rentals.

Ms. Anderson said in the past, when property owners live out of town, they had looked for "someone local who can be there shortly . . . if something goes wrong with the unit." Mr. Stroud said he recalled a builder who had been required to get a business license in order to manage a property. Ms. Anderson asked the Board to consider whether the yard care service would have the skills needed if they had to "lay down the law" with a problematic tenant.

**Lee Ann Kornegay**, representing the property owners, said the house has "added to the beauty of the street," which has some vacant and abandoned houses on it. Mr. Stroud asked Ms. Kornegay where she is "in the property management plan." She said she lives in Columbia and is a friend of the applicants. Ms. Kornegay agreed that the property manager should have a business license and said she would tell the homeowners that they need to have a professional property manager with a business license. Chairman Wood asked if the homeowners intend to stay at the property themselves sometimes, and Ms. Kornegay said, "Absolutely." She noted that the cleaning service that cares for the house has a business license, and they might be able to take on the property management role.

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Mr. Stroud said the short-term rental agreement "is very miniscule" and doesn't address the issues he would have if he were a neighbor. He complimented the owners for the improvements to the house, but said he's "very concerned about the rental agreement." The owners, if they were present at the meeting, could hear the Board's comments and "come up with a more professional agreement that specifically addresses what needs to happen."

Mr. Caron said there is to be a parking space with a hinged gate on one side of the house, and he's concerned that there is not a lot of room for someone to get out of the car; it's right at the edge of the road, and if it opens to the road, the car would have to be in the road to open it, which is a public safety concern. Ms. Kornegay asked if a gate was required, and Mr. Caron said he'd had the same thought – that it wasn't necessary.

**David Lott**, Chairman of the short-term rental committee, said he would like one or more of the Board members to talk to his committee "about what the Board needs." One question the committee will look at is whether there needs to be ZBOA review of short-term rentals. Mr. Lott said the committee "might be able to develop standards that are tight enough" that staff could handle all short-term rental applications. Mr. Lott feels the board members should "think about what would and wouldn't be acceptable" to them. Chairman Wood said he thinks the ZBOA members would all like to be involved with the short-term rental committee and offer input.

Mr. Stroud said he's a proponent of short-term rentals, but he has concerns about this application and special exception criteria #5 and #6. Neither the property owner, nor any of the potential management on the list came to the meeting to talk about the management plan or to make a decision about how the rental agreement could be amended. Mr. Caron said he was "thinking along the same lines." He agreed that the applicant has not addressed criteria #5 and #6, but like Mr. Stroud, he doesn't want to just say "No" to the application, so he suggested they could table it, or give the owners a continuance.

Mr. Noll asked what else is needed. Mr. Gibson said it should be resolved whether the only requirement to manage a short-term rental is a business license of any kind. The reason to have a professional property management company is because a short-term rental's neighbors need some place they can call someone at 2 a.m. If the phone rings at 2 a.m. for a professional management company, they probably have a protocol for someone to answer it, while a landscaping company probably wouldn't respond until someone came in to work in the morning.

Mr. Gibson said this application is "not as fleshed out" as those of other short-term rentals that have come to the Board. He, too, doesn't want to turn it down, however, because the owners "could fix the issue fairly easily." If the ZBOA says "No," Mr. Stroud said, the applicants would have to wait a year to come back. Mr. Gibson said the problem the Board is having is that they can't talk to someone to get answers to their

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questions, which is the same problem the short-term rental's neighbors would have if the ZBOA approved this application.

Chairman Wood said proper property management is the most important part of a short-term rental, and they can require that. Mr. Gibson said if that's an open-ended question, and there are others, wouldn't it be better to talk to the applicant? Mr. Caron said that's why he recommended "postponing this" application. Mr. Stroud said the owner might not accept the Board's conditions, so he thinks they should make a motion for a continuance, and the applicant can say yes or no. Chairman Wood said he would like to keep the door open for this applicant: they plan to stay at this property themselves, and having it there is good for the neighborhood.

**Mr. Caron made a motion for a continuance, in order to give the homeowner a chance to address the issues that were discussed.** Ms. Anderson said if the homeowners can't come before the ZBOA in May, the application should be left open until they are able to appear. **Mr. Stroud seconded the motion. The motion passed unanimously.**

**808 Newcastle Street, Identified as District R120, Map 4, Parcel 378 – Variances**
Applicant: Corey Post, Salt Line Construction (ZB16-12)
*The applicant is requesting variances in order to build two accessory dwelling units and to have a garage that is larger than 50% of size of the primary dwelling.*

Ms. Anderson said this parcel is at Duke and Newcastle Streets. It is zoned General Residential District. The minimum lot area is 4000 square feet in this district, and this lot is almost 10,000 square feet. Until recently, it contained two structures that have both been demolished. The applicant desires to put three structures on the lot, which the Historic District Review Board (HDRB) has approved.

The primary structure will have about 1800 square feet of heated space, Ms. Anderson said. The accessory dwelling unit will have about 800 square feet of heated space. The garage will be used as an office (and could be considered an accessory dwelling unit), and will have 875 square feet of habitable space. The owner wants to build the accessory dwelling unit and the garage now, and the primary structure later, she said.

Because the UDO limits accessory dwelling units on a property to one, the applicant is applying for a variance to have two accessory dwelling units, Ms. Anderson said. The UDO also does not allow accessory units to be built before the primary structure, so the applicant is applying for a variance to construct the garage and accessory dwelling before constructing the primary dwelling. The final variance request is for the size of the garage, she said; the UDO limits garages' size to 50% of the primary structure's footprint, and the garage that is proposed is 55% of that footprint.

Ms. Anderson enumerated the findings the Board needs to make in order to approve this application:

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1. **Extraordinary and exceptional conditions:** Staff feels this finding could be made. The property is unusually deep – almost 400 feet. Looking at other lots on the block, “this is by far the deepest,” Ms. Anderson said. It’s difficult to make a plan that makes use of a deep interior lot. It’s also almost 10,000 square feet in area, which is twice the minimum size of lots in this neighborhood. Finally, until recently, there were two structures there, with a total of 4 dwelling units, according to the applicant. Ms. Anderson said she recalls the two structures that were on the lot, they were in poor condition, and having two dwelling units is unusual.

2. **Conditions as applied to other properties in the vicinity:** These conditions do not generally apply to other properties in the vicinity of this one, Ms. Anderson said.

3. **Conditions are not the result of the applicant’s own actions:** This is a new property owner, and they didn’t build the structures that were removed.

4. **Granting the variance would not conflict with Comprehensive Plan:** Staff believes they would not be in conflict, Ms. Anderson said. The Comprehensive Plan and Civic Master Plan encourage infill opportunities in the urban core.

5. **Unreasonable restriction on utilization of the property:** Staff feels this finding can be made, Ms. Anderson said. The draft development code is proposing that two accessory dwelling units be allowed per lot, so in 6 months, this variance might not be necessary. It also proposes allowing accessory dwellings to be built before the primary structure, she said, so prohibiting these things now could be considered an unreasonable restriction.

6. **Not a detriment to adjacent property and the public good:** Staff feels this finding can be made. The HDRB has given final approval to the project; they were aware of these issues and that the project was coming to the Zoning Board of Appeals, and they endorsed the ZBOA's granting of the variances.

Staff feels all the findings for a variance can be made, Ms. Anderson said, and recommends approval.

Mr. Stroud said it’s not “iron-clad” that these changes to the development code will be made. Ms. Anderson said the future can’t be predicted, but she knows what the hot-button issues are, and “timing” of the order in which buildings are built is not one that has drawn public comments. There *have* been comments about allowing two accessory dwelling units on a lot, but she said she doesn't know if there have been objections to that idea. She added that even if the code allows two accessory dwelling units, it doesn’t mean that they will be allowed on *every* property, because there has to be sufficient space on the lot for parking.

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The garage isn't 50% of the size of the primary structure, Ms. Anderson said; it's the garage *building* that is "huge." The "whole footprint" counts toward the 55%, she said. The garage building is 977 square feet, and half of that is habitable space/office. "The relevant number is the footprint," she said: anything under the roof of the main structure and of the garage.

Mr. Gibson asked what the 3-year time limit to build the primary structure means. Ms. Anderson said that is the property owner's intent. There's no enforcement mechanism, she said, so "I just couldn't endorse that." A building permit is good for 6 months, and it expires if nothing's done. Even sporadic work means it's still active.

Ms. Anderson said her "main issue" is ensuring that the accessory dwellings are sited properly in order to include the primary structure; she wants assurance "that it is all thought-out." Mr. Stroud asked how it would affect the ZBOA's decision if there were changes made to the structures. Ms. Anderson said, depending on the level of the change, it might go to staff, or go back to the HDRB (e.g., if the garage were changed to a 2-story building with an accessory apartment above it). Mr. Stroud said he's concerned about "a proposed change to the main structure, which hasn't been built yet," after the ZBOA has given its approval based on the application that is currently before it.

Chairman Wood asked if the permitting process will address plans for all three structures, or if the structures would be permitted "one at a time." Ms. Anderson said her "impression is that the permit is going to be for the two accessory structures." If the permit were "issued for all three, we wouldn't be here."

Ms. Anderson said the applicant *could* make changes to the primary structure, "but this lot is . . . narrow. It's only 50' wide." Mr. Stroud asked if the board would be "approving it as submitted." Ms. Anderson said the Board would not be "locking in a particular design" for the structure. She is most concerned with the garage elevation from the street, "because that's what you're going to see for an unknown period of time. . . . Is that OK?" she asked. Mr. Stroud said the Historic Review Board had "already approved that"; this Board isn't "here to talk about aesthetics." Ms. Anderson said she thinks they factor into this because the primary structure will not be built right away, so to her, the aesthetics of the garage façade are important. Mr. Stroud said the garage has already been approved. Ms. Anderson said that the ZBOA has "to look at the issue of timing," of the building's construction, so she thinks this is a relevant matter.

Mr. Stroud asked **Cory Post**, the applicant, how he can make staff and the Board comfortable that the primary structure will be built. Mr. Post said that the property owner is selling a large piece of property in New Mexico and will spend part of her time in Beaufort until that is sold. **Lauren Kelly** had proposed the three-year window, he said, because the HDRB had heard a similar request before, and that's the time limit that was determined. Mr. Post said he doesn't believe that the owner would spend this much money on this project and then not build the primary structure.

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Mr. Stroud said the markets go through cycles. Mr. Post said there's no way to make a guarantee, but "the plan is to pull a permit in 30 days." The homeowner "is spending a lot of money," he said, for the property, so "why would she only build these two small structures on it?"

Mr. Stroud asked if Mr. Post could "massage it" to make the garage 50% or less of the primary structure's footprint. Mr. Post said he doesn't disagree with staff that it should be smaller, but the garage's size has already been reduced. If the Board does not approve the variance on it at 55%, the homeowner would have two choices, one of which "would be to shrink it."

Mr. Caron said the Board has to make its decisions based on the current UDO, not on "what's coming down the pike." Chairman Wood said he agrees. Mr. Noll said he doesn't have a problem with the extra 5% on the garage's footprint. Chairman Wood said, "This is how I would want to do this project," including the order in which the structures are being built and the garage. He feels this project is "a big investment" to improve "an unusual lot." If the applicant "tweak(s) the primary structure down the road," they will have to go through the process of going to the HDRB again, then to the ZBOA for another variance. Chairman Wood said the applicant is building on this parcel in the way he would want to build if it were his property: so he could live on it while the primary structure was being built.

Mr. Gibson said the depth of the lot is unique, and "sticking strictly to the current UDO, there would be a lot of undeveloped space" – equal to two or three lots – adjacent to this one, which seems "unnecessarily restrictive to me." The matter of the garage's 55% footprint could be solved by "taking off the back covered walkway" to get to 50%. Mr. Gibson suggested taking it off for now and then putting it on "in a few years."

Mr. Stroud said he has no problem with two accessory dwelling units because it's an unusual lot, but he is "hung up on the 5% rule." He thinks the Board's role is to say, "minimize it or eliminate it." Its "job is to eliminate variance requests."

**Chairman Wood made a motion to approve the three variances, based on consideration of the criteria and staff's recommendation. Mr. Caron seconded the motion.** When individually polled, four of the board members stated that they were in favor of approving all three variances. Mr. Stroud said he supported approving two variances, but not the variance related to the 50% footprint rule for the garage. **The motion passed 4-1**.

Mr. Gibson said Mr. Stroud had sent him a handout about a previous ZBOA he'd worked with. Given the "intensity" at the last ZBOA meeting between an applicant and his neighbor, he and Mr. Stroud had considered the need to give more guidance to those who do not typically attend these meetings, so they'll feel "less overwhelmed." They've prepared "a brief introductory statement about who everyone is and why they're here."

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Mr. Gibson said he had edited what Mr. Stroud had sent him into a draft that he wanted to give to the Board. This is something that could be available to people when they pick up the agenda before the meeting. Part of it could be said aloud, Mr. Gibson suggested. Chairman Wood said Ms. Anderson could give it to applicants when they make their application.

Mr. Stroud said it's important for people to follow a protocol. Mr. Stroud proposed what could be said to the public at the beginning of the meeting. Ms. Anderson said if there's an argument or if "an applicant keeps jumping in . . . the chairman has to control the meeting."

Mr. Stroud said he feels an applicant should be able to respond to the public comment, and rebut it if (s)he wants to. Mr. Gibson said the Board should give applicants that option, but they "don't want to be redundant." Chairman Wood said the more information for the applicants, the better. He thinks this form should be given to the applicants "right up front" to educate them about the process.

Mr. Caron suggested adding that those attending should "put cell phones on mute." Ms. Anderson said the Board should be introduced as well as she and the stenographer. The applicants should get copies of this form, and she thinks it should be read, too, for the public. Mr. Caron said it could be put on the overhead projector. There was general agreement that this was a great idea.

Ms. Anderson said there would be a ZBOA meeting next month. She read aloud the members of the short-term rental task force who have been appointed. Their first meeting will be Thursday. Ms. Anderson said that she feels that the short-term rental task force does need to hear from this Board.

There being no further business to come before the Board, the meeting was adjourned at 7:31 p.m.

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