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A meeting of the Zoning Board of Appeals was held on **May 20, 2015 at 5:30 p.m.** in the City Hall Planning Conference Room, 1911 Boundary Street. In attendance were Chairman Brad Hill and board members Eric Powell, Don Starkey and Tim Wood, 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 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.

MINUTES

Mr. Starkey made a motion, second by Mr. Wood, to approve the minutes of the February 12, 2015 workshop as submitted. The motion passed unanimously.

Mr. Noll made a motion, second by Mr. Starkey, to approve the minutes of the March 30, 2015 workshop as submitted. The motion passed unanimously.

REVIEW OF PROJECTS

2316 WILSON DRIVE, IDENTIFIED AS DISTRICT R120, MAP 2, PARCEL 7 – VARIANCE

Applicant: Randall K. Sullivan (ZB15-13)

The applicant is requesting a variance in order to make a lot line adjustment.

Ms. Anderson said the property is a vacant lot in Pigeon Point zoned R-1 and requires a minimum lot width of 100' from the 30' setback. It adjoins Parcel 417 to the north. A single-family dwelling was on the properties and crossed the lines of both. The applicant wants to move the lot line between them as part of an estate settlement. Parcel 7, after the adjustment, will be 14,500 square feet; Parcel 417 will be a little more than 15,000 square feet, which exceeds minimum lot requirements. Parcel 7 is 120' wide, but Parcel 417 is 80' wide currently and non-conforming because the minimum is 100'. A large tree on Parcel 417 reduces its buildable area. They would like to make the parcel larger and wider to make it easier to work around the tree. Parcel 417 would be wider and larger, and the non-conformity is eliminated; it will have 110' lot width. Parcel 7, though, will be narrowed to 91' width, so it will be non-conforming. Parcel 7 needs a variance to permit the lot line adjustment. Letters were sent, property posted, and notice made, and no public comment received.

Ms. Anderson enumerated the variance findings:

1. **Extraordinary and exceptional conditions:** Staff feels this finding can be made. It is very unusual to have a single-family dwelling built over lot lines as this was, and now the parcels are being conveyed to two owners. Additionally, the lot

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with narrower width is also burdened with the large tree, which is also an unusual circumstance.

2. **Conditions as applied to other properties in the vicinity:** These conditions don't apply to other properties, Ms. Anderson said, as the house over the lot line is highly unusual.
3. **Conditions are not the result of the applicant's own actions:** The current applicant did not plat the lots or build the dwelling that had been on the lot.
4. **Granting the variance would not conflict with the Comprehensive Plan:** There are no conflicts with the ordinances or the Civic Master Plan, which encourages compatible infill development
5. **Unreasonable restriction on utilization of the property:** Staff feels this finding could be made. Parcel 417 is smaller and narrower and has a large tree, so not moving the lot line – which would provide better, buildable lots – would be unreasonable. The non-conformity on Parcel 417 is 20', and with the adjustment, it's only 9-10' on other lot.
6. **Not a detriment to adjacent property and the public good:** Staff believes it would not be a detriment.

Staff believes this application meets all findings and recommends approval, Ms. Anderson said. Chairman Hill asked if the applicant could show the tree on the survey. He also asked if, on Parcel 7, there was an easement for the storm drain. Ms. Anderson said she and **Lamar Taylor** had looked at the drain to see about moving it, and it's possible, but "it would be extremely expensive." The survey indicates no platted easement. Ms. Anderson said the house is now gone, and the survey was done before that.

Mr. Starkey asked what type of tree it is and if it is a grand tree. Ms. Anderson said the owner might know the species. Whether or not a tree is a "grand tree" depends on diameter, and it probably is large enough to qualify, "below the split." A grand tree is just 24".

Andy Sullivan said the house was built in between the lots because the same people owned them all. Two were deeded to a sister and brother-in-law; this left the house within lot for Parcel 7, and they needed to revise this because of the will.

Mr. Sullivan said the tree is a Live Oak, and it is about 3' around. It was one of the driving factors in doing this. "This part of Wilson Drive has a very bad water problem," he said. The drain "doesn't do what it's supposed to." They could determine no easement, just an "agreement made years ago." It would help the whole neighborhood by draining better if it were moved.

Mr. Powell said that the tree should be designated as a grand tree so that it's protected when the lot is sold. Chairman Hill said he has a problem with the drainage going through the property and an attorney might, too, but if there's no legal platted

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easement, it's a moot point. Chairman Hill said it may come out in a title search, and he warned that the easement might be 20', and they'll lose 10' of buildable area.

Mr. Powell made a motion to approve the lot line adjustment for Parcel 7 with an adjustment to the plat showing the location of the grand tree, so it will be protected. Mr. Starkey seconded. The motion passed unanimously.

2413 OAK HAVEN STREET, IDENTIFIED AS DISTRICT R120, MAP 5, PARCEL 276 – SPECIAL EXCEPTION

Applicant: Burchie and Barbara Thompson (ZB15-14)

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

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This is in the Royal Pines neighborhood of the city. Ms. Anderson showed the location of the property on an overhead. It's R-2 medium-density single-family district. Short-term rentals are permitted in this neighborhood. The applicants, who are the property owners, live out of town and have hired Beaufort Rentals to manage the property. The rental agreement is for a minimum of three nights, which is more than the city requires. The agreement also states that there is a limit of three cars, and the driveway has adequate space for three vehicles. The agreement prohibits on-street parking.

Three public comments have been received, Ms. Anderson said. One was in the packet given to the Board, and the other two were emailed to them.

Ms. Anderson presented the staff's opinions on the special exception criteria:

1. **Proposed use is compatible with existing uses in the surrounding area:** A short-term rental shouldn't change the single-family character or use, Ms. Anderson said. It's in a good location, less than two blocks from the Spanish Moss Trail. It is also close to Ribaut Road, a major commercial arterial, and to a collector (Battery Creek Road).
2. **Proposed changes are harmonious with the character of area:** No changes are proposed to the property as a short-term rental.
3. **Impact on public infrastructure:** The proposed use is unlikely to have a greater impact than if it were a long-term rental, Ms. Anderson said.
4. **Compatible with Comprehensive Plan and the Civic Master Plan:** Plans for this use of the property are in conformity with the Civic Master Plan and the Comprehensive Plan.
5. **Impact on public health and safety:** Little impact is expected, Ms. Anderson said, because of the applicants are hiring a professional management company (Beaufort Rentals).
6. **Potential creation of nuisances:** Professional management and a monitored fire alarm are required, so nuisances are unlikely.

Staff feels that the findings can be made that this will not have a significant negative impact, Ms. Anderson said, and recommends approval.

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Burchie Thompson, one of the applicants, said that she had rented through Beaufort Rentals and through VRBO and had good experiences. They don't intend to change anything. No pets will be allowed, **Barbara Thompson** said, though the property has a fenced-in yard. She added that they've done a lot of work on the inside of the house.

Ms. Anderson added that it's a residential neighborhood, but there's a day care facility at the end of the street, so it's primarily single-family homes, "but there's some mixed activity there."

Mr. Wood said he's always torn about short-term rentals when people in the neighborhood are against them, but the common complaint from the objectors is that they feel like their neighborhood will be turned into a commercial district; Mr. Wood continued that he doesn't feel that's what happens, and feels they only have that concern because they don't understand the variance. If he didn't want a short-term rental in *his* neighborhood, he would hope his objection would carry some weight, but he also believes that the short-term rentals are better than long-term rentals. As long as the neighbors have contact numbers, in case they have problems with things going on at a short-term rental, Mr. Wood said he can approve the applications.

Mr. Noll agreed and said there have been no problems with the short-term rental that is next to his home, but in his neighborhood, a long-term rental is the worst-looking house in the area.

Mr. Starkey said he has seen a lot of "What if . . . (traffic, parties, nuisances)?" concerns raised about potential problems in the letters from those who oppose short-term rentals, not just for this application, and the Board has come up with a way of dealing with that: with the probation period. Mr. Powell said these kinds of concerns come up with every short-term rental application, sometimes from people who don't know the facts about the ordinance.

Mr. Wood said he likes the probation period, so that those who are against a short-term rental can see that the Zoning Board of Appeals is hearing their concerns and helping them adjust to it. If they didn't have that, the Board would probably just approve the short-term rental in spite of the objections, and this way, the Board is helping the neighbors who object to it to understand what they don't yet know is likely to be the case, so this probationary period can ease their concerns.

Chairman Hill said the objections the Board had received were from residences very close to the applicants', and he feels like those neighbors have to be honored.

Mr. Powell asked if the comment about the day care center was "a warning." Ms. Anderson said it's somewhat unusual in this kind of neighborhood, and was grandfathered in, so her point was that this street gets more traffic than usual.

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Ms. Thompson said in the renter contract, there's "a noise provision for keeping the deposit, which is lost if the neighbors complain," so they could let neighbors know about that.

Mr. Powell made a motion to approve the special exception application with the one-year probation period, during which, if there are three complaints to the police, the special exception can be removed. Mr. Noll seconded. The motion passed 4-1, Chairman Hill opposed.

RULES OF PROCEDURE NEXT MONTH

Mr. Starkey said all but one of the Board members' terms will expire in a month (on June 30). Ms. Anderson said there are term limits, so she will check on who can continue to serve and who must step off the Board. She asked those who must step off to continue to serve until someone else is brought in to replace them. They can serve more than 6 years, she said, depending on when they were appointed.

There being no further business to come before the Board, the meeting was adjourned at 6:19 p.m.

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