

MINUTES
CITY OF BEAUFORT
ZONING BOARD OF APPEALS

July 28, 2014, 5:30 P.M.

City Hall Planning Room, First Floor – 1911 Boundary Street
Beaufort, South Carolina

STATEMENT OF MEDIA NOTIFICATION: “In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media were duly notified of the time, date, place, and agenda of this meeting.”

Members Present

Brad Hill, Chairman
Don Starkey
Joe Noll
Eric Powell

Members Absent

Tim Wood

Staff Present

Libby Anderson, Planning Director

FREEDOM OF INFORMATION ACT COMPLIANCE

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

Chairman Hill called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

Mr. Starkey made a motion, second by Mr. Noll, to approve the minutes of the June 30, 2014 meeting as submitted. The motion passed unanimously.

RECONSIDERATION OF CONDITIONS FOR APPROVAL OF OUTSIDE MENU BOARD FOR STARBUCKS PROJECT

At the June meeting, Ms. Anderson said, the ZBOA approved the menu board for a specific place in the queue – at space #3 – and gave the applicant an option for a pre-order board at space #5. The applicant shared the information with Starbucks, and “this isn’t desirable or workable for them,” so the applicant is requesting that the Zoning Board of Appeals (ZBOA) reconsider its decision and allow the developer to place the board at space #5. Ms. Anderson explained the procedure to reconsider. **Mr. Starkey made a motion to hear the applicant, second by Mr. Noll. The motion passed unanimously.**

Courtney Worrell said Starbucks had concerns, and they have drive-thru design standards. She shared information that was not confidential. All of Starbucks orders are custom made, so it

takes 3-5 minutes per car, so once the order is placed, they want a minimum of 5 cars from the menu board to the window. 5-car stacking is optimum. They would like the menu board in the fifth position, Ms. Worrell said, and it will be appropriately screened, so it's not visible from Boundary Street.

Chairman Hill asked about screening, and Ms. Worrell showed a plan for a living fence. The fence is 6', and the menu board is shorter. Chairman Hill said he has no issues with it. Mr. Starkey said that while you're waiting through a back up, "there's only one car space until you're behind the order board." Mr. Starkey said "there's no order queue now." He thinks there's a compromise to be reached; in their proprietary information, he pointed out, Starbucks says it "will accept 4 cars with a preview board for 3 cars"; Ms. Worrell said that's not possible in this location. The way their drive-thru works, Ms. Worrell said, they can't have a preview board with this small of a lane.

If the lanes backed up to a sixth and seventh car, the Board discussed what would be blocked. Ms. Worrell said Starbucks engineers have gone through the site plan and are comfortable that there would be no significant blocking. Mr. Powell asked if Starbucks is comfortable with the level of traffic they will have when the store first opens, and Ms. Worrell said yes.

Mr. Starkey asked who owns the property and Ms. Worrell said Town Center, LLC owns it. Chairman Hill said he doesn't see huge issues. Ms. Worrell said Starbucks wants it to work. They have "a drive-thru mission statement" and don't want their customers to have a bad experience, so they are comfortable with this.

Mr. Starkey said, "As long as 303 Associates will take the heat if the traffic backs up into the parking lot," he's fine with it; "it's their problem." Chairman Hill said they will only be blocking 4 angled spaces, so people parked there can still back out and leave, and anyone coming in has other parking alternatives.

Mr. Powell made a motion to approve the request for the sign at the fifth space, and Mr. Noll seconded the motion. The motion passed 3-1, Mr. Starkey opposed.

REVIEW OF PROJECTS

2108 Wilson Drive, Identified as District R120, Tax Map 2, Parcel 46

Variance

Applicant: Patricia Denkler (ZB14-14)

The applicant is requesting a variance in order to build a garage.

Ms. Anderson said this is in the Pigeon Point neighborhood. It's zoned R-1, Single Family Residential. The minimum front yard setback is 30'. There's a single-family residence on the property; it ranges from 45' from the front property line to 60' at its most distant point. The applicant wants to construct a 2-car garage on an existing slab. Ms. Anderson detailed the dimensions, including a covered porch, for a total of 540 square feet. It will be side-loaded. It's

on the water, so the garage on the front of the house is acceptable, but it still must comply with the setbacks.

The applicants have requested a setback variance for the front. On the lot, it's not possible to have a 2-car garage and meet the setback, and maybe not even a one-car garage, Ms. Anderson said. An existing row of shrubs screens the garage area from the street. She showed the concrete pad and the screening in a photo. Public notice was made, and they received one comment, which was in the packet.

Ms. Anderson enumerated the variance findings:

1. **Extraordinary and exceptional conditions:** Ms. Anderson said the finding can be met; it's on the water, the dwelling is close to the street, and the existing parking pad is in the 30' setback area.
2. **Conditions as applied to other properties in the vicinity:** Staff agrees.
3. **Conditions are not the result of the applicant's own actions:** Staff agrees.
4. **Granting the variance would not conflict with Comprehensive Plan:** Ms. Anderson said this could be met: the Comprehensive Plan encourages reinvestment in existing neighborhoods.
5. **Unreasonable restriction on utilization of the property:** Staff believes it might be unreasonable not to allow a small 2-car garage development, and it will be high-quality, have appropriate materials and orientation, and screened. Other garages in the neighborhood are close to the street.
6. **Not a detriment to adjacent property and the public good:** Staff feels this finding can be made for the previous reasons. The design is attractive, it uses appropriate materials, and it's partially screened from the street.

Staff recommends approval on the condition that the screening shrubs are retained, and if they're damaged during construction, that they will be replanted.

Mr. Powell asked if the setback is 12' for the front. Ms. Anderson said the side setback is met; the request is just for the front setback; it's a 10' variance request to be located 20' from the front property line. **Mike Harris**, representing **Patricia Denkler**, said if it is moved further back, it would prohibit drainage. Mr. Starkey asked if the construction is the same as the house. Mr. Harris said it's exactly the same as the house in terms of materials, etc. There was no public comment.

Mr. Powell said it's "a nice-looking project." Mr. Noll said he's "pleased with it," and there were no negative public comments. Chairman Hill agreed. Mr. Starkey said it's better than having the cars parked on a pad. **Mr. Powell made a motion to approve the variance application. Mr. Starkey seconded. The motion passed unanimously.**

915 Lafayette Street, Identified as District R120, Tax Map 2, Parcel 130

Special Exception

Applicant: Tina and Bryon Horner (ZB14-15)

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

Ms. Anderson said there might have been miscommunication between staff and the applicant. The pre-application conference was done by phone, so the applicant may have thought that that was the same thing as this meeting, which is why they weren't present. The Board has the application materials, so they could proceed with the application, but the applicants, **Tina and Bryon Horner**, aren't here to clarify anything, or the Board could defer the application until the August meeting. Chairman Hill asked if the Board could legally hear it without the Horners present, and Ms. Anderson said yes, but she can't answer all of the questions if the Board has them.

Ms. Anderson said there was a comment in opposition, and there might be public here to speak. There was no one present to speak. Chairman Hill said Ms. Anderson should make her presentation, and if there were issues, they would table the matter.

Ms. Anderson said it's a single-family dwelling in the Pigeon Point neighborhood. The Horners are the property owners, and they want to rent it as a short-term rental. The applicant provided a draft rental agreement, which includes a minimum 2-night stay, only 2 vehicles are allowed, and they must be parked in the driveway. The applicants said a maid service will clean the unit, and a neighbor will do lawn care and take the garbage cart in and out.

Staff on special exception criteria:

1. **Proposed use is compatible with existing uses in the surrounding area:** Ms. Anderson said this is a residential neighborhood and showed its location and access to services, downtown, and the park.
2. **Proposed changes are harmonious with character of area:** There are no changes proposed to the building or site.
3. **Impact on public infrastructure:** Ms. Anderson said staff feels that use as a short-term rental should have no more impact than would the use as a long-term rental.
4. **Compatible with the Comprehensive Plan and the Civic Master Plan:** Ms. Anderson said that short-term rentals attract more activity to the city's neighborhoods and market the community to future residents.
5. **Impact on public health and safety:** This should have little to no impact, and it will require a monitored fire alarm.
6. **Potential creation of nuisances:** Staff feels there's little potential for this, especially if the monitored fire alarm is installed.

Staff recommends approval with the condition of the monitored fire alarm. Mr. Starkey asked who would monitor this property's renters. The contact number has a 423 area code, and Ms. Anderson said she feels like it's a neighbor who has been caring for the property in the

residents' absence, because they live in Tennessee. Mr. Starkey said the Board should say that in order for the Board to give approval, the owners must have a local contact in case of an emergency.

Mr. Noll said their neighbors sold their house to a short-term rental specialist, and "it has never looked so good," because that's important to rent it; the property "has to be refreshed for a short-term rental," so he thinks this is a good idea and feels it wouldn't be an issue for the neighborhood: "It would be good for it." Mr. Powell said he sees no negative impact. Mr. Starkey said he doesn't either, but he wants to ensure that they have a local contact.

Mr. Starkey made a motion to approve the application for short-term rental on 915 Lafayette Street with the added note that a local contact must be established (who can be reached within 10-15 minutes) and maintained during the period of the short-term rental agreement. Mr. Powell seconded the motion. The motion passed unanimously.

90 Laurel Bay Road, Identified as District R120, Tax Map 25, Parcel 22C

Variance

Applicant: Dr. A.G. Burris (ZB14-16)

The applicant is requesting a variance in order to repair an existing storage facility and build a new storage facility.

The property is at the corner of Laurel Bay and Stanley Farm Roads, Ms. Anderson said. It faces Laurel Bay Road but is separated from it by a frontage road that dead ends at the east edge of the property. It varies in depth from 175' to a little over 30' at the east edge of the existing building on the site. There's an SCE&G easement, too. This parcel adjoins property owned by the Air Station. This property is located in the AICUZ (in both the noise and the accident potential zones). It's zoned Limited Industrial District. The minimum front yard setback is 25', side yard is 10', and rear yard is 35'.

A dilapidated storage facility is located on this site. It has been vacant for many years, and the building is somewhat non-conforming for setbacks. Ms. Anderson said the applicant wants to build a new storage facility. It would be 8' from the rear property line, so it needs a variance. The applicant wants to install a 6' fence and the variance is for that height; the ordinance limits it to 4' along the street, and needs a 6' fence on 2 frontages. A parking area is proposed for cars, boats, and recreational vehicles. This is permitted if a minimum 7' opaque screen screens it. Public notice was made. One comment was received and forwarded via email to the Board.

Ms. Anderson enumerated the variance findings:

1. **Extraordinary and exceptional conditions:** Ms. Anderson said this applicant has met these criteria like none she has seen in 16 years. "It's the perfect example of a site that requires a variance," she said.
2. **Conditions as applied to other properties in the vicinity:** Staff agrees.
3. **Conditions are not the result of the applicant's own actions:** Staff agrees.

4. **Granting the variance would not conflict with Comprehensive Plan:** The Comprehensive Plan encourages redevelopment of existing sites and cleaning up those that have not had proper maintenance over the years, Ms. Anderson said.
5. **Unreasonable restriction on utilization of the property:** It is unreasonable to prohibit additional development and investment when half this property is currently vacant.
6. **Not a detriment to adjacent property and the public good:** The air station owes the adjoining property, so no other uses will be there except agriculture or timber, Ms. Anderson said. There are other uses on Laurel Bay Road, though, and this will greatly improve the appearance of the area.

Staff recommends approval with conditions:

- The 6' fence on Laurel Bay Road should be a black aluminum picket; the fence on Stanley Road be black or Charleston green vinyl coated ;
- No barbed wire on the street frontages; and
- Along Laurel Bay Road to screen the parking area, landscaping could be used instead, so staff suggested 8' crepe myrtles planted 10' along the fence; they should be protected by wheel stops and be mulched. On the Stanley Farm side of the road, they recommended crepe myrtles, too, with irrigation.

Ms. Anderson said additional landscaping would be required as part of the ordinance, but this is relevant to the variance.

Mr. Noll asked if it would be a gravel parking lot, and Ms. Anderson said the applicant could speak to that. Mr. Starkey said she mentioned wheel stops for vehicles, and he said wheel stops might not protect the trees from RVs, etc. He's not sure they would work.

Skeet Burris, the applicant, said the government bought the property across the highway, so "there's no residential, commercial or otherwise" around him. The family they got the comment from has a 6' chain link fence that he would match. In regard to the wheel stops, he said Mr. Starkey is correct, so they will have a way to delineate the end of the parking areas. They are working on "a flexible marker of some kind to give a visual stop point." The managers show people exactly where the space is, so that will be their responsibility.

Chairman Hill asked how long the spaces are rented for; Dr. Burris said "usually for a month at a time." The vehicles need to be operable, because if people don't pay for storage, the business has to be able to get them off the property. Chairman Hill said every boat with an engine will have a different length, so on the initial drop-off, the manager could help them back in, have a portable wheel stop, and place it then. Dr. Burris said they "want something that won't get torn up," and that might work.

Mr. Noll asked if the parking was for stored vehicles. Dr. Burris said it was for parking as customers go into their storage space units.

The gate is a plantation-type, decorative gate, Dr. Burris said. It's automatic. Chairman Hill said he sees an issue with stacking. Where the gate is, if he's pulling a boat and the gate's closed, the boat's sticking in the road. Dr. Burris said it's a private frontage road and only serves this property. It's parallel to Laurel Bay Road and is like their driveway.

Mr. Starkey asked if Dr. Burris had any comments on the staff's recommendations. Dr. Burris said they have been meeting with staff, and are good with all the recommendations from staff. There was no public comment.

Mr. Noll said this is a good project, he feels. Chairman Hill said he agreed, especially with the staff recommendations. Mr. Starkey said it's a good project, and he sees no reason why the rear property variance is any problem, since it backs into the air station. Mr. Powell said he agreed. **Mr. Powell made a motion to approve the applicant's request for variances, incorporating staff's recommendations and with the understanding that the applicant will handle the wheel stop situation. Mr. Starkey seconded the motion. The motion passed unanimously.**

There being no further business to come before the Board, Chairman Hill adjourned the meeting at 6:28 p.m.