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A special meeting of the Zoning Board of Appeals was held on **August 4, 2015 at 5:30 p.m.** City Hall Council Chambers Room, 1911 Boundary Street. In attendance were Chairman Brad Hill, board members Tim Wood and Joe Noll, and Libby Anderson, planning director. Don Starkey was absent.

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

### **CALL TO ORDER**

Chairman Hill called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance. He read the notice of compliance with the Freedom of Information Act requirements.

Approval of the June 22, 2015 minutes was deferred until the next meeting because they had not been made available to the board.

### **REVIEW OF PROJECTS**

#### **306 Cottage Farm Drive, Identified as District R120, Map 5, Parcel 288**

Garage Variance

Applicant: Thompson Builders (ZB15-16)

*The applicant is requesting a variance for the location of a garage.*

Ms. Anderson said this property is currently undeveloped, and the applicant wants to build a single family dwelling with an attached garage. Per the ordinance, the garage is not to be on the front of the house, so the applicant is requesting a variance to allow a front-facing garage to be developed. It projects 22'. The Cottage Farms Architectural Control Committee has approved the garage. The applicant provided photos of front-facing garages. Ms. Anderson described some of the garages in Cottage Farms. Given the proposed house design and the lot width, unless there's a complete redesign for a side-facing garage door, there's not enough room in this situation.

The property was posted and other public notification was made, and no public comments were received.

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

1. **Extraordinary and exceptional conditions:** This finding could be able to be met, Ms. Anderson said, as this lot is one of the last undeveloped lots in the Cottage Farms neighborhood. There are a variety of these front-loading garage designs in the neighborhood from pre-ordinance construction, including this applicant's particular design.
2. **Conditions as applied to other properties in the vicinity:** This does not apply to other properties in vicinity, she said because the other properties are already developed.

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3. **Conditions are not the result of the applicant's own actions:** These conditions are not due to the actions of the applicant, Ms. Anderson said.
4. **Granting the variance would not conflict with Comprehensive Plan:** This type of garage is not unusual for this neighborhood.
5. **The ordinance presents an unreasonable restriction on the utilization of the property:** Ms. Anderson said this is an unreasonable restriction. Staff feels this finding could be made because there are a variety of garage types in this neighborhood, including this design.
6. **Not a detriment to adjacent property and the public good:** This finding could be made, Ms. Anderson said; it would not be a detriment because others like it exist.

**Corey Post**, the applicant, said he had counted 53 houses in the neighborhood that have this kind of garage or a side-loading garage.

A member of the public asked what the variance request was for, and Chairman Hill described it for her.

Mr. Wood said the architectural review board for Cottage Farms has approved it, and it's in keeping with so many of the houses there. "This is a new ordinance for us," he added, so many houses with front-loading garages were built prior to its implementation. He feels that side garage doors are more appealing, but he sees "no problem at all" with this one, and their board has approved it.

Mr. Noll agreed and said he doesn't like the looks of these kinds of garages, either, but there is a variety of types of garages in Cottage Farms, and the architectural review board has approved it, so he has no problem with it, either. Chairman Hill agreed. **Mr. Wood made a motion to approve the variance "as written and described by Libby Anderson." Mr. Noll seconded. The motion passed unanimously.**

### **1002 Wilmington Street, Identified as District R120, Map 4, Parcel 137**

Special Exception

Applicant: Greta Maddox (ZB15-17)

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

This is a request for a special exception for a short-term rental, Ms. Anderson said. The zoning is General Residential, and the property owner desires to rent this house on a short-term basis, which is permitted in the General Residential district by special exception. The owner has hired Seaside Getaways to manage the short-term rentals. The rental agreement limits vehicles to two and the number of guests to four. There is adequate on-site parking. It needs to be made clear that vehicles need to park in the driveway, not on the street, Ms. Anderson said. All public notice was made as required.

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

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1. **Proposed use is compatible with existing uses in the surrounding area:** Ms. Anderson said this is compatible with existing units: it's in the Northwest Quadrant, a residential neighborhood. The property is close to the downtown core, is a block and a half from Boundary Street, and is close to Bladen, a collector street.
2. **Proposed changes are harmonious with the character of area:** No changes are proposed.
3. **Impact on public infrastructure:** Ms. Anderson said the proposed use is not likely to have any greater impact on public infrastructure than a long-term rental would have.
4. **Compatible with Comprehensive Plan and the Civic Master Plan:** Yes, she said, this is "generally conforming" with plans.
5. **Impact on public health and safety:** There will be little impact since the property's managed professionally, and the owner lives locally.
6. **Potential creation of nuisances:** There is little potential to create nuisances: no more than a long-term rental and maybe less because of the professional management and greater scrutiny given to short-term rentals.

Staff recommends approval with two conditions, Ms. Anderson said: a monitored fire alarm must be installed, and the agreement must be revised to say that vehicles are to park in the driveway, not on the street.

**Greta Maddox**, Seaside Getaways, said she had talked to the neighbors, and "they are alright with it." She said the owner and Seaside Getaways "are going to try to be more upscale."

Mr. Wood said if it's not a detriment to the neighborhood, he feels it should be approved. Though he has some concerns about the proliferation of short-term rentals, "if anything, they probably help" a neighborhood. It doesn't create commercialism in the neighborhood, he added. Mr. Noll said the short-term rental next to his home is continuously rented, and they have been quiet and "not a problem." He wished Ms. Maddox well.

**Mr. Wood made a motion to grant the variance based on Ms. Anderson's recommendation and conditions, including for the provision for two-car parking. Mr. Noll seconded. The motion passed unanimously.**

**James Simmons** said he lives across from the Cottage Farms house under discussion earlier, and he asked that the board be aware that "those kinds of garages need to be kept clean . . . so as not to be unsightly." Chairman Hill said there's nothing that the Zoning Board of Appeals can do about that. Mr. Wood told Mr. Simmons that the architectural review board had approved it. He feels the neighborhood watch can keep an eye out for that.

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There being no further business to come before the board, the meeting was adjourned at 5:54 p.m.

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