#

A special meeting of the Zoning Board of Appeals was held on **February 12, 2015 at 5:30 p.m.** in the City Hall Planning Conference Room, 1911 Boundary Street. In attendance were Chairman Brad Hill, board members Don Starkey, Joe Noll, and Tim Wood, and Libby Anderson, planning director. Eric Powell 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.

REVIEW OF CURRENT SHORT TERM RENTAL ORDINANCE

Ms. Anderson said that if the unit is in a residentially zoned area, and the owner doesn't live on the premises, those types of applicants have to come to the Zoning Board of Appeals. If it's in a commercial zoning district, the use is conditional and is approved at the staff level. Short-term rentals are not permitted in The Point. Short-term rentals are permitted everywhere else in the city limits. A two-night stay is a minimum. All units permitted under the ordinance are required to have a monitored fire alarm and an annual safety inspection before the business license is approved.

Ms. Anderson said the major change proposed is about management, and it's only in new units in residential zones when the resident lives outside the area. All existing units are grandfathered. The purpose of the change is to strongly encourage that short-term rentals in residential neighborhoods be managed by a professional management company. It's come up because they are the most appropriate people to be responsible for the property. Also, Ms. Anderson said, staff is proposing having "a little how-to sheet" for potential short-term rental owners.

PROPOSED CHANGES TO SHORT TERM RENTAL ORDINANCE

Ms. Anderson reviewed the changes to the current ordinance:

- If you have formalized on-street parking, you don't have to have a driveway. There just has to be parking.
- Unless the Zoning Board of Appeals approves it, a professional property management firm shall be required to manage new short-term rentals in residential districts where the property owner lives outside Beaufort County.
- No on-site signage is permitted, but only in residential districts.
- The safety inspection will no longer be required.
- The fire alarm is required, so staff feels it should be in the zoning ordinance.
- All businesses providing services to the short-term rental need to have a City of Beaufort business license.

#

Ms. Anderson said staff is tracking the short-term rentals in residential neighborhoods, and she reviewed them as well as those in accessory dwelling units.

BOARD CONCERNS WITH CURRENT ORDINANCE – MANAGEMENT PLAN, CLUSTERING OF UNITS

Mr. Starkey said, in regard to the person responsible attending the Zoning Board of Appeals meeting about their application, in one place in the ordinance, it said they did have to attend, and in another, it said they didn't. Ms. Anderson said she would discuss that later in the "changes to the rules of procedure."

There was no concern expressed about the formalized on-street parking (can't be on an unpaved shoulder) within the block face. Mr. Wood said they always address parking when they talk to applicants, but "it's a very difficult thing to enforce." People who are opposed to a short-term rental variance are often concerned about the parking situation. Ms. Anderson said they have been putting on that all cars have to be parked in the driveway. The owner has to have it *and* have their guests use it.

Mr. Starkey said standard neighborhood parking rules should apply to these short-term rentals. Ms. Anderson said there's no limit on the amount of parking, but there has to be room for two cars, though they can be stacked, one behind the other. Mr. Starkey said if people don't have two spaces, but they have adequate parking on the street, he would like to see the applicant put together a total plan that addresses each of these things. The board is giving a special exception, and if the applicants say they have a space in front of the garage and adequate parking on the street in front, the board can approve it or not. He would like to see the applicant have it all in a written description. He would like to see it as a binding agreement. Chairman Hill suggested saying, "This is your requirement," and "part of the application process is that you show these things." Mr. Starkey said these questions come up from the board, and it's in the minutes, but he thinks it would be nice to have one or two pages that show the owners' plan for doing business in a residential area. He said it would show what the residents' plan to do so as not to affect the residential area around their business.

Ms. Anderson said she could modify the plan for the commercial zones to make it fit the residential zones, and then the owner could have a checklist of the requirements.

PUBLIC COMMENT

Brenda Hood said she'd caution the board not to approve not having on-site parking, because if an applicant can't accommodate parking on-site, it might not be a good location for a short-term rental. She said there's a large house on North Street that has no on-site parking, and it sleeps 12, so there are many cars there. Chairman Hill said any informal on-street parking is unacceptable, so they would have to ensure that it is formalized. **Stephen Murray** said on Duke Street, curbs and gutters were put in, so people can't park in their yards. He supports formalized on-street or on-site parking, as long as there is permanent parking for the house. **Chuck Symes** said that the short-term

rental Mrs. Hood was talking about rents three parking spaces behind the former Boombears. Ms. Anderson said it's also zoned General Commercial. Chairman Hill said that when people applied, they could be required to show a contract like that, if they are renting parking spaces. If they didn't want to rent parking spaces, he asked, and didn't have adequate parking, would they yank the agreement to allow a short-term rental?

Mr. Starkey said he didn't see in the agreement that there are a certain number of parking spaces required for a building or a home. There's nowhere in any document that says a 1-bedroom requires this many spaces and an 8-bedroom will require more. Ms. Anderson said they had limited a short-term rental to having two vehicles because there was no formalized on-street parking. She said the general rule is one space per bedroom. Mr. Starkey said the applicant could tell the board how many spaces they will have.

Mr. Symes asked, when a parking space is in the DOT right-of-way, can it be a parking space for a short-term rental? Chairman Hill said if it's formalized for the general public, it could be a space for the short-term rental. Mr. Noll asked about parking at a church lot – would that count as formalized on-street parking? Ms. Anderson said it needs to have had surface put down; a grass shoulder is not formalized on-street parking. Chairman Hill asked if the homeowner can create the space, or if it has to be designated as formalized by the city (e.g., the owner puts gravel on the shoulder). Ms. Anderson said they would have to look at that on a case-by-case basis. Ms. Anderson said the DOT "could say it's illegal, and the shoulder has to be reinstated" if it's obtained without permission, and then the homeowner would be left with no parking at all.

PROPOSED CHANGES TO RULES OF PROCEDURE

Item D. Professional property management firm – Chairman Hill said he takes issue with this because of the cost, and he thinks short-term rentals will police themselves. It would behoove any of the owners to manage their rental, remotely or not. He feels like involving a property management company might not be needed. Mr. Starkey said maybe it doesn't need to be a professional management company, but someone in the area who is designated as the go-to person. Chairman Hill said every short-term rental should have a packet that says, "If you have plumbing problems, call ___," etc. Renters should also have the name of the management if they need to be called. Mr. Starkey said if a dog is barking, they need a local person, so they could get over there and handle it. Mr. Starkey said there's a manager on duty at a hotel. It doesn't have to be a professional company, but someone who can take the neighborhood's calls and concerns.

Mr. Wood said he's on the fence about it, but he'd like to hear from the public. Mrs. Hood said she agrees that it's important that the owner have a list of contacts that will respond to various problems. It should be formalized. Chairman Hill said it could be something that staff comes up with. **Donnie Beer** said that across the street from her,

neighbors who lived in Ohio had her look after the people on their property if they needed anything or had a problem.

Ms. Anderson said she likes the idea of a form for the contacts. At an earlier meeting, they had said they would like a form to give to the neighbors. Chairman Hill said there was board agreement that this item should be scratched.

E. Chairman Hill asked about signs with a house's name on them, and Ms. Anderson said no, this is prohibiting an advertisement for the short-term rental, like a For Rent sign. Mrs. Hood said a house name would be fine, but in a residential neighborhood, you don't want every other house having a sign hanging off it. Mr. Starkey said if they are going to have signs, they have to submit it with the application/list that the applicant will show. Mr. Symes said many of the historic houses have names on them. Mr. Noll said that's acceptable.

F. No unattended pets – Chairman Hill said most short-term rentals don't allow pets. Mr. Starkey said, also, the city has leash laws. Ms. Anderson said that pets have to be kept under control. Mr. Starkey said it could be in the renter information sheet that pets must be kept on a leash. Or corralled in a fenced area, Chairman Hill added, and that the owners shouldn't leave the pet out for 8 hours.

G. Suggests they scratch the annual safety inspection, Ms. Anderson said.

H. Monitored fire alarm system – Chairman Hill said it's code, so there's no discussion. Ms. Anderson said she would like to discuss if it should stay on the short-list, so that people would know about it up front. If there were problems, Mr. Starkey said, it would be better to say, "It's part of our code." Ms. Beer said she agrees with that.

J. Businesses providing services required to have a City of Beaufort business license – Mrs. Hood asked about neighborhood teenagers who cut the grass. Ms. Anderson said a teen cutting the grass is fine, but if they buy a truck with a big riding mower on it, that's a business, and they need to have a license.

K. Approval of use goes with the owner – Mr. Starkey said it should not have to come back to the Zoning Board of Appeals if it's been approved, and if Ms. Anderson thinks its adequate. Ms. Anderson said when homeowners don't renew their business license, maybe it could trigger staff to determine if there's a new owner. The business license office will know that someone hasn't paid.

Mr. Symes said the North Street place mentioned earlier is grandfathered. He asked what would happen if the place is eventually sold. Chairman Hill said the new ownership would nullify the business license. Ms. Anderson said she would work on the language, if it is conforming, etc. The best time to start over is when the ownership changes, she said.

#

Mr. Wood said he would like to talk about saturation and asked on what grounds they will deny an application. If no objections are expressed, they allow it, but what about when a neighbor comes in later and has “a measly protest.” Ms. Anderson said if there get to be too many short-term rentals, and they are “beginning to change the integrity of the neighborhood,” that could be grounds for denial.

Mr. Wood said the more there are, the more it hurts their businesses. Chairman Hill said the same people who were protesting have a short-term rental in the Old Commons had protested before that they didn't want their properties to be made commercial.

Chairman Hill said the biggest problems are beer cans in the backyard, garbage left out on the curb, etc. “People have a legitimate gripe, not (wanting) to have a short-term rental next door.” Chairman Hill said as a neighbor, he couldn’t say anything about it if he didn’t want a short-term rental next door but the applicants had put together a good application.

Ms. Anderson said if someone thinks there are too many short-term rentals in their neighborhood, they could have a larger discussion with the neighborhood associations. Ms. Anderson said staff would know when they are approaching saturation. Mr. Wood said Chairman Hill’s point was about going against the neighborhood’s wishes. Ms. Anderson said compatibility with the neighborhood is one of the criteria, and council has said that short-term rentals are allowed by special exception. Chairman Hill said it’s allowable if you follow the rules, according to council, and “we have to approve them, no matter what the neighbors say.” Mr. Starkey said, “If it changes the nature of the neighborhood,” and there are complaints, the board has some grounds for saying “No.” But if they take it to court, Mr. Starkey said, he’s not sure what the board would say. Ms. Anderson said there have to be valid reasons for not wanting it. Chairman Hill said that if neighbors show up and say they don’t want the character of the neighborhood to change, that’s a valid reason. Ms. Anderson said homeowners could move in who are very private and not want to participate in the life of the neighborhood, so it’s not enough to say, “I don’t like it.” They have to say *why*. Chairman Hill encouraged the board to listen to the concerns of the neighbors and determine if they are legitimate. Mr. Wood said, “Sometimes you have to vote your conscience.”

Colleen Baisley said that the neighbors of short-term rentals “might be pleasantly surprised.” There were a lot of objections when short-term rentals started, but some people thought the Spanish Moss Trail was also bad; both have turned out to be “wonderful surprises.” Mrs. Hood said when she bought her property in Pigeon Point, it was in very bad condition, so the neighbors were happy to see someone fix it up. Then it becomes a valued part of the community, but if that’s not the case, there needs to be documentation kept, so that if there are problems, or if that property changes hands, their license can be revoked or not renewed based on cause.

Ms. Anderson said in regard to a disputed property on Oaklawn, they had discussed the

option of allowing a rental license for one year, and then it being up for renewal. She said the problems have originated from the idea of change and the unknown; the problem is smoothing out the approval process. Ms. Anderson said they couldn't do the one-year approval for all of the short-term rental applications, but they could do that as a way of attaching conditions.

Mr. Wood said if the applicant process is more stringent and informative, it's easier to note complaints or calls to the authorities, but for the most part, these issues don't come up. Ms. Anderson said a new subdivision is coming into the neighborhood behind Oaklawn, and this might help the process a bit.

Ms. Beer said she was one of those serving on council who approved short-term rentals, and she has seen no problems in Pigeon Point, though they have had problems with *owners* who don't take care of the properties on which they live. Chairman Hill said a short-term rental owner would keep the property "top-notch." Ms. Beer said in Pigeon Point, there are neighborhood restrictions, and they wouldn't put up with someone doing bad things in the neighborhood.

Mr. Starkey said in regard to the applied-for short-term rental on Oaklawn, if a neighbor is concerned, they could present the motion with a 1-year approval, which would placate the neighborhood, and they could see how it is, and if it's not a problem, it could go on.

Ms. Anderson said the statement that applicants or representatives must be present was in the ordinance, but then at a further point in it, it said that the applicant being there was optional, and she feels it needs to be that the applicant or a representative *needs to be there*. Mr. Wood said he thought everyone agreed that it should be in there. Ms. Anderson said they had to approve that in a regular meeting.

Mrs. Hood said there are a lot of people in the vacation rental business "who are going under the radar." She feels there are "a good 20 or 30" vacation rentals operating in the city that the city doesn't know about. Chairman Hill said usually if you're doing something wrong, it's your neighbor who will turn you in. Mrs. Hood said the city had pursued this 5 years ago but dropped it, while on Hilton Head Island, town staff had researched non-licensed rentals and made them pay back taxes. Chairman Hill said, "a little birdie could fly into Al Johnson's window." Mr. Wood said it's possible that the rules and procedures weren't clear, so now that they are clarifying it, it would be a good time to bring them in. Ms. Anderson said she would look into this. Mr. Starkey said a neighbor could send an anonymous email or letter about an illegal rental. He agreed that it is unfair to the short-term rental owners who bear the onus of the fees. He would like to see this extended to long-term rentals as well.

There being no further business to come before the board, the meeting was adjourned at 6:50 p.m.