

# City of Barnwell Order on Special Exception Application Board of Zoning Appeals

Date Filed: 04-02-2024 Permit Application No. 2024-01 Appeal No. 2024-01

The Board of Zoning Appeals held a public hearing on 05-07-2024 to consider the appeal of Jennifer & Adam Altman for a special exception which may be permitted by the Board pursuant to Section 1-201 of the City of Barnwell Zoning Ordinance as set forth on Form      for the property described on Form 01 to be used for:

Tourist home – short-term rental

After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

1. The Board concludes that the standards in Section 7-101.3 of the City of Barnwell Zoning Ordinance which are applicable to the proposed special exception  **have** -  **have not** been met based on the following findings of fact: The City has already addressed the issues that are stated within the special exception (“(1) traffic impact, (2) vehicle and pedestrian safety, (3) potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property, (4) adverse impact of proposed use on aesthetic character of the area, and (5) orientation and spacing of improvements or structures). The City Zoning Administrator agrees that the potential use for the special exception would not have a negative impact on the residential neighborhood.

2. The Board concludes that the proposed special exception  **will** -  **will not** substantially diminish value of adjacent property or property in the district based on the following findings of fact: The Altman’s have renovated the house and have created an inviting place for lodging. The house has two (2) bedrooms available for a maximum number of 4 people, with parking spaces available for two (2) cars. The Altman’s renovation has provided an inviting cottage that has probably increased the value of the property.

3. The Board concludes that the proposed special exception  **will** -  **will not be** compatible with uses in the district based on the following findings of fact: If rules are kept in accordance with this application and that no other issues are brought to the attention of the board.

THE BOARD, THEREFORE, ORDERS that the special exception is  **DENIED** -  **GRANTED**, subject to the following conditions: The Altman’s continue to keep the following rules provided with this exception application: No Pets Allowed, No Events Allowed, No smoking, vaping E-cigarettes allowed, No Commercial Photography and filming allowed, Quiet Hours are from 9 pm to 8 am, Total # of guests allowed =4, Total # of vehicles allowed = 2. Additional language to these rules includes: No illegal drug use based on SC laws.

Approved by the Board by majority vote.

Date issued: 5-7-2024



Chairman

Date mailed to parties in interest: 5-15-2024



Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

**CITY OF BARNWELL – BOARD OF ZONING APPEALS  
MINUTES OF PUBLIC HEARING – MAY 7, 2024, 6:15 PM**

**MEETING LOCATION**

**CITY HALL, CITY COUNCIL CHAMBERS  
130 MAIN ST., BARNWELL, SC 29812**

City of Barnwell Board of Zoning Appeals met for a hearing: Jennifer and Adam Altman to request an exception in R-12 Zoning.

Board Members Present: Acting Chairman Kent Kirkland, Cameron Halford, Linda Knapp

Board Member Absent: Wil Alexander (conflict) and Marty Harvey (conflict)

Others Present: City Administrator/Zoning Administrator Lynn McEwen, Jennifer Altman, Adam Altman, and other witnesses for the Altman's.

**HEARING**

Chairman Kirkland called the hearing to order and stated that there was a quorum of the members of the board to be able to proceed.

**STATEMENTS OF THE BOARD FOR THE RECORD**

Board Member Linda Knapp stated that she had done work for the Altman's in the past, including real estate closings but not the property in question, and had no open files with the Altman's. She wanted it placed on the record that she had no conflict.

Board Member Cameron Halford also stated that he lives in the general community in which the Altman's live and know them but has no conflict and has had no files or cases with them. He wanted it on the record as well.

Chairman Kirkland asked of the public if there were any objections to the attorneys hearing this case. There were none so the hearing was to proceed.

**HEARING**

Lynn McEwen, Zoning Administrator, stated the facts of the case: The Altman's purchased a house within an R-12 zoned district (Jefferson Street), renovated it and now want to rent it out as short-term rental. Under the zoning codes of the City of Barnwell, short-term rentals that are not described as "bed and breakfasts" for residential houses are described as "tourist



homes.” A tourist home (according to the zoning code) is “A dwelling in which lodging is provided in not more than three (3) rooms for paid guests, with or without meals. A tourist home shall not be considered an accessory use or customary home occupation.”

A tourist home must be approved by the Board of Zoning Appeals as a special exception. This hearing is to grant or deny this exception. The City has already addressed the issues that are stated within the special exception (“(1) traffic impact, (2) vehicle and pedestrian safety, (3) potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property, (4) adverse impact of proposed use on aesthetic character of the area, and (5) orientation and spacing of improvements or structures). The City Zoning Administrator agrees that the potential use for the special exception would not have a negative impact on the residential neighborhood.

Letters had been sent to all surrounding neighbors, a notice of the hearing had been posted in the newspaper and a sign had been placed in front of the property for a period of 2 weeks prior to this hearing.

#### **COMMENTS FROM THE ALTMAN’S**

Adam Altman stated that it is basically a house used for lodging for overnight guests. No more than 4 guests (2 cars per room) are allowed. There are rules for utilizing the house for rent. This is not a “bed and breakfast”, as the Altman’s do not live in the house, and they do not provide meals. Although there is a kitchen in the house for use by the tenants.

#### **COMMENTS FORM THE NEIGHBORS OR OTHER PUBLIC**

The neighbors that were present did not have any objections to the house being used as a tourist home. Zoning Administrator Lynn McEwen did point out that there had been one objection from a property owner. She had called City Hall to state her objection. She owns property on Jackson Street and rents it out (long-term) but no longer lives here. There were no other objections but were quite a few neighbors had signed statements of support for the tourist home.

#### **RULING FROM THE BOARD**

Board Member Linda Knapp asked about a kitchen and cooking. The Altman’s explained that they had rules about large events (no parties, weddings, etc) but that a small dinner gathering would not be out of the question. Chairman Kirkland stated that the ruling would be based on the rules that are set in place, so the rules cannot be changed. They also wanted the Altman’s to place in the rules some language to forbid any drug use that is illegal under South Carolina law, including prescription marijuana. One last question about service dogs came up. The Altman’s will not permit pets and will look into any issue they may have for service dogs.

Board Member Linda Knapp made a motion to grant the special exception request by the Altman's. The motion was seconded by Board Member Cameron Halford and unanimously approved.

Minutes Provided by Zoning Administrator Lynn McEwen

A handwritten signature in blue ink, appearing to read "Lynn McEwen", is written over a horizontal line. The signature is stylized and cursive.