



**CITY OF BEAUFORT**  
ZONING BOARD OF APPEALS  
1911 BOUNDARY STREET  
BEAUFORT, SOUTH CAROLINA 29902  
(843) 525-7011  
**AGENDA**

City of Beaufort  
**ZONING BOARD OF APPEALS**  
Monday, February 24, 2020, 5:30 P.M.  
**City Hall Council Chambers – 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.”

---

**I. Call to Order**

**II. Pledge of Allegiance**

**III. *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.

**IV. Review of Minutes**

**A. Minutes of the September 23, 2019 Meeting**

**V. Review of Projects**

**A. 709 Greene Street, identified as District R120, Tax Map 4, Parcel 218, Variance**

Applicant: Denise L. Savage, Savage Beast Productions, LLC (ZB20-01)

The applicant is requesting a variance to the minimum lot size permitted in the T4-HN zone in order to subdivide a parcel in the original 1969 National Landmark district into two non-confirming lots.

**VI. Discussion**

**VII. Adjournment**

**Note: A project will not be reviewed if the applicant or a representative is not present at the meeting.**

A meeting of the Zoning Board of Appeals was held on **September 23, 2019 at 5:30 p.m.** in City Hall Council Chambers, 1911 Boundary Street. In attendance were Chairman Josh Gibson, board members Nigel Stroud and Tim Wood, and Joan Furlong and David Prichard, City of Beaufort staff. Board members Joe Noll and Jody Caron were 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 Gibson called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance. He read the notice of compliance with the requirements of the Freedom of Information Act.

### **MINUTES**

**Chairman Gibson made a motion, second by Mr. Stroud, to approve the minutes of the March 11, 2019 ZBOA meeting. The motion to approve the minutes as submitted passed unanimously.**

Chairman Gibson reviewed the procedure at ZBOA meetings.

### **REVIEW OF PROJECTS**

**2308 SIMMS STREET, identified as District R120, Tax Map 3, Parcel 837**

#### **Variance**

Applicant: Patrick McMichael (ZB19-02)

*The applicant is requesting a rear setback variance in order to construct a single-family dwelling.*

**Joan Furlong**, a senior planner for the City of Beaufort, read the summary about the application from the staff report. The applicant would like to save a 52" live oak on the property, but doing so would require a rear setback variance.

Ms. Furlong enumerated staff's opinions on the findings the board needs to make to approve this variance application:

1. **Exceptional and extraordinary conditions are attached to the property:** Ms. Furlong said there is 52" live oak on the property. The size and type of tree qualify it to be a landmark tree, per the Beaufort Code. It also contributes to the minimum number and type of tree required by the code, she said. The applicant could get a permit to remove the tree by right and would not be required to mitigate. This application is not subject to the preservation of landmark trees, Ms. Furlong said. The size and location of the tree make the property too small for viable development, so the applicant has submitted a design to save the tree, but it would require the setback variance.

2. **Conditions don't apply to other properties in the vicinity:** The lot is one of 6 previously subdivided lots. There are no similar trees on the other lots, Ms. Furlong said.
3. **Conditions are not the result of the applicant's own actions:** The tree predates the applicant's ownership of the site and of development in this part of the city, Ms. Furlong said.
4. **Granting the variance would not conflict with the Civic Master Plan, the Comprehensive Plan, or the purpose and intent of the Beaufort Code:** Ms. Furlong said granting the variance would not conflict with the city's plans or the code.
5. **Application of the ordinance is an unreasonable restriction on the utilization of the property:** Following the code wouldn't prevent or hinder the development of the property, Ms. Furlong said. Without the variance, the applicant could not develop the property without removing the landmark tree, but the applicant prefers to preserve it. He has had the live oak assessed by a certified arborist, though he was not obliged to do so, she said. There are no structural roots that would be affected by development, Ms. Furlong said, and the arborist recommended 6' of clearance between the buttress roots and new construction, which is reflected in the applicant's plan.
6. **Granting the variance would not be a detriment to adjacent property and the public good:** Construction would be similar to the development on the adjacent properties, so staff feels granting the variance would not have any substantial detriment to adjacent property or the public good.

If there were a way to provide for future protection of the tree, Ms. Furlong said, such as a deed restriction, staff would recommend that, in addition to granting the variance.

Mr. McMichael, the applicant, told Mr. Stroud he could build something on the property without the variance, but it wouldn't be the same size as the other houses he's developed, and it wouldn't be economically viable. He thinks a restriction on a future owner's ability to cut the live oak down would affect the property's resale value.

Chairman Gibson said he didn't think the protection for the tree that staff suggested would be the ZBOA's purview. Mr. Prichard said if the reason for the variance is to protect a landmark tree, the city could expect it be protected unless it became a hazard. The city would like it protected, and Mr. McMichael could put that protection in the deed if he were to sell the property, he said.

Chairman Gibson said he doesn't know enough about the city's tree code. Mr. Prichard said this is a residential, so the tree could come down now. Specimen and landmark trees aren't protected in residential areas, he said.

Mr. Wood said he is "all for saving as many healthy trees" as possible. No one is complaining about this variance application, the proposed house fits into the

development, and he'd rather grant the variance than see the tree come down, he said.

Mr. Prichard said staff supports the variance and felt that a guarantee that the tree remain would be something the board could add.

There was general discussion about a deed restriction on future tree removal.

**Mr. Stroud made a motion to approve the variance as proposed. Mr. Wood seconded the motion. The motion passed unanimously.**

There being no further business to come before the board, **Chairman Gibson made a motion to adjourn**, and the meeting ended at 5:52 p.m.

DRAFT

**709 Greene Street**

**PIN R120 004 0000 0218 0000**

Applicant: Savage Beast Productions, LLC, Denise Savage, Owner

The applicant is requesting a variance to the minimum lot size.



# Zoning Board of Appeals Meeting Staff Report

From the Department of Community and Economic Development  
24 February 2020

## 1 SUMMARY OF REQUEST

---

The applicant is seeking a variance to the minimum lot size permitted in the T4-HN zone in order to subdivide a parcel in the original 1969 National Historic Landmark district into two nonconforming lots.

## 2 FACTS

---

<b>Property Address:</b>	709 Greene Street
<b>Parcel ID:</b>	R120 004 000 0218 0000
<b>Case Number:</b>	ZB 20-01
<b>Applicant:</b>	<b>Savage Beast Productions, LLC, Denise Savage, Owner</b>
<b>Type of Request:</b>	Variance to subdivision requirements
<b>Zoning:</b>	T4-HN
<b>Use:</b>	Residential

### District Development Standards for T4-HN:

- **Minimum Lot Size:** 4,000 SF
- **Setback requirements – Primary Structure:**
  - *Front – average prevailing setback on block*
  - *Rear setback – 15' minimum*
  - *Side Interior – 6'*
  - *Side Corner/Alley – 5' min., no max.*
- **Frontage Build out:** 75% Max.
- **Impervious Surface Coverage:** 55% maximum for rooftops, additional 10% allowed
- **Permitted Uses:** Single Family Dwelling, or Two- or Three-Unit Dwelling is permitted by right in the T4-HN zoning classification.

### Background:

The property is located within the Historic Preservation Neighborhood District. It is a narrow rectangular lot that is approximately 0.18 acres or 7,721.20 square feet.

The property was formerly addressed as 1007 Scott Street but was changed to 709 Greene Street sometime between 2016 and 2018.

1007 Scott Street was listed on the 1969 National Historic Landmark District list.

Subdivision of any property on the original 1969 National Historic Landmark District nomination is not permitted as per **Section 9.9.2. Minor Subdivision D.3. Exceptions of The Beaufort Code.**

However, variance requests may be made per **Section 9.14 Variance.**

**CRITERIA FOR APPROVAL OF VARIANCES [§9.14.2 F]:** A variance may be granted by the ZBOA if it concludes that the strict enforcement of any design and performance standard would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of the Code will be observed, the public welfare and safety will not be diminished, and substantial justice will be done.

A variance may be granted in an individual case of unnecessary hardship only when the ZBOA makes and explains in writing the following findings:

- (1) There are extraordinary and exceptional conditions pertaining to the property.
- (2) These conditions do not generally apply to other property in the vicinity.
- (3) The conditions are not a result of the applicant's own actions.
- (4) Granting the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
- (5) The application of the conditions of the code to this property would effectively prohibit or unreasonably restrict the use of the property.
- (6) The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the zone will not be harmed.

### 3 STAFF ASSESSMENT

---

1. There are **no** extraordinary and exceptional conditions pertaining to the property.
2. These conditions do **not** generally apply to other property in the vicinity.
3. The conditions are **not** a result of the applicant's own actions.
4. Granting the variance would not substantially conflict the Comprehensive Plan, the Civic Master Plan, **nor but does conflict** with the purposes and intent of the code.
5. The application of the conditions of the code to this property would ~~does~~ **not** effectively prohibit or unreasonably restrict the use of the property.
6. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the zone will not be harmed.

## 4 STAFF RECOMMENDATION

---

Given that 5 of the criteria for granting a variance have not been met; and

Given that the enforcement of the standards set forth in the Beaufort Development Code would not result in unnecessary hardship to the applicant;

Therefore, staff does not recommend granting the variance.



VARIANCE APPLICATION

Community & Economic Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
www.cityofbeaufort.org

Application Fees:
Residential - \$200
Commercial - \$300
Special Meeting - \$500

\$ PAID

ZB 20-01

1/13/2020
CR # 1080

Receipt # 103200

OFFICE USE ONLY: Date Filed: 1/13/20 Application #: 20051 Zoning District: T4-HN

Submittal Instructions: Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not the owner, the owner(s) must sign the Designation of Agent (below).

Submittal Requirements: 1. A legal survey of the property. 2. An accurate, legible site plan showing the north arrow, dimensions, and locations of all existing and proposed structures and any improvements relevant to the appeal such as trees, fences, power lines. Six copies of all plans are required. 3. Photograph(s) of the site. For variances, include photos showing relationship to adjoining properties.

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application? [ ] Yes [X] No

Applicant, Owner and Property Information

Applicant Name: Savage Beast Productions LLC (by Denise L. Savage)

Applicant Address: 705 Greene Street, Beaufort, SC 29902

Applicant E-mail: dsavage180@gmail.com Applicant Phone Number: 9147153106

Owner (if other than the Applicant):

Owner Address:

Owner E-mail: Owner Phone Number:

Property Address: 709 Greene Street, Beaufort, SC 29902

Property Identification Number (Tax Map & Parcel Number): R120 004 000 0218 00000

DESIGNATION OF AGENT [complete only if owner is not applicant]

I (we) here by appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: January 13, 2020 Owner's Signature: Denise L. Savage

I (We) certify that the information in this application is correct.

Date: January 13, 2020 Applicant's Signature: Denise L. Savage



## VARIANCE APPLICATION

Community & Economic Development Department  
1911 Boundary Street, Beaufort, South Carolina, 29902  
p. (843) 525-7011 / f. (843) 986-5606  
www.cityofbeaufort.org

### Required Project Information

Applicant hereby appeals the Zoning Board of Appeals for a variance from the strict application to the property described on Page 1 of the following provisions in Section 9.14 of the Beaufort Code:

To subdivided 709 Greene Street pursuant to the attached survey

so that a building permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows: (e.g., build a garage): subdivide the property in two (2) equal sections of 3850 sq. ft. to sell as an empty lot for the purpose of building single family home

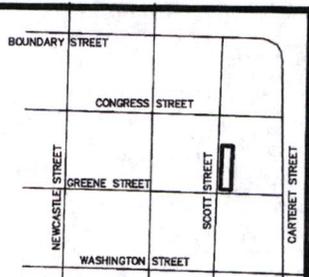
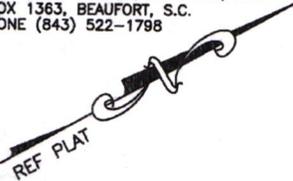
for which a permit has been denied by a building official on the grounds that the proposal would be in violation of the cited section(s) of the Beaufort Code:

1. The application of the Beaufort Code will result in unnecessary hardship, and the standards for an variance set by State law and the Beaufort Code are met by the facts:
  - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: The existing home on the property was an historical home that was restored and expanded as an approved an adjacent structure, not main.
  - b. These conditions do not generally apply to other property in the vicinity as shown by: Most of the surrounding homes are on fewer than the required 4000 sq.ft. lots
  - c. The conditions are not the result of the applicant's own actions as follows: We are working with the property at hand where a main single family home does not exist on the property.
  - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that: because the city is looking to infill in the City and on Greene st., in particular, we believe this would vie with the compre. plan.
  - e. Because of these conditions, the application of the Beaufort Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: selling and building a single family home and perpetuating the infill project the city's plan seeks overall and particularly on Greene St.
  - f. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: A home built would result in infill of city property, would be consistent with other surrounding properties and enhance the street.



**GASQUE & ASSOCIATES INC.**  
**LAND SURVEYORS & PLANNERS**

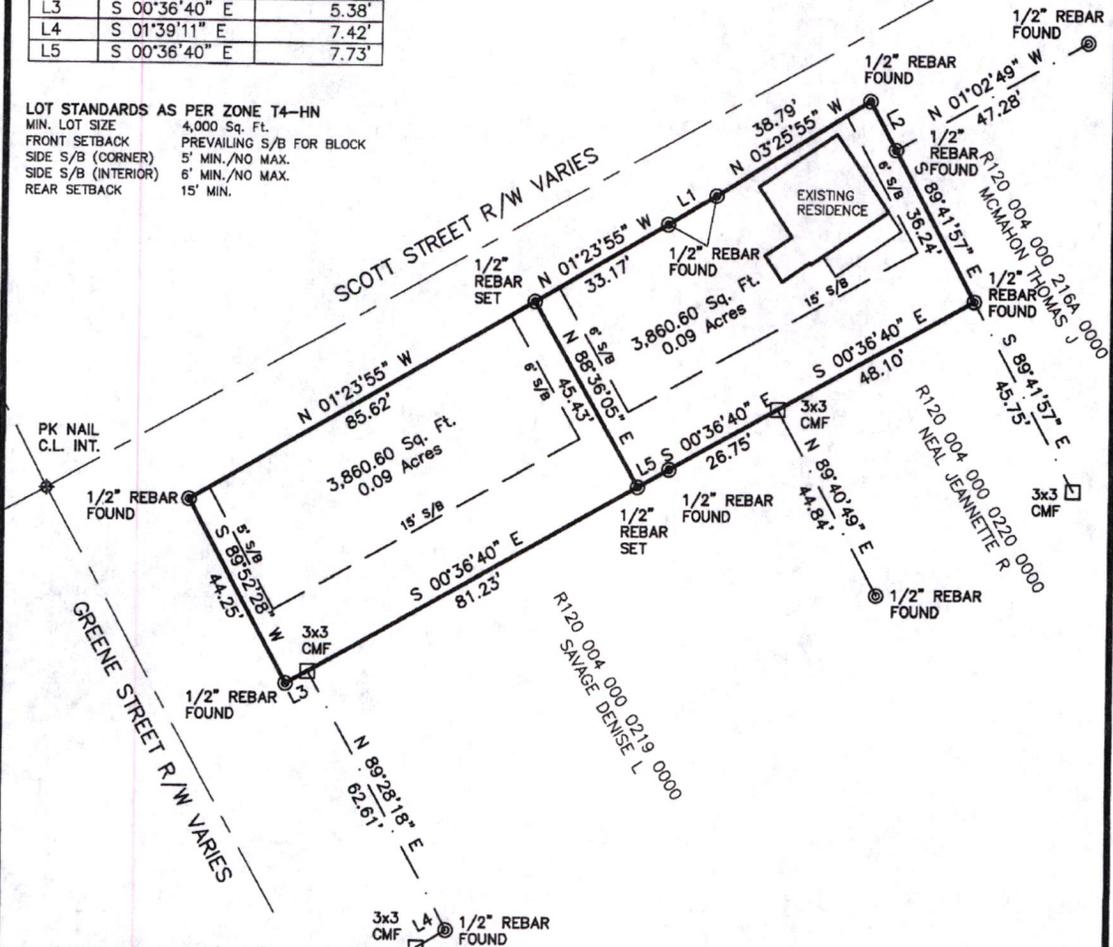
28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.  
 P.O. BOX 1363, BEAUFORT, S.C.  
 PHONE (843) 522-1798



VICINITY MAP NOT TO SCALE

LINE	BEARING	DISTANCE
L1	N 01°51'03" W	12.05'
L2	S 89°41'57" E	11.81'
L3	S 00°36'40" E	5.38'
L4	S 01°39'11" E	7.42'
L5	S 00°36'40" E	7.73'

LOT STANDARDS AS PER ZONE T4-HN  
 MIN. LOT SIZE 4,000 Sq. Ft.  
 FRONT SETBACK PREVALING S/B FOR BLOCK  
 SIDE S/B (CORNER) 5' MIN./NO MAX.  
 SIDE S/B (INTERIOR) 6' MIN./NO MAX.  
 REAR SETBACK 15' MIN.



**SUBDIVISION SURVEY PREPARED FOR**  
**SAVAGE BEAST PRODUCTIONS, LLC**

THIS BEING A PORTION OF BLOCK 41 DOWNTOWN BEAUFORT. AS SHOWN ON A PLAT BY DAVID E. GASQUE DATED SEPTEMBER 29, 2016 RECORDED AT THE BEAUFORT COUNTY RMC OFFICE IN PLAT BOOK 145, PAGE 117. LOCATED IN THE CITY OF BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA. T.M.S. R120 004 000 0218 0000.

THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS; AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.

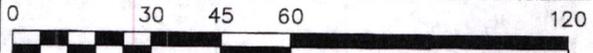
CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

SETBACKS SHOWN AS PER THE CITY OF BEAUFORT CODE "T4-HN" STANDARDS AND MUST BE VERIFIED WITH OFFICIAL AGENCY BEFORE PURCHASE AND OR CONSTRUCTION ON SUBJECT PROPERTY. BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY PROPER BUILDING CODES OFFICIAL.

THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "F" AS DETERMINED BY F.E.M.A. FIRM COMM PANEL NUMBER 450028 0005 D. DATED 09/29/1988.

THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH ANY RESTRICTIVE COVENANTS OR ANY CITY AND/OR COUNTY ORDINANCES.

I, DAVID E. GASQUE, HEREBY CERTIFY TO SAVAGE BEAST PRODUCTIONS, LLC THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS SURVEY AS SPECIFIED THERE IN. ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THEN SHOWN. THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND HAS AN EMBOSSED SEAL. AREA DETERMINED BY COORDINATE METHOD.



SCALE: 1"=30'

DATE: 10/18/2018

DAVID E. GASQUE, R.L.S. JOB # 49823  
 S.C. REGISTRATION NUMBER 10508 FB# N/A DSGN#8  
 THIS PLAT IS NOT BINDING UNLESS ACCOMPANIED BY AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.