



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, April 25, 2022, 5:30 P.M.
City Hall, Council Chambers, 2nd Floor – 1911 Boundary Street, Beaufort, SC

Please click the link below to access the webinar:

<https://us02web.zoom.us/j/89338408240?pwd=a3UzY2VQZjNWdmk1RDFFK09zbkhPUT09>

Password: 639806

Meeting ID: 893 3840 8240

Call in Phone #: 1+929 205 6099

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 November 22, 2021 Meeting

V. Review of Projects:

A. 95 Salem Road, identified as Salem Bay Subdivision, Variance

Applicant; Ward Edwards Engineering (ZB22-01)

The applicant is requesting approval of a variance for all subdivided residential parcels with the exception of waterfront lots from the strict application of Section 7.2.3.D.2 of The Beaufort Code for property located at 95 Salem Road, Salem Bay Subdivision. The property is zoned T3-Neighborhood District (T3-N).

VI. Adjournment



Zoning Board of Appeals

Meeting Minutes – November 22, 2021

1 CALL TO ORDER

0:04

A meeting of the Zoning Board of Appeals was held in person on Monday, November 22, 2021 at 5:00 pm.

2 ATTENDEES

Members in attendance: Josh Gibson (Chairman), Marc Sviland (Vice-Chairman), Kevin Blank, Kenneth Hoffman and Tim Wood.

Staff in attendance: David Prichard (City Director of Community and Economic Development) and Dan Frazier (City Planner of Community and Economic Development).

3 APPROVAL OF MINUTES

1:00

Motion: Mr. Gibson made a motion to approve the August 9, 2021 minutes as submitted; seconded by Mr. Wood. The motion passed unanimously.

All Zoning Board of Appeal Meeting minutes are recorded, and can be found on the City's website at <http://www.cityofbeaufort.org/AgendaCenter>. Audio recordings are available upon request by contacting the City Clerk, Traci Guldner at 843-525-7024 or by email at tguldner@cityofbeaufort.org

4 REVIEW OF PROJECTS

1:30

A. 122 Robert Smalls Parkway, identified as District R122, Tax Map 29, Parcel 103I, Variance

Applicant: Zach Gardner, Summery Engineering (ZB21-09)

The applicant is requesting two variances related to parking requirements for a proposed 3,083 square foot Cook Out fast food restaurant located at 122 Robert Smalls Parkway (Parcel ID #R122 029 000 103I 0000, totaling 1.85 acres).

The chairman, Josh Gibson, invited the public comment.

Motion: Mr. Gibson made a motion to table the application until we hear the recommendations from the Design Review (DRB) Board; seconded by Mr. Blank.

5 ADJOURNMENT

21:25

Mr. Gibson made a motion to adjourn the meeting; seconded by Mr. Wood. The motion passed unanimously. The meeting ended at 5:55 p.m.

Chair

Date of approval



VARIANCE APPLICATION

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

PAID 3/28/22 CK
Application Fee: \$300
Receipt # 153506

✓ MS 3/29

ZB 22-01

OFFICE USE ONLY: Date Filed: 3/28 Application #: 23458 Zoning District: T3-N

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: Ward Edwards Engineering

Applicant Address: PO Box 381, Bluffton, SC 29910

Applicant E-mail: wpowell@wardedwards.com Applicant Phone Number: 843.384.2944

Owner (if other than the Applicant): Pulte Home Company LLC

Owner Address: 4401 Leeds Ave, Suite 400, North Charleston, SC 29405

Owner E-mail: rob.marek@pulte.com Owner Phone Number: 843.441.0198

Property Address: 95 Salem Road

Property Identification Number (Tax Map & Parcel Number): R120 029 000 0105 0000

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: 03/28/2022 Owner's Signature:

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

Date: 03/28/2022 Applicant's Signature:



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 7.2.3.D.2 of the Beaufort Code: Minimum Driveway Widths

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): Allow adequate driveway widths to support proposed home & garage construction
See attached narrative & exhibits

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: See attached narrative & exhibits
 - b. These conditions do not generally apply to other property in the vicinity as shown by: See attached narrative & exhibits
 - c. The conditions are not the result of the applicant's own actions as follows: See attached narrative & exhibits
 - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that: See attached narrative & exhibits
 - 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: See attached narrative & exhibits
 - 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: See attached narrative & exhibits

**PROJECT NARRATIVE FOR VARIANCE REQUEST
ZONING BOARD OF APPEALS
CITY OF BEAUFORT, SOUTH CAROLINA**

Project: Salem Bay Subdivision

Date: March 28, 2022

Applicant: Pulte Home Company LLC
138 Kings Creek Drive
Okatie, SC 29909
(843) 441-0198
Rob.Marek@pulte.com

Agent: Ward Edwards Engineering
Contact: Willy Powell, PE
P.O. Box 381
Bluffton, SC 29910
T: (843) 837-5250
F: (843) 837-2558
E: wpowell@wardedwards.com

Parcel: Property ID: R120-029-000-0619-0000
Street Address: Salem Bay Drive
Owner: Pulte Home Company
Acreage: 94.944 Acres

Zoning: T3-N

Approval sought: Variance Request – Driveway Width
Section 7.2.3.D.2.a – 12-foot Maximum Width

Project Description

Pulte Home Company proposes construction of single-family detached subdivision located on an approximate 94.94-acre parcel located along the eastern side of Salem Farms Road. The proposed subdivision covers 5 existing parcels that were combined into a single parcel prior to creation of the individual lots.

The parcels are presently zoned T3N and are proposed to be built under the requirements of this zoning classification. The homes will be designed in the Lowcountry Vernacular, with front porches/stoops addressing the primary streets.

As stated in Section 7.2.3.D.2.a, all driveways within the T3-N district shall not exceed 12 feet in width. Pulte wishes to request a variance to this section in order to construct driveways not exceeding 16 feet in width to better accommodate their approved and platted lots, not cause undue maintenance to their common areas and resident lawn areas, and ensure free and clear access to emergency management vehicles.

The site has been designed to meet and/or exceed the local, state, and federal requirements for stormwater quality and quantity control. This includes assuming the largest allowable home and 16-foot driveways are constructed on each lot. As such, a potential change from 12-foot to 16-foot driveways will not have a negative impact on water quality of the site, its Best Management Practices, or the adjacent waterways.

In addition, the existing parcel is considered a "sandy" site with low water tables and high infiltration rates. The addition of the additional impervious coverage supporting 16-foot driveways or 12-foot driveways would have no expected adverse effect on stormwater quality or discharge volumes.

Approvals

1. Informal in-person meeting with City on February 11, 2020 to review zoning, front loaded models, footprints, and concept vernacular
2. A pre-application meeting was held with the City of Beaufort on May 5, 2020 via telephone conference call
3. Received Sketch Plan (Major Subdivision) approval from Metropolitan Planning Commission on July 20, 2020, with the following conditions:
 - a. Internal and external traffic study be completed and approved by SCDOT and that staff approves of the Study.
 - b. Retention areas be reviewed by staff with the conditions relative to making them into an acceptable amenity of each
 - c. Applicant work with staff to determine both what is required for sidewalks and that the construction be phased in complete pods with sidewalks. Staff will work the applicant for the other flexibility of sidewalks based on preservation of trees.
 - d. Staff review the HOA requirements of maintenance for all the properties including the percent complete/date that the maintenance is turned over from the applicant to the HOA for maintenance.
4. Received Phase 1 Development Permit on March 26, 2021
5. Recorded Phase 1 Subdivision Plat on July 6, 2021 (PB 157 PG 11-15)
6. Received Phase 2 & 4 Development Permit on December 3, 2021

The Beaufort, SC Code, Chapter 7: Land Development

7.2 Street Network and Design Standards

7.2.3 Lot Access Standards

7.2.3.D.2.a. Driveways

Driveways for single-family and 2- and 3-family uses may not exceed 12 feet wide, except in T3-S district, where they may be a maximum of 20 feet wide.

Since Pulte's proposed driveway width exceeds 12 feet in width, a Variance from the Zoning Board of Appeals is required. Section 9.14 provides guidance on the Variance process within the City of Beaufort.

The Beaufort, SC Code, Section 9.14: Variance

This Section sets forth the specific applicability, procedures, and criteria required for a Variance Application within the City of Beaufort.

According to Section 9.14.2.F, a variance may be granted by the ZBOA if all of the following have been met and explained in writing:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property. For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage.*
- b. These conditions do not generally apply to other property in the vicinity.*
- c. The conditions are not the result of the applicant's own actions.*
- d. Granting of the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan and the purposes and intent of this Code.*
- e. Because of these conditions, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*
- f. 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 by the granting of the variance.*

The applicant provides the following responses for Chapter 9.14 requirements:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property. For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage.*

The parcel in question is zoned T3-N within The Beaufort, SC Code, which dictates minimum front, side, and rear building setbacks. Per the Code, buildings within the T3-N zone shall have a front setback no less than 15-feet, but no greater than 30-feet.

15-Foot Minimum Setback

The Salem Bay Subdivision has nearly 15-feet of elevation change, with a ridge along the eastern marsh line of over 20-feet MSL and low areas below 7-feet near the northwestern wetland finger areas. These lower areas are located within a flood zone, with minimum finished floor elevations dictated by FEMA and City of Beaufort Flood Ordinances. Due to the required minimum finished floor elevations and severe grade change, there is insufficient side and rear areas within the lots to provide parking and access areas.

30-Foot Maximum Setback

With a 12-foot maximum driveway width and front setback of no more than 30-feet, there is insufficient depth to fully develop parking pads and front-loaded garage accesses without vehicles encroaching upon their front lawn areas, sidewalks, and the shoulder of the roadways.

- b. *These conditions do not generally apply to other property in the vicinity.*

Other property within the vicinity appears to be zoned either T3-N, T4-N, or within the unincorporated areas of Beaufort County. All other properties zoned T3-N have previously been developed for single-family residential while the T4-N appears to either already be multi-family based or is proposed to be multi-family.

Regarding the T3-N adjacent properties, there are two existing residential developments: Live Oak at Battery Point to the north and Battery Point. Granted, both properties appear to have been developed prior to the adoption of the current Code; however, neither development adheres to the currently required 12-foot maximum drive width (see below). Both communities contain front-loaded homes, and where front-loaded homes are constructed and fall within similar setbacks, driveways in excess of 12-feet are used exclusively.



1 - Live Oak at Battery Point



2 - Battery Point

- c. *The conditions are not the result of the applicant's own actions.*

The proposed Salem Bay Subdivision has followed all City of Beaufort guidelines and requirements for the development of their proposed residential homes. In addition, they have followed all local, state, and federal guidelines and regulations for land disturbance, erosion control, stormwater treatment, stormwater control, access, and roadway construction. The desire to widen the driveways from 12-feet to 16-feet is driven by protection of the community, landscaped areas, and emergency access management rather than the applicant's own actions.

- d. *Granting of the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan and the purposes and intent of this Code.*

Comprehensive Plan (2021)

The proposed Salem Bay Subdivision is in accordance with the current 2021 Comprehensive Plan in that it proposes single-family residential homes in an area shown as neighborhood on the Future Land Use Map, on an "Underdeveloped" parcel, and within the apparent Median House Value. The granting of the variance from 12-feet to 16-feet will have no adverse effect to any portion of the Comprehensive Plan or the use of this parcel.

Civic Master Plan (2014)

The parcel in question is considered part of Sector 4 in the 2014 Civic Master Plan, with primary focus on the potential for Green Infrastructure across this parcel. The project includes sidewalk connectivity throughout the development, including a proposed sidewalk connection to Salem Road the future Spanish Moss Trail. Widening the proposed driveways from 12-feet to 16-feet will not cause any adverse effects on the Green Infrastructure within the development. If anything, the widening of the driveways will promote vehicular parking and staging on areas outside of the proposed sidewalk and trail system. One of the applicant's primary concerns with the 12-foot driveway is the potential for vehicles to block and/or damage the pedestrian connectivity throughout this site. Blocking and damaging of the pedestrian walkways will force pedestrians into the flow of traffic, which in turn, increases the potential for pedestrian accidents.

- e. *Because of these conditions, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

As described in the Comprehensive Plan and Civic Master Plan, this particular piece of property is underdeveloped and best suited for residential land use. Similarly, Pulte has proposed to develop the property for single-family detached residential homes in accordance with the MPC and City of Beaufort Code. However, limiting the driveways to 12-feet restricts the ability to of homeowners to utilize their drives such that all parking movements and overnight storage will not be fully contained within the driveways themselves. As such, homeowners and the POA will be unnecessarily burdened with increased maintenance of common areas and front yards. In addition, the narrow driveway will prohibit the free movement of pedestrians along the pathways and sidewalks as vehicles encroach upon the sidewalks and cause increased damage. More importantly, having inadequate driveway widths will force vehicles to stage within the roadways, limiting access while increasing response times for emergency management vehicles.

- f. *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 by the granting of the variance.*

As stated under Criteria B, most other properties zoned T3-N within the City of Beaufort have previously been developed. Many of these properties utilize driveways greater than 12-feet. For driveways adhering to the 12-foot requirement, two primary conditions are present:

- Additional on-site parking opportunities (extended driveway, side parking pad, house removed from addressing street)
 - As seen in the photo below along Broad Street



3 - Deanne Dr



4 - Deanne Dr

- Vehicle parking/staging outside of drive areas
 - As seen from a few different driveways along Southside Blvd



5 & 6 - Southside Blvd



Zoning Board of Appeals Meeting Staff Report

From the Department of Community and Economic Development
25 April 2022

1 SUMMARY OF REQUEST

The property owner, Pulte Home Company LLC, is seeking a variance to the minimum driveway widths for a previously approved major subdivision of Salem Bay. Section 7.2.3.D.2.a of the Beaufort Code restricts driveways to 12' in the T3-N zoning designation, the applicant is requesting a 4' variance to construct driveways not to exceed 16' in width. This variance request excludes waterfront lots located within the subdivision.

Background:

On July 20, 2020, the Metropolitan Planning Commission granted final approval of the sketch plan for the major subdivision of Salem Bay Subdivision.

The Preliminary plat for the project was approved on March 15, 2021.

The applicant then submitted for sitework permits in accordance with the approved phasing plan shown on the preliminary plat.

Currently, permits have been issued for multiple houses located within phase 1 of the subdivision.

2 FACTS

Property Address:	95 Salem Road
Parcel ID:	Multiple parcels collectively, Salem Bay Subdivision as approved by the Planning Commission.
Case Number:	ZB 22-01
Applicant:	Pulte Home Company LLC
Type of Request:	Variance to Driveway Width Requirement (Section 7.2.3.D.2.a)
Zoning:	T3-N
Use:	Single Family residential

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 extraordinary and exceptional conditions pertaining to the property.
Staff Comment: There are no extraordinary and exceptional conditions pertaining to the physical condition of the subject property. Additionally, the current and approved layout of the subdivision was the result of the applicants actions when submitting for sketch plan approval to the Metropolitan Planning Commission.
2. These conditions do not generally apply to other property in the vicinity.
Staff Comment: Properties adjacent to Salem Bay fall under T4-N and Beaufort County Residential. Property not adjacent but in the vicinity of the property are Live Oaks subdivision and Battery Point Subdivision, both previously approved prior to the adoption of the current Code. Neither of the named developments, although in a different zoning district, strictly adhere to the 12' driveway width requirement and are considered nonconforming by the current Code.
3. The conditions are not a result of the applicant's own actions.
Staff Comment: As stated above the layout of the subdivision, submitted by the applicant, was previously approved by the Metropolitan Planning Commission. Any revisions to the lot sizes due to design or code constraints could have been made at this stage and submitted back to the MPC for subsequent approval. Staff understands that for large subdivisions a certain amount of lots need to be created for the profitability of the development, however per Section 9.14.2.F.3 "profitability shall not be considered grounds for a variance."
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.
Staff Comment: The granting of the variance would not result in substantial conflict with the Comprehensive Plan, Civic Master Plan, or the 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.
Staff Comment: The application of the conditions of the code would not prohibit but may unreasonably restrict the use of the property due to the need to better protect landscaped areas and to protect the pedestrian connectivity throughout the site by better accommodating the parking with wider driveways. Additionally, Section 5.7.7.A.6 allows front yard parking in the form of a parking pad, the allowance of 16' driveways will protect the front yard landscaped areas from the expansion of impervious surfaces.
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.
Staff Comment: The allowance of the variance will not directly affect adjacent properties as a large majority of homes will now be permitted to have a 16' driveway. A potential negative affect of this allowance is setting precedent for driveway variances within this district.

4 POTENTIAL MOTIONS

Approval:

I move to approve application ZB 22-01, request for a 4' variance to the 12' driveway requirement at the subject property within the T3-S zoning district, based on the applications conformance with all the criteria for a variance

Denial:

I move to deny application ZB 22-01, request for a 4' variance to the 12' driveway requirement, due to the application not meeting with the variance criteria.

Defer:

I move to defer application ZB 22-01, request for a 4' variance to the 12' driveway requirement, until the next ZBOA meeting so that additional information is received.