



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, June 27, 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/82223106804?pwd=L2hUam1maUxjM2NnYUN5NDMvLzdDQT09>

Password: 505144

Meeting ID: 822 2310 6804

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 May 23, 2022 Meeting

V. Review of Projects:

A. 1707 Duke Street, identified as R120 003 000 0131 0000, Variance

Applicant: Karen Sullenger, homeowner (ZB22-04)

The applicant is requesting approval of a variance for a 6' side interior setback from the strict application of Section 2.4.1.B.3 of The Beaufort Code for property located at 1707 Duke Street, identified as R120 003 000 0131 0000, to build HVAC and service area on the west side of house within the interior 6' setback for. The property is zoned T4-Historic Neighborhood District (T4-HN).

VI. Adjournment



Zoning Board of Appeals

Meeting Minutes – May 23, 2022

CALL TO ORDER

[2:38]

A meeting of the Zoning Board of Appeals was held in-person on May 23, 2022 at 5:30 p.m.

ATTENDEES

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

Staff in attendance: Riccardo Giani, Interim Community Development Director

REVIEW OF MINUTES

[3:10]

Motion: Chairman Gibson made a motion to approve the minutes from the April 25, 2022, as submitted. Board member Sviland seconded the motion. The motion passed unanimously.

All Zoning Board of Appeals 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 tqundler@cityofbeaufort.org.

PUBLIC HEARING

APPLICATIONS

A. **2408 Allison Road, identified as R120 005 000 0266 0000, Variance**

[5:25]

Applicant: Beaufort Memorial Hospital(Case number ZB 22-02); variance pertaining to first floor ceiling height.

Mr. Giani gave staff findings.

The applicant, Beaufort Memorial Hospital provided the rationale for the day care center close to the hospital's campus to provide essential childcare services to its hospital staff. The applicant explained that it is their intention to design the building to compliment the hospitals existing buildings through exterior treatments, but also be sympathetic to the surrounding residences.

The architect representing the applicant stated that the reasoning for the variance to the interior ceiling height is that there are studies that find that taller ceilings in childcare facilities and schools affect the attenuation of learning in children. Additionally, the modular units

proposed are pre-designed with this specification. Lastly DSS, the regulating body for childcare facilities has pre-approved the company that manufactures these modular units.

The applicant passed around a rough design at the request of the Board but stated that they have not invested heavily in the design, as they were waiting for the decision regarding this variance.

Public Comment: The residents that spoke during the hearing were concerned about landscaping buffers and grading of the site. However, all residents present were supportive of the facility and complimented the applicant on their intent of preserving the character of the neighborhood through building design and scale.

Motion: Chairman Gibson moved to approve application ZB 22-02, request for a 2' 6" variance to the ground floor height requirement in Section 2.6.2.C.4, as submitted. The motion was seconded by Board Member Sviland. The motion passed unanimously.

B. **406 Euhaw Street, identified as R120 003 000 0554 0000**, Variance

[38:44]

Applicant: Walter Fogg (Case Number, ZB. 22-03), Variance pertaining to required setbacks for accessory structures.

Mr. Giani gave reported staff findings

The applicant, Mr. Fogg, requests a variance pertaining to the required setbacks for accessory structures. The applicant provides rationale indicating that the required setbacks as indicated in the Beaufort Code Section 2.4.1 are not feasible due to various reasons. Reasons include; location of a significantly large pine tree in close proximity that they wish to save, location of exiting mechanical equipment that could potentially require an additional variance should they wish to locate it, as well as the existence of several carports in the surrounding area that abut or are in close proximity to their respective property lines.

Public Comment: N/A

Motion: Chairman Gibson moves to approve the application ZB 22-03, request a 5' variance to the 6' interior setback requirement in Section 2.4.1.B.3, as submitted. The motion was seconded by Board Member Sviland.

OLD BUSINESS

[NA]

No old business addressed.

NEW BUSINESS

[NA]

Chairman Gibson requests those in attendance to keep former Mayor, Billy Keyserling in their thoughts and prayers following his accident.

ADJOURNMENT

[46:40]

Chairman Gibson requests to close meeting.

Chair

Date of approval

SAMPLE



VARIANCE APPLICATION

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

ZB 22-04

Application Fees:

Residential - \$200

Commercial - \$300

Special Meeting - \$500

300

PAID
5/23/22

Receipt # 156031

OFFICE USE ONLY: Date Filed: 5/23 Application #: 23764 Zoning District: T4-HN1

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 No

Applicant, Owner and Property Information

Applicant Name: Karen Sullenger

Applicant Address: 720 Ribaut Rd., Apt. 3. Beaufort, SC 29902

Applicant E-mail: karensullenger@gmail.com Applicant Phone Number: 717-476-3918

Owner (if other than the Applicant): _____

Owner Address: _____

Owner E-mail: _____ Owner Phone Number: _____

Property Address: 1707 Duke Street, Beaufort SC 29902

Property Identification Number (Tax Map & Parcel Number): R120 003 000 0131 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: _____ Owner's Signature: _____

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

Date: May 21, 2022 Applicant's Signature: Karen Sullenger



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

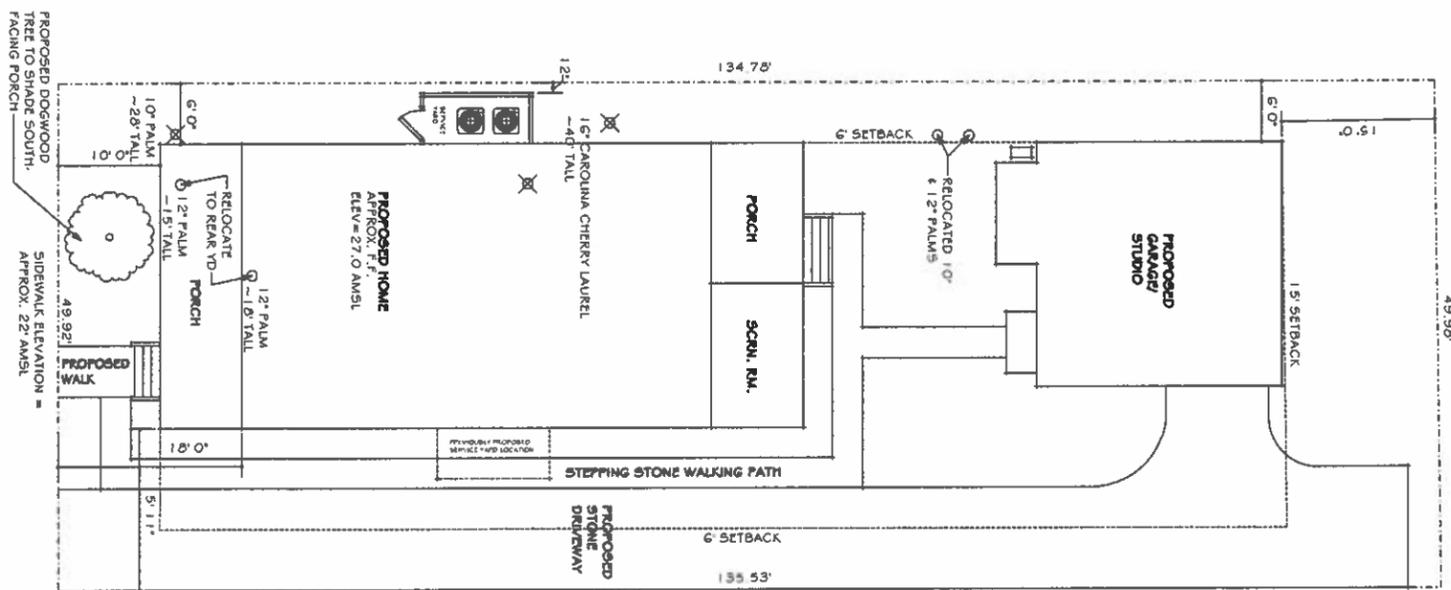
Applicant hereby appeals the Zoning Board of Appeals for a variance from the strict application to the property described on Page 1 of the following provisions in Section 2.4.1.B.3. of the Beaufort Code:

Side setback interior 6ft

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): build HVAC and service area on west side of house within the interior 6ft setback

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: There is not sufficient room to have landscaping and a pathway on both sides of the house. Landscaping is key in the historical district
 - b. These conditions do not generally apply to other property in the vicinity as shown by: Within 2 blocks surrounding 1707, I found multiple examples of houses with HVAC and service areas within the 6ft setback. See attached page for 7 of them.
 - c. The conditions are not the result of the applicant's own actions as follows: Having a service space and a landscaping space is part of the Historical District's desire to have preserve the historical context of the district.
 - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that: The Plan and Code want safe, healthy and beautiful communities. This plan would not be in conflict.
 - 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: There could be no pathway through a landscaped setting from the front to the back yard. The noise would be more intrusive as well.
 - 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: The HVAC would be across from my neighbor's HVAC and being together would limit the intrusion of both in the neighborhood.



SITE PLAN
on Legal Survey
 SCALE: 1/8" = 1'-0"



AVERAGE PREVAILING FRONT SETBACK ON THE BLOCK = APPROX. 10'
ENCLOSURE BUILD-OUT
TOTAL LOT FRONTAGE - 49.92'
TOTAL FRONT FACADE - 42'
FRONTAGE PERCENTAGE - 59%
IMPERVIOUS AREA
TOTAL LOT AREA - 6731 SQ. FT.
TOTAL IMPERVIOUS AREA - 2452 SQ. FT.
IMPERVIOUS PERCENTAGE - 36%

DRAWN	MJB
DATE	APRIL 18, 2022
JOB NO.	
SHEET NUMBER	
OF	S1
SHEETS	

A HOME DESIGN FOR:
KAREN SULLENGER
 1707 DUKE STREET
 BEAUFORT, SC

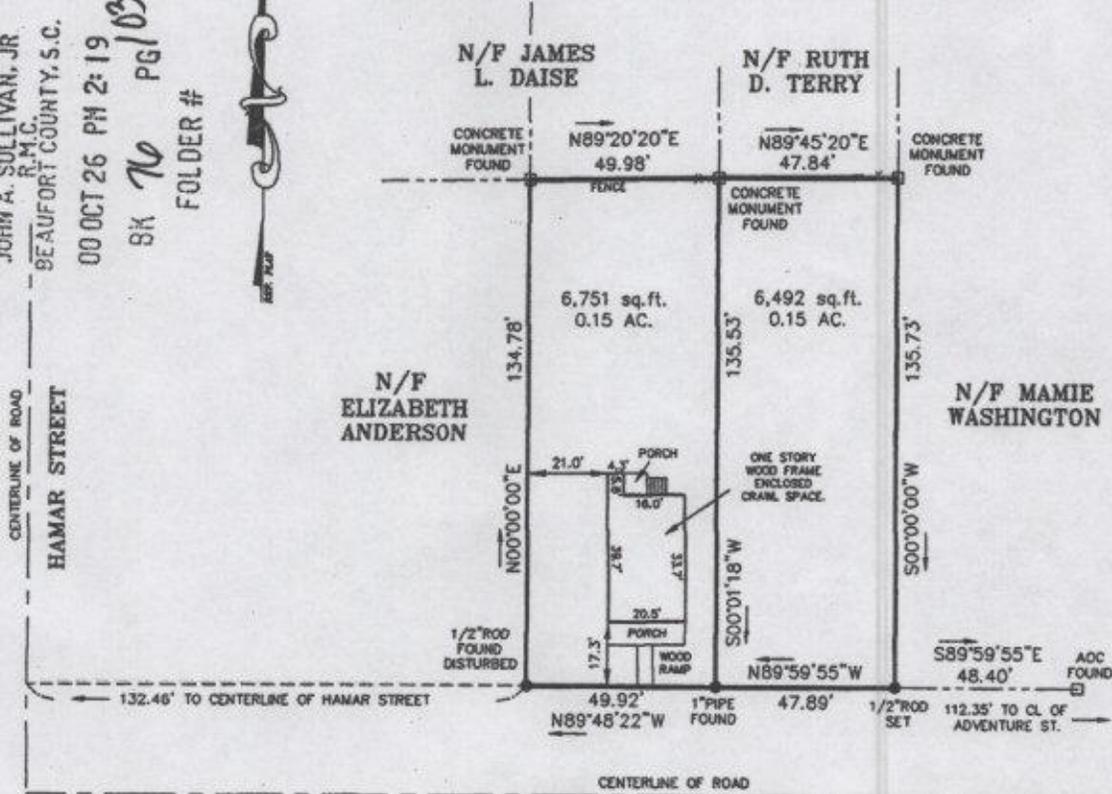
MATTHEW BREDESON, HOME DESIGN
 10 PADDINGTON LANE
 BLUFFTON, SC 29910
 PHONE (843) 364-0496



GASQUE & ASSOCIATES INC.
 LAND SURVEYORS & PLANNERS
 28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
 P.O. BOX 1363, BEAUFORT, S.C.
 PHONE (843) 522-1798



Hoffman
 FILED 3390
 JOHN A. SULLIVAN, JR.
 R.M.C.
 BEAUFORT COUNTY, S.C.
 00 OCT 26 PM 2:19
 BK 76 PG 103
 FOLDER #



EXEMPT
 DUKE STREET Monument 60. R/T
 This monument hereon is exempt from the requirements of the City of Beaufort Subdivision Regulations according to the provisions in Article III
 Section 70(2)
 Certified by Shelley Amster
 Date 10/26/00
 Beaufort County Planning Board

ASBUILT SURVEY PREPARED FOR
BRUCE HOFFMAN

BEING TWO PORTIONS OF LAND, BLOCK 134, CITY OF BEAUFORT, AS SHOWN IN A MAP OR PLAT ADOPTED BY THE U.S. DIRECT TAX COMMISSIONERS FOR THE DISTRICT OF SOUTH CAROLINA AND DESCRIBED IN QUIT CLAIM DEED, DEED BOOK 615, PAGE 2212, BEAUFORT COUNTY R.M.C. OFFICE.

BEAUFORT TAX MAP 120-003-000-0131.

LOCATED ON THE CITY OF BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA.

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.

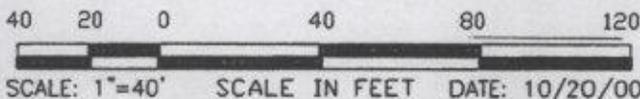
THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY BEAUFORT COUNTY BUILDING CODES PHONE NUMBER (843)-470-2684.

THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "C" AS DETERMINED BY FEMA FIRM COMM.-PANEL NUMBER 450026 0005 D. DATED: 09/29/86. (INDEX DATED: 11/04/92.)

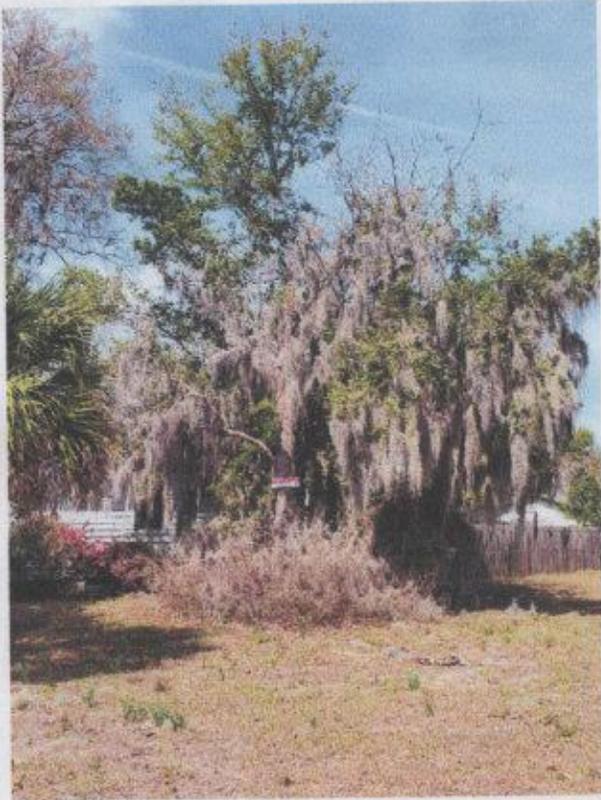
THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH THE BEAUFORT COUNTY DEVELOPMENT STANDARDS ORDINANCE

I, DAVID E. GASQUE, HEREBY CERTIFY TO BRUCE HOFFMAN 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 A 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.

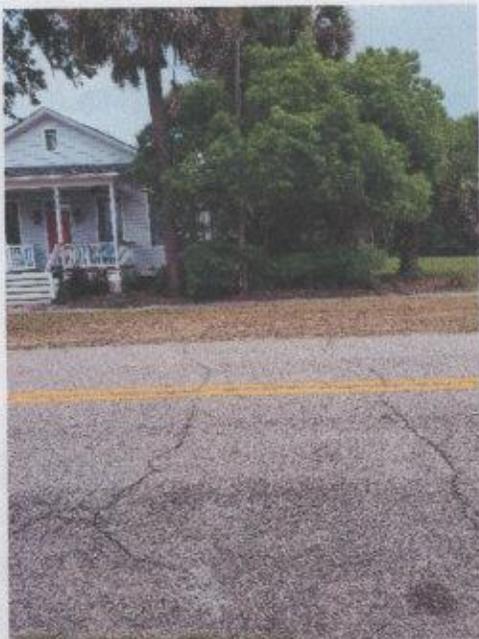


DAVID E. GASQUE, R.L.S.
 S.C. REGISTRATION NUMBER 10506
 JOB #17449
 FB#403 DES4/NC

Photos of 1707 Duke Street.



Photos of Properties on the Left and Right of 1707 respectively



adjoining 1709 Duke Street 1



adjoining 1705 Duke Street 1

Photos of Houses with HVAC and service area in the side setback



Figure 1: 1707 Duke Street

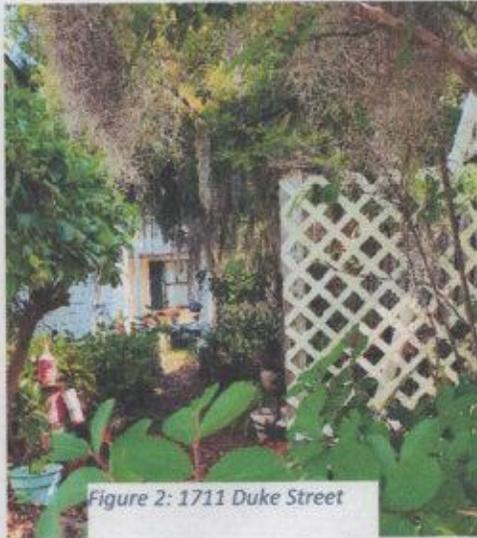


Figure 2: 1711 Duke Street



Figure 3: 1708 Duke Street



Figure 4: 1710 Washington Street



Figure 5: 1710 Duke Street



Figure 6: 1604 Duke Street

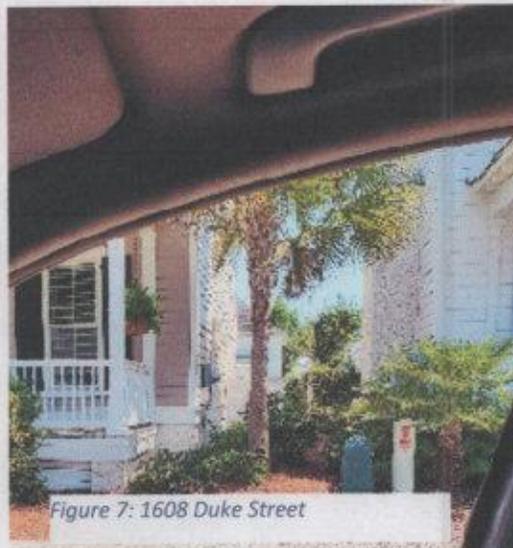


Figure 7: 1608 Duke Street

1707 Duke



6/22/2022, 1:05:56 PM

Road Classifications

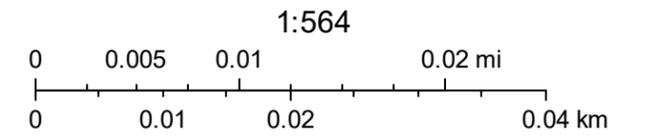
— STATE, PAVED

⋯ LiveParcels

Red: Band_1

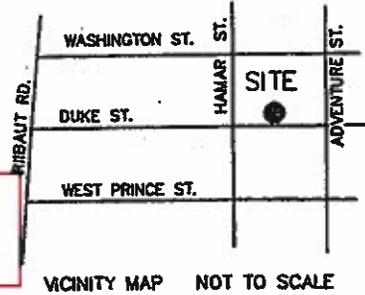
Green: Band_2

Blue: Band_3





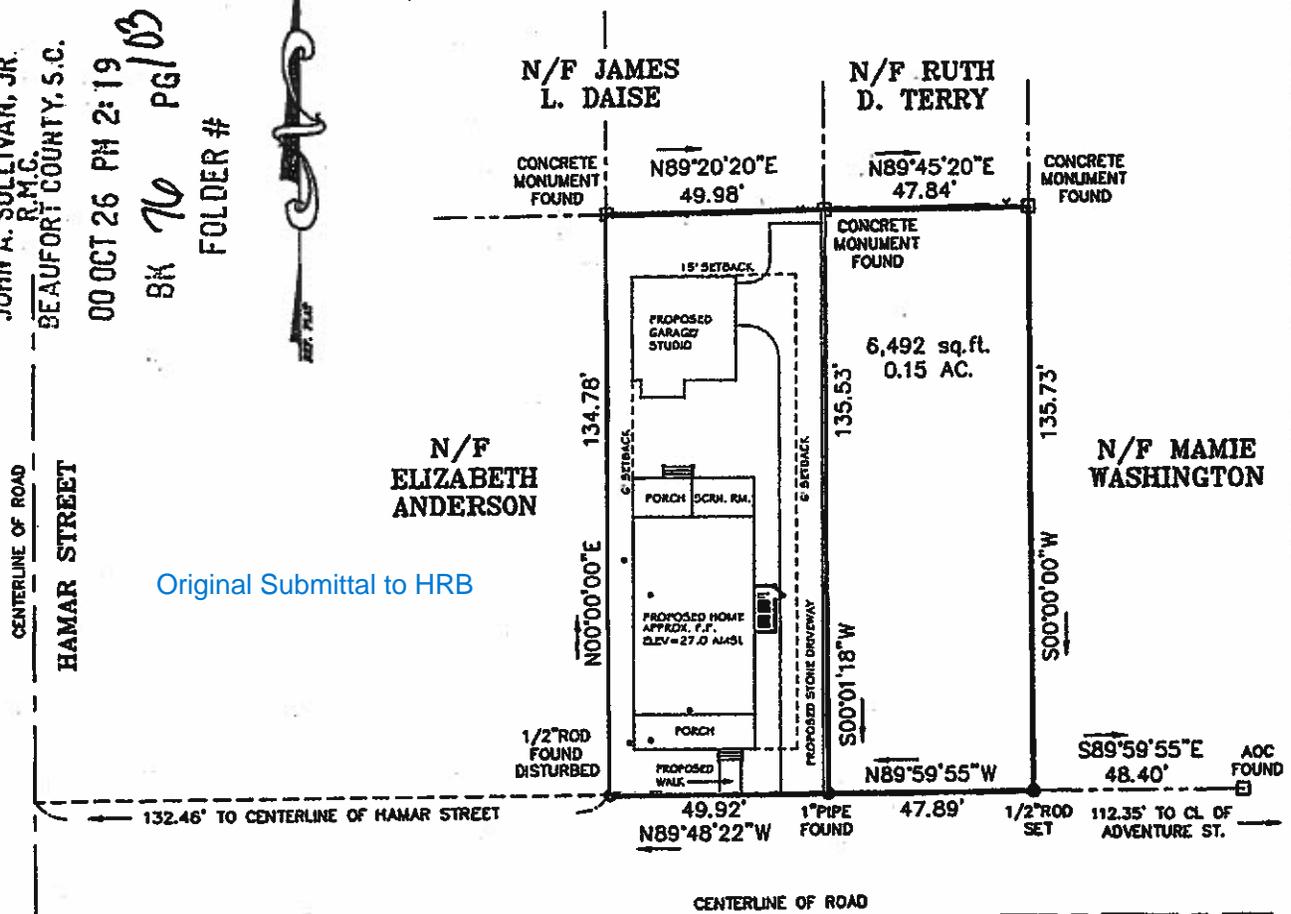
GASQUE & ASSOCIATES INC.
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 P.O. BOX 1363, BEAUFORT, S.C.
 PHONE (843) 522-1798



**PLAT SUBMITTED IN APRIL 2022
 FOR THIS PROJECT.**

Hoffman

FILED 330
 JOHN A. SULLIVAN, JR.
 R.M.C.
 BEAUFORT COUNTY, S.C.
 00 OCT 26 PM 2:19
 BK 70 PG 105
 FOLDER #



Original Submittal to HRB

EXEMPT
 DUKE STREET 60' R/W
 This development shown hereon is exempt from the requirements of the City of Beaufort Subdivision Regulations according to the provisions in Article III, Section 70(C).
 Certified by Shelley Austers
 Date 10/26/00
 Beaufort County Planning Board

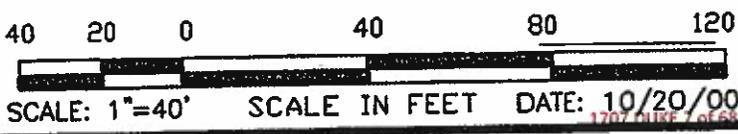
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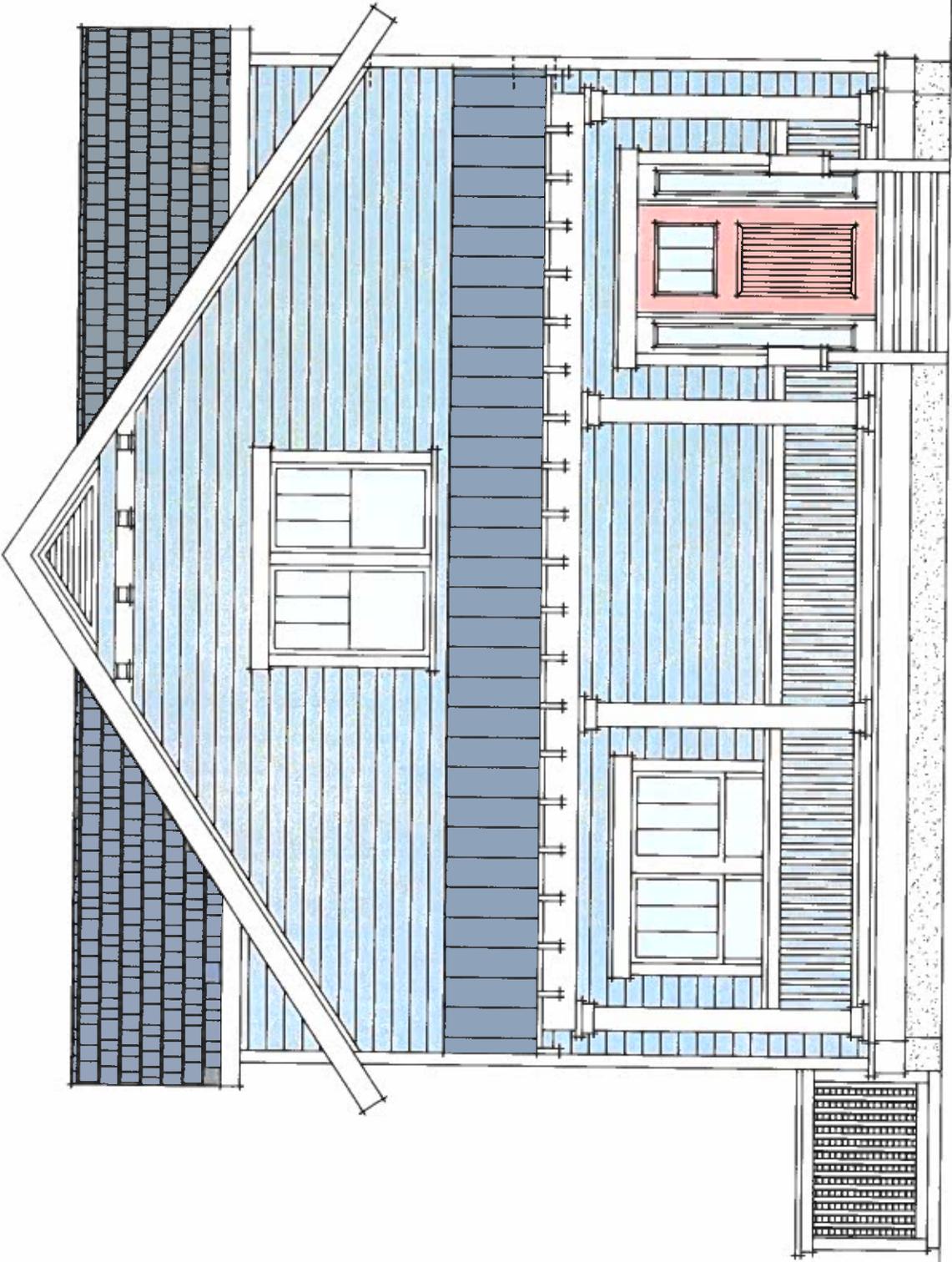
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David E. Gasque
 DAVID E. GASQUE, R.L.S.
 S.C. REGISTRATION NUMBER 10506
 JOB #17449
 FB/403 DES4/KC



FRONT ELEVATION



Zoning Board of Appeals Staff Report

From the Department of Community Development
June 27, 2022

1 SUMMARY OF REQUEST

The applicant has attended, and received approval from, the Historic Review Board for the construction of the new residence. The conditions of approval mention that the placement of this HVAC is to be determined by the result of this variance application before the ZBOA. The applicant is requesting a 5' variance to the 6' interior setback requirement in the T4-HN zoning district (Section 2.4.1.B.3). The purpose for this variance is for a HVAC enclosure within the side yard.

2 FACTS

Property Address: 1707 Duke Street
Parcel ID: R120 003 000 0131 0000
Case Number: ZB 22-04
Applicant: Karen Sullenger
Type of Request: Variance
Current Zoning: T4-HN

When requesting a variance Section 9.14.2.F of the Beaufort Code states that, "a variance may be granted by the ZBOA if it concludes that the strict enforcement of any design and performance standard set forth in this Code would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of this Code will be observed, 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, all of the following findings:

- 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.

Staff Comment: There are no extreme physical site conditions, including topographical constraints, that have determined the proposed location of the HVAC enclosure.

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

Staff Comment: Lot dimensions within the Historic District are small, as the original layout for lots for historic properties did not have to reserve space for modern amenities such as driveways, garages, etc. During a site visit, a residence across the street at 1708 Duke does have an HVAC unit that is likely located within the side setback. However, the construction of this house and placement of the HVAC unit preceded the current code, thus the placement of this HVAC unit would be a nonconforming structure.

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

Staff Comment: The applicant is proposing construction of a new residence. Original submittals to the HRB showed the HVAC unit on the east side of the house, in between the house and driveway. The recent relocation of the HVAC unit to the west side is a result of the applicant's own action. Further the HRB and staff are indifferent on the placement of the HVAC unit on the east or west side from an aesthetic viewpoint.

- 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.

Staff Comment: This variance would not contradict or conflict with the adopted plans of the City of Beaufort.

- 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.

Staff Comment: As mentioned before, the original location of the HVAC unit on the east side satisfied the HRB submittal and did not require any variance or major adjustment to the site plan.

- 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.

Staff Comment: Due to the smaller lot sizes in the Historic District and the existing example of an HVAC encroachment across the street, the granting of this variance would not likely be a substantial detriment, unless there is public testimony received at the ZBOA meeting that proves otherwise.

3 STAFF RECOMMENDATION

Denial:

I move to deny application ZB 22-04, request for a 6' variance to Section 2.4.1.B.3 for the installation of an HVAC enclosure due to the applications nonconformance with criteria a, c, & e.