



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, October 24, 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/81074030951?pwd=UldUSjQ5RUUVIRXBEbEU4aVpFZ3lodz09>

Password: 649160

Meeting ID: 810 7403 0951

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 August 22, 2022 Meeting

V. Review of Projects

A. 2307 Pine Court, South, Buildings 1 & 2, identified as R120 007 000 0087 0000, Variance

Applicant: Hank Maxwell (ZB22-08)

The applicant is requesting approval for an 8’ variance to the required 15’ maximum front setback requirement per Section 2.4.1.B.1 of The Beaufort Code for property located at 2307 Pine Court, South, identified as R120 007 000 0087 0000. The property is zoned T5-Urban Corridor District (T5-UC).

VI. Adjournment



Zoning Board of Appeals

Meeting Minutes – August 22, 2022

CALL TO ORDER

[0:17]

A meeting of the Zoning Board of Appeals was held in-person on August 22, 2022, at 5:30 p.m.

ATTENDEES

Members in attendance: Kenneth Hoffman (Chairman), Marc Sviland (Vice-Chair), Kevin Blank, and Parker Moore.

Staff in attendance: Riccardo Giani, Interim Community Development Director

REVIEW OF MINUTES

[1:50]

Motion: Vice Chairman Sviland made a motion to approve the minutes from the July 25, 2022, as submitted. Board member Parker Moore 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 tgundler@cityofbeaufort.org.

PUBLIC HEARING

APPLICATIONS

A. **2227 Spanish Ct., identified as R120 029 000 0335 0000, Variance**

[2:35]

Applicant: Robert Gomez (Case number ZB 22-06); variance for the maximum driveway width allowed for properties within the T3-Neighborhood District.

Mr. Giani gave staff findings.

The applicant, Robert Gomez provided that due to the constraints of the property there is not adequate distance to service a two-car garage. Mr. Gomez proposed an increased width for the driveway as there is not sufficient space to move the garage further from the public right of way.

Public Comment: None present.

Motion: Vice Chairman Sviland moved to approve application ZB 22-02, request to build two nine foot wide driveways. The motion was seconded by Board Member Blank. The motion passed three in favor to one opposed.

OLD BUSINESS

[NA]

No old business addressed.

NEW BUSINESS

[NA]

No new business addressed.

ADJOURNMENT

[19:55]

Vice Chairman Sviland makes a motion to adjourn, Board Member Moore seconds the motion.

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

ZB22-08

Application Fee: \$300

Receipt # 159616

PAID
10/11 CC

OFFICE USE ONLY: Date Filed: 9/27 Application #: 24368 Zoning District: T5-UC

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: Hank Maxwell

Applicant Address: 13443 Detroit Road, Lakwood OHIO 44107

Applicant E-mail: hank@maxwellcreativecontracting.c Applicant Phone Number: 843-789-9010

Owner (if other than the Applicant): Beaufort 60 LLC

Owner Address: 13443 Detroit Road, Lakwood Ohio 44107

Owner E-mail: _____ Owner Phone Number: 216-513-5371

Property Address: 2307 Pinecourt South Bldng 1&2 Beaufort, SC 29902

Property Identification Number (Tax Map & Parcel Number): R 120 007 000 0087 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: 9/26/2022 Owner's Signature: Hank Maxwell

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

Date: 9/26/2022 Applicant's Signature: Hank Maxwell



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.1 of the Beaufort Code: Maximum Setback for

T5-UC zone classification under the Beaufort code is 15'

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): to allow the 23' setback that was compliant with the code at the time the buildings 1 & 2 were built to compliant still even though the code has changed to 15'

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 23' set back was compliant when building 1&2 were built before the new Beaufort Code was adopted to 15'

b. These conditions do not generally apply to other property in the vicinity as shown by: the new code has changed set back allowances

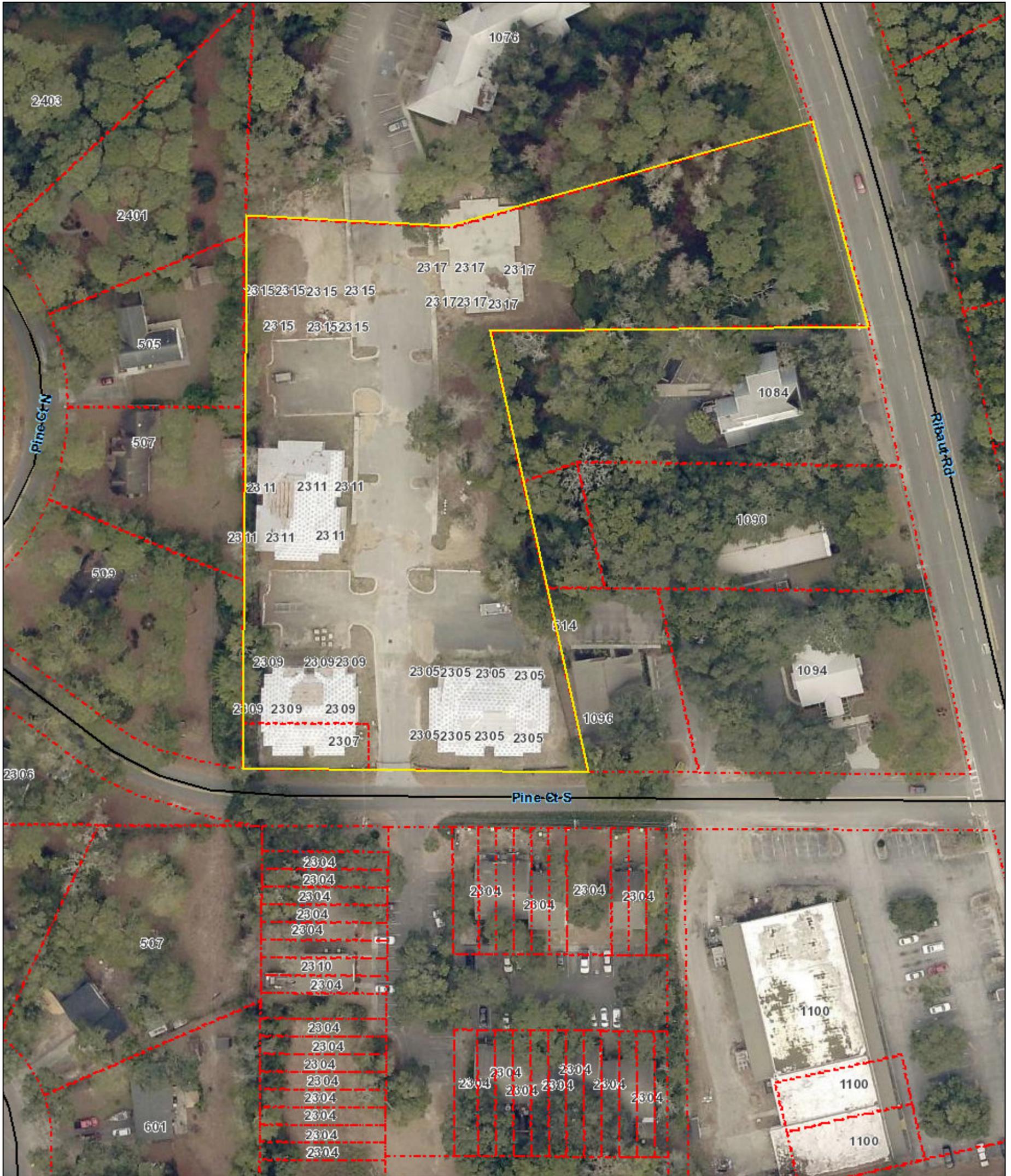
c. The conditions are not the result of the applicant's own actions as follows: per time of build, the code was current and all rules were followed. Upon adoption of the new code, the set backs have changed and bldng 1&2 were in construction

d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that: All set backs were previously followed and the 23' setback is still compliant with the 60% frontage build out in place

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: None

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 23' variance still is in compliant with the 60% frontage build and it doesn't harm or effect any other properties as it was to code at time of build

Pine Court Apartments - Aerial



10/17/2022, 4:10:28 PM

Road Classifications

— STATE, PAVED

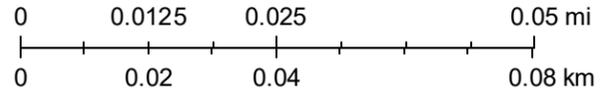
⋯ LiveParcels

Red: Band_1

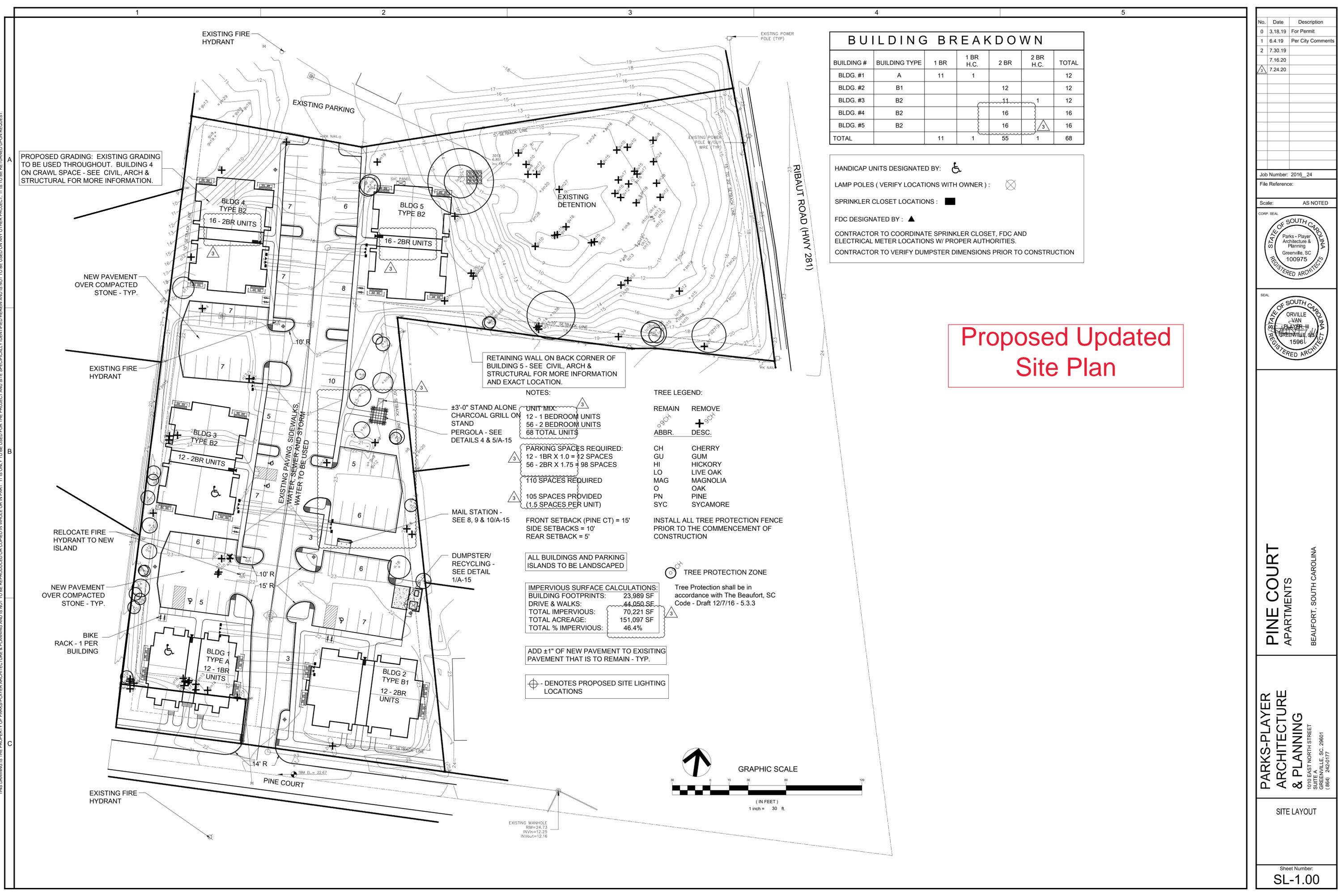
Green: Band_2

Blue: Band_3

1:1,128







BUILDING BREAKDOWN

BUILDING #	BUILDING TYPE	1 BR	1 BR H.C.	2 BR	2 BR H.C.	TOTAL
BLDG. #1	A	11	1			12
BLDG. #2	B1			12		12
BLDG. #3	B2			11	1	12
BLDG. #4	B2			16		16
BLDG. #5	B2			16	3	16
TOTAL		11	1	55	1	68

HANDICAP UNITS DESIGNATED BY: ♿

LAMP POLES (VERIFY LOCATIONS WITH OWNER): ☒

SPRINKLER CLOSET LOCATIONS: ■

FDC DESIGNATED BY: ▲

CONTRACTOR TO COORDINATE SPRINKLER CLOSET, FDC AND ELECTRICAL METER LOCATIONS W/ PROPER AUTHORITIES.

CONTRACTOR TO VERIFY DUMPSTER DIMENSIONS PRIOR TO CONSTRUCTION

Proposed Updated Site Plan

NOTES:

RETAINING WALL ON BACK CORNER OF BUILDING 5 - SEE CIVIL, ARCH & STRUCTURAL FOR MORE INFORMATION AND EXACT LOCATION.

EXISTING PAVING, SIDEWALKS, WATER, SEWER AND STORAGE WATER TO BE USED

MAIL STATION - SEE 8, 9 & 10/A-15

DUMPSTER/ RECYCLING - SEE DETAIL 1/A-15

ALL BUILDINGS AND PARKING ISLANDS TO BE LANDSCAPED

FRONT SETBACK (PINE CT) = 15'
SIDE SETBACKS = 10'
REAR SETBACK = 5'

ADD ±1" OF NEW PAVEMENT TO EXISTING PAVEMENT THAT IS TO REMAIN - TYP.

⊕ - DENOTES PROPOSED SITE LIGHTING LOCATIONS

UNIT MIX:
12 - 1 BEDROOM UNITS
56 - 2 BEDROOM UNITS
68 TOTAL UNITS

PARKING SPACES REQUIRED:
12 - 1BR X 1.0 = 12 SPACES
56 - 2BR X 1.75 = 98 SPACES
110 SPACES REQUIRED

105 SPACES PROVIDED (1.5 SPACES PER UNIT)

IMPERVIOUS SURFACE CALCULATIONS:
BUILDING FOOTPRINTS: 23,989 SF
DRIVE & WALKS: 44,050 SF
TOTAL IMPERVIOUS: 70,221 SF
TOTAL ACREAGE: 151,097 SF
TOTAL % IMPERVIOUS: 46.4%

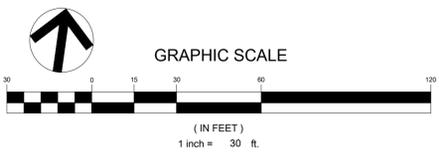
TREE LEGEND:

REMAIN	REMOVE
○SCH	⊕SCH
ABBR.	DESC.
CH	CHERRY
GU	GUM
HI	HICKORY
LO	LIVE OAK
MAG	MAGNOLIA
O	OAK
PN	PINE
SYC	SYCAMORE

INSTALL ALL TREE PROTECTION FENCE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

○CH TREE PROTECTION ZONE

Tree Protection shall be in accordance with The Beaufort, SC Code - Draft 12/7/16 - 5.3.3



No.	Date	Description
0	3.18.19	For Permit
1	6.4.19	Per City Comments
2	7.30.19	
	7.16.20	
3	7.24.20	

Job Number: 2016_24
File Reference:
Scale: AS NOTED
CORP. SEAL

PINE COURT APARTMENTS
BEAUFORT, SOUTH CAROLINA

PARKS-PLAYER ARCHITECTURE & PLANNING
1010 EAST NORTH STREET
SUITE A
GREENVILLE, SC 29601
(864) 242-0177

SITE LAYOUT

Sheet Number:
SL-1.00

THIS DRAWING IS THE PROPERTY OF PARKS-PLAYER ARCHITECTURE & PLANNING AND IS NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART. IT IS ONLY TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN AND IS NOT TO BE RETURNED UPON REQUEST.



Zoning Board of Appeals Staff Report

From the Department of Community Development
October 24, 2022

1 SUMMARY OF REQUEST

The subject property currently contains partially constructed apartment buildings. This project was started in 2015 during the time of the previous zoning ordinance, the UDO. Due to financial and/or operational difficulties, this project sat dormant for several years and has since switched ownership. No extensions were requested so their original permits, vested rights period, and design approvals have all since lapsed.

As the project started construction under the UDO and then stopped, the setbacks for Buildings #1 and #2 (referenced on site plan) no longer conform to the zoning district (T5-UC) under the Beaufort Code. Due to this circumstance, the applicant resuming the project is requesting an 8' variance to the front setback of the buildings #1 and #2 to prevent total demolition and reconstruction to comply with the current setback requirements. The partially constructed apartment buildings have a 23' front yard, and the maximum allowed by the T5-UC District is 15'.

All buildings received design review approval from the Design Review Board in October of 2022, however design approvals for buildings 1-2 are contingent on the approval of this variance by the Zoning Board of Appeals.

2 FACTS

Property Address: 2307 Pine Court South, Buildings 1 & 2
Parcel ID: R120 007 000 0087 0000
Case Number: ZB 22-08
Applicant: Hank Maxwell
Type of Request: Variance
Current Zoning: T5-UC

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: This project was designed, approved, and permitted under the previous zoning code, the UDO. This project was started prior to the previous owner losing financing and other reasons, as a result this project sat dormant for years while these matters were being figured out, and recently became under new ownership. Since this project was designed, approved, permitted, and partially constructed

under the previous code and is now trying to resume progress under the current Beaufort Code, this is a reasonable example of special conditions that are unique to the development involved, more than just a mere inconvenience.

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

Staff Comment: There is an existing development across the street that is outside of the 15' maximum setback requirement, however these buildings were built prior to the enactment of the Beaufort Code. The allowance of this variance would not differ from the prevailing setbacks on Pine Court South.

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

Staff Comment: The applicant is the new owner of the development that was started and stopped under the previous owner. The buildings were originally constructed in conformance with the setback standards of the UDO. The cease of construction activity, nor the building's current placement is not due to the actions of the applicant.

- 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: In the opinion of staff, the approval of this variance would not conflict with any of the mentioned plans or codes above.

- 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: The denial of this variance would likely lead this project to continue to sit dormant, as it would be infeasible for any developer to demolish the previously constructed buildings to move to comply with the current setback requirement.

- 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: In the opinion of staff, this unique circumstance requires authorization of a variance to the front setback to complete the project. If this project remains dormant, it is likely that surrounding properties will be negatively affected as these buildings will continue to be exposed by the elements, increasing their chance of becoming dilapidated. Completion of this project is in the best interest of the City and the surrounding neighborhood.

3 STAFF RECOMMENDATION

Approval:

I move to approve application ZB 22-08, request for an 8' variance to the maximum front setback requirement in the T5-UC District for buildings #1 and #2, as submitted.