

**2316 WILSON DRIVE  
STAFF REPORT**

**CITY OF BEAUFORT  
ZONING BOARD OF APPEALS  
Staff Report and Recommendations  
Meeting of 20 May 2015**

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**Case Number:** ZB15-13  
**Property Address:** 2316 Wilson Drive  
**Applicant:** Randall Sullivan  
**Type of Request:** Lot width setback variance  
**Zoning:** R-1

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**Background:** The property is located at 2316 Wilson Road in the Pigeon Point neighborhood (see Site Location Map attached). The property is identified as District 120, Tax Map 2, Parcel 7. The parcel is zoned “R-1 Low Density Single-Family Residential District” (R-1). The R-1 District requires a minimum lot area of 12,500 square feet and a minimum lot width of 100’ measured at the front setback line which is 30’. The lot is currently vacant (see attached photo). This lot adjoins Parcel 417. Until recently, as shown on the plat submitted with the application, a single-family dwelling had been located on properties, crossing the parcel lines. Family members own both lots.

The applicant desires to move the lot line between the two lots to settle an estate. Both lots currently exceed the minimum lot area requirement of 12,500 square feet. After the lot line adjustment, Parcel 7 will be 14,493 square feet and Parcel 417 will be 13,077 square feet--exceeding minimum lot area requirements. Parcel 7 is currently 120’ wide and meets minimum lot width requirements. Parcel 417 is currently 80’ wide. Given that the minimum lot width requirement is 100’, Parcel 417 is currently nonconforming for lot width.

The applicants have stated the presence of a large tree on Parcel 417 reduces the buildable area of the lot and so the applicants desire to make Parcel 417 larger and wider. The proposed lot line adjustment will result in Parcel 417 having a lot width of 108’, so the nonconformity is eliminated. Parcel 7 will be 91’ and so becomes nonconforming for lot width. Because Parcel 7 will become nonconforming, a variance is required to permit this lot line adjustment.

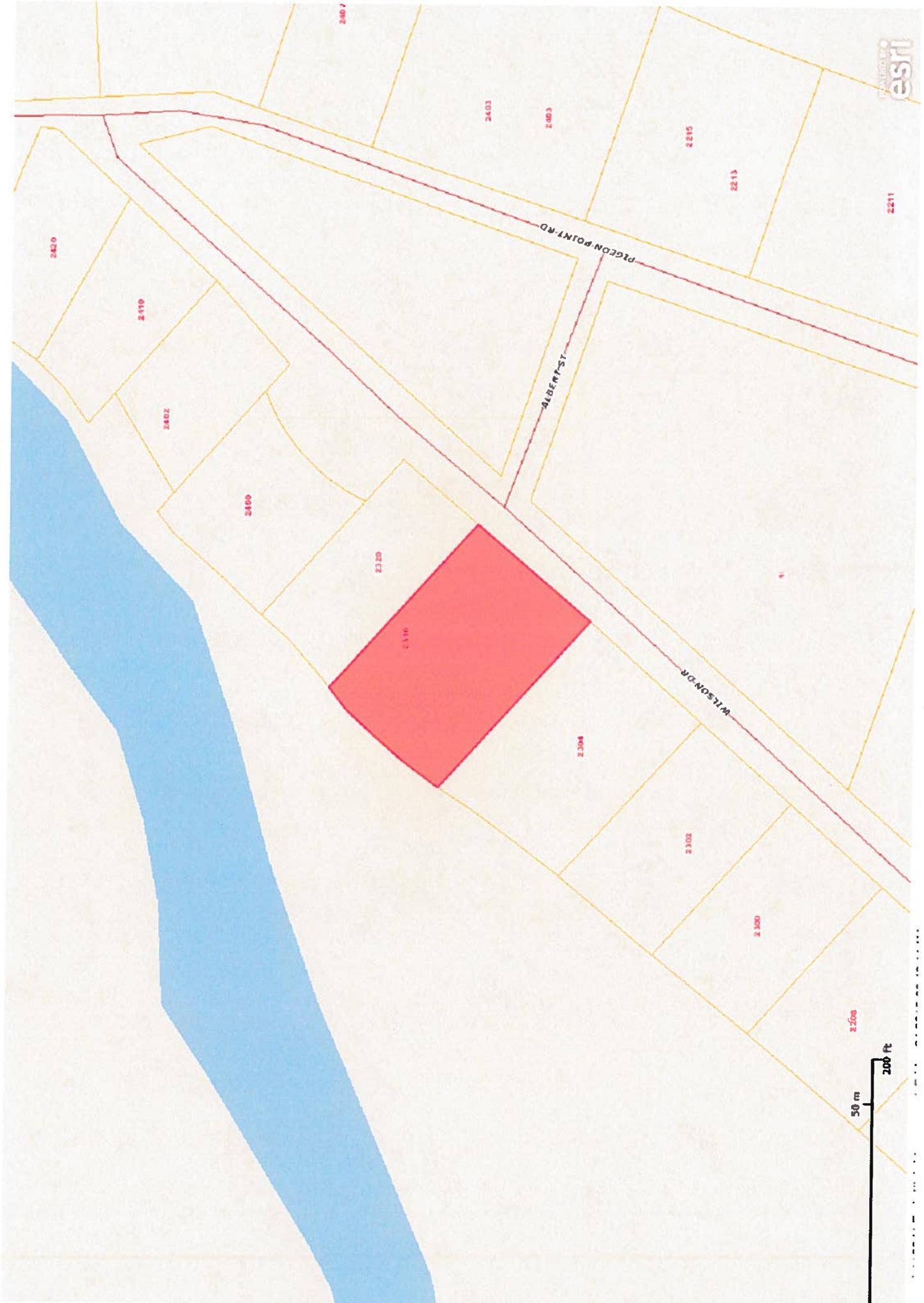
**Public comment:** Letters were sent to adjoining property owners on April 30. The public hearing notice referencing this application appeared in the May 5 edition of *The Beaufort Gazette*. The property was posted on May 6. Staff has received no public comments on this application as of the date of this writing.

**Staff findings:** Based on the information submitted with the application, staff has concluded the following:

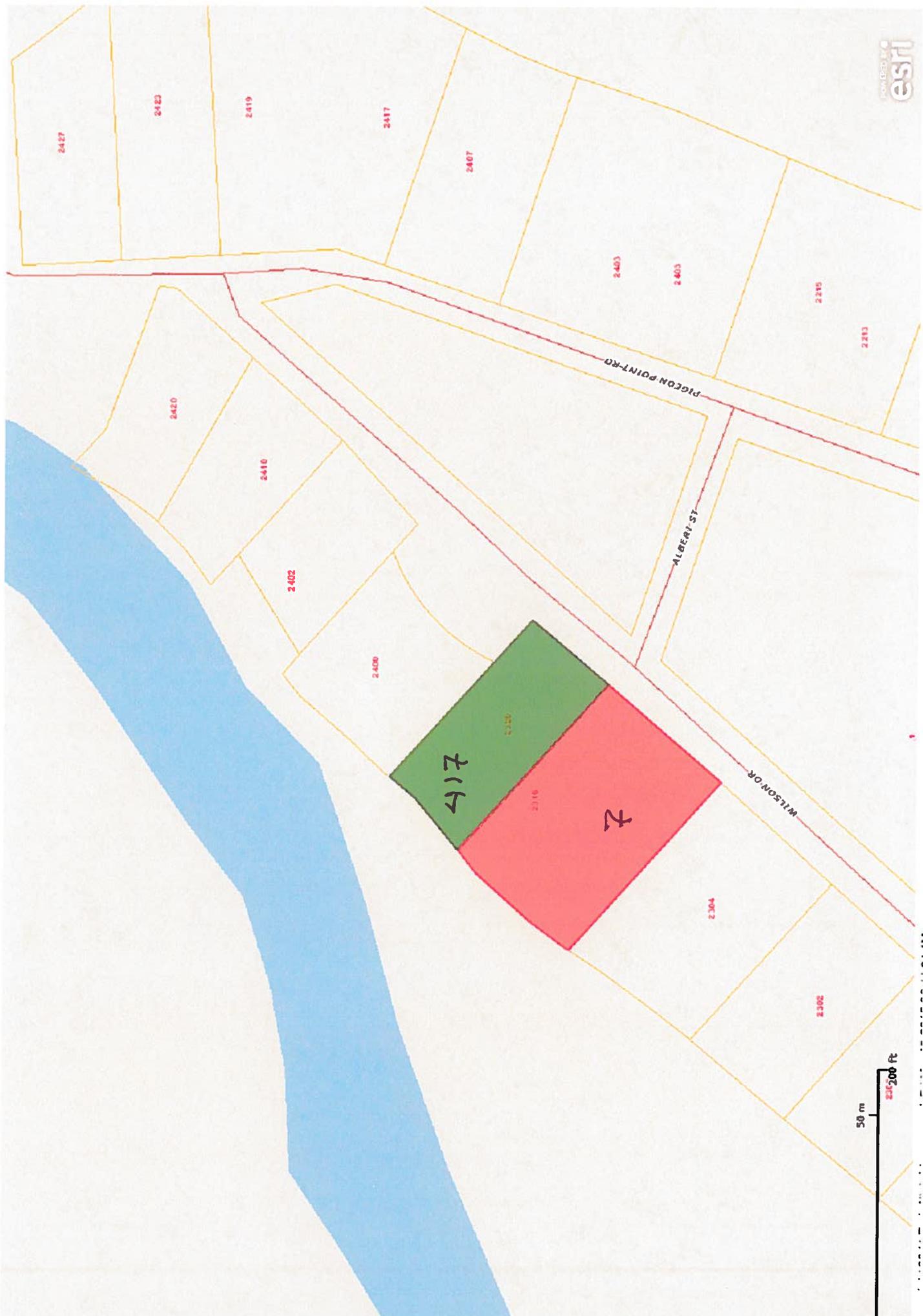
- (1) *Extraordinary and exceptional conditions.* In staff's opinion, there are extraordinary and exceptional conditions attached to this request in that there had been a single-family dwelling located on the site that was built over the lot lines of two separate tax parcels. The parcels are now being conveyed to different owners as part of an estate settlement. Parcel 417 is currently nonconforming for lot width and contains a large tree and has a smaller buildable area than Parcel 7.
- (2) *Conditions as applied to other property in the vicinity.* These conditions do not generally apply to other property in the vicinity.
- (3) *Conditions not a result of the applicant's own actions.* The applicant did not plat the lots nor build the previous dwelling on the lot.
- (4) *Not in conflict with Comprehensive Plan.* The Board must make a finding that granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Unified Development Ordinance. The comprehensive plan and Civic Master Plan encourage compatible infill development. Staff believes granting the variance will result in two buildable lots that are compatible with the lots in the surrounding neighborhood.
- (5) *Unreasonable restriction on utilization of the property.* The Board must make a finding that application of the ordinance to the particular property unreasonably restricts use of the property. Currently one lot (Parcel 417) is 20' narrower than the minimum lot width required for the R-1 District. The lot line adjustment would result in one lot becoming conforming and one lot being 9' narrower than the minimum lot width. Staff believes it is an unreasonable restriction on use of the property to prevent a lot line adjustment that will result in a lot moving closer to conformity.
- (6) *Detriment to adjacent property and the public good.* Staff believes that granting of the variance would not be a detriment to adjacent property or the public good in that the lots are moving closer to compliance and that appropriately-sized and sited single-family dwellings could be built on both lines.

Staff comments: Staff believes that all the findings necessary to approve the variance have been met and so staff recommends approval.

# 2316 Wilson Dr



# Parcels 7 and 417





# **2316 WILSON DRIVE APPLICATION**

**\$ PAID**  
4/7/15 CK

Apt # 11374

City of Beaufort Zoning Board of Appeals  
1911 Boundary Street  
Beaufort, South Carolina 29902  
Phone (843) 525-7011, Fax (843) 986-5606  
E-Mail: [jbachety@cityofbeaufort.org](mailto:jbachety@cityofbeaufort.org)  
\*Revised September 12, 2014

Application Fees	
<input checked="" type="checkbox"/> Residential \$200	✓
<input type="checkbox"/> Commercial \$300	
<input type="checkbox"/> Special Meetings \$500	

**VARIANCE APPLICATION**

OFFICE USE ONLY: Date Filed: 4-7-15 Application #: ZB15-13 Zoning District: R-1

**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.

APPLICANT(S): Randall K. Sullivan  
 Address: 309 Samuel Rd, Honea Path, SC 29654  
 Telephone: 864-369-7839 [day] [fax]  
 E-mail: ahsully74@yahoo.com

OWNER(S) if other than Applicant(s): Elizabeth S King (Deceased)  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ [day] [fax]

PROPERTY STREET ADDRESS: 2316 Wilson Dr  
 Tax Map No.: R120 002 000 000 70000  
 Parcel No.: 7

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

**DESIGNATION OF AGENT** [complete only if owner is not applicant]:  
 I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.  
 Date: \_\_\_\_\_ Owner's Signature: Randall K Sullivan  
 Personal Representative

I (We) certify that the information in this application is correct.  
 Date: 4-7-15 Applicant's Signature: Randall K Sullivan

City of Beaufort Zoning Board of Appeals

1911 Boundary Street

Beaufort, South Carolina 29902

Phone: (843) 525-7011, Fax: (843) 986-5606

E-Mail: [jbachety@cityofbeaufort.org](mailto:jbachety@cityofbeaufort.org)

\*Revised September 12, 2014

VARIANCE APPLICATION

Applicant hereby appeals to 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 3.15 of the Unified Development Ordinance (UDO): minimum lot width Per R-1 Zoning

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) N/A lot revision

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 UDO:

1. The application of the UDO will result in unnecessary hardship, and the standards for a variance set by State law and the UDO are met by the following facts:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

Due to the death and will of Elizabeth S King, both tracts R120 002 000 0001 and 0417 will have new boundary lines. Currently 0007 is 120' across the street front and 0417 is 80' feet in the front. The lot revision will result in 0007 being 90'74" front and 0417 will be 108.40'

b. These conditions do not generally apply to other property in the vicinity as shown by:

c. The conditions are not the result of the applicant's own actions as follows:

Per terms of Elizabeth S King's will the right 3rd of 0007 is to be divided recutting in the revision. In order for 0417 to be a buildable lot, it has to go to 108 ft because of a beautiful, huge tree thus leaving 0007 less than the required 100-ft wide but still larger than the 12,500 sq ft required. \*

d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDO in that:

There are several lots on the street that were granted variances due to size and 0007 will not be smaller than those in the area.

e. Because of these conditions, the application of the UDO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

The intent of the will and the owners is that both 0007 and 0417 be large enough to be buildable. The tree on 0417 is in such a position the lot must be larger than 100 ft thus leaving 0007 smaller and in need of this variance

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 lot is going to be 14,493 sq ft and is larger than other lots in the area even if the variance is granted. The minimum new width will only be about 8 ft at the 30 ft line and is as large as neighborhood lots.

\* See pictures of the tree on 0417

4-17-15

Dear Mr. Anderson,

You will find here the 2nd page of the Variance application we filed when we saw you last week along with pictures we finally received from CVS.

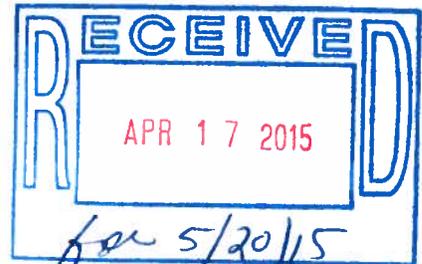
To refresh your memory, lots 0007 and 0417 are to be revised resulting in 0007 going from 120 ft on the street to 90.74 ft and 0417 going from 80 ft to 108.40 ft. Because of a huge oak tree on 0417, that lot requires more than 100 foot width in order for a home to be built thus leaving 0007 with less than the required 100 foot width.

We have included copies of the proposed survey along with pictures showing the huge tree in question. The tree has azaleas around it and in several pictures is behind the No Trespass sign and to the left of a truck.

We will see you at the meeting on May 20.

Thank you,

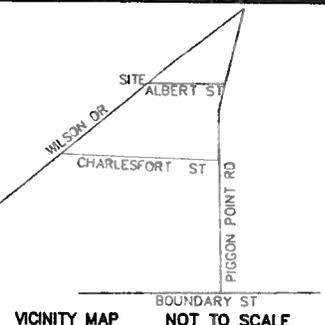
Andy Sullivan



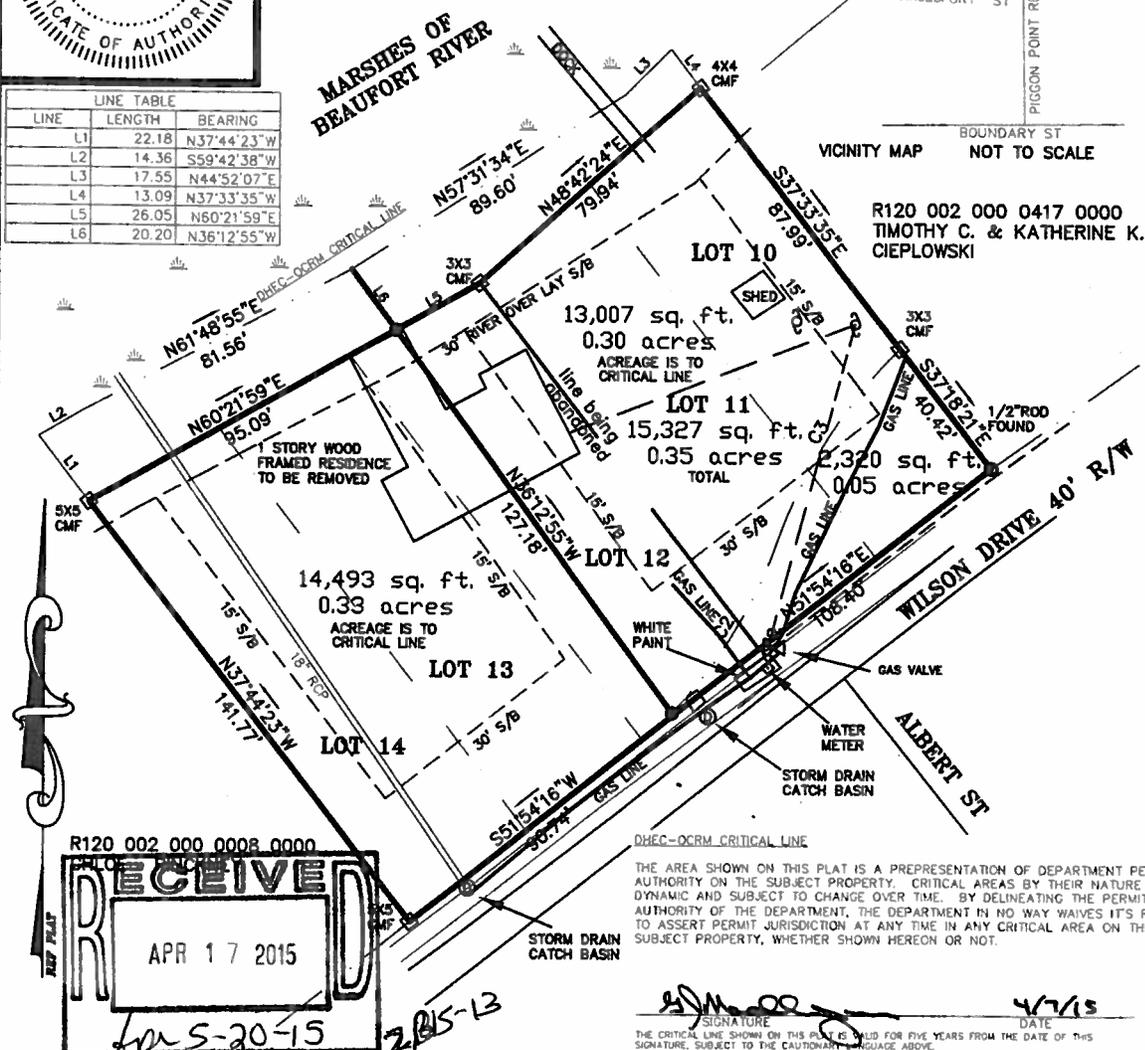
ZB15-13



**GASQUE ASSOCIATES INC.**  
**LAND SURVEYORS & PLANNERS**  
 28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.  
 P.O. BOX 1363, BEAUFORT, S.C.  
 PHONE (843) 322-1798



LINE	LENGTH	BEARING
L1	22.18	N37°44'23"W
L2	14.36	S59°42'38"W
L3	17.55	N44°52'07"E
L4	13.09	N37°33'35"W
L5	26.05	N60°21'59"E
L6	20.20	N36°12'55"W



R120 002 000 0008 0000  
**RECEIVED**  
 APR 17 2015  
 for 5-20-15

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

*[Signature]*  
 SIGNATURE DATE  
 4/7/15

CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C2	55.73	132.25	28.28	55.32	N31°11'41"E	24°08'36"
C3	61.12	142.07	31.04	60.65	S32°27'56"W	24°38'58"

**PLAT SHOWING LOT RECOMBINATION AND RECONFIGURATION**  
**TIMOTHY CIEPLOWSKI**  
 BEING LOTS 12, 13, & 14 BLOCK "W" BEAUFORT SHORES SUBDIVISION AS SHOWN ON A PLAT BY LORICK V. FANNING DATED APRIL 20, 2004 RECORDED IN BOOK 2211, PAGE 95 BEAUFORT COUNTY R.M.C. OFFICE  
 LOCATED IN THE CITY OF BEAUFORT BEAUFORT COUNTY SOUTH CAROLINA  
 TAX MAP R120 002 000 0007 and 0417

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.  
 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 "C" AS DETERMINED BY F.E.M.A. FIRM COMM-PANEL NUMBER 450026 0005 D, DATED 09/29/86 (INDEX DATE 11/04/92)  
 THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH ANY RESTRICTIVE CONVEYANCES OR ANY CITY AND/OR COUNTY ORDINANCES.

I, DAVID E. GASQUE, HEREBY CERTIFY TO TIMOTHY CIEPLOWSKI 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.

40 20 0 40 80 120  
 SCALE: 1"=40' SCALE IN FEET DATE: 11/19/2014

DAVID E. GASQUE, S.L.S. JOB # 42480  
 S.C. REGISTRATION NUMBER 10506 FB#879/DJ DSGN#7  
 THIS PLAT IS NOT VALID UNLESS ACCOMPANIED BY AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.



RECEIVED  
APR 17 2015



