

**CITY OF BEAUFORT  
ZONING BOARD OF APPEALS  
Staff Report and Recommendations  
Meeting of 28 May 2014**

---

**Case Number:** ZB14-12  
**Property Address:** 820 Paul Drive  
**Applicant:** James and Mary Lamie  
**Type of Request:** Variance from Limit on Size of Shed  
**Zoning:** R-2

---

**Background:** The property is located at 820 Paul Drive in the Royal Pines neighborhood (see Site Location Map attached). The property is identified as District 120, Tax Map 7, Parcel 184. A single-family dwelling is located on the property (see attached photos). The property is zoned "R-2 Medium Density Single-Family District" (R-2).

The applicants desire to relocate an existing shed from the adjoining property at 818 Paul Drive onto his property. The shed is 336 square feet. Section 5.4.B.2 of the Unified Development Ordinance (UDO) stipulates a shed shall not exceed 320 square feet. The shed at 818 Paul Drive was installed without a permit. The shed is located too close to the side property line; i.e., it is in the setback area. In addition, the shed exceeds the size limit in the ordinance. The City has an enforcement action on the unpermitted shed. The applicants have offered to purchase the shed and relocate it onto their property at 820 Paul Drive. The shed is 16 square feet larger than permitted by Section 5.4.B. 2. The applicants are requesting a variance of Section 5.4.B.2 to allow the shed to be relocated.

**Public comment:** The property was posted on May 12. The public hearing notice referencing this application appeared in the May 13, 2014 edition of *The Beaufort Gazette*. Letters were sent to adjoining property owners on May 14. 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 extraordinary and exceptional conditions attached to this property in that a shed has been located on the adjoining property without a permit and the shed is located within the setback area.
- (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.* These conditions are not the result of the applicants' own actions, in that the applicants did not purchase or locate the shed in question.
- (4) *Not in conflict with Comprehensive Plan.* In staff's opinion, granting of the variance would not conflict with the Comprehensive Plan or the purposes of the UDO.
- (5) *Unreasonable restriction on utilization of the property.* Staff believes it is an unreasonable restriction on use of the property to prevent the equitable resolution of a code enforcement issue and prevent the shed from being permitted and properly relocated onto an adjoining property, when the shed only exceeds the size limit for sheds by 16 square feet or 5%.
- (6) *Detriment to adjacent property and the public good.* Staff believes that granting of the variance will not be a detriment to adjacent property or the public good, as the amount of the variance is small (16 square feet; 5%); that the shed will be properly located and permitted; and that an existing code violation will be corrected.

**Staff recommendation:** Staff believes that all of the findings necessary to approve a variance can be met and as a result, staff recommends approval.









City of Beaufort Zoning Board of Appeals  
1911 Boundary Street  
Beaufort, South Carolina 29902  
Phone (843) 525-7011, Fax (843) 986-5606  
E-Mail: [planning@cityofbeaufort.org](mailto:planning@cityofbeaufort.org)  
Revised October 7, 2010\*

Application Fees	
<input checked="" type="checkbox"/> Residential \$200	4/15/14
<input type="checkbox"/> Commercial \$300	
<input type="checkbox"/> Special Meetings \$500	

APP# 9792

**VARIANCE APPLICATION**

OFFICE USE ONLY: Date Filed: 4-15-14 Application #: 2B14-12 Zoning District: R-2

### 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): JAMES & MARY LAMIE  
Address: 820 PAUL DR., BEAUFORT, SC 29902  
Telephone: 476-2217 [day] [fax]  
E-mail: butch@islc.net

EMAIL NOT GOOD  
\* CALL OR MAIL

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

PROPERTY STREET ADDRESS: 820 PAUL DR.  
Tax Map No.: R120-007-000-0184-0000  
Parcel No.: 184

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: 4-15-14 Owner's Signature: James E. Lamin

I (We) certify that the information in this application is correct.  
Date: 4-15-14 Applicant's Signature: James E. Lamin

City of Beaufort Zoning Board of Appeals  
1911 Boundary Street  
Beaufort, South Carolina 29902  
Phone: (843) 525-7011, Fax: (843) 986-5606  
E-Mail: [planning@cityofbeaufort.org](mailto:planning@cityofbeaufort.org)  
\*Revised October 7, 2010\*

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): \_\_\_\_\_

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) Shed

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: Old shed was destroyed by fallen tree. New shed is being replaced.

b. These conditions do not generally apply to other property in the vicinity as shown by: No other properties, old shed destroyed by fallen trees.

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

Strong wind blew oak tree down and it landed on shed and fence.

d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDO in that: A shed had already existed in same proposed spot of new shed.

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: No restrictions because there was a shed there before.

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 shed is within our property alone and there was a 12x24 shed in same area before.