



CITY OF BEAUFORT
ZONING BOARD OF APPEALS
1911 BOUNDARY STREET
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7011

MINUTES

CITY OF BEAUFORT
ZONING BOARD OF APPEALS
Monday, May 23, 2011, 5:30 p.m.
City Hall Council Chambers – 1911 Boundary Street
Beaufort, South Carolina

STATEMENT OF MEDIA NOTIFICATION: “In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media duly notified of the time, date, place, and agenda of this meeting.

Members Present

Brad Hill, Vice-Chairman
Rod Mattingly
Eric Powell
Joan Sedlacek

Members Absent

Alice Howard, Chairman

Staff Present

Libby Anderson, City of Beaufort Planning Director

I. Call to Order

Bradd Hill, Vice-Chairman, called the meeting to order at 5:30 P.M. and led in the Pledge of Allegiance. Mr. Hill introduced the board members, Rod Mattingly, Eric Powell, and Joan Sedlacek, and City of Beaufort staff, Libby Anderson, Planning Director.

II. 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 and the *City of Beaufort Unified Development Ordinance* (UDO).

III. Review Minutes:

A. Minutes of February 28, 2011 Meeting

Motion: Mr. Mattingly made a motion, seconded by Mr. Powell, to approve the minutes a submitted. The motion carried with a vote of four to zero.

B. Minutes of March 28, 2011 Meeting

Ms. Sedlacek noted on page 2, 2nd line down, the word *worse* should be changed to *reverse of*.

Motion: Mr. Powell made a motion, seconded by Mr. Mattingly, to accept the minutes with the one correction. The motion carried with a vote of four to zero.

A. 1190 Ribaut Road, identified as District 120, Tax Map 7, Parcel 634, Special Exception.

Applicant: Tom Michaels of Architectonic, Inc., for PAA of Beaufort (ZB11-04)

Ms. Anderson presented her staff report. She said the applicant is proposing to reopen a gas station/convenience store on the site. The applicant, Time Michaels, supports staff's conditions except screening the structure. Letters regarding this special exception were sent to adjoining property owners on March 14, 2011. The property was posted on March 14, 2011. The public hearing notice referencing this application appeared in the March 13, 2011 edition of *The Beaufort Gazette*. To date, staff as received a total of 5 public comments which were distributed to the board members as well as the applicant. Staff recommends approval with conditions that are set out in the staff report.

Tom Michaels of Architectonic, Inc. was present.

Mr. Hill opened the floor for public comment. There was no public comment. Mr. Hill closed the public comment.

Ms. Sedlacek commented on the Traffic Analysis Report. Ms. Sedlacek is still concerned about redevelopment and new development issues.

Motion: Mr. Mattingly made a motion, seconded by Mr. Powell to approve the special exception for a convenience store with gas pumps. The Board attached the following conditions to their approval:

- Make the Ribaut Road access right-in/right-out;
- Extend the median in Ribaut Road northward a distance to be approved by the S.C. Department of Transportation in conjunction with the Beaufort County Traffic and Transportation Engineer;
- Combine the two access points on First Boulevard into one, and locate this opposite the driveway into the Shell Station; and
- Install an opaque screening structure, 7' in height, along the rear property line to screen the use from the adjoining residential development. The screening material shall be approved by the Design Review Board.

The motion carried with a vote of four to zero.

B. 709 Duke Street, identified as District 120, Tax Map 4, Parcel 427, Several Variances.

Applicant: Allison Ramsey Architects, Inc., for Josh Gibson & Michelle Prentice (ZB11-08)

Ms. Anderson presented her staff report. She said the applicant is requesting side and rear yard setback variances, and variances for fence height and impervious surface limit in order to construct a new single-family dwelling. Letters regarding this application were sent to adjoining property owners on May 3, 2011. The property was posted on May 11, 2011. The public hearing notice referencing this application appeared in the May 8, 2011 edition of *The Beaufort Gazette*. To date, staff as received a total of 5 public comments which were distributed to the board members as well as the applicant. Staff recommends if the variance for impervious surface is granted, that the Board require the applicant to implement Best Management Practices to mitigate stormwater runoff.

Cooter Ramsey from Allison Ramsey Architect was present. Mr. Ramsey said they are trying to create privacy. It was asked if the depth could be reduced. Mr. Ramsey said yes or move the house closer to the street, but there is Live Oak tree. He said the backyard is not visible.

Mr. Mattingly asked about the HVAC and a living fence for screening. Mr. Ramsey said the fence will be run 27' along the SW property line; the units are at

grade; the gate will be wire mesh and painted; and we will be gutting the courtyard.

Mr. Hill opened the floor for public comment. There was no public comment. Mr. Hill closed the public comment.

Mr. Mattingly said he had no problem with 1' at rear. He can't imagine not having a shed. It's important to have the living fence mitigate HVAC. Mr. Powell said the applicant did a great job. Ms. Sedlacek said she was impressed with the plans. The lane is a mitigating circumstance.

Mr. Hill said these are a lot of variances, but each one is splitting hairs. Mr. Hill referred to the applicant using the Best Management Practices.

Motion: Ms. Sedlacek made a motion, seconded by Mr. Powell, to grant approval for all the variances with the condition that Best Management Practices (BMPs) be used to mitigate stormwater runoff to a 55% impervious level and that the BMPs are to be approved by staff. The motion carried with a vote of four to zero.

C. 409 Joshua Court, identified as District 120, Tax Map 6, Parcel 486, Fence Height Variance. Applicant: Tina D. Couch (ZB11-09)

The applicant is requesting a fence height variance in order to install 8' privacy fences along the side property lines.

Ms. Anderson presented her staff report. She said the applicant has begun to install an 8' privacy fence along the side property lines without a permit. The support structures for the fence face the adjoining property owner. Letters regarding this application were sent to adjoining property owners on May 3, 2011. The property was posted on May 11, 2011. The public hearing notice referencing this application appeared in the May 8, 2011 edition of *The Beaufort Gazette*. To date, staff as received a four public comments which were distributed to the board members as well as the applicant. Staff recommends denial since all the findings necessary to approve the variance do not appear to be met

Mr. Powell asked if he needed to recuse himself from this review since he knew the applicant and built her house. Everyone agreed he doesn't need to recused.

Tina Couch, the owner, was present.

Ms. Couch said she didn't know she needed a permit. She will change the design. She mentioned that she is a single parent and the apartment complex behind her

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has a lot rentals and she wants to have some privacy. She said she had a problem with someone looking into her back windows. The fence to match the back fence. The side fences were discussed, also.

Mr. Hill opened the floor for public comment.

Dr. lives at 407 Joshua Court, lot 12B. He said if all the permits were issued, I am okay with this. He said he as the first tenant in this area.

Harold Green Lee lives at 419 Joshua Court. He said we would not be here if the permit was applied for. He said the adjoining property owner lives in Texas and does not agree. He is trying to sell the property because this is an after-the-fact to allow construction that does not meet the code.

William Reese lives at 2626 Joshua Court. He said this has been disapproved. He said ignorance of the law is no excuse.

Harold Greene Lee said fence separating 2 units is 7'.

Sandy Patterson, Chair of Jericho Woods POA said there is no problem with a privacy fence. She said she personally took the covenants to her house, and I know she knows you need the ACC.

Mr. Mattingly asked was the fence already started when you took the covenants to her. Ms. Patterson said yes.

Patricia Ether lives at 2605 Joshua Court. She said when you buy a unit you are given a copy of the covenants.

Ms. Couch said she understood that she did wrong but didn't mean any harm. She also said she did not read the covenants and thought she could apply for a variance.

William Reese said all the fences separating the units are 6'.

Dr. said the fence looks like it's on my property.

Ms. Couch said he asked if I had the land surveyed and I did. He didn't ask if I had a permit.

Brenda Morris is on a review board and said if she wanted to comply, she should move the fence back.

Sheila Durham lives at 416 Joshua Court, lot 4B. She said she sees it when she walks out her door. She said it's very attractive. She also said there is a large tree house that is not very aesthetically pleasing. William Reese said the tree house is on the circle so there is no backyard, and it was approved. Mr. Mattingly said he saw some fences of varying sizes.

William Reese said the POA is relatively new and certain things were done before these new covenants. Sandy Patterson said there were three phases at Jericho Woods and we are now trying to get all of the covenants coordinated.

Mr. Hill closed the public comment.

Mr. Hill said where the 6' fence connects into the 8' fence looks rather ugly. He asked if we could allow a stepping down after a fence panel.

Ms. Sedlacek said she didn't think the connectivity difference fence height is unattractive.

Mr. Hill said he can see Mr. Hill's point about the stepping down. Mr. Mattingly said he doesn't like stepping down. He doesn't see the problem tying into a taller fence.

Mr. Hill said it doesn't seem to be extraordinary conditions. He said it must meet all 6 findings. Mr. Mattingly said we have also had trouble with findings #5 and #6 might be an issue. Mr. Hill said the other non-compliance fences are grandfathered.

Motion: Mr. Mattingly made a motion, seconded by Ms. Sedlacek, to deny the variance request because the criteria does not meet findings #6 and due to the overwhelming response from the neighborhood. The motion carried with a vote of four to zero.

IV. Old Business

V. New Business

VI. Adjournment

The Meeting adjourned at 7:30 P.M.