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A meeting of the Zoning Board of Appeals was held on **January 25, 2016** at 5:30 p.m. in the City Hall council chambers, 1911 Boundary Street. In attendance were temporary Chairman Tim Wood, board members Jody Caron, Josh Gibson, Nigel Stroud, and Joe Noll, and Libby Anderson, planning director.

In accordance with the 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.

### **CALL TO ORDER**

Chairman Wood called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance. He read the notice of compliance with the Freedom of Information Act requirements.

**Mr. Stroud made a motion, second by Mr. Noll, to approve the minutes of the December 21, 2015 meeting as presented. The motion passed unanimously.**

### **REVIEW OF PROJECTS**

**108 South Hermitage Road, Identified as District R120, Map 5, Parcel 319 and 41**  
Variance

Applicant: Montgomery Architecture + Planning (ZB15-33)

*The applicant is requesting a variance in order to construct a building addition.*

Ms. Anderson said the property is at the corner of South Hermitage Road and Fripp Street. A single family dwelling is on the property. It occupies almost the entire width of the buildable area. The setbacks in this area are 15' in the side and rear. The building is about 1400 square feet.

The applicant proposes to renovate the house for a new owner and construct an addition, Ms. Anderson said. The original proposal – for a 10.75' setback variance – was heard at the December ZBOA meeting, but the board voted to table the application so that the applicant could redesign. The applicant has done so and changed the proposed project considerably. There is no encroachment on the north/Fripp Street side, but a small portion of a south side addition encroaches into the south setback by 2'6" at its furthest point. The lot is not rectangular, she said; it narrows as it extends at the east end. It's parallel to South Hermitage Road, but the house is "not square on the lot," she said.

In regard to public comment, the project was not re-advertised, but the owner of the adjoining property on the south side of the applicant's was notified because they will be the most affected by the proposal. **Phil Hodges**, who had commented at the December meeting, was also notified of the meeting and redesign. Ms. Anderson said she did not hear back from them.

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Ms. Anderson enumerated the six findings the board needs to make to approve this application for a variance.

1. **Extraordinary and exceptional conditions:** Ms. Anderson said this finding could be made. The lot has an unusual configuration, in that it narrows by 24' from the front to the back. In addition, the existing structure occupies almost the entire buildable width of the area, which precludes any addition to the side of the building. It's also "tilted on the lot," she said.
2. **Conditions as applied to other properties in the vicinity:** Most other interior lots in the neighborhood are more regularly shaped, Ms. Anderson said.
3. **Conditions are not the result of the applicant's own actions:** Ms. Anderson said neither the applicant nor the property owner created these conditions.
4. **Granting the variance would not conflict with the Comprehensive Plan:** Ms. Anderson said this finding could be made; the variance is minimal and not on the whole side setback.
5. **Unreasonable restriction on utilization of the property:** Ms. Anderson said this point may "warrant a little discussion" by the board.
6. **Not a detriment to adjacent property and the public good:** Ms. Anderson said this finding could be made. The neighbor to the south has voiced no objection. The setback encroachment is relatively small and only on a portion of the setback area.

The UDO permits smaller side setbacks in other residential zones, Ms. Anderson said, so this is not out of character with other areas in the City of Beaufort. This is the largest lot zoning district. Staff recommends approval, she said, if the board determines that all of the findings can be met after some discussion.

Chairman Wood asked if Ms. Anderson felt they should wait to hear from the neighbors she had contacted. Ms. Anderson said she feels finding #6 can be met. When she wrote the staff report, she hadn't heard any responses from the neighbors yet and didn't know if she would get them.

**Rob Montgomery**, the project's architect, said he was representing the property owners, the **Brunsons**. In regard to the encroachment, where before it went in nearly 11' on the northern property line, they came up with this plan, in which only the carport/screen porch would be enclosed – leaving the building envelope unchanged – and instead of adding out for the master bedroom, they are putting the addition on the west side, which encroaches just 2'6" into the side yard setback, he said.

Chairman Wood said Mr. Montgomery could address #5, which is the only finding that might be in question. Mr. Montgomery said the expansion of the building on the south setback line, "because of the geometry and angle of the building as it sits, is skewed to the property line because of its relationship to Hermitage Road," like other properties on the roadway. So, he said, if they did the addition "so we didn't encroach the 2'6", it

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would kind of restrict the utilization of the property or of the building,” and this plan is “more in keeping with the neighbors, too.”

Mr. Caron said the first application included plans for landscaping on Fripp Street. He asked if there is there a landscape plan with this revised proposal. Mr. Montgomery said they haven’t discussed a landscape plan “a great deal,” but they will not get into the mature side landscape, and they no longer need to on the side where the camellias are. Chairman Wood said the lot has an “existing green barrier.” Mr. Stroud said he presumes the trees with the paint marks between the buildings will come down. Mr. Montgomery said yes, Mr. Brunson and his neighborhood plan to take them out, and there are also nice camellias and azaleas on the south side.

Mr. Gibson said the application seems to satisfy finding #5 in terms of the degree of intrusion on the setback. He thinks this satisfies that criteria much better than the first plan did. Mr. Stroud said he agrees and feels it’s much better architecturally. There are a lot of practical reasons that it is superior to the first plan, he said, so “it’s a good solution to the problem.”

Mr. Noll said he concurs, and so did Chairman Wood. **Mr. Stroud made motion, second by Mr. Gibson, to grant a 2.5’ variance in accordance with the plan as submitted and per the findings of the staff report. The motion passed unanimously.**

#### **CODE COMMITTEE UPDATE**

Ms. Anderson asked Mr. Noll for an update on the code committee. Mr. Noll said committee is working through 12 chapters and seeing if there’s anything they want to change. People on the committee are knowledgeable, he said, and some are finding things that others didn’t see. There will be a public hearing after the technical review is complete. Ms. Anderson said they’re about halfway through. When it’s done, the number of applications to the Zoning Board of Appeals should be reduced because a goal of the code is to be “more flexible.” Ms. Anderson said the technical review is expected to be finished this spring.

#### **OTHER BUSINESS**

There will definitely be a ZBOA meeting on February 22, Ms. Anderson said. There’s a short-term rental application, and there may be one in the Old Commons that was tabled, as well as variance requests from Harris Teeter for their Lady’s Island location.

Ms. Anderson asked if the election of officers should be on the February agenda. Mr. Gibson suggested waiting, if the agenda is already too full. There might also be a submission for a carwash on Lady’s Island that needs to be rezoned, Ms. Anderson said, but the site needs to be oriented with the bay doors facing Sam’s Point Road, so they are coming to the ZBOA for a variance, she thinks.

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Ms. Anderson explained that if design review is involved in a request for a variance, such as the direction a car wash's doors face, or for a minimal amount of fenestration, which is one of Harris Teeter's variance requests, the applicant would first go to the Historic District Review Board (HRB) or Design Review Board (DRB), depending on the site's location, for conceptual approval of the design. This helps the ZBOA with finding #6, Ms. Anderson said. If the ZBOA were to grant a variance before a review board had seen the design, the DRB or HRB might feel obligated to approve it, which staff doesn't want, so the design review board meeting usually takes place *before* the applicant comes to the ZBOA.

Mr. Stroud asked if they needed to adhere tightly to the time limitations for presentations with big applicants like Harris Teeter. Ms. Anderson said the board can be flexible, but it's good to have limits. She suggested the chair might say at the beginning of such an applicant's presentation that, given its complicated nature, the applicant might take longer than the normal presentation time, but he could also make a time limit clear.

Ms. Anderson asked board members to let her know as soon as they could if they are ever unable to attend a meeting, because three board members are needed for a quorum.

There being no further business to come before the board, the meeting was adjourned at 6:00 p.m.

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