MINUTES
CITY OF BEAUFORT
ZONING BOARD OF APPEALS
December 18, 2012, 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 were duly notified of the time, date, place, and agenda of this meeting."

Members Present
Rod Mattingly
Eric Powell
Don Starkey
Tim Wood

Members Absent
Brad Hill, Chairman

Staff Present
Libby Anderson, Planning Director

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.

Acting Chairman Powell led the Pledge of Allegiance and called the meeting to order at 5:30 p.m. He read the Freedom of Information Act and reviewed the procedure for obtaining a variance and the procedures of ZBOA review.

MINUTES
Mr. Starkey made a motion, second by Mr. Wood, to accept the minutes of the November 26, 2012 meeting as submitted. The motion passed unanimously.

REVIEW OF PROJECTS
111 and 115 Verdier Road, identified as District 120, Tax Map 7, Parcel 87C and Tax Map 5, Parcel 219j
Variance from Limit on Number of Garages
Applicant: Mayfair Corporation (ZB12-10)
The applicant is requesting a variance in order to have more than one garage on this property.

Ms. Anderson said two lots are involved in the request: 115 Verdier Road contains a single-family dwelling with a garage as an accessory dwelling and a second garage on what was once 113 Verdier Road. 113 Verdier Road and 115 Verdier Road were combined in 2010. Both are

zoned R-1: low-density single family residential district. This district requires a lot area of 12,500 square feet. 115 Verdier Road is about 1.5 acres in area. 111 Verdier Road is approximately 13,500 square feet in area and contains a single-family dwelling.

The applicant provided photos of the property that are in the Board's packets, Ms. Anderson said. The UDO stipulates that a residential lot can have one garage or workshop and one shed. In June 2010, the applicant received a variance so that a second garage could be built at 115 Verdier Road after it was combined with 113 Verdier Road. Now the applicant would like a third garage: two would be "strictly garages" and the other would have the accessory dwelling unit up near the house. The applicant proposes to demolish the structure at 111 Verdier Road and combine the two lots. The applicant has provided a site plan, Ms. Anderson said. The garage doors would face the interior, not the street, which Ms. Anderson said is the most desirable configuration.

Public notice was made and no public comments have been received. Ms. Anderson reviewed the staff's response to the requirements for obtaining a variance.

1. **Extraordinary and exceptional conditions**: Staff feels this finding can be met because the property is at the end of a short dead-end street. The property owner has acquired what had been three separate tax parcels. Two have been combined and they would like to combine the third into the other two. What is now 115 Verdier Road is over 5 times the size required in an R-1 District. It is an exceptionally large lot, she said. 111 Verdier Road is also larger than the minimum, so when the lots are combined, it will be a very large lot, over 6 times the required size.
2. **Conditions as applied to other property in the vicinity**: Staff feels this is true, Ms. Anderson said. There are other large lots in the area but none that approach this size.
3. **Conditions not a result of the applicant's own actions**: Staff feels that though the applicant wants to build the garage, the platting of the lots was not done by the applicant; they were existing lots of record.
4. **Not in conflict with the Comprehensive Plan**: Staff encourages reinvestment, Ms. Anderson said, and this is reasonable. The property could be uncombined in the future.
5. **Unreasonable restriction on the use of the property**: Ms. Anderson said this is one of the more interesting aspects of the case. Currently, a garage could be built at 111 Verdier Road because there's a house there. If 111 Verdier Road is demolished and the lots combined, there could be no garage without a variance.
6. **No detriment to adjacent property and the public good**: Ms. Anderson said this finding could be made. By combining the lots, the potential number of structures on 115 Verdier Road could be reduced. Once the lots are combined, the dwelling unit will be demolished, and the property owner will lose the right to build a shed at 111 Verdier Road which can currently have a garage *and* a shed. In that respect, there's not additional pervious surface or additional density which could concern neighbors.

Ms. Anderson said staff believes that the ZBOA can make all necessary findings to approve the application on the condition that the two lots are combined and the existing structure removed at 111 Verdier Road.

Mr. Mattingly asked the applicant's representative, **Jim May**, if the garage doors would face east, as the application stated. Mr. May said they would face south. Mr. Mattingly asked if there was "a staircase inside there." Mr. May said yes. There will be attic space created. Mr. Mattingly asked if it was anticipated to be another accessory dwelling unit. Mr. May said no, it will just be a garage for storage. **Christian Trask** said the stairwell would lead to the second floor which would be an exercise area/dwelling unit which is consistent with a garage dwelling, e.g., plumbing and electricity.

Mr. Starkey asked if from the street point of view it would be finished off as a dwelling to match the house. Mr. May referred to a photo and explained the entrance. He said the structures would have "a common architectural theme and rooflines." Mr. Trask said it would be consistent with the main structure in terms of its architectural elements. He said it would be a story and a half with a similar look to the accessory dwelling unit he referred to. There was a discussion of the building that will be demolished and how the materials can be used. Mr. May said it might be able to be moved but he hasn't researched it yet.

Mr. Mattingly made a motion to approve the request as submitted. Mr. Starkey seconded the motion. The motion passed unanimously.

Boy Scouts who were in attendance at the meeting introduced themselves and discussed the application they had seen and civic duties.

DISCUSSION: UPDATE ON FORM-BASED CODE COMMITTEE

Mr. Starkey said the group is still on page 12 of the 400-page document. There is concern that the process is too slow, he said, but he has discussed with Ms. Anderson his concern that the UDO "has been changed so much" when some of it was effective. What they are going over is "boiler plate," he said, "and it's all been changed." They are going to put a version of each section online and let committee members put their comments there, and then bring that to the discussion in the meeting. Mr. Starkey said this might speed up the process, but there is "diverse opinion on this Form-Based Code." He said he hasn't seen the actual Form-Based Code, only the introduction, which deals with committees, for example.

Mr. Mattingly, who had also attended the meetings, said he hopes people won't be so entrenched in their beliefs that they will not be able to see how the code "could be adjusted to work for Beaufort." He doesn't feel that this is everyone on the committee's objective.

Mr. Starkey said he feels that it can be made to work, but the people need to understand *how* it will work and *why* the changes were made, as well as what the difference is between what has been done for years and what would be done with Form-Based Code. "All the wording is totally different," he said, and there are changes on committees such as the ZBOA which has some "responsibilities based on legal agreements and others that are not." Mr. Starkey concluded that it's not coherent yet, and he thinks that's what concerns the committee. He fears it will never be finished if something isn't changed.

Ms. Anderson said that some things that have been reviewed so far have changed, but a lot of things haven't. She feels they shouldn't focus on fixing something that isn't broken and has worked for years. It would work better to point out those changes that have been made, and the committee asked if they have questions or concerns, rather than having the entire committee review every sentence of the document. Ms. Anderson said if there are changes to a section, they could explain why it was changed: to make it clearer, etc.

Mr. Starkey asked if Ms. Anderson had seen the online version yet, and Ms. Anderson said no. Mr. Starkey explained what he thought it would be like, but he said he still thinks that what's needed is for the committee to be told what was changed and why. When they get to building forms and other topics that need a lot of discussion, that's where they should put their energy.

Ms. Anderson said there would be a ZBOA meeting in January on the matter of outdoor display and the carriage company's equipment. She said she's aware that there's an application to the HRB to demolish the structure on the property, and they have applied to replace the gates. Two ZBOA members said they had visited the site, and the carriages were out in the open, not inside the structure.

Ms. Anderson said the carriages were, at one time, parked on Boundary Street in the back of a lot near a body shop and were either inside or in a screened area, which was ideal, but **Walter Gay** had said that they didn't like bringing the horses across Boundary Street, so they found a neglected property on which to leave the carriages overnight.

Mr. Starkey said he thinks the owner and Mr. Gay should have to put in a gravel/pervious parking spot for the carriages, like a driveway with three stalls, not just randomly placed on the property. If they are given an exception and told that they get it if they follow certain rules, Mr. Starkey asked who would enforce it. Ms. Anderson said the other carriage company is using a parking lot belonging to a business as the space they use to store their carriages, not an abandoned lot in a neighborhood that has had nothing done to it for ten years. Ms. Anderson said she agrees that the ordinance could use some work on clarification as to what is a vehicle, etc.

Mr. Starkey suggested to Ms. Anderson, in regard to Form-Based Code, that city staff who know how Beaufort works from experience could come up with a list of things that have troubled them over the last ten years or so – such as carriages and zoning – because there will eventually need to be Form-Based Code for issues like that. He thinks they could give a list to **Craig Lewis** of those issues that have been a problem with Beaufort's UDO. Ms. Anderson said that as they are going through it, staff is letting them know of those things that are being carried over that aren't working anymore. She said she hopes that those changes will be in the draft that comes before the committee.

ADJOURNMENT

There being no further business to come before the Board, Acting Chairman Powell adjourned the meeting at 6:10 p.m.