



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, December 20, 2010, 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

Alice Howard, Chairman
Rod Mattingly
Eric Powell
Joan Sedlacek

Members Absent

Brad Hill

Staff Present

Libby Anderson, City of Beaufort Planning Director
Julie Bachety, Recorder

I. Call to Order

Alice Howard, Chairman, called the meeting to order at 5:30 P.M. and led in the Pledge of Allegiance. Ms. Howard introduced the board members, Joan Sedlacek, Rod Mattingly, and Eric Powell, and City of Beaufort staff, Libby Anderson, Planning Director, and Julie Bachety, Recorder.

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 November 22, 2010

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

A. 201 New Street, identified as District 120, Tax Map 4, Parcel 962, Critical Area Buffer Variance.

Applicant: Montgomery Architecture + Planning for Tom Robson (ZB10-17)

Ms. Anderson presented her staff report. Ms. Anderson noted that a single family structure is currently being built on the property which is replacing a non-contributing structure that was demolished in October 2009. Ms. Anderson presented the elevations that were submitted by the applicant as well as the As-Built survey which shows the previous structure. She said the applicant is proposing to construct steps exiting the first floor porch to the east side of the lot. The leading edge of the steps will encroach into the critical line setback are by 5.6' at its maximum point or 46 square feet. The Historic Review Board (HRB) approved the encroachment. Ms. Anderson said there are some outstanding questions for the applicant such as why couldn't the building have been located further back from the water; has the concrete pad been removed; could the stairs have come off the west side versus the east side; and are porch steps on this façade necessary. Ms. Anderson went over the six findings that need to be met in order to approve this request. Letters regarding this variance request were sent to adjoining property owners on December 3. The property was posted on December, 2010. The public hearing notice referencing this application appeared in the November 28 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 believes the Board can make all findings necessary to approve the variance.

Ms. Howard asked if this is the same property as the house that burned. Ms. Anderson said no that was on Port Republic Street. Ms. Howard also asked the age of the property. Robert Montgomery, the applicant, said 26.

Mr. Montgomery addressed Ms. Anderson's questions in her staff report as follows:

1. It's an important site for the town and had much scrutiny through the HRB process. We did push it back a little bit from the facades on Bay Street.
2. The pad has been removed. It was more than a concrete pad – it was a structure. He showed photos.
3. If the variance is denied, the owners will than consider about a different location of the steps. We will have to go back to the Historic Review Board (HRB) if changes are made. He also said initially we did not have steps on this elevation. He showed his plans that were approved by the HRB. He said the HRB felt the steps were something they wanted to see. He referred to the vista down Bay Street from New Street.

Mr. Montgomery went over the six findings. He also went over his notes from the 2007 HRB meeting that refers to steps on the porch. Mr. Montgomery referred to several sections of the Unified Development Ordinance (UDO) that applies to setbacks and buffer requirements. He said without this variance access to the water is limited. He said the structure of the stairs will allow water to flow through it and not obscure it.

Mr. Mattingly said it's a great structure. Mr. Mattingly asked about the review by the HRB. Mr. Montgomery said we have been reviewing this for about 2 years. Mr. Mattingly asked about the footers. Mr. Montgomery said he can do two individual footers. Mr. Mattingly asked about the egress and the safety issues. Mr. Montgomery said he would address these issues with the HRB if needed and he will have handrails and they would match the other porch handrails.

Mr. Powell referred the HRB requests. Ms. Sedlacek asked about the steps being on the west side. Ms. Howard asked, when was it discovered that a variance was needed. Mr. Montgomery said at the building permit process. Ms. Anderson said a zoning review is done then.

Ms. Howard said she was not able to see the public comments that came via the email because she was not at work today. She took a few minutes to look them over.

Ms. Howard opened the floor for public comment.

Scott Meyers, who resides at 601 Bay Street, spoke against the request. He referred to the letter he sent to Libby Anderson via e-mail. He said his opinion and the opinion of three other residents is that the variance should be denied. He showed a photograph from the book.

Mr. Montgomery said this is not the house, this is a photo of a house on Brickyard Point. Mr. Meyers apologized. Mr. Montgomery said the steps are needed, but he feels maybe the HRB really didn't want them. Ms. Anderson said the HRB did approve the plans with the steps.

Ms. Howard asked Mr. Meyers to state his name and the names of the other residents for the record. Mr. Meyers state his full name, Scott Meyers, and said the other residents are Steve Greenberger, Paul Michau, and Bill McIntosh.

Ms. Howard closed the public comment.

Ms. Howard reminded the board members that they need to be able to approve all six findings in order to approve the variance. Mr. Mattingly mentioned some other possibilities. Mr. Montgomery said it would be too late for changes such as a concrete frame because it would have to be cut out. Mr. Mattingly also suggested 6 feet versus 8 feet.

Mr. Meyers asked if he could talk again. Mrs. Howard said yes. Mr. Meyers said he disagrees about the 6 feet versus the 8 feet.

Ms. Howard said she has a problem with going down the critical line, and does understand that the HRB didn't consider this when they made their approval. The Board discussed the issues with the house that burned down on Port Republic Street relating to the stairs. Ms. Sedlacek feels the steps do not encroach that much into the critical line.

Ms. Howard asked what the objection of the residents is. Mr. Meyers said we all feel that the house will not look good and will break up the porch, a lot of area will be lost, and the location is just not good.

Motion: Ms. Sedlacek made a motion to approve the request as per staff's comments.

Further Discussion:

Mr. Mattingly requested that the information regarding the footings be added to the motion.

Ms. Sedlacek amended to her motion to include two individuals footings will be constructed on each side of the bottom riser. Mr. Mattingly seconded the amended motion.

Ms. Howard read over the six findings. Ms. Anderson recommended adding to finding # 6 that more impervious material was removed than added.

The motion carried with a vote of four to zero.

IV. Old Business

V. New Business

Ms. Anderson said Mr. Mattingly brought to her attention before the meeting, information in Section 7.3 E regarding buffers in the Unified Development Ordinance (UDO) that can be confusing. Ms. Anderson asked the board members if they would like staff to look into this further. The Board all agreed to let staff research this more.

VI. Adjournment

The Meeting adjourned at 6:40 P.M.

Submitted by Julie A. Bachety, Recorder