

**MINUTES**  
CITY OF BEAUFORT  
**ZONING BOARD OF APPEALS**  
March 24, 2014, 5:30 P.M.  
**City Hall Planning Room, First Floor – 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.”

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**Members Present**

Brad Hill, Chairman  
Rod Mattingly  
Eric Powell  
Don Starkey

**Members Absent**

Tim Wood

**Staff Absent**

Gail Westerfield, Recorder

**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.

Chairman Hill called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

**MINUTES**

**Mr. Mattingly made a correction to the February 24, 2014 minutes stating that *he was absent from this meeting*, but was listed as being present. Mr. Starkey made a motion, second by Mr. Powell, to accept the minutes of the February 24, 2014 meeting with the one correction. The motion passed unanimously.**

**REVIEW OF PROJECTS**

**150 William Street, Identified as District R120, Tax Map 3, Parcel 669, Side Yard Setback variance for a shed.**

Applicant: Richard and Heidi Kook (ZB14-03)

*The applicant is requesting a side yard setback variance in order to construct a shed.*

Ms. Anderson showed the location map. The applicant started to construct a storage shed on the lot without a permit. The shed is 16' x 20' or 320 square feet. Section 5.4.G of the Unified Development Ordinance (UDO) stipulates a 5' side yard setback for accessory structures less than 500 square feet. The shed will be located 1.3' from the south side property line at its closet point, and 3.6' as its furthest point. The applicant is requesting a variance to allow the structure to stay at the current location. The public hearing notice referencing this application appeared in the March 9, 2014 edition of the Beaufort Gazette. The property was posted on March 10. Letters were sent to adjoining property owners on March 11. Staff has received no public comments on this application.

Ms. Anderson reviewed staff's opinion on the findings necessary for a special exception:

1. **Extraordinary and exceptional conditions:** In staff's opinion, there do not appear to be any extraordinary or exceptional conditions pertaining to this lot;
2. **Conditions as applied to other property in the vicinity:** Since there do not appear to be any extraordinary conditions, this criteria is not applicable.
3. **Conditions not a result of the applicant's own actions:** Since there do not appear to be any extraordinary conditions, this criteria is not applicable.
4. **Not in conflict with the Comprehensive Plan:** To grant the variance, the Board must make a finding that granting the variance will not be in conflict with the Comprehensive Plan and the purposes of the Unified Development Ordinance.
5. **Unreasonable restriction on utilization of the property:** Staff believes it is not an unreasonable restriction on the use of the property to require the applicant to locate the storage shed 5' from side and rear property lines. The fact that the applicant began construction of the shed without a permit should not be a factor in evaluating this criterion.
6. **Detriment to adjacent property and the public good:** The Board must make a finding that granting of the variance will not be a detriment to adjacent property and the public good, and that the character of the district will not be harmed by granting of the variance.

The applicants showed photos of the trees and pointed them out on the survey. They said the water oak is in the 20' right-of-way but branches go over onto their property. The area to the north has a pecan tree and walnut tree, and there is a deck. They also said these photos show the shed between the 2 trees, so it looks like it's always been there. Applicants also showed a photo of the shed in relation to the house. The shed is in the furthest location from the house. There is a small red bud tree we want to save. The other location would be only 15-20' from house and would block light. There is also the leaning water oak. The applicants said the right-of-way does create another 20' of property. Also, our property is not rectangular, it has a sharp angle. There is also an alley in the back. They showed a photo showing a 3' spacing between the shed and tree. Our house is 900 square feet with 4 people, so we need additional storage. The shed will have electricity; no plumbing.

Mr. Starkey asked if they considered rotating the shed because this would eliminate the encroachment. The applicants said we didn't want it to protrude in front of the trees.

Chairman Hill said the Barnwell Street right-of-way is an unusual circumstance. Mr. Powell noted the industrial property is in the west. Mr. Mattingly noted the applicants have no other outside storage.

**Mr. Mattingly made a motion to grant the side yard setback variance as requested. Mr. Powell seconded the motion. The motion passed with a vote of 3 to 1 with Mr. Starkey being against the motion to approve.**

**There being not further business to come before the Board, the meeting was adjourned at 6:15 p.m.**