

MINUTES
CITY OF BEAUFORT
ZONING BOARD OF APPEALS
April 23, 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

Brad Hill, Chairman
Joan Sedlacek
Rod Mattingly
Eric Powell

Staff Present

Libby Anderson, Planning Director
Gail Westerfield, Recorder

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. He read the Freedom of Information Act and reviewed the procedure for obtaining a variance and then the procedures of ZBOA review. He then led the Pledge of Allegiance.

MINUTES

Mr. Powell and Ms. Sedlacek suggested that a clarification be included in the minutes that in the variance for 760 Ribaut Road, the property line was to be moved, not the steps as had originally been discussed. **Mr. Mattingly made a motion, second by Mr. Powell, to accept the minutes of the February 27, 2011 meeting as amended. The motion passed 3-1.** Chairman Hill abstained from voting because he was not present at the meeting.

REVIEW OF PROJECTS

1601 North Street identified as District 120, Tax Map 3, Parcel 233, Parking Variance.

Applicant: Betty Gail Edwards, Ole’ Cantina (ZB12-17)

The applicant is requesting a parking variance in order to open a restaurant.

Ms. Anderson said that this property is at the corner of North and Bladen Streets and is currently Neighborhood Commercial zoning. The property has been used for a variety of retail uses in the past and is best known as the former Koth’s store. The applicant is proposing to open a restaurant there, and the parking standards are different for restaurants than other businesses, Ms. Anderson said. Sixteen on-site spaces are required by the Ordinance. A parking

plan has been created, which Ms. Anderson showed on an overhead graphic. She described the various safety issues with the current configuration. A vertical curb will be installed along the side of the property as part of the Bladen Street Redevelopment.

Ms. Anderson said the on-site spaces in front are not necessary for uses as parking places, and on-street parking will be available; as of Friday, the owner has agreed to it. Ms. Anderson showed how five on-street spaces can be obtained on Bladen Street, and on the other side of the street, there will be seven spaces available in an undeveloped lot with no curb cut.

Public notice was made and a public comment e-mail received that day was forwarded to the ZBOA.

Ms. Anderson reviewed the criteria staff needs to consider to grant a variance:

1. **Extraordinary and exceptional conditions:** Staff believes that this is an existing developed lot that historically had parking on Bladen Street but it's being eliminated because of the Streetscape project
2. **Conditions as applied to other properties in the vicinity:** Staff feels this finding can be made.
3. **Conditions are not the result of the applicant's own actions:** Staff feels this finding can be made.
4. **Granting the variance would not conflict with comprehensive plan:** The parking proposed is on-street and to the rear of the building, which is appropriate to the plan.
5. **Unreasonable restriction on utilization of the property:** Staff believes this is so. The building could not be used as a restaurant with the number of seats proposed under current ordinance requirements.
6. **Not a detriment to adjacent property and the public good:** The on-street parking on Bladen Street will mitigate any of the impact of lack of on-site parking.

Staff believes all criteria have been met and approval is recommended, Ms. Anderson said. Mr. Powell asked if the curb cut along the back property has been approved, and Ms. Anderson said it has. One curb cut on Bladen Street will serve this property. Ms. Anderson said the applicant may want to use that former parking area in the front for outside dining. The Bladen Street project will mean a little bit of work will come along North Street to tie it in, but it will be minimal.

Mr. Mattingly asked about the closing of that part of North Street that had been previously discussed and Ms. Anderson said to do so would require the approval of *all* the neighbors to create a pedestrian promenade. The plan now is to make the block of North Street from Bladen to Adventure Streets one-way going west. Chairman Hill asked if there was talk of driveway access to Bay Street for those properties. Ms. Anderson said there wasn't.

Tom Edwards, the applicant, said when the building was leased, there was not a parking issue, but the Bladen Street project took that parking away. The owner has agreed to the five spaces next to the building, the spaces across Bladen, and the parking in back, and Mr. Edwards feels that will serve their parking needs.

There was no public present to comment.

Mr. Powell said five spaces on Bladen Street will help mitigate the other parking. Ms. Sedlacek said she agreed. Chairman Hill and Mr. Mattingly agreed as well. **Ms. Sedlacek made a motion that the six-space parking variance be granted for the reasons outlined in the staff report Mr. Mattingly seconded the motion. The motion passed unanimously.**

DISCUSSION

Ms. Anderson said two more volunteers are being looked at for service on the ZBOA, and “interest has been strong.” The last candidate would be interviewed the following day.

Mr. Mattingly said he will not be present for the August meeting.

ADJOURNMENT

There being no further business to come before the Board, Chairman Hill adjourned the meeting at 5:52 p.m.