MINUTES
CITY OF BEAUFORT
ZONING BOARD OF APPEALS
September 22, 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."

Members Present
Brad Hill, Chairman
Don Starkey
Joe Noll
Tim Wood

Members Absent
Eric Powell

Staff Present
Libby Anderson, Planning Director
Julie Bachety, 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. and led the Pledge of Allegiance.

Mr. Starkey made a motion, seconded by Mr. Woods to approve the August 22, 2014 minutes as submitted.
The motion passed unanimously.

REVIEW OF PROJECTS
111 Lyford Place, Identified as District R120, Tax Map 3, Parcel 816
Variance
Applicant: Julie Corner (ZB14-19)
The applicant is requesting a variance in order to build a second garage.

Ms. Anderson said this is in the West End neighborhood. It's zoned R-2, Medium Density Single-Family District. Section 5.4.B.1 of the Unified Development Ordinance (UDO) limits the number of garages on a property to one. A one-car detached garage already exists on the property. The applicant is requesting a variance of Section 5.4.B.1 to allow an additional one-car garage to be built behind the dwelling. Ms. Anderson showed the site location map, photographs, site

plan and garage elevations that were provided by the applicant. Ms. Anderson spoke about the tree in the common area which is located less than 10 feet from proposed construction site. Ms. Anderson went over a few questions she had for the applicant: Is the garage within the picket fence, or will the fence be removed to accommodate the garage? What is the percent impervious surface after the garage is completed (45% is the limit in this district). Staff had a Certified Arborist look at the tree and determined the species is a 24 inch Laurel Oak (a grand tree). Our Arborist would like to save the tree.

The property was posted on September 9. Public notice was made in the September 7 edition of *The Beaufort Gazette.* Letters were sent out to adjoining property owners on September 2 and staff has received no public comments.

Ms. Anderson enumerated the variance findings:

1. **Extraordinary and exceptional conditions:** Staff believes there are no extraordinary and exceptional conditions attached to this property.
2. **Conditions as applied to other properties in the vicinity:** Ms. Anderson said there are no extraordinary conditions, so these criteria do not apply.
3. **Conditions are not the result of the applicant's own actions:** Ms. Anderson said since there are no extraordinary conditions these criteria do not apply.
4. **Granting the variance would not conflict with Comprehensive Plan:** Ms. Anderson said the Board must make a finding that granting of this variance would not conflict with the Comprehensive Plan or the purpose of the UDO.
5. **Unreasonable restriction on utilization of the property:** There is already a garage on the property to accommodate one vehicle and to store outdoor materials. There are many dwellings in the area that do not have garages. There are not many dwellings in the area with two garages.
6. **Not a detriment to adjacent property and the public good:** Staff feels the criteria may be able to be met but at the same time is concerned about the large tree in the common area. The garage will be attractive and made of quality materials. The garage doors will not be oriented toward the main street (Depot Road).

Staff does not believe that a decision can be made on the application without a recommendation from a Certified Arborist as to the condition of the large tree in the common area. If the Board does feel they can approve the variance, she would like a condition added to the approval that there be a report from a Certified Arborist.

Mr. Noll asked can the tree be extraordinary circumstances since they have more than one car and need the garage. Ms. Anderson said there is another large tree on the property but she is not sure of the species. Mr. Chandler Trask showed a picture of the other tree.

Mr. Cooter Ramsey referred to the other tree and that is why he wants to have the garage off to the side. He said the applicant does want to keep both trees. He presented to the board members with a report from Southern Tree Services. He also showed a photograph of with the trees and the existing fence in relation to the new garage. He said we will be just inside the

existing fence. Our intent is to save trees. We are trying to keep it simple; urban feel. Mr. Wood asked, so the proposed garage is where the fence is basically? Mr. Ramsey said it's just inside that area. Mr. Starkey asked is the corner 12 feet? Mr. Ramsey said yes at about 12 feet. The fence is on the property line. Mr. Starkey asked what the impervious vs. non-pervious will be. Mr. Ramsey did not have the information tonight but will verify it. Chairman Hill said on the application only the 1st criteria were addressed. Staff feels the 1st three are not met. Mr. Ramsey addressed the each criteria was by saying: (1) The extraordinary condition is the existing tree; (2) again it's the Live Oak tree situation; (3) the applicant did not plant the tree. They like it and want to keep it; (4) the Comp Plan encourages we keep our grand trees; (5) Live Oak tree needs to be removed to build an addition on existing garage; and (6) by granting the variance, it will improve the overall area and be a much softer look. Chairman Hill referred to staff's note about some and not some garages in the area. Mr. Starkey asked what the square footage of the new garage is. Mr. Ramsey said it's less than 600; old is 370. So we are under that number, asked Chairman Hill? Yes, said Mr. Ramsey.

Chairman Hill opened the floor for pubic comment:

Linda Ammons, neighbor of Ms. Corner spoke. She said there are no lots with two garages in our neighborhood. We are the next door neighbor and our yards are very close to each other. She said this is a small area and not big like Habersham and Fripp. She doesn't want Julie's garage in her yard. She asked, how will it impact my living space? What is the trellis coming into Lyford Place? She said her overall concern is how it is going to affect her. She said right now the garage faces the back of my house.

Chairman Hill asked, are there 11 lots in Lyford Place? Chandler Trask said there are two left that are not built on. Chairman Hill asked, are they one-car garages? Mr. Trask said yes and some are too small and don't have room for garages. Mr. Woods asked if there are any covenants. Ms. Ammons said we have covenants but we never formed an association. Since there were more lots owned by the developers than actual residents, we had no voting power. We have one now I think. She said there are some things the developer is against and some thing they are not. We have someone periodically come out to look at the trees. She said Eliza said it's a Laurel Oak and the roots go on forever. Ms. Ammons said we need to save trees but she needs to see what its going to look like coming into Lyford Place. Chairman Hill said we may not have a say over the trellis. Mr. Ramsey said we will be happy to remove the trellis. Ms. Ammons said that's not necessary, she just wants to know what it's going to look like. Mr. Ramsey said you will be seeing the rear elevation of the new garage. Mr. Wood asked Mr. Ramsey to makes some marks on the elevation sheet to show Ms. Ammons where the fence will be as if she is looking at it. Mr. Starkey asked if there is any vegetation in the back corner. Mr. Trask said there is a Live Oak in the alley down between the house and will remain. Ms. Ammons said all of the branches coming into Julie's yard will have to be trimmed, according to Eliza. Chairman Hill asked if she understands the view. Yes and its okay now, said Ms. Ammons.

Ms. Ammons said the builder told everyone most houses would not have garages. Chairman Hill said okay, but are you satisfied with this view? Yes, said Ms. Ammons.
Mr. Wood asked staff if they were satisfied with the arborist letter. Ms. Anderson said she hasn't studied it but from what Mr. Ramsey said, then yes. Mr. Wood mentioned pruning. Chairman Hill said root trimming is important because backhoes rip roots. A nice clean cut by a professional helps heal the tree.

Mr. Noll said he lives two blocks from this area and walked through the Lyford Place area and it seemed like a reasonable distance. It didn't seem bad to him. Mr. Wood feels the fence already takes up 1/3 of the blockage of the new structure and the design is very attractive. Mr. Wood understands the public's concern but there is no covenant and an association needs to be formed if they are so concerned about getting things done. Mr. Ammons said we do have covenants but we didn't have a voting power. Mr. Wood asked, will this go before their ARB? Yes, said Mr. Trask.

Chairman Hill said if the Live Oak fails it's not because of the construction because it's a good tree. He asked staff if there is anything in the UDO that restricts the two car garage. Ms. Anderson said we are good to go. She said there are other two car garages in the west end. Chairman Hill doesn't want to set precedence for this neighborhood. Mr. Trask said this lot and their lot could only have a two car garage. Mr. Wood said in his personal opinion, he would rather see two cute garages versus a huge one car garage. Ms. Ammons said she totally disagrees with Mr. Wood's comments because that's no the point at all.

Mr. Starkey said as far as the UDO, there is nothing in the UDO that says you can have one garage per property and even expand a one-garage without getting a variance. And because of the tree, they could have put another garage next to the existing one right? Ms. Anderson said yes. Mr. Starkey said what they have chosen to do is much better.

Mr. Wood made motion, seconded by Mr. Noll, to approve the variance request with the condition that we have an arborist report from a Certified Arborist for the root system and any additional pruning to enhance the tree and for pruning of the other tree by the existing garage. Mr. Starkey asked to have added to the motion that they put a fence around the tree to protect it during construction. **Mr. Wood amended the motion to include that there be appropriate protection around the tree during construction. The motion passed with a unanimous vote.**

There being no further business to come before the Board, Chairman Hill adjourned the meeting at 6:24 p.m.