MINUTES
CITY OF BEAUFORT
ZONING BOARD OF APPEALS
Monday, September 26, 2011 5:30 pm
City Council Chambers – 1911 Boundary Street
Beaufort, South Carolina

STATEMENT OF MEDIA NOTIFICATION: In accordance with the 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, Vice-Chairman
Joan Sedlacek
Rod Mattingly
Eric Powell

Members Absent
Alice Howard, Chairman

Staff Present
Libby Anderson, City of Beaufort 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 and the *City of Beaufort Unified Development Ordinance* (UDO).

CALL TO ORDER
Vice-Chairman Hill called the meeting to order at 5:30 pm and led the Pledge of Allegiance. Vice-Chairman Hill read the criteria for granting a variance and the procedure to take place.

REVIEW OF PROJECTS
601 Craven Street, identified as District 120, Tax Map 4, Parcel 830
Side and Rear Yard Setback Variances
Applicant: Daniel J. Henry (ZB11-14)
The applicant is requesting side and rear yard setback variances in order to build an addition to his residence.

Ms. Anderson described the location of the property. It's a contributing structure. It's zoned Traditional Beaufort Residential, The Point. The applicant is proposing building an addition on the west side of the structure. The rear setback is non-conforming. It will extend the line of the

house to the west. The building currently is located 9' from the rear property line. The rear setback requirement is 15'. The side yard setback is 3' short, so a variance is called for. Also, in regard to rear steps, the 5' allowance doesn't apply because of the non-conformance, so they need a variance for the steps as well. The Board looked at photos of the property and where the additions would be.

Ms. Anderson said changes proposed in the ordinance would address the rear setback issue. It addresses existing non-conforming properties and would allow an addition of this type. First reading will be at the next city council meeting to allow additions to non-conforming structures as long as they're in line with the structure.

Ms. Anderson said that the applicant should address the following questions:

- Could the addition be adjusted by narrowing it somewhat to minimize the side yard setback variance?
- What is the impervious surface? It's limited to 55%.

Public notice has been made, Ms. Anderson said, and there has been no public comment on this application. In neighborhoods that have neighborhood associations, Ms. Anderson said, she tries to inform the president of the neighborhood association to let them know what's going on, and she did that.

STAFF FINDINGS

1. Extraordinary and exceptional conditions: Staff believes this finding could be made. The lot is non-conforming in size.

2. Conditions as applied to other property in the vicinity: It's one of the smallest lots in the neighborhood of The Point.

3. Conditions not a result of the applicant's own actions: The size and shape of the lot necessitate a side yard addition. The lot is non-conforming at less than two-thirds of the size that's required by the standard.

4. Not in conflict with the comprehensive plan: This finding could be made, Ms. Anderson said. The comprehensive plan encourages reinvestment and rehabilitation of historic structures.

5. Unreasonable restriction on the utilization of the property: Ms. Anderson said the Board could debate this given its location, but the addition isn't prohibited.

6. Detriment to adjacent property and the public good: Staff believes this finding could be made. The HRB must approve any change to a structure in this neighborhood and they have done so.

Mr. Henry, the applicant, said he'd brought a model for the Board to look at which showed the property limits and the proposed addition. He said he'd worked carefully with HRB and adhered to the Secretary of the Interior's Standards and those in the Milner Report in regard to historic buildings. To protect architectural details that everyone wanted kept on the side addition; he followed requirements of the Secretary of the Interior's standards and what was agreed to by the HRB. This required adding a "hyphen" to offset the addition from the existing structure. He could satisfy this program but, not HRB who wanted those elements to remain. In regard to impervious surface, Mr. Henry said he feels he's at 40% impervious surface with the addition included.

Mr. Powell said the model is helpful. Mr. Mattingly said it's a nice addition in concept. The bedrooms are a good size and would be compromised if they were smaller. Ms. Sedlacek said it appears the house next door is at 2' or less from the side property line. Mr. Henry said the alterations there were made before (in 1990) the new requirements of the city were in place.

Ms. Sedlacek said she's in agreement with Mr. Henry's presentation. Vice-Chairman Hill asked the Board's feelings on #5. Ms. Anderson said HRB's requirement to add the building separation ("hyphen") as Mr. Henry explained, satisfies #5.

Mr. Mattingly recommended that measurement of the percentage of impervious surface should be included as a condition of the approval.

MOTION: Ms. Sedlacek made a motion to approve the applicants' request for three variances subject to confirmation of the amount of impervious surface. Mr. Powell seconded the motion. The motion passed unanimously.

REVIEW OF MINUTES OF AUGUST 22, 2011 MEETING

Ms. Sedlacek made a motion, seconded by Vice-Chairman Hill, to accept the minutes as written. Mr. Mattingly abstained from voting because he was absent from the meeting. **The motion passed unanimously.**

NEW BUSINESS

Ms. Anderson said the ordinance changes should reduce the ZBOA work load. The one she hasn't yet discussed is "a sort of mini-variance" the design review boards can give based on good design. The design exceptions are for up to 35% of any of the standards. It was designed specifically for subdivisions, she said. Council will discuss this in a work session the following evening, and Ms. Anderson invited someone from the ZBOA to appear in the chairman's stead as chairs had been invited to attend that work session. First reading of both ordinances will be later that evening at the regular session.

There would be two matters to come before the ZBOA at its next meeting. One is an appeal and the other is an application for variances in a subdivision.

Ms. Sedlacek said a couple of months ago, after the ZBOA had had to decide how far a garage can extend in front of a house, she had noticed a neighbor's garage that extended further than is allowed, which she'd never noticed before.

Mr. Mattingly asked about short-term rentals, and Ms. Anderson said "no one has pursued it all the way yet."

ADJOURNMENT

There being no further business, Vice-Chairman Hill adjourned the meeting at 6:01 pm.