



CITY OF BEAUFORT
ZONING BOARD OF APPEALS
1911 BOUNDARY STREET
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7011

AGENDA

City of Beaufort
ZONING BOARD OF APPEALS
Monday, January 22, 2024, 5:30 P.M.
City Hall, Council Chambers, 2nd Floor – 1911 Boundary Street, Beaufort, SC

Please click the link below to access the webinar:

<https://us02web.zoom.us/j/84369313196?pwd=SW9ldGpGNjFrZzV0UGVIL3ZMM1piQT09>

Passcode: 043424

Meeting ID: 843 6931 3196

Call in Phone #: 1+929 205 6099

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.”

I. Call to Order

II. Pledge of Allegiance

III. *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.

IV. Review of Minutes:

A. Minutes of the September 25, 2023 Meeting

V. Review of Projects

A. Whitehall Development – 34 Lots, Variance

Applicant: Carl Young, Allen Patterson Builders (ZB24-10)

The applicant is requesting a variance from Section 2.5.4.B, regarding setbacks for accessory structure, specifically the lots fronting the park or the water. The property is zoned T4-Neighborhood District (T4-N).

VI. Adjournment



Zoning Board of Appeals

Meeting Minutes – September 25, 2023

CALL TO ORDER

[0:02]

A meeting of the Zoning Board of Appeals was held in-person on September 25, 2023 at 5:30 p.m.

ATTENDEES

Members in attendance: Kevin Blank, Patrick McMichael and Parker Moore.

Members absent: Kenneth Hoffman (Chairman) and Marc Sviland (Vice-Chairman)

Staff in attendance: Curt Freese, Community Development Director

REVIEW OF MINUTES – NONE TO REVIEW

[N/A]

All Zoning Board of Appeals meeting minutes are recorded and can be found on the City's website at <http://www.cityofbeaufort.org/AgendaCenter>. Audio recordings are available upon request by contacting the City Clerk, Traci Guldner at 843-525-7024 or by email at tqundler@cityofbeaufort.org.

APPLICATIONS

[3:17]

Motion: Mr. Moore made a motion to appoint Mr. Blank to chair the meeting since Chairman Hoffman and Marc Sviland, Vice-Chairman, were absent. McMichael seconded the motion. The motion passed unanimously.

A. 1707 Lafayette Street, identified as R120 001 000 0198 0000, Variance

Applicant: Everett Ballenger, owner

The applicant is requesting variances from Building Placement Section: 2.4.1, to place a carport forward of the primary structure, and Section: 3.11.2, also regarding accessory structures visible from the public right of way for property located at 1707 Lafayette Street, identified as R120 001 000 0198 0000. The property is zoned T3-Surban District (T3-S).

Mr. Freese stated the application was tabled at the August 26, 2023 meeting. People within 200' of the property were given notice for the last meeting. This is a request for a 20 x 30 carport in the front of the property's lot; survey was shown. Mr. Freese went over the six

Finding of Facts. There is a lack of a clear design for the carport. It is a waterfront lot with two existing outbuildings that are in the way to build a carport. It is a unique lot with special circumstances and setback issues.

Mr. Freese said Staff recommends approval of a variance from Section 2.4.1 to build a carport in the front yard find it satisfies the conditions of Section 9.8.3 of the Beaufort Development Code.

Staff recommends disapproval of the 5' side yard setback variance (Section: 2.4.1) finding that it does not satisfy the conditions of Section 9.8.3 of the Beaufort Development Code.

Staff recommends disapproval of the variance from Section 4.6.1, regarding utilizing a metal carport, as it does not satisfy Section 4.6.1 E. Staff would recommend the applicant submit a design for the carport with materials which better match the house (Note, such a carport can be approved by Staff, and would not require a variance).

The applicant, Evertt Ballenger, said he has very nice cars that have been damaged a bit by the trees and needs the carport to have them covered and protected. He's seen three other carports at his neighbors in the front of their property. Mr. Ballenger also went over the materials being used, and stated he does not want to make it look like an eyesore. The carport he would like to place on the property he believes is good in hurricanes with up to 150 miles an hour winds and can be fixed/screwed to the ground.

Motion: Mr. Moore made a motion to deny the 5-foot variance request and to approve the metal carport subject to the condition that it meets the design standards in Section 3. Seconded by Mr. McMichael. The motion passed unanimously.

ADJOURNMENT

[27:40]

Mr. McMichael made a motion to adjourn the meeting; Mr. Moore seconded the motion. The meeting ended at 5:57 pm.



STAFF REPORT: Whitehall Variances

DATE: January 22, 2024

<i>GENERAL INFORMATION</i>		
Applicant:	Allen Patterson Builders	
Site Location/Address:	Whitehall Development:34 lots	
Applicant's Request:	The Applicant is requesting a variance of Section 2.5.4 B, regarding setbacks for accessory structures, specifically the lots fronting the park or the water.	
Current Zoning:	T-4 N	
<i>ZONING DISTRICT INFORMATION</i>		
	<u>T-4 N</u>	
Max Density	N/A	
Min. Lot Size	N/A	
Min. Lot Width	75'	
Front Setback	0'-15 max	
Side Setback	5'	
Rear Setback	10'	
Detached Garage/Carport Setback:	0'-15 max' when facing ROW	
<i>SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS</i>		
<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning /Buffer required if rezoned</u>
North: Water/Park	Water/Marsh/River	N/A
South: County	Single Family Houses	N/A
East: T-4N	Commercial	N/A
West: T-4N	Single Family Houses	N/A

PROPOSAL/BACKGROUND

The Applicant is proposing a rear yard/garage setback variance for 34 waterfront/park front lots at the Whitehall Development. For ease of hearing these variances Staff is packaging all 34 variances as part of one hearing, so all lots within the Whitehall development would have the same standards if the variance is approved. The 34 lots are either fronting the water, and the standards of Section 2.5.4 B, or front the park, and would require variances from 2.4.1 footnote 5. These include lots on Harborview Drive and Whitehall Drive, and two lots on Meridian. Again, the front facades of the houses of these 21 lots, are located on the park or water, and the streets, act similar to a rear alley (yet are considered a street). The code found below, requires a maximum setback for garage doors from said streets for waterfront lots (15 max from the road), or a 20' minimum setback from the right of way, which the applicant is requesting relief from.

Variances Requested:

The applicant is requesting the following variances: from Section 2.4.1 regarding dimensional standards of the T-4N district, and Section 2.5.4 B regarding location and setbacks of an accessory structure/carport. The code sections in question are found below.

Section 2.4.1 (footnote 4, 5)

Footnote 4: Garage doors shall be 15 ft min from alley centerline.

Footnote 5: In addition to the setback requirements listed above, garage doors/carports which face a public right-of-way, except for rear alleys, shall be set back a minimum of 20 ft from that right-of-way.

Section 2.5.4 B: The code requires the carport to be at least 5' from the property line and 5' behind the principal structure.

Accessory Structures: Notwithstanding the requirements for Accessory Structures in Section 2.4.1 C.6., such structures associated with residential dwellings may be placed in front of the principal building elevation, if all of the following conditions are met:

1. Structures shall meet the typical front and/or side setback requirements.

2. Garage doors shall be oriented perpendicular to the public right-of-way to minimize visibility.

3. Structures shall be compatible with the primary dwelling unit in architectural details including color, siding, roof pitch, window detailing, siding materials, roof materials and foundation.

VARIANCE REVIEW CRITERIA

Required Findings: A variance may be granted by the ZBOA if it concludes that the strict enforcement of any design and performance standard set forth in this Code would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of this Code will be observed, public welfare and safety will not be diminished, and substantial justice will be done. A variance may be granted in an individual case of unnecessary hardship only when the ZBOA makes, and explains in writing, all of the following findings:

<u>9.8.3 Finding of Fact</u>	<u>Rationale Present (yes/no)</u>	<u>Staff Analysis of Rationale</u>
<p>a. There are extraordinary and exceptional conditions pertaining to the particular piece of property. For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage.</p>	<p>Yes</p>	<ul style="list-style-type: none"> ✓ Waterfront and park loaded lots. ✓ Code and good planning desires the front façade to front on a park or waterfront. ✓ The entire development was devised with a public park with houses fronting on the park, that is unique to Whitehall. ✓ The public park, required higher order roads for traffic than rear alleys.
<p>b. These conditions do not generally apply to other property in the vicinity.</p>	<p>Yes</p>	<ul style="list-style-type: none"> ✓ The public park and waterfront lots in the same development is unique to the development. ✓ Due to the public park, regular streets were platted and built rather than rear alleys.
<p>c. The conditions are not the result of</p>	<p>Yes</p>	<ul style="list-style-type: none"> ✓ The addition of the public park, and the

<p>the applicant's own actions.</p>		<p>higher order roads to serve the park, were part of a public private partnership.</p> <ul style="list-style-type: none"> ✓ It appears the developer was not aware of the max setback requirement when they spent many years to develop the project with the City and County., nor is there any proof any side brought this issue up during this process.
<p>d. Granting of the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan and the purposes and intent of this Code.</p>	<p>Yes</p>	<ul style="list-style-type: none"> ✓ The code emphasizes good design and recommends additional parks for the public. Staff finds the layout requested serves good design while providing much-needed park and open space to the general public.
<p>e. Because of these conditions, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.</p>	<p>Yes</p>	<ul style="list-style-type: none"> ✓ The requirements of the code could make many of the detached garages impractical to the lot, with a possible significant distance from the garage to the lot, and also create streets with only garages fronting immediately adjacent to the street, which does not serve any design intent.
<p>f. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the zone will not be harmed by the granting of the variance.</p>	<p>Yes</p>	<ul style="list-style-type: none"> ✓ The use of a detached garage is allowed. ✓ All of the lots affected are being heard by this variance request, preventing any future issues with garage placement in the development.

Limitations: The ZBOA may not grant a variance if it would do any of the following:

- a. Allow the establishment of a use not otherwise permitted in the applicable district.
- b. Increase the density of a use above which is permitted in the applicable district.
- c. Physically extend a nonconforming use of land.
- d. Change the zone boundaries shown on the Official Zoning Map.

Profitability Not to Be Considered: Profitability shall not be considered grounds for a variance.

N/A for all limitations.

PUBLIC NOTICE AND COMMENT

Notice of the Zoning Board of Appeals hearing has been mailed to property owners within 200 feet of the subject property, a legal ad published, and the property was posted as required by the Development Code.

FINDINGS AND RECOMMENDATIONS

Staff recommends approval of rear yard setback variances from Section 2.4.1 (footnotes 4, 5) and Section 2.5.4 B, regarding accessory structures and garages, that all accessory structures shall follow the general setback of 5’ minimum from the road and may be placed on any portion of the lot, behind the principal building.

Lot 1	210 Harborview Dr.	R123 014 000 0152 0000
Lot 2	208 Harborview Dr.	R123 014 000 0153 0000
Lot 3	206 Harbor view Dr.	R123 014 000 0154 0000 -
Lot 4	2--04 Harborview Dr.	R123 014 000 0155 0000
Lot 5	202 Harborview Dr.	R123 014 000 0156 0000
Lot 6	200 Harborview Dr.	R123 014 000 0157 0000
Lot 7	122 Whitehall Dr.	R123 014 000 0158 0000
Lot 8	124 Whitehall Dr.	R123 014 000 0159 0000
Lot 9	126 Whitehall Dr.	R123 014 000 0160 0000
Lot 10	2 Harborview Dr.	R123 014 000 01610000
Lot 11	4 Harborview Dr.	R123 014 000 0162 0000

Lot 12 6 Harborview Dr	R123 014 000 0163 0000
Lot 13 8 Harborview Dr.	R123 014 000 0164 0001
Lot 14 235 Harborview Dr.	R123 014 000 0165 0000
Lot 15 209 Harborview Dr.	R123 014 000 0166 0000
Lot 16 211 Harborview Dr.	R123 014 000 0167 0000
Lot 17 119 Whitehall Dr.	R123 014 000 0168 0000
Lot 18 126 Whitehall Dr.	R123 014 000 0169 0000
Lot 19 8 Meridian Rd.	R123 014 000 0170 0000
Lot 22 232 Harborview Dr.	R123 014 000 01710000
Lot 23 224 Harborview Dr.	R123 014 000 0172 0000
Lot 24 216 Harborview Dr.	R123 014 000 0173 0000
Lot 25 118 Whitehall Dr.	R123 014 000 0174 0000
Lot 26 116 Whitehall Dr.	R123 014 000 0175 0000
Lot 27 114 Whitehall Dr.	R123 014 000 0176 0000
Lot 28 112 Whitehall Dr.	R123 014 000 0177 0000
Lot 29 110 Whitehall Dr.	R123 014 000 0178 0000
Lot 30 108 Whitehall Dr.	R123 014 000 0179 0000
Lot 31 106 Whitehall Dr.	R123 014 000 0180 0000
Lot 32 104 Whitehall Dr.	R123 014 000 01810000
Lot 33 102 Whitehall Dr.	R123 014 000 0182 0000
Lot 34 101 Whitehall Dr.	R123 014 000 0183 0000
Lot 35 121 Whitehall Dr.	R123 014 000 0184 0000
Lot 36 123 Whitehall Dr.	R123 014 000 0185 0000



VARIANCE APPLICATION

Community Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
Email: development@cityofbeaufort.org / www.cityofbeaufort.org

PAID 1/11 CR
Application Fee: \$300
Receipt # 172398

ZB24-01
T4-N

OFFICE USE ONLY: Date Filed: 12/18 Application #: 26246 Zoning District: T4-N

Submittal Instructions: Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not the owner, the owner(s) must sign the Designation of Agent (below).

Submittal Requirements: 1. A legal survey of the property. 2. An accurate, legible site plan showing the north arrow, dimensions, and locations of all existing and proposed structures and any improvements relevant to the appeal such as trees, fences, power lines. Six copies of all plans are required. 3. Photograph(s) of the site. For variances, include photos showing relationship to adjoining properties.

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application? [] Yes [X] No

Applicant, Owner and Property Information

Applicant Name: ALLEN PATTERSON BUILDERS

Applicant Address: 211 SAMS POINT ROAD BEAUFORT, SC 29907

Applicant E-mail: carlyoung@allenpattersonbuilders.com Applicant Phone Number: 843-470-0400

Owner (if other than the Applicant): RIBAUT PROPERTIES #

Owner Address: 211 SAMS POINT ROAD BEAUFORT SC 29907 WHITEHALL POINT HOLDINGS 150 SPANISH POINT DRIVE

Owner E-mail: allen@allenpattersonbuilders.com Sam.levin234@gmail.com Owner Phone Number: 843-812-7475 843-345-0824

Property Address: WHITEHALL DEVELOPMENT

Property Identification Number (Tax Map & Parcel Number):

DESIGNATION OF AGENT [complete only if owner is not applicant]

I (we) here by appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: 12/14/23 Owner's Signature: [Signature]

I (We) certify that the information in this application is correct.

Date: 12/14/23 Applicant's Signature: [Signature] ALLEN PATTERSON BUILDERS



VARIANCE APPLICATION

Community Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
Email: development@cityofbeaufort.org / www.cityofbeaufort.org

Required Project Information

Applicant hereby appeals the Zoning Board of Appeals for a variance from the strict application to the property described on Page 1 of the following provisions in Section 2.5 of the Beaufort Code: _____

so that a building permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows: (e.g., build a garage): BUILD NEW RESIDENCES IN WHITEHALL PLANTATION AND MEET THE DESIGN INTENTION OF THE DEVELOPMENT CODE.

for which a permit has been denied by a building official on the grounds that the proposal would be in violation of the cited section(s) of the Beaufort Code:

1. The application of the Beaufort Code will result in unnecessary hardship, and the standards for an variance set by State law and the Beaufort Code are met by the facts:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: _____
 - b. These conditions do not generally apply to other property in the vicinity as shown by: _____
 - c. The conditions are not the result of the applicant's own actions as follows: _____
 - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that: _____
 - e. Because of these conditions, the application of the Beaufort Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: _____
 - f. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: _____

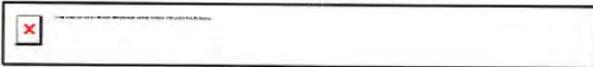
Martie Kay McTeer

From: Young, Carl <carlyoung@allenpattersonbuilders.com>
Sent: Tuesday, January 2, 2024 2:53 PM
To: Martie Kay McTeer
Subject: Fwd: Variance - Whitehall Development

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

CARL YOUNG
PROJECT MANAGER

843-470-0400
carlyoung@allenpattersonbuilders.com
allenpattersonbuilders.com
211 Sams Point Rd, Beaufort, SC 29907



----- Forwarded message -----

From: Young, Carl <carlyoung@allenpattersonbuilders.com>
Date: Tue, Jan 2, 2024 at 2:22 PM
Subject: Re: Variance - Whitehall Development
To: Julie Bachety <jbachety@cityofbeaufort.org>

Julie,

Please see below:

Whitehall Plantation Lots

Lot #	Address	Tax Map ID
Lot 1	210 Harborview Dr.	R123 014 000 0152 0000
Lot 2	208 Harborview Dr.	R123 014 000 0153 0000
Lot 3	206 Harboview Dr.	R123 014 000 0154 0000
Lot 4	204 Harborview Dr.	R123 014 000 0155 0000
Lot 5	202 Harborview Dr.	R123 014 000 0156 0000
Lot 6	200 Harborview Dr.	R123 014 000 0157 0000

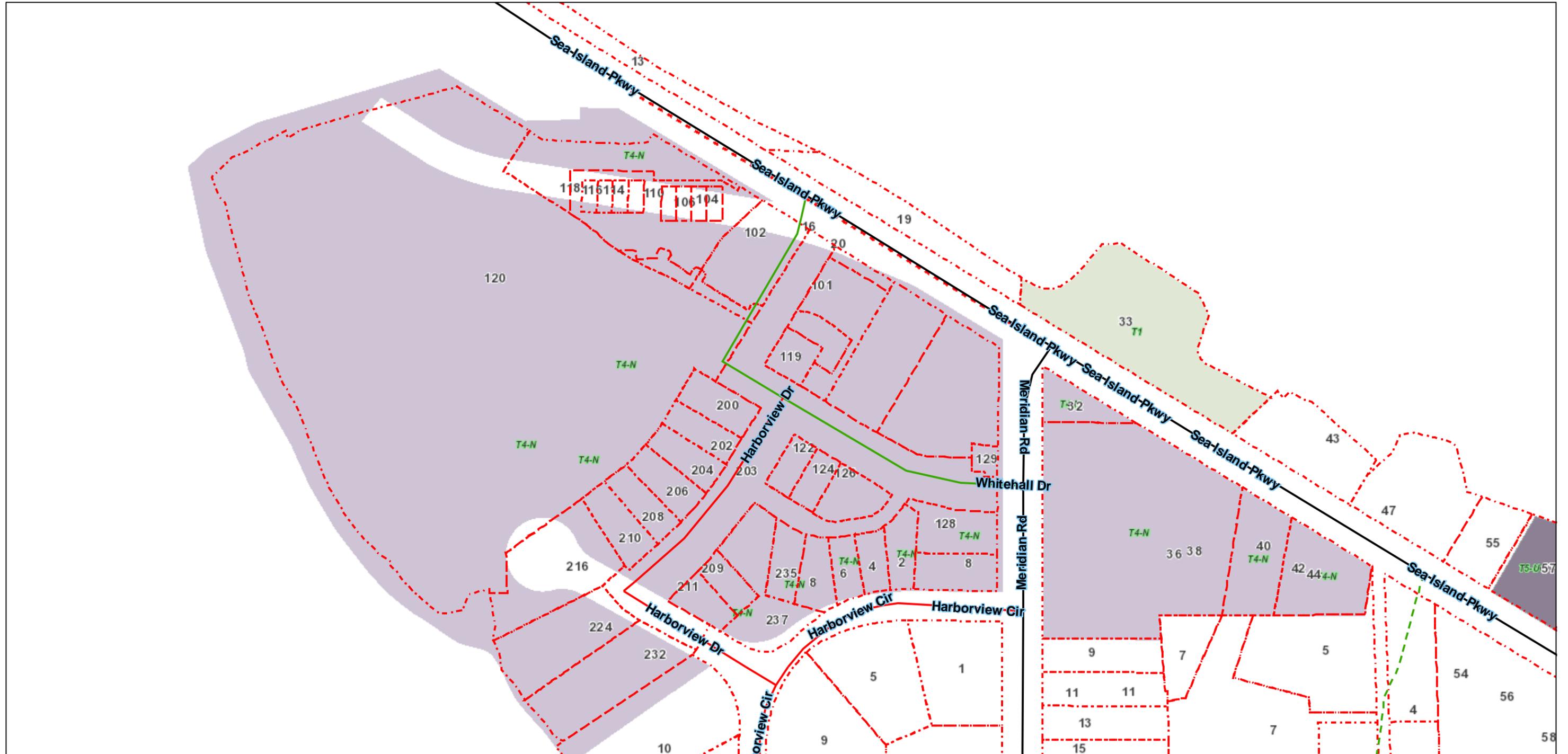
Lot 7	122 Whitehall Dr.	R123 014 000 0158 0000	✓
Lot 8	124 Whitehall Dr.	R123 014 000 0159 0000	✓
Lot 9	126 Whitehall Dr.	R123 014 000 0160 0000	✓
Lot 10	2 Harborview Dr.	R123 014 000 0161 0000	✓
* Lot 11	4 Harborview Dr.	R123 014 000 0162 0000	✓
Lot 12	6 Harborview Dr.	R123 014 000 0163 0000	✓
Lot 13	8 Harborview Dr.	R123 014 000 0164 0001	✓
Lot 14	235 Harborview Dr.	R123 014 000 0165 0000	✓
Lot 15	209 Harborview Dr.	R123 014 000 0166 0000	✓
Lot 16	211 Harborview Dr.	R123 014 000 0167 0000	✓
Lot 17	119 Whitehall Dr.	R123 014 000 0168 0000	✓
Lot 18	126 Whitehall Dr.	R123 014 000 0169 0000	✓
Lot 19	8 Meridian Rd.	R123 014 000 0170 0000	✓
Lot 22	232 Harborview Dr.	R123 014 000 0171 0000	
Lot 23	224 Harborview Dr.	R123 014 000 0172 0000	
Lot 24	216 Harborview Dr.	R123 014 000 0173 0000	
Lot 25	118 Whitehall Dr.	R123 014 000 0174 0000	
Lot 26	116 Whitehall Dr.	R123 014 000 0175 0000	
Lot 27	114 Whitehall Dr.	R123 014 000 0176 0000	
Lot 28	112 Whitehall Dr.	R123 014 000 0177 0000	
Lot 29	110 Whitehall Dr.	R123 014 000 0178 0000	
Lot 30	108 Whitehall Dr.	R123 014 000 0179 0000	
Lot 31	106 Whitehall Dr.	R123 014 000 0180 0000	
Lot 32	104 Whitehall Dr.	R123 014 000 0181 0000	
Lot 33	102 Whitehall Dr.	R123 014 000 0182 0000	
Lot 34	101 Whitehall Dr.	R123 014 000 0183 0000	✓
Lot 35	121 Whitehall Dr.	R123 014 000 0184 0000	✓
Lot 36	123 Whitehall Dr.	R123 014 000 0185 0000	✓

CARL YOUNG
PROJECT MANAGER

PHONE 843-470-0400
 EMAIL carlyoung@allenpattersonbuilders.com
allenpattersonbuilders.com
 ADDRESS 211 Sams Point Rd, Beaufort, SC 29907



Your Title Here



1/16/2024, 4:27:04 PM

Road Classifications

- STATE, PAVED
- COUNTY, PAVED
- PRIVATE, PAVED
- - - PRIVATE, UNPAVED
- LiveParcels

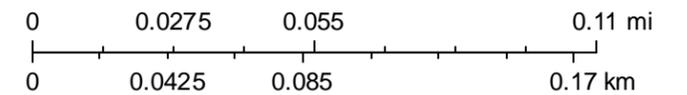
- HISTORIC DISTRICT-Preservation Heighborhood
- HISTORIC DISTRICT-Conservation Neighborhood
- Bladen Street Redevelopment District
- Boundary Street Redevelopment District
- Retail Overlay (Church & Green Street)
- Retail Overlay

Zoning Districts

- LEGACY PUD (LPUD)
- T1
- T3-S
- T3-N
- T4-HN
- T4-N
- T4-NA
- T5-DC
- T5-UC
- T5-UC / RMX
- RMX

- IC
- MH
- LI
- MR

1:2,257



Your Name Here

