



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

REVISED AGENDA

City of Beaufort
ZONING BOARD OF APPEALS
Monday, April 27, 2020, 5:30 P.M.

City Hall, Planning Conference Room—1911 Boundary Street, Beaufort, SC

Please note, this meeting will be conducted electronically via Zoom and broadcasted via livestream on Facebook. You can view the meeting live via Facebook at the City's website www.cityofbeaufort.org and via Zoom at <https://zoom.us/j/98670029947?pwd=dTh0ajQ2WXcvdkdaMnJrdzFnZFN3QT09> Password: 086548

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 February 24, 2020 Meeting

V. Review of Projects

A. 169 Sea Island Parkway, identified as District R200, Tax Map 15, Parcel 606, Special Exception

Applicant: Barnes Development Company (ZB20-04)

The applicant is requesting a special exception of the Zoning Board of Appeals previous decision until April 25, 2021.

B. 907 Emmons Street, identified as District R120, Tax Map 2, Parcel 218, Variance

Applicant: Cory Johnson (ZB20-03)

The applicant is requesting a variance to increase the allowable height of a fence.

C. 709 Greene Street, identified as District R120, Tax Map 4, Parcel 218, Variance

Applicant: Denise L. Savage, Savage Beast Productions, LLC (ZB20-01.2)

The applicant is requesting a variance to the minimum lot size permitted in the T4-HN zone in order to subdivide a parcel in the original 1969 National Landmark district into two non-confirming lots. This application went before the ZBOA on February 24 and was tabled.

VI. Discussion

VII. Adjournment

Note: A project will not be reviewed if the applicant or a representative is not present at the meeting.



Zoning Board of Appeals Meeting Minutes – City Hall Council Chambers, 2nd Floor

February 24, 2020

I. CALL TO ORDER

5:37 PM

A meeting of the Zoning Board of Appeals was held at Council Chambers, Beaufort City Hall, 1911 Boundary Street, Beaufort, SC on February 24, 2020.

II. ATTENDEES

Attendees: Josh Gibson (Chairman), Joe Noll (Vice-Chairman), Nigel Stroud, Tim Wood, Jody Lee Caron

Absent: none

III. REVIEW OF MINUTES

A motion was made to approve the meeting minutes of September 23, 2019. The motion passed unanimously.

IV. OLD BUSINESS

None

V. NEW BUSINESS

709 Greene Street, identified as District R120, Tax Map 4, Parcel 218, Variance

Applicant: Denise L. Savage, Savage Beast Productions, LLC (ZB20-01)

The applicant is requesting a variance to the minimum lot size permitted in the T4-HN zone in order to subdivide a parcel in the original 1969 National Landmark district into two non-confirming lots.

Motion: Josh Gibson made a motion to table the agenda item for 3 months to give the applicant time to make modifications to the proposed subdivision plat. Josh Gibson (Chairman), Joe Noll (Vice-Chairman), Nigel Stroud and Tim Wood voted in favor of the motion Jody Lee Caron voted against

VI. ADJOURN

6:22 PM

Chairman Josh Gibson adjourned the meeting at

Disclaimer: All Zoning Board of Appeals Meeting minutes are recorded, which can be found on the City's website at www.cityofbeaufort.org (Agenda section). Audio recordings are available upon request by contacting the City Clerk, Ivette Burgess at 843-525-7018 or by email at iburgess@cityofbeaufort.org.

169 Sea Island Parkway

R123 015 000 0606 0000

Special Exception for Extension of
Previous ZBOA Approval for a Gas Station

Barnes Development Company
7804 Fairview Rd #180
Charlotte, NC 28226

February 26, 2020

Joan Furlong
Senior Planner
City of Beaufort
1911 Boundary Street
Beaufort, SC 29902

Re: Special Exception for 169 Sea Island Parkway, District 200, Tax Map 15, Parcel 606

Dear Joan,

On behalf of the property owner, Harris Teeter Properties, please allow this letter to serve as a request for an extension until April 25, 2021, of the Zoning Board of Appeals approval of a special exception of a gas station to be located at 169 Sea Island Parkway in Beaufort. The property is identified as R123 015 000 0606 00000.

Thanks for your consideration and please do not hesitate to contact me if additional information is required.

Sincerely,



Ted Barnes

CC: Ryan Lyle, Andrews Engineering
Frank Mowitz
Garrett Maravetz



CITY OF BEAUFORT
Community and Economic Development Department

WILLIAM PROKOP
City Manager

1911 BOUNDARY STREET
BEAUFORT, SC 29902
(843) 525-7011
FAX (843) 986-5606

DAVID PRICHARD
Community & Economic
Director

February 5, 2019

Mr. Ryan Lyle, P.E.
Andrews Engineering & Surveying
2712 Bull Street, Suite A
Beaufort, South Carolina 29902

RE: Special Exception for 169 Sea Island Parkway

Dear Mr. Lyle:

I am responding to your request for an extension of the Zoning Board of Appeals approval of a special exception of a gas station to be located at 169 Sea Island Parkway in Beaufort. The property is identified as R123 015 000 0606 00000.

The project was granted a special exception on April 25, 2016. This approval was valid for two years. Under current state law and *The Beaufort Development Code*, you are eligible to apply for five annual one-year extensions of the approval. In January 2018, a one-year extension of the initial approval was granted. **Your request for an additional one-year extension of the approval of the special exception is granted.** This approval will expire on April 25, 2020 unless a complete building permit application is on file with the City of Beaufort. You have the right to request up to three additional one-year extensions of your approval as per Section 9.1.4 of the Beaufort Code. Note that these extensions must be requested in writing at least one month prior to the expiration date.

We look forward to getting this project started.

Please contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Libby Anderson".

Libby Anderson
Planning Department

cc: David Prichard



Zoning Board of Appeals Meeting Staff Report

From the Department of Community and Economic Development
27 April 2020

1 SUMMARY OF REQUEST

The applicant is seeking an extension of a special exception granted on April 25, 2016 for a gas station to be located on Lady's Island.

Background:

The special exception was granted under the UDO (Unified Development Ordinance) on April 25, 2016. An extension was granted via email on January 2018, extending the request to April 25, 2019.

A second extension was granted February 5, 2019, extending the special exception until April 25, 2020.

2 FACTS

Property Address:	169 Sea Island Parkway
Parcel ID:	R120 002 000 0218 0000
Applicant:	Barnes Development Company
Type of Request:	Special Exception Extension
Zoning:	T5-UC
Use:	Commercial

Special Exception [§9.13.2 F]:

Special Exception Review Criteria: The ZBOA may approve an application for a Special Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The ZBOA shall consider the following criteria in its review:

1. The proposed uses compatibility with existing land uses in the surrounding area
2. The harmony of the proposed site plan, circulation plan, and schematic architectural designs with the character of the surrounding area
3. The likely impact on public infrastructure — such as roads, parking facilities, and water and sewer systems—and on public services — such as police and fire protection and solid waste collection— and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City (a traffic impact analysis shall be required per Section 7.3.2.)
4. The general conformity of the proposed use and designs with the city's Civic Master Plan, Comprehensive Plan, and any other plans officially adopted by the City;
5. The likely impact on public health and safety

6. The potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts

3 STAFF RECOMMENDATION

Given that the applicant has submitted a written request for the extension more than 30 days in advance of the expiration; and

Given that extensions may be approved by the decision-making body for a good cause; and

Therefore, staff recommends granting the extension.

907 Emmons Street
R123 015 000 0606 0000
Variance for fence height



VARIANCE APPLICATION

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

Application Fees:

Residential - \$200

Commercial - \$300

Special Meeting - \$500

Receipt # _____

OFFICE USE ONLY: **Date Filed:** _____ **Application #:** _____ **Zoning District:** _____

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 No

Applicant, Owner and Property Information

Applicant Name: Cory Johnson

Applicant Address: 907 Emmons Street

Applicant E-mail: Shansrj2121@gmail.com Applicant Phone Number: 843.263.2168

Owner (if other than the Applicant): _____

Owner Address: _____

Owner E-mail: _____ Owner Phone Number: _____

Property Address: _____

Property Identification Number (Tax Map & Parcel Number): R120 002 000 0218 0000

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: _____ Owner's Signature: _____

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

Date: _____ Applicant's Signature: _____



VARIANCE APPLICATION

Community & Economic Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
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 _____ of the Beaufort Code:

2.5.16 Encroachments
H-2 Interior Side or Rear

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): Building a fence

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: The elevation of the property above the property to the rear causes a shorter fence to
NOT provide privacy for both properties.
- b. These conditions do not generally apply to other property in the vicinity as shown by: N/A

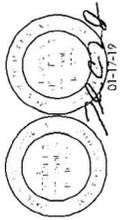
c. The conditions are not the result of the applicant's own actions as follows: N/A

- d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that: You could in fact plant bamboo that would far exceed this limit

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: N/A - No Restrictions would occur

- 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: As the style and design of the fence are similar to existing property.

SM7 DESIGN LLC
PO BOX 38
PORT ROYAL, SC 29935



RELEASED FOR CONSTRUCTION - USE ONLY AS SHOWN
NOT FOR PERMITTING

PROJECT:
NEW RESIDENCE

ADDRESS:
**907 EMMONS STREET
BEAUFORT, SC**

No. /	PERMITTING	Issue / Revision Description

Drawn By: T. Alshouse
Checked By: T. Alshouse
Project ID: 18-025-SM
SHEET TITLE:

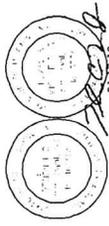
SITE PLAN





architecture + planning

SMT7 DESIGN LLC
PO BOX 58
PORT ROYAL, SC 29935



RELEASED FOR CONSTRUCTION - VALUE ONLY & SEALED
NOT FOR REPRODUCTION
01-17-19

PROJECT:
NEW RESIDENCE

ADDRESS:
907 EMMONS STREET
BEAUFORT, SC

No. / Date	Revision Description
007/17/19	PERMITTING

Drawn By: T. Michrains
 Checked By: T. Michrains
 Project ID: 18-052-SM7
 SHEET TITLE:

SITE PLAN

A101

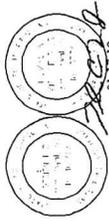


1 SITE PLAN
SCALE: 3/8" = 1'-0"



architecture + planning

SM7 DESIGN LLC
PO BOX 58
PORT ROYAL, SC 29935



RELEASED FOR CONSTRUCTION, VALID ONLY IF SEALED
NOT FOR REPRODUCTION
01-17-19

PROJECT:
NEW RESIDENCE

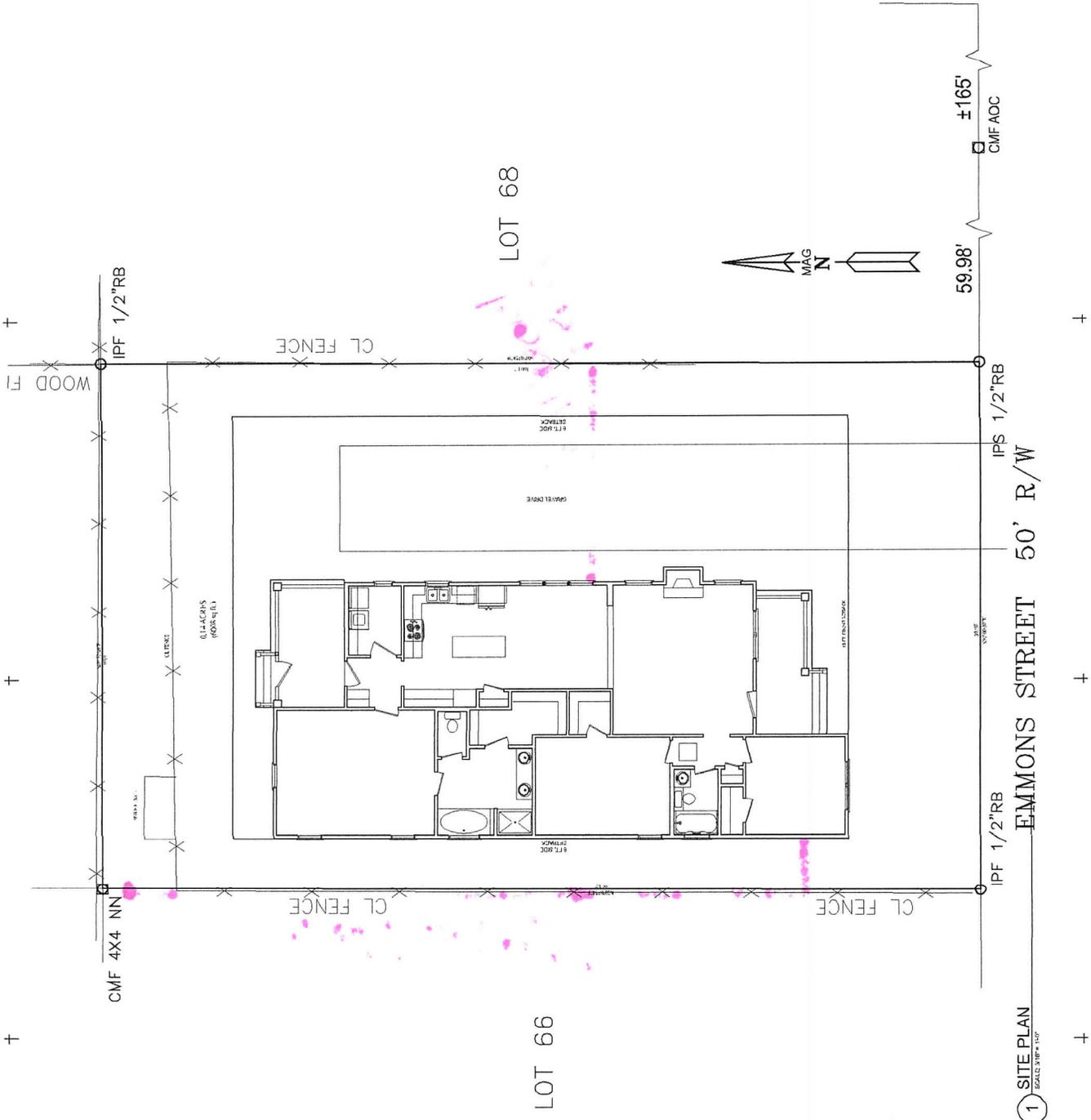
ADDRESS:
907 EMMONS STREET
BEAUFORT, SC

No. / Date	Issue / Revision Description
01/17/19	PERMITTING

Drawn By: T. Michener
Checked By: T. Michener
Project ID: 18485-S, SM7
SHEET TITLE:

SITE PLAN

A101













Zoning Board of Appeals Meeting Staff Report

From the Department of Community and Economic Development
27 April 2020

1 SUMMARY OF REQUEST

Cory Johnson is seeking a variance to section 2.5.6.H.2, fence and garden wall encroachments. In a transect zone the maximum height of a fence which encroaches on the rear setback, is 6'.

Back Ground: The applicant recently constructed a single family residence at 907 Emmons Street. The construction of a nonpermitted fence was discovered during a building inspection.

2 FACTS

Property Address:	907 Emmons Street
Parcel ID:	R120 002 000 0218 0000
Case Number:	ZB 20-03
Applicant:	Cory Johnson
Type of Request:	Variance to Fence Height
Zoning:	T3-N
Use:	Residential

2.5.6 Encroachments

Fences and Garden Walls: Fences and garden/yard walls may encroach into required setbacks. The support structures for fences shall be located on the inside of the fence, and no fence, wall or hedge shall exceed the following dimensions:

1. Front or Street side setback: 4 feet in height [...]
2. Interior Side or Rear Setback of a transect-based district: 6 feet in height

CRITERIA FOR APPROVAL OF VARIANCES [§9.14.2 F]: A variance may be granted by the ZBOA if it concludes that the strict enforcement of any design and performance standard would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of the Code will be observed, the 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 the following findings:

- (1) There are extraordinary and exceptional conditions pertaining to the property.

- (2) These conditions do not generally apply to other property in the vicinity.
- (3) The conditions are not a result of the applicant's own actions.
- (4) Granting the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
- (5) The application of the conditions of the code to this property would effectively prohibit or unreasonably restrict the use of the property.
- (6) 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.

3 STAFF ASSESSMENT

The request does not meet any of the requirements for a variance.

1. There are **NO** extraordinary and exceptional conditions pertaining to the property.
2. These conditions do **not** generally apply to other property in the vicinity.
3. The conditions are **not** a result of the applicant's own actions.
4. Granting the variance would not substantially conflict the Comprehensive Plan, the Civic Master Plan, **nor but does conflict** with the purposes and intent of the code.
5. The application of the conditions of the code to this property **would** does not effectively prohibit or unreasonably restrict the use of the property.
6. 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.

4 STAFF RECOMMENDATION

Given that 6 of the criteria for granting a variance have not been met; and

Given that failure to meet any criteria justifies denying the variance; and

Given that the enforcement of the standards set forth in the Beaufort Development Code would not result in unnecessary hardship to the applicant;

Therefore, staff does not recommend granting the variance.

709 Greene Street

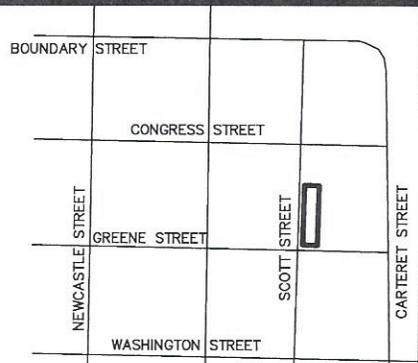
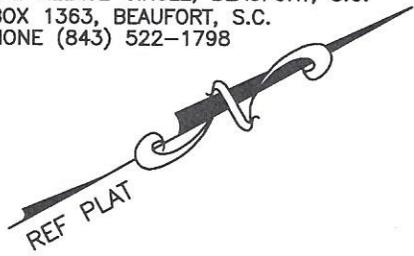
R120 004 000 0218 0000

Variance to subdivision requirements



GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS

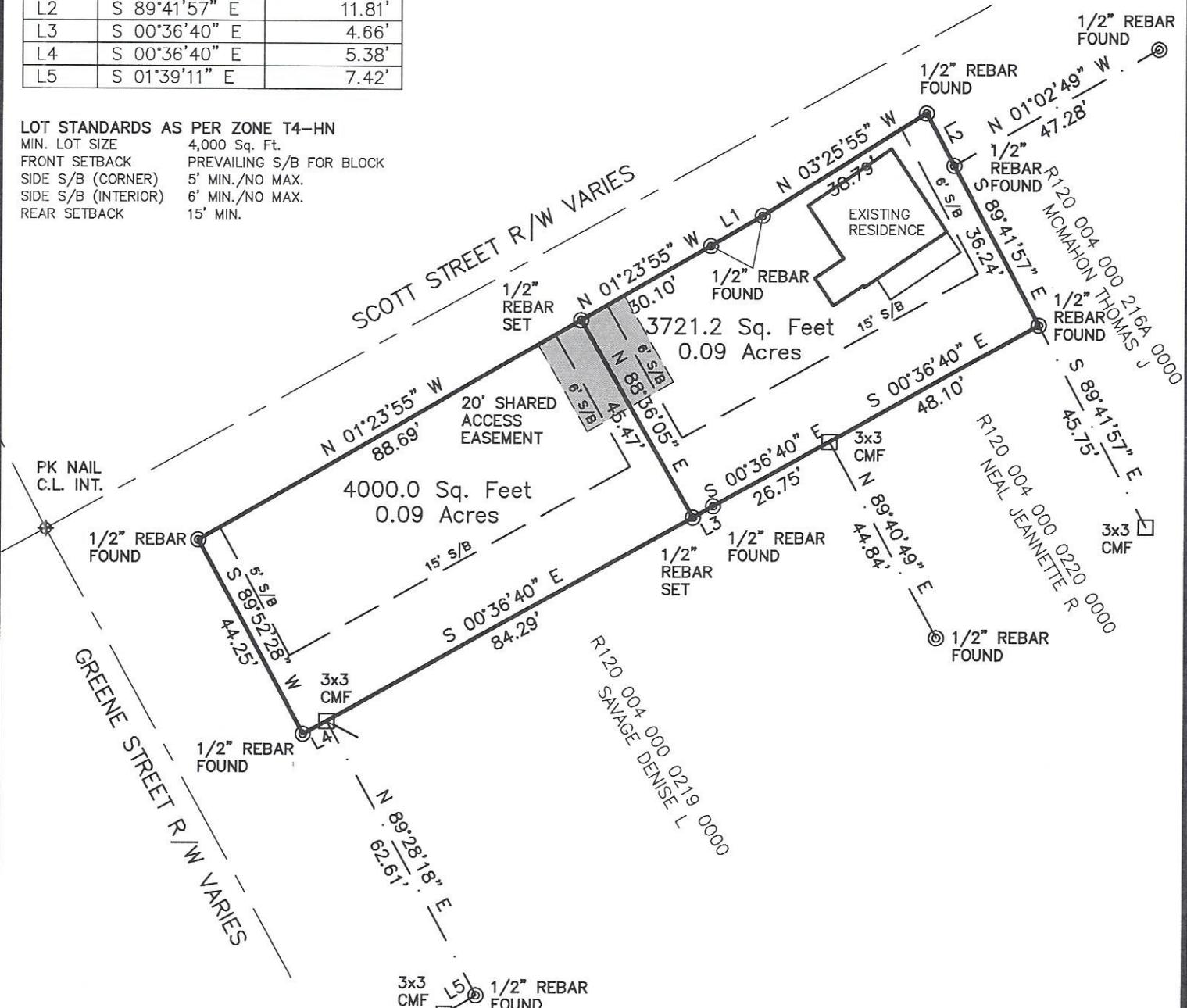
28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
 P.O. BOX 1363, BEAUFORT, S.C.
 PHONE (843) 522-1798



VICINITY MAP NOT TO SCALE

LINE	BEARING	DISTANCE
L1	N 01°51'03" W	12.05'
L2	S 89°41'57" E	11.81'
L3	S 00°36'40" E	4.66'
L4	S 00°36'40" E	5.38'
L5	S 01°39'11" E	7.42'

LOT STANDARDS AS PER ZONE T4-HN
 MIN. LOT SIZE 4,000 Sq. Ft.
 FRONT SETBACK PREVAILING S/B FOR BLOCK
 SIDE S/B (CORNER) 5' MIN./NO MAX.
 SIDE S/B (INTERIOR) 6' MIN./NO MAX.
 REAR SETBACK 15' MIN.



SUBDIVISION SURVEY PREPARED FOR
SAVAGE BEAST PRODUCTIONS, LLC

THIS BEING A PORTION OF BLOCK 41 DOWNTOWN BEAUFORT. AS SHOWN ON A PLAT BY DAVID E. GASQUE DATED SEPTEMBER 29, 2016 RECORDED AT THE BEAUFORT COUNTY RMC OFFICE IN PLAT BOOK 145, PAGE 117. LOCATED IN THE CITY OF BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA. T.M.S. R120 004 000 0218 0000.

THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS; AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.

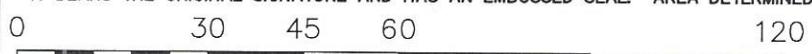
CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

SETBACKS SHOWN AS PER THE CITY OF BEAUFORT CODE "T4-HN" STANDARDS AND MUST BE VERIFIED WITH OFFICIAL AGENCY BEFORE PURCHASE AND OR CONSTRUCTION ON SUBJECT PROPERTY.

BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY PROPER BUILDING CODES OFFICIAL. THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "B" AS DETERMINED BY F.E.M.A. FIRM COMM PANEL NUMBER 450026 0005 D. DATED 09/29/1986.

THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH ANY RESTRICTIVE COVENANTS OR ANY CITY AND/OR COUNTY ORDINANCES.

I, DAVID E. GASQUE, HEREBY CERTIFY TO SAVAGE BEAST PRODUCTIONS, LLC THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS SURVEY AS SPECIFIED THERE IN. ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THEN SHOWN. THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND HAS AN EMBOSSED SEAL. AREA DETERMINED BY COORDINATE METHOD.



SCALE: 1"=30'

DATE: 10/18/2018

DAVID E. GASQUE, R.L.S. JOB # 49623
 S.C. REGISTRATION NUMBER 10506 FB# N/A DSGN#6
 THIS PLAT IS NOT BINDING UNLESS ACCOMPANIED BY AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.



Zoning Board of Appeals Meeting Staff Report

From the Department of Community and Economic Development
27 April 2020

1 SUMMARY OF REQUEST

Denise Savage is seeking a variance to the minimum lot size permitted in the T4-HN zone in order to subdivide a parcel in the original 1969 National Historic Landmark district into two nonconforming lots.

Background:

The property is located within the Historic Preservation Neighborhood District. It is a narrow rectangular lot that is approximately 0.18 acres or 7,721.20 square feet.

The property was formerly addressed as 1007 Scott Street but was changed to 709 Greene Street sometime between 2016 and 2018.

1007 Scott Street was listed on the 1969 National Historic Landmark District list.

Subdivision of any property on the original 1969 National Historic Landmark District nomination is not permitted as per **Section 9.9.2. Minor Subdivision D.3. Exceptions of The Beaufort Code.**

However, variance requests may be made per **Section 9.14 Variance.**

The applicant went before the ZBOA at the February 24th the board voted to table the agenda item for 3 months to give the applicant time to make modifications to the proposed subdivision plat.

The applicant has resubmitted a new subdivision plat creating two lots one of which conforms with the minimum lot standards of the code 4,000 Sq. ft. and the lot with the existing structure to be 3721.2 sq. ft.

2 FACTS

Property Address:	709 Greene Street
Parcel ID:	R120 004 000 0218 0000
Case Number:	ZB 20-02
Applicant:	Savage Beast Productions, LLC, Denise Savage, Owner
Type of Request:	Variance to subdivision requirements
Zoning:	T4-HN
Use:	Residential

District Development Standards for T4-HN:

- **Minimum Lot Size:** 4,000 SF
- **Setback requirements – Primary Structure:**
 - *Front – average prevailing setback on block*
 - *Rear setback – 15' minimum*
 - *Side Interior – 6'*
 - *Side Corner/Alley – 5' min., no max.*
- **Frontage Build out:** 75% Max.
- **Impervious Surface Coverage:** 55% maximum for rooftops, additional 10% allowed
- **Permitted Uses:** Single Family Dwelling, or Two- or Three-Unit Dwelling is permitted by right in the T4-HN zoning classification.

CRITERIA FOR APPROVAL OF VARIANCES [§9.14.2 F]: A variance may be granted by the ZBOA if it concludes that the strict enforcement of any design and performance standard would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of the Code will be observed, the 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 the following findings:

- (1) There are extraordinary and exceptional conditions pertaining to the property.
- (2) These conditions do not generally apply to other property in the vicinity.
- (3) The conditions are not a result of the applicant's own actions.
- (4) Granting the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
- (5) The application of the conditions of the code to this property would effectively prohibit or unreasonably restrict the use of the property.
- (6) 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.

3 STAFF ASSESSMENT

1. There are **NO** extraordinary and exceptional conditions pertaining to the property.
2. These conditions do **not** generally apply to other property in the vicinity.
3. The conditions are **not** a result of the applicant's own actions.
4. Granting the variance would not substantially conflict the Comprehensive Plan, the Civic Master Plan, **nor but does conflict** with the purposes and intent of the code.
5. The application of the conditions of the code to this property **would** does not effectively prohibit or unreasonably restrict the use of the property.

6. 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.

4 STAFF RECOMMENDATION

Given that 5 of the criteria for granting a variance have not been met; and

Given that the failure to meet any criteria justifies denying the variance; and

Given that the enforcement of the standards set forth in the Beaufort Development Code would not result in unnecessary hardship to the applicant; and

Given that the code explicitly prohibits subdivision of any property on the original 1969 National Historic Landmark District;

Therefore, staff does not recommend granting the variance.