



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, June 24, 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/83835246846?pwd=8WYlodzLmQenwb8Kecxo7LYXQckh6H.1>

Passcode: 143256

Meeting ID: 838 3524 6846

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 January 22, 2024 Meeting

V. Review of Projects

A. 17 City Walk Way, identified as R120 003 000 0910 0000, Variance

Applicant: Allyn & Debbie Sell (ZB24-XX)

The applicant is requesting a variance from Section 2.4.1.C.3 of the Beaufort Code regarding interior side setbacks for accessory structures for property located at 17 City Walk Way, identified as R120 003 000 0910 0000. The property is zoned T3-Neighborhood District (T3-N).

VI. Adjournment



Zoning Board of Appeals

Meeting Minutes – January 22, 2024

CALL TO ORDER

1:34

A meeting of the Zoning Board of Appeals was held in-person on January 22, 2024 at 5:31 p.m.

ATTENDEES

Members in attendance: Kenneth Hoffman (Chairman) and Marc Sviland (Vice-Chairman), Kevin Blank, Patrick McMichael and Parker Moore.

Staff in attendance: Curt Freese (Community Development Director) and Ryan Green (Community Development Planner II).

REVIEW OF MINUTES

2:32

Motion: Mr. Blank made a motion to approve the minutes of the September 25, 2023 meeting; seconded by Mr. Parker. The motion passed unanimously

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 tguldner@cityofbeaufort.org

APPLICATIONS

3:10

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).

Curt Freese presented the staff report.

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.

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. 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. *See attached list of the lots and their addresses and tax, map & parcel numbers.*

Sam Levin resides at 156 Spanish Point Drive and said part of this application is for my new house. He needs to have the garage closer to his house. He said when the Whitehall project, Harborview was an alley and this was a collaboration between the staff and Land Planner, Dan Keefer. The homes overlooking the park have a great view, looking through a passive park, the water. Lots on either end have a spectacular view. This is a small development, and we are looking for a uniform of streetscape, the same brick to be used for the aprons, we want columns coming in and want the garages to be perfected in some respect. These lots are not big or wide on the lot. He is asking to allow us to use Harborview Drive as an alley as it was intended. For the waterfront lots, for us our house is all the way forward as he could get it and we would like our garage to be next to the house.

Allen Patterson from Allen Patterson Builders spoke about the project and answered some questions addressed by the Board.

Motion: Mr. Hoffman made a motion for the request for approval of the rear yard setback variances 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 minimum from the road and may be placed on any portion of the lot, behind the principal building for lots dictated in staff's recommendations. Mr. McMichael seconded the motion. The motion passed a vote of 3:2 with Mr. Moore and Mr. Blank being opposed.

ADJOURNMENT

33:52

Mr. McMichael made a motion to adjourn the meeting; Mr. Blank seconded the motion. The meeting ended at 6:03 pm.



STAFF REPORT: 17 City Walk Way-Variance

DATE: June 24, 2024

GENERAL INFORMATION

Applicant:	Allyn & Debbie Sell
Site Location/Address:	17 City Walk Way
Applicant's Request:	The Applicant is requesting a variance of Section 2.4.1.C.3, regarding interior side setbacks for accessory structures.
Current Zoning:	T-3 N

ZONING DISTRICT INFORMATION

	<u>T-4 N</u>
Max Density	~10 du/ac
Min. Lot Size	4,000 sq ft or 3,000 sq ft for ally-served lots
Min. Lot Width	40'
Front Setback	15'-30'
Side Setback	6'
Rear Setback	15'
Accessory Building/Use Side Setback-Interior:	5'

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS

<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning /Buffer required if rezoned</u>
North: T3-N	Single Family Home	N/A
South: T3-N	Single Family Home	N/A
East: T3-N	Single Family Home	N/A
West: T3-N	Single Family Home	N/A

PROPOSAL/BACKGROUND

The parcel in question is part of the City Walk Subdivision that was platted in 2015. This subdivision was approved as a "Cluster Subdivision" a specific land use category in the pre-form based district Unified Development Ordinance. The goal of a "Cluster Subdivision" was to allow for more flexibility in development style to promote density. This term has now been changed to "Small-Scale Planned Infill Development in the 2018 code change. With the current standards, the side setbacks for accessory building are 5 feet in the T3-N zone. If there was a change to this for the City Walk Subdivision, it would

need to have been in an approval document from the Planning Commission, at the time they were called the Metropolitan Planning Commission. The Applicant is proposing an encroachment of ~3.5 feet into the accessory building side setback to allow for a pool to installed onto the lot. The applicant has been in contact with staff and wishes to have this case heard by the Zoning Board of Appeals.

Proposed Accessory Location: From the survey given, the location of the proposed pool is ~1.5 feet from the northern property line, which does not adhere to the requirement of 5 feet outlined in 2.4.1.C.3. The proposed pool would also be ~2.5 feet from the current garage on the property. This location would take up most of the current unbuilt area on the property and make it more difficult to navigate the site in case of an emergency.

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>
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.	No	✓ There are no topographic or other special conditions unique to the property.

b. These conditions do not generally apply to other property in the vicinity.	No	✓ Many lots within the City Walk Subdivision are the same size as the lot in question.
c. The conditions are not the result of the applicant's own actions.	Yes	✓ The applicant did not create or approve the lots in the City Walk Subdivision.

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.	No	✓ Granting the variance would substantially conflict with the intent of this code because it would allow an accessory structure to encroach into a side setback.
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.	No	✓ The code allows the property to have a pool, the issue is that it will be too close to the side property line. Denial of this request would not prohibit or unreasonably restrict the utilization of the property.
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.	No	✓ The pool, in this location, will be an encroachment upon the adjacent property. While the current owner may not mind, the next owner may want to maintain a separation of uses.

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 denial of a reduction of the interior side setback in the T3-N zone, as outlined in Section 2.4.1.C.3, to allow for the installation of a pool on the property in question.



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

Application Fee: \$300

Receipt # _____

OFFICE USE ONLY: Date Filed: 5/27 Application #: 27046 Zoning District: T3-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

Allyn & Debbie Sell

Applicant Name: _____

17 City Walk Way Beaufort, SC 29902

Applicant Address: _____

allynsell@bellsouth.net

770-354-5387

Applicant E-mail: _____ Applicant Phone Number: _____

Owner (if other than the Applicant): _____

Owner Address: _____

Owner E-mail: _____ Owner Phone Number: _____

17 City Walk Way Beaufort, SC 29902

Property Address: _____

R120 003 000 0910 0000

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: _____ Owner's Signature: _____

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

Date: 5-27-24 Applicant's Signature: _____

Allyn Sell
Debbie Sell



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 ____ 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): Requesting a variance to build part of our proposed inground swimming pool & spa in the 5ft side setback.

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: See attached answers
 - b. These conditions do not generally apply to other property in the vicinity as shown by: See attached answers
 - c. The conditions are not the result of the applicant's own actions as follows: See attached answers
 - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that: See attached answers
 - 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: See attached answers
 - 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: See attached answers

Variance Answers

a. Due to our small lot size (5,385 Sq Ft), shape of the property, and the footprint of the home, the only location for a pool / spa is where the proposed plans indicate. Not having the variance would severely hinder the already small size of the pool / spa that we are proposing to build.

b. The small lot sizes in the City Walk subdivision are unique in that there is limited space and with the 5 ft side setback it reduces the available space to build a pool / spa.

c. The lot sizes and home placement on the lots in the City Walk subdivision were predetermined by the builder/developer.

d. The variance would not conflict with the purpose or the spirit of the plan or code in that there is no detriment or hazard to the safety and well-being of the public or residents residing in the area. The variance would allow for a pool / spa which would improve the ambience, value, and aesthetics of our home and neighborhood.

e. Not having the variance would severely hinder the already small size of the pool / spa that is being proposed. The purpose for building the pool / spa combination is for exercise and health benefit. Our doctor has indicated that having this pool with a spa would be of great health benefit to both of us. Restricting the size would limit that, and quite possibly preclude the building of the pool / spa at all.

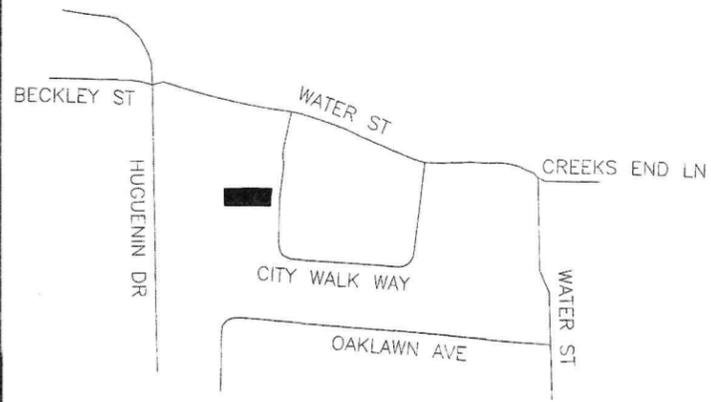
f. The authorization of the variance would not be of detriment to the adjacent property, the pool's location will be adjacent to the neighbor's garage. A 20" wide rock drain along the fence line will be maintained to make sure no water runs off onto the adjacent property. The pool will be shielded from the front street view. A 5ft height privacy fence in the back will shield the pool from the alleyway view.

We also have a signed letter from our neighbor stating that she does not have any issues / objections with the proposed pool / spa placement inside the 5ft side setback.



LEGEND OF SYMBOLS & ABBREVIATIONS

LEGEND			
	FIRE HYDRANT		MAIN VALVE MONUMENT
	CLEAN OUT		MANHOLE
	POWER POLE		GUY WIRE
	TELEPHONE PEDESTAL		CABLE BOX
	FIBER OPTIC STUB		OVERHEAD POWERLINE
	WATER VALVE		EDGE OF PAVEMENT
	GAS VALVE		BACK OF CURB
	WATER METER		LIGHTPOLE
	1/2\"/>		GAS LINE
	TREE SIZE & TYPE		CENTER LINE
	ELEVATION		CONTOUR LINE



LOCATION MAP (N.T.S.)

LINE	BEARING	DISTANCE
L1	S 11°29'18\"/>	2.76'
L2	S 00°15'02\"/>	7.42'

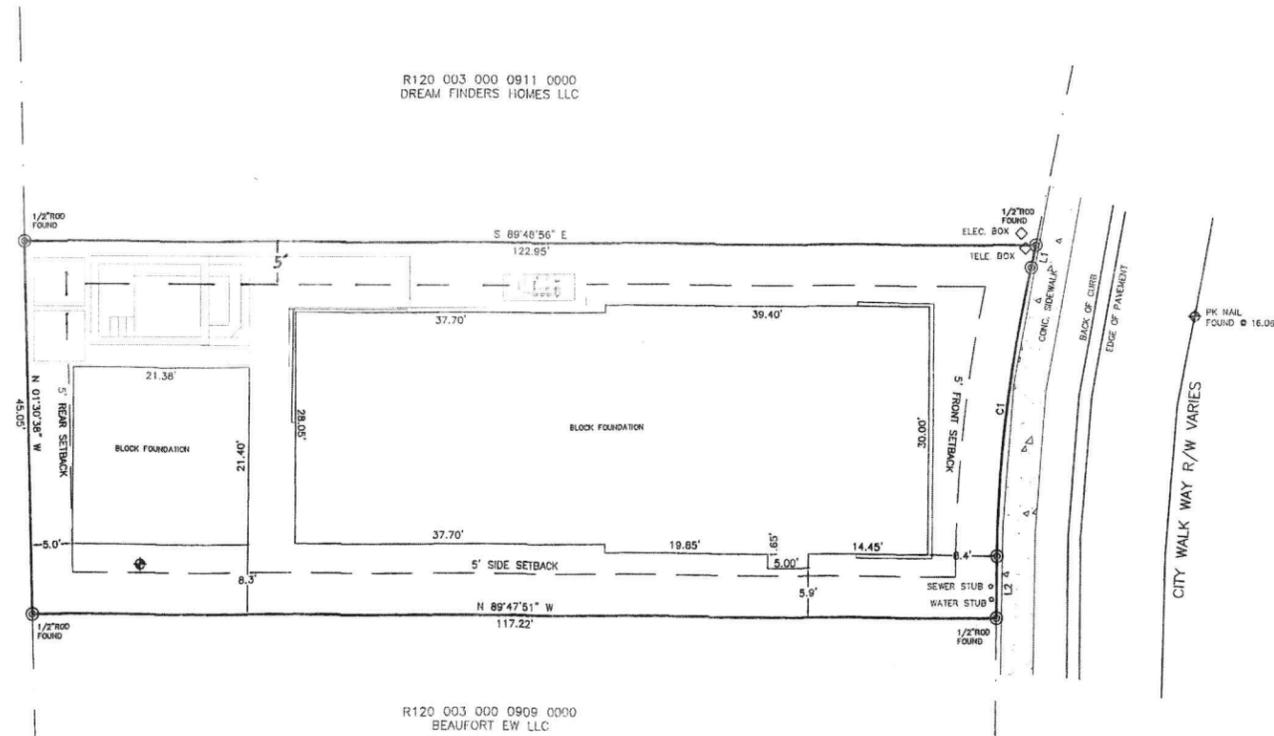
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	170.00'	35.22'	35.18'	S 06°27'50\"/>	11°52'07\"/>

NOTES:

- 1.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION.
- 2.) THIS PLAT DOES NOT CERTIFY THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS.
- 3.) METHOD OF AREA CALCULATION BASED ON COORDINATE METHOD.
- 4.) LOCATION OF UNDERGROUND UTILITIES ARE FROM SURFACE INDICATIONS ONLY AND ARE NOT CERTIFIABLE.
- 5.) THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.
- 6.) CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- 7.) 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.
- 8.) BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY PROPER BUILDING CODES OFFICIAL.
- 9.) SETBACKS SHOWN AS PER PLAT OF RECORD AND MUST BE VERIFIED WITH OFFICIAL AGENCY BEFORE PURCHASE AND OR CONSTRUCTION ON SUBJECT PROPERTY.
- 10.) THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "B" AS DETERMINED BY F.E.W.A. FIRM COMM PANEL NUMBER 450026 0005 D. DATED 09/29/1986

REFERENCES:

- 1.) T.M.S. R120 003 000 0910 0000
- 2.) PLAT BY DAVID E. GASQUE DATED 10/29/2015 REVISED 12/16/2015 PLAT BOOK 142 PAGE 155 BEAUFORT COUNTY RMC



**FOUNDATION SURVEY
LOT 36, CITY WALK
PREPARED FOR
DREAM FINDERS HOMES
CITY OF BEAUFORT
BEAUFORT COUNTY, SOUTH CAROLINA**

DATE: 1/2/2018 SCALE: 1" = 10'



**GASQUE & ASSOCIATES INC.
LAND SURVEYORS - PLANNERS**

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

I, David E. Gasque, a Registered Professional Land Surveyor in the State of South Carolina, certify to client(s) shown herein that to the best of my knowledge, information and belief, the survey shown herein 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 A survey as specified therein, and there are no encroachments or projections other than shown. This survey is not valid unless it bears the original signature and has an embossed seal.

David E. Gasque
David E. Gasque, R.L.S.
S.C. Registration Number 10008

THIS PLAT IS COPYRIGHTED AND IS ONLY INTENDED FOR THE USE OF THE ENTITY OR PERSON(S) SHOWN HERE ON.

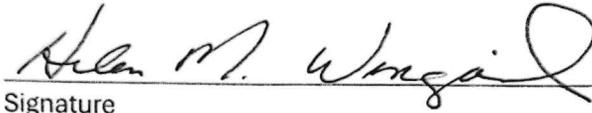
JOB# 47967 F.B.# 964/WG DRAWN BY Degr.7



05/27/24

To Whom It May Concern:

My wife (Debbie Sell) and I (Allyn Sell) reviewed our plans to have Aquatica Pools & Spas build a swimming pool / spa in our backyard with our neighbor Helen Wingard at 19 City Walk Way Beaufort, SC 29902 on 05/27/24 and she said she does not have any issues with the placement of our pool / spa. She understands that we are requesting a variance from the City of Beaufort. The request is to allow the pool / spa to be built inside the 5ft setback between both houses by 2' 4". Attached documents were reviewed with Helen Wingard.


Signature

5/27/2024
Date

Neighbor:

Helen Wingard
19 City Walk Way
Beaufort, SC 29902
Property ID: R120 003 000 0911 0000
Cell: 214-558-2886
Email: helenwingard@gmail.com


Signature

5/27/24
Date

Homeowners:

Allyn & Debbie Sell
17 City Walk Way
Beaufort, SC 29902
Property ID: R120 003 000 0910 0000
Cell: 770-354-5387
Email: allynsell@bellsouth.net

Additional Detail for our TRC/Pre-Design Meeting

Owner: Allyn & Debbie Sell
17 City Walk Way
Beaufort, SC 29902
Subdivision: City Walk
770-354-5387
allynsell@bellsouth.net

Date: 5/20/2024

Parcel: Tax Map Reference # R120-003-000-0911-0000

Contractor: Aquatica Pools & Spas – North Charleston

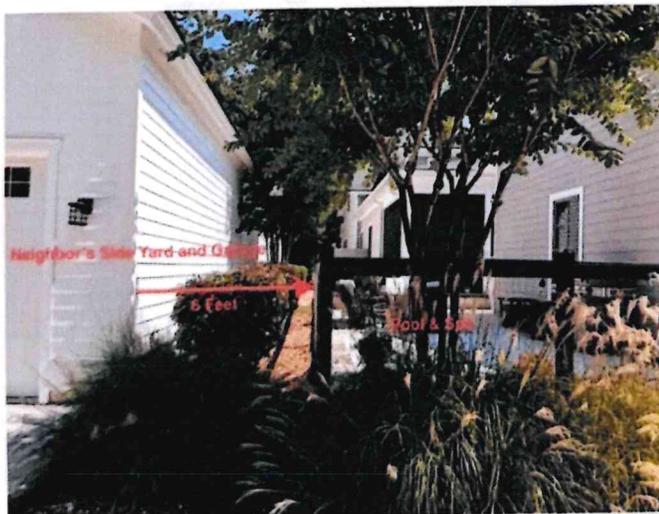
Description of Project:

In ground Gunite Swimming Pool & Spa (9' W x 18' L Inside Measurements)

Requesting a variance from the City of Beaufort to allow our pool & spa to be placed inside the 5' side setback by 2' 4". The pool & spa's water edge would still be 2' 8" from the side property line and will not encroach into the 5' back setback. The backyard area is only 15' 2" wide.

Moving the pool & spa inside of the 5' side setback by 2' 4" does not encroach on the neighbor's main property dwelling. The pool & spa's side would be towards the shrubs and side of neighbor's garage. The garage's edge is 6' from our property line (fence).

(See picture below)



The City Walk HOA / ARB has approved our pool design, layout, and placement.

We have also reviewed our pool plan and placement with our neighbor, and she does not have any issues with the pool placement.

Because the lots in the City Walk Development are so small, we would like to be able to utilize as much of our back yard space as possible for the pool & spa / outdoor area. Placing the pool too close to the garage could compromise the garage's foundation by digging a six-foot hole so close to the garage structure.

Also, the back corner part of our lot is the only area of the backyard where we get full sunlight most of the day.

Aquatica's proposed rendering of our pool & spa.



Note:

20" wide rock drain along the fence line to make sure no water run off goes onto adjacent property.

Pool decking will be travertine with channel drains.

Full Scale Foundation Survey showing the outline of the pool & spa is also attached as a separate file.

Below: Partial Section of our Foundation Survey detailing our proposed pool layout

