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 March 11, 2019 Meeting

V. Review of Projects

   A. **2308 Simms Street, identified as District R120, Tax Map 3, Parcel 837, Variance**

      Applicant: Patrick McMichael (ZB19-02)

      The applicant is requesting a rear setback variance in order to construct a single-family dwelling.

VI. Discussion

VII. Adjournment

Note: A project will not be reviewed if the applicant or a representative is not present at the meeting.
A meeting of the Zoning Board of Appeals was held on March 11, 2019 at 5:30 p.m. in City Hall Council Chambers, 1911 Boundary Street. In attendance were Chairman Josh Gibson, board members Joe Noll, Nigel Stroud, and Jody Caron and Ken Meola, City of Beaufort staff. Board member Tim Wood was absent.

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.

**CALL TO ORDER**
Chairman Gibson called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance. He read the notice of compliance with the requirements of the Freedom of Information Act.

**MINUTES**
Mr. Stroud made a motion, second by Mr. Caron, to approve the minutes of the December 19, 2018 meeting as submitted. The motion passed unanimously.

Chairman Gibson reviewed the procedure at ZBOA meetings.

**REVIEW OF PROJECTS**
**116 FORT MARION ROAD, identified as District R120, Tax Map 7, Parcel 471**
Variance
Applicant: David A. Summerall (ZB19-01)
*The applicant is requesting a variance in order to construction a single-family dwelling with an attached garage.*

Mr. Meola said this is a vacant lot, and the request is for a setback variance for an attached garage. The zoning is T3-S, in which the minimum front setback is 20’, the minimum side setback is 10’, and the minimum rear setback is 15’. For an attached garage, the required setback “from the front façade-line” is at least 5’, he said.

The applicant is seeking a variance so the garage section wouldn't have to be 5’ back behind the front façade, Mr. Meola said. All standard public notice was made for this application.

Mr. Meola enumerated staff’s opinions on the findings the board needs to make to approve this variance application:

1. **Exceptional and extraordinary conditions are attached to the property**: The property dimensions and topography are adequate to meet the zoning district requirements and do not present unique challenges for development.
2. **Conditions don’t apply to other properties in the vicinity**: The lot is similar to most in the neighborhood.
3. **Conditions are not the result of the applicant’s own actions:** The zoning requirements were in place at time of the purchase.

4. **Granting the variance would not conflict with the Civic Master Plan, the Comprehensive Plan, or the purpose and intent of the Beaufort Code:** Mr. Meola said the variance would be “in direct opposition to the code.”

5. **Application of the ordinance is an unreasonable restriction on the utilization of the property:** Following the code would not hinder the development of the property, Mr. Meola said.

6. **Granting the variance would not be a detriment to adjacent property and the public good:** Staff feels the construction allowed by the variance would be similar to the existing style of development in the neighborhood.

Mr. Meola said he went to see other properties in the neighborhood, and there is a “hodgepodge” of styles, including some like this property. No building permit for the house has been issued for this project yet, he said, because of the setback’s conflict with the code and the variance request.

The way it sits now, Mr. Caron asked how far the garage would sit in front of the house. Mr. Meola said the applicant, **David Summerall**, could answer that question. The current design meets the front setbacks, he said.

Chairman Gibson asked, if a master bedroom suite were in the space where the garage is, if this would be in compliance. Mr. Meola said he believes it would be. Chairman Gibson asked if in this zoning, all garage doors must be side-facing under the current ordinance, and Mr. Meola said yes.

Mr. Summerall said the owners, **Bruce** and **Barbara Pifel**, are an elderly couple who looked at many designs and selected this one because it is representative of the style of other homes in Spanish Point. He has the numbers of houses that do and don’t comply with this part of the ordinance. With the living space behind the garage, he said, the house wouldn’t meet the side setbacks if it were “pushed back.” A house under 2,100 square feet is not very big for Spanish Point, Mr. Summerall added.

In Spanish Point, 47 houses’ garages don’t comply, Mr. Summerall said; 16 homes there have garages that extend at least 20’ in front of their front façades, and “well over half” of those homes are on lots of a similar width. Mr. Caron said those houses weren’t built under this code; he asked about homes built since 2017. Mr. Summerall said he didn’t know which houses were built after that time.

Mr. Caron asked what Mr. Summerall meant when he said that if the house were “pushed back,” it wouldn’t meet the side setback variance, and Mr. Summerall explained that then the house would be too wide to meet that setback. To make the plan conform, they would have “to start over,” he said, because the living space is behind the garage.
Mr. Stroud asked if there are any houses on the block that don’t have garages. Mr. Summerall said there’s one with no garage, but it has a carport, which this part of the ordinance also covers.

Mr. Summerall said this is one of the narrower lots in the neighborhood, possibly because it once belonged to the owner of the property next to it.

The idea behind this aspect of the ordinance was to achieve an “in-town kind of look,” Mr. Summerall said. “Alley access” is also mentioned for this kind of zoning, he added, but there is none of that here.

Chairman Gibson asked Mr. Summerall if they had considered plans that wouldn't need a variance. Mr. Summerall said this is the design the homeowners chose, and he or the designer should have caught this issue before applying for a permit, but they did not.

Mr. Caron asked Mr. Meola about staff’s response to #3 of the variance criteria; Mr. Meola said he’d noted that the zoning requirements were in place at the time of purchase.

Mr. Caron said #3 is an issue for him – the homeowners “purchased this knowing the setbacks” – as is #5. Mr. Stroud said he agrees with that, but “not a single house in that neighborhood probably meets this code,” so while this plan doesn't meet the criteria for a variance, in Spanish Point, he said, “the criteria isn’t valid.”

There was a discussion about this, with Chairman Gibson saying that there is a higher bar to clear for new construction. A house with these setbacks “wouldn't be an eyesore in this neighborhood,” he said, but the houses in Spanish Point that have garages in the style the Pifels want are from the 1960s through the 1980s, while this home would be new construction.

If the floor plan was the same, but the garage was “somewhere else,” and there was a bedroom or another kind of room in its place, this wouldn't be a problem, Chairman Gibson said.

Mr. Caron said the board heard a similar case of a house on the water, which he briefly discussed.

Chairman Gibson asked Mr. Summerall if they had considered any other plans when they found out that they were not in compliance with the code. Mr. Summerall said the designer sent him this design, and Mr. Summerall assumed the zoning had been checked. He heard from Martie Kay McTeer after applying for a building permit, and when he told the homeowners the setbacks weren’t in compliance with the ordinance, they didn’t want to redesign it because they had spent a long time looking at different
plans before choosing this one, and it would be in a neighborhood where it wouldn’t stand out, so the Pifels wanted to seek a variance.

Mr. Stroud said the project doesn’t meet any of the criteria for a variance for hardship.

Mr. Stroud asked, if the board tabled the application, if Mr. Summerall could ask the designer to “tweak” the plans so he could return to the ZBOA with them. Mr. Summerall said yes, but the homeowners have “looked at so many” designs, and if they need to redesign, “we might as well just redesign.”

**Mr. Noll made a motion to deny the application for a variance. Mr. Caron seconded the motion. The motion passed unanimously.**

There being no further business to come before the board, **Chairman Gibson made a motion to adjourn**, and the meeting ended at 6:08 p.m.
Case Number: ZB19-02  
Property Address: 2308 Simms Street.  
PIN Number: R120 003 000 0837 0000  
Applicant: Patrick McMichael  
Type of Request: Variance re rear setback  
Zoning: T3-N

BACKGROUND

The property is approximately 0.09 acres (4,018.61 sq. ft.) and measures roughly 53.44 ft (width) x 75.32 ft (depth).

The width of the proposed house is 28.33 ft. The depth of the proposed house is 49.33 ft.

The property is vacant and was purchased on March 4, 2016.

THE BEAUFORT CODE

Adopted June 27, 2017 and amended July 10, 2018

The minimum front setback requirement is 15 ft; maximum setback requirement is 30 ft.

The minimum side setback requirement is 6 ft.

The minimum rear setback requirement is 15 ft.

AT ISSUE

The applicant is seeking a variance from the following requirement:

2.4.1.B.2. Transect-Based District Standards for Primary Building Placement requires a min. rear setback of 15ft.

PUBLIC NOTICE: The property was posted on September 10th, 2019. The public hearing notice referencing this application appeared in the September 12th edition of The Beaufort Gazette.

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.
The conditions do not generally apply to other property in the vicinity.

The conditions are not a result of the applicant’s own actions.

Granting the variance would not substantially conflict the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.

The application of the conditions of the code to this property would effectively prohibit or unreasonably restrict the use of the property.

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.

STAFF COMMENTS:

(1) Extraordinary and Exceptional Conditions:
There is a large (52”) live oak tree located on the property as indicated on the site survey and as shown in photographs provided by the applicant. The size and type of this tree qualifies it as a Landmark tree as per 5.3.2.A. Designation of Specimen and Landmark Trees.

The tree also qualifies as a broad - leave overstory tree, and it contributes to the minimum number and types of trees required based on district and lot size as per 5.3.1 Tree Coverage Requirement.

The applicant can by rights remove the tree as per 5.4.1 Tree Removal, A.1.(b) Permit Required and is not required to provide mitigation as per 5.6.2. Replacement Planting and Mitigation, C. Exceptions.

The applicant is also not subject to 5.3.2.B. Preservation of Specimen and Landmark Trees, which requires that “reasonable design alternatives shall be explored to preserve those trees to the extent possible.”

The tree is located within the building envelope as defined by the front, side, and rear setbacks as per 2.4.1.B Transect Standards/Primary Building Placement. However, the size and location of the tree effectively reduces the buildable area making it too small for viable development of the site.

The applicant would like to preserve this tree and has provided a “reasonable design alternative” in order to do so. However, the design submitted requires a variance from the rear setback, reducing it from 15 ft. to 10 ft.

(2) Conditions Applicable to Other Properties in the Vicinity
This lot is one of six adjacent lots, four of which have been previously developed by the applicant. There are no trees of this size on the other lots. Although there are trees on the abutting lot to the east of this property, there are no trees of this size.

(3) Applicant’s Actions
The presence of the tree predates the applicant's ownership of the site, and indeed predates development in this part of the City. The lot is one of six adjacent lots that were subdivided from a larger parcel on July 1, 2016.
Comprehensive Plan and Civic Master Plan

Granting the variance requested would not conflict with the Comprehensive Plan and Civic Master Plan nor with the purposes and intents of the code. Further, it would enable the preservation of a landmark tree, which is consistent with the goals of the Comprehensive Plan and Civic Master Plan as well as the code.

Application of the Code

Following the code does not prevent, nor hinder, the development of the property.

However, without the variance the applicant would be unable to build on the site without removing the tree. The code allows the applicant to remove the tree and requires that he obtain a permit to do so. The applicant would prefer to preserve the tree which is the reason for the request for the variance.

Although not required to do so, the applicant has had the tree assessed by an arborist and has provided the arborist’s report including an assessment of the root zone condition. Due to prior development on the site that inhibited the development of structural roots on one side of the tree, there are no structural roots that would be impacted by development. The arborist recommends 6’ clearance between the buttress roots and new construction, which is reflected in the applicant’s plan.

Possible Impact of Variance

Construction allowed by the variance will be similar to the existing style of development in the neighborhood. There is a fence along the rear perimeter similar to the neighboring lots that screens the view of the proposed home from the adjacent property to the rear. Granting the variance will have no substantial detriment to adjacent property or the public good.
### 2.4: District Development Standards

#### 2.4.1 Transect-Based District Standards

<table>
<thead>
<tr>
<th>District</th>
<th>T3-S</th>
<th>T3-N</th>
<th>T4-HN</th>
<th>T4-N</th>
<th>T5-DC</th>
<th>T5-UC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Lot Configuration</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Lot Width at Front Setback</td>
<td>75 ft min; for waterfront lots see Section 2.5.4</td>
<td>40 ft min, 60 ft min in the Hundred Pines neighborhood</td>
<td>40 ft min, 60 ft min in The Point</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>2. Lot Size</td>
<td>9,000 sf min; for waterfront lots see Section 2.5.4</td>
<td>4,000 sf min; 3,000 sf min for alley-served lots</td>
<td>4,000 sf min; 6,000 sf min in The Point</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>3. Maximum Lot Coverage</td>
<td>30% of lot area</td>
<td>45% of lot area</td>
<td>55% of lot area</td>
<td>70% of lot area</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>4. Frontage Build-Out</td>
<td>n/a</td>
<td>n/a</td>
<td>75% max</td>
<td>60% min; 85% max</td>
<td>75% min</td>
<td>60% min</td>
</tr>
</tbody>
</table>

1. This percentage indicates maximum lot coverage by roofs; total impervious coverage may be an additional 10%. Parcels may also be subject to Section 8.3 (Stormwater).

2. See Section 2.5.1.B for additional frontage build-out standards.

#### B. Primary Building Placement

<table>
<thead>
<tr>
<th></th>
<th>20 ft min</th>
<th>15 ft min</th>
<th>average Prevailing Setback on block</th>
<th>0 ft min</th>
<th>0 ft min</th>
<th>0 ft min</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Front Setback</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Side Setback - Corner / Alley</td>
<td>15 ft min</td>
<td>6 ft min</td>
<td>5 ft min</td>
<td>0 ft min</td>
<td>0 ft min</td>
<td>0 ft min</td>
</tr>
<tr>
<td>3. Side Setback - Interior</td>
<td>10 ft min</td>
<td>6 ft min</td>
<td>5 ft min, 10 ft min in The Point</td>
<td>0 ft min</td>
<td>0 ft min</td>
<td>0 ft min</td>
</tr>
<tr>
<td>4. Rear Setback</td>
<td>15 ft min</td>
<td>15 ft min</td>
<td>15 ft min</td>
<td>0 ft min</td>
<td>0 ft min</td>
<td>0 ft min</td>
</tr>
<tr>
<td>5. Rear Setback from Alley</td>
<td>n/a</td>
<td>0 ft</td>
<td>0 ft</td>
<td>0 ft</td>
<td>0 ft</td>
<td>0 ft</td>
</tr>
<tr>
<td>6. Attached Garage/Carport Setback (from front facade)</td>
<td>5 ft min</td>
<td>5 ft min</td>
<td>attached garages shall only be accessed via an alley; garage doors shall not face the street</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. When lot width is 75 ft or greater, there is no maximum front setback.

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

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.

6. The Battery Shores and Islands of Beaufort neighborhoods are exempt from this standard when garage doors do not face a public right-of-way. In the Jericho Woods neighborhood, carports are exempt from this standard.

7. Also see Section 2.5.7 (Street Access Standards).

#### C. Accessory Building Placement

<p>| | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Front Setback</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Side Setback - Corner / Alley</td>
<td>5 ft min</td>
<td>5 ft min</td>
<td>5 ft min</td>
<td>0 ft min</td>
<td>0 ft min</td>
<td>0 ft min</td>
</tr>
<tr>
<td>3. Side Setback - Interior</td>
<td>5 ft min</td>
<td>5 ft min</td>
<td>5 ft min</td>
<td>0 ft min</td>
<td>0 ft min</td>
<td>0 ft min</td>
</tr>
<tr>
<td>4. Rear Setback</td>
<td>5 ft min</td>
<td>5 ft min</td>
<td>5 ft min</td>
<td>0 ft min</td>
<td>0 ft min</td>
<td>0 ft min</td>
</tr>
<tr>
<td>5. Rear Setback from Alley</td>
<td>3 ft min</td>
<td>3 ft min</td>
<td>3 ft min</td>
<td>0 ft min</td>
<td>0 ft min</td>
<td>0 ft min</td>
</tr>
<tr>
<td>6. Detached Garage Door/Carport Setback (from front facade)</td>
<td>5 ft min</td>
<td>20 ft min</td>
<td>20 ft min</td>
<td>20 ft min</td>
<td>20 ft min</td>
<td>20 ft min</td>
</tr>
</tbody>
</table>

3. When lot width is 75 ft or greater, there is no maximum front setback.

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

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.

6. The Battery Shores and Islands of Beaufort neighborhoods are exempt from this standard when garage doors do not face a public right-of-way. In the Jericho Woods neighborhood, carports are exempt from this standard.

7. Also see Section 2.5.7 (Street Access Standards).

#### D. Building Form

<table>
<thead>
<tr>
<th></th>
<th>No min</th>
<th>No min</th>
<th>No min</th>
<th>2 stories min</th>
<th>2 stories min</th>
<th>2 stories min</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Primary Building Height see Section 2.6</td>
<td>2.5 stories max</td>
<td>2.5 stories max</td>
<td>3 stories max</td>
<td>4 stories max; 3.5 stories max in &amp; fronting Historic District &amp; interior lots along Allison Rd.</td>
<td>3 stories max at property line, see 2.6.1.6</td>
<td>3.5 stories max in &amp; fronting Historic District</td>
</tr>
<tr>
<td>2. Accessory Building Height</td>
<td>2 stories or 30 ft max</td>
<td>2 stories or 30 ft max</td>
<td>2 stories or 30 ft max</td>
<td>2 stories or 30 ft max</td>
<td>2 stories or 30 ft max</td>
<td>2 stories or 30 ft max</td>
</tr>
<tr>
<td>3. Building Width at Frontage</td>
<td>n/a</td>
<td>n/a</td>
<td>100 ft max</td>
<td>100 ft max</td>
<td>100 ft max</td>
<td>160 ft max</td>
</tr>
</tbody>
</table>

8. 2 stories are only required at significant intersections, in accordance with Section 2.6.3 and the Street Hierarchy Diagram in Appendix C.3

9. Buildings exceeding this maximum shall comply with the Large Footprint Building standards in Section 4.5.10.

#### E. Parking Pad Location

<table>
<thead>
<tr>
<th></th>
<th>40 ft min</th>
<th>40 ft min</th>
<th>40 ft min</th>
<th>40 ft min</th>
<th>40 ft min</th>
<th>40 ft min</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Front Setback</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Side Setback - Corner</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Rear Setback</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. See Section 2.5.8 for additional provisions.
B.  Landscaping Installation and Guarantee:

1. No certificate of occupancy for any development on a site subject to the requirements of this article shall be issued until all landscaping materials are in place according to the approved plan, or a cash performance guarantee is posted with the administrator for 125% of the cost of the uncompleted landscaping, including labor, as determined by the administrator. The cost estimate shall be prepared by a qualified landscape contractor using prevailing material and labor costs.

2. The life of the guarantee shall not exceed 12 months. If the approved landscaping, including ground cover if applicable, is not properly installed within 12 months of the certificate of occupancy, the guarantee shall be forfeited to and used by the city to complete the approved landscaping, with any remaining funds returned to the person who posted the guarantee.

3. A maintenance guarantee (for permitted types of guarantees, see Section 7.1.5) equal to 20% of the cost of all required landscaping, including labor, as determined by the administrator based on a cost estimate prepared by a qualified landscape contractor using prevailing labor and costs, shall be held for a period of 1 year following completion of landscape installation.

4. The maintenance guarantee shall be returned only where the landscaping has been surveyed by the city and determined to be in good health. Where any portion of the required landscaping is dead, dying, or significantly declining, the landowner shall be responsible for its replacement prior to release of the guarantee. Where replacement landscaping is required, and such landscaping exceeds 25% of the required project landscaping, the maintenance bond shall be held one additional year to ensure successful installation of the replacement landscaping.

5.3: TREE PLANTING AND PROTECTION

5.3.1  TREE COVERAGE REQUIREMENTS

A. Applicability and Standards: In addition to the standards laid out in this section and Section 7.2, land or property shall maintain a minimum baseline canopy coverage area based on the zoning district and lot size. This canopy can be comprised of existing trees, new trees or a combination of both, and shall be per the table below:

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>MINIMUM NUMBER/TYPe OF TREES REQUIRED BASED ON DISTRICT AND LOT SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 Broad-Leaved Overstory Tree Required</td>
</tr>
<tr>
<td>T3</td>
<td></td>
</tr>
<tr>
<td>T3-S</td>
<td>per 3,000 square feet of lot size</td>
</tr>
<tr>
<td>T3-N</td>
<td>per 4,000 square feet of lot size</td>
</tr>
<tr>
<td>T4-HN</td>
<td>per 4,000 square feet of lot size</td>
</tr>
<tr>
<td>T4-N</td>
<td>per 6,000 square feet of lot size</td>
</tr>
<tr>
<td>T5-DC</td>
<td>NO MINIMUM</td>
</tr>
<tr>
<td>T5-UC</td>
<td>NO MINIMUM</td>
</tr>
<tr>
<td>CONVENTIONAL</td>
<td></td>
</tr>
<tr>
<td>RMX</td>
<td>per 6,000 square feet of lot size</td>
</tr>
<tr>
<td>IC</td>
<td>per 3,000 square feet of lot size</td>
</tr>
<tr>
<td>MHP</td>
<td>NO MINIMUM</td>
</tr>
<tr>
<td>LI</td>
<td>NO MINIMUM</td>
</tr>
<tr>
<td>MR</td>
<td>NO MINIMUM</td>
</tr>
</tbody>
</table>
B. **Approach to Meeting Requirements:** This tree coverage requirement may be met through the retention of existing trees, supplemental plantings, or a combination of both. Removal of trees must be in accordance with Section 5.4 (Tree Removal). New trees planted to satisfy the tree canopy coverage requirement, as set forth above, must meet the standards found in Section 5.6 (Landscape Installation and Maintenance). If lot size is smaller than listed above, tree planting shall be done if possible, but may not be required. If it is not possible to plant overstory trees, two understory trees may count as one overstory tree.

C. **Plan Requirements:** Compliance with these tree coverage standards must be clearly shown on all submitted applications.

### 5.3.2 SPECIMEN AND LANDMARK TREES

A. **Designation of Specimen and Landmark Trees:** Certain trees, because of their species and size, are an asset to both the City and individual property owners and are hereby designated as “specimen” and “landmark” trees. Such trees shall be defined as those trees which meet the criteria in the following table:

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>COMMON NAME</th>
<th>SPECIMEN TREE (MIN. DBH)*</th>
<th>LANDMARK TREE (MIN. DBH)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cornus florida</td>
<td>Flowering Dogwood</td>
<td>4 inches</td>
<td>18 inches</td>
</tr>
<tr>
<td>Cercis canadensis</td>
<td>Redbud</td>
<td>4 inches</td>
<td>18 inches</td>
</tr>
<tr>
<td>Magnolia grandiflora</td>
<td>Southern Magnolia</td>
<td>4 inches</td>
<td>24 inches</td>
</tr>
<tr>
<td>Ilex opaca</td>
<td>American Holly</td>
<td>4 inches</td>
<td>14 inches</td>
</tr>
<tr>
<td>Juniperus virginiana</td>
<td>Eastern Red Cedar</td>
<td>12 inches</td>
<td>24 inches</td>
</tr>
<tr>
<td>Quercus virginiana</td>
<td>Live Oak</td>
<td>12 inches</td>
<td>24 inches</td>
</tr>
<tr>
<td>Sabal palmetto</td>
<td>Cabbage Palm</td>
<td>18 feet tall</td>
<td>36 feet tall</td>
</tr>
<tr>
<td>Taxodium distichum</td>
<td>Bald Cypress</td>
<td>16 inches</td>
<td>24 inches</td>
</tr>
<tr>
<td>Quercus velutina</td>
<td>Eastern Black Oak</td>
<td>16 inches</td>
<td>24 inches</td>
</tr>
<tr>
<td>Nyssa sylvatica</td>
<td>Tupelo/Black Gum</td>
<td>16 inches</td>
<td>24 inches</td>
</tr>
<tr>
<td>Quercus alba</td>
<td>White Oak</td>
<td>16 inches</td>
<td>36 inches</td>
</tr>
<tr>
<td>Quercus falcata</td>
<td>Southern Red Oak</td>
<td>16 inches</td>
<td>24 inches</td>
</tr>
<tr>
<td>Acer rubrum</td>
<td>Red Maple</td>
<td>16 inches</td>
<td>24 inches</td>
</tr>
<tr>
<td>Ulmus americana</td>
<td>American Elm</td>
<td>16 inches</td>
<td>36 inches</td>
</tr>
<tr>
<td>Pinus palustris</td>
<td>Longleaf Pine</td>
<td>16 inches</td>
<td>36 inches</td>
</tr>
<tr>
<td>Fagus grandifolia</td>
<td>American Beech</td>
<td>16 inches</td>
<td>36 inches</td>
</tr>
</tbody>
</table>

*DBH = diameter at breast height (or about 4.5 feet above grade)

B. **Preservation of Specimen and Landmark Trees:** Reasonable design alternatives shall be explored to preserve these trees to the extent practicable. A Certified Arborist Report (see Appendix A) shall be required when sites contain specimen trees that will be impacted by or removed due to development, unless the Administrator determines that the report would not change the outcome of the plan. A certified arborist report shall always be required for all Landmark Trees that will be impacted by or removed due to development. The Certified Arborist Report shall be incorporated into the project submission as part of the Site Plan (see 9.3.1.C).

C. **Mitigation for Preserving Existing Trees:** To incentivise saving a variety of species and sizes of existing trees, credits shall be awarded for their preservation at a ratio of 1:1. All trees, except for Laurel Oaks, Sweet Gums, Pecans and non-Longleaf Pines, may be used as mitigation credits for that same species. **Example:** If a 12” magnolia tree is removed, but three 3” magnolias are saved, only 3” of magnolia trees would be included in the mitigation calculation per the schedule in 5.6.2.D.
5.4: TREE REMOVAL

5.4.1  PERMIT REQUIRED

A. Applicability: A zoning permit is required for the following tree modifications, as per Section 9.4:

1. Permit Required for Removal:
   a. A Permit shall be required for the removal or relocation, of any tree 8” caliper or larger at DBH, or any tree designated as a specimen or landmark tree, as established in Section 5.3.2.
   b. For single family and 2- and 3-family buildings on existing lots of record wherein a permit is only required for the removal of Specimen or Landmark Trees.

2. Permit Required for Pruning: A permit shall be required for the pruning of any overstory tree designated as a landmark tree, as established in Section 5.3.2. Pruning must be done by, or under the direct supervision of, a certified arborist, and shall meet ANSI A300 Standards for tree pruning.

3. Trees Designated for Retention: A permit shall be required for the removal, relocation, or pruning of any tree previously designated to be retained on an approved development plan.

B. Criteria for Reviewing Applications for Tree Removal: The following criteria shall be considered by the administrator in determining whether or not to issue a zoning permit:

1. Health: Whether or not the tree is in good health, according to a certified arborist report or staff evaluation

2. Development Potential: Whether or not the tree constrains reasonable development of the specific site, considering lot size, applicable setbacks, context, building type and use, stormwater requirements and other relevant site development considerations

3. Access: Whether or not the tree is a hazard to pedestrian, bicycle, or vehicular traffic

4. Structural Interference: Whether or not the tree presents a hazard to buildings, structures, or utility lines

5. Cost: Whether or not there are cost-effective alternatives to tree removal

C. Tree Removal in Conjunction with Development: If trees are to be removed in conjunction with the physical development of a site, submission of a tree retention/removal schedule is required to accompany the Site Plan (Section 9.3.1.C). See Appendix A for an example of this schedule. All trees, both to be saved and removed, shall also be noted on the landscaping plan. This schedule and plan must be reviewed and approved by the appropriate Design Review Body prior to the issuance of a Project Permit. No tree removal may commence without a Project Permit.

1. Buffer Areas: Preserved trees in the buffer areas shall be counted toward the minimum tree conservation requirements of the buffers stated in Section 5.5.1. Recognizing that the perimeter buffers lie outside of the buildable area, the intent of this provision is to preserve as many of these trees as possible while allowing for access, reasonable visibility, and other uses permitted in the buffer area that practicably are best located within the buffer.

2. In exceptional cases where the Administrator determines that the species of a tree or grouping of trees is on an official state or federal list of threatened or endangered species, then approval is specifically required for removal.

5.4.2  EXCEPTIONS

A. Infrastructure: Utility companies, governmental agencies, and city agencies in the course of constructing or maintaining easements or rights-of-way for water, sewage, electricity, gas, drainage, telephone, or television, if the applicable company or agency, within 12 months after the date of
3. When a specimen and/or landmark tree is removed from a property without permission from the administrator, is significantly damaged during construction, or significantly declines and is recommended for removal by a certified arborist at the end of the two year maintenance guarantee period.

B. **Additional Mitigation Options:** Where the city arborist determines that a site cannot sustainably support all, or a portion of, the required replacement, due to the size and shape and/or structures and/or viable site constraints, the following options are available to the applicant to fulfill the mitigation requirements:

1. **Fee in Lieu of Planting On-Site:** a fee based on the mitigation schedule in 5.6.2.D shall be paid to the City for the purposes of tree planting and tree maintenance.
2. **Planting on an Alternative Site:** trees may be planted on city-owned property, including parks or the City’s tree farm, or on other property owned by the applicant; all property shall be in city limits. The alternative sites shall be approved by the City Arborist and shall be in accordance with previously approved plans, streetscapes, etc.

C. **Exceptions:**

1. Mitigation for approved tree removal is not required in the T3, T4-HN, or LI districts, or for single-family and 2-3 family dwellings in any other districts if the required tree coverage requirements set out in 5.3.1 are still met. Trees removed without appropriate approvals are subject to mitigation in all districts.
2. A Specimen and/or Landmark tree that fails due to a natural catastrophe does not require mitigation.

D. **Replacement and Mitigation Schedule:** Replacement plantings & fee in-lieu-of shall be according to the following chart:

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Transect Zones</th>
<th>Conventional Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Replacement: % Caliper Inches</td>
<td>Mitigation: Cost / Caliper Inch</td>
</tr>
<tr>
<td>Landmark Tree*</td>
<td>50%*</td>
<td>$100</td>
</tr>
<tr>
<td>Specimen Tree*</td>
<td>33%*</td>
<td>$50</td>
</tr>
<tr>
<td>All other trees 8-inch caliper or greater</td>
<td>25%</td>
<td>none</td>
</tr>
</tbody>
</table>

*Any tree removed per Section 5.6.2.A.3 shall require 100% replacement of caliper inches, and the fee in-lieu-of cost/caliper inches shall be doubled.

**Examples**

- **Approved Removal**
  - Specimen Tree - A 12-inch Live Oak in a transect zone needs to be removed to accommodate a building. The applicant may choose to either plant back (1) 4-inch Live Oak, or pay a fee in lieu of $600 (12 inches x $50/inch).
  - Landmark Tree - A 30-inch Live Oak in a transect zone needs to be removed to accommodate a building. The applicant may choose to either plant back (5) 3-inch Live Oaks, or pay a fee in lieu of $3,000 (30 inches x $100/inch).
  - Specimen Tree - A 12-inch Live Oak was damaged during construction in a Transect zone. It may either be replaced with 12 caliper inches of similar species, or a fee-in-lieu of $2,400 (12 inches x $100/inch x 2) may be paid.
  - Landmark Tree - A 30-inch Live Oak intended to be preserved was damaged during construction in a Transect zone. It may either be replaced with 30 caliper inches of similar species, or a fee-in-lieu of $6,000 (30 inches x $100/inch x 2) may be paid.

See Section 5.3.2.C for possible mitigation credits for saving eligible Specimen and Landmark Trees.
9.12: ADMINISTRATIVE ADJUSTMENT

9.12.1 PURPOSE AND APPLICABILITY

A. **Purpose:** Administrative Adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be

1. compatible with surrounding land uses,
2. harmonious with the public interest,
3. consistent with the purposes of this Code.

B. **Adjustment of Numerical Standard:** The Administrator shall have the authority to authorize modification of up to 10% from any numerical standard set forth in Article 2 (Map & Districts) and Article 4 (Building Design and Infill Standards) of this Code. Any request greater than 10% shall be treated as a variance handled by the Zoning Board of Appeals (ZBOA), and subject to the requirements of Section 9.14.

1. **Specific to Landscaping and Tree Conservation:** The following applies to landscaping and tree conservation requirements in Article 5 (Landscaping, Parking & Lighting) with regard to the criteria in Section 9.12.2.E:

   a. In unusual cases, where there are few existing trees on a site and the planned development is small in size relative to the size of the parcel, then the Administrator may adjust the tree planting requirements (Section 5.3) downward in order not to require excessive planting out of proportion to the scale of the development.

   b. In the case of multi-phase developments on one parcel, the tree planting requirements (Section 5.3) may be adjusted according to the size of each phase of the development.

   c. Any particular planting requirement shall be proportionately reduced where existing plant materials are of sufficient sizes and forms to satisfy the requirement.

C. **Adjustment of Building Design Standards:** Where an existing condition (e.g., utility easement, restrictive covenant, tree or natural feature) prohibits strict compliance with the building design standards in Article 4, the Administrator may waive or adjust the standard as appropriate to assure compliance to the extent practical. This adjustment shall be as small possible in order to accommodate the existing conditions.

D. **Permission of Flag Lot:** Where conditions set forth in Section 2.5.5.C are met, the Administrator may permit a flag lot. When a flag lot is proposed in conjunction with a Major Subdivision, it shall be incorporated into the process laid out in Section 9.9.3.

9.12.2 PROCESS AND APPROVAL

A. **Process Type:** Administrative

B. **Public Notification:** None

C. **Required Application Information:** An application for an Administrative Adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria in this section are met.

D. **Administrator Review:** The Administrator shall review the application and approve, approve with conditions, or deny the application, based upon the criteria in Section 9.12.2.E. A written decision including affirmative findings on the criteria set forth below shall be transmitted to the applicant.

E. **Administrative Adjustment Criteria:** To approve an application for an Administrative Adjustment, the Administrator shall make an affirmative finding that the following criteria are met:
VARIANCE APPLICATION
Community & Economic Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
www.cityofbeaufort.org

OFFICE USE ONLY: Date Filed: 8/23 Application #: 18760 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 □ No

Applicant, Owner and Property Information

Applicant Name: PATRICK McMICHAEL
Applicant Address: 91 DOLPHIN PT. DRIVE BEAUFORT, SC 29907
Applicant E-mail: Patrick@BroadviewConstruction.com Applicant Phone Number: 843 812 4126

Owner (if other than the Applicant): SAB Group, LLC
Owner Address: 23 SOUTH 7TH ST., FERNANDINA BEACH, FL 32034
Owner E-mail: burneyal@qol.com Owner Phone Number: 904 206 9845

Property Address: 2308 SIMMS ST., BFT SC 29902
Property Identification Number (Tax Map & Parcel Number): R 120 003 000 0837 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: 8/11/19 Owner’s Signature: [Signature]

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

Date: 8/23/19 Applicant’s Signature: [Signature]

See Section 9.14 of The Beaufort Code for complete information about Variances | updated February 5, 2019 | p. 1 of 2
This form is also available online at 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 2.4.1 of the Beaufort Code:

Requires 15’ rear setback. Requesting a 5’ variance, allowing a 10’ rear setback.

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): Construct a new single family home.

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: A very large specimen live oak is located on the property which reduces the buildable area.
   b. These conditions do not generally apply to other property in the vicinity as shown by: There are no trees on the other five lots.
   c. The conditions are not the result of the applicant’s own actions as follows:
      The tree has been living a lot longer than I have.
   d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that: Variance requested is minimal and rear of property is fenced.
   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:
      Without a rear setback variance the building envelope is too small to be viable.
   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: No impact on surrounding homes.
April 30, 2019

City of Beaufort Codes Enforcement
PO Drawer 1167
Beaufort, SC 29901

Re: 2308 Simms Street

The purpose of this report is to perform a modified Level 2, Basic Tree Risk Assessment on a 52-inch diameter live oak tree, the only tree on the lot. This assessment will be based on standards set forth in ANSI A300-Part 9, Tree Risk Assessment Standard. Further, if the tree is determined to be stable and in good physical and structural health, recommendations will be made for preservation on site during construction of a home on the lot.

The tree will have a detailed visual inspection of its surrounding site, buttress roots, trunk and branches and an assessment of the tree’s general health. The information will be used to determine physical and structural health of the tree and help determine whether it is a good candidate for preservation on the site.

A Level 2 Basic Tree Risk Assessment is not the highest level of assessment available to arborists. If this tree requires a higher level of assessment, that fact will also be identified, and any additional necessary recommendations will be given.

The tree does not have any obvious unnatural faults or defects that would be a basis for concern. Although it is still early in the season to make leaf color and size assessments, the leaves seem to be developing well and it has a full and complete upper canopy with no dead-ends or dieback to be of a concern.

The trunk is clean with no sign of any latent cavities or structural issues. The root plate is full and complete. It is buttressed fairly heavily on the north, east and south sides. The west side is not buttressed. This root plate configuration presents a very favorable condition for construction near the tree.
The tree has a large exposed buttress root growing directly off the north quadrant of the trunk. The west side of the trunk has minimal root flaring but no buttress evident and no evidence of root damage. This is an indicator, in this situation, of a deeper structural root system on the west side, the proposed construction side of the tree.

Any house proposed to be built on this site would have a major portion of it well within any Tree Root Protection Zone (TRPZ) setbacks. In a situation like this, where root impacts would be on only one side or quadrant, it can be acceptable to intrude into the one side of the TRPZ. The caveat here would be that there can be no intrusions into the north, east or south quadrants.

On a healthy and stable tree, roots can be cut on one side only when a minimum radial setback of three times the trunk diameter is adhered to and the excavation is done by hand. The hand digging, while more labor intensive and more expensive, is required so that roots larger than one inch in diameter can be clean-cut as they encounter them. This is extremely important because clean cut root will regenerate new roots almost immediately in a growth pattern perpendicular to the cut end while roots ripped out and damaged by backhoes and machinery will cause root decay and future failures.

Any roots encountered in the excavation larger than four inches in diameter could be preserved and engineered around if possible, on an as needed basis.

Recommended setbacks are to be measured from the leading edge of the tree trunk, root flare or buttress, NOT from a surveyor’s dot on a site map of tree & topo. The house layout must be done on site.

It would NOT be advisable to wrap the house footprint around the north side of the tree to gain added square footage in the house.

The tree will need to be pruned prior to the beginning of construction and limbs overhanging the proposed house footprint removed for elevation clearances. Cut all vine at the base of the tree and remove as much as possible from the main trunk. The tree’s structure is fairly upright, but the main section of the lower canopy is over the proposed house any will need to be cut. This cutting will not negatively affect the structural stability of the tree. The lowest large “Y” leader will need to be removed as well as the next two eight to ten-inch limbs growing over the house footprint. After these larger limbs have been removed, any other dropping limbs that need to be trimmed up for the roof clearance should be removed.
As for the remainder of the tree, only dead wood, vine and the larger Spanish moss clumps should be removed. All interior live branches should be retained and left uncut. Limb end weight on any over extended or long limbs should be cut back up to 15% to 20% of the live end foliage.

No root fertilization is recommended for this tree at this time, either before or after maintenance treatments.

Since the potential future risk to this tree is with root system damage, not the crown pruning, it may be prudent for the lot owner or builder to dig an exploratory trench in the area where a proposed foundation footer would go to see if any roots are in the way. The recommended setback can be moved closer to the tree if there are no roots to cut. The lack of root buttressing on the west side would favor that situation.

In my opinion, this lot can be built on if the required clearances can be met and if the owner and builder commit to the benign but more labor-intensive foundation construction. The north, east and south sides of the tree would need to stay intact with no intrusions or installation of any wet or dry utilities in those areas.

Respectfully submitted,

Michael P. Murphy
Board Certified Master Arborist NJ-0146B

*Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of the trees and attempt to reduce the risk of living near trees. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Since trees are living organisms, conditions are often hidden within the tree and below ground. Arborists cannot guarantee that a tree will be healthy or safe under every weather situation, all circumstances, or for a specific period of time. Likewise, remedial treatments cannot be guaranteed. Trees can be managed but they cannot be controlled. To live near trees is to accept some degree of risk.*
Broad River Construction 20190715

Broad River Construction
Mr. Patrick McMichael
PO Box 1893
Beaufort, SC 29901
(843) 522-9757

Monday, July 15, 2019

Estimator: Ronnie Reiselt
Worksite: 2308 Simms St.
Beaufort, SC 29902

We hereby submit specifications and estimates for:

# Item Description       Cost
1 Live Oak Evaluation

Tree and site evaluation concerning the large Live Oak tree on the left side of the property. An exploratory route excavation was done to determine the amount of root structure that would be impacted by the foundation of the proposed home. After the initial visual inspection showed the buttress roots running parallel with the proposed foundation. A physical excavation was started 6 ft away from the buttress root where the soil met the bark. We removed approximately 2 inches of soil at a time up to a depth of 18 inches. There were no substantial roots discovered. It appears there may have been a pre-existing slab over this area that prevented root growth. That would also explain the abnormal root flare growing parallel with the lot line. There should be no issues with the excavation and installation of a continuous footer to construct the new home.

Subtotal: $0.00

Disclaimer: We will not be held responsible for damage to any underground utilities (water, irrigation, lighting, unmarked pipes, utility lines) concealed structures, and/or septic systems, unless they are advised of, and marked by client prior to commencement of job. We assume no liability or responsibility for any cracking, breaking, puncturing, depressing, or any other damage to any driveway, patio, or other paved, bricked, stoned, concrete, or asphalted surface which may result from trucks and/or equipment being used to access the job site. We are not liable for light fallen debris, such as sawdust, small branches or sap on cars, furniture, landscaping, or other objects located under or near the vicinity or the trees being worked on. Client assumes all responsibility for removing such objects from the work area. Any changes added or removed from the signed proposal will be subjected to price change. Please sign and return either by mail, email, or fax within 30 days, upon acceptance of job.

Subtotal: $0.00

Total: $0.00

Payment is due on completion of work. 15% interest on unpaid balance due after 15 days. We look forward to caring for your tree(s)! We accept major credit cards. There will be an additional 3% added to any credit card charge over $2000.00 Thank you for allowing us to care for your trees!

Additional Services: $0.00

Check us out on the web at www.southerntreeservices.com

Our arborists are always ISA certified:
Ronnie Reiselt Certification # SO-1382A
Sonya Reiselt Certification # SO-1383A
Thomas Hunt Certification # SO-6016A

Page 1 of 1
Tree Evaluation and Recommendation

Tree type: quercus virginiana. Live Oak tree.
Trees location: Left of lot.

Comments after a visual inspection of the site and the trees location in reference to the new home the following has been determined. The proposed footprint of the home will be approximately 6 ft away from the trunk of the tree, this is an absolute minimum distance for any excavation near a tree this size.

Recommendation. The excavation that will be done for the footers of the home should be dug by hand 10 ft left and right of the center of the tree running parallel with the footer. Any routes encountered should be cleaned and cut with a chainsaw or Hansel leaving a smooth surface. This will allow the tree to cover the wounded area quicker and will be less susceptible to decay. Pruning will need to be done removing three large horizontal limbs that will interfere with construction. We recommend fertilization to help the tree manage with the stresses of the root pruning and canopy pruning.

Respectfully,
Ronnie Reiselt, Jr.
Certified Arborist SO1382A
Normally that would be the case. Unfortunately BJWSA has a 15 foot sewer easement running along the front that we can’t build anything in.

But I certainly appreciate your thoughts.

Patrick McMichael
843 812 4126

Sent from my iPhone

> On Apr 11, 2019, at 11:23 AM, Martie Kay McTeer <mmcteer@cityofbeaufort.org> wrote:
> Good morning - after review your site plan, I wanted to make sure you realize that the 'porch' (I'm assuming the porch is covered?) - can encroach into the 'front setback' 8 feet ---- so therefore maybe the house can be moved up and you will not require any variance on the rear setback?
> Thanks,
> MK
> -----Original Message-----
> From: Patrick McMichael <patrick@broadriverconstruction.com>
> Sent: Wednesday, April 10, 2019 4:00 PM
> To: Martie Kay McTeer <mmcteer@cityofbeaufort.org>
> Subject: 2308 Simms St_site_041019.pdf
> 
> Here you go. Let me know if you need anything else. Thanks
> 
> 


August 23, 2019

ZBOA
City of Beaufort

Dear ZBOA Members:

Over the past two years I have been building a series of homes on Simms Street (pictures attached). They vary in size from 1400 to 1800 square feet. One of the two remaining lots owned by SAB Group (a partnership with my parents) is 2308 Simms Street. This lot has a very large live oak located within the small building envelope (survey attached). I have no desire to remove this tree. I had an arborist do an assessment of the root structure of the live oak (letter attached), and they determined that we should not build any closer than six feet from the tree. I have attached a proposed site plan and building floorplan and elevation for the house I would like to build on this lot. The proposed house is 1,192 square feet. This is much smaller than the other houses but I don’t see how I could make it any smaller. Therefore I am requesting a five foot variance of the rear setback in order to follow the arborist’s recommendation and still have a viable sized house and functional floorplan.

Thanks

Patrick McMichael
2308 SIMMS STREET
FLOOR PLAN
1,195 S.F.
2308 SIMMS STREET
FRONT ELEVATION
SUBDIVISIONS OF PARCELS O,F,H AND J
PREPARED FOR
PATRICK McMICHAEL
SIMMS STREET CITY OF BEAUFORT
BEAUFORT COUNTY, SOUTH CAROLINA

REFERENCE PLAT:
BY BEAUFORT SURVEYING, INC, DATED FEB 19, 2007. REVISED 12/05/2007
AND RECORDED IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA
IN PLAT BOOK 123, PAGE 130.

I HEREBY STATE 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 B SURVEY AS SPECIFIED THEREIN;
ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.