



**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, September 25, 2023, 5:30 P.M.

**City Hall, Council Chambers, 2<sup>nd</sup> Floor – 1911 Boundary Street, Beaufort, SC**

Please click the link below to access the webinar:

<https://us02web.zoom.us/j/86220481240?pwd=TVpyZk05NmsybnJDQnlMMUd3aEh4dz09>

Passcode: 380386

Meeting ID: 862 2048 1240

Dial In Number: 1 309 205 3325 US

**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.”

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**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 Projects**

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

Applicant: Everett Ballenger, owner

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

**VI. Adjournment**



## STAFF REPORT: 1707 Lafayette Street, Variance

DATE: August 28, 2023

<b>GENERAL INFORMATION</b>		
Applicant:	Everett Ballenger	
Site Location/Address:	1707 Lafayette Street/ R120 001 000 0198 0000 0.16 acre lot.	
Applicant's Request:	The Applicant is requesting a 5' side setback variance of Section 2.4.C.6	
Current Zoning:	T-3 S	
<b>ZONING DISTRICT INFORMATION</b>		
	<u>T-3 S</u>	
Max Density	N/A	
Min. Lot Size	9,000 sqft. min	
Min. Lot Width	75'	
Front Setback	20'	
Side Setback	10'	
Rear Setback	15'	
Detached Garage/Carport Setback:	5'/20' when facing ROW	
<b>SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS</b>		
<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning /Buffer required if rezoned</u>
North: Water	Water/Marsh	N/A
South: T-3 N	Single Family Houses	N/A
East: T-3 S	Single Family Houses	N/A
West: T-3 S	Single Family Houses	N/A

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## PROPOSAL/BACKGROUND

The Applicant is proposing a 20' x 30' metal carport forward of the home at 1707 Lafayette Street. The carport would be located off the private driveway ~100' from the street and appears to be placed up against the property line. This is a waterfront lot, with the home fronting Lafayette Street. The homeowner has included two letters, included in the packet, from surrounding owners in support of his request.

### Variances Requested:

The proposed carport would require a variance from Section 2.4.1 regarding dimensional standards of the T-3 S district, and 4.6.1 E regarding design of an accessory structure/carport. The code sections in question are found below.

**Section 2.4.1:** The code requires the carport to be at least 5' from the property line and 5' behind the principal structure.

Code would require a 5' setback variance and a variance to allow the carport forward of the house.

**4.6.1 E: Garages and Accessory Structures:** "Attached garages, detached garages, and other accessory structures shall be subordinate in height, footprint, and proportion to the primary structure on the site, and shall be compatible with the principal structure in terms of roof form, materials, and color."

The details of the metal carport were not included with the application; however, a metal carport would not meet compatibility for color, materials or roof form and thus a variance from Section 4.6.1 E would be required. T-3 S is the only district a metal carport is not expressly prohibited (see Section 3.11.2 "Specific to T3-N, T4, T5, RMX and IC Districts: prefabricated/per-manufactured metal structures are not permitted when visible from a public right-of-way."), however, the basic design requirements are still required for carports in all districts.

### 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:

<b><u>9.8.3 Finding of Fact</u></b>	<b><u>Rationale Present (yes/no)</u></b>	<b><u>Staff Analysis of Rationale</u></b>
<p><b>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.</b></p>	<p><b>Yes</b></p>	<ul style="list-style-type: none"> <li>✓ <b>This is a waterfront lot.</b></li> <li>✓ <b>The house is setback 185' from the road.</b></li> <li>✓ <b>The property is well forested, and placing a carport in any other location would likely require cutting specimen trees.</b></li> </ul>
<p><b>b. These conditions do not generally apply to other property in the vicinity.</b></p>	<p><b>Yes</b></p>	<ul style="list-style-type: none"> <li>✓ <b>There are some examples of such accessory structures forward of the house in this general area.</b></li> <li>✓ <b>Only a portion of the properties along Lafayette are water-front lots.</b></li> </ul>
<p><b>c. The conditions are not the result of the applicant's own actions.</b></p>	<p><b>No</b></p>	<ul style="list-style-type: none"> <li>✓ <b>There is an existing accessory building behind the house.</b></li> <li>✓ <b>There is sufficient land behind the house to build a carport.</b></li> <li>✓ <b>The metal carport chosen cannot satisfy basic design requirements of Section 4.6.1 E</b></li> </ul>

<p><b>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.</b></p>	<p><b>Yes</b></p>	<p>✓ <b>The use is allowed in the T-3 S district.</b></p>
<p><b>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.</b></p>	<p><b>No</b></p>	<p>✓ <b>There is more than amount of land behind the house on this lot to build a carport.</b></p> <p>✓</p>
<p><b>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.</b></p>	<p><b>Yes</b></p>	<p>✓ <b>The use is allowed in the T-3 S district.</b></p> <p>✓ <b>There are some examples of such accessory structures forward of the house in this general area.</b></p>

**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.

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## **FINDINGS AND RECOMMENDATIONS**

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

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

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



VARIANCE APPLICATION

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

PAID 7/20 CK

Application Fee: \$300

Receipt # 168664

OFFICE USE ONLY: Date Filed: 7/20 Application #: 25625 Zoning District: T3-S

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

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

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

Applicant, Owner and Property Information

Applicant Name: EVERETT BALLENGER

Applicant Address: 1707 LAFAYETTE ST, BEAUFORT, SC 29902

Applicant E-mail: BALLENGEREVERETT@EMAIL.COM Applicant Phone Number: 843-521-7977

Owner (if other than the Applicant):

Owner Address:

Owner E-mail: Owner Phone Number:

Property Address: 1707 LAFAYETTE ST.

Property Identification Number (Tax Map & Parcel Number): R120 001 000 0198 0000

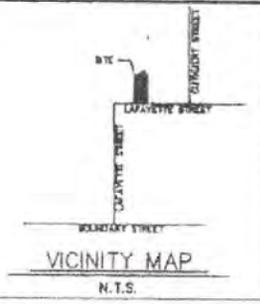
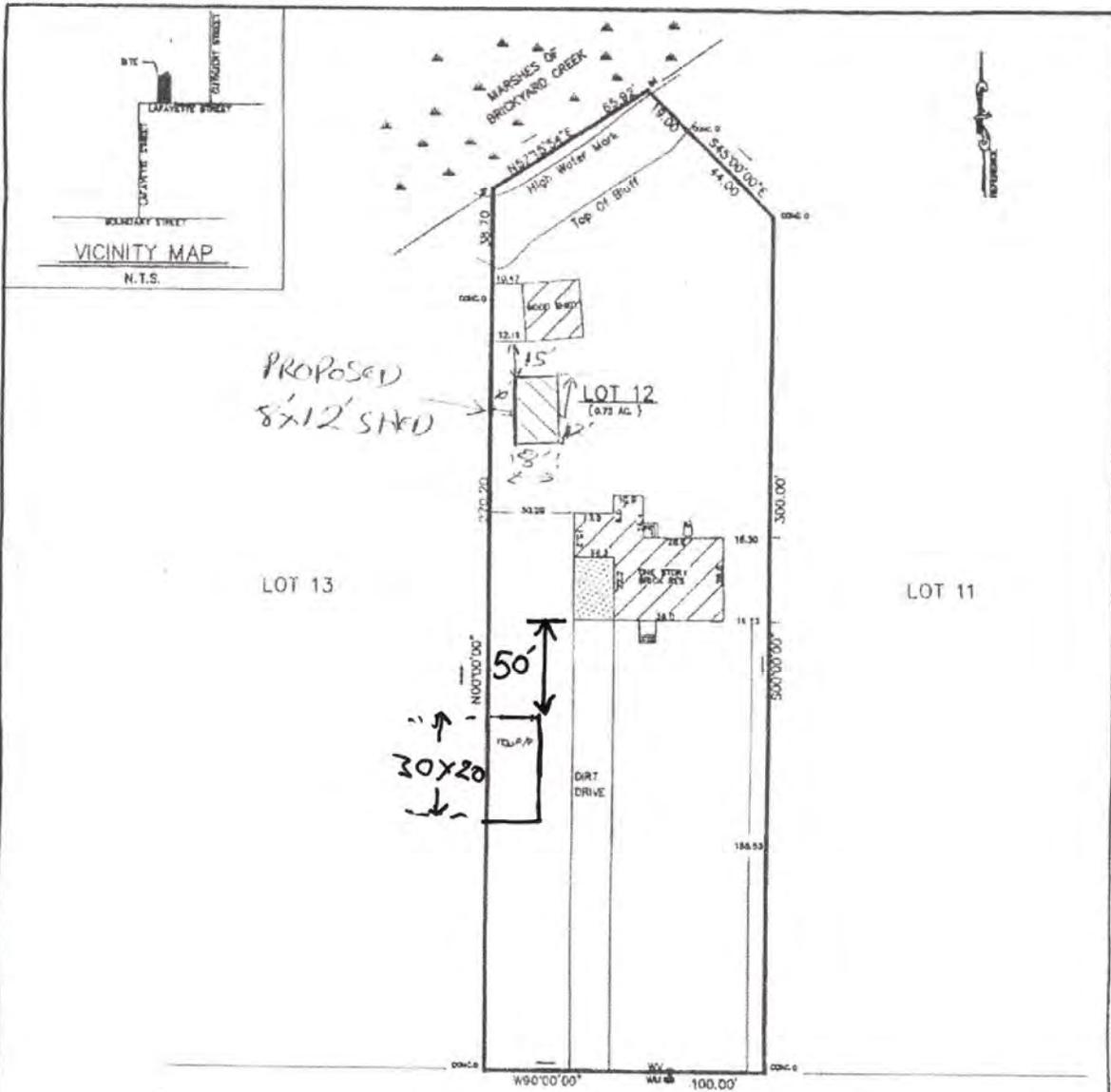
DESIGNATION OF AGENT [complete only if owner is not applicant]

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: 7/18/2023 Applicant's Signature: Everett Ballenger



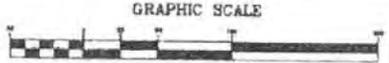
PROPOSED  
8x12 SHED

LOT 13

LOT 11

LAFAYETTE STREET 50' R/W

TAX PARCEL I.D. NO. DIST 120 MAP 001 PARCEL 12B  
ADDRESS: 1707 LAFAYETTE STREET



REFERENCE PLAT: 1 inch = 50 ft.  
LOT 12  
NORTH PARK SUBDIVISION  
DATE 8/14/1952  
BY A.O. CHRISTENSON

FLOOD ZONE INFORMATION:  
This Lot Lies In A Federal Flood Plain Zone "C"  
Minimum Required Elevation N/A Ft. M.S.L.

*Randy W. Wheeler*  
Randy W. Wheeler  
S.C. Prof. Land Surveyor NO. 7263

I HEREBY STATE 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; ALSO THERE ARE NO OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

AS-BUILT SURVEY  
**LOT NO.12**





# VARIANCE APPLICATION

Community Development Department  
1911 Boundary Street, Beaufort, South Carolina, 29902  
p. (843) 525-7011 / f. (843) 986-5606  
Email: [development@cityofbeaufort.org](mailto:development@cityofbeaufort.org) / [www.cityofbeaufort.org](http://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): TO BUILD A 20x30 METAL CARPORT AT THE LH FRONT OF THE PROPERTY.

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 PROPERT BACKS ONTO THE WATER THERE ARE SOME SMALLER STRUCTURES AT THE REAR, BUT IT WOULD CONT\*
  - b. These conditions do not generally apply to other property in the vicinity as shown by: OTHER PROPERTIES IN THE AREA, (NOT ON THE WATER) HAVE CARPORTS/TENTS IN THEIR FRONT YARD.
  - c. The conditions are not the result of the applicant's own actions as follows: IF WE DIDN \* NOT LIVE ON THE WATER, IT MAY HAVE BEEN EASIER CONT\*
  - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that: WE FEEL THE LOCATION OF THE CARPORT WE PROPOSE, WOULD BE VERY UNOBTRUSIVE.
  - 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: WE FEEL THAT BECAUSE THE FRONTYARD IS SO MUCH \* LARGER, AND BECAUSE OF TREES AND VEGETATION WOULD \*
  - 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 MENTIONED, THE PROPOSED \*

VARIANCE APPLICATION  
1707 LAFAYETTE ST  
(CONTINUATION)

1.

A. BE DIFFICULT TO LOCATE THE CARPORT IN THE BACK YARD WITHOUT BLOCKING OURS, AND OUR NEIGHBORS VIEWS. ALSO QUITE OFTEN TREE COMPANYS HAVE TO ACCESS THE BACKYARD FOR TREE SERVICES TO OURS AND OUR NEIGHBORS YARD.

C. TO LOCATE THE CARPORT AT THE REAR ON THE HOUSE. THE PROPERTY IS  $\frac{3}{4}$  ACRE, BUT THE FRONT YARD IS LARGER THAN THE REAR.

E. OFFER A BETTER OPPERTUNITY TO SHIELD THE CARPORT FROM VIEW.

F. LOCATION WOULD BE SHEILDED FROM VIEW BECAUSE OF THE VEGETATION THAT WOULD SURROUND THE CARPORT.

\* IF IT WOULD HELP MY APPLKATION - I COULD REDUCE THE WIDTH TO REDUCE IT'S FOOTPRINT.

