



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

Tuesday, October 15, 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/82466040858?pwd=UuhCqAPSql7bfRplXSbwNiGVrc7C00.1>

Passcode: 620275

Meeting ID: 824 6604 0858

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 June 24, 2024 Meeting

V. Review of Projects

**A. 1301 Boundary Street/1304 Calhoun Street, identified as R120 004 000 0003 0000,
Variances**

Applicant: Jason Farrow and Dana Peebles

The applicants are requesting a variance from Section 3.7.2.D.2, to allow bay doors to garages to be oriented towards the ROW; a variance from Section 4.6.3.C.1, regarding a reduction of the required fenestration of 40% to any wall in the T5-UC district; a variance from Section 4.6.3.C.2.a, regarding the type of windows allowed per the code. The property is further identified as R120 004 000 0003 000. The properties are zoned T5-Upper Corridor District (T5-UC).

VI. Adjournment



Zoning Board of Appeals

Meeting Minutes – June 24, 2024

CALL TO ORDER

0:02

A meeting of the Zoning Board of Appeals was held in-person on June 24, 2024 at 5:30 p.m.

ATTENDEES

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

Members absent: Kenneth Hoffman (Chairman).

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

REVIEW OF MINUTES – JANUARY 22, 2024

0:51

Motion: Mr. Bank made a motion to approve the minutes of the January 22, 2024 meeting; seconded by Mr. McMichael. 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 tquldner@cityofbeaufort.org

APPLICATIONS

1:09

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

Applicant: Applicant: Allyn & Debbie Sell

The applicants are 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).

Ryan Greene presented the staff report.

Public Comment

None.

Public Comment closed.

Motion: Mr. Sviland made a motion to disapprove the request for the variance based on the safety issue and the recommendation from the city. Mr. McMichael seconded the motion. The motion passed unanimously.

ADJOURNMENT

16:15

Mr. Moore made a motion to adjourn the meeting. Mr. McMichael seconded the motion. The meeting ended at 5:40 pm.

DRAFT



STAFF REPORT: VARIANCE 1301 BOUNDARY STREET

DATE: September 23, 2024

GENERAL INFORMATION		
Applicant:	Jason Farrow and Dana Peebles	
Site Location/Address:	1301 Boundary Street/1304 Calhoun Street; R120 004 000 0003 0000	
Applicant's Request:	The Applicant is requesting the following variances: a variance from Section 3.7.2.D.2, to allow bay doors to garages to be oriented towards the ROW; a variance from Section 4.6.3.C.1, regarding a reduction of the required fenestration of 40% to any wall in the T-5 UC district; a variance from Section 4.6.3.C.2.a, regarding type of windows allowed per code	
Current Zoning:	T5-UC	
ZONING DISTRICT INFORMATION		
	T-5 UC	
Max Density	N/A	
Min. Lot Size	N/A	
Min. Lot Width (Front buildout)	N/A- 60%	
Front Setback	0'-15 max	
Side Setback	0'	
Rear Setback	5' 0' from alley	
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: T-4 N	Parking Lot	N/A
South: T-5 UC	Convenience Store	N/A
East: T-5 UC	Commercial/office	N/A
West: T-5UC	Dog Kennel/Boat Storage/Repair	N/A

PROPOSAL/BACKGROUND

The Applicant is proposing a metal storage building to the rear of their body shop/collision center to store wrecked vehicles and cars waiting for repair. The property is in the T-5 UC District, which is intended for high density urban uses. To legally construct the garage proposed, the Applicant is requesting the following variances: a variance from Section 3.7.2.D.2, to allow bay doors to garages to be oriented towards the ROW; a variance from Section 4.6.3.C.1, regarding a reduction of the required

fenestration of 40% to any wall in the T-5 UC district; a variance from Section 4.6.3.C.2.a, regarding type of windows allowed per code.

The Collision/Auto Body shop is located on Boundary Street, with rear access from Calhoun Street. The garage would be behind the existing office, and the doors of the garage would face Calhoun Street (A City road). The applicant would erect an opaque fence along the Harrington Street Frontage, which would not be accessed.

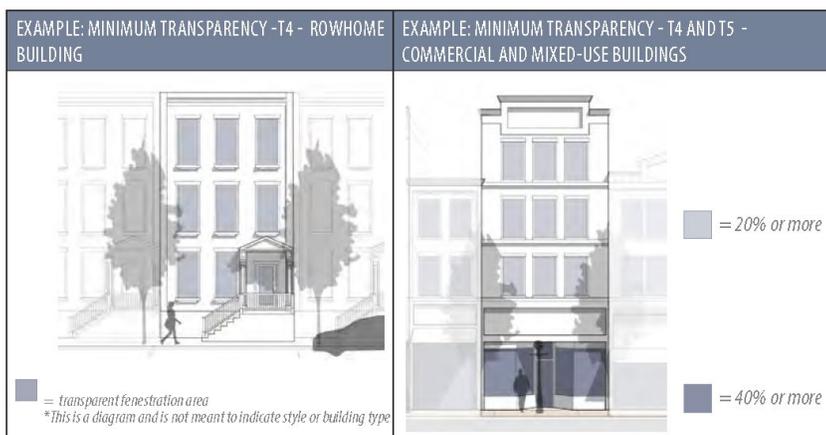
Variations Requested:

Section 3.7.2.D.2

Noise: No objectionable sound, vibration, heat, glare, or electrical disturbance shall be created that is perceptible beyond the premises. **Orientation: The bay doors to the garage shall not be oriented toward the public right-of-way.**

Section 4.6.3.C.1.

Transparency, specific to zones T4 and T5: Any commercial or mixed-use building elevation facing a street, waterway, or public space shall include a minimum of 40% of transparent fenestration (windows and doors) on the ground floor and 20% on upper floors. Apartment Houses shall conform to these requirements as much as possible, however the minimum percentage of transparent fenestration on the ground floor may be adjusted at the discretion of the Design Review Body. It shall not be reduced to lower than 30%.



Section 4.6.3.C.2:

Proportion and Details: **a. Windows shall not be flush with exterior wall treatments. Windows shall be provided with an architectural surround at the jambs and header, and a projecting sill.**

b. Window openings may be grouped horizontally, but trim between windows shall be at least 3.5 inches wide. This does not apply to storefront windows.

Note: Section 3.7.2.D.5 (which requires wrecked vehicles must be contained in fully enclosed building):

Any wrecked vehicles stored on the site shall be located within a fully enclosed building or shall be stored behind the front building line and shall be completely screened (100% opacity) from the street and adjoining properties using natural buffers, fencing, buildings, or a combination thereof. Chain link fencing shall not be permitted as a screening material if the fence will be visible from any right-of-way or parking area. **Specific to T5-UC: Any Wrecked Vehicles stored on-site during nonbusiness hours shall be contained in a fully enclosed building.**

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	Yes	<ul style="list-style-type: none"> ✓ The lot has been long utilized as an auto body shop, before the adoption of the ordinance. ✓ There are three frontages on this street, and to build a garage, garage doors will need to front onto one of the three

<p>disadvantage.</p>		<p>frontages, and Calhoun Street, the rear frontage, is the most appropriate from a practical and design perspective.</p> <ul style="list-style-type: none"> ✓ The code requires the use to place wrecked cars into a building. The applicant is attempting to accommodate the code with an accessory building similar to the metal buildings already on site.
<p>b. These conditions do not generally apply to other property in the vicinity.</p>	<p>Yes</p>	<ul style="list-style-type: none"> ✓ As aforementioned, this use has been operating at this location for many years, with a metal building and storage yard and metal accessory structure.
<p>c. The conditions are not the result of the applicant's own actions.</p>	<p>Yes</p>	<ul style="list-style-type: none"> ✓ As aforementioned, this use has been operating at this location for many years, with a metal building and storage yard and metal accessory structure. There is no other location on the lot to functionally provide the storage required as per the code.
<p>d. Granting of the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan and the purposes and intent of this Code.</p>	<p>Yes</p>	<ul style="list-style-type: none"> ✓ The code emphasizes good design and placing accessory structures and unsightly uses and byproducts of uses to the rear or fully enclosed. The granting of the variance follows these principles of good design, while accomplishing the goals of the code.
<p>e. Because of these conditions, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.</p>	<p>Yes</p>	<ul style="list-style-type: none"> ✓ The requirements of the code would unreasonably prohibit a detached garage to screen wrecked vehicles required per code. As the primary building is metal, the proposed metal building is appropriate. Adding windows to a

		<p>accessory building for storage to such a use is unreasonable and offers no design improvement to such building. Proper screening and landscaping in such a situation accomplishes the same principle.</p>
<p>f. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the zone will not be harmed by the granting of the variance.</p>	<p>Yes</p>	<ul style="list-style-type: none"> ✓ The use of a metal detached garage which matches the primary structure is allowed. ✓ The variance are to the benefit of general area, in that they will allow the storage or wrecked vehicles. ✓ The location to the rear, and proper screening should mitigate any impact the garage might have on the surrounding area.

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

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

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

N/A for all limitations.

PUBLIC NOTICE AND COMMENT

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

FINDINGS AND RECOMMENDATIONS

Staff recommends approval of 3.7.2.D.2, to allow bay doors to garages to be oriented towards the ROW; a variance from Section 4.6.3.C.1, regarding a reduction of the required fenestration of 40% to any wall in the T-5 UC district; a variance from Section 4.6.3.C.2.a, with the following condition:

- **Landscaping is planted along the Harrington Street frontage.**



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 8/23 CK

Application Fee: \$300

Receipt # 180487

OFFICE USE ONLY: Date Filed: 8/23 Application #: 27484 Zoning District: T5-UC

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: Jason Farrow & Dana Peeples

Applicant Address: 1301 Boundary St Beaufort, SC 29902

Applicant E-mail: dana.peeples@yahoo.com Applicant Phone Number: 843-226-3214

Owner (if other than the Applicant): JMF Properties, LLC (Jason Farrow Owner)

Owner Address: 617 Mystic Dr East

Owner E-mail: jasonfarrow2424@gmail.com Owner Phone Number: 843-263-7041

Property Address: 1304 Calhoun St Beaufort, SC 29902

Property Identification Number (Tax Map & Parcel Number): R120 004 000 0003 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: 8/22/24 Owner's Signature:

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

Date: 8/22/24 Applicant's Signature: [Handwritten Signature]



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 ^{4.6.3.C.1} of the Beaufort Code: 4.6.3.C.1
public space shall include a minimum of 40% of transparent fenestration

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): storage shed, this is a 55'x68' 26 gauge corrated metal building with one roll up door centered on each end and 1 walk in door on front end.

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:

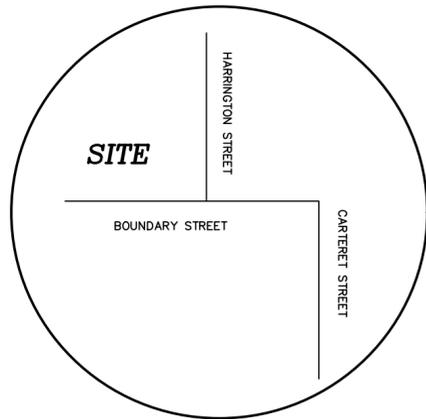
1. The application of the Beaufort Code will result in unnecessary hardship, and the standards for an variance set by State law and the Beaufort Code are met by the facts:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: There will be valuable damaged cars stored in this building. We do not want to have break ins.
 - b. These conditions do not generally apply to other property in the vicinity as shown by: pictures included
 - c. The conditions are not the result of the applicant's own actions as follows: _____
 - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that: _____
 - e. Because of these conditions, the application of the Beaufort Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: We would not be able to utilize our property to its fullest potential. We are staying within city guidelines to keep wrecked vehicles away, but having windows will not allow this. People will see inside storage Bldg.
 - 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: This driveway only has a parking lot across the street and will only be used during business hours during the week.











LOCATION MAP (Not To Scale)

LEGEND

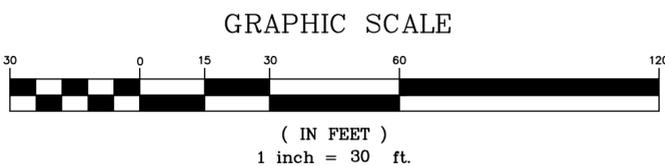
- IP(O) = OLD IRON PIPE FOUND
- CM(O) = OLD CONCRETE MONUMENT FOUND
- RB(N) = NEW REBAR SET 1/2" DIA.
- CI(O) = OLD CRIMP TOP IRON PIPE
- OE(O) = OLD OPEN END IRON PIPE FOUND
- RB(O) = OLD REBAR FOUND
- P.P. = POWER POLE
- O.H.P. = OVERHEAD POWER LINES
- = CALCULATED POINT

GENERAL NOTES:

- 1.) PRESENT OWNER OF PROPERTY SHOWN HEREON: JMF PROPERTY MANAGEMENT LLC
- 2.) TOTAL ACRES SURVEYED AND SHOWN HEREON: AS SHOWN
- 3.) ACREAGE DETERMINED BY RECTANGULAR COORDINATES.
- 4.) TMN # 120-04-03
- 5.) IT IS EXPRESSLY UNDERSTOOD THAT CHRISTENSEN SURVEYING CO. DOES NOT CERTIFY TO THE EXISTENCE OR ABSENCE OF ANY FRESHWATER WETLANDS ON THE PROPERTY SHOWN HEREON.
- 6.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH SUBJECT TO LOCAL ATTRACTION.
- 7.) PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" (N/A) PER FEMA MAP PANEL 45013C-0158-G DATED: MARCH 23, 2021
- 8.) THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF TITLE RESEARCH.

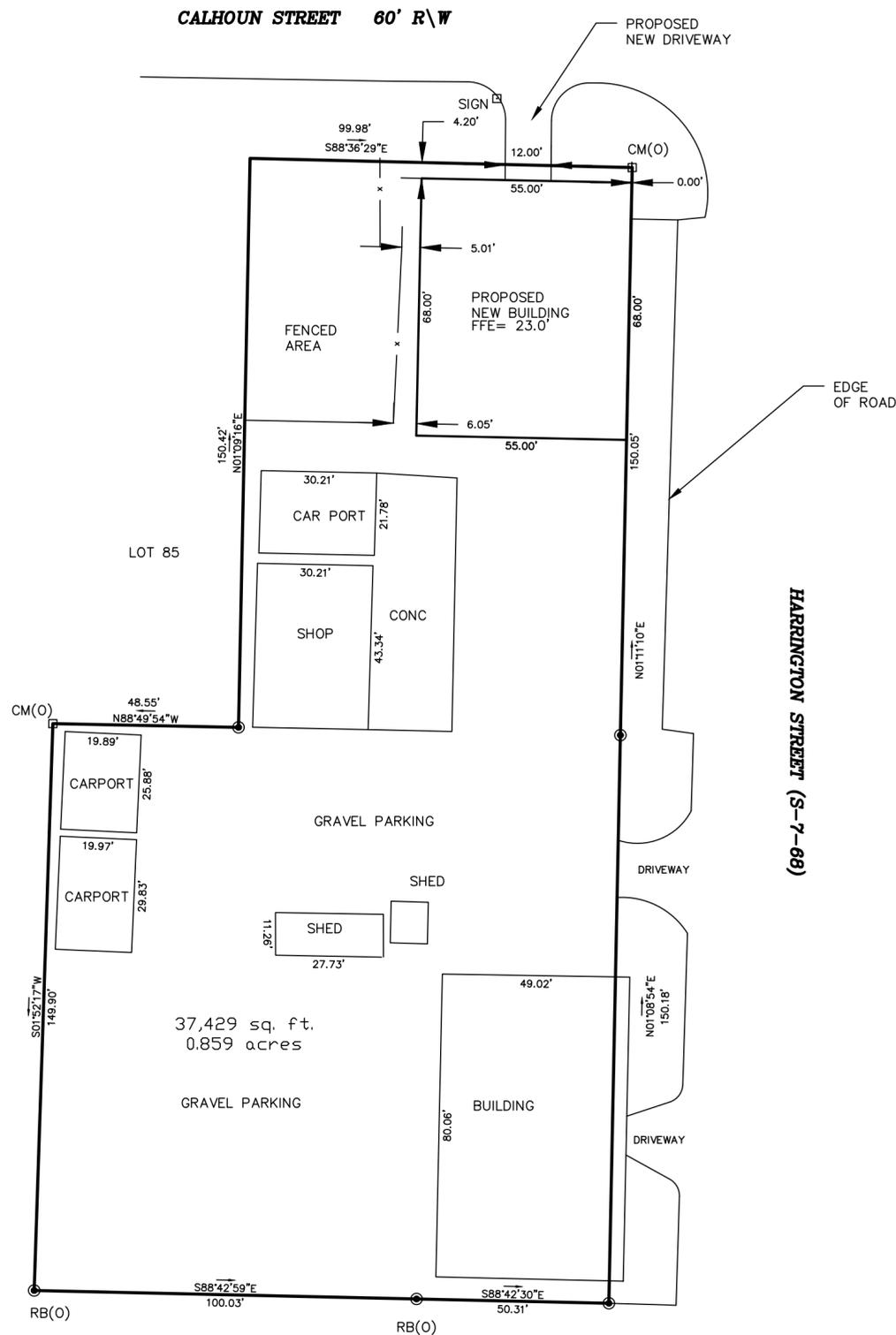
REFERENCE PLATS & DEEDS

- 1.) PLAT BK 159/137



CHRISTENSEN ~ KHALIL SURVEYORS, INC.

3 FACULTY DRIVE, BEAUFORT SC 29907
(843) 524-4148



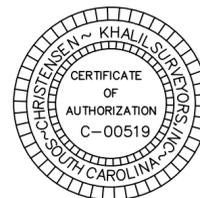
CERTIFICATION:

I, ZYAD A. KHALIL, 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 "B" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

Zyad A. Khalil

ZYAD A. KHALIL RLS
S.C. REG. NO. 15176

[THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND AN EMBOSSED SEAL]



PLAT SHOWING
R120 004 000 0003 0000
LOTS 88, 89, 138, 139 & 140
RIVER ADDITION SUBDIVISION
PREPARED FOR
DANA PEEPLES
CITY OF BEAUFORT,
BEAUFORT COUNTY, SOUTH CAROLINA
DATED: JUNE 29, 2024
SCALE: 1"=30'
REVISED: AUG. 18, 2024

L-11473