

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.