

A meeting of the Zoning Board of Appeals was held on **May 30, 2018 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, Tim Wood, and Jody Caron, and Libby Anderson, planning director.

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

Chairman Gibson made a motion, second by Mr. Wood, to approve the minutes of the February 26, 2017 meeting as submitted. The motion passed unanimously.

Chairman Gibson reviewed the procedure at ZBOA meetings.

REVIEW OF PROJECTS

102 Capers Street, identified as District R120, Tax Map 5, Parcel 24 Variance

Applicant: Angela Johnson (ZB18-06)

The applicant is requesting a variance in order to construct a garage/carport with a carriage house above.

Ms. Anderson said this property is in the Hermitage neighborhood and has frontage on Battery Creek and on the Spanish Moss Trail. The property is zoned T3-S. The applicant is proposing to build a carriage house over a garage/carport, she said, and showed photos of the parcel and the existing dwelling on the property.

On waterfront lots, garages can be located in front of the dwelling, but the garage doors cannot face the street; the site plan the applicant submitted shows the garage doors facing the street, Ms. Anderson said. She showed the drawings and said the applicant is requesting a variance, so the garage doors can face Caper Street.

Ms. Anderson said if the garage could be moved west, toward the rear of the lot, and set back at least 20' from the front property line and 5' back from the front façade of the house, the garage doors could face the street, and a variance would not be required. The applicant should also discuss the color of the carriage house and could also speak to reorienting the garage, so the doors didn't face the street.

Standard public notice was made, and no comments were received.

Ms. Anderson enumerated staff's opinions on the findings the board needs to make to approve this application for a variance:

1. **Exceptional and extraordinary conditions are attached to the property:** Staff feels this finding could be made, as the property is in an unusual location: The lot is on the water, and there is an existing building on the lot. Capers Street is a dead end, and the Spanish Moss Trail adjoins Capers Street to the east.
2. **Conditions don't apply to other properties in the vicinity:** Staff feels this finding could be made.
3. **Conditions are not the result of the applicant's own actions:** These conditions did not result from the applicant's actions, Ms. Anderson said; the house is already on the lot and near the Spanish Moss Trail.
4. **Granting the variance would not conflict with the Civic Master Plan or the Comprehensive Plan:** Staff feels the finding could be made. Both plans and the Beaufort Code encourage reinvestment in existing, developed neighborhoods, she said.
5. **Application of the ordinance is an unreasonable restriction on the utilization of the property:** The dwelling on the lot is modest in size, Ms. Anderson said, and there are currently no other accessory structures on the lot, so the desire for additional storage space is understandable.
6. **Granting the variance would not be a detriment to adjacent property and the public good:** The carriage house is being designed by a local architect and will be built by a local contractor, so it will be of good quality, she said. This is a dead-end street that is not a highly travelled, and the garage will face the Spanish Moss Trail, rather than a block of residential dwellings.

Staff feels that with discussion of finding #5, the other criteria have been met, so staff recommends approval, Ms. Anderson said.

Angela Johnson, the applicant, showed photos she'd brought. She said they are almost 35' from the property in the drawing. If they turned the garage, the turn radius would make it impossible to get into. In another photo, she showed a measurement with the cars in the garage and the carport.

A carriage house in Habersham is what the architect is working from, Ms. Johnson said; she showed a photo. They are painting the carriage house, and then they will paint their house to match it.

They can't put the structure behind the house, Ms. Johnson told Mr. Caron, because her neighbor has a tree that overhangs, and it would have to be cut back. The garage/carriage house would also block their neighbor's view of the water. The neighbor

has an accessory dwelling unit, and Ms. Johnson said their carriage house would be in line with the neighbor's.

Mr. Stroud said he believes the project makes sense. Chairman Gibson said he appreciates that Ms. Johnson plans to put the garage in a place where it doesn't obstruct the neighbor's view and that she is matching her house with the carriage house.

Chairman Gibson made a motion to approve the variance as submitted. Mr. Caron seconded. The motion passed unanimously.

OTHER BUSINESS

Chairman Gibson asked about the application that the ZBOA had heard for the old Applebee's property, specifically concerning the variance it granted for the driveway, because he has seen work being done there, and the applicant doesn't appear to be adhering to the ZBOA's conditions.

Ms. Anderson said the applicant, **David Burre**, appealed the ZBOA's conditions and requested pre-litigation mediation, which has taken place. The settlement agreement states that Mr. Burre can have the cut-in that he wants. The city attorney negotiated on behalf of the city, and city council approved the agreement, Ms. Anderson said. Mr. Caron said they've made access to the parking lot easier from Boundary Street than it was.

Ms. Anderson said she's not sure yet if there will be a June ZBOA meeting.

There being no further business to come before the board, **Chairman Gibson made a motion to adjourn** and ended the meeting at 5:47 p.m.