



**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, February 24, 2025, 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/87037378250?pwd=D5W3fs041rJrS9FB3f2yejINPNZE7B.1>

Passcode: 981069

Meeting ID: 870 3737 8250

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.”

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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 Minutes:**

**A. Minutes of the December 19, 2024 Meeting**

**V. Review of Projects**

**A. 313 Bayard Street, identified as R120 004 000 440A 0000, Variance**

Applicant: Jeanne Sams Aimar, Revocable Trust, Jeanne Rogers, Agent

The applicant is requesting a variance from Section 9.9.2.D.3, to allow a minor subdivision to create two additional lots at 313 Bay Street. The property is further identified as R120 004 000 440A 000. The property is zoned T4-HN-Historic Neighborhood District (T4-HN).

**VI. 2025 Board Schedule**

**VII. Adjournment**



# Zoning Board of Appeals

## Meeting Minutes – December 19, 2024

### CALL TO ORDER

0:02

A meeting of the Zoning Board of Appeals was held in-person on December 19, 2024 at 5:30 p.m.

### ATTENDEES

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

Members absent: Patrick McMichael.

Staff in attendance: Curt Freese (Community Development Director) and Nick Navia (Community Development Planner I).

### REVIEW OF MINUTES – NOVEMBER 25, 2024

0:03

**Motion:** Mr. Sviland made a motion to approve the minutes of the November 25, 2024 meeting as submitted; seconded by Mr. Moore. 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>.*

### APPLICATIONS

0:41

**A. 313 Bayard Street, identified as R120 004 000 440A 0000, Variance**

Applicant: Jeanne Sams Aimar, Revocable Trust, Jeanne Rogers, Agent

The applicant is requesting a variance from Section 9.9.2.D.3, to allow a minor subdivision to create an additional lot at 313 Bayard Street. The property is further identified as R120 004 000 440A 0000. The property is zoned T4-HN-Historic Neighborhood District (T4-HN).

Curt Freese presented the staff report.

Public Comment

**Lise Sundrla, Historic Beaufort Foundation (HBF)**, gave a background of the area of where the applicant is proposing the subdivision of heir's land. The Point was annexed into the rest of the City between 1809 and 1811 which was originally name Black's Point. HBF recommends that an

agreement be drawn up but that isn't what the heir's want.. The historic district has lost a lot of the original lots.

Ms. Rogers addressed the comment Lise Sundrla made about the grid (city streets) and the original footprint when Beaufort was chartered in 1711 and understands that is not the footprint they're going by. The Point which was originally Black's Point was not part of the original property. The property we are discussing was not a complete piece of property; it had washed out over time. The large piece of property was not in existence until her father added on to it. The one-story brick house was built in 1952, and the main house was built in 1955. We are not asking to create a new street, but simply for our family to have their property. Ms. Rogers stated she would like to table her project and ask for the 3 subdivisions.

Public comment closed.

**Motion:** Mr. Sviland made a motion that the request be tabled until the application is revised and comes before the Zoning Board of Appeals again. Mr. Blank seconded the motion. The motion carried unanimously.

Staff and Board Members discussed the 2025 Zoning Board of Appeals Meeting Schedule. Mr. Freese said we need to alter the November 24 meeting date due to Thanksgiving to November 26 and also we need to alter the December 22 meeting date due to the Christmas holiday. Mr. Hoffman noted that September 22 is a religious holiday for him, and he will not be able to attend the meeting. The Board deferred the 2025 Schedule to the next meeting. Mr. Freese said at their next meeting, we will also have an Election of Officers at the beginning of the meeting.

## ADJOURNMENT

1:06:05

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Mr. Sviland made a motion to adjourn the meeting. Mr. Bank seconded the motion. The meeting ended at 6:30 pm.



## STAFF REPORT: VARIANCE (Tabled)

DATE: February 24, 2025

<b>GENERAL INFORMATION</b>		
Applicant:	Jeanne Sams Aimar Revocable Trust, Jeanne Rogers, Agent	
Site Location/Address:	313 Bayard Street/R120 004 000 440A 000	
Applicant's Request:	The Applicant is requesting a variance from Section 9.9.2.D.3 to allow a minor subdivision to create two additional lots at 313 Bayard Street	
Current Zoning:	T4-HN	
<b>ZONING DISTRICT INFORMATION</b>		
	<u>T4-HN</u>	
Max Density	N/A	
Min. Lot Size	6,000 sf in the point.	
Min. Lot Width (Front buildout)	60'	
Front Setback	Average of Prevailing Setback on the Block	
Side Setback	5'-10' interior on Point	
Rear Setback	15'	
<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: N/A	Beaufort River	N/A
South: T-4 HN	Homes	N/A
East: T-4 HN	Homes	N/A
West: T-4 HN	Homes	N/A

### BACKGROUND

Staff received a minor subdivision earlier this year to create an additional lot at 313 Bayard Street. The property is 0.9 acres, and the proposed minor subdivision would create two lots from a parent tract of 0.9 acres that would satisfy T4-HN lot standards. One of the lots would comprise the current ADU which fronts Bayard. The proposed subdivision has been brought by a family trust. There is no desire at this time to develop the lot should a subdivision be approved. The lot has been in the family's ownership for over three hundred years.

Ms. Rogers has asserted that the survey was submitted to the city in 2022 (the date of the survey) and she was told it was approved, but it was misplaced by a former City staff member. Staff cannot confirm if this is correct or not, as there were no notes or information in the file.

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## **HDRB**

Staff denied an administrative approval of the application and has recommended the applicant obtain a recommendation by the HDRB, before they made a formal application to the Zoning Board of Appeals. Staff felt the HDRB would be best suited to make a formal recommendation on how such a subdivision would impact the historic district.

The HDRB met on September 11, 2024, and considered the item in a work-session format (i.e. no vote or formal recommendation was made). After much discussion of the positives and negatives of the minor subdivision, the majority of the Board declined to make a recommendation to the ZBOA.

### **Tabled:**

The proposed variance was tabled at the December ZOBA meeting. The item was tabled as the Trust was deciding whether to request a one lot subdivision, or a two lot subdivision. The trust decided to ask for a two lot subdivision for this February meeting.

### **Variance Requested:**

Section 9.9.2.D.3 of the Beaufort Code states: “The subdivision of any property listed on the original **1969 National Historic Landmark District** nomination is not permitted. Variance requests for this provision may be made per Section 9.14.” The code has a minor wording error in this section. It says the **1969 National Historic Landmark District**, but it should say the **1969 National Register of Historic Places**. It wasn’t until 1973 that the district was designated a National Historic Landmark

### **Historic District**

The Historic District was originally adopted in 1969. 313 Bayard Street was listed on the original 1969 form. Per the City of Beaufort website, “the 304-acre area comprising the original town was listed in the National Register of Historic Places (NRHP) in 1969 and in 1973, the district was designated a National Historic Landmark (NHL). The links to the code section as well as the 1969 National Register of Historic Places:National-Historic-District-Landmark-Nomination-1969-and-2001-Combined (civicplus.com)

### **Contributing Resource:**

Each property within the historic district is listed as either a contributing or a non-contributing resource. Contributing resources met the National Register of Historic Places guidelines in 1998 and were so listed with many additional requirements which relate to obtaining COA’s or other approvals with any external change to any of the structures. In this case, 313 Bayard Street is within the historic district, the home

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and the accessory dwelling unit addressed as 305 Bayard Street (not subdivided and part of the parent tract), are considered contributing resources to the district.

**Site:**

This is a 0.9 acre site along the river, with one contributing historic structure, a two story home, and a one story Accessory Dwelling Unit (305 Bayard). This block of Bayard is unique in that only 313 Bayard is listed as a historic or contributing home. No other contributing homes are on this specific block of Bayard.

**History of Minor Subdivisions:**

Section 9.9.2.D.3 was adopted with the Beaufort Development Code codified in June 2017. Staff has reviewed the Unified Development Ordinance effective prior to 2017, and the Zoning Ordinance in effect before the UDO, and has not located any restriction on the subdivision of lots within the Historic District. To that end, it does appear since 2017, some new lots were administratively subdivided that were on the original 1969 nomination. Otherwise, it seems the requirement was specifically added to the 2017 code to further protect the historic district, by requiring any property to satisfy the findings of a variance before such a minor subdivision may be created.

Properties in the historic district which were subdivided in the last twenty years (many after 2017):

- 1411 Duke St.
- 805 Monson
- 600 Wilmington St.
- 1407 King St.
- 1409 King St.
- 1105, 1107, & 1109 Bay St.
- 1108 Craven, 1102 Craven
- 805, 807, 809 King St.
- 605, 607 King St.
- 606 New St.

- Scott & Washington (before 2017)
- All of Midtown bound by Bladen, Prince, and Duke streets (before 2017)
- 701 Greene Street
- 709 Greene Street

**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>The parent tract has long been in the family for over 300 years, and such lot subdivisions were allowed before the adoption of the ordinance in 2017.</b></li> <li>✓ <b>The restriction was placed to protect the historic district. In the special case of this block, no contributing historic homes are found. Thus, Staff believes the addition of these lots should not harm this block where there are no contributing structures.</b></li> </ul>
<p><b>b. These conditions do not generally</b></p>	<p><b>Yes</b></p>	<ul style="list-style-type: none"> <li>✓ <b>This is one of the larger lots in the Point.</b></li> </ul>

<p><b>apply to other property in the vicinity.</b></p>		<p>✓ <b>This is one of the rare blocks within the historic district without contributing historic structures.</b></p>
<p><b>c. The conditions are not the result of the applicant's own actions.</b></p>	<p><b>Yes</b></p>	<p>✓ <b>As aforementioned, the lot has long been in the family for over 300 years, and such lot subdivisions were allowed before the adoption of the ordinance in 2017. Staff does not believe the applicant, or for that matter, much of the community is aware of the restriction adopted in 2017.</b></p>
<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 City fully supports its historic district. Should the variance be granted, any future building on the new lots, would be required to meet the Beaufort Preservation Manual, Section 4.7 regarding infill within in the Historic District, and be approved by the HDRB Staff believes these safeguards ensure that the Historic District is supported and maintained for both now, and the future.</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>Yes</b></p>	<p>✓ <b>The requirements of the code would unreasonably prohibit a trust from subdividing a lot long held within the family for tax purposes. Should a home eventually be built on the lot, it will still require HRB approval first for its design.</b></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>✓ See the findings of c, d, and e.</b></p>
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**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 a variance from Section 9.9.2.D.3 to allow a minor subdivision of two new lots, with the findings found in pages 4-5 of the Staff Report.**

**Staff would note that the variance being considered, and its authorization are for the special and unique circumstances of this property only, and do not set a precedent for future requests from different properties.**

STATE OF SOUTH CAROLINA ) ACCEPTANCE BY  
 ) SUCCESSOR TRUSTEE  
COUNTY OF BEAUFORT )

WHEREAS, **Jeanne Sams Aimar**, as Settlor and Trustee, established **The Jeanne Sams Aimar Revocable Trust dated August 2, 1999**, and amended and restated this Trust on April 9, 2012;

WHEREAS, **Article I** of the **First Amendment and Restatement** states, "If the Settlor . . . dies . . . then and in that event the Trustees named below shall immediately become the Trustees under this Trust Agreement. The Settlor names **Charles S. Aimar Sr.** and **Jeanne Aimar Rogers** as successor Trustees";

WHEREAS, **Charles S. Aimar, Sr.** died on June 7, 2012;

WHEREAS, **Jeanne Sams Aimar** died on June 16, 2017; and

NOW, THEREFORE, I, **Jeanne Aimar Rogers**, as surviving successor Trustee named in the above-described Trust, as amended, hereby accept the terms and conditions of the Trust instrument and agree to perform all the duties and accept all the obligations imposed therein.

IN WITNESS WHEREOF, I, **Jeanne Aimar Rogers**, subscribe and sign my name to this instrument this 2nd day of August, 2017, to serve as the successor Trustee of **The Jeanne Sams Aimar Revocable Trust dated August 2, 1999**, as so amended.

WITNESSES:

[Signature]  
[Signature]

TRUSTEE:

[Signature]  
**Jeanne Aimar Rogers**

STATE OF SOUTH CAROLINA )  
 ) ACKNOWLEDGEMENT  
COUNTY OF BEAUFORT )

I, **Teresa B. Annis**, a Notary Public of the County and State aforesaid, do hereby certify that **Jeanne Aimar Rogers**, as Trustee, appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my signature this the 2nd day of August, 2017.

[Signature]  
Notary Public for South Carolina  
My Commission Expires: Mar 10, 2025



Teresa B. Annis  
NOTARY PUBLIC  
State of South Carolina  
My Commission Expires  
March 10, 2025



South Carolina  
Department of Transportation

October 27, 2023

Mr. Charles Aimar  
Mrs. Jeanne Aimar  
313 Bayard Street  
Beaufort, SC 29902

Re: Subdivision of land, R120 004 000 440A 0000 – 313 Bayard Street, Beaufort, SC

Dear Mr. and Mrs. Aimar,

This letter is to inform you that The Department has reviewed the property plat by David S. Youmans, dated March 14, 2022, at your request for coordination with the City of Beaufort. The subject plat referenced a proposed subdivision of R120 004 000 440A 0000, an approximately 1.06 Acre combined site, into Parcels: 1 (0.90 AC), 2 (0.16 AC). All pertinent personnel at SCDOT have reviewed the proposed subdivision and agree this is feasible in concept.

Our knowledge of this subdivision is that no change in land use is being proposed. No construction activity will be performed within the SCDOT right of way. Therefore, an encroachment permit is not required at this time. However, know that at such a time when the newly subdivided properties will be developed, upgraded driveways may be necessary and a permit package shall be submitted to the SCDOT for review.

If it is the intent of the owner(s) to improve, relocate, or modify any existing driveways now or in the future then an encroachment permit package must be submitted for review. Also, any future subdivision of any parcel will necessitate an encroachment permit and Department review as well. All encroachment permits must meet the requirements set forth in the Access and Roadside Management Standards (ARMS) Manual. A copy of the ARMS Manual can be found at:  
[www.scdot.org/doing/trafficengineering.shtml#accessRoadside](http://www.scdot.org/doing/trafficengineering.shtml#accessRoadside)

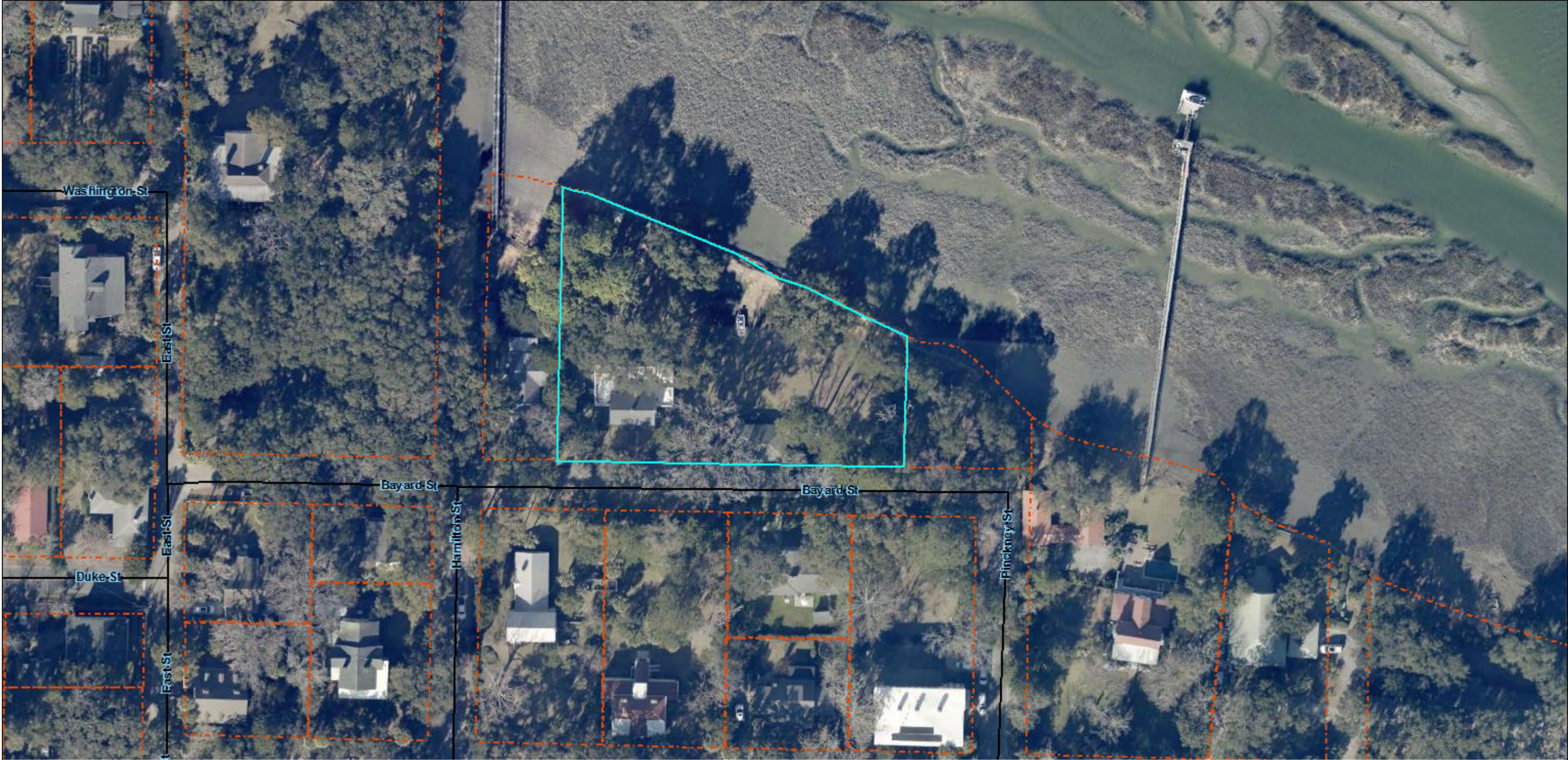
Thank you for your cooperation and if you have any questions concerning this issue, please feel free to contact me at (843)524-7255.

Sincerely,

**Elizabeth Penn-Sanders**  
Resident Maintenance Engineer  
SCDOT – District 6 – Beaufort County  
(843) 524-7255



# Aerial



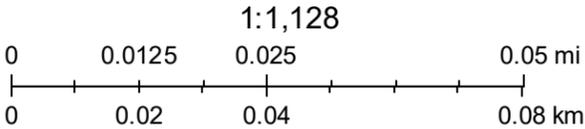
12/10/2024, 4:53:43 PM

**Road Classifications**

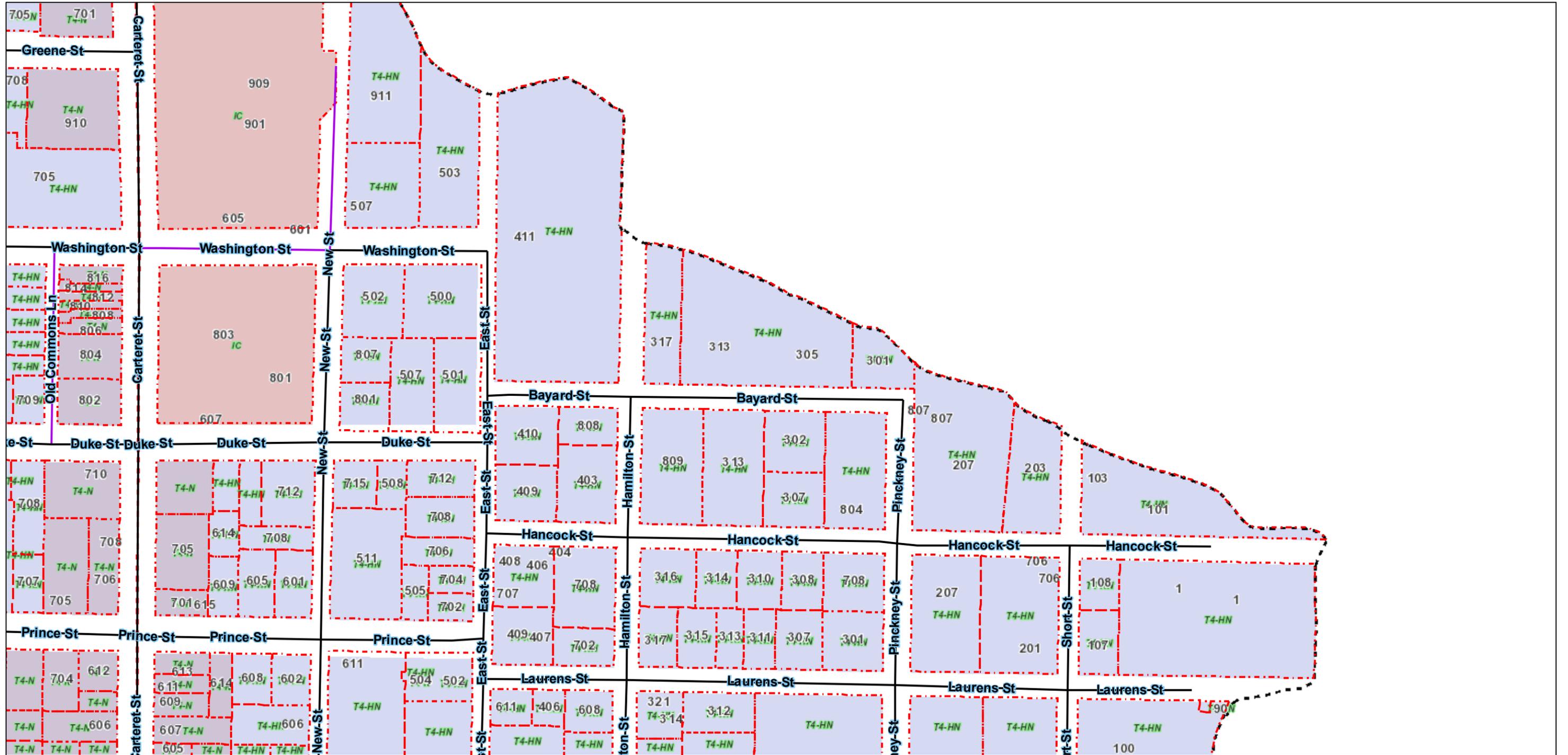
— STATE, PAVED

LiveParcels

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



# zoning



12/10/2024, 4:52:27 PM

**Road Classifications**

- STATE, PAVED
- MUNICIPAL, PAVED
- LiveParcels
- HISTORIC DISTRICT-Preservation Heighborhood
- HISTORIC DISTRICT-Conservation Neighborhood

**Redevelopment Districts**

- Bladen Street Redevelopment District
- Boundary Street Redevelopment District
- Retail Overlay (Church & Green Street)
- Retail Overlay

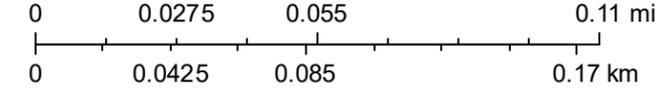
**Zoning Districts**

- LEGACY PUD (LPUD)

- T1
- T5-DC
- T5-UC
- T5-UC / RMX
- T3-S
- RMX
- T3-N
- IC
- T4-HN
- MH
- T4-N
- T4-NA

- LI
- MR

1:2,257









**ZBOA – Zoning Board of Appeals:**

**2025 Schedule**

Only digital submittal of all documents is accepted now. You may also view the meeting schedule in document form.

**Note: Deadline for applications for next month’s meeting are due by noon of the current month’s meeting.**

Written comments for any project before the board must be submitted by noon (12:00 pm) on the business day before the meeting.

<u>Meeting Schedule</u>
Monday, January 27, 2025
Monday, February 24, 2025
Monday, March 24, 2025
Monday, April 28, 2025
Wednesday, May 26, 2025
Monday, June 23, 2025
Monday, July 28, 2025
Monday, August 25, 2025
Monday, September 22, 2025
Monday, October 27, 2025
Monday, November 24, 2025
Monday, December 22, 2025