



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, April 28, 2025, 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/88602517592?pwd=0fy2wAmHMYNIOByQ83v6DHGIWDhdDZ.1>

Passcode: 832515

Meeting ID: 886 0251 7592

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 February 24, 2025 Meeting

V. Review of Projects

A. 119 South Hermitage Road, identified as R120 005 000 0011 0000, Variance

Applicant: Carl Young, Allen Patterson Builders

The applicant is requesting a variance from Section 2.4.1.C.3 to allow the carriage house exterior staircase to encroach 3 ft into the 5 ft setback for 119 South Hermitage Road. The property is further identified as R120 005 000 0011 000. The property is zoned T3-S-Suburban District (T3-S).

VI. Adjournment



Zoning Board of Appeals

Meeting Minutes – February 24, 2025

CALL TO ORDER

2:19

A meeting of the Zoning Board of Appeals was held in-person on February 24, 2025 at 5:30 p.m.

ATTENDEES

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

Member absent: Parker Moore.

Staff in attendance: Curt Freese, City of Beaufort Community Development Director and Christopher Klement, City of Beaufort Community Development Planner III.

REVIEW OF MINUTES – DECEMBER 19, 2024

3:10

Motion: Mr. Blank made a motion to approve the minutes of the December 19, 2024 meeting as submitted; 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>.

APPLICATIONS

3:40

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 Bayard Street. The property is further identified as R120 004 000 440A 0000. The property is zoned T4- Historic Neighborhood District (T4-HN).

Curt Freese presented the staff report.

Public Comment

None.

Public comment closed.

Motion: Mr. Blank made a motion to approve the variance request as submitted. Mr. McMichael seconded the motion. The motion passed unanimously.

2025 BOARD SCHEDULE

24:56

After review of the 2025 Board Schedule the Board made the following changes:

Wednesday, May 26, 2025 rescheduled **to Thursday May 22, 2025**
Monday, September 22, 2025 reschedule **to Wednesday, September 17, 2025**
Monday, November 24, 2025 reschedule **to Wednesday, November 19, 2025**
Monday, December 22, 2025 reschedule **to Wednesday, December 17, 2025**

ADJOURNMENT

30:56

Mr. Blank made a motion to adjourn the meeting. Mr. McMichael seconded the motion. The meeting ended at 6:00 pm.

DRAFT



STAFF REPORT – ZONING BOARD OF APPEALS

Variance Request

DATE: April 28, 2025

<i>GENERAL INFORMATION</i>		
Applicant:	Allen Patterson Builders	
Address/Parcel Number:	119 S Hermitage Rd / R120 005 000 0011 0000	
Applicant's Request:	The applicant, Allen Patterson Builders, is requesting a variance from Section 2.4.1.C.3 for 119 South Hermitage Road to allow the carriage house exterior staircase to encroach 3 ft into the 5 ft side setback.	
Current Zoning:	T3-S	
<i>ZONING DISTRICT INFORMATION</i>		
	<u>T3-S</u>	
Max Density	N/A	
Min. Lot Size	9,000 sqft	
Min. Lot Width	Standard lots: 75 ft Waterfront lots: 100 ft	
Front Setback	20 ft min – no max	
Side Setback	Interior: 10 ft min Corner/Alley: 15 ft min	
Rear Setback	15 ft min	
Building Height	2.5 stories max	
Accessory Structure Setbacks	Front: Behind front façade of primary structure (exceptions for waterfront lots and carriage houses) Side: 5 ft Rear: 5 ft	
<i>SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS</i>		
<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning /Buffer required if rezoned</u>
North: T3-S	Single Family Residential	N/A
South: N/A	Battery Creek Marsh	30 ft. Critical Area Buffer
East: T3-S	Single Family Residential	N/A
West: T3-S	Single Family Residential	N/A

Background: The 0.8-acre sized parcel in question (R120 005 000 0011 0000) is currently underway on constructing a large waterfront single family home with an ADU in the front of the lot. The applicant, in order to preserve a Specimen Live Oak, has had to place the exterior staircase for the ADU within the 5’ side setback. Preservation of specimen and landmark trees is always strongly recommended per Code Section 5.3.2.B.

The variance will allow for better site utilization, realized by building around the natural landscaping/trees, something that is always strongly encouraged, instead of clearcutting it all down.

Additionally, the Beaufort Code does allow for uncovered porches, patios, steps, and stairs to encroach to within 5 ft of any interior side and rear property line. So, while in T3-S for accessory buildings a variance would still be required, there are a multitude of locations and zoning districts where this very same scenario would not require a variance request.

Variations Requested:

The applicant is requesting the following variance: Section 2.4.1.C.3 – Accessory Building Placement regarding the side setback requirement of 5 ft for T3-S. The code sections in question are found below.

Section 2.4.1.C.3 – Side Setback-Interior

T3-S: 5 ft min

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>9.14.2.F.1 - Finding of Fact</u>	<u>Rationale Present (yes/no)</u>	<u>Staff Analysis of Rationale</u>
<p>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.</p>	<p>Yes</p>	<p>✓ The applicant is preserving a specimen Live Oak. Preservation of specimen and landmark trees is always highly encouraged in the City of Beaufort.</p>

b. These conditions do not generally apply to other property in the vicinity.	Yes	✓ Other properties in the vicinity do not have a specimen live oak close to the property line and close to the ADU/staircase. In cases where these same conditions exist, staff would support a variance request
c. The conditions are not the result of the applicant's own actions.	Yes	✓ The preservation of specimen and landmark trees is always highly encouraged/sought-after by the City, and the City supports all efforts to preserve these trees.
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.	Yes	✓ Granting of the variance would substantially harmonize, not conflict, with the Comprehensive Plan and Civic Master Plan. Building around our natural landscape and preserving our trees, as opposed to cutting them down, is critical to the Comprehensive Plan and Civic Master Plan.
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.	Yes	✓ The application of this code section would conflict with the priorities of the City of Beaufort.
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.	Yes	✓ The authorization of this variance will be of substantial value to adjacent properties and the public good, and the character of the zone will only be enhanced, not harmed, by the granting of the variance.

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 Recommendation: Staff recommends approval of a variance from Section 2.4.1.C.3, to allow the 5 ft accessory structure side setback to be reduced to 2 ft, so that the exterior staircase does not encroach into the setback, on account of satisfying the findings referenced in Section 9.14.2.F.1, as per the requirements of the Beaufort Code.

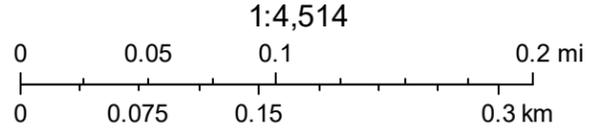
Aerial Image



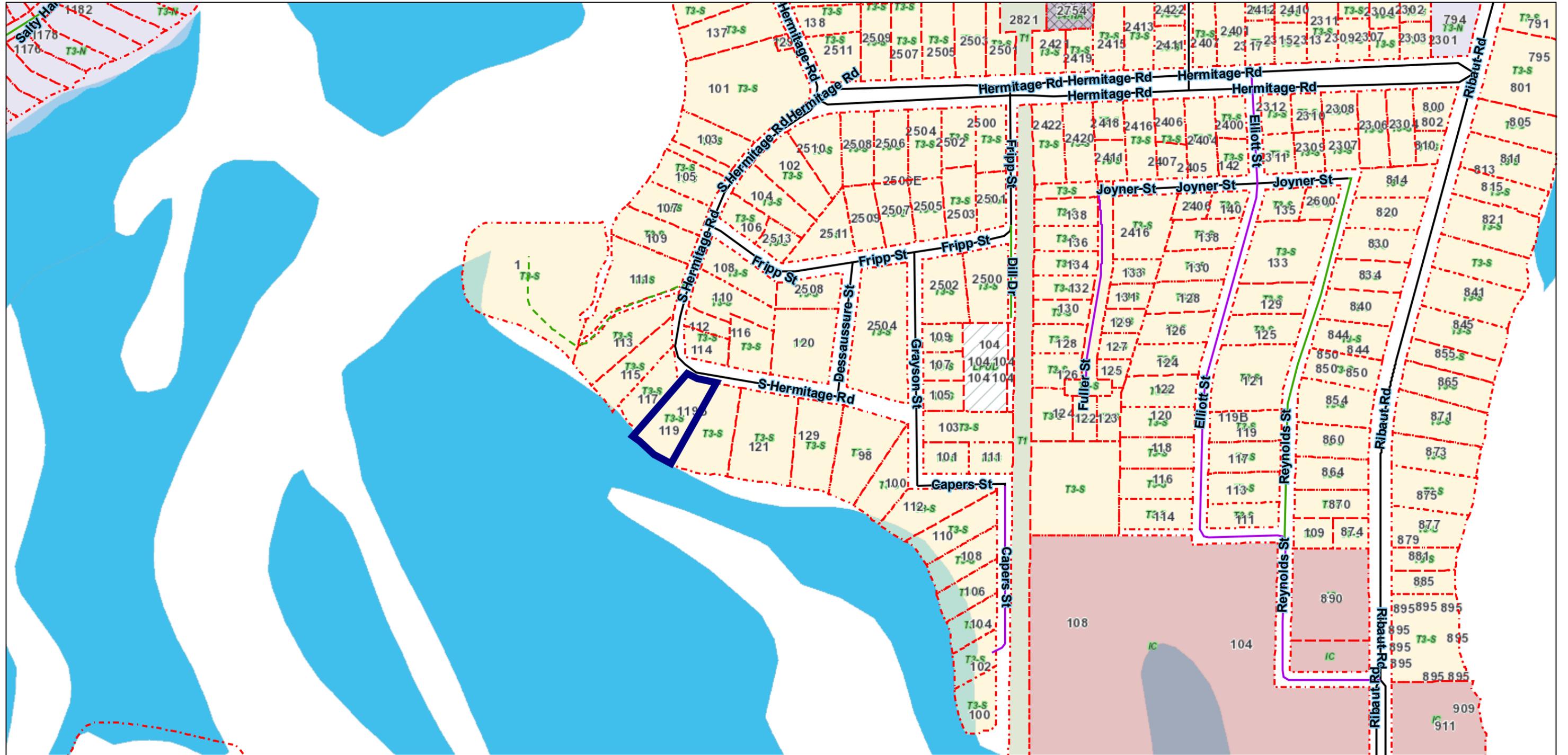
4/21/2025, 11:37:49 AM

- Road Classifications**
- STATE, PAVED
 - PRIVATE, PAVED
 - - - PRIVATE, UNPAVED
 - MUNICIPAL, PAVED
 - ⋯ LiveParcels

- Red: Band_1
- Green: Band_2
- Blue: Band_3



Zoning Map



4/21/2025, 11:40:57 AM

Road Classifications

- STATE, PAVED
- PRIVATE, PAVED
- PRIVATE, UNPAVED
- MUNICIPAL, PAVED
- LiveParcels

- HISTORIC DISTRICT-Preservation Heighborhood
- HISTORIC DISTRICT-Conservation Neighborhood
- Bladen Street Redevelopment District
- Boundary Street Redevelopment District
- Retail Overlay (Church & Green Street)
- Retail Overlay

Zoning Districts

- LEGACY PUD (LPUD)
- T1
- T3-S
- T3-N
- T4-HN

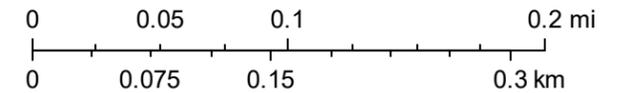
- T4-N
- T4-NA
- T5-DC
- T5-UC
- T5-UC / RMX
- RMX

- IC
- MH
- LI
- MR

Nwi Wetlands

- Marsh/Water

1:4,514



Your Name Here



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

Application Fee: \$300

Receipt #

OFFICE USE ONLY: Date Filed: 3/25/25 Application #: 28525 Zoning District: TBS

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: Allen Patterson Builders

Applicant Address: 211 Sams Point Road

Applicant E-mail: carlyoung@allenpattersonbuilders.com Applicant Phone Number: (843)470-0400

Owner (if other than the Applicant): Steve Phillips

Owner Address: 119 S. Hermitage Beaufort, SC 29902

Owner E-mail: sphillips1939@gmail.com Owner Phone Number: (843)901-7962

Property Address: 119 S. Hermitage Beaufort, SC 29902

Property Identification Number (Tax Map & Parcel Number): R120 005 000 0011 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: 3/25/25 Owner's Signature:

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

Date: 3/25/25 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 2 of the Beaufort Code: Variance requested for Accessory Building side interior setback of 5ft per table 2.4.1.C

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): Build a exterior staircase for carriage house into side setback to not cause harm to a 16 Live Oak root system.

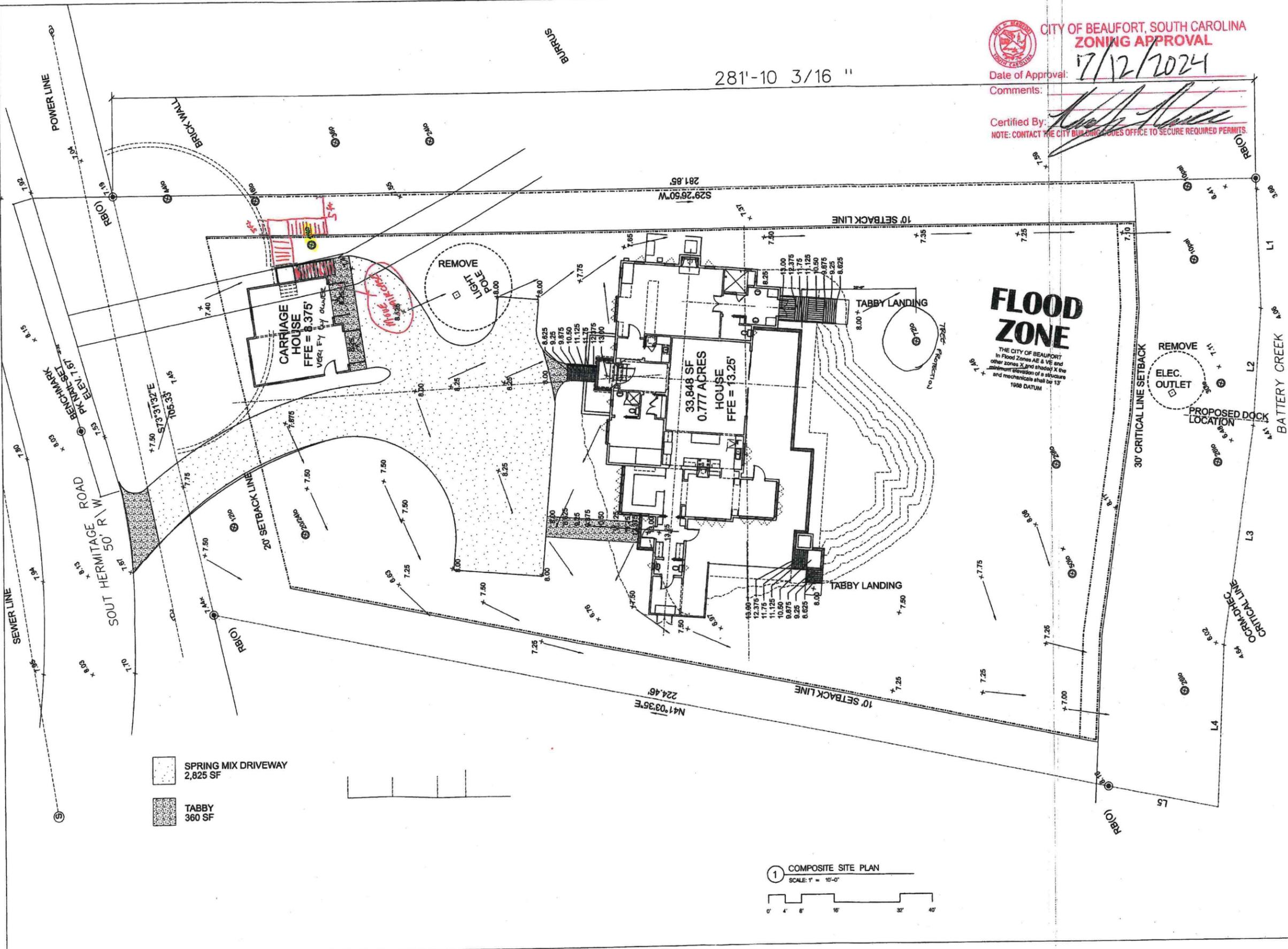
for which a permit has been denied by a building official on the grounds that the proposal would be in violation of the cited section(s) of the Beaufort Code:

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 is an exist and healthy Live Oak tree in close proximity of the Carriage House
 - b. These conditions do not generally apply to other property in the vicinity as shown by: _____

 - 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: _____

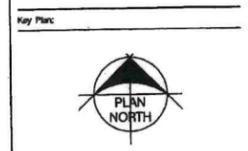
 - e. Because of these conditions, the application of the Beaufort Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: The structural support for the staircase would be required to be installed which direct harm to the Live Oak Tree root system.
 - 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: _____



**CITY OF BEAUFORT, SOUTH CAROLINA
ZONING APPROVAL**
 Date of Approval: 7/12/2024
 Comments: _____
 Certified By: [Signature]
 NOTE: CONTACT THE CITY BUILDING CODES OFFICE TO SECURE REQUIRED PERMITS.

COMPANY NAME:
 Allen Patterson
 Builders
 211 Sams Point Road
 Beaufort, SC
 29907

PROJECT NAME:
 Phillips Residence
 South Hermitage Road
 Beaufort, SC
 29902



Revision Date Description

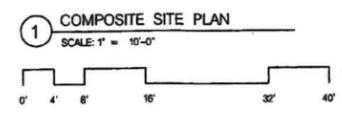
JOB NO.:
 23-113-000
 DRAWN BY:
 tt
 Sheet Title:

**ARCHITECTURAL
SITE PLAN**

ALLEN PATTERSON STEVE PHILIPS
 Issue Date:
 03.21.24
 [Signature]
 3/29/24
 Sheet Number:

REVIEWED FOR
 CODE COMPLIANCE
ASP1.0

- SPRING MIX DRIVEWAY
2,825 SF
- TABBY
360 SF



2.4.1 TRANSECT-BASED DISTRICT STANDARDS

C. ACCESSORY BUILDING PLACEMENT—See Section 3.11 for additional requirements						
1. Front Setback	Accessory structures shall be located behind the front facade of the primary structure, except as provided for in Section 2.5.4 (Waterfront Lots) and Section 4.5.3 (Carriage House); see item 6 below for setback for detached garage doors					
2. Side Setback—Corner/Alley ⁵	5 ft min	5 ft min	5 ft min	3 ft min	0 ft min	0 ft min
3. Side Setback—Interior	5 ft min (T3-S)	5 ft min (T3-N)	5 ft min (T4-HN)	5 ft min (T4-N)	0 ft min (T5-DC)	0 ft min (T5-UC)
4. Rear Setback ⁴	5 ft min	5 ft min	5 ft min	5 ft min	0 ft min	0 ft min
5. Rear Setback from Alley ⁴	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min	3 ft min
6. Detached Garage Door/Carport Setback (from front facade) ⁵	5 ft min	20 ft min	20 ft min	20 ft min	Shall be located behind primary building and accessed via alley or side street ⁷	
<p>³ When lot width is 75 ft or greater, there is no maximum front setback.</p> <p>⁴ Garage doors shall be 15 ft min from alley centerline.</p> <p>⁵ In addition to the setback requirements listed above, garage doors/carports which face a public right-of-way, except for rear alleys, shall be set back a minimum of 20 ft from that right-of-way.</p> <p>⁶ The Battery Shores and Islands of Beaufort neighborhoods are exempt from this standard when garage doors do not face a public right-of-way. In the Jericho Woods neighborhood, carports are exempt from this standard.</p> <p>⁷ Also see Section 2.5.7(Street Access Standards).</p>						





