



## **MEETING AGENDA**

The City of Beaufort

### **ZONING BOARD OF APPEALS**

Wednesday, May 20, 2026, 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/89193258140?pwd=lsbSmXK3LTfuJEIwYjJ3XreHnbKxLKT.1>

Passcode: 464683

Meeting ID: 891 9325 8140

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.”

**Please note, this meeting will be broadcast via zoom and live-streamed on YouTube. You can view the meeting at the City's page; City Beaufort SC**

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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 April 27, 2026 Meeting**

**V. Review of Projects**

**A. 2945 Marshfront Drive identified as R120 032 000 0613 0000, Appeal**

Applicant: Jack McSweeney, K. Hovnanian Homes

The applicant is requesting an Appeal from an order of 5.2.2.B (2) c for denial of an application for a permit to remove three (3) landmark live oak trees on a platted building lot within the Overlook at Battery Creek subdivision rendering it undevelopable. The property is further identified as R120 032 000 0613 0000.

**VI. Adjournment**



# Zoning Board of Appeals Meeting Minutes – April 27, 2026

## CALL TO ORDER

2:08

A meeting of the Zoning Board of Appeals was held in-person on April 27, 2026 at 5:30 p.m.

## ATTENDEES

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

Members absent: Patrick McMichael, and Parker Moore.

Staff in attendance: Curt Freese, City of Beaufort Community Development Director, and Nick Navia, City of Beaufort Community Development Planner I.

## REVIEW OF MINUTES – MARCH 23, 2026

3:34

**Motion:** Mr. Suter made a motion, seconded by Mr. Blank, to approve the March 23, 2026 as submitted. 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

3:58

- A. **110 Factory Creek Court, identified as R123 015 00A 0782 0000**, Appeal  
Applicant: James Mead

The applicant is requesting an Appeal from an order of Section 3.6.2.C.2.j for 110 Factory Creek Landing in order to continue to operate a Short-Term Rental. The property is further identified as R123 029 015 0782 0000.

Curt Freese presented the staff report.

### Public Comment

**Cooter Ramsey resides at 112 Factory Creek Court**, next door to the applicant. He stated he is in favor of the applicant having a short-term rental. Mr. Ramsey built the first house back in the development back in 2002 and his house is the only one without a ground level unit.

**Michelle Hipp resides at 104 Factory Creek Court** and owns the lot next to her at 106 Factory Creek Court. She referred to the Affidavit that was sent to the Zoning Board of Appeal (ZBOA) Members that was signed by her and the other Board Members that were duly elected on November 18, 2025. There was a special meeting held for the first time in 8 years with all of the homeowners and the property owners to put together a true Homeowner's Property Association. This meeting was held at her home with some members who attended in-person and some members attended via Zoom. At that time, some of the members had resigned including Michael Spaulding had been volunteering as the president since 2017-2018. Mr. Spaulding designated Ms. Hipp as his proxy for any election to take place. We had no bylaws at this point to rely on. Roberta DeLoach drafted some bylaws but they never went anywhere. Since then, our Bylaws have been adopted and recorded with the help of an attorney from Bluffton SC.

**Zaven Yourelian 102 Factory Creek Court**, said he has managed HOAs and POAs throughout the country. Mr. Spaulding was previously elected President, but Mr. Yourelian became President as of this February. He stated the board has been active and overseeing the community. During that time, the association has consistently collected dues, paid taxes, and engaged professional management through Bundy Management to support the operations. When this was started, there were only four homes. In the beginning, Mr. Mead did not have a permit for his rental. There are not any short-term rentals in any of the single family residences. The majority of the Board is against it.

**Tom Daniels resides at 121 South Hermitage Road.** He owns the Lady's Island Marina and the largest portions of the lots within the development. He was not present for the interim board election since he did not know about it. He understands that a change cannot be made to the existing bylaws or covenants without a majority vote of which is 75%. He holds the most number of votes. Mr. Daniels stated he's not against the idea of somebody wanting to generate money out of their property, but it's against the rules based upon what he thought when he purchased his property in 2018. He referred to the comment that Cooter Ramsey stated about the homes having ground floors units for renting and said the language was drafter after these were built to prevent this sort of activity.

**Ben Coppage, City Attorney**, stated we all agree that these properties the cottages at Battery Creek are affected by some covenants that were recorded in 2008. It's been discussed that those covenants require that the residential lots only be used for single-family purpose. Single-family is defined as people who are related or that have a household together. Mr. Coopage referred to the application that applicant, Mr. Mead, signed for the short-term rent and that he did check "no" in the box on the application that read, Pursuant to 6-29-1445 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenants that is contrary to conflict with or prohibits the activity described in this application. Mr. Spaulding contacted Mr. Rose, the City Business License Administrator, letting him know those covenants were in place. Mr. Coppage reviewed the covenants and he found the portion of the covenants that restricted the use of the residential lots for single-family uses. This is why the license has been revoked not because a board or committee said so. Mr. Coppage stated back in 2008 it was Battery Creek Marina Village and the signatory for Battery Creek Marina Village was the was Matt Trumps, member of the LLC. He handed out to the board members and the applicant an Affidavit signed by Matt Trumps. The Affidavit gives Mr. Trumps testimony saying that "the simultaneous use of one of the residential lots as both the primary residence and a short-term-rental would be incompatible with the restriction imposed by the single-family covenant. Individuals who pay for a short-term-rental are not related to the primary residence by blood,

do not maintain a common household with the primary residence, and because they're paying for their accommodations, cannot be considered transient guest". Mr. Coppage request that the Board uphold the decision of the administrator in revoking Mr. Mead's license.

Public comment closed.

**Motion:** Mr. Sviland made a motion, seconded by Mr. Banks, to deny the request and uphold the decision of the City's administrator. The motion passed unanimously.

## ADJOURNMENT

**1:23:05**

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Mr. Banks made a motion to adjourn the meeting. Mr. Sviland seconded the motion. The meeting ended at 6:53 pm.

DRAFT

# **2945 Marshfront Drive**

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Administrative Appeal

Code Sec. 5.2.2.B.2.c



# STAFF REPORT: ZONING BOARD OF APPEALS (ZBOA)

## Administrative Appeal Request

**DATE: May 20, 2026**

<b>GENERAL INFORMATION</b>		
Applicant:	Jack McSweeney, K. Hovnanian Homes	
Site Address / Tax PIN:	2945 Marshfront Drive / PIN: R120 032 000 0613 0000	
Applicant's Request:	The applicant appeals the Zoning Official's denial of a tree removal permit to remove three (3) landmark live oak trees on a platted building lot within the "Overlook at Battery Creek" subdivision rendering it undevelopable.	
Current Zoning:	LPUD (Legacy Planned Unit Development)	
Neighborhood	Overlook at Battery Creek	
Flood Zone/Elevations	Flood Zone "X and SX", Lot Elevation: 6'-19'; [Base Flood Elevation in Beaufort, SC: 13']	
Lot size	0.186 acres (8,100 sq. ft.)	
<b>ZONING DISTRICT INFORMATION</b>		
<b>OVERLOOK AT BATTERY CREEK (LPUD)</b>		
Lot Width at Setback:	N/A	
Max. Lot Coverage:	"Maximum impervious cover for detached single family = 55%"	
Front Setback	"7 feet minimum and 15 feet maximum build to line, with setback being the leading edge of the foundation of the building"	
Side Setback	"Minimum of 0 feet from property line, but aggregated setbacks between 2 non-fire rated walls shall be 10 feet. This includes a 5' maintenance easement for the adjoining zero lot line home. Wall bump outs including chimneys, not exceeding 2 feet from the primary wall, shall be allowed to reduce the setback at the bump outs to 6 feet between 2 non-fire rated walls."	
Rear Setback	"Minimum of 5 feet, with setback being to leading edge of the foundation of the building."	
<b>SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS</b>		
<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>	<b>Setbacks for Adjacent Zoning /Buffer required if rezoned</b>
North: N/A	Battery Creek Marsh	Critical Area Buffer (30 – 50 ft)
South: LPUD	2730 Satilla Boulevard (SFR)	N/A
East: LPUD	2943 Marshfront Drive (SFR)	N/A
West: LPUD	2947 Marshfront Drive (SFR)	N/A

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**Appeal Requested:**

The applicant is requesting an appeal from the following Code Section:

- **Section 5.2.2 – Administration**

**B. Authorization for Tree Removal:**

**2. Criteria:** No authorization for the removal of any tree 8-inch DBH or greater or any Specimen or Landmark Tree shall be granted unless the applicant for removal of the tree demonstrates one or more of the following conditions in writing:

**a. Health:** Whether or not the tree is dead, dying, or diseased according to a certified arborist report and verified by the City Official or designee.

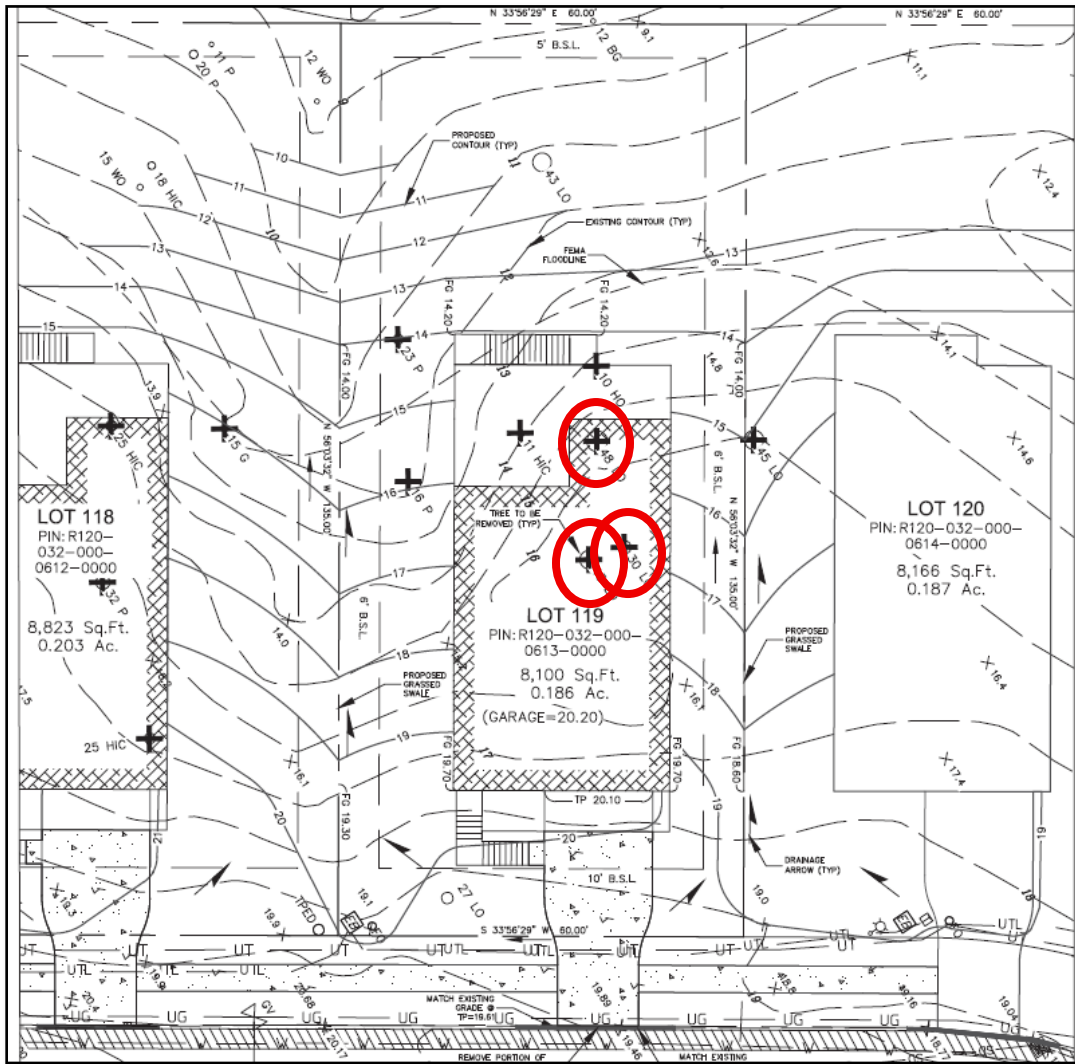
**b. Elevated Risk:** Whether or not the tree presents hazards that cannot be mitigated by any arboricultural procedures due to its deteriorated or damaged state.

**c. Developability:** Whether or not the tree constrains reasonable development of the specific site, considering lot size, applicable setbacks, context, building type and use, stormwater requirements, and other relevant site development considerations.

**Background:**

On April 20<sup>th</sup>, 2026, the applicant submitted an application to request an appeal from the Zoning Official’s denial to permit removal of three (3) landmark-status, Live Oak trees in conjunction with a project permit to construct a new detached single-family house at 2945 Marshfront Drive. This tree removal denial was provided to the applicant on June 13, 2025, after staff and the City’s arborist met numerous times with the applicant to discuss and present alternatives for saving the landmark trees while enabling development of the lot at the same time.

After the applicant received the denial in June, discussion on the future of this lot halted until October, when the applicant once again opened communication on the developability of the lot. Throughout October, November, and December, more site visits and meetings were had regarding the lot. The result of these discussions was ultimately a compromise proposal by Staff to allow the removal of 2 of the live oaks with the compromise being that the applicant would save the remaining live oak. The applicant did not accept this proposal.



**APPEALS PROCESS & APPROVAL CRITERIA (IN ACCORDANCE WITH SEC. 9.15.2.F)**

**ZBOA Hearing:** The ZBOA shall schedule the matter for a hearing at its next regularly-scheduled meeting, and give at least 15 days public notice of such hearing in a newspaper of general circulation in the city, as well as due notice to the parties of interest. At the hearing, any party may appear in person, by agent, or by attorney. Following the hearing, the ZBOA shall take one of the following actions, consistent with the provisions of this Code:

1. Affirm the action of the Administrator;
2. Modify the action of the Administrator, and to that end, the ZBOA shall have all the powers of the officer, board, or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued; or
3. Reverse the action of the Administrator, and to that end, the ZBOA shall have all the powers of the officer, board or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued.

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**Findings of Fact:**

The ZBOA, in its execution of the duties specified in this section, may subpoena witnesses, and in case of contempt, may certify such fact to the circuit court that has jurisdiction.

**Staff Recommendation:**

Staff finds that the applicant has not demonstrated that removal of all three landmark trees is warranted. The ordinance requires a clear showing that tree preservation **prevents reasonable development**, not that it prevents construction of a preferred or standardized house plan. While the applicant’s desired house plan is understandable, it does not create entitlement to that specific design. As documented in our prior analysis, the lot remains capable of accommodating a compliant single-family home without removing all three landmark trees.

The applicant’s alternative request for removal of two trees with mitigation payment for the third does not align with the ordinance, which does not authorize tree removal based on compensatory payment when the developability standard is not met. The mitigation fee is not a mechanism for bypassing the criteria. It applies only **after** a removal permit is granted under the ordinance’s substantive standards. **If** the board grants approval to remove all 3 landmark live oaks, the mitigation fee would apply to **all trees removed**, not just the third tree.

However, given the feasibility of development, staff concludes that the request is **not supported** by the ordinance and recommends denial of the applicant’s request.

**Decision:**

All final decisions and orders of the ZBOA shall be in writing and shall be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law shall be separately stated in final decisions or orders of the ZBOA, which shall be delivered to parties of interest within 15 days by certified mail.

**Staff Recommendation:**

Staff recommends the ZBOA affirm the action of the Administrator (in accordance with Sec. 9.15.2.F) in denying the tree removal permit.



# APPEAL 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 Fees: \$300

Receipt # \_\_\_\_\_

**OFFICE USE ONLY:** Date Filed: \_\_\_\_\_ Application #: \_\_\_\_\_ Zoning District: \_\_\_\_\_

**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.

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  No

### Applicant, Owner and Property Information

Applicant Name: Jack McSweeney, K. Hovnanian Homes

Applicant Address: 132 Bluffton Rd, Suite 202, Bluffton, SC 29910

Applicant E-mail: [REDACTED] Applicant Phone Number: [REDACTED]

Owner (if other than the Applicant): \_\_\_\_\_

Owner Address: \_\_\_\_\_

Owner E-mail: \_\_\_\_\_ Owner Phone Number: \_\_\_\_\_

Property Address: 2945 Marshfront Drive, Beaufort, SC 29902

Property Identification Number (Tax Map & Parcel Number): R120-032-000-0613-0000

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: \_\_\_\_\_ Owner's Signature: \_\_\_\_\_



## APPEAL APPLICATION

Community Development Department  
1911 Boundary Street, Beaufort, South Carolina, 29902  
p. (843) 525-7011 / f. (843) 986-5606  
Email: [department@cityofbeaufort.org](mailto:department@cityofbeaufort.org) / [www.cityofbeaufort.org](http://www.cityofbeaufort.org)

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### Required Application Information

Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Official affecting the property described on page 1 on the grounds as follows: The "developability" standard defined in section 5.2.2.B(2)c, whereby the tree(s) in question constrain reasonable development of the specific site, considering lot size, applicable setbacks, context, building type and use, stormwater requirements.

\_\_\_\_\_ granting  denial (check one) of an application for a permit to remove specimen or landmark trees  
\_\_\_\_\_ was erroneous and contrary to provisions for the Beaufort Code in Section  
5.2.2.B(2)c or other action or decision of the Zoning Official was erroneous as follows:

1. Applicant is aggrieved by the action or decision in that:

Staff has denied the request to remove the (3) trees that are located in the center of the private lot, whereby applying the building setbacks, tree buffering for the critical root zone, site topography and grading needed to provide adequate flood zone clearances and drainage, unreasonably limits the footprint of any proposed home. We have provided plotting documents that show the remaining potential buildable area for a dwelling unit would require a significant compromise by way of: omission of a standard garage space, omission of front porch, omission of rear porch or other features commonly required of a home on any lot, never mind a home located on a conventionally sized marsh front location. The footprint remaining to retain all (3) trees in question would only allow a 21'-0" total structure depth – wholly unreasonable to build a home. Staff did offer that we could remove (2) of the (3) requested, but we had an arborist analyze the proposal and came to the conclusion that due to the proximity of the (3) trees, removing the (2) would in his professional opinion also kill the 3<sup>rd</sup>. That report is included. Staff came back with a report of their own which countered that opinion by use of specialized foundation designs and further modified home layouts. These unreasonable limits are in addition to wetland buffers and significant topography on the individual lot.

2. Applicant contends that the correct interpretation of the zoning ordinance as applied to the property is: While undesirable, the correct interpretation would be that the developability standard applies and has been proven by the applicant. At the very least, the compromise offer of a removal permit for the (2) trees should be acceptable on its face, while the applicant would consider contributions to the tree replacement fund for the 3<sup>rd</sup> tree removal that is objectively unclear based on two independent professional arborists.
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## APPEAL APPLICATION

Community Development Department  
1911 Boundary Street, Beaufort, South Carolina, 29902  
p. (843) 525-7011 / f. (843) 986-5606  
Email: [department@cityofbeaufort.org](mailto:department@cityofbeaufort.org) / [www.cityofbeaufort.org](http://www.cityofbeaufort.org)

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3. Applicant request the following relief:

We believe that the developability standard should apply to all (3) trees requested to be removed. However, a compromise offer of a removal permit for the (2) trees should be acceptable on its face, while the applicant would consider contributions to the tree replacement fund for the 3<sup>rd</sup> tree removal that is objectively at question between two separate professional arborist reports.

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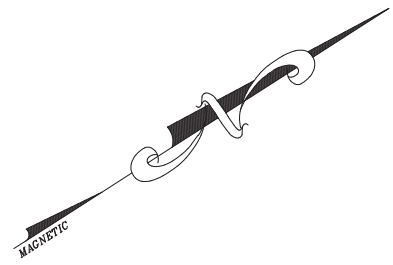
I (We) certify that the information in this application is correct.

Date:

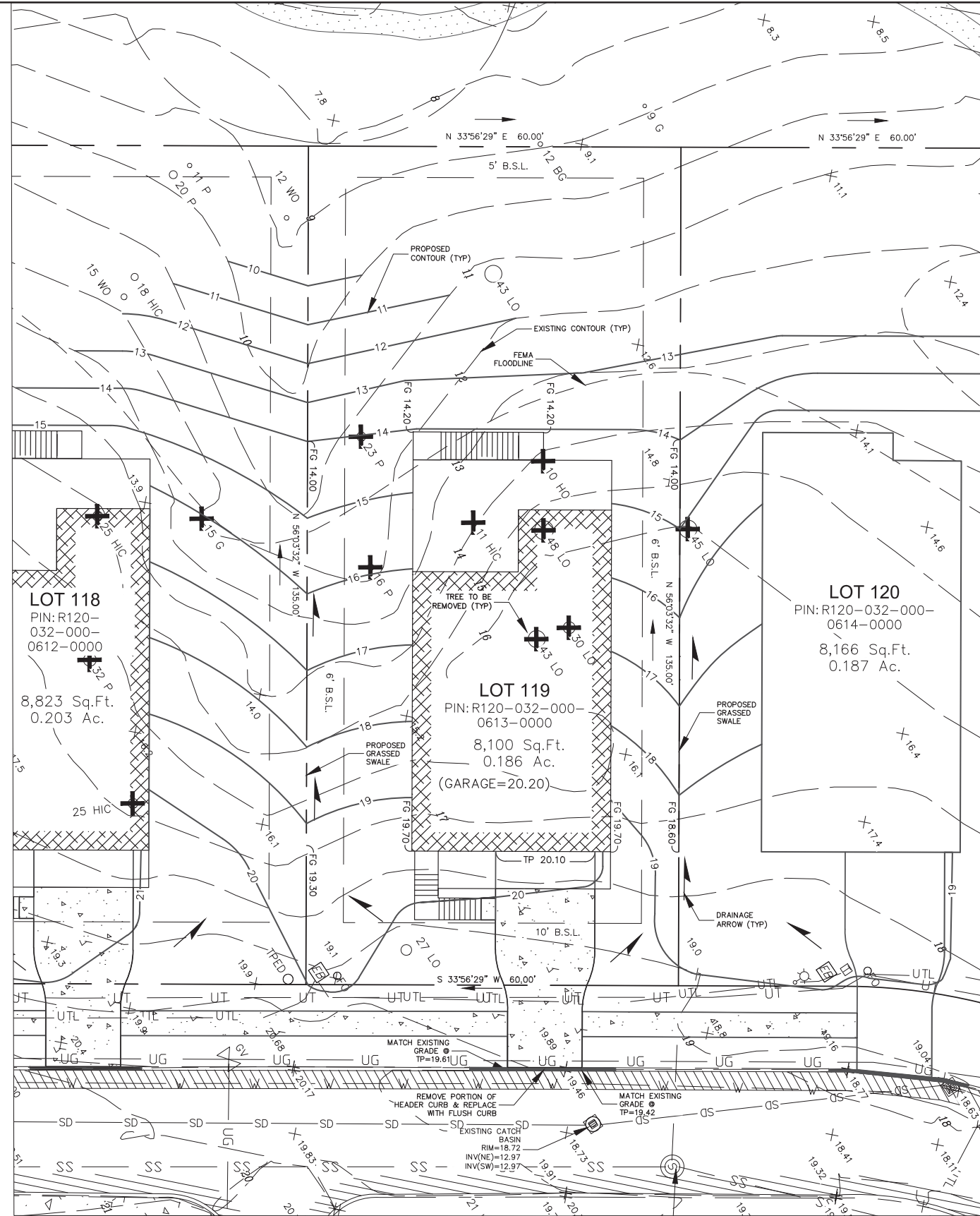
4/20/26

Owner's Signature:

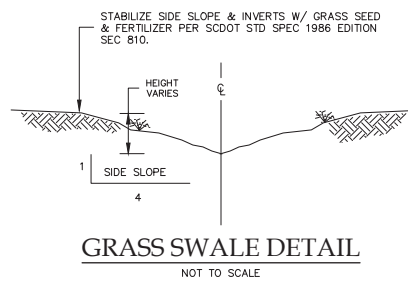
A handwritten signature in blue ink, consisting of a large loop followed by a horizontal line.



TREE IDENTIFICATION	
CODE	COMMON NAME
BG	BLACK GUM
CYP	CYPRESS
G	SWEET GUM
HIC	HICKORY
HO	HOLLY
LO	LIVE OAK
MAG	MAGNOLIA
PA	PALMETTO
P	PINE
WO	WATER OAK



GRADING PLAN FROM PERMIT SET  
ORIGINALLY SUBMITTED 3/31/25



**GENERAL NOTES:**

TOPOGRAPHY, BOUNDARY, WETLAND, BUFFERS, SETBACKS, BUILDING PLACEMENT, AND BASE INFORMATION PROVIDED BY ATLAS SURVEYING INC.

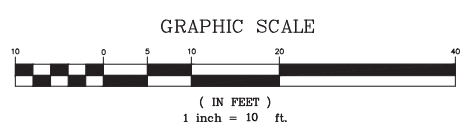
BENCHMARKS ARE TO BE VERIFIED AND PROVIDED BY CONTRACTOR.

CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES.

APPLICANT WILL REPAIR ALL DAMAGE DONE TO ROADSIDE AND RESEED WITH PERMANENT GRASS.

ALL PROPOSED GRADES AND DRAINAGE ARE BASED ON A TREE AND TOPO SURVEY BY ATLAS SURVEYING INC, DATED 10/26/23.

CONTRACTOR TO VERIFY GRADING PLAN WILL NOT CONFLICT OR IMPEDE DRAINAGE ON ADJOINING PROPERTY.

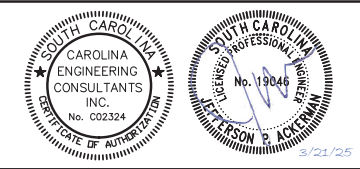


**OVERLOOK AT BATTERY CREEK  
LOT #119  
BEAUFORT COUNTY, SC**

**CAROLINA ENGINEERING CONSULTANTS, INC.**

PO BOX 294  
BEAUFORT, SC 29901

WWW.CAROLINAENGINEERING.COM  
843/322-0553  
843/322-0556 (FAX)

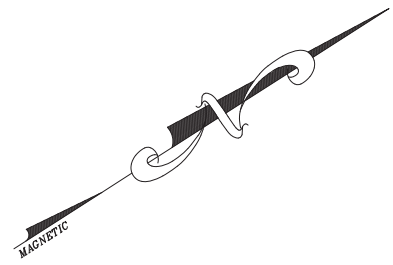


PROJECT: 2555  
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REVISED: 03/21/25  
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ENGINEER: JPA  
SCALE: 1"=10'

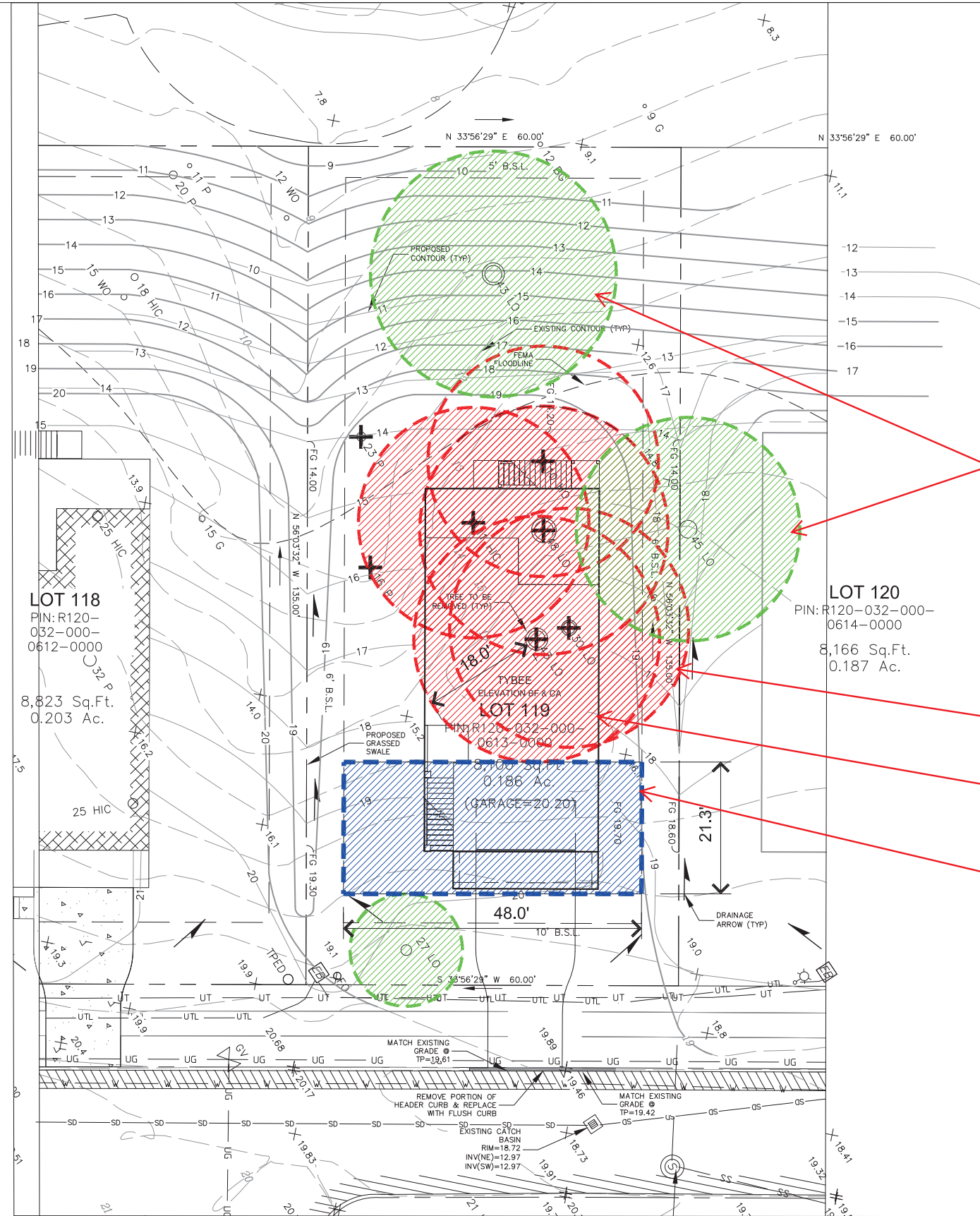
\*ANY INFRINGEMENT MAY BE SUBJECT TO LEGAL ACTION. THE DESIGNS AND IDEAS PRESENTED IN THESE DRAWINGS ARE THE PROPERTY OF SAID ENGINEER. THE REPRODUCTION, COPY, OR USE OF THESE PLANS OR THE INFORMATION IS STRICTLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

**RESIDENTIAL  
GRADING PLAN  
LOT 119**

**1**



TREE IDENTIFICATION	
CODE	COMMON NAME
BG	BLACK GUM
CYP	CYPRESS
G	SWEET GUM
HIC	HICKORY
HO	HOLLY
LO	LIVE OAK
MAG	MAGNOLIA
PA	PALMETTO
P	PINE
WO	WATER OAK



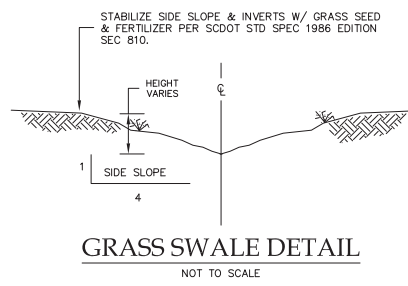
TREE TO REMAIN (TYP)

NOTE: DASHED CIRCLE REPRESENTS ARBORICULTURALLY RECOMMENDED RADIAL SETBACK FROM TREE

TREE TO BE REMOVED (TYP)

FOOTPRINT OF SMALLEST HOUSE PLAN

BUILDABLE FOOTPRINT BASED ON ARBORISTS RECOMMENDATIONS



**GENERAL NOTES:**

TOPOGRAPHY, BOUNDARY, WETLAND, BUFFERS, SETBACKS, BUILDING PLACEMENT, AND BASE INFORMATION PROVIDED BY ATLAS SURVEYING INC.

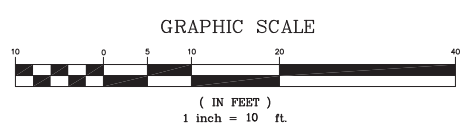
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CONTRACTOR TO VERIFY GRADING PLAN WILL NOT CONFLICT OR IMPEDE DRAINAGE ON ADJOINING PROPERTY.



**OVERLOOK AT BATTERY CREEK  
LOT #119  
BEAUFORT COUNTY, SC**

**CAROLINA ENGINEERING CONSULTANTS, INC.**  
PO BOX 294  
BEAUFORT, SC 29901

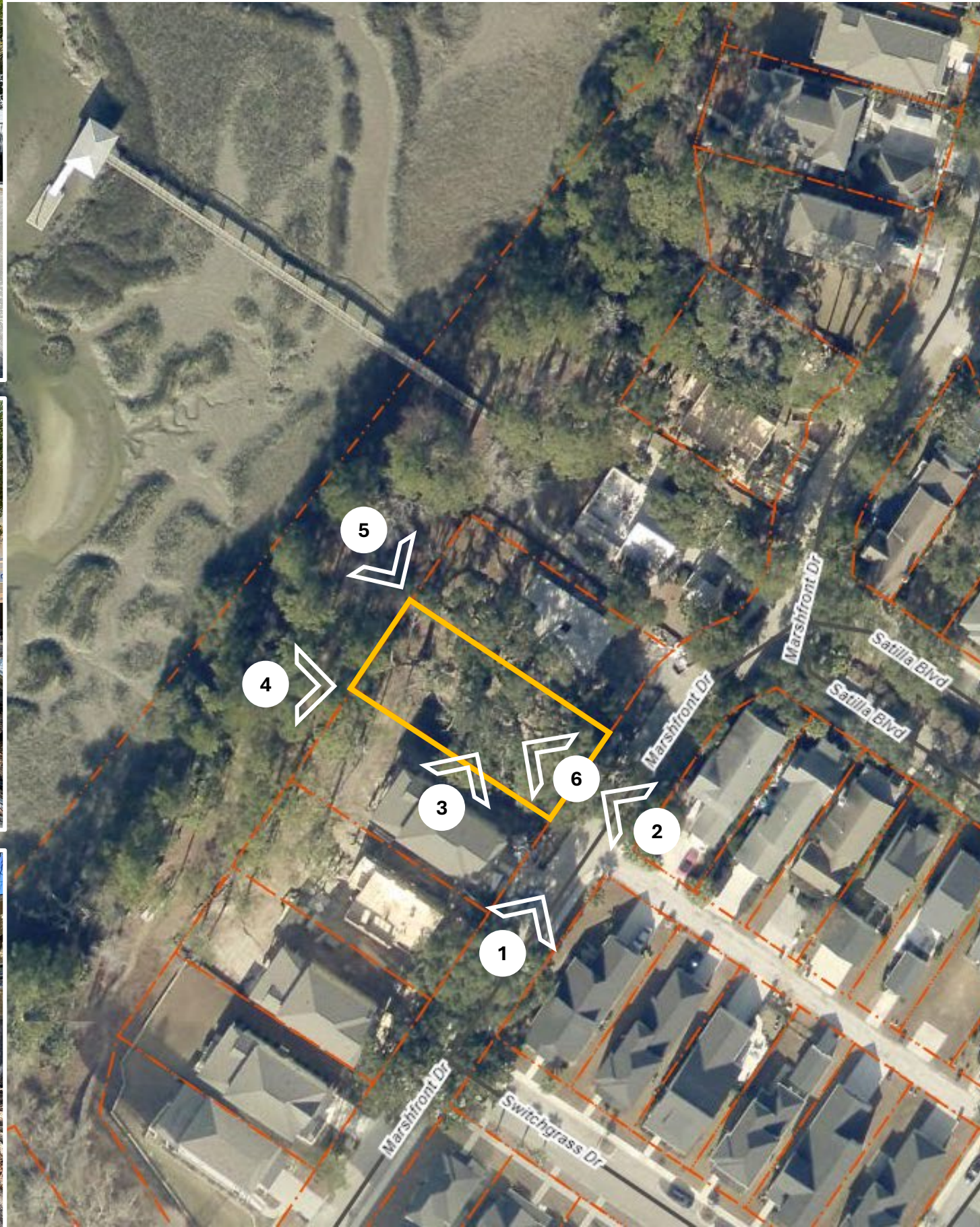
WWW.CAROLINAENGINEERING.COM  
843/322-0553  
843/322-0556 (FAX)



PROJECT: 2555  
DATE: 02/26/24  
REVISED: 03/21/25  
DRAWN BY: KDB  
ENGINEER: JPA  
SCALE: 1"=10'

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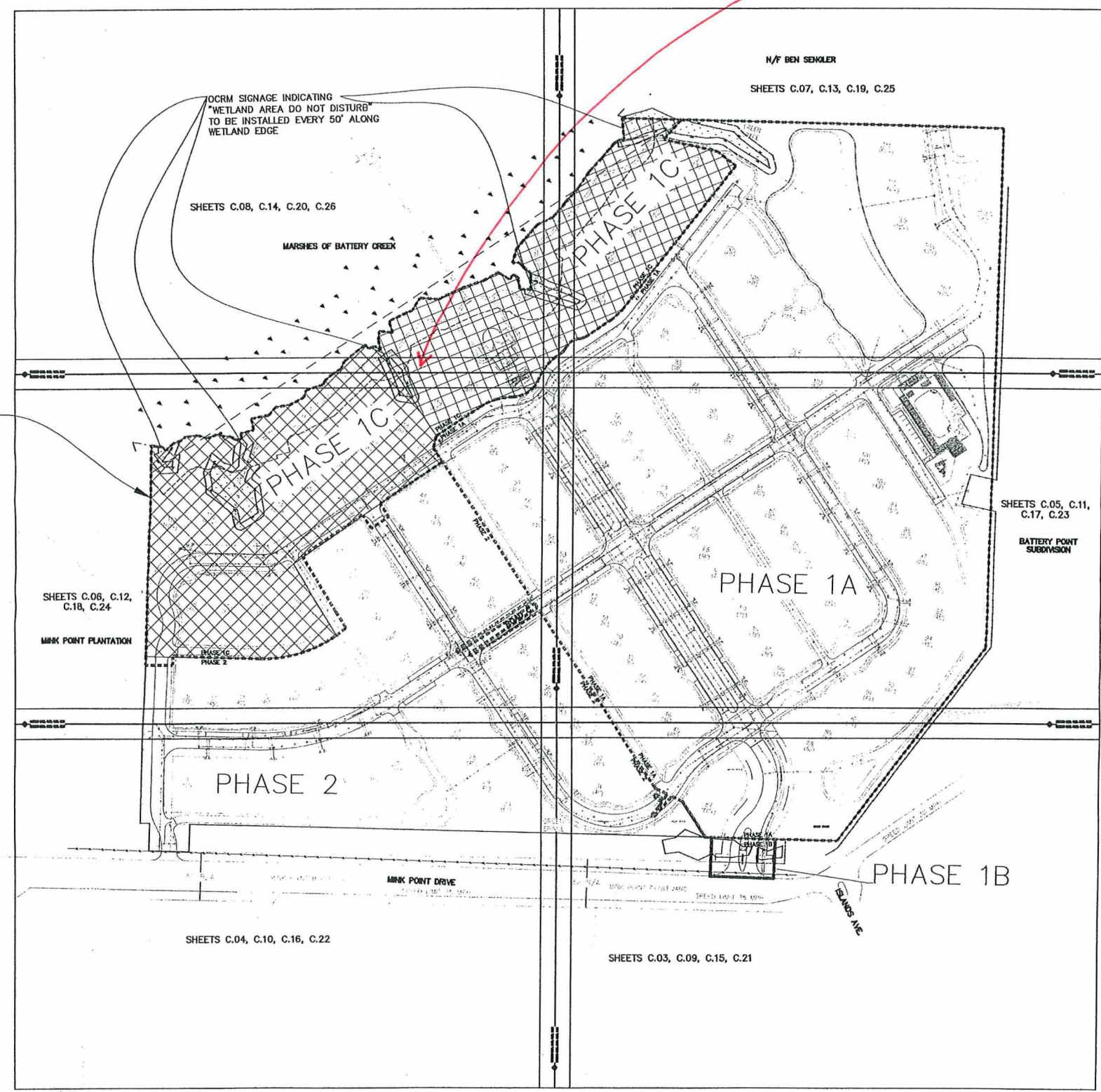
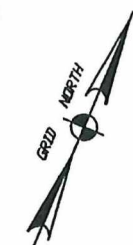
**RESIDENTIAL  
GRADING PLAN  
LOT 119  
1**



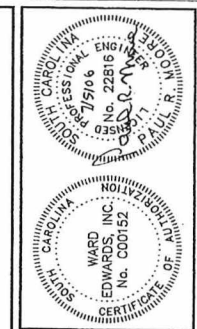
2945 Marshfront Drive | Site Photographs



APPROXIMATE LOT LOCATION



REV. 1.0  
ADDITIONAL LOTS  
ADDED TO PHASE 1C



NO.	DESCRIPTION	DATE	PLAN REVISIONS
1	ADDED WETLAND PROTECTION NOTES	06/28/05	
2	PHASE LINE REVISION	04/28/05	
3			
4			
5			

**WARD EDWARDS**  
 ENGINEERING • PLANNING • SCIENCE • SURVEYING  
 P.O. BOX 381, 10 RICKINGHAM PLANTATION DRIVE  
 BEAUFORT, SC 29516  
 PH (866) 874-5240 / (252) 737-2910  
 WWW.WARDEDWARDS.COM  
 BEAUFORT, SC • BEAUFORT, SC • SAVANNAH, GA

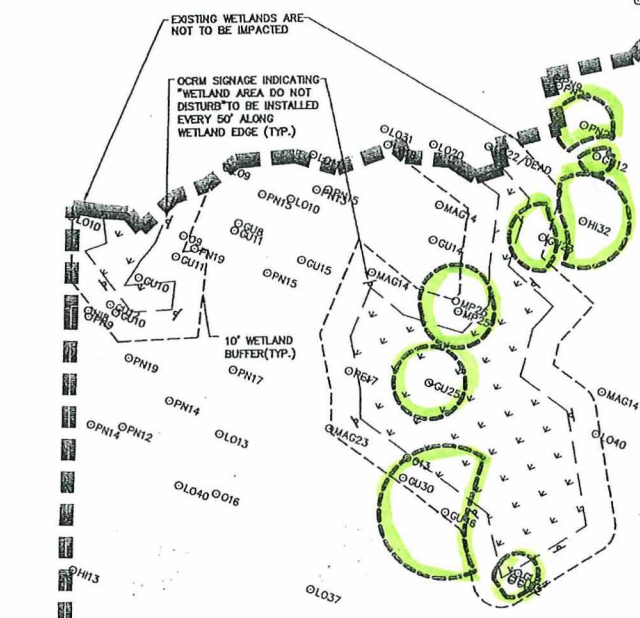
OVERLOOK AT BATTERY CREEK  
 CITY OF BEAUFORT, SC  
 MINK POINT ASSOCIATES, LLC  
 Atlanta, GA  
**OVERALL SITE PLAN**

<input type="checkbox"/>	NOT FOR CONSTRUCTION
<input checked="" type="checkbox"/>	RELEASED FOR CONSTRUCTION
PROJECT #:	050113
DATE:	09/12/05
DESIGNED BY:	PRM
CHECKED BY:	PRM
SCALE:	1"=100'

SHEET  
**C.02**



SHEETS C.08, C.14, C.20, C.26  
SHEETS C.06, C.12, C.16, C.24

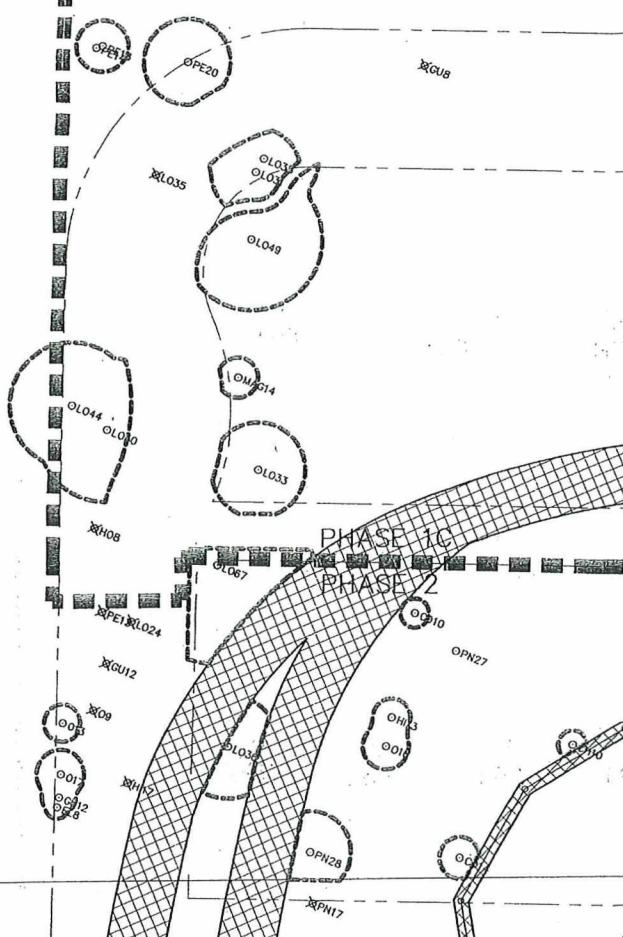


WETLAND ON LOT

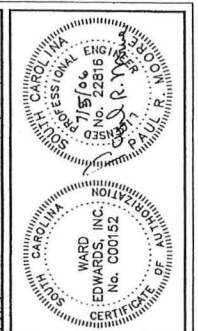
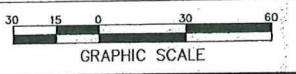
APPROXIMATE LOCATION OF LOT 119

TREES IN CENTER OF LOT

(TYP) TREE SAVE LOCATIONS FROM ORIGINAL SITE IMPROVEMENT PLANS



SHEETS C.06, C.12, C.16, C.24  
SHEETS C.04, C.10, C.16, C.22



NO.	ADDED WETLAND PROTECTION NOTES	DATE
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OVERLOOK AT BATTERY CREEK  
 CITY OF BEAUFORT, SC  
 MINK POINT ASSOCIATES, LLC  
 Atlanta, GA  
**CLEARING & DEMOLITION PLAN**

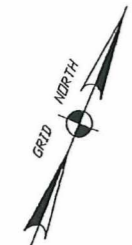
PROJECT #:	050113
DATE:	09/12/05
DESIGNED BY:	FRM
CHECKED BY:	FRM
SCALE:	1"=30'

SHEET  
**C.06**



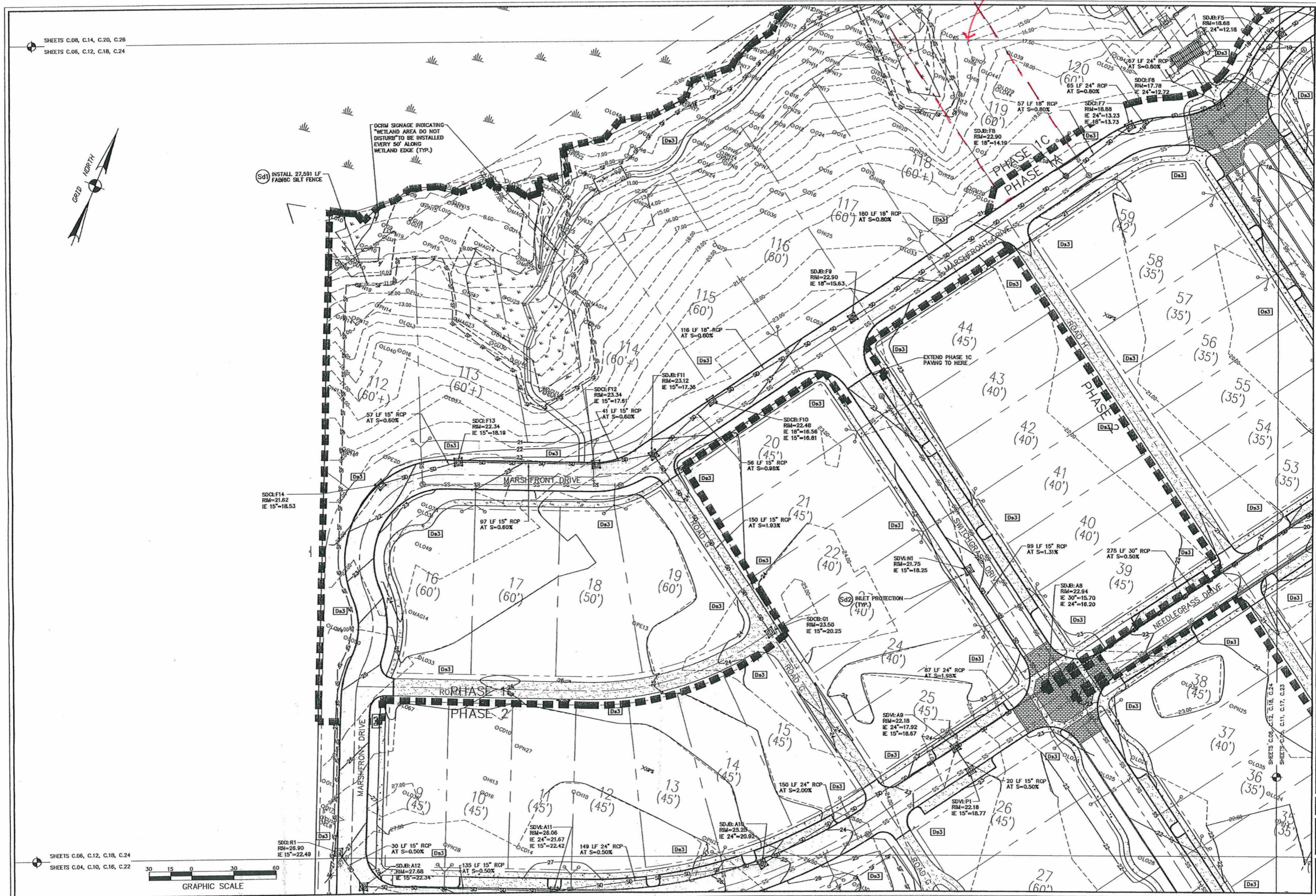
LOT 119 - WETLAND, GRADE & TREE CONSTRAINTS

SHEETS C.08, C.14, C.20, C.26  
SHEETS C.06, C.12, C.18, C.24

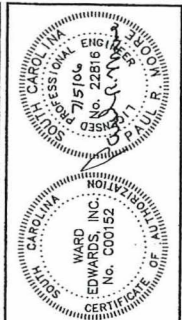
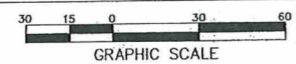


INSTALL 27,591 LF FABRIC SILT FENCE

DCRM SIGNAGE INDICATING WETLAND AREA DO NOT DISTURB TO BE INSTALLED EVERY 50' ALONG WETLAND EDGE (TYP.)



SHEETS C.06, C.12, C.18, C.24  
SHEETS C.04, C.10, C.16, C.22



NO.	DATE	DESCRIPTION	PLAN REVISIONS
1	06/28/06	ADDED WETLAND PROTECTION NOTES	
2	06/21/06	REVISED SILT FENCE AROUND WETLANDS	
3	06/28/06	PHASE LINE REVISION (SEE SHEET C.02)	

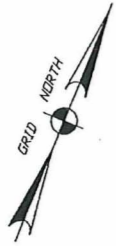
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CITY OF BEAUFORT, SC  
MINK POINT ASSOCIATES, LLC  
Atlanta, GA  
**PAVING, GRADING, DRAINAGE,  
EROSION & SEDIMENT CONTROL PLAN**

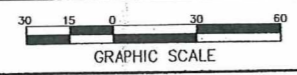
NOT FOR CONSTRUCTION  
RELEASED FOR CONSTRUCTION

PROJECT #: 05013  
DATE: 09/12/05  
DESIGNED BY: PRM  
CHECKED BY: PRM  
SCALE: 1"=30'

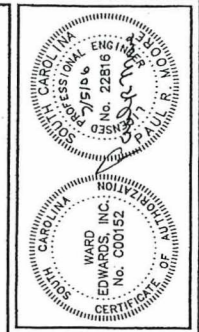
SHEET  
**C.24**



SHEETS C.08, C.14, C.20, C.26  
SHEETS C.06, C.12, C.18, C.24



SHEETS C.08, C.14, C.20, C.26  
SHEETS C.07, C.13, C.19, C.25



NO.	DESCRIPTION	DATE
1	ADDED WETLAND PROTECTION NOTES	06/28/06
2	REVISED SILT FENCE AROUND WETLANDS	08/21/06
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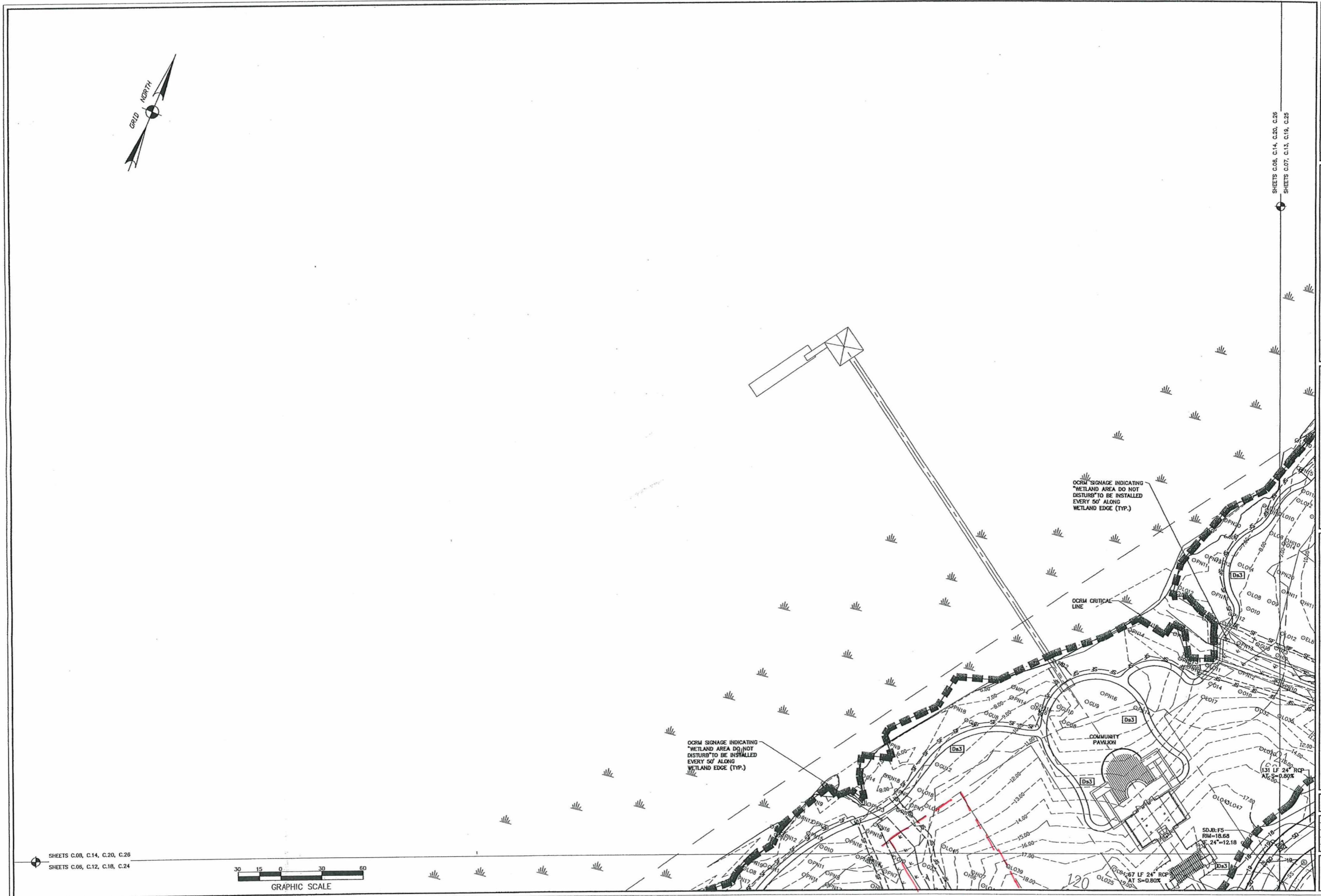
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MINK POINT ASSOCIATES, LLC  
Atlanta, GA  
**PAVING, GRADING, DRAINAGE,  
EROSION & SEDIMENT CONTROL PLAN**

<input type="checkbox"/> NOT FOR CONSTRUCTION	<input checked="" type="checkbox"/> RELEASED FOR CONSTRUCTION
PROJECT #:	050113
DATE:	09/12/05
DESIGNED BY:	PRP
CHECKED BY:	PRP
SCALE:	1"=30'

SHEET  
**C.26**



↑ LOT 119



Michael P. Murphy,  
NJ-0146B

13 Prescient Avenue • Lady's Island, South Carolina 29907 • (843)812-8733

May 11, 2025

Nicolas Navia  
City of Beaufort  
Planning I  
1911 Boundary Street  
Beaufort, SC 29902

Re: 2945 Marshfront

The unimproved lot at 2945 Marshfront has a 30, 43 & 48-inch live oak growing on it in very close proximity to each other. These trees share the same root zone and as such, would have one common tree root protection zone (TRPZ). They also combine to share the same canopy space, and if seen from above, would appear as one singular complete canopy with a property line tree at 2947 Marshfront completing the canopy circle.

There are no dead ends or dieback areas of the crowns and no evidence that at any time did any of these trees suppress the crown of another. The younger 30-inch tree germinated after the other two and has grown in a classic understory curved form to attain more sunlight.

There is no inordinate amount of deadwood nor dead limb cavities in any of these trees considering the fact that they may never have been pruned. The few visible deadwood-formed cavities are not considered a structural defect for any of the trees. The root plates are full and complete, and the trunks show no obvious signs of defects.

The two larger trees are tall and upright, characteristic of trees growing in a competitive forest situation, and the younger tree has an architectural growth curve having grown up in the shadows of its two older siblings. A growth curve in a tree creates reaction wood to compensate for the added gravity it needs to compete with to hold itself up. Reaction wood is five-times stronger than regular wood which compensates for the lean.

Their trunk diameters can give an indication to their age which can be estimated at 175 – 200 years old. The largest tree in Beaufort County is in Port Royal, the Cherry Hill Park live oak, is 113-inches and is estimated at 300 - 350 years old. These trees have the potential to live at least 300 to 400 more years.

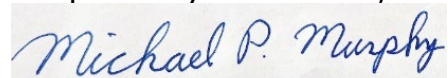
At this time the only recommended maintenance would be to cut all of the vines that is growing up the trunks at ground level and then again at four to five-feet and allow the vines to die in the crown. Vines are one of the main contributors of crown dieback in forest trees by causing crown over-shading.

In order to construct a home on this lot and safely maneuver the foundation around the tree roots the excavation for the foundation would need to be a minimum of 10.75-feet away from the 43-inch tree, the tree that would be closest to the construction. This is the minimum standard arboriculturally recommended setback for total root pruning on one side of a tree. It is a radius three-times the diameter of the tree and is measured from the leading edge of the tree root plate on the root cut side. The arboriculturally recommended setback is five-times the diameter which would require an 18-foot radial setback.

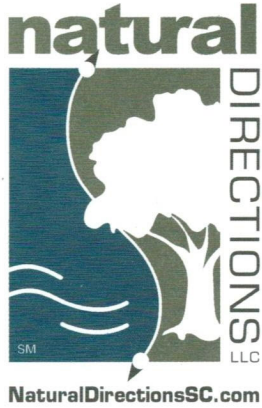
Helical Piers, cantilevered floors, building cut-outs and other innovatively engineered construction options are available for architects to creatively nestle homes closer to trees. Physical lot adaptations which can reduce side and front setbacks can establish more options for house footprint placements. These alternatives should be explored and implemented as a first step in planning for this lot ahead of widespread tree removal. There is an architecturally engendered solution to the construction of a home on this lot that is yet to be explored.

All three trees have no obvious structural defects that would prevent the owners from construction of a smaller home on the site within the constraints of the root pruning setbacks. If the 30 and 43-inch live oaks were to be removed, a smaller house size reduction would be needed in order to preserve the 48-inch tree. Care would need to be taken with the site work and soil organics removal as you would be disturbing the roots of the preserved 48-inch tree.

Respectfully submitted,

A handwritten signature in blue ink that reads "Michael P. Murphy". The signature is written in a cursive style and is positioned above the printed name.

Michael P. Murphy  
Board Certified Master ArboristNJ-0146B



November 19, 2025

K Hovnanian Homes  
Marty Mauldin  
4975 Lacross Road  
Suite 150  
North Charleston, SC 29406

Dear Mr. Mauldin,

As requested, this is my evaluation of the tree we spoke about at 2945 Marshfront Drive in Overlook at Battery Creek. This property is located in the City of Beaufort.

The purpose of this site visit was to determine the impacts of adjacent tree removals on the 48" Live Oak at the right rear of the building pad. The two trees to be removed are labeled as a 30" Live Oak and a 43" Live Oak. These three trees have interwoven root systems.

The recommended distance to sever structural roots is 3 times the diameter and preferred distance is 5 times the diameter. For this 48" Live Oak, that distance is 12 to 20 feet. The distance between these trees is 12' from the base of the 48" to the base of the 43". Removal of the root systems of these trees would cause significant damage to the 48" Live Oak.

In my professional opinion, removal of the 30" Live Oak and 43" Live Oak and the excavation of their root systems, to remove organics for a building pad, will be detrimental to the structural integrity, fibrous root system, and overall health of the 48" Live Oak. I do not believe the 48" Live Oak will survive the damage from the removal of these two root systems.

Although I am confident in the accuracy of this report, no work should be carried out without permission from the City of Beaufort. Trees inherently pose hazards and I cannot guarantee the structural integrity of any tree. Please give me a call with any questions at (843) 296-1581.

Sincerely,

*Donald E. Skinner, Jr.*

Donald E. Skinner, Jr.  
Certified Arborist SO-5166A



Michael P. Murphy,  
NJ-0146B

13 Prescient Avenue • Lady's Island, South Carolina 29907 • (843)812-8733

November 22, 2025

Nicolas Navia  
City of Beaufort  
Planning I  
1911 Boundary Street  
Beaufort, SC 29902

Re: 2945 Marshfront re-visit

The 48-inch live oak is 12-feet from the leading edge of the closest of the two southeast live oaks proposed to be removed. This is within the minimum 3-times the diameter radial setback for total root pruning. If the 30-inch and 43-inch trees can be removed and have the stumps cut close to grade, the stumps can then be ground down double deep. The excavation for the foundation can then be started at that point, 12-feet from the 48" tree. Any roots expose 2-inches and larger can then be clean cut. This will minimize the damage to the 48-inch tree as clean-cut roots in most cases regenerate roots laterally to the cut while roots that are ripped out with machinery generally will die, decay and eventually spread deterioration back into the tree's trunk. If this plan is a reasonable alternative, the root pruning will be done approximately 15-feet from the 48-inch tree. This would entail a design change in pushing the rear of this home slightly forward of its left and right-side neighbors.

Raised slabs generally are better suited to preserve trees as they minimize or remove the necessity for root pruning. The application of the concrete block wall supporting the formed side of the raised slab may necessitate the installation of a grade beam or other similar reinforced concrete footer system. This would generate a need for root pruning but again, it would be within the standard acceptable radius.

Traditional tree and root removal on construction sites where all organics need to be removed from the soil under the home foundation involves the use of large track-hoes ripping out entire trunk and any roots or organic matter to a prescribed depth. The root systems of the three live oaks in question are all interwoven, so if traditional tree and root removal processes are used where the 30-inch and 43-inch trees are removed there will be irreparable collateral damage to the 48-inch tree. The only way that the 48-inch tree can be preserved is if the developer agrees to remove the trees in a more moderate and less invasive manner and grind the stumps double deep. This will protect the 48-inch tree root system.

Respectfully submitted,

A handwritten signature in blue ink that reads "Michael P. Murphy". The signature is written in a cursive style and is placed over a light gray rectangular background.

Michael P. Murphy  
Board Certified Master ArboristNJ-0146B