



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, October 26, 2020, 5:30 P.M.

City Hall, Planning Conference Room—1911 Boundary Street, Beaufort, SC

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82789050949?pwd=d0doNDVzb3prekhsb1oxWGpkdThsdz09>

Password: 271725 Meeting ID: 827 8905 0949 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. Election of Officers

V. Review of Minutes

A. **Minutes of the April 27, 2020 Meeting**

VI. Review of Projects

A. **2724 Oaklawn Street, identified as District R120, Tax Map 3, Parcel 350**, Variance

Applicant: Kelly Ann Rider (ZB20-09)

The applicant is requesting a variance to height of fence encroaching into required setback.

B. 1200 Ribaut Road, identified as District R120, Tax Map 7, Parcels 22 & 22D, Variance

Applicant: Ryan Lyle, P.E., Andrews Engineering (ZB20-06)

The applicant is requesting a variance to the maximum number of fueling stations.

C. 1200 Ribaut Road, identified as District R120, Tax Map 7, Parcels 22 & 22D, Variance

Applicant: Ryan Lyle, P.E., Andrews Engineering (ZB20-07)

The applicant is requesting a variance to the maximum building frontage buildout.

D. 226 Robert Smalls Parkway, identified as District R122, Tax Map 28A, Parcel 477, Variance

Applicant: David Bailey, Oldacre McDonald, LLC (ZB20-08)

The applicant is requesting a variance to the maximum number of parking spaces allowed.

VII. Discussion

VIII. Adjournment

Note: A project will not be reviewed if the applicant or a representative is not present at the meeting.



Zoning Board of Appeals

Meeting Minutes – April 27, 2020

1 CALL TO ORDER

0:06

A meeting of the Zoning Board of Appeals was held via Zoom on Monday, April 27, 2020.

2 ATTENDEES

Members in attendance: Josh Gibson (Chairman), Jody Caron (Vice-Chair), Tim Woods, Nigel Stroud, and Joe Noll.

Staff in attendance: Heather Spade, (City of Beaufort Planning Tech of Community and Economic Development).

3 REVIEW OF FULL BOARD PROJECTS

0:31

- A. Ted Barnes, Barnes Development Company, had applied for a special exception of the extension of the Zoning Board of Appeals previous decision until April 25, 2021 for property at 169 Sea Island Parkway, R200 015 000 0606 000.

Motion: Mr. Caron made a motion to approve the request as submitted; seconded by Mr. Stroud. The motion passed unanimously.

- B. Cory and Shannon Johnson had applied for a variance in order to increase the allowable height of a fence at 907 Emmons Street, R120 002 000 0218 0000.

Motion: Chairman, Josh Gibson, made a motion to deny the variance application based on the criteria that we have to meet and based on what the city has already recommended for this fence; Mr. Stroud seconded the motion. The motion passed with a vote of 3 to 2; Mr. Wood and Mr. Noll being opposed.

- C. Debbie L. Savage, Savage Beasts Productions, LLC, had applied for a variance to the minimum lot size permitted in the T4-HN zone in order to subdivide a parcel in the original 1969 National Landmark district into two non-confirming lots at 709 Greene Street, R120 004 000 0218 0000. **27:40**

The chairman, Josh Gibson, invited the public comment.

44:25

Motion: Mr. Caron made a motion to deny the variance application because it does not meet all the criteria for approval.

Motion failed due not having a second.

Motion #2: Mr. Gibson made a motion to approve the variance application as submitted; Mr. Stroud seconded the motion. The motion passed with a vote of 4 to 1; Mr. Caron being opposed.

4 REVIEW OF MINUTES

1:17:15

All Zoning Board of Appeal Meeting minutes are recorded, and can be found on the City's website at <http://www.cityofbeaufort.org/AgendaCenter>. Audio recordings are available upon request by contacting the City Clerk, Ivette Burgess at 843-525-7018 or by email at iburgess@cityofbeaufort.org

Mr. Gibson made a motion to approve the minutes as submitted; seconded by Mr. Stroud. The motion passed unanimously.

5 ADJOURNMENT

1:17:56

Mr. Gibson made a motion to adjourn the meeting; seconded by Mr. Stroud. The motion passed unanimously.

Chair

Date of approval

2724 Oaklawn Street
R120 003 000 0350 0000
Fence Height Variance



VARIANCE APPLICATION

Community & Economic Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
www.cityofbeaufort.org

\$ PAID
8/25 CR
Application Fee: \$300
Receipt # 137697

OFFICE USE ONLY: Date Filed: 8/25/20 Application #: 20941 Zoning District: T3-N

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 No

Applicant, Owner and Property Information

Applicant Name: Kelly Anne Rider
Applicant Address: 2724 OAKLAWN ST BEAUFORT SC 29902
Applicant E-mail: emkhogan@gmail.com Applicant Phone Number: 425-269-5301

Owner (if other than the Applicant): _____

Owner Address: _____

Owner E-mail: _____ Owner Phone Number: _____

Property Address: 2724 OAKLAWN ST BEAUFORT SC 29902

Property Identification Number (Tax Map & Parcel Number): R120-003-000-0350-0000

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: Aug 25 2020 Owner's Signature: _____

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

Date: _____ Applicant's Signature: Kelly Anne Rider
DocuSigned by: 403882E340B469...



VARIANCE APPLICATION

Community & Economic Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
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 9.5 of the Beaufort Code: SECTION 2.5.6 H

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): PLACE FENCE INSIDE OF 5' SET BACK ALONG OAKLEWY ST. side of Property 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: NONE

b. These conditions do not generally apply to other property in the vicinity as shown by: NONE

c. The conditions are not the result of the applicant's own actions as follows: SELLER PLACED FENCE WHERE THEY BELIEVED WERE WITHIN SETBACK LIMITS

d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that: NO

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:

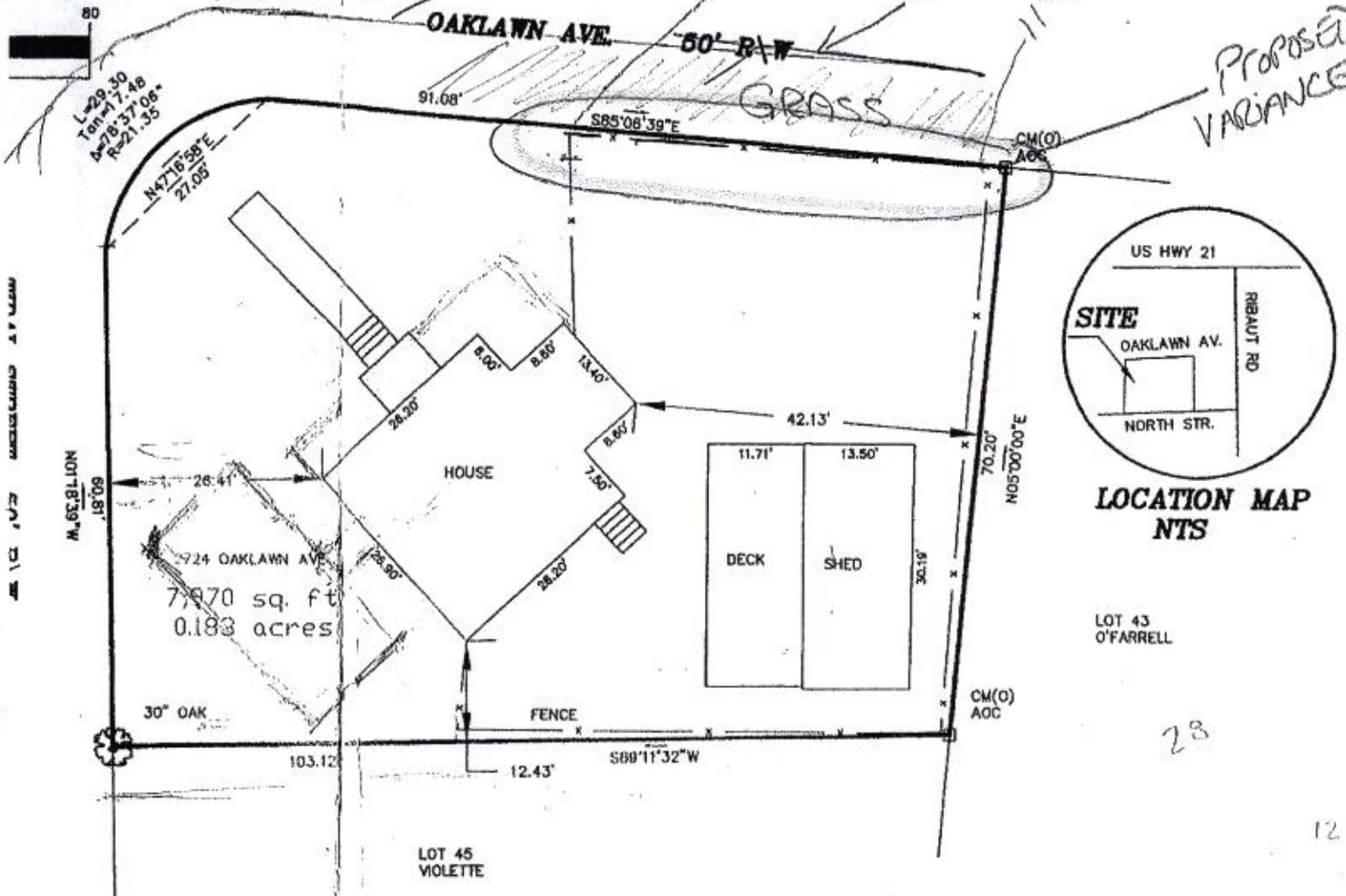
THE CORNER LOT, PLUS ORIENTATION OF THE HOME ON THE LOT, PREVENTS FULL UTILIZATION OF BACKYARD.

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: FENCE IS ON PARCEL - DOES NOT AFFECT WORK OF NEIGHBORHOOD

ISTENSEN ~ KHALIL SURVEYORS, INC.

3 FACULTY DRIVE, BEAUFORT SC. 29907
(843) 524-4148

S-9935



**LOCATION MAP
NTS**

LOT 43
O'FARRELL

**PLAT SHOWING
LOT 44**

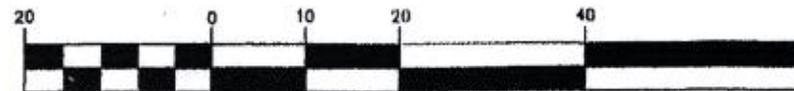
**WOODLAWN SUBDIVISION
R120 003 000 0350 0000**

**PREPARED FOR
2724 OAKLAWN LLC
CITY OF BEAUFORT
BEAUFORT COUNTY, SOUTH CAROLINA
DATED: JAN. 16, 2020**

IF THE SURVEY SHOWN
AL FOR THE PRACTICE OF
IS FOR A CLASS "B"

[AND EMBOSSED SEAL]

GRAPHIC SCALE



(IN FEET)

1 inch = 20 ft.

LEGEND

CM(O) = CONCRETE MONUMENT OLD
 CM(N) = CONCRETE MONUMENT NEW
 RB(O) = 1/2" REBAR FOUND
 RB(N) = 1/2" REBAR SET
 OHP = OVERHEAD POWER LINES

GENERAL NOTES:

- 1.) PRESENT OWNER OF PROPERTY SHOWN HEREON:
2724 OAKLAWN LLC
- 2.) TMN # 120-03-350
- 3.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH
SUBJECT TO LOCAL ATTRACTION.
- 4.) PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "B"
ELEVATION (N\A) PER FEMA PANEL #450026-0005-D
DATED: SEPT. 29, 1988

REFERENCE PLATS & DEEDS

- 1.) PLAT BK 6/21
- 2.) DEED 3717/1036

**CERTIFICATION:**

I, ZYAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS AS SPECIFIED THEREIN:

ZYAD A. KHALIL RLS
 S.C. REG. NO. 15176

[THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE]

Year/Bill	2021	PAYMENT	Effective Date	08/25/20
Category	02 MISC CASH RECEIPTS		Entry Date/Time	08/25/20 14:01:57
Receipt	137697		Clerk	267cpeif
Amount	300.00		Department	301 PLANNING
Batch	20136		Source	Permits
External Batch			Paid By CID	
Reference	A		Paid By Ref	
Deposit #			Check #	2804
Customer			Payment Method	1 CHECK
Prop ID			Web Transaction?	Released? N
Post Date			Posted?	N Reversed? N
Yr/Per/Jnl	2021 02		Reason	
Cash Account	11 1001			

Line	Chg Cd	Desc	Interest	Principal	Adjusted
1	OAF	OTHER APPLICAT		300.00	

Installment	Interest	Principal	Adjusted
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No installment detail records exist.



Picture 1 (Staff)



Picture 2 (Staff)



Picture 3 (Staff)



Zoning Board of Appeals Meeting Staff Report

From the Department of Community and Economic Development
26 October 2020

1 SUMMARY OF REQUEST

Kelly Anne Rider is seeking a variance regarding the maximum height of an existing fence that encroaches into the side yard setback at 2724 Oaklawn Avenue (R120 003 000 0350 0000). The variance request submittal includes a plat prepared on January 16, 2020, showing the approximate location of the existing fence.

Background:

The subject property is located on a corner lot, and the subject fence is an existing 6' tall, site-proof fence constructed prior to the applicant's purchase of the home. The fence encroaches into the required setback from Oaklawn Avenue. The home on this corner lot is oriented towards the corner of the intersection of Oaklawn Avenue and Tidal Street, leaving in question which street has a designated front setback and which street has a designated side setback. While the property is addressed off Oaklawn Avenue, a general rule is that the front lot line of a corner lot shall be the shorter of the two lines adjacent to the streets as platted. Following this rule, the front setback would be along Tidal Street (15' minimum), and the side setback would be along Oaklawn Avenue (6' minimum). The plat submitted with the application shows the existing fence as being set back less than 1' from the Oaklawn Avenue frontage.

It is the applicant's understanding that the previous owner was not aware that the location of the 6' tall fence was in violation of Section 2.5.6.H.1 of *The Beaufort Code*. While fences can encroach into required setbacks, Section 2.5.6.H.1 limits the height of fences within front or street side setback to 4'.

2 FACTS

Property Address:	2724 Oaklawn Avenue
Parcel ID:	R120 003 000 0350 0000
Case Number:	ZB 20-09
Applicant:	Kelly Anne Rider
Type of Request:	Variance to fence height (Section 2.5.6.H.1)
Zoning:	T3-N
Use:	Residential

District Development Standards for T3-N:

- **Minimum Lot Size:** 4000 SF
- **Setback requirements – Primary Structure:**
 - *Front Setback – 15' minimum*
 - *Side Setback (Corner/Alley) – 6' minimum*
 - *Side Setback (Interior) – 6' minimum*
 - *Rear Setback – 15'*

- **Frontage Build out:** N/A
- **Lot Coverage:** 45%
- **Permitted Uses:** By right, single-family dwelling

CRITERIA FOR APPROVAL OF VARIANCES [§9.14.2 F]: A variance may be granted by the ZBOA if it concludes that the strict enforcement of any design and performance standard would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of the Code will be observed, the 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 the following findings:

- (1) There are extraordinary and exceptional conditions pertaining to the property.
- (2) These conditions do not generally apply to other property in the vicinity.
- (3) The conditions are not a result of the applicant's own actions.
- (4) Granting the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
- (5) The application of the conditions of the code to this property would effectively prohibit or unreasonably restrict the use of the property.
- (6) 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.

3 STAFF ASSESSMENT

1. There are extraordinary and exceptional conditions pertaining to the property.
True. There are extraordinary and exceptional conditions pertaining to the property. This is a corner lot and therefore providing backyard privacy requires screening from two frontages.
2. These conditions do not generally apply to other property in the vicinity.
True. These conditions do not generally apply to other lots in the vicinity. The vast majority of lots in the vicinity are not corner lots and are not subject to the condition of fronting on two public roads. It should also be noted that where there are corner lots in the vicinity, the property owners have not opted to provide backyard privacy utilizing a site-proof fence.
3. The conditions are not a result of the applicant's own actions.
True. The previous owner had the fence installed and was not aware of the code violation caused by the front/side yard encroachment of the 6-foot fence.
4. Granting the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
True. The granting of the variance would not result in a substantial conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
5. The application of the conditions of the code to this property would effectively prohibit or unreasonably restrict the use of the property.

False. The application of the conditions of the code would not effectively prohibit or unreasonably restrict the use of the property. However, application of the conditions of the code would require the relocation or modification of the existing fence.

6. 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.

True. No substantial detriment to adjacent property, the public good, or the character of the zone would result from the authorization of the variance. The fence does not obstruct the clear site triangle at the road intersection. There is also ample clearance between the fence and the driving lane to provide safe pedestrian passage.

Staff's assessment finds that the request meets the threshold to grant the variance for 5 of the 6 criteria.

1200 Ribaut Road

R120 007 000 0022 & 022D

Maximum Number of Fueling Stations Variance



VARIANCE APPLICATION

Community & Economic Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
www.cityofbeaufort.org

Application Fees:
~~Residential - \$200~~
Commercial - \$300
~~Special Meeting - \$500~~

ZB 20-06

PAID
9/28/2020

Receipt # 138383

OFFICE USE ONLY: Date Filed: 9/28 Application #: 21075 Zoning District: T5-UC

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 No

Applicant, Owner and Property Information

Applicant Name: Ryan Lyle, P.E.

Applicant Address: Andrews Engineering, 2712 Bull Street, Suite A, Beaufort SC 29902

Applicant E-mail: ryan@andrews-sc.com Applicant Phone Number: 843-379-2222 x226

Owner (if other than the Applicant): Douglas Carroll, Director of Real Estate

Owner Address: Enmark Stations, Inc. d/b/a Enmarket 1705 Chatham Parkway Savannah, GA 31405

Owner E-mail: dcarroll@enmarket.com Owner Phone Number: 912.443.6559

Property Address: 1200 Ribaut Road

Property Identification Number (Tax Map & Parcel Number): R120 007 22 and 22D

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: 9/28/2020 Owner's Signature: [Signature]

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

Date: 9/28/20 Applicant's Signature: [Signature]



VARIANCE APPLICATION

Community & Economic Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
www.cityofbeaufort.org

see additional
pages attached

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 ^{4.5.12B.1.a} of the Beaufort Code:

Maximum of 6 pumps

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):

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: _____
 - 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: _____
 - 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: _____

Variance sought: 2 pumps greater than 6 pump ordinance

1. **The application of the Beaufort code will result in unnecessary hardship, and the standards for a 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:** The Property owner is the first convenience and fuel station operator to develop a modern, large format, top-grade outlet under the new ordinance. The modern c-store design incorporates a wider convenience and beverage offering, in addition to food service and a carwash. The food service offering incorporates “grab and go” options, as well as on-site dining. With the addition of the carwash operation on the property, there are ostensibly three (3) businesses on site all vying for parking and safe lot circulation. The convenience store business is still largely driven by convenience/impulse needs and on the top of that list is motor fuel sales. By adding two additional dispensers, the goal is to ensure fuel pump availability along this busy corridor, while keeping vehicles from circling the lot looking for an available dispenser or a parking spot. When vehicles enter the site, they must be able to find a fuel position or parking spot quickly so that pedestrian traffic does not conflict while walking to or from the fuel canopy, sidewalk, or c-store building.
 - b. **These conditions do not generally apply to other property in the vicinity as shown by:** No. There are not other modern c-stores with the same offerings on the peninsula, however, the most recently built c-store in Beaufort does offer 8 fueling positions (Boundary and Roseida). Furthermore, other retail uses generally do not have secondary structures so integral to their function and business model.
 - c. **The conditions are not the result of the applicant’s own action as follows:** No, the City’s 6 pump ordinance and land use restrictions are not the result of the applicant’s own action.
 - d. **Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that:** This site plan has been re-submitted to the ZBOA with significant layout modifications to more closely align the development with the Beaufort Code and the addition of two fuel pumps will not affect aesthetics due to the fuel pump canopy orientation to the road.
 - 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:** Other similar businesses in Beaufort are not held to the same fuel dispenser number restriction which presents an unreasonable restriction and handicap on the operation of the applicant’s business.

- 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:** The character of the area is enhanced by the consolidation of uses on this property, curb cuts along Ribaut road and its modified pedestrian orientation as desired by the City.

EXISTING
"HONEYTREE"
PRE-SCHOOL

PROPOSED
"RIBAUT SENIOR HOUSING"
DEVELOPMENT PROJECT
BY OTHERS

EXISTING
"LA NOPALERA"
RESTAURANT

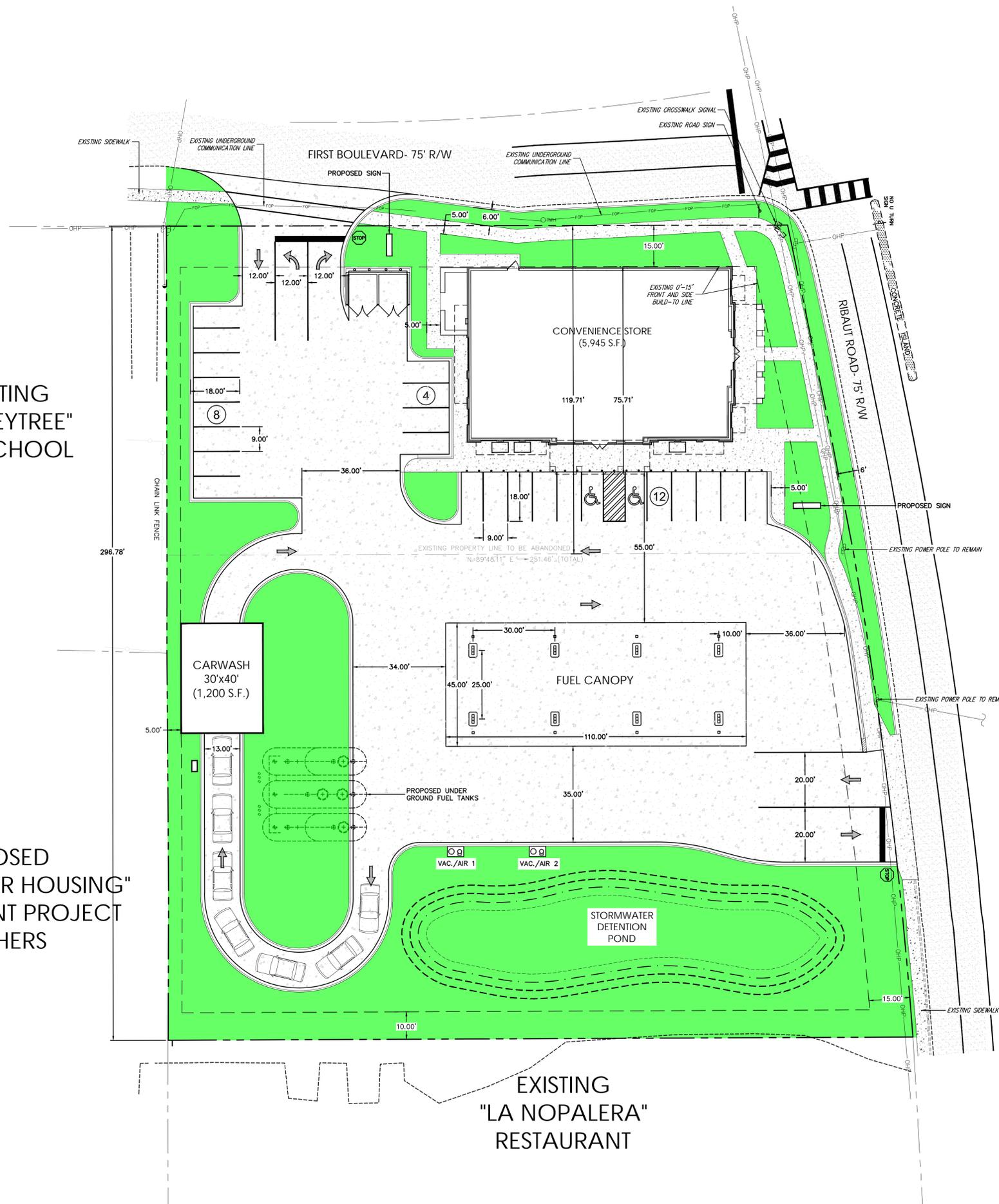


TABLE OF PARKING REQUIREMENTS	
COMMERCIAL: 5,945SF C-STORE + 1,200SF CARWASH):	
1 SPACES / 400 S.F. X 7,145 S.F. = 18	
MAX ALLOWED OVERAGE (140%) = 7	
MAX ALLOWED PARKING = 25	
ACTUAL PARKING:	
2 H/C SPACE	
22 STD. SPACES	
24 TOTAL	

TABLE OF PARCEL AREAS	
TMP# R120-007-000-022D-0000	0.66 ACRES
TMP# R120-007-000-0022-0000	1.07 ACRES
TOTAL - 1.73 ACRES	

PLAN REVISIONS			
NO.	DESCRIPTION:	DATE:	BY:
1	UPDATED PARKING TABLE	10/19/20	RL
2			
3			
4			
5			
6			
7			
8			

THE DESIGNS AND IDEAS PRESENTED IN THESE DRAWINGS ARE THE COPYRIGHTED PROPERTY OF ANDREWS ENGINEERING CO., INC. THE USE OR REPRODUCTION OF THESE PLANS OR THEIR CONTENT IS STRICTLY PROHIBITED WITHOUT PRIOR WRITTEN CONSENT.

2712 Eull Street Suite A
Beaufort, SC 29902
843.376.2223
Fax: 843.376.2223

Andrews Engineering & Surveying

PRELIMINARY / NOT FOR CONSTRUCTION

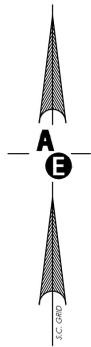
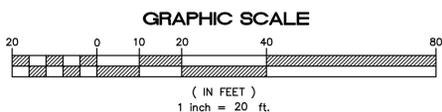
Preliminary Site Plan
For
Enmark Station
Ribaut Road
City of Beaufort
Beaufort County, SC

Preliminary Site Plan

Date Drawn: 12/09/17
Last Revised: 10/19/20
Drawn By: R. Crosby
Engineer: S. Andrews

SHEET #:
1

JOB: 170048





Zoning Board of Appeals Meeting Staff Report

From the Department of Community and Economic Development
26 October 2020

1 SUMMARY OF REQUEST

The applicant Ryan Lyle/Andrews Engineering, on behalf of the owner Douglas Carroll/Enmark Stations, is seeking a variance to the maximum number of pumps/fueling stations for a proposed Enmarket Convenience Store at 1200 Ribaut Road (R120 007 000 022D 0000 and R120 007 000 0022 0000). Per *The Beaufort Code* Section 4.5.12.B.1.a, the maximum number of pumps/fueling stations in the T5-UC District shall be limited to 6 pumps (12 total fueling stations). The applicant is requesting a variance to allow 8 pumps (16 total fueling stations).

The variance request submittal includes a preliminary site plan for the proposed development.

Background:

The proposed Enmark Convenience Store is to be built over two existing lots where the lot line is to be abandoned. The property is located at the southwest corner of the intersection of Ribaut Road and First Boulevard. This intersection is designated as a significant intersection per *The Beaufort Code* Appendix C.3.2, Street Hierarchy Diagram Sector 3. New T5-UC District development located at significant intersections are subject to additional building height requirements. It is the applicant's intent to comply with the additional building height requirements.

2 FACTS

Property Address:	1200 Ribaut Road
Parcel ID:	R120 007 000 022D 0000 and R120 007 000 0022 0000
Case Number:	ZB 20-06
Applicant:	Ryan Lyle / Andrews Engineering
Type of Request:	Variance to maximum number of pumps/fueling stations
Zoning:	T5-UC
Use:	Commercial

District Development Standards for T5-UC:

- **Minimum Lot Size:** *n/a*
- **Setback requirements – Primary Structure:**
 - *Front Setback – 0' min./15' max.*
 - *Side Setback (Corner/Alley) – 0' minimum*
 - *Side Setback (Interior) – 0' minimum*
 - *Rear Setback – 0'*
- **Frontage Build out:** 60%
- **Lot Coverage:** 100%
- **Permitted Uses:** Use allowed in T5-UC, including the proposed fuel sales/carwash

CRITERIA FOR APPROVAL OF VARIANCES [§9.14.2 F]: A variance may be granted by the ZBOA if it concludes that the strict enforcement of any design and performance standard would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of the Code will be observed, the 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 the following findings:

- (1) There are extraordinary and exceptional conditions pertaining to the property.
- (2) These conditions do not generally apply to other property in the vicinity.
- (3) The conditions are not a result of the applicant's own actions.
- (4) Granting the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
- (5) The application of the conditions of the code to this property would effectively prohibit or unreasonably restrict the use of the property.
- (6) 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.

3 STAFF ASSESSMENT

1. There are extraordinary and exceptional conditions pertaining to the property.
True. There are extraordinary and exceptional conditions pertaining to these properties. In addition to the corner lot, the owner has acquired a second lot to the south to provide a site layout that addresses the vehicular circulation and parking needs for the proposed convenience store/gas station/carwash. The larger lot also allows a layout that can accommodate two additional pumps, and according to the applicant this "ensure(s) fuel pump availability along this busy corridor".
2. These conditions do not generally apply to other property in the vicinity.
True. These conditions do not generally apply to other lots in the vicinity. This corner lot is located on a designated significant intersection, and it can be anticipated that the proposed development will experience a higher volume of traffic than will be experienced by other commercial properties in the vicinity.
3. The conditions are not a result of the applicant's own actions.
False. The condition of requesting additional pumps is the result of the applicant's own actions. However, the variance for two additional pumps is a proactive measure by the applicant to address the anticipated high volume of customer traffic.
4. Granting the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
True. The granting of the variance would not result in a substantial conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
5. The application of the conditions of the code to this property would effectively prohibit or unreasonably restrict the use of the property.
False. The application of the conditions of the code would not effectively prohibit or unreasonably restrict

the use of the property. However, the additional two pumps will allow more fuel customers to be served simultaneously, resulting in safer traffic circulation. It should also be noted that the preliminary site plan relocates ingress/egress access off Ribaut Road further from the intersection.

6. 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.

True. No substantial detriment to adjacent property, the public good, or the character of the zone would result from the authorization of the variance. In fact, granting the variance will result in safer vehicular circulation.

Staff's assessment finds that the request meets the threshold to grant the variance for 4 of the 6 criteria.

1200 Ribaut Road

R120 007 000 0022 & 022D

Maximum Building Frontage Buildout Variance



VARIANCE APPLICATION

Community & Economic Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
www.cityofbeaufort.org

Application Fees:

Residential - \$200

Commercial - \$300

Special Meeting - \$500

\$ PAID
9/28/2020

Receipt # 138389

ZB 20-07

OFFICE USE ONLY: Date Filed: 9/28 Application #: 21076 Zoning District: T5-UC

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 No

Applicant, Owner and Property Information

Applicant Name: Ryan Lyle, P.E.

Applicant Address: Andrews Engineering, 2712 Bull Street, Suite A, Beaufort SC 29902

Applicant E-mail: ryan@andrews-sc.com Applicant Phone Number: 843-379-2222 x226

Owner (if other than the Applicant): Douglas Carroll, Director of Real Estate

Owner Address: Enmark Stations, Inc. d/b/a Enmarket 1705 Chatham Parkway Savannah, GA 31405

Owner E-mail: dcarroll@enmarket.com Owner Phone Number: 912.443.6559

Property Address: 1200 Ribaut Road

Property Identification Number (Tax Map & Parcel Number): R120 007 22 and 22D

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: 9/28/2020

Owner's Signature: [Signature]

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

Date: 9/28/20

Applicant's Signature: [Signature]



VARIANCE APPLICATION

Community & Economic Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
www.cityofbeaufort.org

see additional
pages attached

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 2.4.1.A.4.2 of the Beaufort Code:

Building frontage buildout

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); Redevelop existing site containing convenience store, fuel canopy, and carwash

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: _____

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: _____

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: _____

Variance sought: Building Frontage Buildout

1. **The application of the Beaufort code will result in unnecessary hardship, and the standards for a 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:** The site is made up of two individual parcels with a cumulative road frontage on Ribaut Road of +/-296'. The applicant plans to combine the lots and eliminate three of the four curb cuts along Ribaut road in order to create a safely accessible development. Fuel canopies do not count toward building frontage, although it takes up approximately 45' of frontage (the narrow side of the fuel canopy) and therefore is not included in the building frontage percentage calculation of 45%.
 - b. **These conditions do not generally apply to other property in the vicinity as shown by:** Other businesses generally do not require multiple building structures for their business to operate. The additional fuel canopy structure is positioned along the frontage, however, it does not count in the calculation.
 - c. **The conditions are not the result of the applicant's own action as follows:** The applicant did not draft the code to exclude fuel canopies from convenience and fuel uses in the assessment of building frontage.
 - d. **Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that:** No. The applicant has taken great care to balance the Beaufort Code with practical and safe site planning.
 - 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 applicant would be unduly restricted to using its properties in an atypical and unsafe manner, thus putting it at a disadvantage to other c-store locations in the market. Turning the c-store building "long ways" along the frontage would still provide a frontage ratio less than 60%.
 - 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:** The variance will permit this unsightly corner to be replaced and enhanced with an attractive and modern convenience store which is more closely aligned with the code than the vast majority of structures along the Ribaut Road corridor.

EXISTING
"HONEYTREE"
PRE-SCHOOL

PROPOSED
"RIBAUT SENIOR HOUSING"
DEVELOPMENT PROJECT
BY OTHERS

EXISTING
"LA NOPALERA"
RESTAURANT

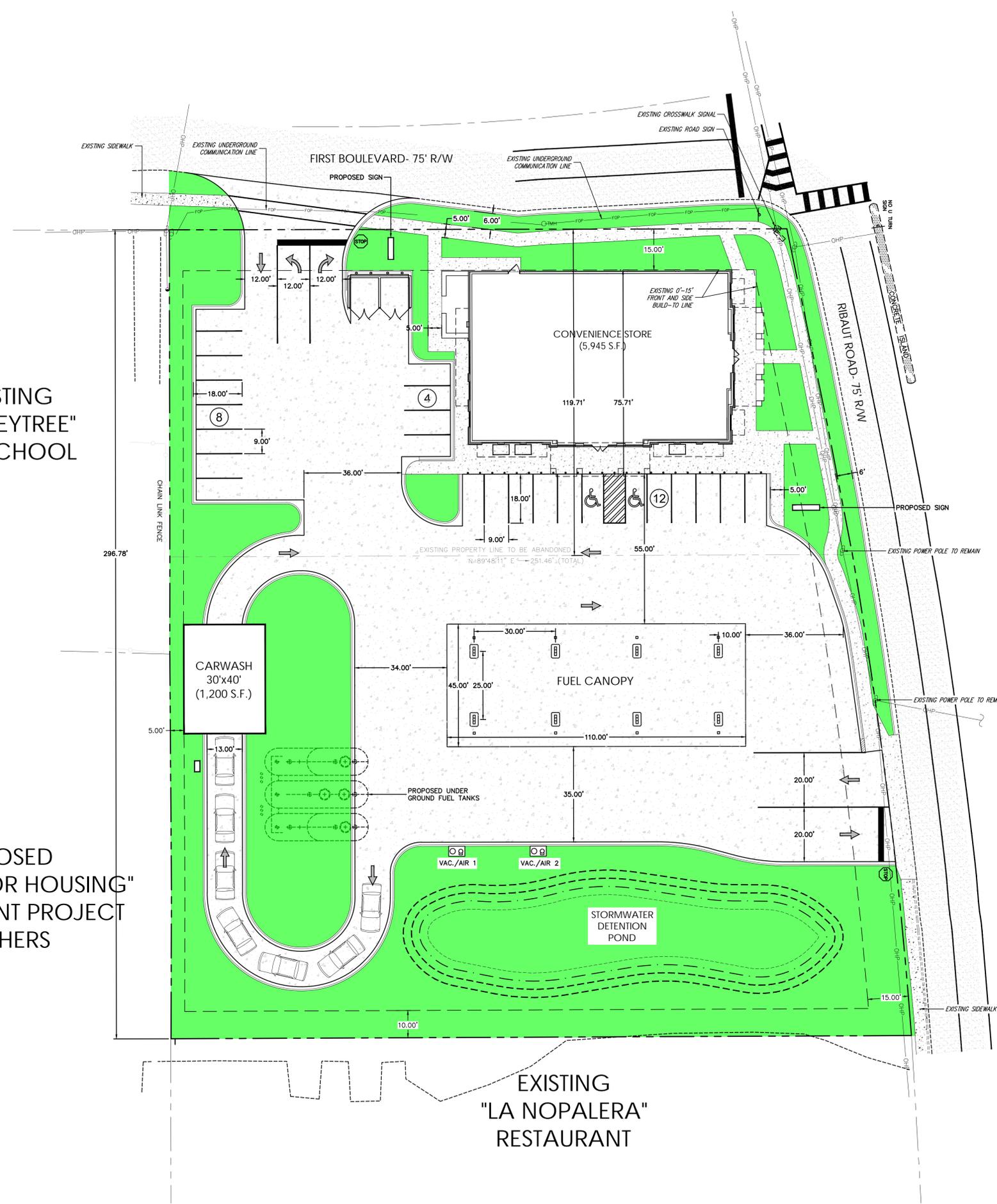


TABLE OF PARKING REQUIREMENTS	
COMMERCIAL: 5,945SF C-STORE + 1,200SF CARWASH):	
1 SPACES / 400 S.F. X 7,145 S.F. = 18	
MAX ALLOWED OVERAGE (140%) = 7	
MAX ALLOWED PARKING = 25	
ACTUAL PARKING:	
2 H/C SPACE	
22 STD. SPACES	
24 TOTAL	

TABLE OF PARCEL AREAS	
TMP# R120-007-000-022D-0000	0.66 ACRES
TMP# R120-007-000-0022-0000	1.07 ACRES
TOTAL - 1.73 ACRES	

PLAN REVISIONS			
NO.	DESCRIPTION:	DATE:	BY:
1	UPDATED PARKING TABLE	10/19/20	RL
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2712 Eull Street Suite A
Beaufort, SC 29902
843.376.2223
Fax: 843.376.2223

Andrews Engineering & Surveying

PRELIMINARY / NOT FOR CONSTRUCTION

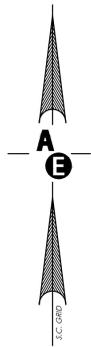
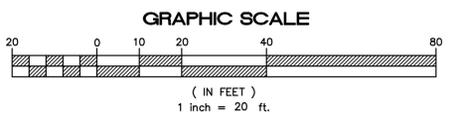
Preliminary Site Plan
For
Enmark Station
Ribaut Road
City of Beaufort
Beaufort County, SC

Preliminary
Site Plan

Date Drawn: 12/09/17
Last Revised: 10/19/20
Drawn By: R. Crosby
Engineer: S. Andrews

SHEET #:
1

JOB: 170048





Zoning Board of Appeals Meeting Staff Report

From the Department of Community and Economic Development
26 October 2020

1 SUMMARY OF REQUEST

The applicant Ryan Lyle/Andrews Engineering, on behalf of the owner Douglas Carroll/Enmark Stations, is seeking a variance to the minimum frontage buildout for a proposed Enmarket Convenience Store at 1200 Ribaut Road (R120 007 000 022D 0000 and R120 007 000 0022 0000). Per *The Beaufort Code* Section 2.4.1.A.4., in the T5-UC District, a proposed development shall contain a minimum of 60% of frontage build-out along the principle frontage (Ribaut Road). The applicant is requesting a variance to allow the frontage build-out along Ribaut Road to be approximately 45%.

The variance request submittal includes a preliminary site plan for the proposed development.

Background:

The proposed Enmark Convenience Store is to be built over two existing lots where the lot line is to be abandoned. The property is located at the southwest corner of the intersection of Ribaut Road and First Boulevard. This intersection is designated as a significant intersection per *The Beaufort Code* Appendix C.3.2, Street Hierarchy Diagram Sector 3. New T5-UC District development located at significant intersections are subject to additional building height requirements. It is the applicant's intent to comply with the additional building height requirements.

2 FACTS

Property Address: 1200 Ribaut Road
Parcel ID: R120 007 000 022D 0000 and R120 007 000 0022 0000
Case Number: ZB 20-06
Applicant: Ryan Lyle / Andrews Engineering
Type of Request: Variance to minimum frontage build-out
Zoning: T5-UC
Use: Commercial

District Development Standards for T5-UC:

- **Minimum Lot Size:** *n/a*
- **Setback requirements – Primary Structure:**
 - *Front Setback – 0' min./15' max.*
 - *Side Setback (Corner/Alley) – 0' minimum*
 - *Side Setback (Interior) – 0' minimum*
 - *Rear Setback – 0'*
- **Frontage Build out:** 60%
- **Lot Coverage:** 100%
- **Permitted Uses:** Use allowed in T5-UC, including the proposed fuel sales/carwash

CRITERIA FOR APPROVAL OF VARIANCES [§9.14.2 F]: A variance may be granted by the ZBOA if it concludes that the strict enforcement of any design and performance standard would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of the Code will be observed, the 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 the following findings:

- (1) There are extraordinary and exceptional conditions pertaining to the property.
- (2) These conditions do not generally apply to other property in the vicinity.
- (3) The conditions are not a result of the applicant's own actions.
- (4) Granting the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
- (5) The application of the conditions of the code to this property would effectively prohibit or unreasonably restrict the use of the property.
- (6) 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.

3 STAFF ASSESSMENT

1. There are extraordinary and exceptional conditions pertaining to the property.
True. The proposed development is located at a designated significant intersection, where specific building height and location are required. In addition, the fuel canopy structure cannot be included as part of the frontage build-out calculation.
2. These conditions do not generally apply to other property in the vicinity.
True. The 60% minimum frontage build-out condition does generally apply to other T5-UC District properties in the vicinity, however, a portion of this frontage contains the fuel canopy that cannot be included in the frontage build-out calculation.
3. The conditions are not a result of the applicant's own actions.
True. While the condition is a result of the applicant not providing the minimum frontage build-out, other businesses generally do not require multiple building structures for their business to operate. The fuel canopy and carwash are separate structures that are not counted in the frontage build-out calculation.
4. Granting the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
True. The granting of the variance would not result in a substantial conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
5. The application of the conditions of the code to this property would effectively prohibit or unreasonably restrict the use of the property.
False. The application of the conditions of the code would not effectively prohibit or unreasonably restrict the use of the property. However, application of the conditions of the code would result in a layout that is less accessible from Ribaut Road and would have an impact on safe vehicular circulation.

6. 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.

True. No substantial detriment to adjacent property, the public good, or the character of the zone would result from the authorization of the variance. In fact, granting the variance will result in safer vehicular circulation.

Staff's assessment finds that the request meets the threshold to grant the variance for 5 of the 6 criteria.

226 Robert Smalls Parkway

R122 28A 000 0477 0000

Maximum Number of Parking Spaces Variance



VARIANCE APPLICATION

Community & Economic Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
www.cityofbeaufort.org

\$ PAID
10/2/2008

Application Fees:
~~Residential - \$200~~
Commercial - \$300 ✓
~~Special Meeting - \$500~~

2B20-08

Receipt # _____

OFFICE USE ONLY: Date Filed: 9/28 Application #: 21080 Zoning District: T5-UG+ RMX

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 No

Applicant, Owner and Property Information

Applicant Name: David Bailey / Oldacre McDonald, LLC

Applicant Address: 3841 Green Hills Village Drive, Suite 400, Nashville, TN 37215

Applicant E-mail: dbailey@oldacremcdonald.com Applicant Phone Number: (615)269-5444

Owner (if other than the Applicant): Malvern Center LLC

Owner Address: 2966 Trask Parkway, Beaufort, SC 29903

Owner E-mail: randym@greenlineforest.com Owner Phone Number: (843)846-4648

Property Address: 226 Robert Smalls Parkway

Property Identification Number (Tax Map & Parcel Number): R122-028-00A-0477-0000

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: 08/28/2020 Owner's Signature: [Signature]

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

Date: 08/28/2020 Applicant's Signature: David Bailey

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VARIANCE APPLICATION

Community & Economic Development Department
1911 Boundary Street, Beaufort, South Carolina, 29902
p. (843) 525-7011 / f. (843) 986-5606
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 5.7.4-C.1 of the Beaufort Code:

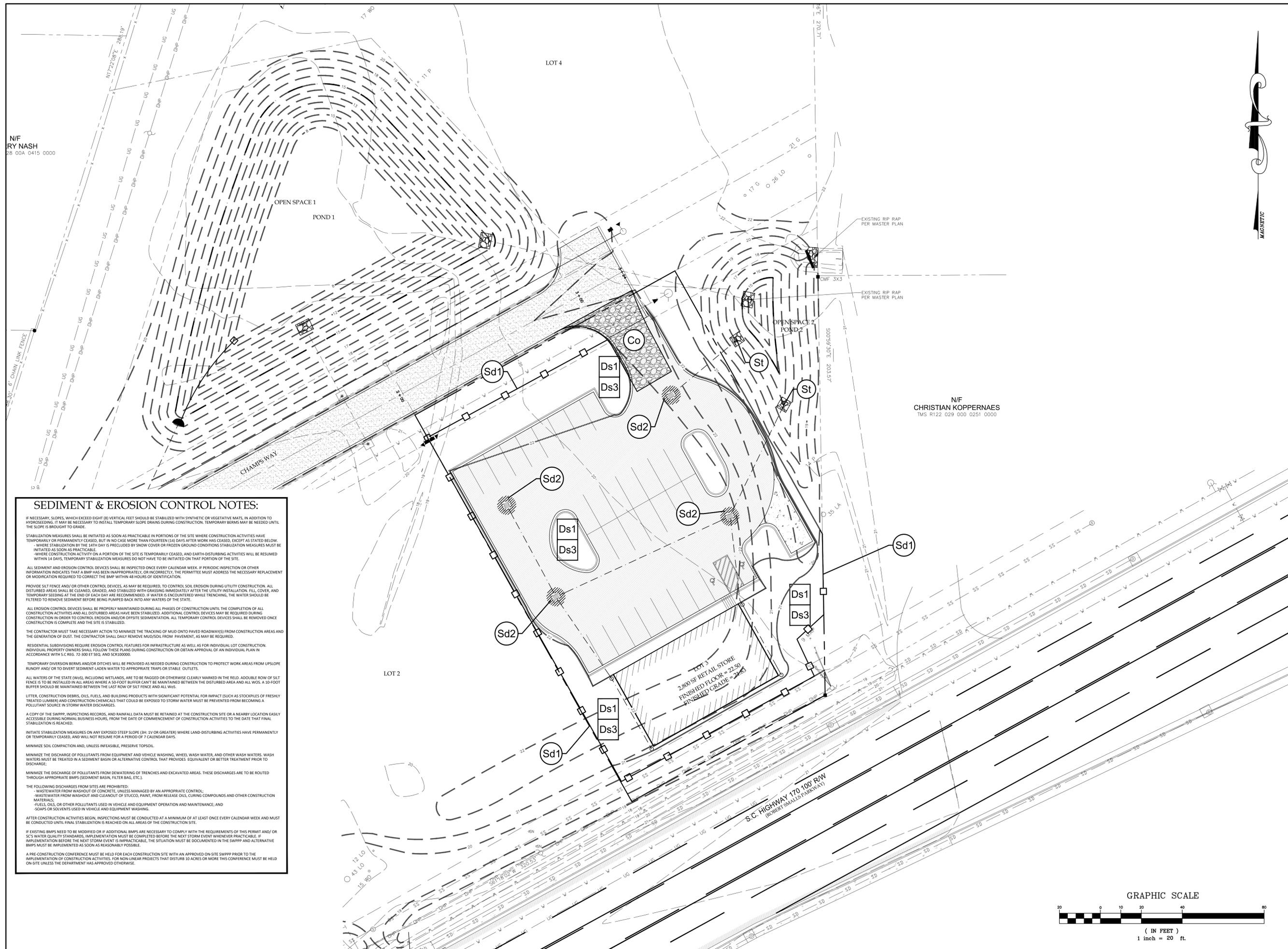
No more than 140% of the required minimum number of parking spaces are permitted.

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): Proposed Development of a Commercial Verizon Wireless Retail Building

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: Additional parking is required to serve the type of retail space. We are requesting a variance to expand the parking maximum to provide 33 parking spaces on site.
 - b. These conditions do not generally apply to other property in the vicinity as shown by: The type of retail and space and availability of property for additional parking.
 - c. The conditions are not the result of the applicant's own actions as follows: More parking spaces are necessary for the type of retail proposed.
There is ample space on site for additional parking.
 - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the Beaufort Code in that: The lot is intended for commercial use of any type.
It is part of an already approved master planned subdivision.
 - 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: There won't be enough parking to serve the retail space.
 - 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: All adjacent properties provide vehicular related services. Allowing for additional vehicular parking adjacent to those businesses will not hinder their operations.

15



SEDIMENT & EROSION CONTROL NOTES:

IF NECESSARY, SLOPES WHICH EXCEED EIGHT (8) VERTICAL FEET SHOULD BE STABILIZED WITH SYNTHETIC OR VEGETATIVE MATS, IN ADDITION TO HYDROSEEDING. IT MAY BE NECESSARY TO INSTALL TEMPORARY SLOPE DRAINS DURING CONSTRUCTION. TEMPORARY BERMS MAY BE NEEDED UNTIL THE SLOPE IS BROUGHT TO GRADE.

STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT IN NO CASE MORE THAN FOURTEEN (14) DAYS AFTER WORK HAS CEASED, EXCEPT AS STATED BELOW.

- WHERE STABILIZATION BY THE 14TH DAY IS PRECLUDED BY SNOW COVER OR FROZEN GROUND CONDITIONS STABILIZATION MEASURES MUST BE INITIATED AS SOON AS PRACTICABLE.
- WHERE CONSTRUCTION ACTIVITY ON A PORTION OF THE SITE IS TEMPORARILY CEASED, AND DIRT-DISTURBING ACTIVITIES WILL BE RESUMED WITHIN 14 DAYS, TEMPORARY STABILIZATION MEASURES DO NOT HAVE TO BE INITIATED ON THAT PORTION OF THE SITE.

ALL SEDIMENT AND EROSION CONTROL DEVICES SHALL BE INSPECTED ONCE EVERY CALENDAR WEEK. IF PERIODIC INSPECTION OR OTHER INFORMATION INDICATES THAT A BMP HAS BEEN INAPPROPRIATELY, OR INCORRECTLY, THE PERMITTEE MUST ADDRESS THE NECESSARY REPLACEMENT OR MODIFICATION REQUIRED TO CORRECT THE BMP WITHIN 48 HOURS OF IDENTIFICATION.

PROVIDE SILT FENCE AND/OR OTHER CONTROL DEVICES, AS MAY BE REQUIRED, TO CONTROL SOIL EROSION DURING UTILITY CONSTRUCTION. ALL DISTURBED AREAS SHALL BE CLEANED, GRADED, AND STABILIZED WITH GRASSING IMMEDIATELY AFTER THE UTILITY INSTALLATION. FULL COVER AND TEMPORARY SEEDING AT THE END OF EACH DAY ARE RECOMMENDED. IF WATER IS ENCOUNTERED WHILE TRENCHING, THE WATER SHOULD BE FILTERED TO REMOVE SEDIMENT BEFORE BEING PUMPED BACK INTO ANY WATERS OF THE STATE.

ALL EROSION CONTROL DEVICES SHALL BE PROPERLY MAINTAINED DURING ALL PHASES OF CONSTRUCTION UNTIL THE COMPLETION OF ALL CONSTRUCTION ACTIVITIES AND ALL DISTURBED AREAS HAVE BEEN STABILIZED. ADDITIONAL CONTROL DEVICES MAY BE REQUIRED DURING CONSTRUCTION IN ORDER TO CONTROL EROSION AND/OR OFFSITE SEDIMENTATION. ALL TEMPORARY CONTROL DEVICES SHALL BE REMOVED ONCE CONSTRUCTION IS COMPLETE AND THE SITE IS STABILIZED.

THE CONTRACTOR MUST TAKE NECESSARY ACTION TO MINIMIZE THE TRACKING OF MUD ONTO PAVED ROADWAYS FROM CONSTRUCTION AREAS AND THE GENERATION OF DUST. THE CONTRACTOR SHALL ONLY REMOVE MUD/SOIL FROM PAVEMENT, AS MAY BE REQUIRED.

RESIDENTIAL SUBDIVISIONS REQUIRE EROSION CONTROL FEATURES FOR INFRASTRUCTURE AS WELL AS FOR INDIVIDUAL LOT CONSTRUCTION. INDIVIDUAL PROPERTY OWNERS SHALL FOLLOW THESE PLANS DURING CONSTRUCTION OR OBTAIN APPROVAL OF AN INDIVIDUAL PLAN IN ACCORDANCE WITH S.C. REG. 72-300 ET SEQ. AND SCR100000.

TEMPORARY DIVERSION BERMS AND/OR DITCHES WILL BE PROVIDED AS NEEDED DURING CONSTRUCTION TO PROTECT WORK AREAS FROM UPSLOPE RUNOFF AND/OR TO DIVERT SEDIMENT-LOADED WATER TO APPROPRIATE TRAPS OR STABLE OUTLETS.

ALL WATERS OF THE STATE (WOS), INCLUDING WETLANDS, ARE TO BE RANGED OR OTHERWISE CLEARLY MARKED IN THE FIELD. ADJOINING ROW OF SILT FENCE IS TO BE INSTALLED IN ALL AREAS WHERE A 50-FOOT BUFFER CANT BE MAINTAINED BETWEEN THE DISTURBED AREA AND ALL WOS. A 50-FOOT BUFFER SHOULD BE MAINTAINED BETWEEN THE LAST ROW OF SILT FENCE AND ALL WOS.

LITTER, CONSTRUCTION DEBRIS, OILS, FUELS, AND BUILDING PRODUCTS WITH SIGNIFICANT POTENTIAL FOR IMPACT (SUCH AS STOCKPILES OF FRESHLY TREATED LUMBER) AND CONSTRUCTION CHEMICALS THAT COULD BE EXPOSED TO STORM WATER MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE IN STORM WATER DISCHARGES.

A COPY OF THE SWPPP, INSPECTION RECORDS, AND RAINFALL DATA MUST BE RETAINED AT THE CONSTRUCTION SITE OR A NEARBY LOCATION EASILY ACCESSIBLE DURING NORMAL BUSINESS HOURS, FROM THE DATE OF COMMENCEMENT OF CONSTRUCTION ACTIVITIES TO THE DATE THAT FINAL STABILIZATION IS REACHED.

INITIATE STABILIZATION MEASURES ON ANY EXPOSED STEEP SLOPE (3H: 1V OR GREATER) WHERE LAND-DISTURBING ACTIVITIES HAVE PERMANENTLY OR TEMPORARILY CEASED, AND AREAS OF CONCENTRATION OF FLOODING.

MINIMIZE SOIL COMPACTION AND, UNLESS INFEASIBLE, PRESERVE TOPSOIL.

MINIMIZE THE DISCHARGE OF POLLUTANTS FROM EQUIPMENT AND VEHICLE WASHING, WHEEL WASH WATER, AND OTHER WASH WATERS. WASH WATERS MUST BE TREATED IN A SEDIMENT BASIN OR ALTERNATIVE CONTROL THAT PROVIDES EQUIVALENT OR BETTER TREATMENT PRIOR TO DISCHARGE.

MINIMIZE THE DISCHARGE OF POLLUTANTS FROM DEWATERING OF TRENCHES AND EXCAVATED AREAS. THESE DISCHARGES ARE TO BE ROUTED THROUGH APPROPRIATE BMPS (SEDIMENT BASIN, FILTER BAG, ETC.).

THE FOLLOWING DISCHARGES FROM SITES ARE PROHIBITED:

- WASTEWATER FROM WASHOUT OF CONCRETE, UNLESS MANAGED BY AN APPROPRIATE CONTROL;
- WASTEWATER FROM WASHOUT AND CLEANUP OF STUCCO, PAINT, FROM RELEASE OILS, CURING COMPOUNDS AND OTHER CONSTRUCTION MATERIALS;
- FUELS, OILS, OR OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE; AND
- SOAPS OR SOLVENTS USED IN VEHICLE AND EQUIPMENT WASHING.

AFTER CONSTRUCTION ACTIVITIES BEGIN, INSPECTIONS MUST BE CONDUCTED AT A MINIMUM OF AT LEAST ONCE EVERY CALENDAR WEEK AND MUST BE CONDUCTED UNTIL FINAL STABILIZATION IS REACHED ON ALL AREAS OF THE CONSTRUCTION SITE.

IF EXISTING BMPS NEED TO BE MODIFIED OR IF ADDITIONAL BMPS ARE NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THIS PERMIT AND/OR SCS WATER QUALITY STANDARDS, IMPLEMENTATION MUST BE COMPLETED BEFORE THE NEXT STORM EVENT WHENEVER PRACTICABLE. IF IMPLEMENTATION BEFORE THE NEXT STORM EVENT IS IMPRACTICABLE, THE SITUATION MUST BE DOCUMENTED IN THE SWPPP AND ALTERNATIVE BMPS MUST BE IMPLEMENTED AS SOON AS REASONABLY POSSIBLE.

A PRE-CONSTRUCTION CONFERENCE MUST BE HELD FOR EACH CONSTRUCTION SITE WITH AN APPROVED ON-SITE SWPPP PRIOR TO THE IMPLEMENTATION OF CONSTRUCTION ACTIVITIES. FOR NON-LINEAR PROJECTS THAT DISTURB 30 ACRES OR MORE THIS CONFERENCE MUST BE HELD ON-SITE UNLESS THE DEPARTMENT HAS APPROVED OTHERWISE.

N/F RY NASH
28 00A 0415 0000

N/F CHRISTIAN KOPPERNAES
TMS R122 029 000 0251 0000

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PLAN REVISIONS	
NO.	DESCRIPTION
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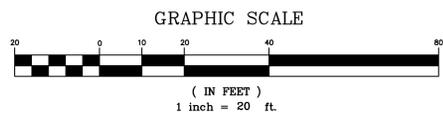
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CITY OF BEAUFORT
BEAUFORT COUNTY, SC

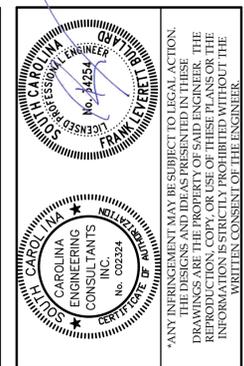
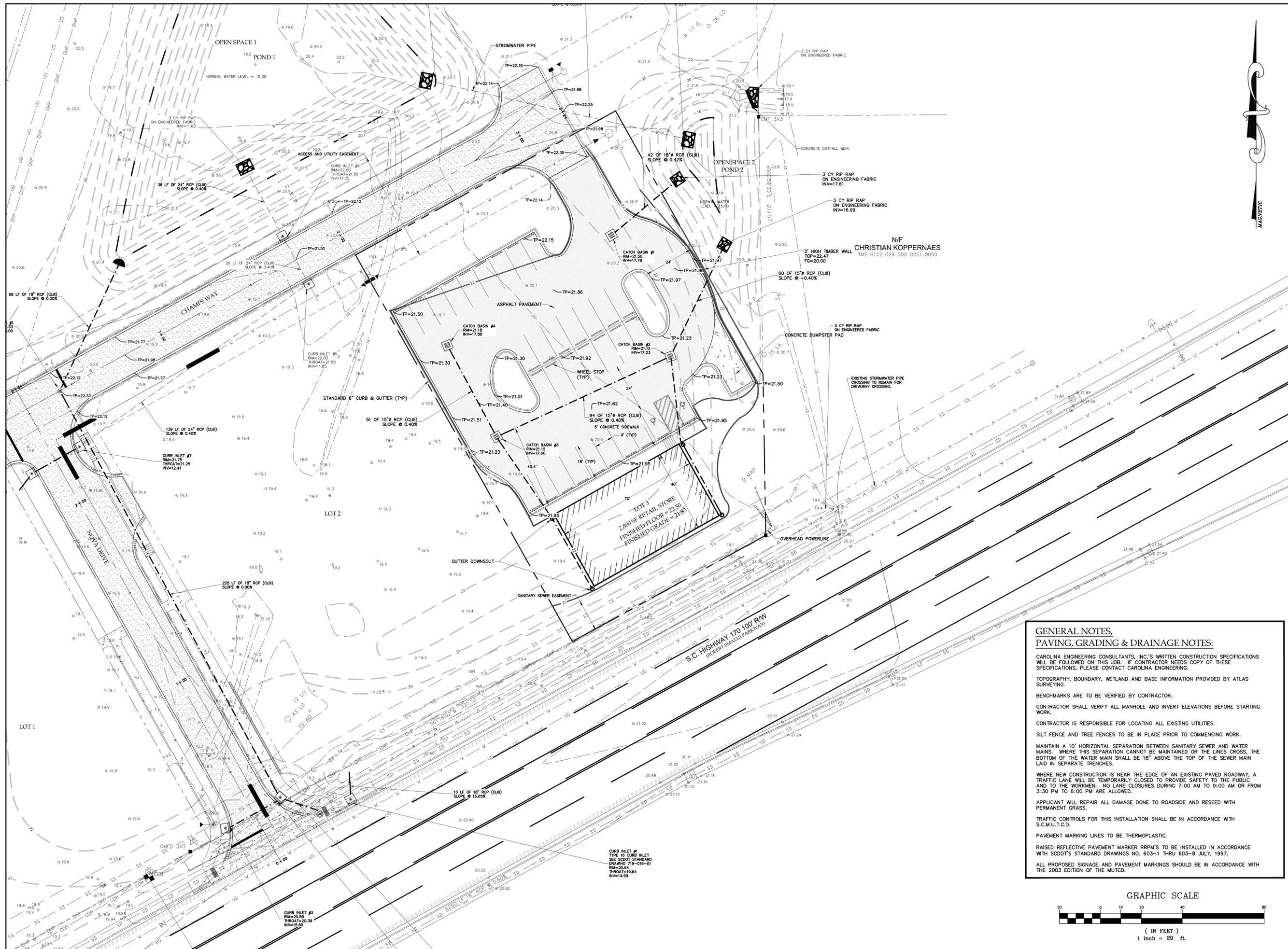
CAROLINA ENGINEERING CONSULTANTS, INC.
843/322-0553
843/322-0556 (FAX)
WWW.CAROLINAENGINEERING.COM
PO BOX 294
BEAUFORT, SC 29901

PROJECT:	2271
DATE:	07/20/20
REVISED BY:	07/20/20
DRAWN BY:	FLB
ENGINEER:	FLB
SCALE:	1"=20'

SEDIMENT & EROSION CONTROL PLAN

2
OF 5





PLAN REVISIONS	
NO.	DESCRIPTION
1	
2	
3	
4	
5	
6	
7	
8	

VERIZON WIRELESS
CITY OF BEAUFORT
BEAUFORT COUNTY, SC

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 WWW.CAROLINAENGINEERING.COM
 PO BOX 294
 BEAUFORT, SC 29901

GENERAL NOTES, PAVING, GRADING & DRAINAGE NOTES:

CAROLINA ENGINEERING CONSULTANTS, INC.'S WRITTEN CONSTRUCTION SPECIFICATIONS WILL BE FOLLOWED ON THIS JOB. IF CONTRACTOR NEEDS COPY OF THESE SPECIFICATIONS, PLEASE CONTACT CAROLINA ENGINEERING.

TOPOGRAPHY, BOUNDARY, WETLAND AND BASE INFORMATION PROVIDED BY ATLAS SURVEYING.

BENCHMARKS ARE TO BE VERIFIED BY CONTRACTOR.

CONTRACTOR SHALL VERIFY ALL MANHOLE AND INVERT ELEVATIONS BEFORE STARTING WORK.

CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES.

SILT FENCE AND TREE FENCES TO BE IN PLACE PRIOR TO COMMENCING WORK.

MAINTAIN A 10' HORIZONTAL SEPARATION BETWEEN SANITARY SEWER AND WATER MAINS. WHERE THIS SEPARATION CANNOT BE MAINTAINED OR THE LINES CROSS, THE BOTTOM OF THE WATER MAIN SHALL BE 18" ABOVE THE TOP OF THE SEWER MAIN LAID IN SEPARATE TRENCHES.

WHERE NEW CONSTRUCTION IS NEAR THE EDGE OF AN EXISTING PAVED ROADWAY, A TRAFFIC LANE WILL BE TEMPORARILY CLOSED TO PROVIDE SAFETY TO THE PUBLIC AND TO THE WORKMEN. NO LANE CLOSURES DURING 7:00 AM TO 9:00 AM OR FROM 3:30 PM TO 6:00 PM ARE ALLOWED.

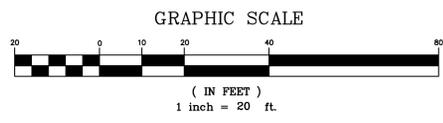
APPLICANT WILL REPAIR ALL DAMAGE DONE TO ROADSIDE AND RESEED WITH PERMANENT GRASS.

TRAFFIC CONTROLS FOR THIS INSTALLATION SHALL BE IN ACCORDANCE WITH S.C.M.U.T.C.D.

PAVEMENT MARKING LINES TO BE THERMOPLASTIC.

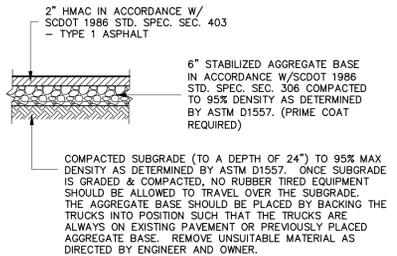
RAISED REFLECTIVE PAVEMENT MARKER RRPMS TO BE INSTALLED IN ACCORDANCE WITH SCDOT'S STANDARD DRAWINGS NO. 603-1 THRU 603-8 JULY, 1997.

ALL PROPOSED SIGNAGE AND PAVEMENT MARKINGS SHOULD BE IN ACCORDANCE WITH THE 2003 EDITION OF THE MUTCD.

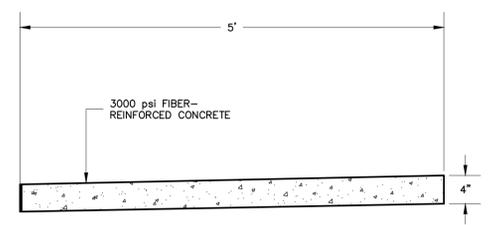


SITE DEVELOPMENT PLAN

4
OF 5

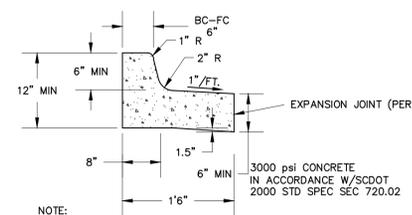


ASPHALT PAVING DETAIL
NOT TO SCALE

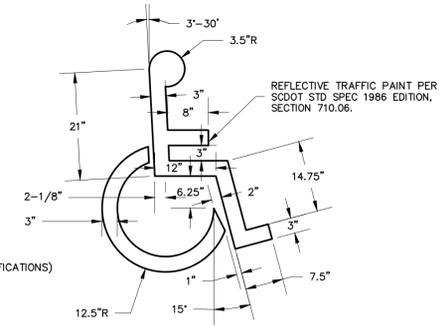


NOTE: CONTRACTION JOINTS SHALL BE PLACED AT NO MORE THAN 5' AND EXPANSION JOINTS SHALL BE PLACED AT NO MORE THAN 20' IN SIDEWALK

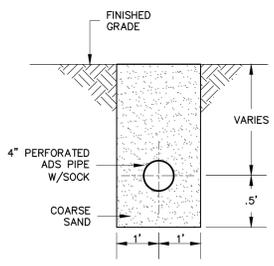
CONCRETE SIDEWALK DETAIL
NOT TO SCALE



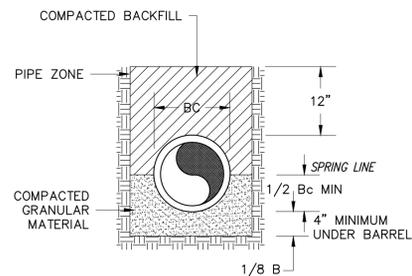
NOTE: TRANSVERSE EXPANSION & CONTROL JOINTS SHALL BE PROVIDED IN THE CURB & GUTTER IN ACCORDANCE WITH SCDOT 2000 STD SPEC SEC 720.08 & 720.10. EXPANSION JOINTS SHALL BE PLACED AT INTERVALS OF NOT MORE THAN 50' IN CURB & GUTTER. CONTROL JOINTS SHALL BE PLACED AT INTERVALS OF NOT MORE THAN 10' IN CURB & GUTTER.



HANDICAP PARKING SYMBOL STRIPE DETAIL
NOT TO SCALE

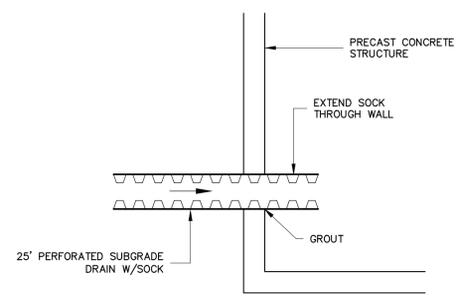


SUBGRADE DRAIN DETAIL
NOT TO SCALE

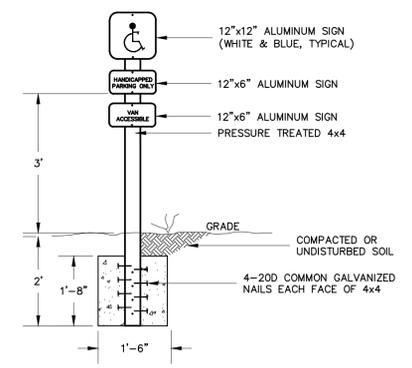


STORM PIPE BEDDING
NOT TO SCALE

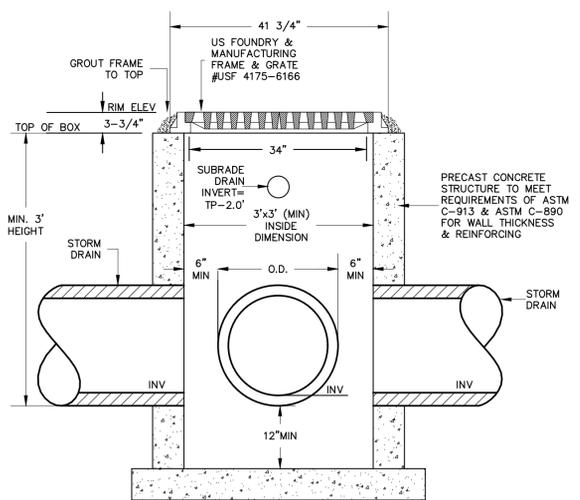
18" REVERSE PITCH STANDARD CONCRETE CURB & GUTTER DETAIL
NOT TO SCALE



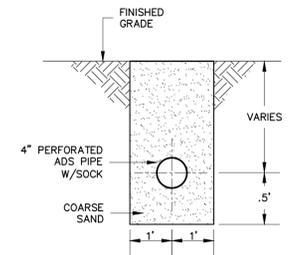
SUBGRADE CONNECTION TO STRUCTURE
NOT TO SCALE



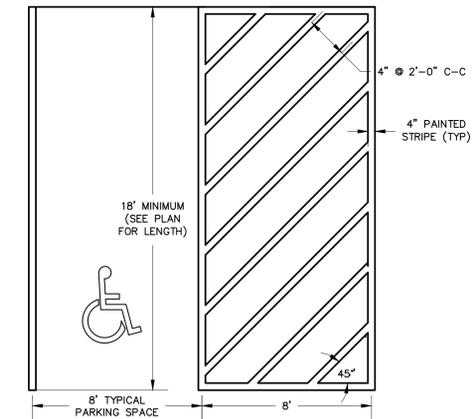
HANDICAPPED PARKING SIGN
NOT TO SCALE



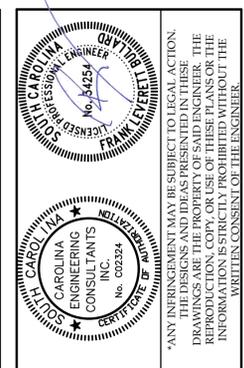
CATCH BASIN DETAIL
NOT TO SCALE



SUBGRADE DRAIN DETAIL
NOT TO SCALE



H/C PASSENGER VEHICLE PARKING SPACE STRIPE DETAIL
NOT TO SCALE

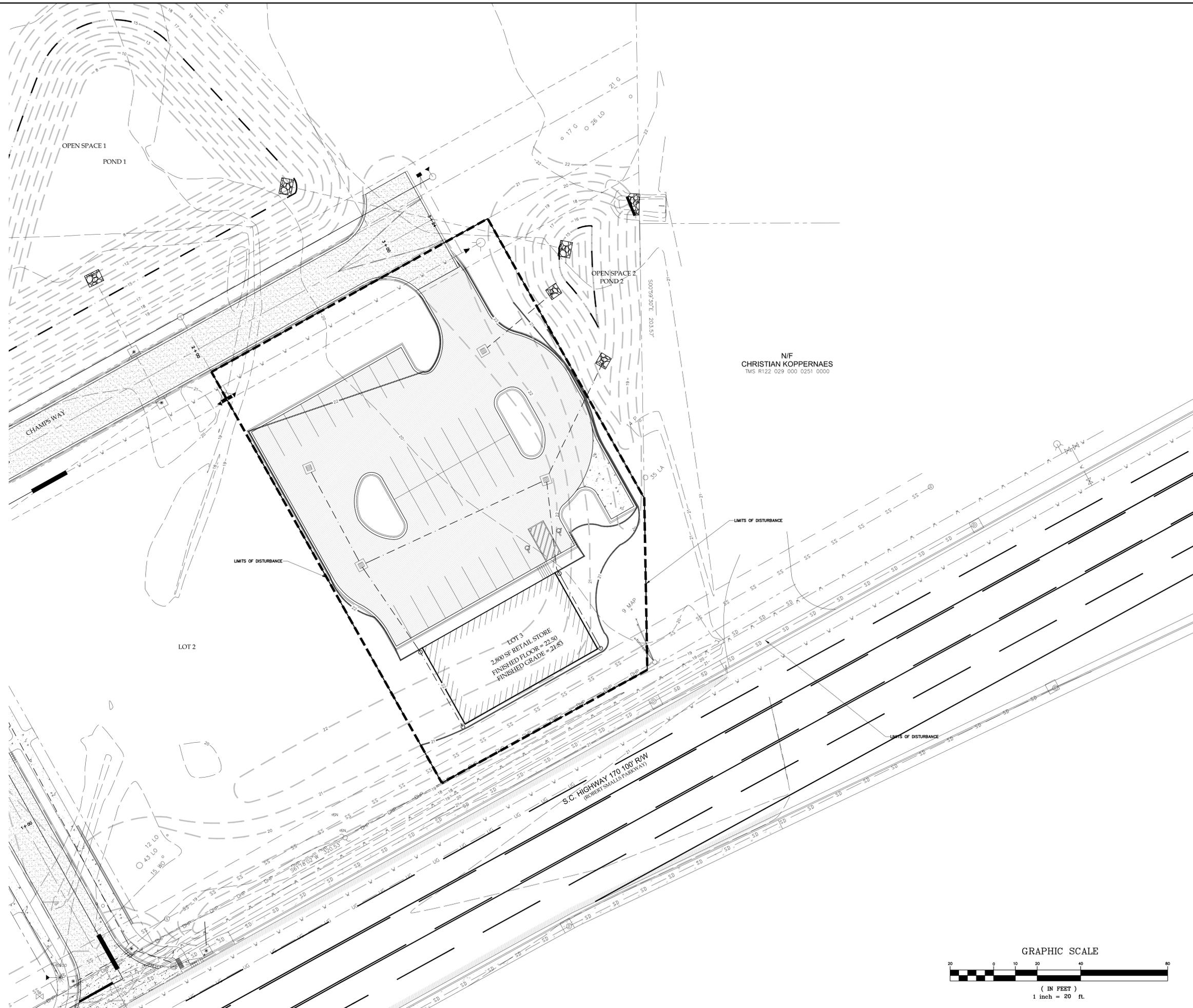


PLAN REVISIONS		DATE					
NO.	DESCRIPTION						
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VERIZON WIRELESS CITY OF BEAUFORT BEAUFORT COUNTY, SC
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WWW.CAROLINAENGINEERING.COM
PO BOX 294
BEAUFORT, SC 29901

PROJECT: 2271
DATE: 07/20/20
REVISED: 07/20/20
DRAWN BY: FLB
ENGINEER: FLB
SCALE: NTS

SITE DEVELOPMENT DETAILS
5
OF 5



Professional Engineer Seal: FRANK LEVETT, No. 34254, State of South Carolina.

Professional Engineer Seal: NEIL S. KOPPERNAES, No. 002324, State of South Carolina.

Disclaimer: *ANY INFRINGEMENT MAY BE SUBJECT TO LEGAL ACTION. THE DESIGNS AND IDEAS PRESENTED IN THESE DRAWINGS ARE THE PROPERTY OF SAID ENGINEER. THE INFORMATION IS STRICTLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

PLAN REVISIONS

NO.	DESCRIPTION	DATE
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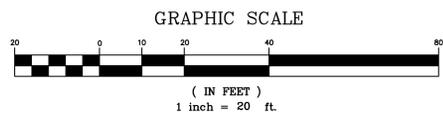
VERIZON WIRELESS
CITY OF BEAUFORT
BEAUFORT COUNTY, SC

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PROJECT: 2271
 DATE: 07/20/20
 REVISED: 07/20/20
 DRAWN BY: FLB
 ENGINEER: FLB
 SCALE: 1"=20'

LIMITS OF DISTURBANCE PLAN

1
OF 1





City of Beaufort
Parking Variance Submission

overview

City of Beaufort

Parking Variance Submission

- new store
- existing store stats
- parking impact







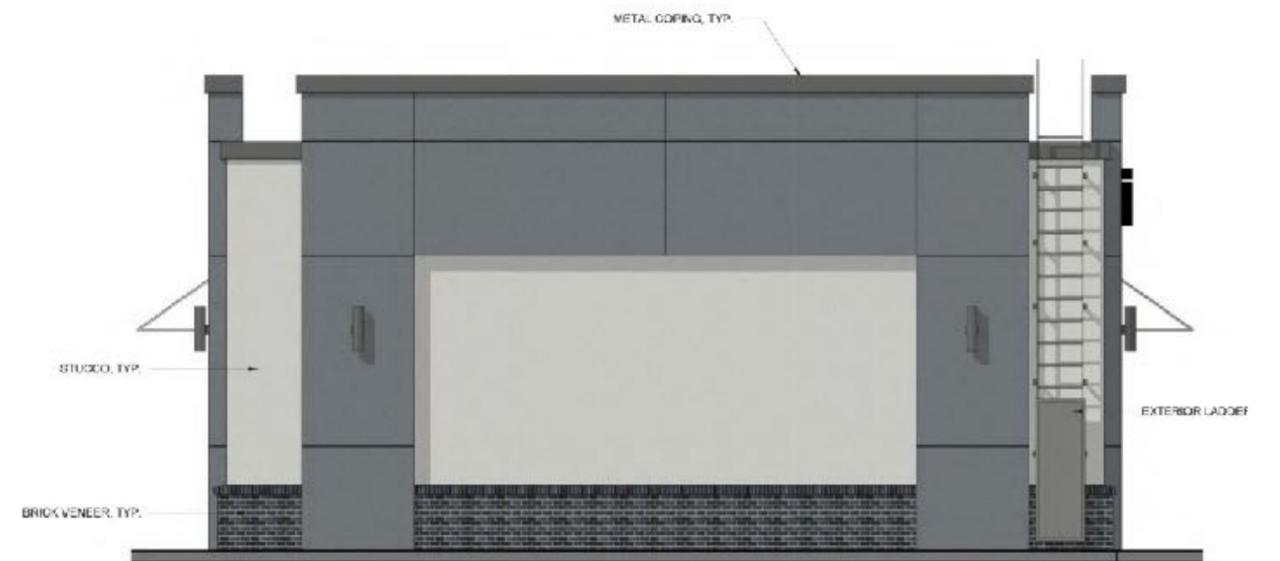
1 North Elevation
A-4.0 SCALE: 1/8" = 1'-0"



2 East Elevation
A-4.0 SCALE: 1/8" = 1'-0"



3 South Elevation
A-4.0 SCALE: 1/8" = 1'-0"



4 West Elevation
A-4.0 SCALE: 1/8" = 1'-0"

verizon^v

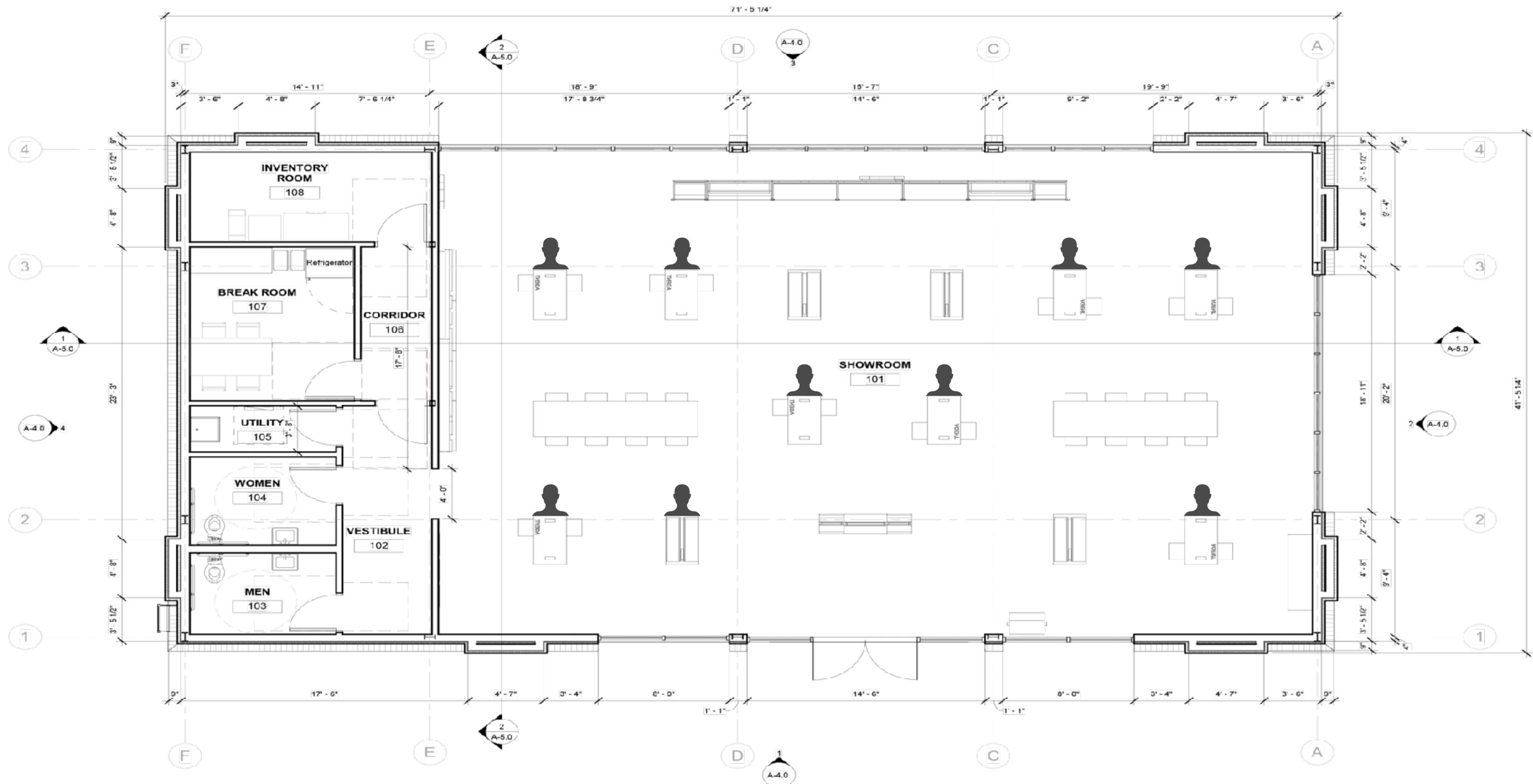
verizon^v

verizon^v

7552

verizon^v

cellularsales^v



1 DEPICTIVE FLOOR PLAN
 A-1 SCALE 1/4" = 1'-0"



More plans for families to mix, match and save.

Living

Samsung Wireless Charger Pad

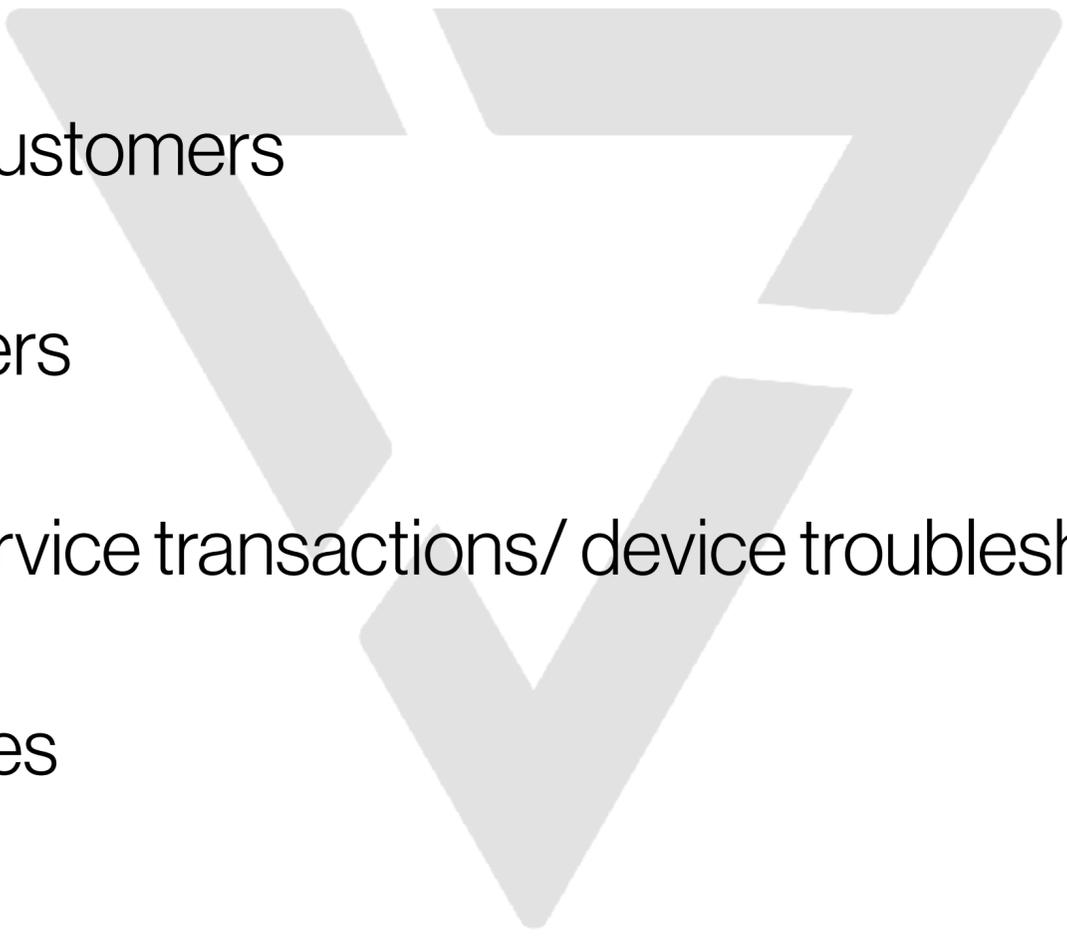


Samsung



existing store stats

accounts accessed per day

- Data provided by Verizon
 - Only tracks current Verizon customers
 - Doesn't include new customers
 - Doesn't include customer service transactions/ device troubleshooting
 - Average transaction = 54 minutes
- 



hilton head store

- **32 parking spaces**
- **7.7 employees per day**
- **29.8 accounts accessed per day**



lady's island store

- **20 parking spaces**
- **5.2 employees per day**
- **25.57 accounts accessed per day**



beaufort store

- **39 parking spaces**
- **9.6 employees per day**
- **60.5 accounts accessed per day**



beaufort store

- **9 parking spaces used for employees (off peak hours)**



beaufort store

beaufort store



beaufort store

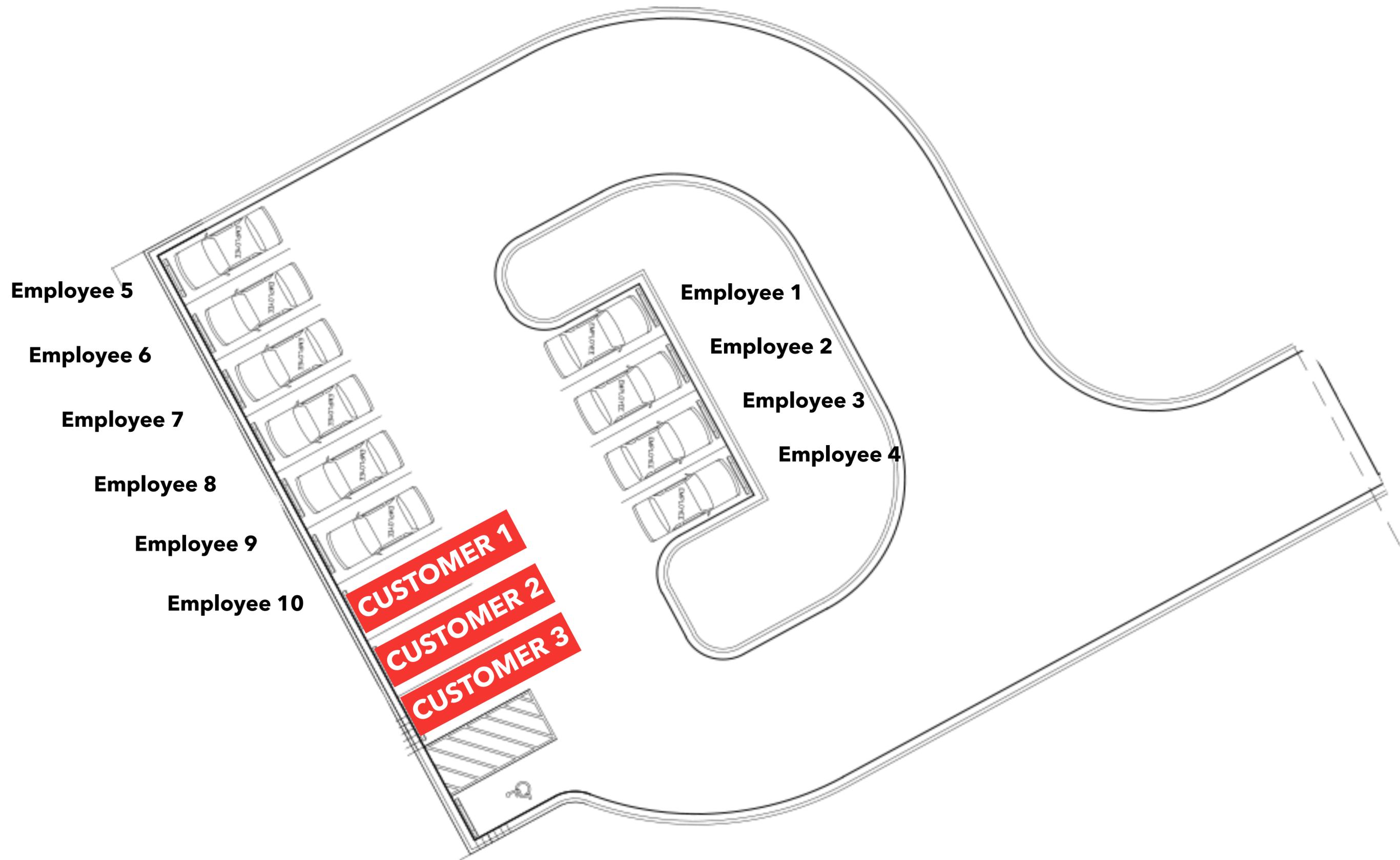




okatie store

- **16 parking spaces**
- **8.1 employees per day**
- **40.2 accounts accessed per day**

	Building Square Footage	Parking Spaces	Ave # of employees per day	Closing stations	Customer Parking Spaces	Average # of accounts accessed per day	Customer Parking Spaces/ Average accounts per day
Hilton Head	2769	32	7.7	9	24.3	29.87	81.35%
Lady's Island	2800	20	5.2	7	14.8	25.57	57.88%
Beaufort (current)	4500	39	9.6	10	29.4	60.5	48.60%
Okatie	3000	16	8.1	7	7.9	40.25	19.63%
Beaufort (new)	2800	14	10	10 <small>(minimum expectation)</small>	4 <small>(minimum expectation)</small>	70	5.71%



Employee 5

Employee 6

Employee 7

Employee 8

Employee 9

Employee 10

CUSTOMER 1

CUSTOMER 2

CUSTOMER 3

Employee 1

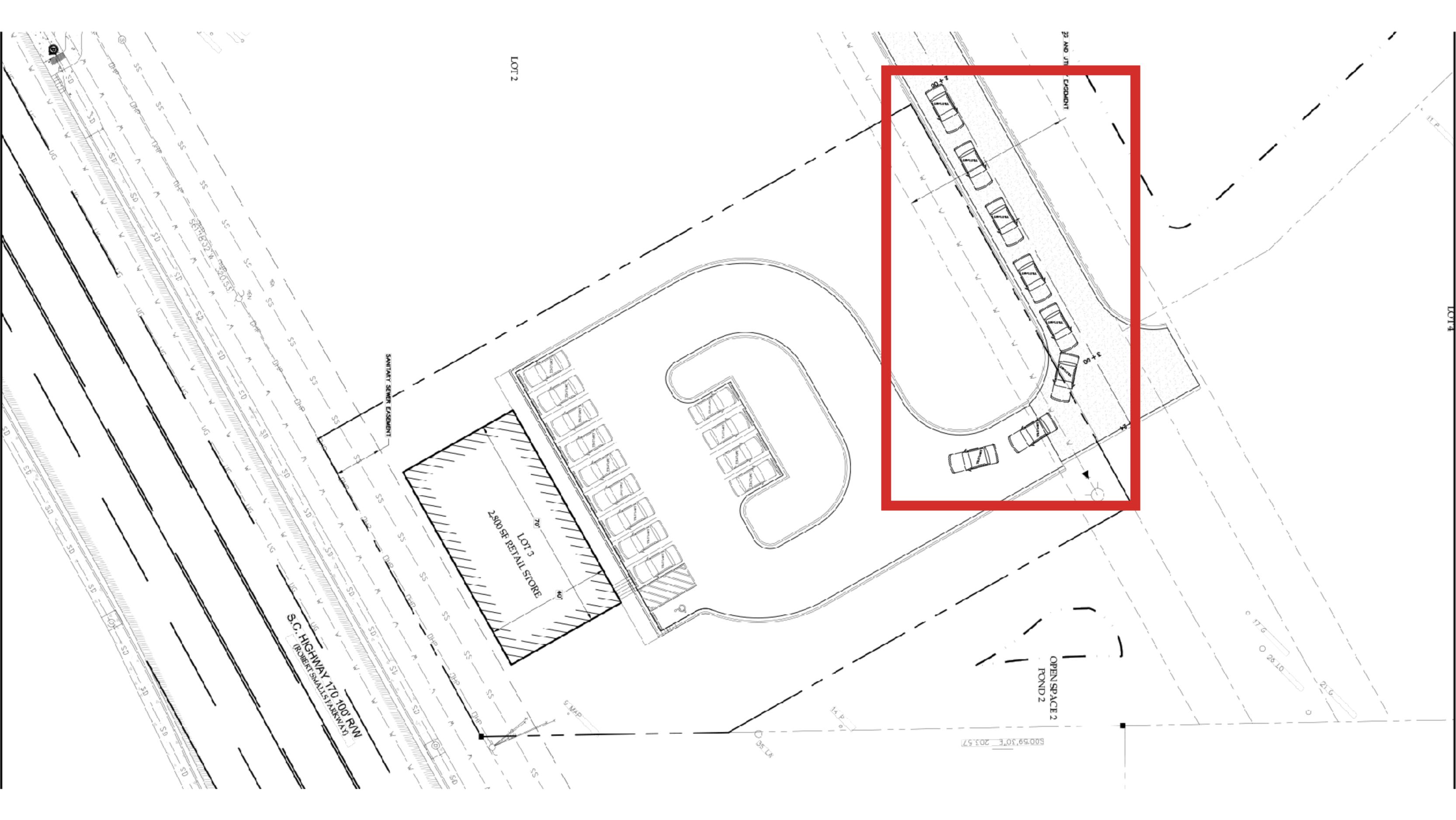
Employee 2

Employee 3

Employee 4



okatie store



LOT 2

2,800 SF RETAIL STORE
LOT 3

S.C. HIGHWAY 170 100' R/W
(ROBERT SMALLS PARKWAY)

SANITARY SEWER EASEMENT

35 AND JTB EASEMENT

OPEN SPACE 2
POND 2

S00.59'30"E 203.57'

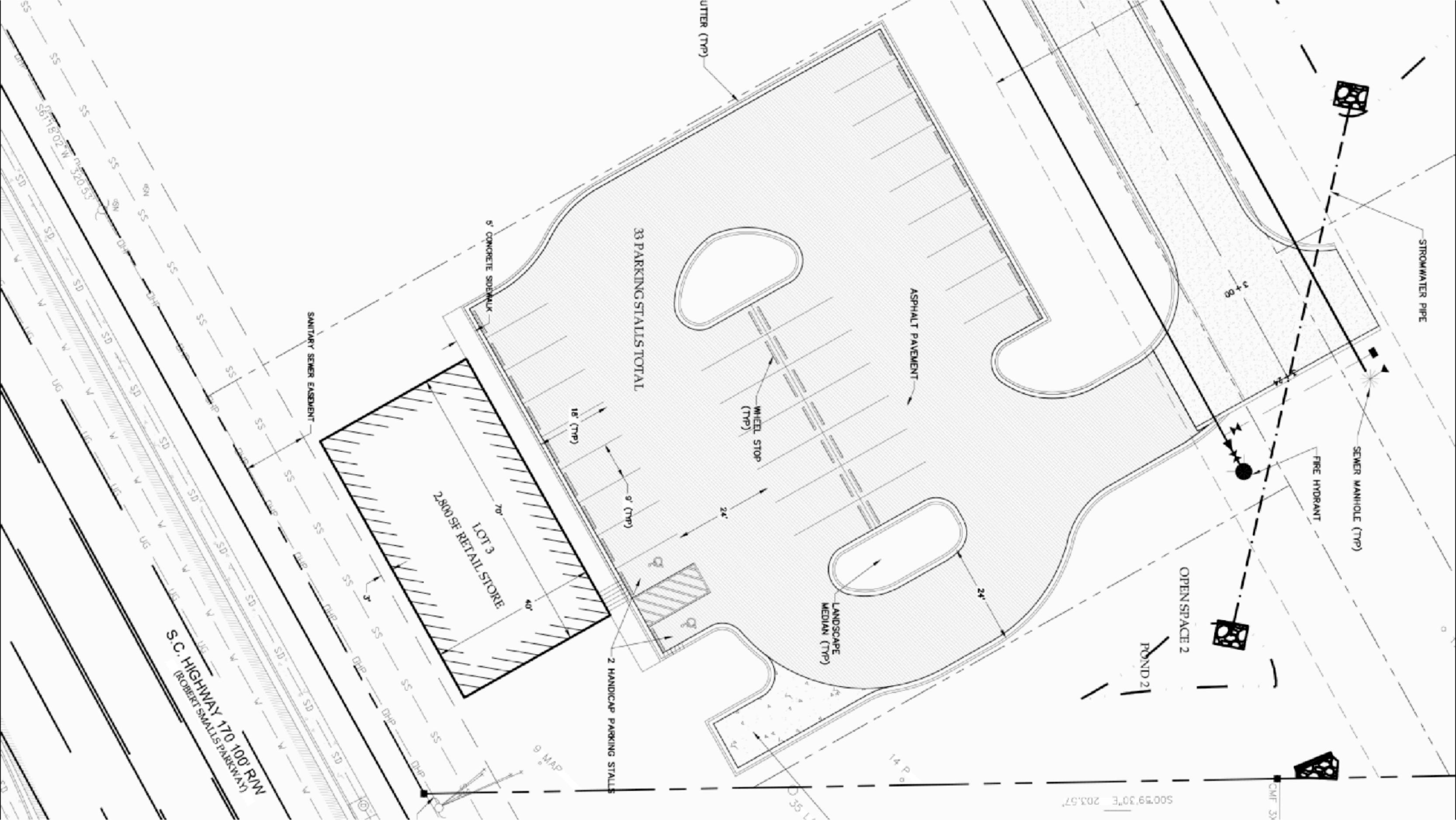
07.9' 26.10'

21.6'

LOT 4

okatie store





STORMWATER PIPE

SEWER MANHOLE (TYP)

FIRE HYDRANT

OPEN SPACE 2

POND 2

ASPHALT PAVEMENT

LANDSCAPE MEDIAN (TYP)

33 PARKING STALLS TOTAL

5' CONCRETE SIDEWALK

LOT 3
2,800 SF RETAIL STORE

2 HANDICAP PARKING STALLS

WHEEL STOP (TYP)

S.C. HIGHWAY 170 100' R/W
(ROBERT SMALLS PARKWAY)

500°59'30"E 203.57'

CMT 33

9' MAP

14' P

SANITARY SEWER EASEMENT

UTTER (TYP)

18' (TYP)

9' (TYP)

24'

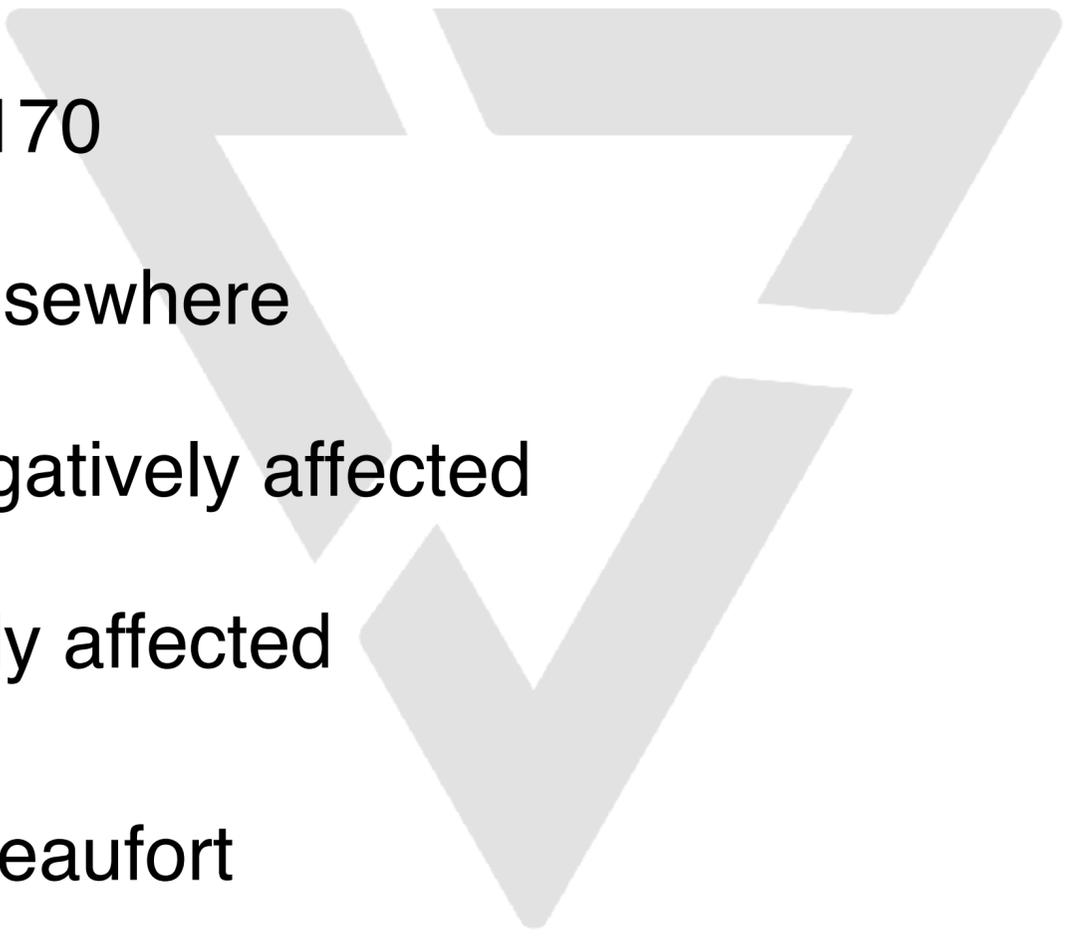
24'

3' + 00'

S6°18'02"W 320.53'

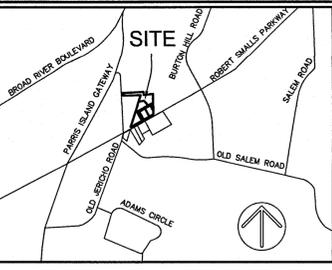
115°15'

summary

- parking allowance/ transactions per day is catastrophic
 - traffic will build up on 170
 - customers will shop elsewhere
 - employees will be negatively affected
 - sales will be negatively affected
 - detrimental to the city of Beaufort
- 



thank you.



VICINITY MAP NOT TO SCALE

- NOTES
1. THIS PARCEL APPEARS TO LIE IN FLOOD ZONE C, FIRM PANEL 0065-D COMMUNITY 450025.
 2. HORIZONTAL DATUM IS SOUTH CAROLINA STATE PLANE GRID (NAD 83).
 3. THIS PARCEL LIES IN A DUAL DEVELOPMENT ZONE DISTRICTS T5-UC AND RMX. THE SETBACK INFORMATION MUST BE VERIFIED PRIOR TO CONSTRUCTION.

- REFERENCES
1. PLAT BOOK:142 PAGE:186
 2. PLAT BOOK:140 PAGE:186
 3. DEED BOOK:3457 PAGE:1431
 4. DEED BOOK:3457 PAGE:983
 5. PLAT BOOK:21 PAGE:200
 6. PLAT BOOK:50 PAGE:67
 7. PLAT BOOK:83 PAGE:185
 8. PLAT BOOK:102 PAGE:152
 9. DEED BOOK:1710 PAGE:715
 10. DEED BOOK:371 PAGE:1013

- LEGEND
- IPF ● IRON PIPE FOUND
 - PKF ● PK NAIL FOUND
 - RBF ● IRON REBAR FOUND
 - CMF ■ CONC. MONUMENT FOUND
 - CMFB ■ CONC. MONUMENT BROKEN FOUND
 - CMFD ■ CONC. MONUMENT DISTURBED FOUND
 - RBS ○ IRON REBAR SET
 - OTF ○ OPEN TOP PIPE
 - EDGE OF PAVEMENT
 - CONCRETE
 - SS — UNDERGROUND SEWER LINE
 - ⊙ STORM DRAIN MANHOLE
 - ⊙ SANITARY SEWER MANHOLE
 - ⊙ GRATE INLET
 - ▲ CALC POINT - CORNER NOT SET

PREPARED FOR:
GREENLINE INDUSTRIES INC.
 A SUBDIVISION PLAT OF:
**#226 & #242 ROBERT SMALLS PARKWAY
 MALVERN COMMERCIAL SUBDIVISION**

TAX PARCEL #'S: R122 028 00A 0467 0000 & R100 029 000 108H 0000

BEAUFORT
 BEAUFORT COUNTY, SOUTH CAROLINA

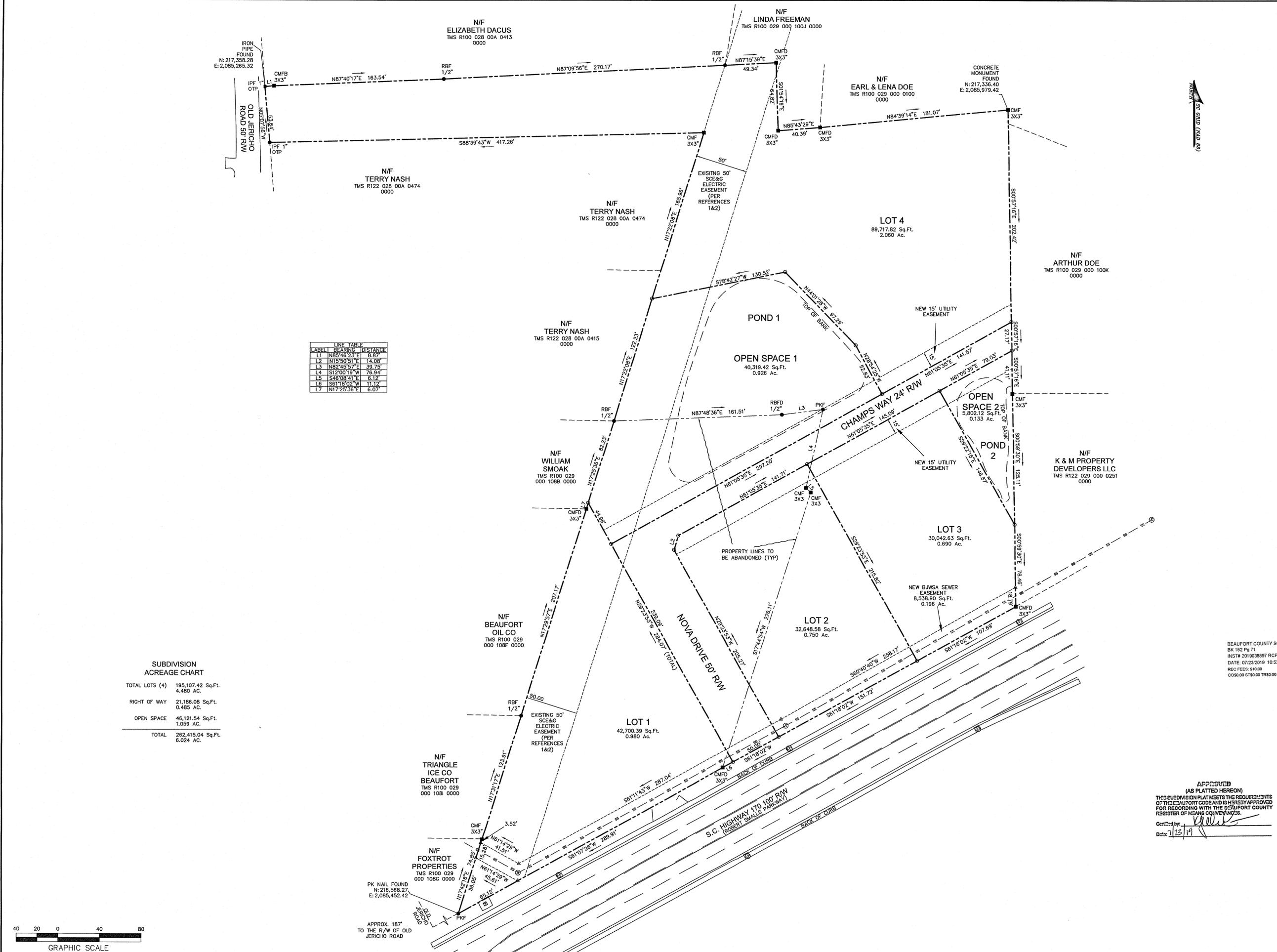
FIELD WORK: ZKS
 FIELD CHECK: JWR
 BK 152 Pg 71
 DRAWN BY: REC
 DATE: 5-20-19
 SCALE: 1"=40'
 INST# 2019038897 RCP#939844
 DATE: 07/23/2019 10:53:54 AM
 REC FEES: \$160.00
 C090.00 S750.00 T950.00

ATLAS SURVEYING, INC.
 49 BROWN'S COVE ROAD, SUITE #5
 RIDGELAND, SC 29936
 PHONE: (843) 645-9277
 WEBSITE: WWW.ATLASSURVEYING.COM



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

APPROVED
 (AS PLATTED HEREON)
 THIS SUBDIVISION PLAT MEETS THE REQUIREMENTS OF THE BEAUFORT CODE AND IS HEREBY APPROVED FOR RECORDING WITH THE BEAUFORT COUNTY REGISTER OF MEANS CONVEYANCES.
 Certified by: *[Signature]*
 Date: 7/23/19



LINE TABLE

LABEL	BEARING	DISTANCE
L1	N85°46'23"E	8.87'
L2	N15°50'51"E	14.08'
L3	N82°45'57"E	39.75'
L4	S12°00'19"W	76.94'
L5	S46°08'41"E	8.12'
L6	S61°18'02"W	11.12'
L7	N17°25'36"E	6.07'

SUBDIVISION
 ACREAGE CHART

TOTAL LOTS (4)	195,107.42 Sq.Ft. 4.480 AC.
RIGHT OF WAY	21,186.08 Sq.Ft. 0.485 AC.
OPEN SPACE	46,121.54 Sq.Ft. 1.059 AC.
TOTAL	262,415.04 Sq.Ft. 6.024 AC.





Zoning Board of Appeals Meeting Staff Report

From the Department of Community and Economic Development
26 October 2020

1 SUMMARY OF REQUEST

David Bailey / Oldacre McDonald, LLC acting on behalf of the property owner Malvern Center LLC., is seeking a variance to the maximum number of parking spaces for a proposed 2,800 square foot commercial Verizon Wireless retail building at 226 Robert Smalls Parkway (R122 028 00A 0477 0000). Per *The Beaufort Code* Section 5.7.4.C.1, the maximum number of parking spaces allowed for the proposed structure is 14. The applicant is requesting the variance to allow a total of 33 parking spaces, as reflected on the site development plans and parking variance presentation submitted with the application.

Background:

This currently vacant double-frontage parcel is Lot 3 of the Malvern Commercial Subdivision. The parcel fronts on both Robert Smalls Parkway and an interior road currently under construction that will serve the commercial subdivision. Vehicular access to the proposed Verizon Wireless retail building will be from the interior road.

The Beaufort Code Section 5.7.4 Parking Space Requirements, states that the minimum number of parking spaces required for retail use is 1 space per 300 square feet. Therefore, a minimum of 10 parking spaces are required for the proposed 2,800 square foot building. Section 5.7.4.C.1 limits the maximum number of off-street parking spaces “..for buildings with a footprint less than or equal to 60,000 gross square feet, (shall be) no more than 140% of the required minimum number of parking spaces are permitted”. This limits the maximum number of parking spaces for the proposed building to 14.

2 FACTS

Property Address:	226 Robert Smalls Parkway
Parcel ID:	R122 028 00A 0477 0000
Case Number:	ZB 20-08
Applicant:	David Bailey / Oldacre McDonald, LLC
Type of Request:	Variance to maximum number of parking spaces (Section 5.7.4.C.1)
Zoning:	T5-UC/RMX
Use:	Vacant (Proposed Retail Building)

District Development Standards T5-UC/RMX:

- **Setback requirements – Primary Structure:**

- *Front – 0’ min./15’ max.*
- *Rear setback – 5’ minimum*
- *Side Interior – 0’*

Frontage Build out: 60

- **Lot Coverage:**100%

- **Permitted Uses:** As allowed in T5-UC/RMX Districts (includes proposed Retail Sales and Services)

CRITERIA FOR APPROVAL OF VARIANCES [§9.14.2 F]: A variance may be granted by the ZBOA if it concludes that the strict enforcement of any design and performance standard would result in unnecessary hardship to the applicant, and that by granting the variance, the spirit of the Code will be observed, the 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 the following findings:

- (1) There are extraordinary and exceptional conditions pertaining to the property.
- (2) These conditions do not generally apply to other property in the vicinity.
- (3) The conditions are not a result of the applicant's own actions.
- (4) Granting the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
- (5) The application of the conditions of the code to this property would effectively prohibit or unreasonably restrict the use of the property.
- (6) 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.

3 STAFF ASSESSMENT

1. There are extraordinary and exceptional conditions pertaining to the property.
False. There are no extraordinary and exceptional conditions pertaining to the property that would have an impact on the required maximum number of parking spaces.
2. These conditions do not generally apply to other property in the vicinity.
False. Section 5.7.4 regulates the maximum number of parking spaces for all development based on type of zoning district, land use, and building size.
3. The conditions are not a result of the applicant's own actions.
True, if the applicant can provide proof that a cellular store requires more parking than general retail.
4. Granting the variance would not substantially conflict with the Comprehensive Plan, the Civic Master Plan, nor with the purposes and intent of the code.
False. The granting of the variance would result in substantial conflict with intent of the code. Section 5.7.1 states that the purpose of the parking standards are to "ensure that the parking needs of new land uses and development are met, while being designed and located in a manner consistent with the desired character and development patterns of the community."
5. The application of the conditions of the code to this property would effectively prohibit or unreasonably restrict the use of the property.
False. The application of the conditions of the code would not effectively prohibit or unreasonably restrict the use of the property.
6. 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.
True. No substantial detriment to adjacent property, the public good, or the character of the zone would result from the authorization of the variance.

Staff's assessment finds that the request meets the threshold to grant the variance for 2 of the 6 criteria.