

City of Beaufort Planning & Development Services
1911 Boundary Street
Beaufort, South Carolina 29902
Phone (843) 525-7011 / Fax (843) 986-5606
October 12, 2011

Application Fee <input type="checkbox"/> \$200
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DEVELOPMENT DESIGN EXCEPTION APPLICATION

OFFICE USE ONLY: Date Filed: _____ Application #: _____ Zoning District: _____

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.

APPLICANT(S): STEVEN & LINDA TULLY
Address: 2009 BAY STREET - BEAUFORT
Telephone: 843-521-0000 [day] _____ [fax] _____
E-mail: TULLY STEVEN @ GMAIL . COM

OWNER(S) if other than Applicant(s): _____
Address: _____
Telephone: _____ [day] _____ [fax] _____

PROPERTY STREET ADDRESS: 2011 BAY STREET
Property Identification No.: (TMP) R120-003-000-0097-0000

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

DESIGNATION OF AGENT [complete only if owner is not applicant]:

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: _____ Owner's Signature: _____

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

Date: 4/17/2014 Applicant's Signature: [Signature]

City of Beaufort Planning & Development Services
1911 Boundary Street
Beaufort, South Carolina 29902
Phone: (843) 525-7011 / Fax: (843) 986-5606
October 12, 2011

DEVELOPMENT DESIGN EXCEPTION APPLICATION

Applicant hereby requests a Development Design Exception from the following provisions of the Unified Development Ordinance (UDO) (List section numbers):

LOCATE HVAC 4' 2" INTO 12' SETBACK

so that a permit may be issued to allow use of the property in a manner shown on the attached site plan, described as follows: (e.g., build a garage)

LOCATE HVAC + SERVICES IN SIDE SETBACK

The standards for a Development Design Exception can be met according to the following criteria:

1. *Compatibility.* The proposed exception is appropriate for its location and compatible with the character of surrounding lands and the development permitted in the zoning district(s) of surrounding lands, and will not reduce property values of surrounding lands. Explain:

COMPATIBLE WITH OTHER HOMES ON BLOCK
3 OF 4 EXISTING HOMES ~~ALREADY~~ HAVE SIMILAR HVAC
ENCROACHMENT INTO SETBACK

2. *Design does not have substantial adverse impact.* The design of the proposed exception minimizes adverse effects including visual impacts of the proposed use on adjacent lands; furthermore, the proposed special exception does not impose significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, vibration, and does not create a nuisance. Explain:

THIS LOCATION OF HVAC MINIMIZES THE
VISUAL IMPACT FROM BOTH STREETS.

3. *Consistency with Adopted Plans.* The proposed development is in general conformity with the City's Comprehensive Plan and other plans officially adopted by the City. Explain:

REAR ACCESS - DOUBLE FRONTAGE LOT NEED
FLEXIBILITY IN DESIGN.

Steven Tully
2009 Bay Street
Beaufort, SC 29902
April 16, 2014

City of Beaufort
Development Review Board

We request a design exception to locate our HVAC mechanical service within the 12' side setback. This is common in 3 out of the 4 homes already on our block and compatible with the property next to us

Our property 2011 Bay is a nonstandard *double* frontage lot and the neighboring property 2013 Bay is a duplex on an uncommon *triple* street frontage lot. This creates a unique situation in that their rear property line addresses the side of our property line. The duplex has two HVAC units encroaching 5'+ into their rear setback. We plan to place our side HVAC service yard adjacent to their rear HVAC service yard. This will have no adverse impact on any property.

Comprehensive plan requires that HVAC be shielded from street and we want it away from our outside living area.

Double frontage lots have no back yard.

Our neighbors have placed their HVAC units in the only sensible location they had available and we would like to do the same.

Thank you for considering this unique situation and our design exception.

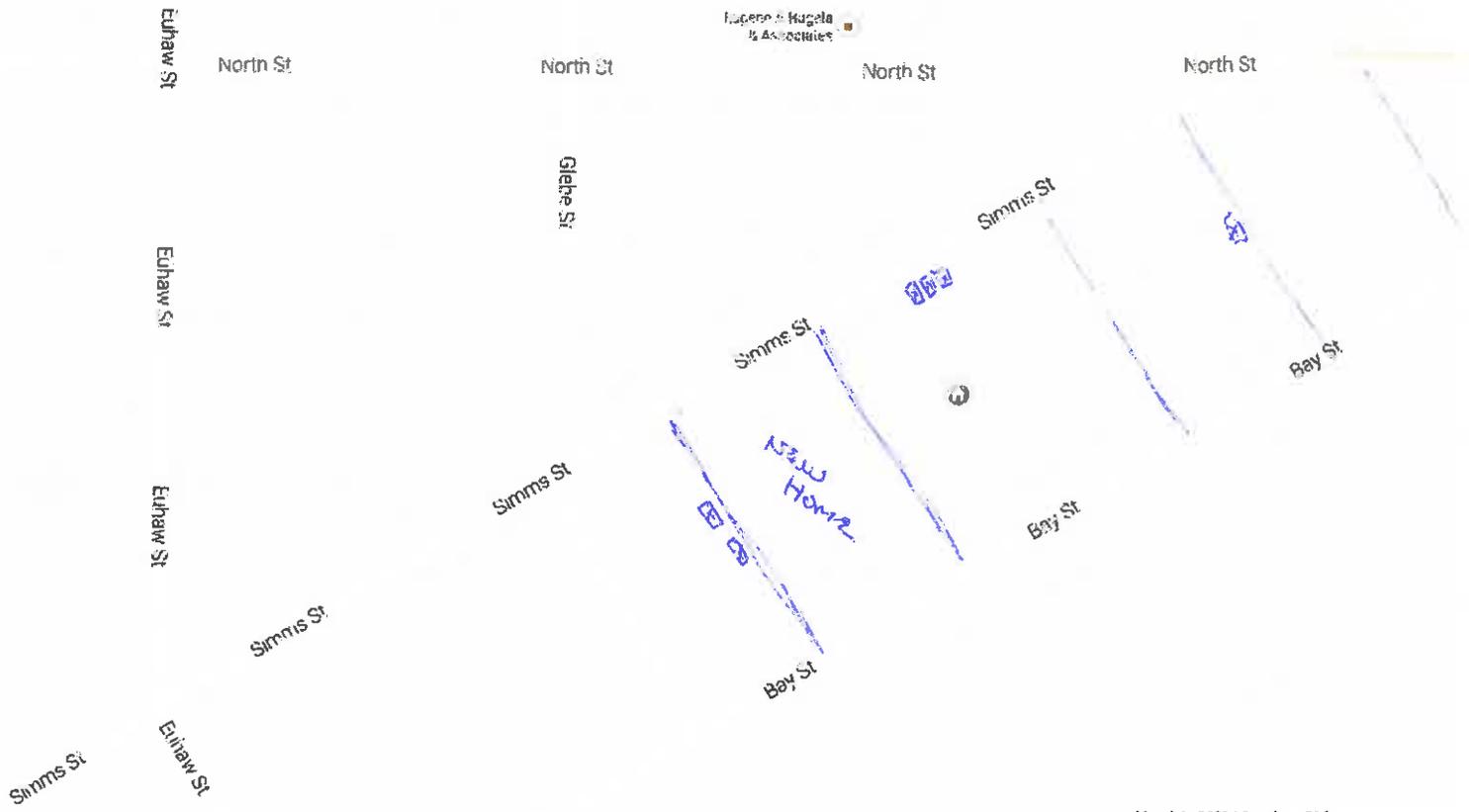
Sincerely,



Steven Tully



Expens & Magala
& Associates







My Map



Article 6. District Development Standards

6.1 Residential District Standards

A. Residential Development Standards

The following table illustrates the dimensional standards that apply in the City's base Residential districts:

Standard	Zoning District								
	TR	RE	R-1	R-2	R-3	R-4	GR and TBR-Old Commons	TBR-The Point	MHP
Lot Dimensions Lot Area, Min. Lot Width, Min. Lot Frontage, Min.	3 AC 100 feet 20 feet	21,780 SF 100 feet 20 feet	12,500 SF 100 feet 20 feet	9,000 SF 80 feet 20 feet	6,000 SF 60 feet 20 feet	4,000 SF 40 feet 20 feet	See note 5	See note 1	5 acres 150 feet 150 feet
Minimum Yards Front Yard Rear yard* Side Yard*	35 feet 15 feet 15 feet	35 feet 50 feet 15 feet	30 feet 15 feet 15 feet	20 feet 15 feet 12 feet	15 feet 15 feet 10 feet	12 feet 15 feet 6 feet	See note 2 See note 6 See note 6	See note 2 15 feet 10 feet	25 feet 15 feet 15 feet
Impervious Coverage	N/A	N/A	40%	45%	50%	55%	50%	55%	N/A
Maximum Height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	See note 3	See note 4	35 feet

1. Minimum 6,000 SF lot area and 60 feet in width for single-family; 8,000 SF lot area and 80 feet in width for two-family and 10,000 SF in lot area and 100 feet in width for three-family.
2. In the Historic District, use average prevailing setback for front yard; accessory structure side and rear yard setbacks may be reduced to 5'.
3. Maximum height 35 feet for single-family structures, 50 feet for multifamily.
4. Maximum height 35 feet above base flood elevation.
5. For single-family development see R-4 standards; for two-family, three-family and multifamily development (GR only), minimum 6,000 SF lot area, 60 feet lot width, and 60 feet lot frontage, maximum density 25 units per gross acre.
6. For multifamily development, minimum front yard 25 feet, minimum rear yard 15 feet, and minimum side yard 10 feet; single-family development, see R-4 standards;

*See Section 5.4.G. for setbacks for accessory structures.

B. Average Prevailing Setback (Front Yard)

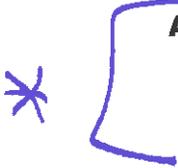
The average prevailing front yard setback shall be measured by averaging the front yard setbacks on the three lots adjoining either side of the proposed lot. When the three lots extend more than 100 feet from the side lot line of the proposed lot, only those lots lying at least partially within 100 feet of the proposed lot line shall be used in calculating the average prevailing setback. The Administrator may exercise reasonable discretion and flexibility in determining the average prevailing front yard depth so that it is harmonious with the existing streetscape; however, the minimum front yard shall be no less than five feet.

C. MHP Manufactured Home Park District

1. MH Park plan

In order to qualify for a MH Manufactured Home zoning classification, a proposed park must first meet the following specific requirements:

6.5 Measurement and Exceptions



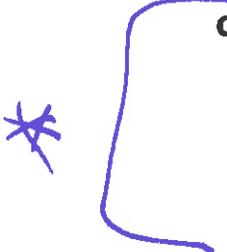
A. Corner Lots

On lots having frontage on more than one street at an intersection, the minimum front yard requirement may be reduced to one-half the regulated distance on the portion of the lot fronting on the street or streets of less importance with the following exceptions:

1. In the General Commercial (GC) District, the setback on the street of lesser importance shall be reduced to no less than seven feet;
2. In the Highway Commercial (HC) District, the setback on the street of lesser importance shall be reduced to no less than fifteen feet; and
3. In the Limited Industrial (LI) District, the setback on the street of lesser importance shall be reduced to no less than fifteen feet.

B. Location of Buildings on Lots

Every building or use hereafter erected or established shall be located on a lot of record; and every single-family and two-family residential structure, except as herein provided, shall be located on an individual lot of record.



C. Double Frontage Lots

On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this UDO. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this UDO on at least two of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of paragraph A above.

D. Flag Lots

Flag lots may be permitted by the Planning Commission in major subdivisions as part of the subdivision review process, if the lot has an access strip with a minimum width of 20' serving the main building site of the property. The front setback on flag lots shall be measured from the front property line within the main building site as opposed to the property line adjoining the public right-of-way.

E. Measurement of Yards; Determination of Building Area

The required front, side and rear yards for individual lots, as set forth for the particular zoning district within which a given lot is located shall be measured inward toward the center of said lot from all points along the respective front, side and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "buildable area."

F. Density

Density refers to the number of dwelling units per unit of land area. Density is calculated by dividing the number of dwelling units on a site by the gross area (in acres) of the site on which the dwelling units are located. The number of dwelling units allowed on a site is based on the presumption that all other applicable standards will be met. The maximum density established for a district, including Planned Unit Development districts, is not a guarantee that such densities may be obtained, nor shall the inability of a development to achieve the stated maximum

5. Additionally, a 30 foot setback for all impervious surfaces on property located in any single-family residential zoning district, and a 50-foot average setback with a 35 foot minimum for all impervious surfaces on property located in any multifamily or nonresidential zoning district, shall apply to the critical line as defined by the South Carolina Office of Ocean and Coastal Resource Management (OCRM) as delineated on a certified plat of the property, whether or not the critical line lies inside or outside the boundary lines of the particular lot on which the improvements are to be located. Nonpermanent structures such as gazebos under 80 square feet, trellises, picnic tables, benches, and playground equipment, may be located within this setback area. Indigenous vegetation removal in the tidal area buffer is limited to that necessary to provide for a structure/activity permitted by this paragraph and to provide for reasonable sight lines. For situations where a single-family lot existing as of January 28, 2003, does not provide the appropriate depth for the construction of a single-family dwelling given the critical line setback, the setback can be adjusted by the Administrator to the minimum distance necessary for construction of the dwelling, but no less than the setback set out in the zoning district regulations.

6. Features Allowed Within Setbacks

The following features may be located within a required setback subject to the provisions of Section 7.6.B, "Sight Triangles."

- a. Trees, shrubbery or other landscape features.
- b. Fences and walls, provided that in residential and commercial districts, the support structures for fences shall be located on the inside of the fence and that no fence, wall or hedge shall exceed:
 - (1) Four feet in height when located within any front or street side setback, except for residential lots which front Ribaut Road, where fences may be seven feet in height on the condition that such fences are set back from the front property line one foot for every foot increase in height above four feet;
 - (2) Six feet in height when located in an interior side or rear setback of a residential zoning district; or
 - (3) Eight feet in height when located in an interior side or rear setback of a nonresidential zoning district.
 - (4) Ten feet in height when located in a setback of lots zoned Industrial Park District.
- c. Driveways may be located in setbacks on single-family and two-family lots. On all other lots, driveways may be located in front and street side setbacks and in rear setbacks if an alley is provided.
- d. Sidewalks may be located within any required setback.
- e. Utility lines, wires and associated structures, such as power pole.
- f. Uncovered porches, uncovered steps to building entrances, uncovered patio decks and uncovered balconies may extend up to five feet into any required front, rear or street side setback.



- g. A covered porch may extend up to 8 feet into a front yard setback, but shall not extend into a side yard setback. Any covered porch extending into the setback shall not be enclosed.
- h. Openwork fire balconies and fire escapes may extend up to five feet into any required setback.
- i. Sills, belt courses, cornices, buttresses, eaves and other architectural features may extend up to two feet into any required setback.
- j. Chimneys and flues may extend up to two feet into any required setback.
- k. Satellite dish antennas may be placed in required rear setbacks.
- l. Roof overhangs such as rafters may extend beyond the buildable area a distance not to exceed two feet.
- m. See Section 5.4.G for setbacks for accessory structures.

7. Setback Reductions on Narrow Corner Lots

Where the front, interior side and rear setbacks of the underlying zoning district reduce the buildable width of a corner lot to less than 40 feet, the Administrator shall be authorized to reduce the required front setback on the longer street side as much as necessary to increase the buildable width to 40 feet. In the event the street sides of such lot are of equal length, the reduction shall be made on the side which lies on the shorter side of the block.

8. Special Setbacks

Where setback lines have been established on any street by the Planning Commission by approval of a subdivision plat or otherwise, such setback lines shall prevail over the front setbacks of the underlying zoning district.

9. Reduction for Public Purpose

When an existing setback is reduced because of conveyance to a Federal, State or Local government for a public purpose and the remaining setback is at least 50 percent of the required minimum setback for the district in which it is located, then that remaining setback will be deemed to satisfy the minimum setback standards of this UDO.

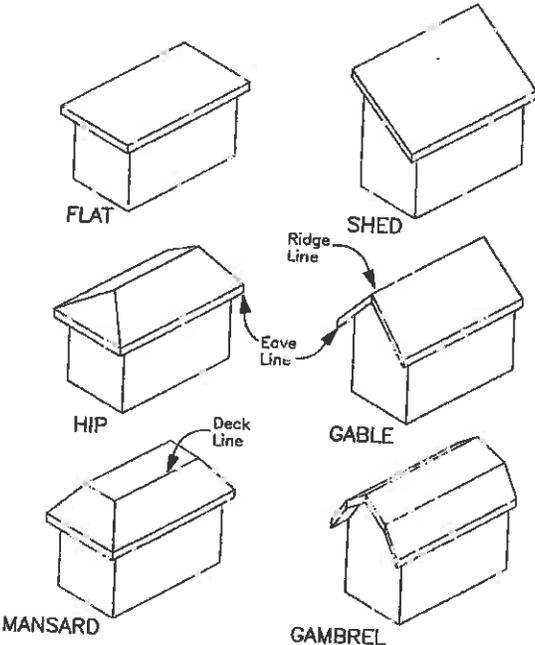
J. Impervious Surface Coverage

Impervious surface coverage shall mean areas of land that meet the definition of impervious surface in Article 11, Definitions.

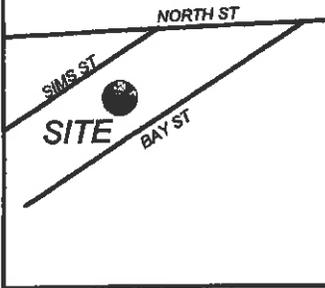
K. Height

10. Building Height

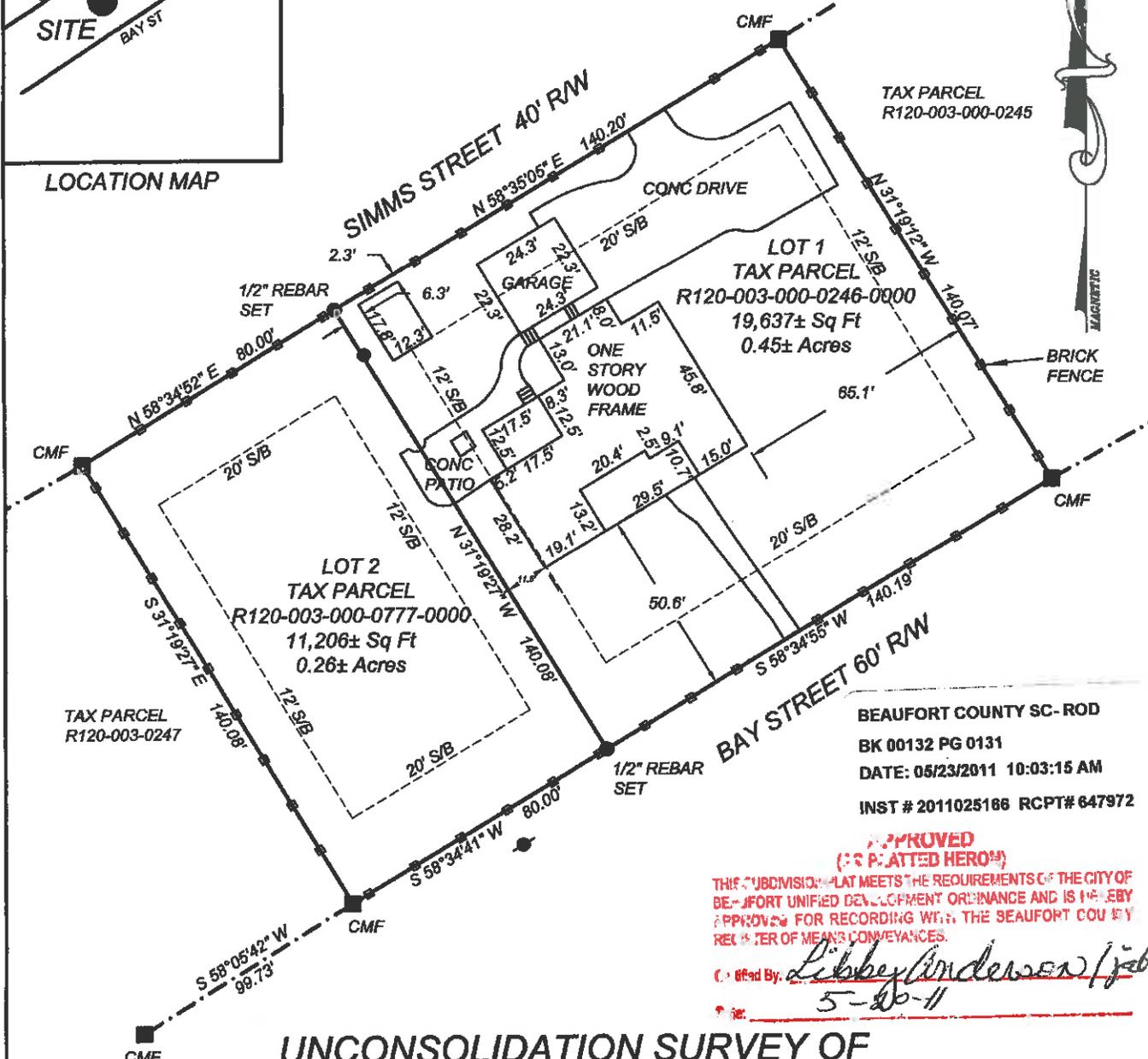
Building height shall be measured using the average grade of the site, except in the TBR District and on lots below the base flood elevation, in which case such height shall be measured above base flood elevation.



LAND CONSULTING GROUP, LLC
 LAND SURVEYING - FORESTRY - PLANNING
 POST OFFICE DRAWER 1366, BEAUFORT, SOUTH CAROLINA
 TEL (843) 322-9960 - ZIP 29901-1366



LOCATION MAP



BEAUFORT COUNTY SC-ROD
 BK 00132 PG 0131
 DATE: 05/23/2011 10:03:15 AM
 INST # 2011025166 RCPT# 647972

APPROVED
 (SEE PLAT HEREON)
 THIS SUBDIVISION PLAT MEETS THE REQUIREMENTS OF THE CITY OF BEAUFORT UNIFIED DEVELOPMENT ORDINANCE AND IS HEREBY APPROVED FOR RECORDING WITH THE BEAUFORT COUNTY REGISTER OF DEEDS CONVEYANCES.
 Certified By: Libbey Anderson / jeb
 Date: 5-20-11

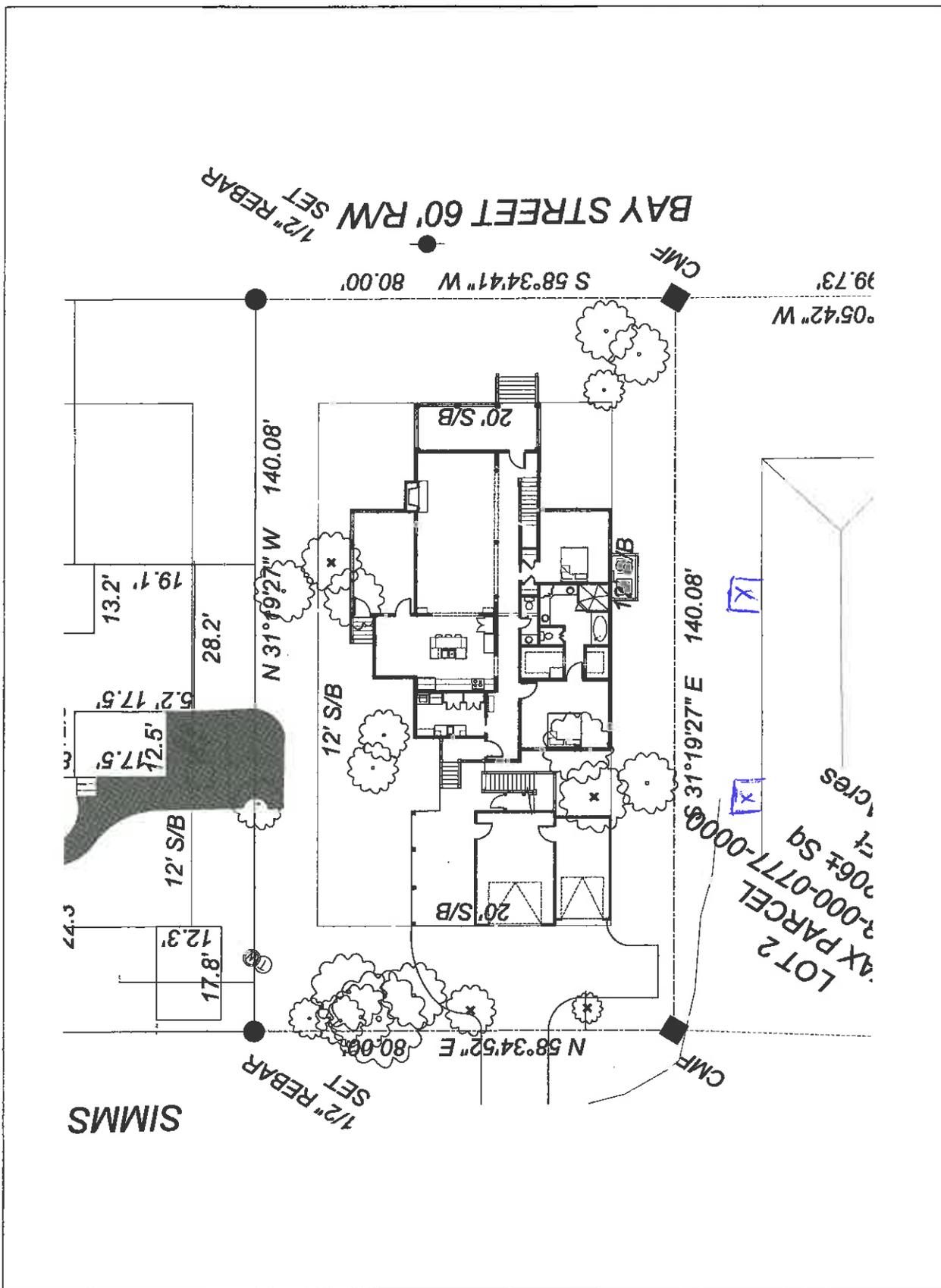
**UNCONSOLIDATION SURVEY OF
 LOTS 6,7,8,9, AND THE WESTERN 20' OF LOT 5 INTO
 LOTS 1 AND 2
 TAX PARCEL R120-003-000-0246-0000
 CITY OF BEAUFORT, SOUTH CAROLINA
 MAY 13, 2011**

PREPARED AT THE REQUEST OF STEVEN AND LINDA TULLY

THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "C" AS DETERMINED BY F.E.M.A. F.I.R.M. COMMUNITY PANEL 450026 0005D DATED SEPTEMBER 29, 1986.

THE SAME BEING SHOWN AS LOTS 6,7,8,9, AND THE WESTERN PORTION OF LOT 5, BLOCK "A" OF THE BEAUFORT DEVELOPMENT COMPANY ON A PLAT PREPARED BY AOC DATED JULY 13, 1938 IN PB 4 AT PAGE 46.

I HEREBY CERTIFY TO STEVEN AND LINDA TULLY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THE SURVEY SHOWN HEREON 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



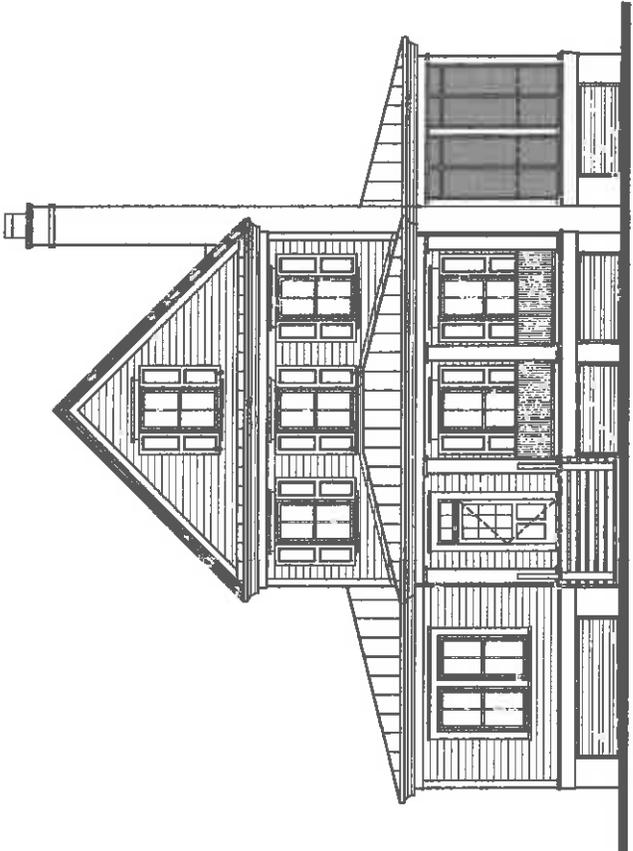
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S	DATE:	3/16/2011
	JOB NO.:	0303
	DATE BY:	YPS
	DRAWING NO.:	030324.dwg

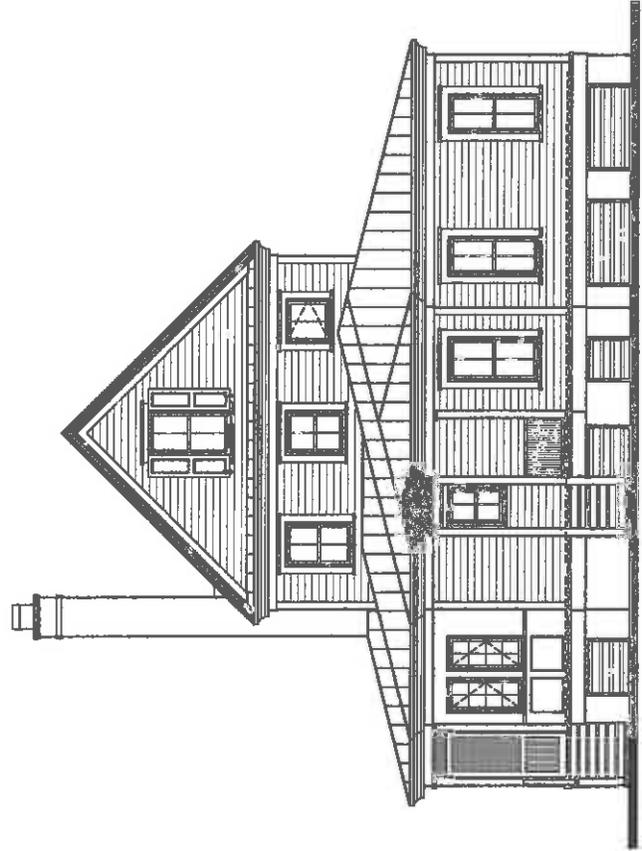
THIS PLAN HAS BEEN REVIEWED TO VERIFY THE PERFORMANCE, WORKING AND FINISHES. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.


ALLISON RAMSEY ARCHITECTS, INC.
 Member of the American Institute of Architects
 100 West 10th Street
 New York, NY 10011
 (212) 691-1000

TULLY RESIDENCE



FRONT ELEVATION



REAR ELEVATION

ARA
A L L I S O N R A M S E Y
A R C H I T E C T S , I N C .

Telephone: 843-986-0559 Fax: 843-986-0719 E-mail: info@allisonramseyarchitect.com

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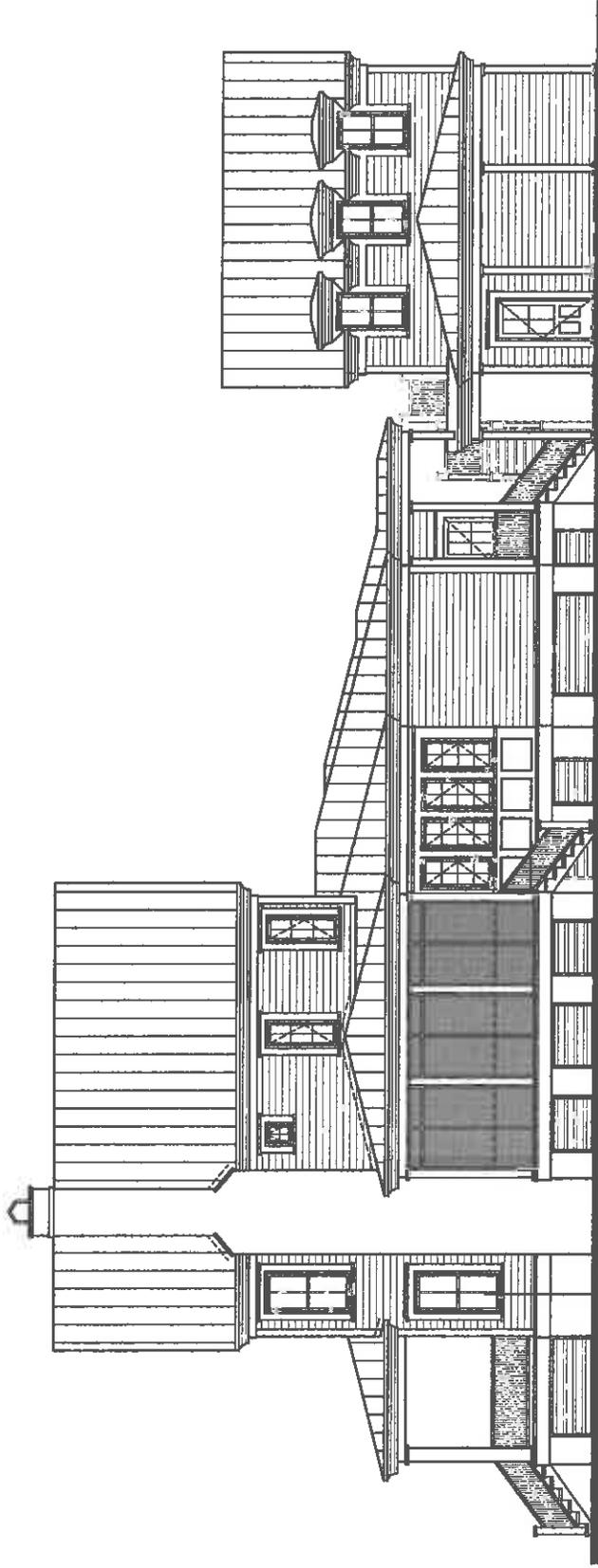


LEFT ELEVATION

ALISON RAMSEY ARCHITECTS

Telephone: 843-986-0559 Fax: 843-986-0719 E-mail: info@alisonramseyarchitect.com

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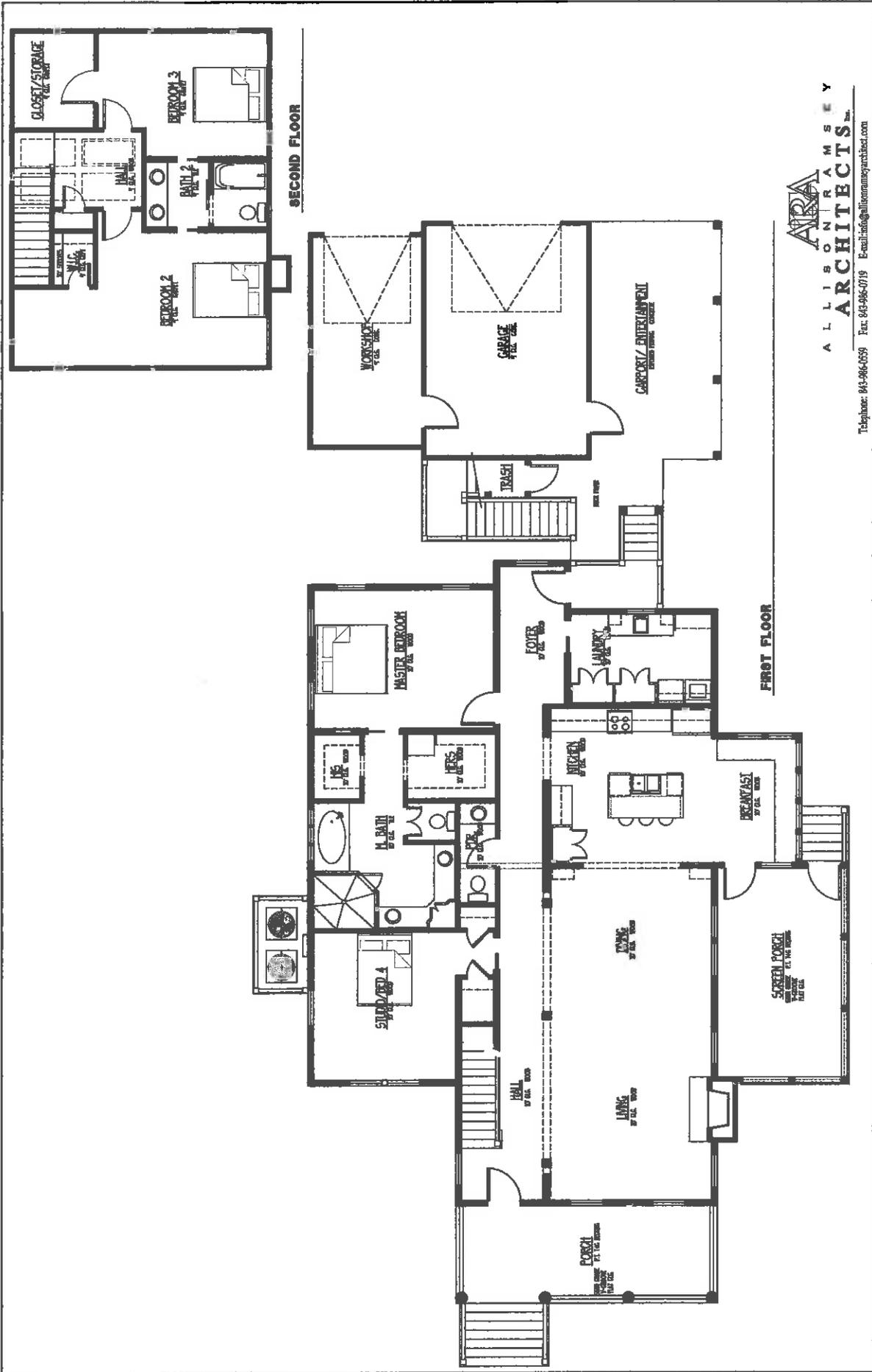


RIGHT ELEVATION

ARRA
ALLISON RAMSEY
ARCHITECTS, L.L.C.

Telephone: 843-986-6539 Fax: 843-986-0719 E-mail: info@allisonramseyarchitect.com

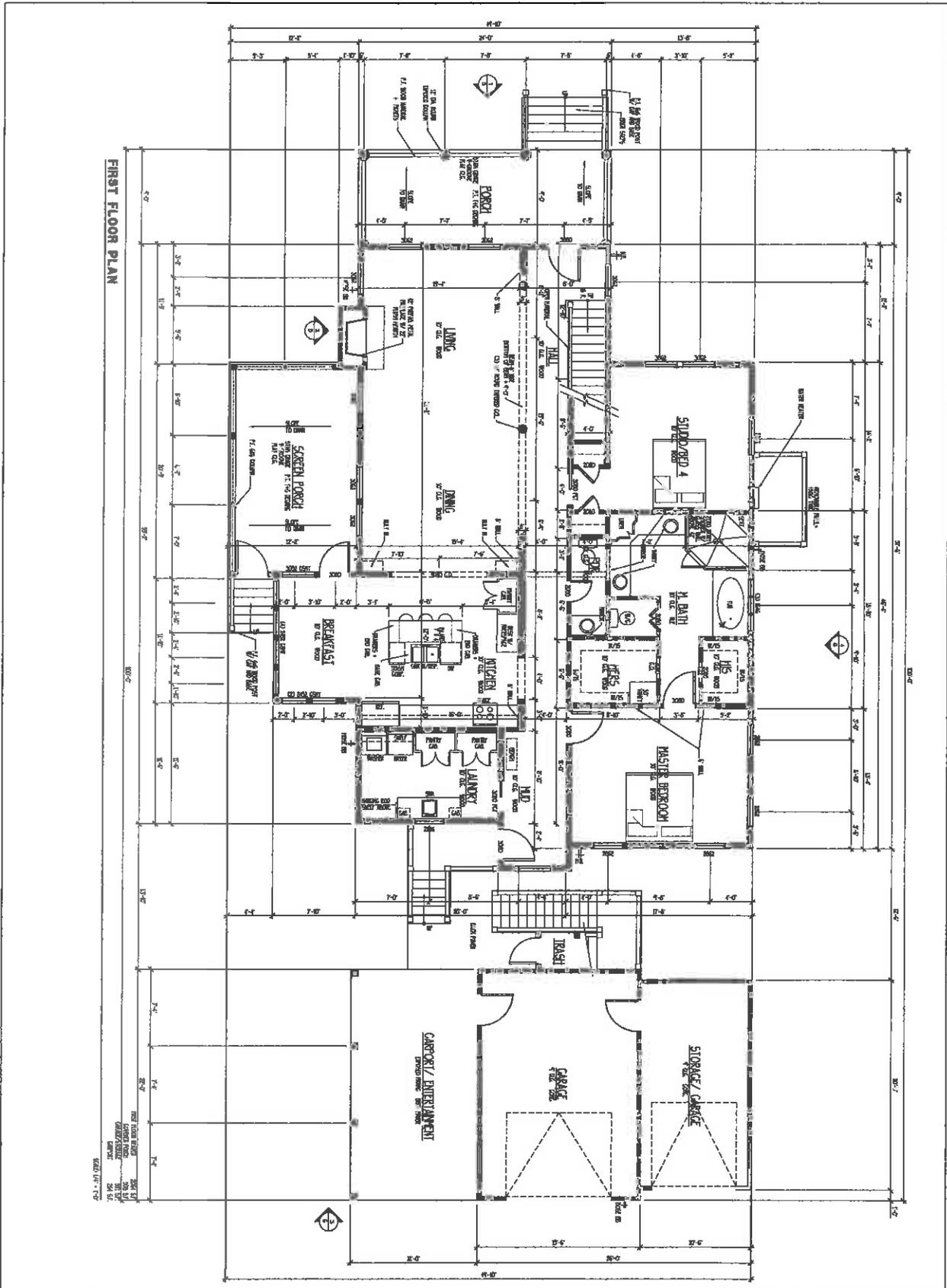
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ARA
 ALLISON RAMSEY
 ARCHITECTS, L.L.C.

Telephone: 843-986-0559 Fax: 843-986-0719 E-mail: info@allisonramseyarchitect.com

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FIRST FLOOR PLAN

Copyright 2012 by Allison Ramsey Architects, Inc. All rights reserved.

DATE: 3/19/2012
 JOB NO.: 0022
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

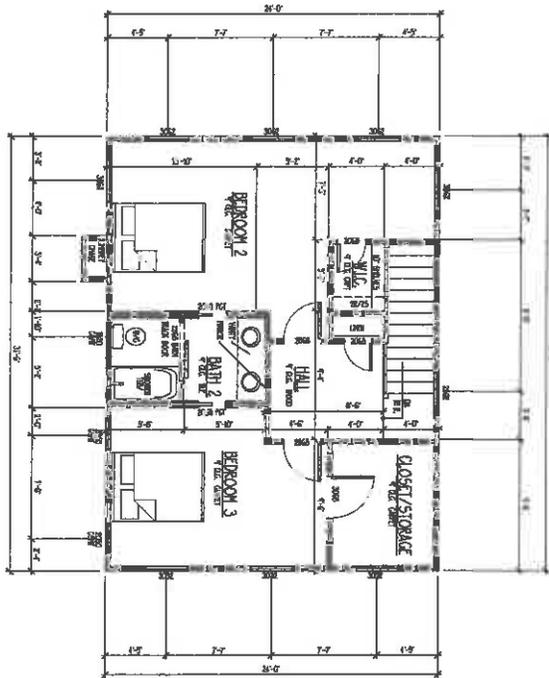
This is the only document to rely upon for construction. All electrical, plumbing, mechanical, and other systems shall be installed in accordance with the applicable codes and standards. The contractor shall be responsible for obtaining all necessary permits and for the proper installation and maintenance of all systems. The architect shall not be responsible for the construction of any systems or for the performance of any trades. The contractor shall be responsible for the construction of all systems and for the performance of all trades. The architect shall not be responsible for the construction of any systems or for the performance of any trades. The contractor shall be responsible for the construction of all systems and for the performance of all trades.

ALLISON RAMSEY ARCHITECTS
 Division of the American Institute of Architects

2000 North 1st Street
 Phoenix, AZ 85004
 602.254.1111

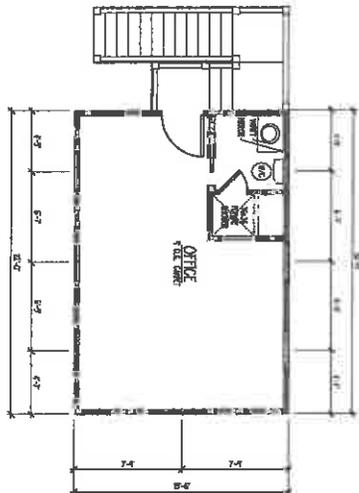
TULLY RESIDENCE

SECOND FLOOR PLAN



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

OFFICE FLOOR PLAN



OFFICE FLOOR PLAN
SCALE: 1/4" = 1'-0"

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2	DATE:	3/16/2011
	JOB NO.:	0232
	DATE BY:	STJ
	ISSUING OFFICE:	0232-210

THIS ARCHITECTURAL PLAN IS TO BE USED FOR THE SPECIFIC PROJECT AND LOCATION INDICATED HEREON. ANY CHANGES TO THIS PLAN SHALL BE THE RESPONSIBILITY OF THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

ATA
ALLISON T. JANSKY
ARCHITECTS
Member of the American Institute of Architects

1200 N. 1st St., Suite 100
Tulsa, Oklahoma 74103
Phone: 918.581.1111
Fax: 918.581.1112
www.allisonjansky.com

TULLY
RESIDENCE



**CITY OF BEAUFORT
DESIGN REVIEW BOARD
DEVELOPMENT DESIGN EXCEPTION
Special Meeting of March 12, 2014**

Case Number:	DE14-02
Property Address:	2011 Bay Street
Parcel #:	R120-003-000-0777-0000
Type of Review:	Side Yard Setback Exception
Zoning & Design District:	R-2 – Residential 2

Background:

The proposed project is located at 2011 Bay Street, in the Dixon Village neighborhood. The property is zoned Residential-2 (R-2). The parcel is unique in that it is a double-frontage lot as it extends from Bay Street to Simms Street. The adjacent parcel, 2013 Bay Street, is a triple-frontage lot, so their rear yard is adjacent to the parcel in question's side yard. The R-2 district requires the following:

- Minimum Side Yard Setbacks: 12'

Request:

The owner of this property desires to build a new single-family house, sited with one side on the 12' setback line. The owner is requesting to place the HVAC units within the western 12' setback, encroaching 4.2' (35%) into the side setback area.

Public Comment: Letters were mailed to adjacent property owners on April 25. The public notice addressing this hearing appeared in the *Beaufort Gazette* on April 27. The property was posted on April 27. Staff has received no public comments on the application as of the date of this writing.

Design Comments:

- The proposed new building appears to be sited to avoid removal of trees in the northeast corner of the site.
- There is a pierced brick wall that encloses the entire property, including the west side setback line adjacent to the proposed HVAC units.
- Where will the HVAC units for the accessory dwelling unit above the garage be placed?

Staff Findings:

Based on the information submitted with the application, staff has concluded the following:

- (1) *Compatibility.* In staff's opinion the proposed exception is appropriate for its location and compatible with the character of surrounding lands and the development permitted in the zoning district(s) of surrounding lands, and will not reduce property values. The properties directly adjacent to this one have HVAC units that encroach into the side setbacks.
- (2) *Design does not have a substantial adverse impact.* Staff believes that this encroachment will not have a substantial adverse impact on the surrounding area. The distance between

the HVAC units and the side lot line will be 7'-10", and the existing brick wall visually and audibly buffers the adjacent property from the units.

- (3) *Consistency with Adopted Plans.* Staff believes that the proposed design exception is in direct adherence to with the City's Comprehensive Plan, Civic Master Plan, and all other plans officially adopted by the city. This new residence is an *infill* building that includes an *accessory dwelling unit* above the garage, both of which are encouraged in these documents.

Staff Recommendation:

Staff believes it can be reasonably determined that there will be no significant negative impact upon residents of surrounding properties or upon the general public by the approval of this design exception.