

**SPECIAL EXCEPTION APPLICATION
2611 SOUTHSIDE BOULEVARD**

AP12317
P211415

City of Beaufort Zoning Board of Appeals
1911 Boundary Street
Beaufort, South Carolina 29902
Phone (843) 525-7011, Fax (843) 986-5606
E-Mail: jbachety@cityofbeaufort.org
*Revised September 12, 2014

Application Fee
\$300

SPECIAL EXCEPTION APPLICATION

OFFICE USE ONLY: Date Filed: 11-4-15 Application #: 2B15-29 Zoning District: _____

PAID
11/4/15

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): Clay M Dalon
 Address: 2611 Southside Blvd Beaufort SC 29902
 Telephone: 850-564-8764 [day] _____ [fax]
 E-mail: cdalon@dalonengineering.com

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

PROPERTY STREET ADDRESS: 2611 Southside Blvd Beaufort, S.C. 29902
 Tax Map No.: R120 008 000 0419 0000

~~Parcel No.:~~ _____

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: 11/4/15 Owner's Signature: Clay Dalon

I (We) certify that the information in this application is correct.
 Date: 11/4/15 Applicant's Signature: Susan Dalon

City of Beaufort Zoning Board of Appeals

1911 Boundary Street

Beaufort, South Carolina 29902

Phone: (843) 525-7011, Fax: (834) 986-5606

E-Mail: jbachety@cityofbeaufort.org

* Revised September 12, 2014

APPLICATION FOR SPECIAL EXCEPTION

Applicant hereby appeals to the Zoning Board of Appeals, for a special exception for a (ex. Type 2 Home Occupation) Type 2 Home Occupation

on property described on Page 1, which is permitted by special exception under the district regulation in Section 5.1 of the Unified Development Ordinance (UDO).

1. Applicant will meet the standards in Section 3.16.D of the UDO which are applicable to the proposed special exception in the following manner:

- a. The proposed use is compatible with existing land uses in the surrounding area as follows: parking driveway has 6 parking spaces
- b. The proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area in that: it's a residential area
- c. The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City are as follows: none
- d. The proposed use(s) and designs are in general conformity with the City's comprehensive Plan and any other plans officially adopted by the City in that: none
- e. The likely impact on public health and safety is as follows: none
- f. Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts is as follows: none

[A site plan must be submitted]

Company Name Here

[Click here and type return address]

November 9, 2015

Ms. Libby Anderson
City of Beaufort

Attachments:

- (1) Property Survey
- (2) Site Photographs

Dear Madam:

I am a licensed professional engineer in South Carolina and other surrounding states. I provide engineering consultant services for the design of building mechanical, electrical and plumbing systems. Most of the projects that I work on, 90% or more, are located outside South Carolina. In most cases, I never personally meet with clients or architects. Meetings are conducted via conference call or using some other online media such as Skype, Join Me, TeamViewer, etc.

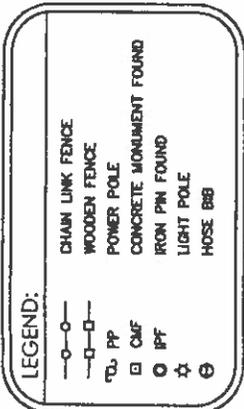
My design work is performed at a computer workstation using Computer Aided Drafting (CAD) software. Then the drawings and construction documents are transmitted electronically by e-mail or the internet. I maintain no product or material inventory of any kind. I do not ship or receive any products or material by land mail or courier.

I have one engineering drafter helping me and I pay him \$17.50/hr for his time. At the time of hiring this person was un-employed and looking for work. I myself was recently laid-off work, as a result, I decided to start my own business because there are very few opportunities for engineering professionals in this area.

Normal work hours are 9 am – 5 pm. I do not anticipate clients visiting my home office. I have three registered vehicles for my family. The apartment unit tenants each have a vehicle. We do have sufficient paved parking area for all vehicles as you can see from the attached photographs and survey. Thank you for your consideration and I hope to keep working and bringing revenue to Beaufort.

Sincerely,

Clay M. Dalon PE



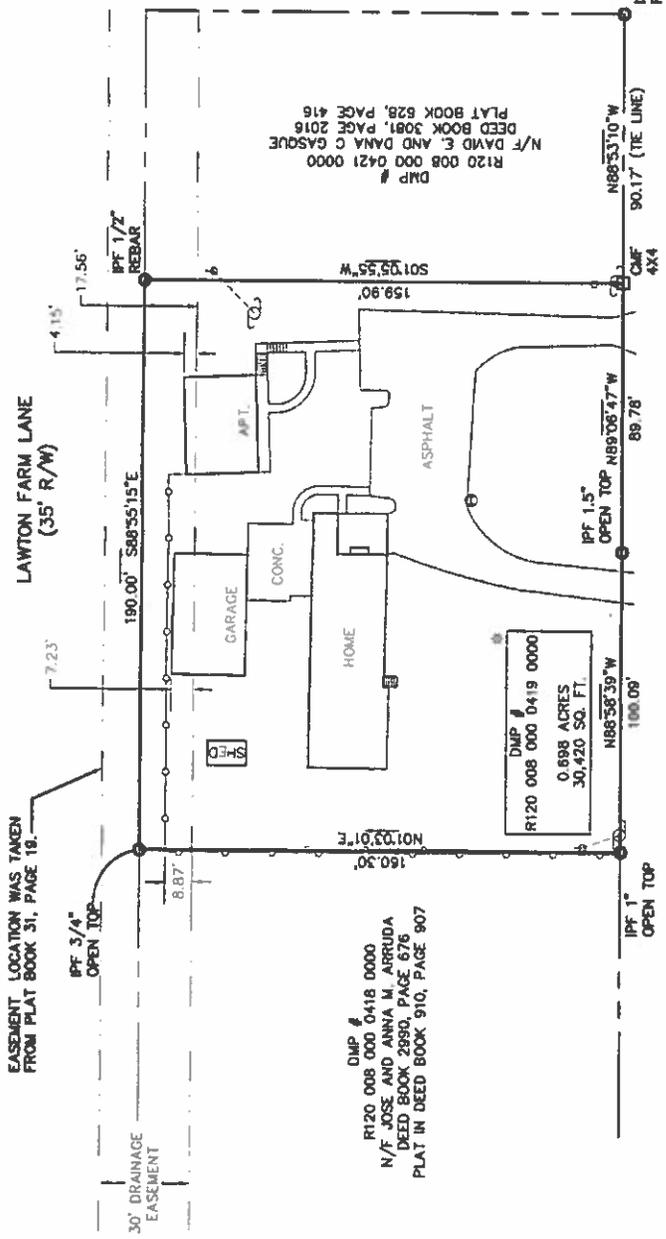
NOTES:
 1. BEARINGS ARE BASED ON REFERENCE PLAT (BOOK 33, PAGE 170)
 2. FIELD WORK COMPLETED MAY 18, 2015.
 3. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 450026 0005 D REVISED SEPTEMBER 29, 1988, THE SUBJECT PROPERTY LIES IN FLOOD ZONE "A8" (ELEV. =15').
 4. REFERENCE: PLAT BOOK 31, PAGE 19; PLAT BOOK 33, PAGE 170

THE SAME BEING SHOWN AS LOT 20 AND 21 ON A PLAT OF PREPARED FOR STEPHEN R. SIGHTLER AND CATHY A. SIGHTLER DATED FEBRUARY 17, 1988 BY R.D. TROGDON, JR. AND RECORDED IN THE R.O.D. OFFICE FOR BEAUFORT COUNTY IN PLAT BOOK 33 AT PAGE 170.

BROAD STREET (50' R/W)

LAWTON FARM LANE (35' R/W)

SOUTHSIDE BOULEVARD (66' R/W)



DMP # R120 008 000 0418 0000
 N/F JOSE AND ANNA M. ARRIDA
 DEED BOOK 2890, PAGE 676
 PLAT IN DEED BOOK 910, PAGE 907

DMP # R120 008 000 0419 0000
 0.698 ACRES
 30,420 SQ. FT.

DMP # R120 008 000 0421 0000
 N/F DAVID E. AND DANA C GASQUE
 DEED BOOK 3081, PAGE 2018
 PLAT BOOK 628, PAGE 416

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



© 2015

CLOSING SURVEY
 Prepared for
CLAY MARCEL DALON
 LOT 20 AND 21
 MOSSY OAKS PARK EXTENSION SUBDIVISION
 BEAUFORT COUNTY, SOUTH CAROLINA

REF. PLAT BOOK:	33, PAGE 170
REF. DEED BOOK:	3045, PAGE 1724
TAX MAP:	R120 008 000 0418
PARTY CHIEF:	J.T.
DRAWN BY:	N.R.
CHECKED BY:	J.H.
DATE DRAWN:	05/20/15
LAST REVISED:	06/19/15
JOB: 157004	

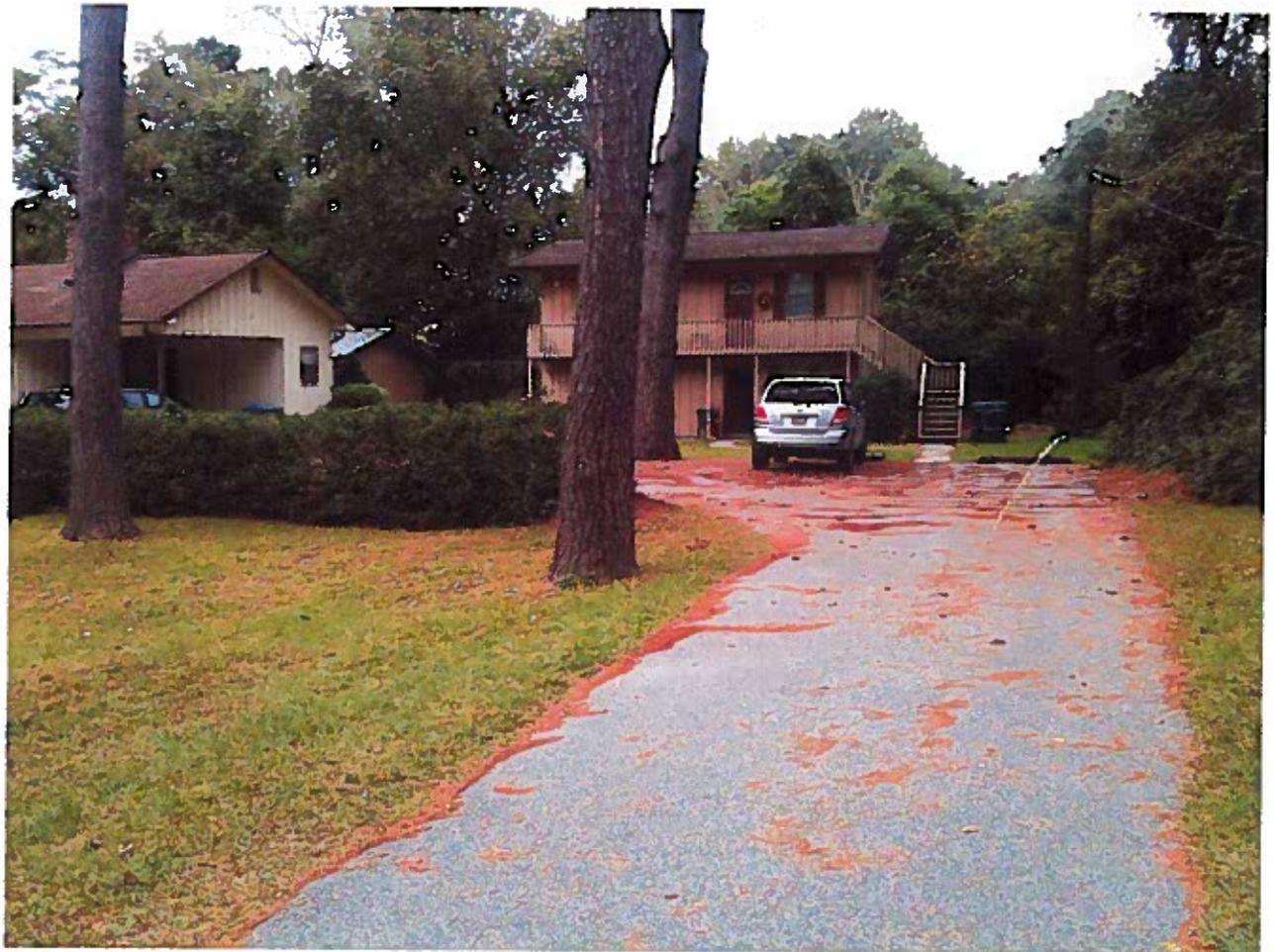


P.L.S. JAMES E. HAYES, JR.
 P.L.S. NO. 13527



CERTIFICATE OF AUTHORIZATION

Andrews & Burgess Inc.
 Engineering & Surveying
 2712 Bull Street Suite A
 Beaufort, SC 29902
 843.379.2222
 Fax 843.379.2223







STAFF REPORT
2611 SOUTHSIDE BOULEVARD

**CITY OF BEAUFORT
ZONING BOARD OF APPEALS
Staff Report and Recommendations
Meeting of 23 November 2015**

Case Number: ZB15-29
Property Address: 2611 Southside Boulevard
Applicant: Clay Dalton
Type of Request: Special Exception for Type 2 Home Occupation
Zoning: R-2

Background: The property is located at 2611 Southside Boulevard in the Mossy Oaks neighborhood (see Site Location Map attached). The property is identified as District 120, Tax Map 8, Parcel 419. The property is zoned R-2 Medium Density Single-Family Residential District (R-2). A single-family dwelling is located on the lot. There is a detached accessory structure on the property. Photos of the property are attached.

The applicant, who is an engineer, desires to open a home office on the premises. Section 5.4.F of the Unified Development Ordinance (UDO) sets out the rules for home occupations. The ordinance (attached) establishes two types of home occupations. Type 1 Home Occupations are approved by staff. Type 1 Home Occupations must “be conducted only by persons residing on the premises (nonresident employees are not permitted).” Type 2 Home Occupations permit up to two employees from outside the home. Type 2 Home Occupations must be approved as a special exception by the Zoning Board of Appeals. The applicant desires to employ an outside individual to assist with the business. The applicant has applied for a Type 2 Home Occupation. The criteria that the Board must consider in reviewing an application for a special exception are set out in Section 3.16.D. of the UDO (attached).

Questions for the applicant: Will the home office be in the accessory structure? Are any changes proposed to the site? Are any changes proposed to the interior or exterior of any buildings on the site?

Public comment: The public hearing notice referencing this application appeared in the November 8 edition of *The Beaufort Gazette*. Letters were sent to adjoining property owners on November 9. The property was posted on November 9. Staff has received one public comment on this application as of the date of this report (attached).

Staff comments pertaining the criteria set out in Section 3.16:

- (1) *Whether the proposed use is compatible with existing land uses in the surrounding area.* The lot is located on Southside Boulevard which would be considered a collector street. This side of Southside Boulevard is served with a sidewalk. Southside Park is located

across Southside Park from the subject lot. A day care facility is located at the southwest corner of Southside Boulevard and Talbird Road. Spanish Trace apartments are located at 2400 Southside Boulevard, east of Talbird Road. The lot is served by a large parking area.

- (2) *Whether the proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area.* The property is over ½ acre in size, well over the minimum 9,000 square foot lot required in the R-2 zone. There appears to be adequate parking on the site to accommodate the applicant's vehicles, the employee's vehicle, and vehicles associated with the accessory dwelling unit.
- (3) *The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City.* In staff's opinion, the proposed use will have negligible impact on public infrastructure.
- (4) *Whether the proposed use and designs are in general conformity with the City's comprehensive plan and any other plans officially adopted by the City.* In staff's opinion, the proposed use is in general conformity with the City's comprehensive plan.
- (5) *Likely impact on public health and safety.* In staff's opinion, the proposed use will have negligible impact on public health and safety.
- (6) *Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.* In staff's opinion, the proposed use, an engineering office, has little potential to create noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts if there is no outside activity or storage.

Staff recommendation: Staff recommends approval of the Type 2 Home Occupation with the conditions:

- there be only one outside employee;
- there be no outside work, fabrication, or storage of any material or equipment relating to the home occupation; and
- that any vehicles associated with the home occupation or the residential units are to park in the driveway and not on the street or in the front yard.

F. Home Occupations

The following regulations shall apply to the conduct of home occupation in any permitted zoning district.

1. Home Occupation Types

Home occupations shall be separated into two categories and permitted subject to an annual business license issued by the City of Beaufort and the following provisions.

a. Type 1 Home Occupation

A Home Occupation Type 1 shall be deemed an accessory use and no further approval shall be required. Such home occupation must meet the following standards:

- (1)** Be conducted entirely within a structure and have no outside storage of any kind related to the home occupation;
- (2)** Be clearly incidental and secondary to the principal use of the dwelling;
- (3)** Be conducted only by persons residing on the premises (nonresident employees are not permitted);
- (4)** Entrance to the home occupation portion of the dwelling is from within the dwelling and not through a new outside entrance, except where this provision conflicts with the requirements of the South Carolina Department of Health and Environmental Control (DHEC);
- (5)** Create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem; and
- (6)** Instruction in music, dancing and similar subjects shall be limited to two students at a time.

b. Type 2 Home Occupation

Following approval as a special exception by the Board of Zoning Appeals, a limited business operation may be conducted as a Home Occupation Type 2. Such home occupation must meet the following standards. The Building Official may inspect the premises without prior notice during normal business hours.

- (1)** Not more than two employees who are not residents of the household are employed; and
- (2)** The applicable codes of the City of Beaufort, as amended, govern the electrical wiring, plumbing, etc., which shall be installed before such home occupation begins;

2. Home Occupation Standards

- a.** The Home Occupation shall not affect the residential character of the dwelling nor cause the dwelling to be extended.
- b.** No outside storage shall be used in connection with the Home Occupation.
- c.** No more than one sign or name plate not exceeding one and one-half square feet in area indicating the name and/or occupation of the

occupant is permitted, and no freestanding, illuminated or animated sign is used. Where a home occupation is located in a Bed and Breakfast establishment, only one sign shall be permitted for both uses.

- d.** No equipment or process shall be used in connection with the Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises; and
- e.** No display of products shall be visible from the street and only articles made on the premises with the exception of antiques, may be sold; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the Home Occupation, may be sold on the premises.
- f.** Not more than 25 percent of the floor area of the principal dwelling is used for a home occupation.
- g.** Vehicles having passenger vehicles characteristics only shall be permitted in connection with the conduct of the Home Occupation.
- h.** All deliveries and activities involving outside visitors or clients shall be limited to the hours between 8 A.M. and 8 P.M.
- i.** The Home Occupation shall not result in off-street parking of more than three vehicles at any one time not owned by members of the occupant family.
- j.** Barber shops and beauty parlors shall be licensed and operated according to the standards set by the South Carolina Department of Labor, Licensing, and Regulation and shall be limited to two chairs. As part of the application for the proposed home occupation, the applicant shall certify that the proposed use is not prohibited by any covenant or deed restriction on the property.
- k.** No home occupations that involve visitation by customers or salespeople shall be permitted in accessory dwelling units.
- l.** Off-street parking shall be provided in accordance with the standards of Section 7.5 , for the type of home occupation maintained. The off-street parking spaces required for the home occupation shall be maintained in addition to the space or spaces required for the residence itself. No parking spaces, other than driveways, may be located in the required front yard setback.
- m.** One vehicle trailer no more than 12 feet in length may be permitted as part of a home occupation. Such trailer shall not be parked in the street right-of-way or in the front yard unless it is parked in a driveway.

3. Exclusions to Home Occupations

No home occupation shall be permitted that does any of the following:

- a. Internal or external alterations inconsistent with the residential use of the building;
- b. Is visible from the street;
- c. Generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
- d. Creates a hazard to persons or property;
- e. Results in electrical interference;
- f. Is a nuisance; or
- g. Results in the outside storage or display of anything.

4. Prohibited Home Occupations

The following are prohibited as Home Occupations:

- a. Automobile and/or body and fender repairing;
- b. Food handling, processing or packing, other than catering services that utilize standard home kitchen equipment;
- c. Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a seamstress where goods are not manufactured for stock, sale or distribution;
- d. Restaurants;
- e. Uses which entail the harboring, training, raising or treatment of dogs, cats, birds or other animals on-site;
- f. Body piercing facilities; and
- g. Tattoo facilities.

G. Setback and Other Yard Requirements for Accessory Uses

All accessory uses operated in structures above ground level, including in-ground or above-ground pools, shall observe all setbacks, yard and other requirements set forth for the district within which they are located, with the following exceptions:

1. Water-oriented facilities such as docks, marinas, boat houses, etc., which shall be allowed to infringe into required setback areas along shorelines and into rivers, lakes, streams and other waterways.
2. On single-family and two-family residential lots, the side and rear yard setbacks for nonhabitable accessory structures less than 500 square feet in size and 15' in height may be reduced to 5'.
3. On single-family lots the Historic District, the side and rear yard setbacks for accessory structures may be reduced to 5'.
4. Garages, where garage doors face the street, shall be set back from any street property line a minimum of 20'.

3.16 Special Exceptions

A. Purpose

Special exceptions shall be used to permit uses subject to the terms and conditions for the uses set forth for such uses in this UDO. Uses permitted by special exception are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the zoning district within which they are proposed. The Zoning Board of Appeals shall hear and decide requests for special exceptions.

B. Application

A special exception application form as published by the Administrator and appropriate fee as required by Section 3.1 shall be required, along with such accompanying material as is required to ensure compliance with the criteria listed below.

C. Approval Process

1. Staff Review and Report

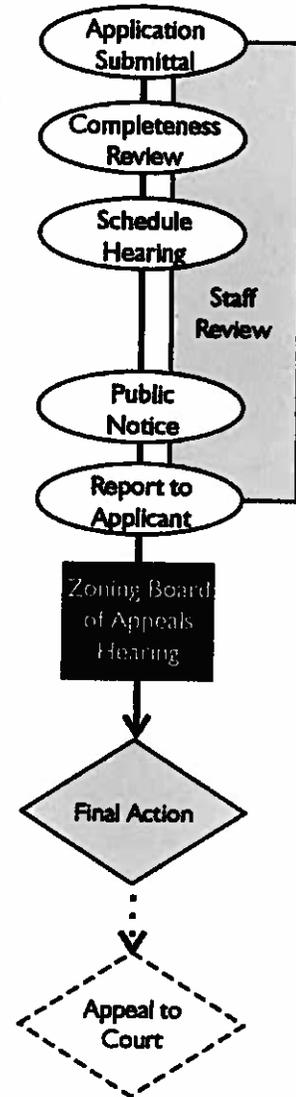
The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, the review criteria listed below, and the requirements of this UDO. A copy of the report shall be provided to the Zoning Board of Appeals and the applicant before the scheduled hearing.

2. Mailed Notice

A courtesy notice of any Special Exception Application shall be provided by US Mail to all property owners within 200 feet of the subject property. Failure to provide such notice shall not be considered a jurisdictional defect, provided that published notice in accordance with Section 3.1 has been provided.

3. Action by Board of Zoning Appeals

- a. Following posted and mailed notice in accordance with Section 3.1 Approval Procedures, the Zoning Board of Appeals shall hold a public hearing on the Special Exception application.
- b. After review of the application and the public hearing, the Zoning Board of Appeals shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.
- c. If approval, or approval with modifications or conditions is granted, the decision shall be communicated in writing within 15 days to the applicant, and the applicant shall then be authorized to submit a development permit application consistent with this ordinance.



D. Special Exception Review Criteria

The Zoning Board of Appeals may approve an application for a Special Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The Board shall consider the following criteria in its review:

1. Whether the proposed use is compatible with existing land uses in the surrounding area;
2. Whether the proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area;
3. The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City;
4. Whether the proposed use and designs are in general conformity with the City's Comprehensive Plan and any other plans officially adopted by the City;
5. Likely impact on public health and safety; and
6. Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.

E. Conditions

The Zoning Board of Appeals may impose such conditions and restrictions upon the application as may be necessary to minimize or mitigate any potential adverse impacts of the proposed use.

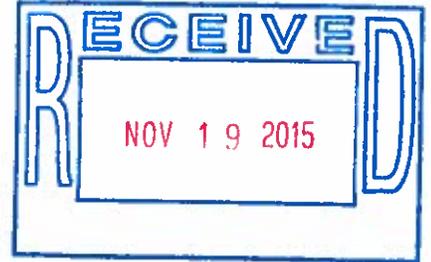
F. Appeal

Any party aggrieved by the Zoning Board of Appeals' decision may appeal such determination to the Circuit Court of Beaufort County by filing with the Clerk of the Court a written petition within 30 days after the decision of the Board is postmarked, in accordance with the procedures found in Section 3.18 of this UDO.

**PUBLIC COMMENTS SUBMITTED TO THE
PLANNING DEPARTMENT**

2662 Broad Street
Beaufort, South Carolina 29902
November 16, 2015

City of Beaufort
Zoning Board of Appeals
1911 Boundary Street
Beaufort, South Carolina 29902
Attn: Ms. Libby Anderson



Re: 2611 Request for special exception

Dear Ms. Anderson,

Neither my husband nor I are able to attend the November 23rd public hearing of the Zoning Board of Appeals concerning the request for a special exception to operate a home occupation at 2611; therefore, I am sending this e-mail and will also send this through the regular postal mail to the Boundary Street address.

My husband and I do not object to a home business in the house behind ours, if that business is quietly contained within the home – such as an online business, telemarketing, real estate consulting, financial consulting, medical transcription, sewing alterations, or a business of that nature. The letter did not state what the nature of the business was.

Lately we have be aware of sounds behind our house that we thought were probably the sounds of the neighbor at 2611 working on some sort of necessary “home improvement” project that we all have to be involved in from time to time to maintain our houses. The work is being done at the edge of the property line, right across the little creek behind our house and we are very much aware of it in our small back yard and back porch. That work noise continued yesterday afternoon (a Sunday afternoon) and was still in progress when we left for church that evening. If that noise is the noise of a new business, we would object to such a business in our residential neighborhood.

Thank you for informing the neighbors about this issue.

Sincerely,

Laura Richardson