

**VARIANCE APPLICATION
705 WASHINGTON STREET**

#12313
\$ PAID
11/3/15

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 Fees	
<input checked="" type="checkbox"/>	Residential \$200
<input type="checkbox"/>	Commercial \$300
<input type="checkbox"/>	Special Meetings \$500

VARIANCE APPLICATION

OFFICE USE ONLY: Date Filed: 11-3-15 Application #: ZB15-28 Zoning District: TBR

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.

APPLICANT(S): Mark & Alison Guilloud

Address: 705 Washington St

Telephone: 843-542-0230 [day] 843-524-4201 [fax]

E-mail: guillouda@gmail.com / LCPETVET@gmail.com

OWNER(S) if other than Applicant(s): _____

Address: _____

Telephone: _____ [day] _____ [fax]

PROPERTY STREET ADDRESS: 705 Washington St.

Tax Map No.: R121-004 see attached

Parcel No.: 0319

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: 11-3-2015

Owner's Signature: _____

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

Date: 11-3-2015

Applicant's Signature: *Mark Guilloud*

VARIANCE APPLICATION

Applicant hereby appeals to 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 3.15 of the Unified Development Ordinance (UDO):

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) *we would like to purchase the property that is on an easement but we need assurance for it to be only to the "buildy edge" 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 UDO: as a getback*

1. The application of the UDO will result in unnecessary hardship, and the standards for a variance set by State law and the UDO are met by the following facts:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: *The property is the only parcel for parking on the property during the fact that it is a historical property.*

House was originally built in 1791 and the carport is the only place allowed by HBF for parking on the property.

b. These conditions do not generally apply to other property in the vicinity as shown by: *The existing easement is in a lawsuit in which we are trying to make to purchase of the carport. The neighboring property owner only wants to take the factor of the carport. (Drip line)*

c. The conditions are not the result of the applicant's own actions as follows: *The carport was constructed for use by 705 Washington when the owner had both properties and granted an easement. The easement is under lawsuit and the subject of a lawsuit.*

d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDO in that: *No. The property will not effect the Comprehensive Plan but instead will keep the historic home viewable and in agreement w/ HBF.*

e. Because of these conditions, the application of the UDO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: *If not granted we will have no agreement made over the carport and will have to go to court about the intention of the easement. This has been going on for 3 years and we hope to end it by getting the variance to purchase the property.*

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: *Not on any way the carport has been used by 705 Washington of a street was built in 1996. We need assurance to allow the purchase of the carport (just the footprint - Drip line), that is what the other party is offering.*

* Airport was built in 1996 and the times
the setbacks were less

Libby Anderson

From: Alison Guilloud <guillouda@gmail.com>
Sent: Friday, November 13, 2015 1:27 PM
To: Libby Anderson
Subject: Variance request photos to follow

Good Morning Libby,

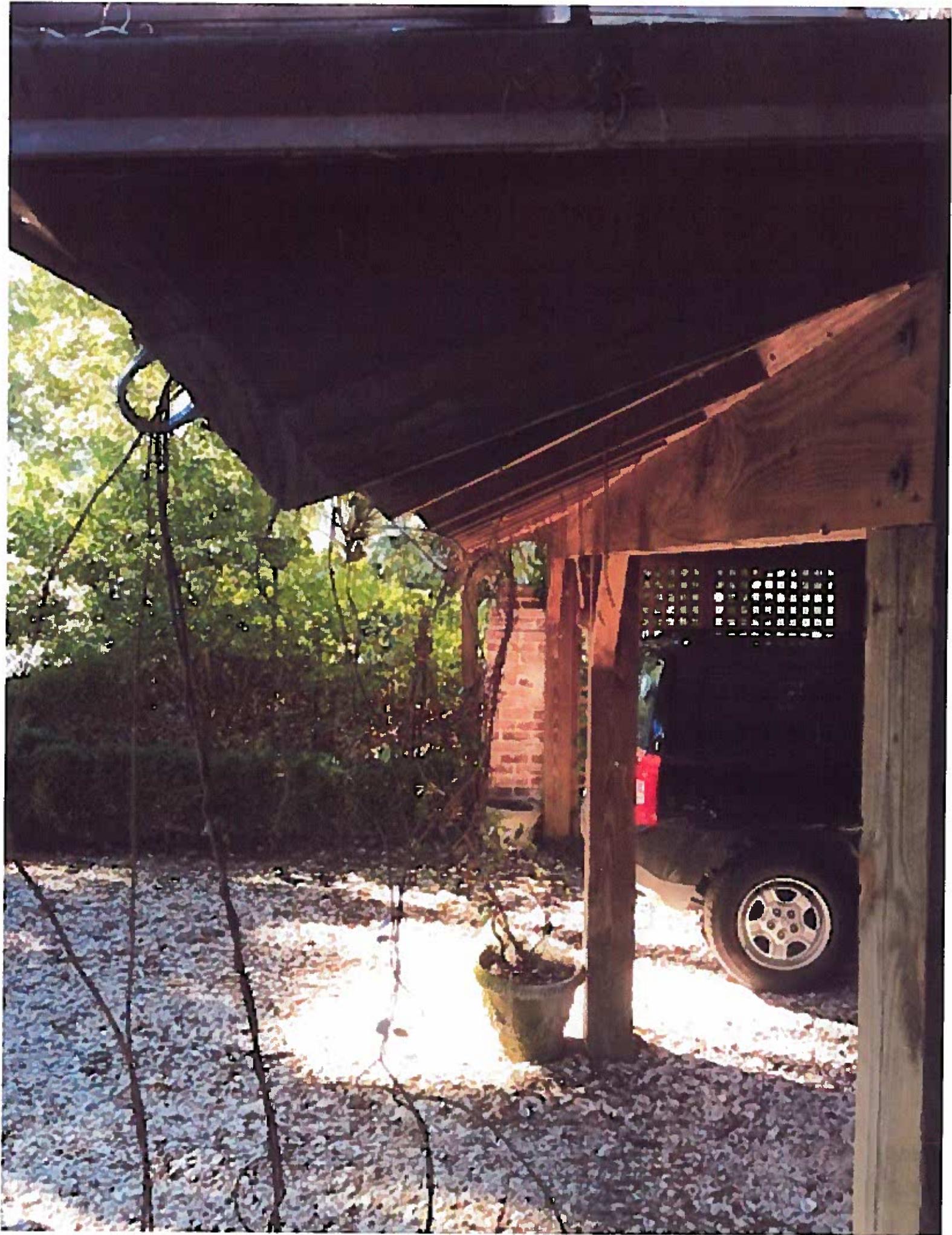
I just sent you several photos of the carport and the area in which we are asking for a variance. As you know we are requesting a variance to the drip line of the extended roof. The drip line is exactly two feet from the walls of the carport. I also have photos of the entire property which show how the carport due to the easement, granted by the city in 1996, was part of the entire Historic Site. Our property is listed on the Historic Register and is one of a few remaining tabby homes in the United States. Historic Beaufort Foundation also has an easement that prevents any obstruction of the view of the home, therefore disallowing the relocation of any parking area except for the one in question. We are asking for a variance to purchase the carport instead of using the 25 ft easement between the two properties. At the time each of the properties were sold it was clear that the 25 ft easement was created with the clear intention that the carport belonged to the larger home and provided a parking area for the grand home. After much research (Mr. Green, owner of the adjacent property and law-suit) found a scrivener's area in the documentation of the easement granted by the city. Therefore we have entered into a long and angst filled law suite. We have finally reached a mutual agreement to purchase the carport but he is only willing to give to the drip line of the building, which is two feet from the walls of the carport. I implore you to favor this variance request in order that we may end this dispute and stay out of court. Martin Kay was also able to find when the date (December of 1996) of the construction of the carport and the builder did have a permit, if you need me to provide further documentation on this please let me know.

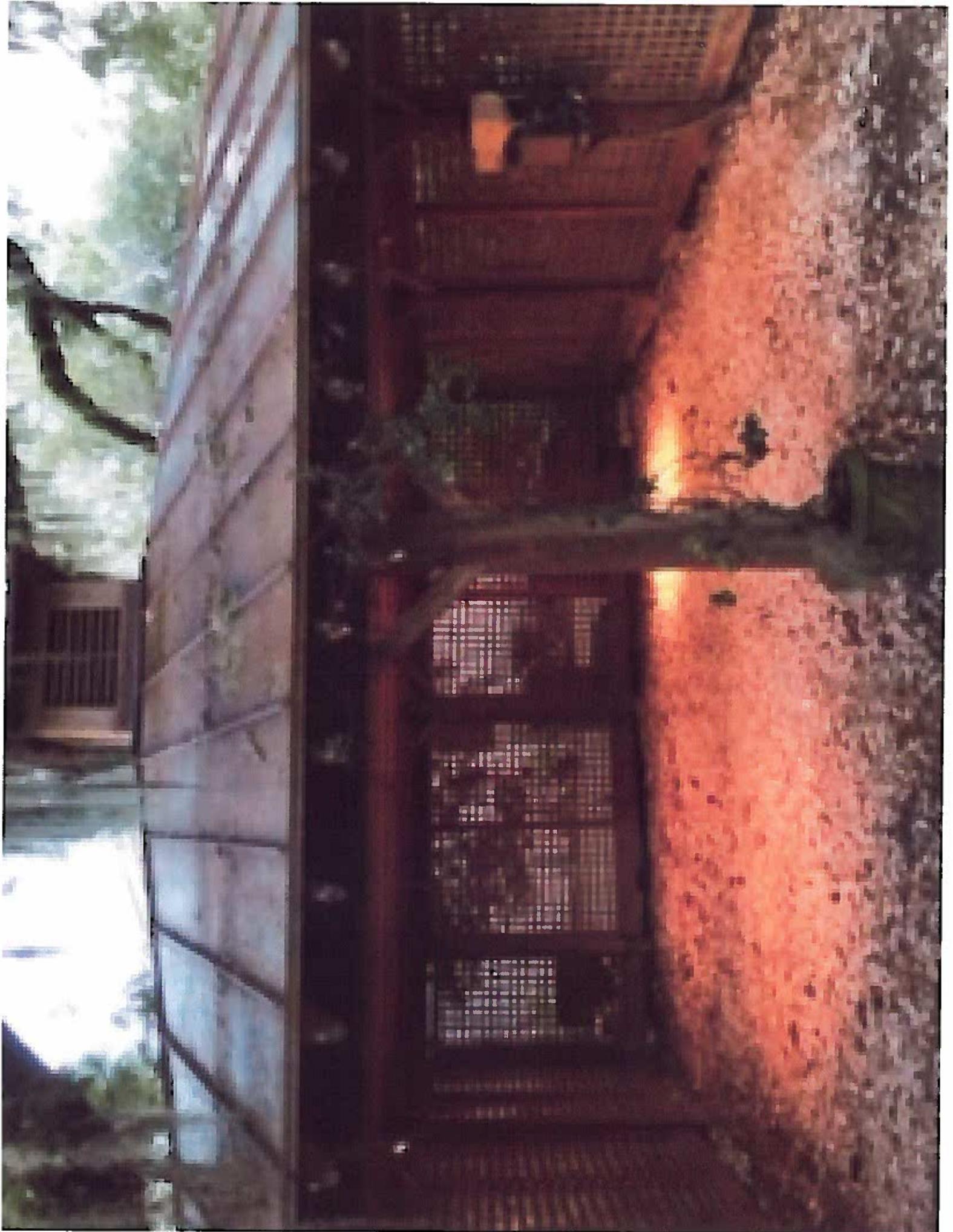
Alison Guilloud
843-592-0230

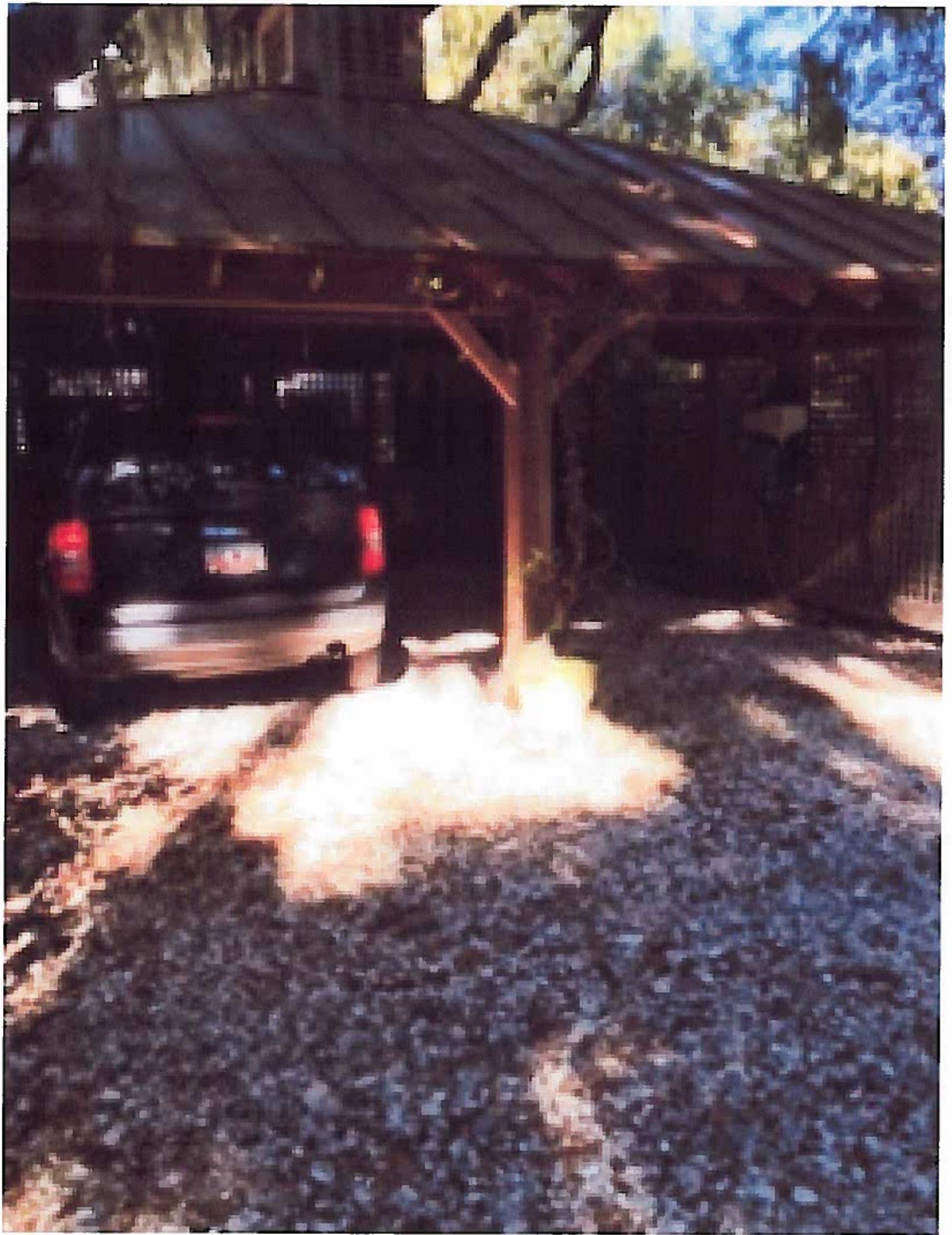


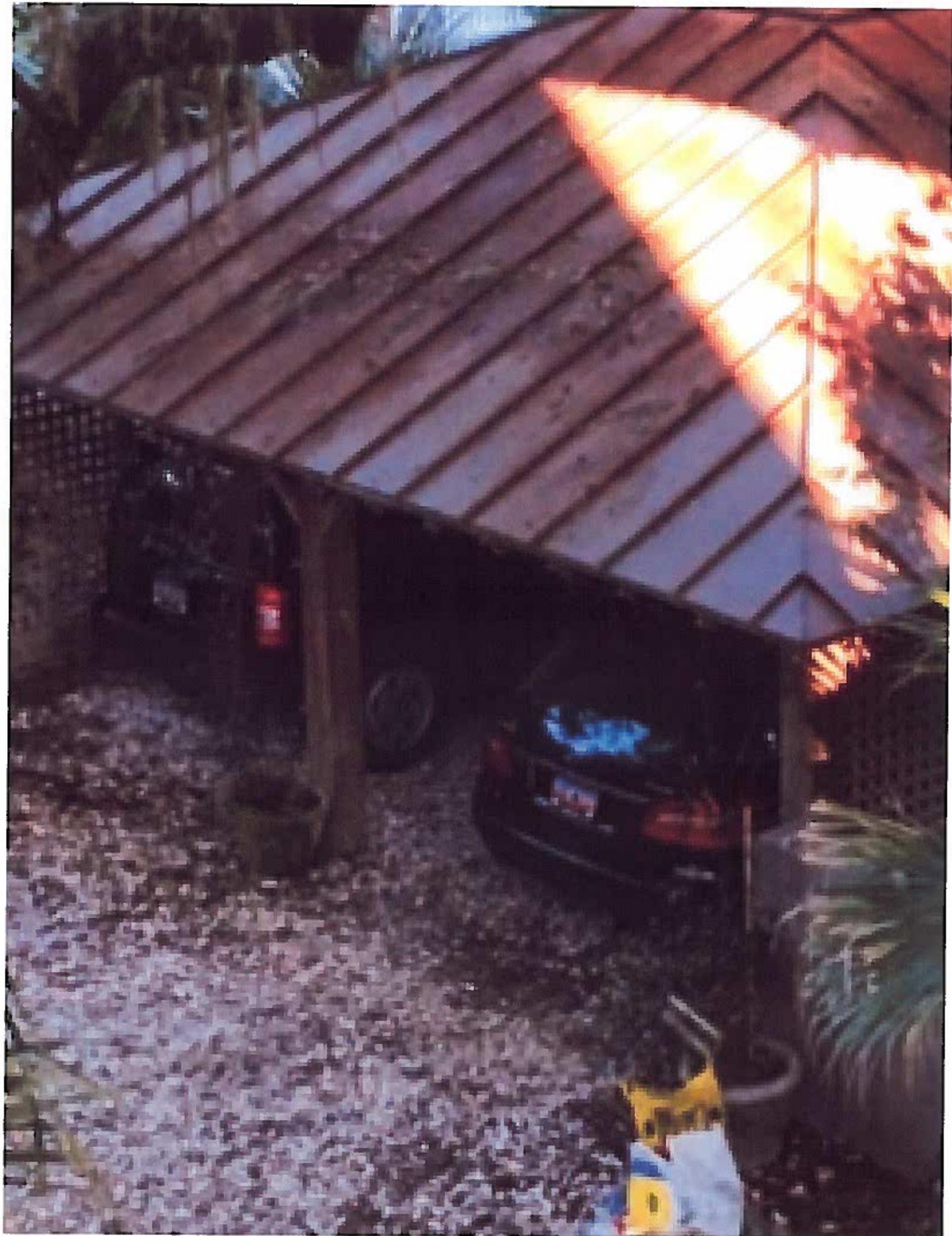












STAFF REPORT
705 WASHINGTON STREET

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

Case Number: ZB15-28
Property Address: 705 Washington Street
Applicant: Mark and Alison Guilloud
Type of Request: Side and Rear Yard Setback Variances
Zoning: TBR Old Commons

Background: The property is located at 705 Washington Street in the Old Commons neighborhood of the Historic District. The property is identified as District 120, Tax Map 4, Parcel 319. The property is bounded by three streets—Washington, Scott, and Carteret Streets (see Site Location Map attached). A historic structure is located on the property (see attached photo). The property is zoned “Traditional Beaufort Residential District” (TBR) Old Commons.

The previous property owner also owned the adjacent property to the rear (north) at 708 Greene Street. 705 Washington Street is shown in blue on the attached map. 708 Greene Street is shown in green. At some point, a carport was constructed on the Greene Street property to serve 705 Washington Street. The carport is approximately 650 square foot and is enclosed with lattice on three sides. Photos of the carport are attached.

The applicants have submitted a lot recombination application to adjust the lot lines so that the carport is included as part of the Washington Street lot (see attached plat). Section 5.4.G.4 of the Unified Development Ordinance stipulates that in the Historic District, the side and rear yard setback for accessory structures is 5'. The proposed lot line adjustment shows the new lot lines at the eave line of the carport, approximately 2' from the side of carport. The applicants have requested a variance of Section 5.4.G.4 to permit the lot line adjustment.

Question for the applicant: If the lot lines were adjusted as requested, to take in only the area under roof, how could the carport be maintained (ex., painted, washed, repaired) without going onto the adjoining property?

Is there evidence that a permit was issued for the carport? Staff looked back to permits issued since 1983 and can find no record of a carport being built on either lot.

Staff Comments: Staff conferred with the Building Official on this issue. If the building were to be constructed today, Section R302.1(1) of the International Residential Code (attached) would require the structure to be a minimum of 5' from the side and rear property lines unless the walls of the structure were one hour fire rated. The walls of the carport are not one-hour fire rated.

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. On November 13, staff notified the president of the Old Commons Neighborhood Association of the application. Staff has received no public comments on this application as of the date of this report.

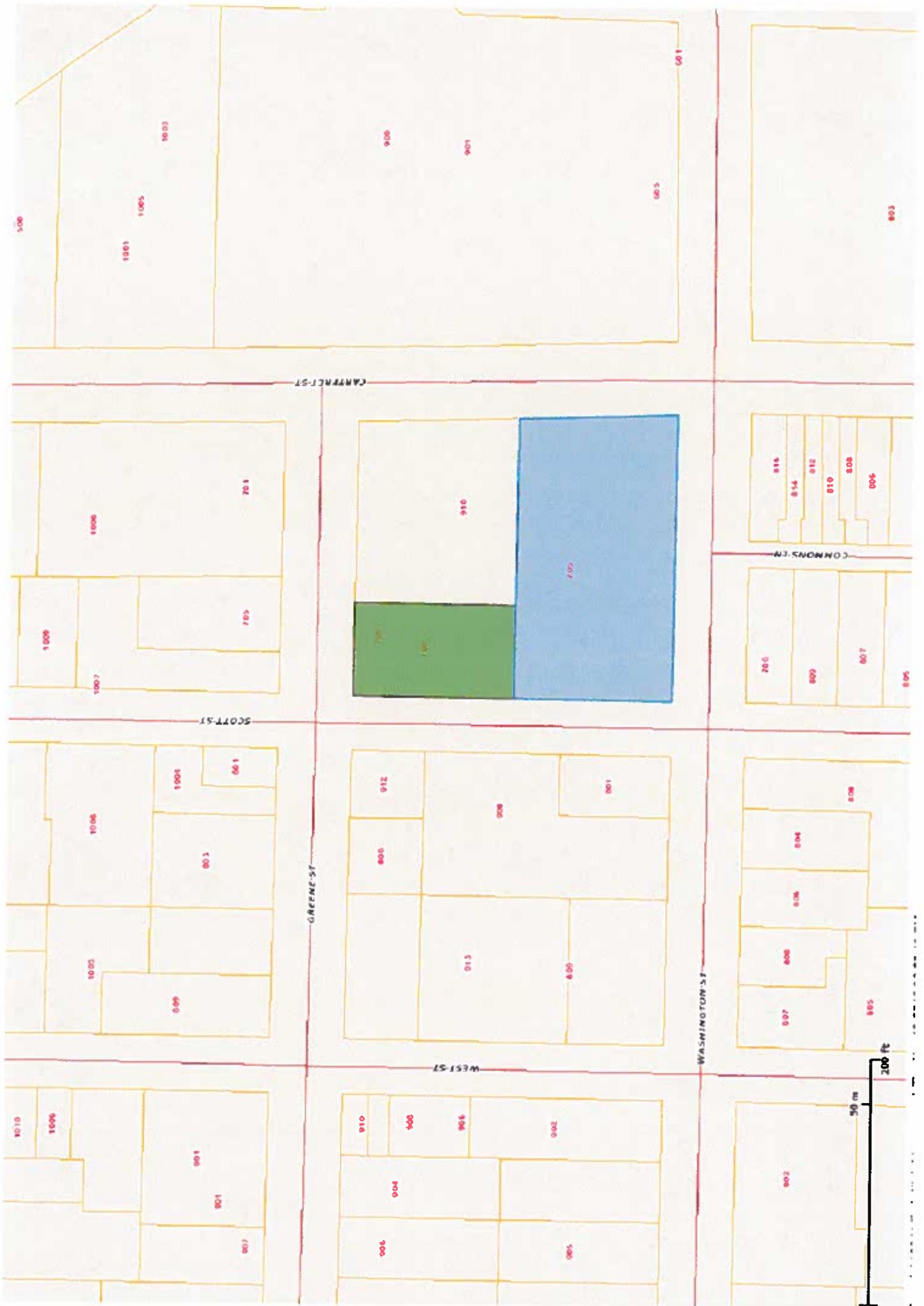
Staff findings: Based on the information submitted with the application, staff has concluded the following:

- (1) *Extraordinary and exceptional conditions.* In staff's opinion, there may be extraordinary and exceptional conditions pertaining to this property in that a carport was built on the lot at 708 Greene Street to serve the lot at 705 Washington Street by an owner who owned both properties. The lots were subsequently sold to different owners. In addition, the Historic Beaufort Foundation holds an easement on this property.
- (2) *Conditions as applied to other property in the vicinity.* These conditions do not generally apply to other property in the vicinity.
- (3) *Conditions not a result of the applicant's own actions.* These conditions are not the result of the applicant's own actions in that the applicant did not build the carport.
- (4) *Not in conflict with Comprehensive Plan.* The Board must make a finding that granting of the variances will not be in conflict with the Comprehensive Plan and the purposes of the Unified Development Ordinance.
- (5) *Unreasonable restriction on utilization of the property.* The Board must make a finding that application of the ordinance to this particular property would effectively prohibit or unreasonably restricts utilization of the property. There appears to be no physical reason why the lot lines cannot be adjusted to be 5' from the carport rather than 3'.
- (6) *Detriment to adjacent property and the public good.* In staff's opinion, granting of the variance for the lot line adjustment may be a detriment to adjacent property and the public good, in that the walls of the carport are not fire-rated and that the current building code requires an unrated structure to set back at least 5' from any property line.

Staff recommendation: Staff believes that all the conditions necessary to approve the variances cannot be met, and so staff recommends denial.

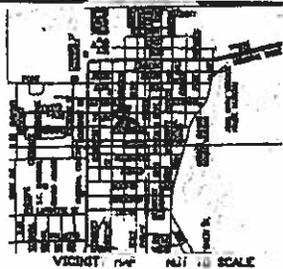


Property Locations

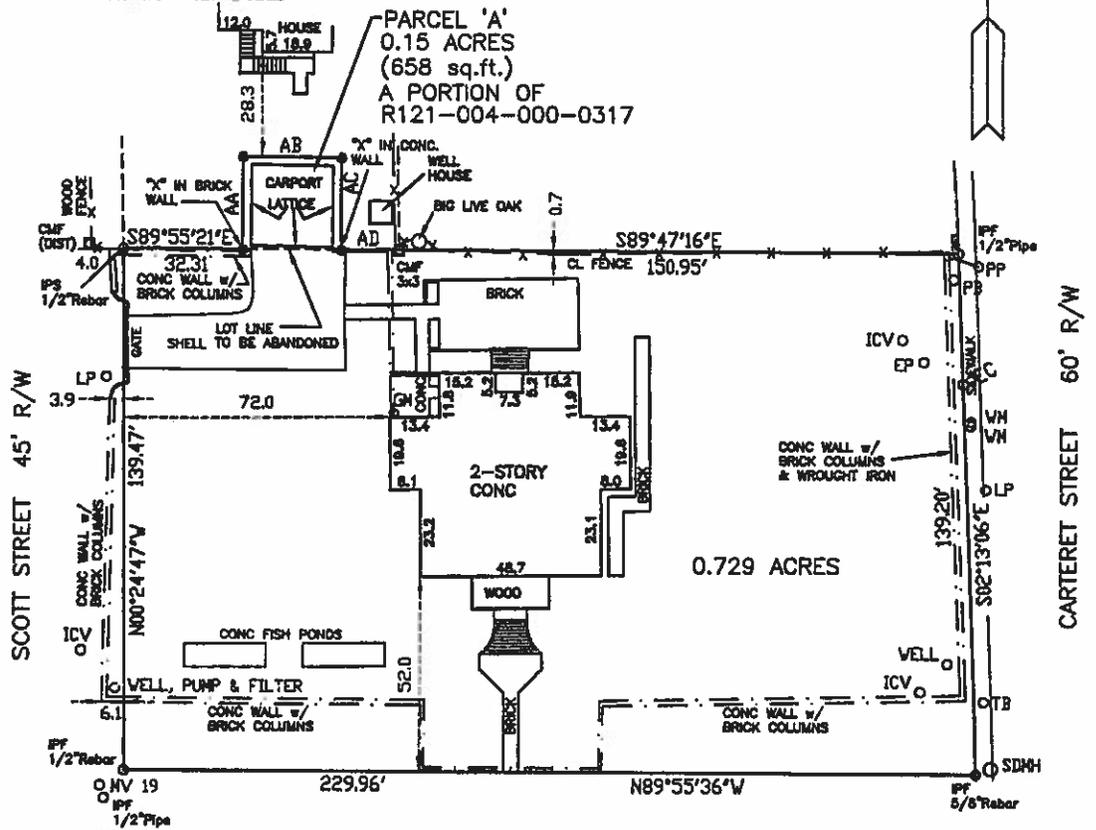


Aerial Image





NO.	BEARING	DISTANCE
AA	N00°31'02"E	24.81'
AB	S89°33'19"E	26.60'
AC	S00°26'41"W	24.64'
AD	S89°55'21"E	15.69'



WASHINGTON STREET 60' R/W

- LEGEND:
- MV - WATER VALVE MARKER
 - PP - POWER POLE
 - ICV - IRRIGATION VALVE
 - TB - TELE BOX
 - SDMH - STORM MANHOLE
 - WM - WATER METER
 - LP - LIGHT POLE
 - GM - GAS METER
 - EP - ELEC PANEL
 - PB - POWER BOX
 - - IPS 1/2" Rebar

CLOSING PLAT
 PREPARED FOR
 FORREST M. AND ALISON M. GULLOUD
 CITY OF BEAUFORT
 BEAUFORT COUNTY, SOUTH CAROLINA

THE SAME BEING A PORTION OF BLOCK 42, CITY OF BEAUFORT, BEAUFORT COUNTY ACCORDING TO A MAP OR PLAT ADOPTED BY THE U.S. DIRECT TAX COMMISSIONERS FOR THE DISTRICT OF SOUTH CAROLINA.

I HEREBY STATE 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 B SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

THIS PROPERTY IS LOCATED IN ZONE B AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL NUMBER 450026 0005 D, DATED 9-29-86.

R121-004-000-0317-0000
 R121-004-000-0319-0000



SCALE 1" = 40'
 MARCH 14, 2013
 P15025/LSP

REVISED 9/23/15
 REMOVED 25' EASEMENT
 AND ADDED PARCEL A.

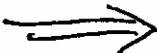
David S. Youmans
 DAVID S. YOUMANS RLS 9766
 BEAUFORT SURVEYING, INC.
 1613 PARIS AVENUE
 PORT ROYAL, S.C. 29936
 PHONE (843) 524-3261

- 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.

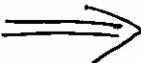
4. Prohibited Home Occupations

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'.

**EXCERPT FROM 2012 INTERNATIONAL
RESIDENTIAL CODE**

R302.1 Exterior walls.

Construction, projections, openings and penetrations of *exterior walls* of *dwelling*s and accessory buildings shall comply with Table R302.1(1); or *dwelling*s equipped throughout with an *automatic sprinkler system* installed in accordance with [Section P2904](#) shall comply with Table R302.1(2).

Exceptions:

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the *fire separation distance*.
2. Walls of *dwelling*s and *accessory structures* located on the same *lot*.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the *lot*. Projections beyond the *exterior wall* shall not extend over the *lot line*.
4. Detached garages accessory to a *dwelling* located within 2 feet (610 mm) of a *lot line* are permitted to have roof eave projections not exceeding 4 inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.

TABLE R302.1(1) EXTERIOR WALLS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Fire-resistance rated	1 hour on the underside	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 5 feet
		None required	5 feet

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable.

TABLE R302.1(2) EXTERIOR WALLS—DWELLINGS WITH FIRE SPRINKLERS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E 119 or UL 263 with exposure from the outside	0 feet
	Not fire-resistance rated	0 hours	3 feet ^a
Projections	Fire-resistance rated	1 hour on the underside	2 feet ^a
	Not fire-resistance rated	0 hours	3 feet
Openings in walls	Not allowed	N/A	< 3 feet
	Unlimited	0 hours	3 feet ^a
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet ^a

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable

a. For residential subdivisions where all dwellings are equipped throughout with an automatic sprinkler systems installed in accordance with [Section P2904](#), the fire separation distance for nonrated exterior walls and rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining lot provides an open setback yard that is 6 feet or more in width on the opposite side of the property line.