

**VARIANCE APPLICATION
909 EMMONS STREET**

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

\$ PAID
8/19/15 *cl*
AB 119 85

VARIANCE APPLICATION

OFFICE USE ONLY: Date Filed: 8/19/15 Application #: 2B15-21 Zoning District: R-2

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): Samuel M. Cooper & Lily Patterson Cooper
Address: 801 Robertson Academy Rd., Nashville, TN 37220
Telephone: (615) 636-5441 [day] (843) 499-5278 [fax]
E-mail: samuelcooper@yahoo.com

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

PROPERTY STREET ADDRESS: 909 Emmons St., Beaufort, SC 29902
Tax Map No.: _____
Parcel No.: R120 002 000 0216 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 x 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: Aug. 19, 2015 Applicant's Signature: Lily Patterson Cooper

City of Beaufort Zoning Board of Appeals

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Beaufort, South Carolina 29902

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E-Mail: jbachety@cityofbeaufort.org

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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): Only one vehicle storage building allowed per lot.

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) Build a "Boat Port" for storage of owner's boat.

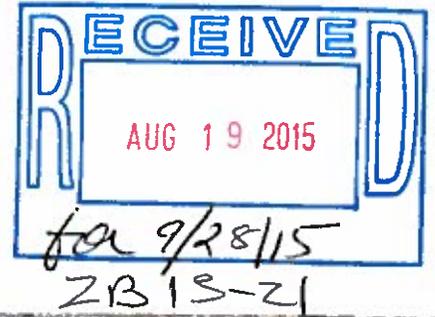
for which a permit has been denied by a building official on the grounds that the proposal would be in violation of the cited section(s) of the UDO:

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 building that was built to be a garage has not been in many years. Presence of a large live oak tree and a fence prevent it from being as such. Owner has gutted the structure and will renovate as an accessory dwelling unit.
 - b. These conditions do not generally apply to other property in the vicinity as shown by: There are few other properties nearby that have garages.
 - c. The conditions are not the result of the applicant's own actions as follows: Owner recently acquired the property.
 - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDO in that: Once the current "garage" is renovated this new "Boat Port" will be the only vehicle storage structure on the property.
 - 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: Since the current "garage" is unuseable as a garage, the owner is unable to derive any benefit from it as such.
 - 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 appearance of the neighborhood will be enhanced by having proper storage for a boat which would be left in the yard with only a canvas cover.

Front Views of 909 Emmons



Full width view of lot. Fence opening to the right will be the access to the proposed building.



East side of the lot showing where the proposed building will be located.



West side of lot showing existing garage with large live oak and fence blocking handy access.

Other Views of 909 Emmons



View looking across proposed building site toward neighboring property to the back. 908 Woodward St. which is a vacant lot.

View standing at the approximate back of the proposed building toward the house on 909 Emmons.



View looking across the front of 909 Emmons showing where the driveway would have to go to give access to the existing garage. View is taken from about where the driveway to the proposed building would be.

Neighboring property to the East.
(907 Emmons)

Front View

Apparently Vacant



View East from 909 Emmons

Line is approximate front of
proposed building.



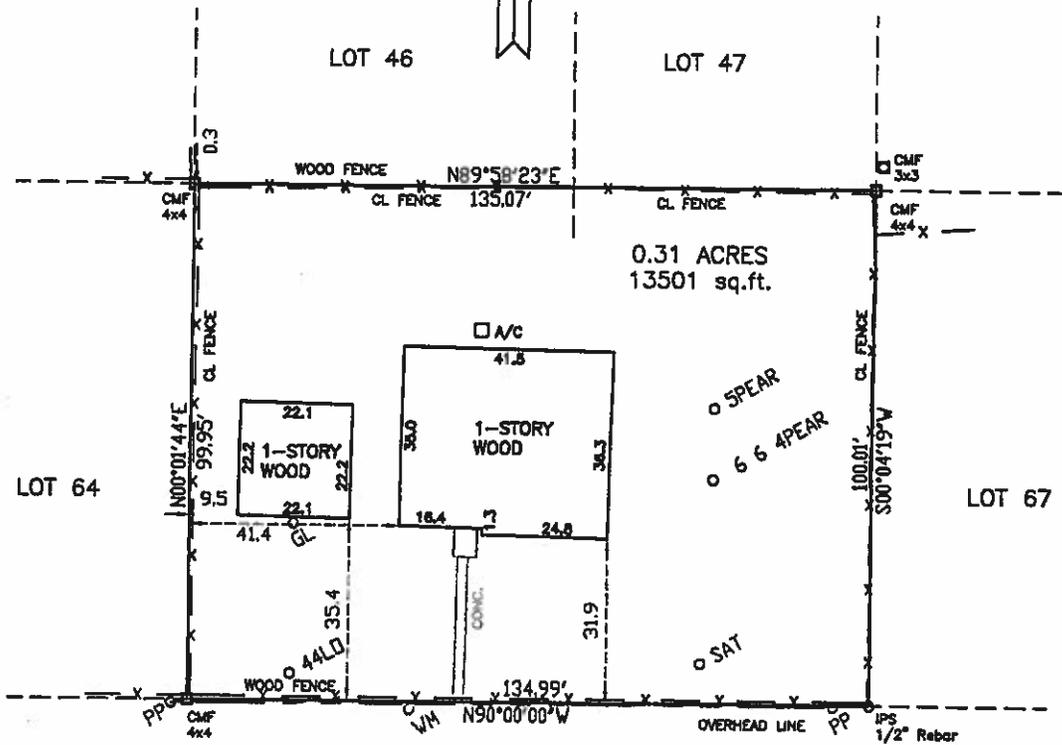
Back View

Line is approximate back
east corner of proposed
building.





LEGEND:
 PP - POWER POLE
 WM - WATER METER
 SAT - DISH ANTENNA
 GL - GAS LINE
 LO - LIVE OAK



EMMONS STREET 50' R/W

ZB15-21
RECEIVED
 AUG 19 2015
for 9/20/15

CLOSING PLAT
 PREPARED FOR
 SAMUEL M. COOPER IV
 & LILLY P. COOPER
 CITY OF BEAUFORT
 BEAUFORT COUNTY SOUTH CAROLINA



THE SAME BEING LOTS 65 & 66, KINGHORN SUBDIVISION AS SHOWN BY J.A. KINGHORN, DATED NOV. 1, 1950 AND RECORDED IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY IN PLAT BOOK 9, PAGE 41

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 C AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL NUMBER 490026 0005 D, DATED 9-29-86
 R120-002-000-0216-0000



SCALE 1" = 30'
 AUGUST 20, 2015
 P15771/LSP

David S. Youmans
 DAVID S. YOUMANS RLS 9765
 BEAUFORT SURVEYING, INC.
 2201 BOUNDARY ST., SUITE 103
 BEAUFORT, S.C. 29902
 PHONE (843) 524-3281

STAFF REPORT
909 EMMONS STREET

**CITY OF BEAUFORT
ZONING BOARD OF APPEALS
Staff Report and Recommendations
Meeting of 28 September 2015**

Case Number: ZB15-21
Property Address: 909 Emmons Street
Applicant: Samuel and Lily Cooper
Type of Request: Variance from Limit on Number of Garages
Zoning: R-2

Background: The property is located at 909 Emmons Street in the Pigeon Point neighborhood (see Site Location Map attached). The property is identified as District 120, Tax Map 2, Parcel 216. The property is zoned "R-2 Medium Density Single-Family Residential District" (R-2). The minimum lot area for the R-2 District is 9,000 square feet. The lot is 13,500 square feet. A single-family dwelling is located on the lot. The dwelling is 1,460 square feet according to the tax assessor records. A 484 square foot detached two-car garage is located on the west side of the dwelling. The garage is located in line with the existing dwelling. The garage doors face the street. The applicant has provided photographs of the property.

Section 5.4.B.1 of the Unified Development Ordinance (UDO) (attached), limits the number of garages or carports on a property to one. The applicants are requesting a variance of Section 5.4.B.1 to allow an open "car/boat port" to be built in the northeast corner of the lot. The structure will be 720 square feet. The applicants have stated the existing garage has not been used for the storage of vehicles in many years and that they plan on converting this to an accessory dwelling unit.

Staff comments: The existing garage, located immediately adjacent to the dwelling with the garage doors facing the street, is not the preferred location and design for a detached garage.

The proposed carport is very large--49% the size of the existing structure based on the tax assessor information. The ordinance limits the size of garages/carports to 50% of the footprint of the dwelling.

What is the height of the existing dwelling? The height of the garage/carport cannot exceed the height of the dwelling.

A site visit showed a satellite dish in front of the dwelling. Satellite dishes are not permitted in the front yard of a residential dwelling unless it is documented there is no other location on the property where the dish will be operational (see Section 5.4.E.2 attached).

Public comment: The public hearing notice referencing this application appeared in the September 13 edition of *The Beaufort Gazette*. The property was posted on September 14. Letters were sent to adjoining property owners on September 14. Staff has received one public comment (attached) on this application as of the date of this writing.

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 attached to this property in that this double lot as shown on the Site Location Map. The lot is 50% larger than the minimum lot size required by the R-2 District. There is an existing two-car garage on the property that the applicants have stated they would like to convert into an accessory dwelling unit.
- (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.* The applicant did not plat the lot nor build the existing garage on the lot.
- (4) *Not in conflict with Comprehensive Plan.* Staff believes that granting of the variances would not conflict with the Comprehensive Plan, Civic Master Plan, or the purposes of the UDO, in that the Civic Master Plan encourages reinvestment in existing neighborhoods.
- (5) *Unreasonable restriction on utilization of the property.* The Board must make a finding that application of the ordinance to this particular property is an unreasonable restriction on use of the property. The applicants have stated their desire to convert the existing garage into an accessory dwelling unit. If the garage was converted to an accessory dwelling unit, a variance would not be necessary. If the intent is indeed to convert the garage into an accessory dwelling unit in the near term, it would seem that prohibiting the carport from being developed in advance of the accessory dwelling unit would be an unreasonable restriction on use of the property.
- (6) *Detriment to adjacent property and the public good.* In staff's opinion, granting of the variance may be a detriment to adjacent property or the public good, in that it would permit a large accessory structure to be built on property that already contains an accessory structure that presents design issues (location and garage doors facing the street). If the garage were converted to an accessory dwelling unit, these design issues could be addressed. Construction of an accessory dwelling unit includes a design review component. As part of this review, staff would ensure that the converted unit would have an appropriate front façade.

Staff comments: Staff believes the Board can make all the findings necessary to approve the variance if the Board adds the following conditions to its approval:

- that a permit for conversion of the garage into an accessory dwelling unit must be submitted at the same time the permit for the carport is submitted;
- that renovation of the garage must start within 12 months from the date of completion of the carport; and
- that the satellite dish be removed from the front yard.

2. Completely enclosed building for the storage of supplies, stock or merchandise. Steel cargo storage containers or modified versions thereof are not permitted.
3. Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.
4. Sheds or tool rooms for the storage of equipment used in operations or maintenance. Steel cargo storage containers or modified versions thereof are not permitted.
5. Open yard use for the storage of materials or equipment, excluding junk or other salvage is only permitted in the Highway Commercial District and the Limited Industrial District and shall be separated from adjoining properties by an opaque screen, fence or wall at least seven feet in height above finished grade.
6. Marinas may include the following accessory uses: mooring field, boat tours, boat fueling and pump-out facilities, restrooms, and marina office/store.

D. Uses Customarily Accessory to Public Uses, Buildings or Activities

There shall be no limitations regarding accessory uses to any use, building or activity operated within the public domain except that such uses, buildings, or activities must be directly related and subordinate to the principal Public Use.

E. Satellite Dishes

The guidelines for the siting of satellite dishes are as follows:

1. General Requirements.

No form of advertising shall be allowed on the dish or framework other than the manufacturer's small identification plate.

2. Residential Zones

Satellite dishes should be placed in the side or rear yard or on the roof. Dishes shall not be allowed in any front yard unless a company licensed to install satellite dishes in the City certifies that the front yard is the only place where the dish will be operational. Satellite dishes should be screened from the street and to the degree feasible, from adjoining properties. Such screening can be accomplished through fencing, landscaping, or placement of the dish between/behind architectural features of the building.

3. Commercial Zones

The preferred location for all dishes is in the rear yard or on the roof. Dishes are encouraged to be screened from the street and to the degree feasible, from adjoining properties. Screening can be accomplished through fencing, landscaping, or placement of the dish between/behind architectural features of the building. Dishes greater than two meters in diameter must be located in the side or rear yard or on the roof and must be screened from the street and to the degree feasible, from adjoining properties.



5.4 Accessory Uses

A. Purpose

In addition to the Principal Uses, each of the following uses is considered to be a Customary Accessory Use, and as such, may be situated on the same lot with the Principal Use or uses to which it serves as an accessory. No accessory use or structure, except for docks, shall be constructed or established on any lot prior to the time of construction of the principle structure to which it is accessory.

B. Uses Customarily Accessory to Residential Dwellings

1. Either a private garage (attached or detached) or workshop subject to the following standards:
 - a. Such structure (including attached garages) shall not be located in front of the front line of the dwelling (i.e. front façade, front building wall) except on lots on the marsh or water or where the garage will be more than 100' from the front property line.
 - b. A garage (attached or detached) shall not exceed 50% of the footprint of the dwelling; however, in no case shall the footprint of the garage exceed 1,200 square feet.
 - c. Detached garages shall not exceed the height of the primary structure except when the garage contains an accessory dwelling unit.
 - d. A garage may be provided with electricity, a sink, and a commode.
 - e. A workshop shall not exceed 320 square feet.
 - f. A workshop may be provided with electricity and a sink, but shall not be used as an accessory dwelling unit.
2. One shed or storage building up to 3% of the size of the lot, not to exceed 320 square feet. Steel cargo storage containers or modified versions thereof are not permitted. Sheds shall not be located in front of the front line of the dwelling. Such shed may be provided with electricity and a sink.
3. One children's playhouse up to 150 square feet in size and play equipment.
4. One private swimming pool, which may have a bath house or cabana up to 200 square feet in size and 15 feet in height. Such pool shall have fencing (barriers) meeting the requirements of Section AG105 of the International Residential Code as amended.
5. One private dock which may have a boat house under 15 feet in height.
6. Noncommercial flower, ornamental shrub or vegetable garden.
7. Gazebos, trellises, picnic tables, and furniture designed specifically for outdoor use.
8. One accessory dwelling unit subject to the standards set out in Section 5.3.B.1.

C. Uses Customarily Accessory to Retail Business, Office Uses and Commercial Recreational Facilities

1. Off-street parking or storage area for customers, clients or employee-owned vehicles.

**PUBLIC COMMENTS SUBMITTED TO THE
PLANNING DEPARTMENT**

Libby Anderson

From: Russell Diller <rjdiller@hotmail.com>
Sent: Tuesday, September 22, 2015 8:16 AM
To: Libby Anderson
Subject: RE: Local First Business Expo

Thanks Libby--I would also like to comment on the 909 Emmons Street 'variance'. Since there is a double garage already on the property and a space between the house and garage it would look much nicer to have a roof connector put into that area for boats. Another carport with its open sides and messy look will detract from the street and look terrible. I would vote no to this proposal and just stick to the zoning in place. thanks

Respectfully,

**Russell J. Diller
President**

**Russell J. Diller & Associates
General Contractor
P. O. Box 817
Beaufort, SC 29901-0817**

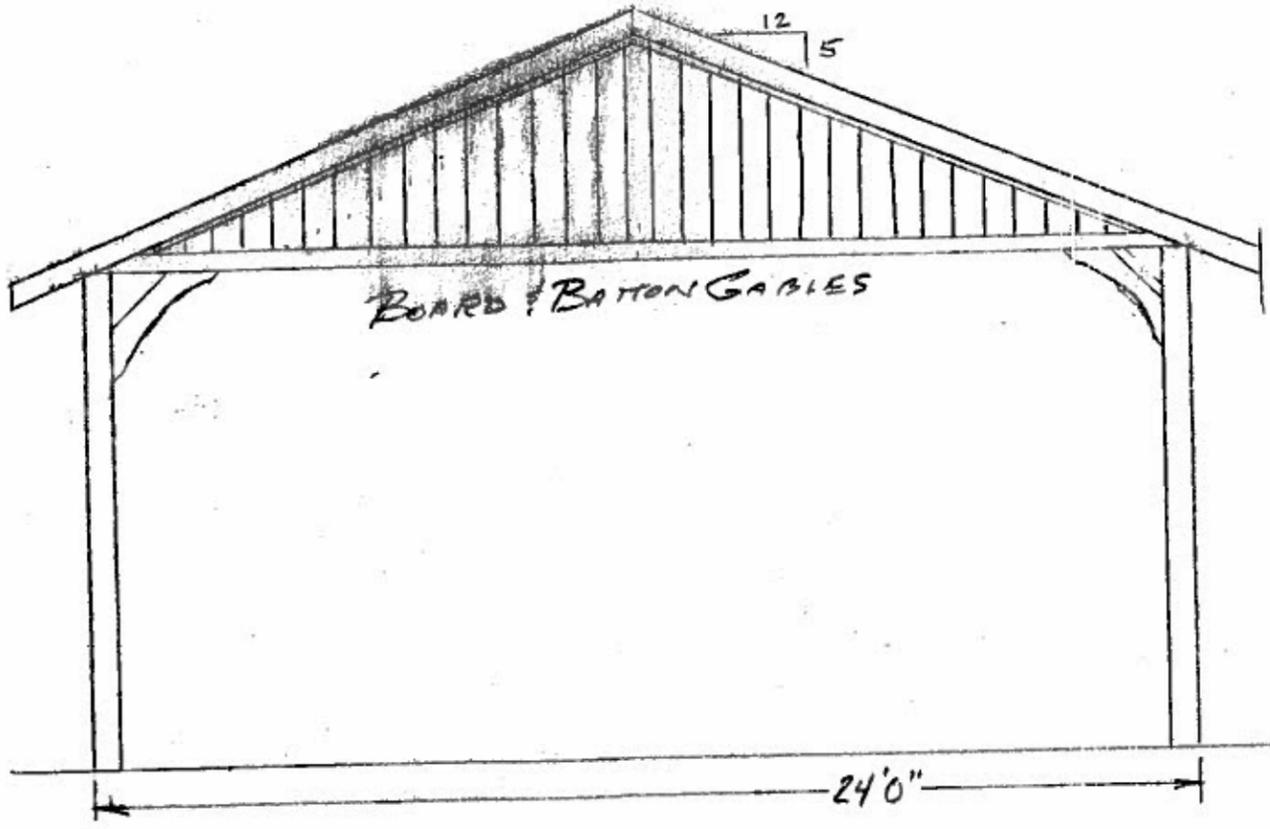
**843.263.9697
rjdiller.com
russ@rjdiller.com**

From: landerson@cityofbeaufort.org
Subject: Local First Business Expo
Date: Mon, 21 Sep 2015 21:39:44 +0000

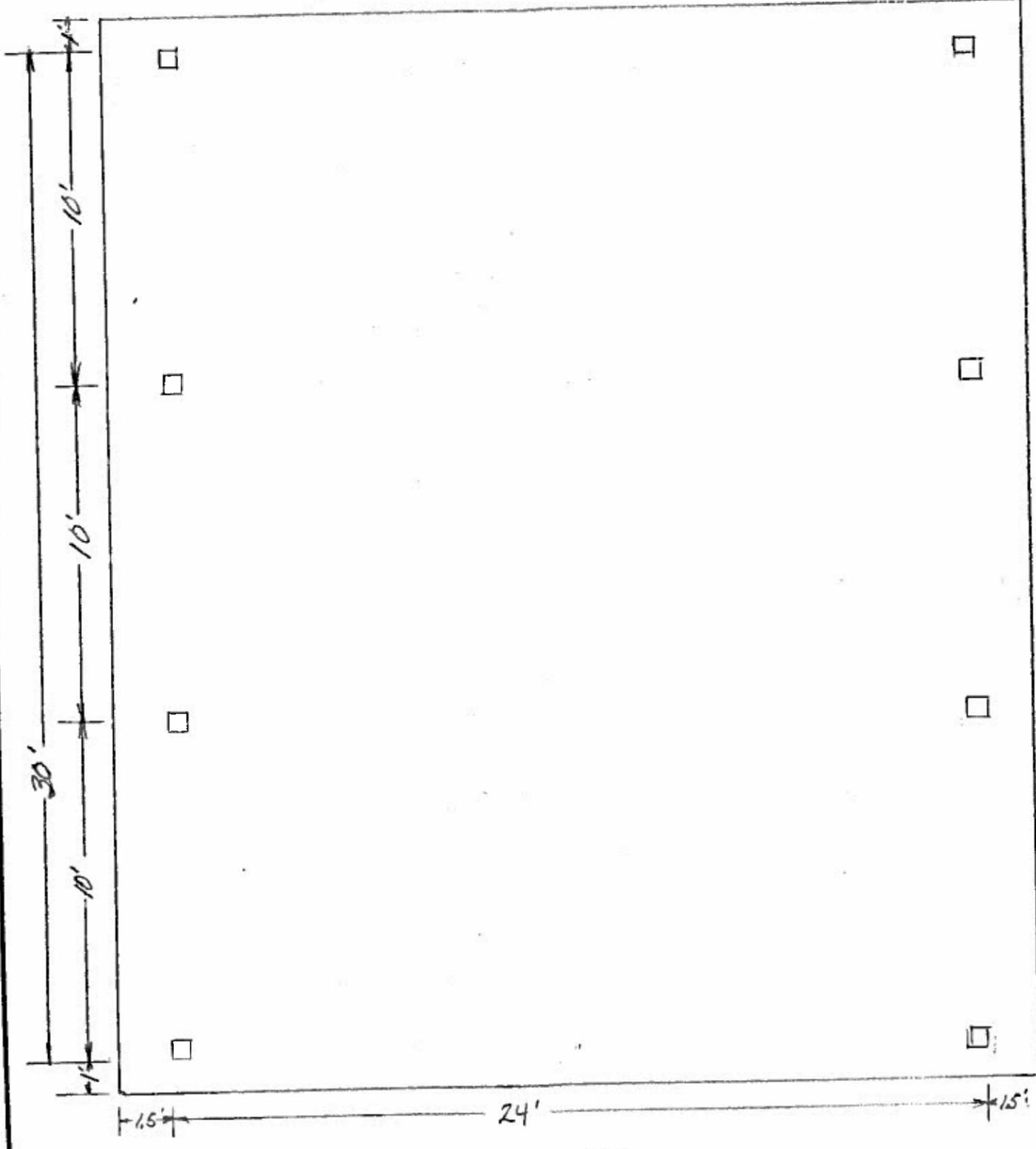
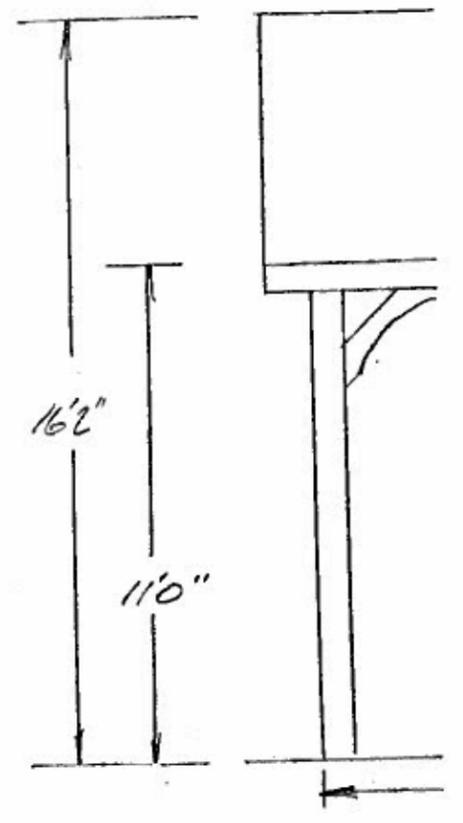
Please see the attached invitation to attend the Local First Business Expo on Thursday, September 24 from noon to 7:00 PM. This event is being presented by TCL in conjunction with the Beaufort Regional Chamber of Commerce.

Thank you.

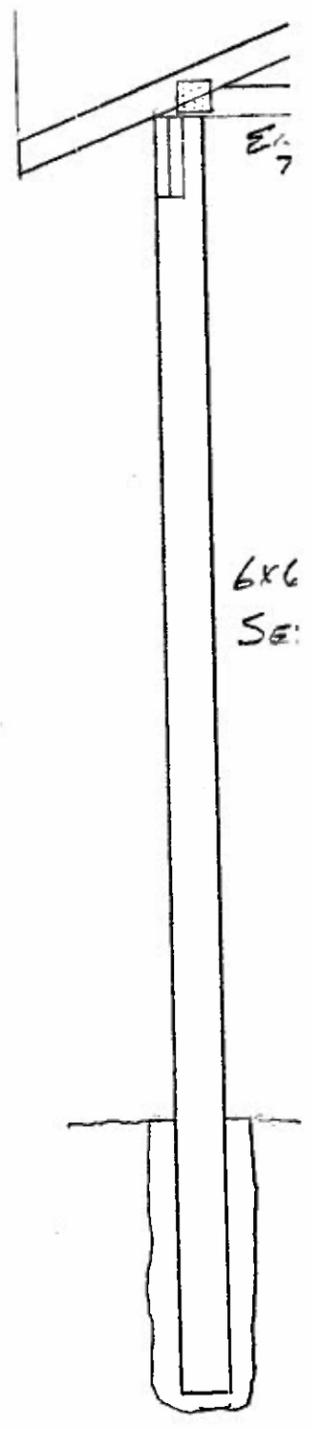
Libby Anderson
525-7012



FRONT (SOUTH)
ELEVATION

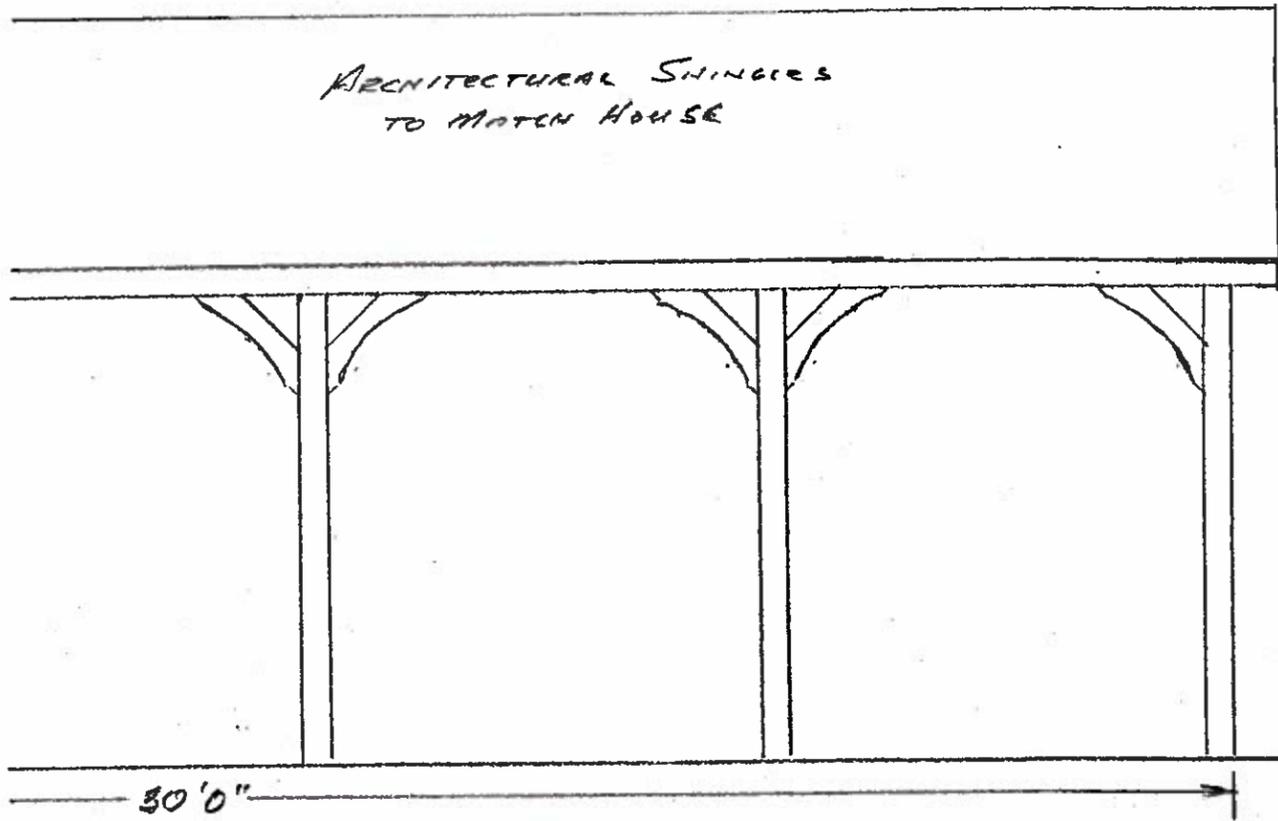


PLAN VIEW



Cross Section
TYPICAL POS
1/2" = 1'

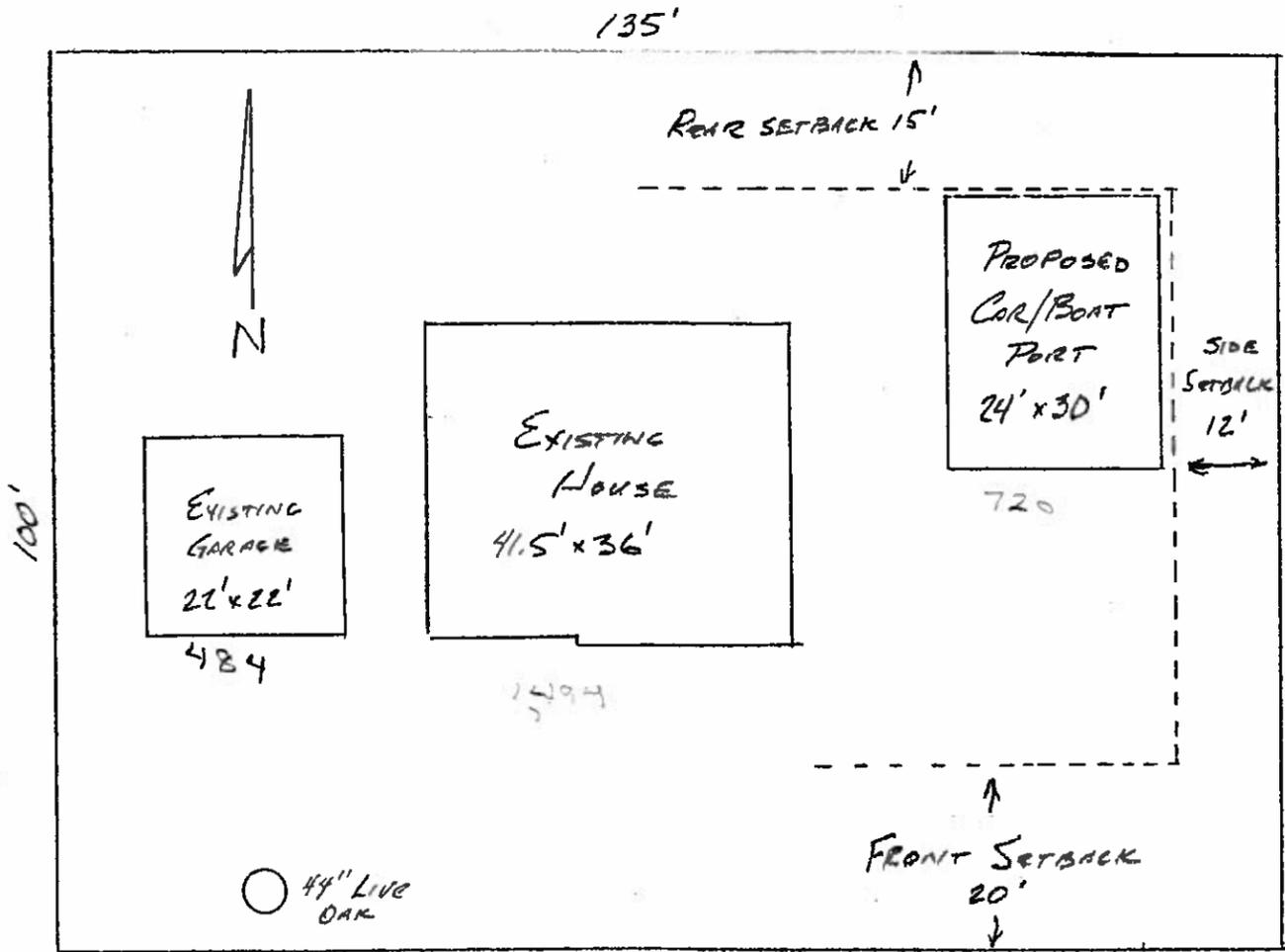
ARCHITECTURAL SHINGLES
TO MATCH HOUSE



SIDE ELEVATION

NEEDED
RUSS

POST
- IN CONCRETE



EMMONS STREET

SITE PLAN
1" = 20'

N AT



PLANNING/ZONING APPLICATION
NOT FOR CONSTRUCTION

BOAT COVER
SAM & LILLI COOPER

Date	8.19
Scale	1/4"
Drawn	C.
Job	COOP.
Sheet	1
Of	1