VARIANCE APPLICATION
1080 OTTER CIRCLE

App# 13504
$ PAID 7-11-16 CK

ty of Beaufort Zoning Board of App s
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
☑ Residential $200
☐ Commercial $300
☐ Special Meetings $500

VARIANCE APPLICATION

OFFICE USE ONLY: Date Filed: 7-11-16 **Application #:** ZB-16-19 **Zoning District:** R-3

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): Michel & Staci Breton
Address: 3292 Misty Dr. Beaufort 29906
Telephone: 843-263-0360 [day] NA [fax]
E-mail: stacibreton@gmail.com

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

PROPERTY STREET ADDRESS: 1080 Otter Circle
Tax Map No.: R120 029 00C 0132 0000
Parcel No.: 132

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: 7/18/16 Owner's Signature: [signature]

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

Date: 7/11/16 Applicant's Signature: Staci Breton

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**

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) garage to extend beyond the front line of dwelling.
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: Community is almost built out. This is a typical design in the neighborhood. The garage is a side-entry.

   b. These conditions do not generally apply to other property in the vicinity as shown by: the large number of homes in Battery Shores that have garages that extend past the front line of home.

   c. The conditions are not the result of the applicant's own actions as follows: New construction.

   d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDO in that: it will not alter the essential character of the neighborhood.

   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: Would force a design in a neighborhood that is already mostly built out.

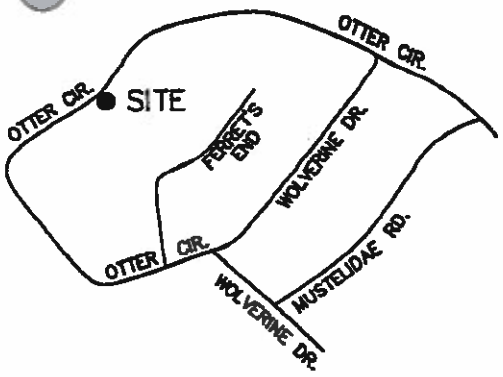
   f. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: It does not alter the character of the neighborhood. The Battery Shores HOA and Architecture Review Committee has approved the plans. See email attached.

SOUTH CAROLINA
GASQUE & ASSOCIATES, INC.
No. C00192
CERTIFICATE OF AUTHORIZATION

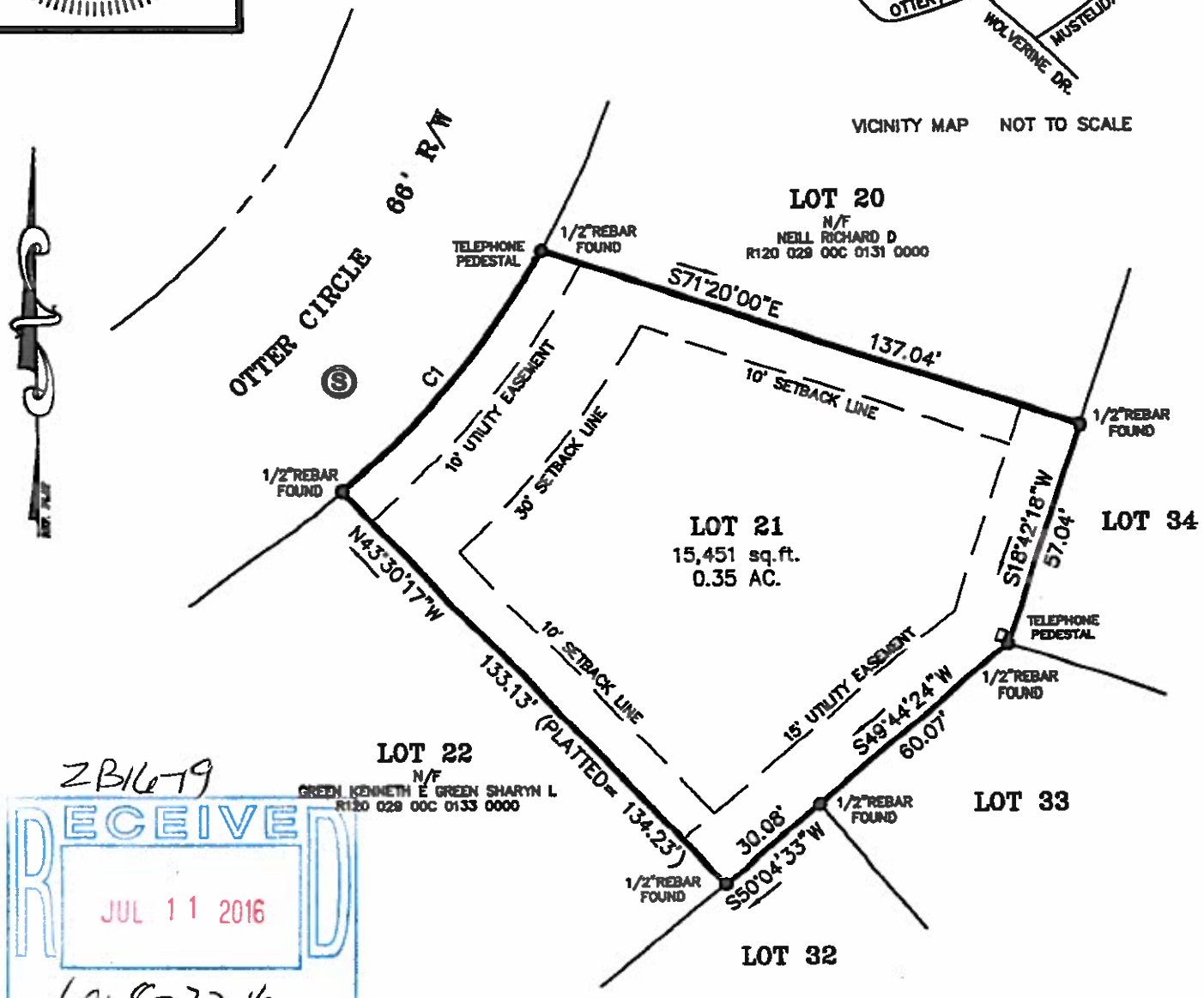
GASQUE & ASSOCIATES INC.

LAND SURVEYORS & PLANNERS

28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
P.O. BOX 1383, BEAUFORT, S.C.
PHONE (843) 522-1798



VICINITY MAP NOT TO SCALE



ZB1679
RECEIVED
JUL 11 2016
for 8-22-16

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	230.06'	77.41'	39.08'	77.05'	N39°30'29"E	19°16'46"

BOUNDARY SURVEY PREPARED FOR

MICHEL BRETON AND STACI BRETON

BEING LOT 21, BLOCK D, PHASE II, BATTERY SHORES , AS SHOWN ON A PLAT BY DAVID E. GASQUE, DATED: 02/12/96, LAST REVISED: 10/30/96 AND RECORDED IN PLAT BOOK 70, PAGE 1, BEAUFORT COUNTY R.M.C. OFFICE.

R 120-029-00C-0132.

LOCATED ON THE CITY OF BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA.

THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS; AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.

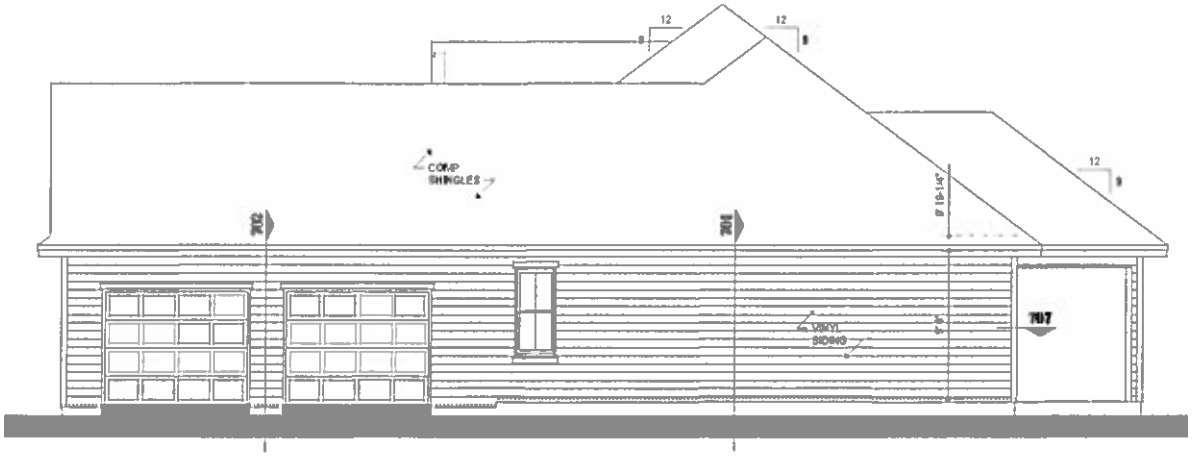
CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON.

THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

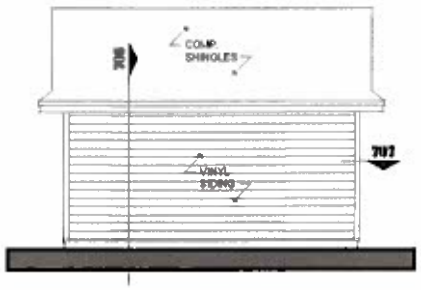
BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY BEAUFORT COUNTY BUILDING CODES.

THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "C" AS DETERMINED BY FEMA FIRM



RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'0"



SHED RIGHT SIDE

SCALE: 1/4" = 1'0"

DOOR AND WINDOW D.P. RATING REQUIREMENTS:

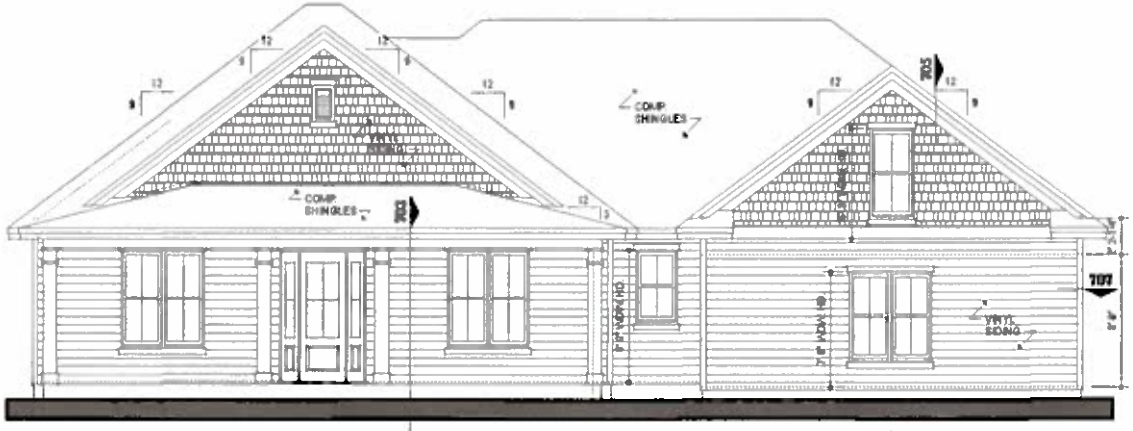
MEAN ROOF HEIGHT:	20'
WIND ZONE:	INLAND EXPOSURE B
EXPOSURE:	
ZONE 4 - DR. & WINDOW D.P. RATING	25
ZONE 5 - (WIN 4' OF CORNERS) - DR. & WDW. D.P. RATING	30

OPENING PROTECTION

OPTION 1
PROVIDE AND INSTALL IMPACT WINDOWS TO COMPLY WITH THE BUILDING CODE.

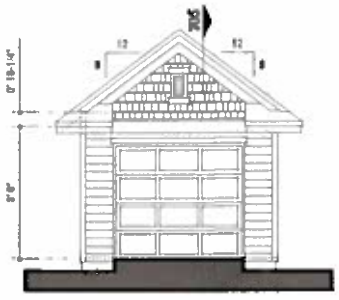
OPTION 2
PROVIDE HURRICANE RESISTANT STORM PANELS WITH HARDWARE INSTALLED. MARK PANEL LOCATIONS AND STORE ON SITE.

OPTION 3
PROVIDE WOOD STRUCTURAL PANELS 7/16" MIN THICKNESS PRE-CUT TO COVER GLAZED OPENING. ATTACH WITH 2 1/2" NO 6 WOOD SCREWS @ 16" OC. MARK PANEL LOCATIONS AND STORE ON SITE.



FRONT ELEVATION

SCALE: 1/4" = 1'0"



SHED FRONT (BEYOND)

SCALE: 1/4" = 1'0"

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REVISIONS

Thomas L. Hiatt
ARCHITECT
181 BLUFFTON ROAD SUITE C-101
BLUFFTON, SC 29910 (843) 837-3300
FAX (843) 837-8585

A RESIDENCE FOR:
MR. & MRS. BURTON
LOT #21, OTTER CIRCLE
BATTERY SHORES

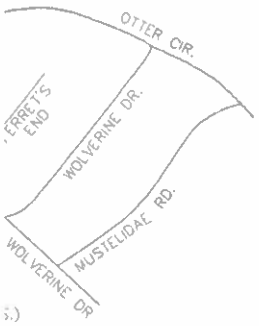
SHEET TITLE
ELEVATIONS
PLOTTED 5/20/2016

DATE
MAY 12, 2016
MAY 17, 2016

SHEET NUMBER
4

JOB NUMBER
1614

19
IVED
2016
46



LEGEND OF SYMBOLS & ABBREVIATIONS

LEGEND

	FIRE HYDRANT	MVM	MAIN VALVE MONUMENT
CO	CLEAN OUT	MH	MANHOLE
PP	POWER POLE	GW	GUY WIRE
TP	TELEPHONE PEDESTAL	CB	CABLE BOX
FO	FIBER OPTIC STUB	OE	OVERHEAD POWERLINE
WV	WATER VALVE		EDGE OF PAVEMENT
	GAS VALVE		BACK OF CURB
	WATER METER		LIGHTPOLE
	1/2"ROD SET		GAS LINE
			CENTER LINE
			CONTOUR LINE

TREE SIZE & TYPE ELEVATION

TREE LEGEND

CODE	COMMON NAME	SCIENTIFIC NAME
BG	Bay	Persea spp.
LO	Live oak	Quercus virginiana
O	Oak	Quercus spp.
WHO	Southern white oak	Quercus alba var. [illegible]
PH	Palm (fan)	Sabal palmetto
SUP	Supervisor	Cordia sebestena
TL	Tulip	Bumelia spp.
PI	Pine	Pinus spp.
SAT	Sat. Bayberry	Myrica cerifera
SB	Sand Shrub	Vitex rotundifolia
SH	Shrub	Various species
PL	Palmetto	Sabal palmetto
LO	Live oak (multi-trunk)	Quercus virginiana
RO	Red oak (multi-trunk)	Quercus rubra
SO	Scrub oak	Quercus laevis
S	Sweet	Liquid amber
PS	Palm (fan)	Sabal palmetto
PH	Phoenix (pinnate)	Phoenix canariensis
PC	Palm	Sabal palmetto
CP	Chinese pistache	Pistacia chinensis
PM	Pecan (dry)	
HP	Hickory	Carya spp.
PR	Persimmon	Diospyros virginiana
SAP	Sapp	
SG	Sweet gum	Liquidamb. styraci
LP	Laurel, Sand	Quercus laurifolia
VAR	Various	

ALL TREES ARE LOCATED ON THE FACE OF THE TRUNK AT THE HEIGHT OF 4.5 FEET ABOVE GROUND LEVEL. ALL TREES ARE LOCATED WITHIN 1 FOOT OF THE TRUE LOCATION. ALL TREES WITHIN 10 FEET OF THE PROPERTY LINE ARE LOCATED ON THE FACE OF THE TREE NEAREST THE PROPERTY LINE. ALL TREES WITHIN 10 FEET OF THE PROPERTY LINE ARE LOCATED ON THE SIDE OF THE PROPERTY LINE OR ON THE PROPERTY LINE. ALL TREES WITHIN 10 FEET OF THE PROPERTY LINE ARE LOCATED ON THE SIDE OF THE PROPERTY LINE OR ON THE PROPERTY LINE. ALL TREES WITHIN 10 FEET OF THE PROPERTY LINE ARE LOCATED ON THE SIDE OF THE PROPERTY LINE OR ON THE PROPERTY LINE. ALL TREES WITHIN 10 FEET OF THE PROPERTY LINE ARE LOCATED ON THE SIDE OF THE PROPERTY LINE OR ON THE PROPERTY LINE.

CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	77.28	230.00	39.00	76.91	N39°27'55"E	19°14'45"

TREE AND TOPOGRAPHICAL SURVEY
LOT 21 BLOCK "D" PHASE II BATTERY SHORES
PREPARED FOR MICHEL BRETON & STACI BRETON
CITY OF BEAUFORT
BEAUFORT COUNTY SOUTH CAROLINA

DATE 5/13/2016 SCALE 1"=10'

SITE PLAN

SCALE: 1" = 10' 0"

David E. Gasque, P.L.S.
S.C. Registration Number 10908

VN HEREON ARE MAGNETIC
SUBJECT TO LOCAL ATTRACTION.
T CERTIFY
ABSENCE OF U.S. ARMY CORPS
SDICTIONAL WETLANDS.
ALCULATION BASED
THOD.
ROUND UTILITIES ARE FROM SURFACE
ND ARE NOT CERTIFIABLE.
YTS A SURVEY BASED ON THE LISTED
ND IS NOT THE RESULT OF A TITLE SEARCH.
NOT TRANSFERABLE TO ADDITIONAL
BSEQUENT OWNERS.
NOT INVESTIGATED OR BEEN INSTRUCTED
EXISTENCE OR NONEXISTENCE OF ANY
SUCH AS; AIRPORT, MILITARY, NOISE,
R ENVIRONMENTAL ISSUES.
WORK OR CONSTRUCTION ON THIS SITE
ZONE INFORMATION MUST BE VERIFIED BY
ODES OFFICIAL.
EARS TO LIE IN FLOOD ZONE "C" AS DETERMINED
MAP-PANEL NUMBER 450025 0085 D, DATED
ATE 11/04/92)
1929 NGVD.

0132 0000
SQUE
T REVISED 10/30/96
.M.C. OFFICE

ZB1679
CEIVED
JUL 11 2016
8-22-16

OCIATES INC.
PLANNERS
RCLE, BEAUFORT, S.C.
AUFORT, S.C.
798
FOR THE LINE

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THESE PLANS ARE THE PROPERTY OF THOMAS L. HIATT ARCHITECT AND MAY NOT BE REPRODUCED, DUPLICATED OR BUILT WITHOUT WRITTEN AUTHORIZATION.

REVISIONS

Thomas L Hiatt
ARCHITECT
181 BLUFFTON ROAD SUITE C-101
BLUFFTON, SC 29910 (843) 837-3000
hiattarch@hargray.com FAX (843) 837-8585

A RESIDENCE FOR:
MR. & MRS. BRETON
LOT #21, OTTER CIRCLE
BATTERY SHORES

SHEET TITLE
SITE PLAN
PLOTTED 6/20/2016

DATE
MAY 18, 2016

SHEET NUMBER
1

JOB NUMBER

STAFF REPORT
1080 OTTER CIRCLE

CITY OF BEAUFORT
ZONING BOARD OF APPEALS
Staff Report and Recommendations
Meeting of 22 August 2016

Case Number:	ZB16-19
Property Address:	1080 Otter Circle
Applicant:	Michel and Staci Breton
Type of Request:	Variance from Requirements for Garage Design
Zoning:	R-3 District

Background: The property is located at 1080 Otter Circle (see attached Site Location Map) and is identified as R120 029 00C 0132 0000. The property is located in the Battery Shores subdivision. The Battery Shores neighborhood is zoned "R-3 Medium-High Density Single-Family Residential District" (R-3). The lot is currently undeveloped. The applicant is proposing to build a single-family dwelling with an attached garage.

Section 5.4.B.1 of the Unified Development Ordinance (UDO) (attached) sets out the conditions for development of garages. Paragraph a of that section reads, "Such structure 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." The applicant is requesting a variance of this section of the ordinance so that the attached garage can project beyond the front façade by approximately 22'. The garage doors will face the side of the lot, not the street. The Battery Shores Property Owners Association (POA) has approved the plans for the project.

Since 2012, the Zoning Board has granted garage design variances for five dwellings in Battery Shores, on the condition that the garages were side-loaded. The Board also stated on August 26, 2013, that they would support this development practice for the remaining lots in the development (see attached minutes).

Staff comments: The majority of dwellings in Battery Shores have attached garages. In a survey done in the summer of 2013, 64 of the attached garages in Battery Shores (52%) projected in front of the front line of the dwelling. The majority of these projecting garages were side-loaded (46 or 72%). Eighteen had front-facing garage doors. Twenty-three of the garages were exactly in line with the front façade of the house. Twelve of these garages were side-loaded; 11 were front-loaded. Thirty-seven attached garages were located behind the dwelling's front elevation. Twenty-five of these had side-facing doors; 12 had front-facing doors.

Draft development code: The draft development code has garage design standards similar to that in the current code. Because most of the attached garages in Battery Shores already project beyond the house, and because the Battery Shores neighborhood would like to continue to permit this type of house design, the Battery Shores neighborhood is proposed to be exempt from projecting garage restriction in the new development code.

Public comment: Letters were sent to adjoining property owners on August 5. The public hearing notice referencing this application appeared in the August 7 edition of *The Beaufort Gazette*. Representatives of the Battery Shores Homeowners Association where notified of the variance request by e-mail. The property was posted on August 8. To date, staff has received no public comments on this application.

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

(1) *Extraordinary and exceptional conditions.* There are extraordinary and exceptional conditions attached to this lot, in that the property is located in the Battery Shores subdivision, where attached garages located at the front of the dwelling are the typical garage design.

(2) *Conditions as applied to other property in the vicinity.* Attached garages in front of the dwelling are not commonly found in other neighborhoods.

(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 this is the first dwelling the applicants have constructed in the Battery Shores subdivision.

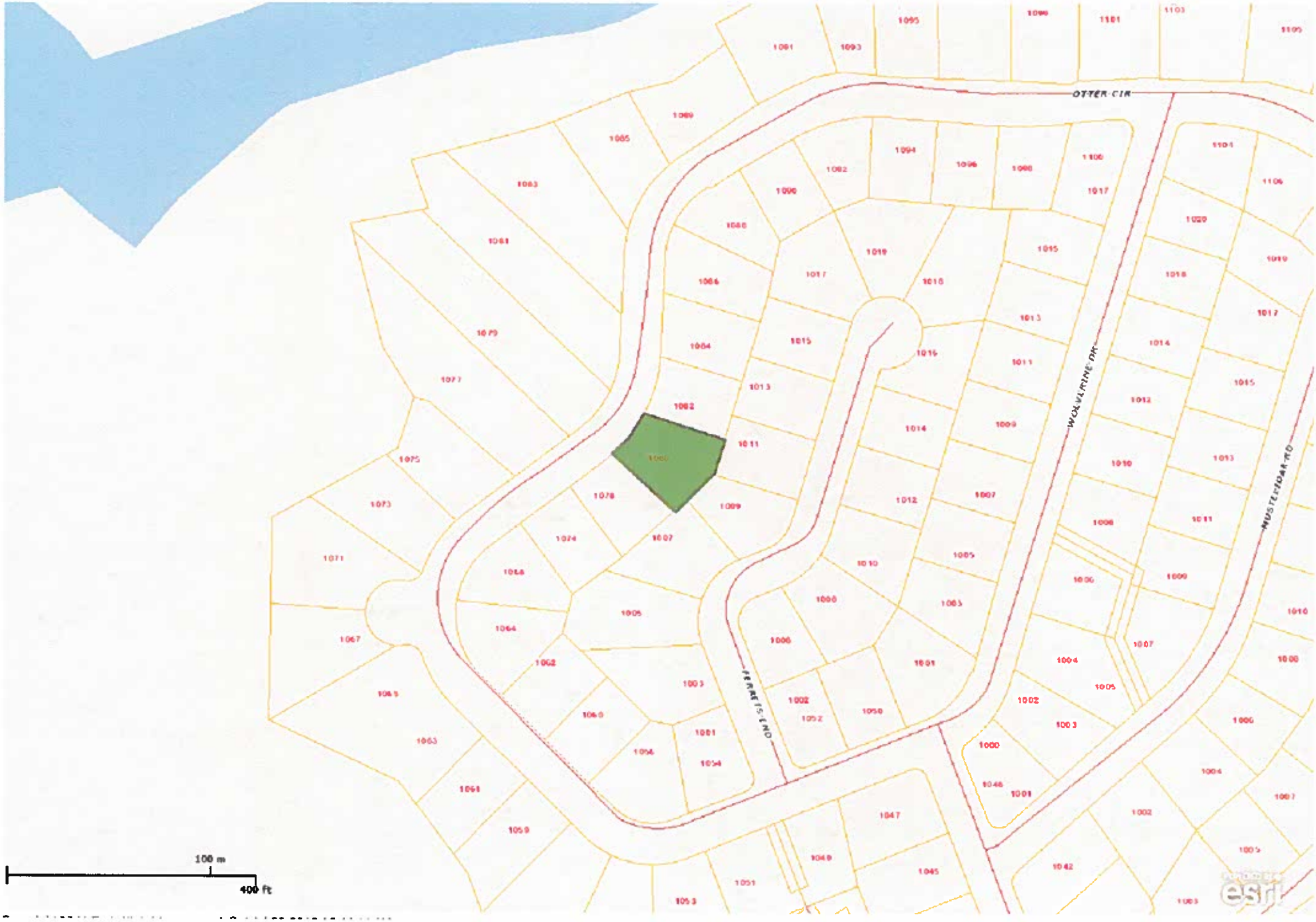
(4) *Not in conflict with Comprehensive Plan.* Staff believes that granting of the variance would not be in conflict with the comprehensive plan or purposes of the Unified Development Ordinance in that these documents recommend that new development within existing neighborhoods be compatible with the character of appropriate existing development, and an attached projecting garage is the typical garage design in the Battery Shores neighborhood.

(5) *Unreasonable restriction on utilization of the property.* The Board must make a finding that application of the ordinance to this particular piece of property is an unreasonable restriction on use of the property. In staff's opinion, prohibiting the construction of dwellings that are typical of the design of existing dwellings in the neighborhood (i.e., front projecting garages) is an unreasonable restriction on use of the property.

(6) *Detriment to adjacent property and the public good.* Staff believes that granting the variance will not be of detriment to adjacent property and the public good since the projecting garage will be side-loaded, which is the most common garage design in Battery Shores and the garage doors will not face the street.

Staff recommendation: Staff believes all the findings necessary to approve the variance have been met, and so staff recommends approval.

1080 Otter Circle



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.

the street, they recommended against the variance. Mr. Wood seconded the motion. The motion was approved unanimously.

1039 and 1051 Otter Circle, and 1004 Mustelidae Road, identified as District R120, Tax Map 29C, Parcels 95, 157, and 162, Variances.
Applicant: D.R. Horton, Inc. (ZB12-13)
The applicant is requesting variances in order to construct garages in front of the front line of the dwelling.

Mr. Starkey said he is a resident of Battery Shores, but as per the UDO, he has no financial interest in the property, so he is not recusing himself.

Ms. Anderson said there are three separate tax parcels in this application. All the lots are located in the Battery Shores subdivision. Battery Shores is zoned R-3 Single-Family Residential District. All of the lots are undeveloped. The UDO sets out several conditions for the development of garages, and she read the ordinance as it pertains to them. The applicant is requesting a variance to allow garages to project in front of the dwelling. At 1039 Otter Circle, the garage will project 3' and will be side-loaded. The garage doors do not face the street. At 1051 Otter Circle, the garage will project 6' from the front of the dwelling and will be front-loaded, so the garage doors will face the street. At 104 Mustelidae the garage will be front-loaded and project 10' from the front of the dwelling.

A windshield survey was done, and she said most of the dwellings on the lots have a garage, and the vast majority are attached in Battery Shores. Of the attached garages, 64 are in front of the front line of the dwelling, probably before this part of the ordinance went into effect. Of those 64, 46 are side-loaded, so they don't have front-facing doors. 18 have front-facing doors. 23 garages have garage doors in line with the front, so they are flush with the front elevation of the house; 50% have side-loaded, and 50% are front loaded, Ms. Anderson said. 37 garages are located behind the houses' front elevation. The most common design is a projecting garage with side-facing doors.

Public notice was made, and all the comments were forwarded to the Board; they were also given hard copies of the comments.

Ms. Anderson reviewed the six findings that the staff considers to granting of the variances:

1. **Extraordinary and exceptional conditions:** Staff feels that this finding may be able to be made in that the lots are in the Battery Shores subdivision where the garages of this type are the most common.
2. **Conditions do not generally apply to other properties in the vicinity:** Staff feels that citywide, these projecting attached garages are not the norm.
3. **Conditions are not the result of the applicant's own actions:** These would not be a result of the applicant's own actions.

4. **Granting the variance would not conflict with comprehensive plan:** Staff feels this is not in conflict with the UDO; new development needs to be compatible with existing development, as long as it is of appropriate character and design and blends in in an established neighborhood.
5. **Unreasonable restriction on utilization of the property:** Prohibiting construction typical of the design of other houses in the neighborhood may be an unusual restriction.
6. **Not a detriment to adjacent property and the public good:** Granting the variance would not be a detriment to the adjacent property and the public good because these types of garages are common in the neighborhood, but they have received many comments to the contrary and they should be considered.

All the garages, Ms. Anderson said, should be side-loaded, which is the most common design in the neighborhood and this should be a condition.

Mr. Starkey asked if they looked at the houses on the water, and Ms. Anderson said they "didn't pull those out." Mr. Starkey said a lot that are front-loaded are on the waterfront. Mr. Wood clarified that these 3 homes are *not* on the water, and Ms. Anderson agreed.

Chairman Hill asked, of the 64 homes with the garage projected in front, how many were built after the UDO, and Ms. Anderson said she didn't know. She guessed that the provision came in in 2003, and some may have been built after that but "slipped by." The wording of the section should be clarified, she said, but the current interpretation about the garage design not projecting applies to detached and attached garages.

Mr. Starkey said one garage was denied on a home in Battery Shores recently. Ms. Anderson said they have been strict about it since she has been doing the plan review, especially for those that are front-loaded.

Doug Nichole, of DR Horton, said he reviewed the application, and they would be happy to reorient the 2 that are front-loaded to be side-loaded. With the variety and nature of the subdivision, he said this provides variety in the streetscape, and with the numbers Ms. Anderson put together, the side-loaded garages will not be a detriment to the neighborhood. Chairman Hill clarified that side-loaded is not an issue, just the projection. Mr. Knicoll clarified that they all could be side-loading.

Mr. Starkey said there's an advantage to a side-loading garage. It's almost equivalent to a garage in the rear of the house if they have a boat, so it's parked alongside the house, not in front of the house. If the driveway is set back, it is important to him to have the vehicles be side-loaded so that the vehicles aren't in the front of the house.

Chairman Hill opened it up to public comment. **David Addlesburg**, president of the Battery Shores property owners' association, said 10 marsh lots have front-loading garages. He said 1051 is a retention pond, so there might have been an address problem. 1049 is the correct address. Mr. Addlesburg said he agrees with the recommendations of Ms. Anderson and DR

Horton. They want to get the subdivision built out as soon as they can. They are "in agreement with keeping the development harmonious." Chairman Hill asked if he had a problem with the projection, and Mr. Addlesburg said no, as long as they're side-loaded. Chairman Hill asked if he was representing the property owners' association or appearing as a homeowner, and Mr. Addlesburg said both.

Pat Kase lives on Otter Circle. He concurs with the staff recommendation for approval of the variance with side-loading. A few neighbors have assembled figures on home value; in regard to "characteristics that make the homes compatible with the existing character that aren't opinion, they tried to put a metric to that." At what appropriate time, Mr. Kase said, they have wondered might they speak to what's being proposed for the plans to ensure that contextual design standards are in place. Chairman Hill said this is a variance application in regard to side-loading and projection of the garage.

Donna Starkey is a resident of Battery Shores. She said because there are many existing homes with a front-projecting garage doesn't in and of itself mean this will look similar to what's in the neighborhood. When the codes required that they had to be built for hurricane-strength, the builder could say, "Well, these others didn't have it." This is no exception. One of the biggest design features in Battery Shores is porches on the front, Mrs. Starkey said. She doesn't know what the plans are for these houses, but the front-extending garage becomes the dominant design feature. One extends 10' out, and if a porch were added to the other part of the front, it would make it more aesthetically fitting in the neighborhood. She would like to request that the Board specify that those homes would have a front porch if they were going to approve this variance. It may already be planned for these properties to have porches, but she'd like it to be required.

Andy Gregis asked if these front-facing garages would meet the setback. Chairman Hill said he's almost certain they *have* to meet the setback.

Chairman Hill addressed the applicant, saying that looking at the submitted plans, all will be side-loaded after revision; he asked if the two that will be resubmitted would have garages projected in front. Mr. Knicoll said it would be a different garage orientation. Chairman Hill said to Mrs. Starkey that there appears to be a porch in front of each house. Mr. Wood said sometimes a style of porch doesn't look like a front porch because of having columns, not railings.

Mr. Starkey asked which models are going on these lots, and Mr. Kase showed the model. Mr. Addlesburg said he's only asking for a variance on these lots. Mr. Addlesburg said there's no option for a front-loaded garage when they go for sale. Chairman Hill said the issue is the front-*projecting* garage. Mr. Starkey said his house's garage is front-projecting but side-loaded. Mr. Wood said it's not a question of projection but the preference that they be side-loaded.

Chairman Hill said they would set precedent for this development, but as far as staff's comment about fitting in with the existing neighborhood, he asked whether it would be putting an unreasonable restriction on the builders since a majority percentage have these front-projecting garages already at 75% build out. He thinks it will not stand out to have a front-projecting garage in this neighborhood. He just stressed that this is a precedent-setting.

Mr. Wood made a motion that the variances be granted based on the agreement that the garages on these three lots will be side-loaded, and front-projections are acceptable but not front-loaded. The motion is for strictly side-loaded garages. Mr. Starkey seconded the motion. The motion was approved unanimously.

Additionally, the Board stated for the record that they support this development practice for the remaining development. Ms. Anderson said the developers would still have to come before the ZBOA. Mr. Wood said he would suggest a 10' maximum projection since they are granting that for one of these now. Ms. Anderson said a garage has to meet a minimum setback but can be setback as far as they want.

UPDATE ON FORM-BASED CODE COMMITTEE

Mr. Starkey said they are in recess, and "there's no idea when they will start again." He has heard they are awaiting the approval of the Civic Master Plan.

ADJOURNMENT

There being no further business to come before the Board, Chairman Hill adjourned the meeting at 6:48 p.m.