

**100 N. HERMITAGE ROAD
STAFF REPORT**

**CITY OF BEAUFORT
ZONING BOARD OF APPEALS
Staff Report and Recommendations
Meeting of 27 April 2015**

Case Number: ZB15-10
Property Address: 100 North Hermitage Road
Applicant: Karen and Marty Glisson
Type of Request: Fence Design Variance
Zoning: R-1

Background: The property is located at 100 North Hermitage Road in the Hermitage Road Area neighborhood. The property is identified as District 120, Tax Map 3, Parcel 686S. As shown on the attached site location map, the property is located on the inside of a curve on North Hermitage Road. The property is zoned R-1 Low Density Single-Family Residential District. A single-family dwelling is located on the lot. The dwelling has recently undergone a substantial renovation.

Section 6.5.I.6.b of the Unified Development Ordinance (attached) stipulates that in residential districts, the support structure for fences must be located on the inside or interior of the fence. The applicants were issued a permit to install a 6' privacy fence along the side and rear sides of the property. The permit stated that the support structures needed to face the house (see attachment). The fence was installed with the smooth side of the fence facing the interior of the lot (see attached photos). The applicants have requested a variance to allow the fence to remain with the support structures facing the adjoining property.

Public comment: The public hearing notice referencing this application appeared in the April 12 edition of *The Beaufort Gazette*. The property was posted on April 13. Letters were sent to adjoining property owners on April 17. Staff has received no public comments 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.* The property is located on a curve on North Hermitage Road. The property is somewhat trapezoidal in shape. The property has a very wide rear yard—appearing to be over 200' wide measured along the side and rear property lines. Based on the configuration of the lot, the rear yard is very exposed.
- (2) *These conditions do not generally apply 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. The applicants have only recently purchased the property and did not plat the existing lot or build the existing dwelling on the property.
- (4) *Not in conflict with Comprehensive Plan.* Granting of the variance will not substantially conflict with the Comprehensive Plan and the purposes of the Unified Development Ordinance.
- (5) *Unreasonable restriction on utilization of the property.* Application of the ordinance would be an unreasonable restriction on utilization of the property in that the fence would have to be either removed, or completely redone to comply with the ordinance, and that a privacy fence with the support structures facing the interior of the lot in this situation would be less attractive from the street than the fence as currently installed.
- (6) *Detriment to adjacent property and the public good.* Staff believes that granting of the variance will not be of detriment to adjacent property and the public good in that if the fence was installed as required by the ordinance, it would be less aesthetically appealing to the public.

Staff recommendation: Staff believes that all the findings necessary to approve the variance can be met if no adjoining property owners or residents oppose the variance request. If no adjoining property owners or adjoining residents object to the variance request, staff recommends approval on the condition that the fence is stained within 6 months.

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

revised

6. Features Allowed Within Setbacks

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



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



MISCELLANEOUS PERMIT
CITY OF BEAUFORT, SOUTH CAROLINA

1911 Boundary St., Beaufort, SC 29902
 PH: (843) 525-7040 – FAX: (843) 986-5606 – INSPECTION LINE: (843) 525-7041

DATE ISSUED: 01/05/2015	APPLICATION : 10932
COST OF PROJECT: \$1400	TOTAL PERMIT FEES: \$39.77
IMPACT FEE: \$	

CONTRACTOR: BY, OWNER	CONTRACTOR ADDRESS: BEAUFORT, SC 29902
ADDRESS: 100 NORTH HERMITAGE RD	
DIST/MAP/PARCEL: R120003000686S0000	
FLOOD ZONE :	ELEVATION REQUIRED:
TYPE OF CONSTRUCTION: FENCE	
ZONE: R-1 SETBACKS: FRONT:0.00 SIDE:0.00 REAR: 0.00	

<u>IMPORTANT INFORMATION</u>	<u>INSPECTIONS</u>
<p>PUTTING 6 FT PRIVACY FENCE WHERE CHAIN LINK IS CURRENTLY 4 FT PICKET FENCE CONNECTING FENCE TO HSE - & EXT PAINTING</p> <p>NOTE: SHALL COMPLY WITH FENCE REQUIREMENTS (ATTACHED) (IE. SUPPORT STRUCTURES FACING HOUSE) – VARIANCE APPLICATION ATTACHED IF NEED TO APPLY</p> <p>NOTE: PERMITS EXPIRE AFTER 180 DAYS FROM THE LAST INSPECTION. A NEW PERMIT WILL BE REQUIRED.</p>	

SIGNATURE APPLICANT: *Lauren Johnson*

BUILDING OFFICIAL: *M. McTeer*

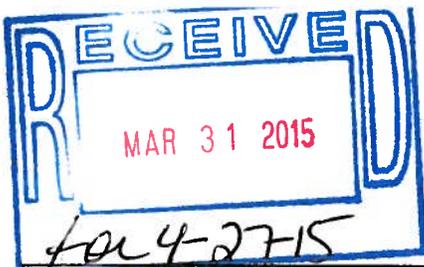








**100 N. HERMITAGE ROAD
APPLICATION**



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

VARIANCE APPLICATION

OFFICE USE ONLY: Date Filed: 3/31/15 Application #: ZB15-10 Zoning District: R-1

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.

\$ PAID
3/31/15 CK

APPLICANT(S): Karen Glisson and Marty Glisson

Address: 100 N Hermitage Road

Telephone: Marty: 843-384-5052 [day] Karen: 912-217-1542 [fax]

E-mail: Marty.glisson@gmail.com KarenKenanGlisson@gmail.com

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

Address: _____

Telephone: _____ [day] _____ [fax]

PROPERTY STREET ADDRESS: 100 North Hermitage Road

Tax Map No.: R120 003 000 6865 000

Parcel No.: AIN #00212442 LOT 20 PineCove S/D N Hermitage 3/15 Plat ATT DB 3365 P8

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application?
___ Yes No

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

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

Date: _____

Owner's Signature: _____

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

Date: April 30, 2015

Applicant's Signature: KarenGlisson

Karen Glisson
100 N. Hermitage Rd
fence

*Revised September 12, 2014

VARIANCE APPLICATION

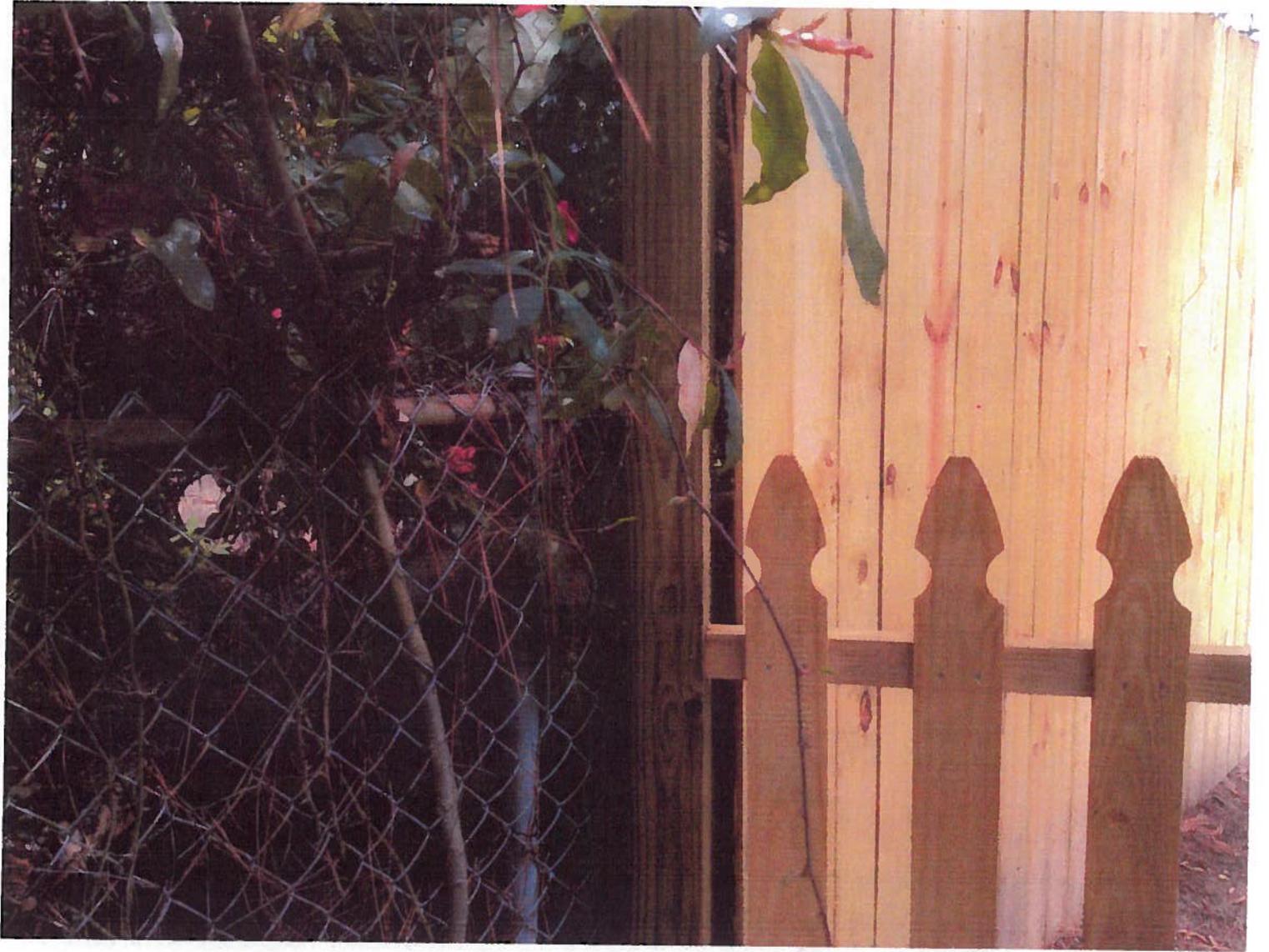
Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property described on Page 1 of the following provisions in Section 3.15 of the Unified Development Ordinance (UDO): _____

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) _____

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 property is a pie shape. The fence is seen in the back yard more than 50% from the front of the home. Neighbor on one side has privacy fence - neighbor on other side welcomes the fence to keep deer out of his garden.
 - b. These conditions do not generally apply to other property in the vicinity as shown by: _____
 - c. The conditions are not the result of the applicant's own actions as follows: _____
 - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDO in that: as you drive down the road the fence is visible & the smooth side is showing via road.
 - 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: _____
 - 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: fence is properly installed to view the smooth side from the street, neighbors consulted & do not object to fence placement.



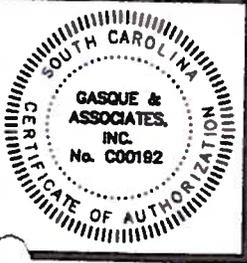




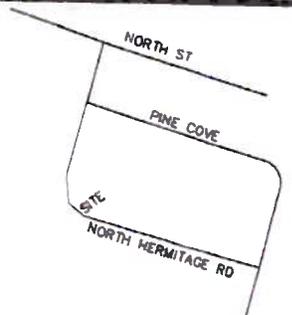




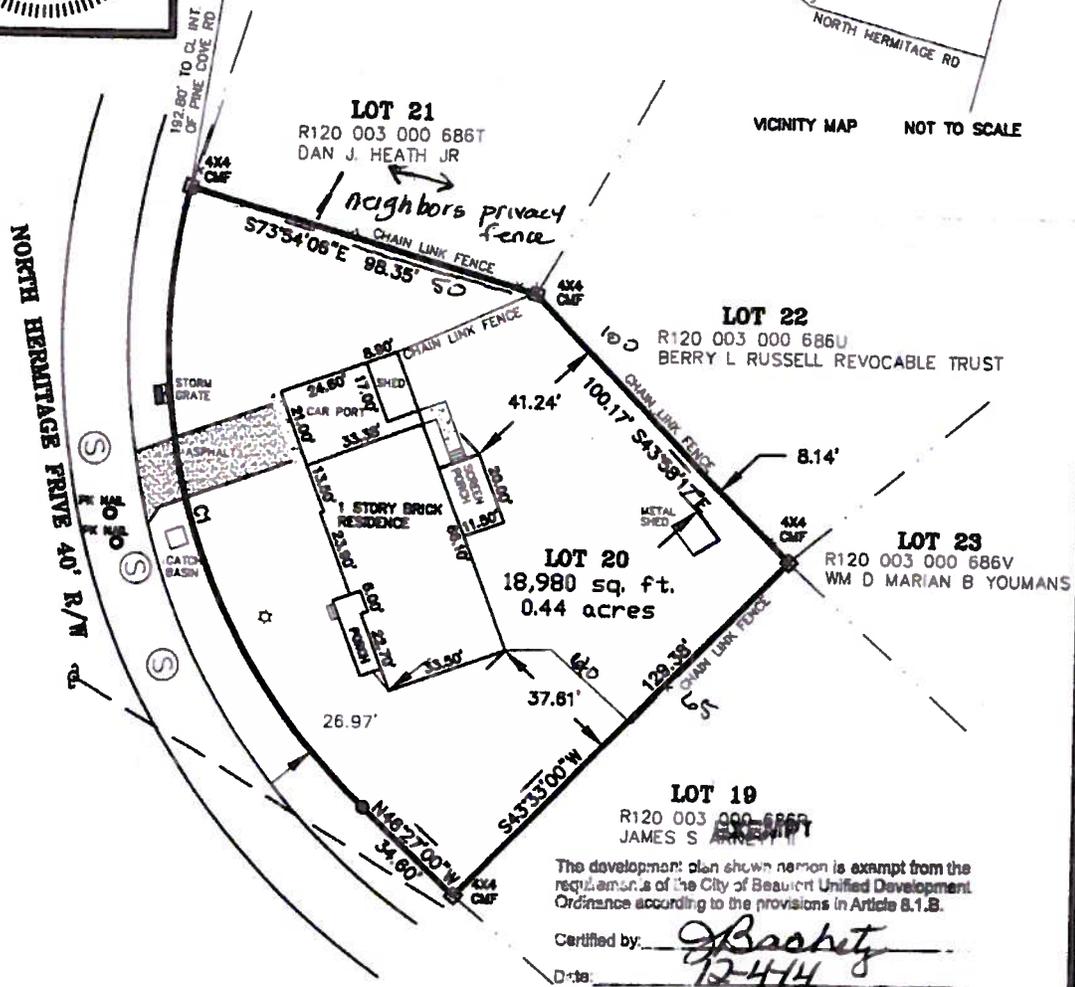




GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS
 28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
 P.O. BOX 1363, BEAUFORT, S.C.
 PHONE (843) 522-1798



VICINITY MAP NOT TO SCALE



The development plan shown herein is exempt from the regulations of the City of Beaufort Unified Development Ordinance according to the provisions in Article 8.1.B.

Certified by: *[Signature]*
 Date: 12-4-14
 City of Beaufort Planning Department

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	185.10	173.78	102.43	176.47	S16°24'06"E	61°02'10"

ASBUILT SURVEY PREPARED FOR

MARTY GLISSON

BEING LOT 20 PINE COVE SUBDIVISION AS SHOWN ON A PLAT BY R.D. TROGDON JR DATED 10/14/55 LAST REVISED 1/18/56 RECORDED IN PLT BOOK 10, PAGE 19 BEAUFORT COUNTY R.M.C. OFFICE LOCATED IN THE CITY OF BEAUFORT BEAUFORT COUNTY SOUTH CAROLINA TAX MAP R120 003 000 686S 0000

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 PROPER BUILDING CODES OFFICIAL.
 THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "B" AS DETERMINED BY F.E.M.A. FIRM COMM-PANEL NUMBER 460626 005 D, DATED 08/29/88 (INDEX DATE 11/04/92)
 THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH ANY RESTRICTIVE CONVEYANCES OR ANY CITY AND/OR COUNTY ORDINANCES.

I, DAVID E. GASQUE, HEREBY CERTIFY TO MARTY GLISSON 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 A SURVEY AS SPECIFIED THEREIN. THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN. THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND HAS AN EMBOSSED SEAL. AREA DETERMINED BY COORDINATE METHOD.



SCALE: 1"=40' SCALE IN FEET DATE: 11/04/2014

[Signature] 11-18-14
 DAVID E. GASQUE, P.L.S. JOB # 42462
 S.C. REGISTRATION NUMBER 20506 FB#845/PD DSGN#7
 THIS PLAT IS NOT BINDING UNLESS ACCOMPANIED BY AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.