

**CITY OF BEAUFORT  
ZONING BOARD OF APPEALS  
Staff Report and Recommendations  
Meeting of 28 May 2014**

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**Case Number:** ZB14-10  
**Property Address:** 2001 Boundary Street  
**Applicant:** Town Center, LLC  
**Type of Request:** Variances for Drive-Thru Stacking Lane and Outdoor Menu Board  
**Zoning:** Boundary Street Redevelopment District

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**Background:** The property is located at 2001 Boundary Street (see attached Site Location Map). The property is identified as District 122, Tax Map 1, Parcel 12. The property is zoned Boundary Street Redevelopment District. A Starbucks restaurant/coffee shop is proposed to be constructed on the site. The restaurant is proposed to have a drive-thru.

Drive-thru facilities in the Boundary Street Redevelopment District must conform to the standards set out in Section 6.8.H.8 of the UDO (attached). As noted, the ordinance limits the drive-thru stacking lane to three vehicles and prohibits outside menu boards or order boards. The applicant is requesting variances to allow a stacking lane for five vehicles and to allow an outside menu board.

The Zoning Board of Appeals approved variances in 2008 for an additional drive-thru window and two outdoor menu boards for the McDonald's project on Boundary Street.

**Public comment:** The property was posted on May 12. The public hearing notice referencing this application appeared in the May 13, 2014 edition of *The Beaufort Gazette*. Letters were sent to adjoining property owners on May 14. 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:

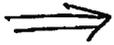
- (1) *Extraordinary and exceptional conditions.* The Board must make a finding that there are extraordinary and exceptional conditions associated with this property. The Board might consider that this is a small site located on a major arterial. There are other restaurants with drive-thru facilities in the area. The goal of the Boundary Street Master Plan and the Boundary Street project is to make the area more conducive to pedestrian and bicycle movement; however, in the near term, motor vehicles will still be a predominate form of transportation.

- (2) *Conditions as applied to other property in the vicinity.* These conditions do not generally apply to other property in the vicinity, in that there are few other vacant, developable parcels with frontage on Boundary Street.
- (3) *Conditions not a result of the applicant's own actions.* The conditions outlined above are not the result of the applicant's actions.
- (4) *Not in conflict with Comprehensive Plan and the purposes of the UDO.* In staff's opinion, granting of the variances would not substantially conflict with the Boundary Street Master Plan and the purposes of the UDO, specifically, the Boundary Street Redevelopment District Ordinance. The drive-thru is located behind the building which is appropriate. The drive-thru window and the menu board will be screened from Boundary Street.
- (5) *Unreasonable restriction on utilization of the property.* Staff believes it is an unreasonable restriction on use of the property to approve a drive-thru window and then not permit an outside order board. The order board will make the drive-thru operate more quickly and efficiently. In addition, it appears an unreasonable restriction on use of the property to restrict the drive-thru lane to three vehicles. Five vehicles does not seem excessive, even in an urbanizing corridor such as Boundary Street.
- (6) *Detriment to adjacent property and the public good.* Staff believes that granting of the variances will not be of detriment to adjacent property and the public good, and the character of the district will not be harmed by granting of the variances, in that both the menu board and the stacking lane will be screened from Boundary Street.

**Staff recommendation:** If the Board makes the six findings outlined above, the variances can be approved.



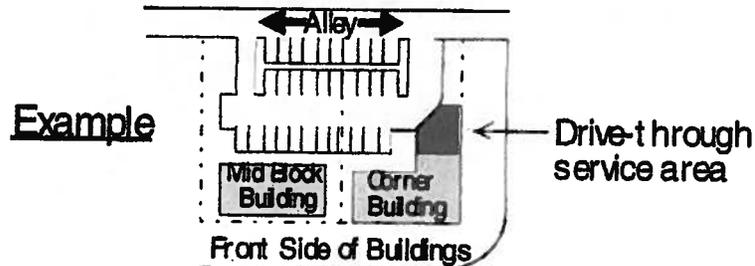
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### 8. Drive-thrus

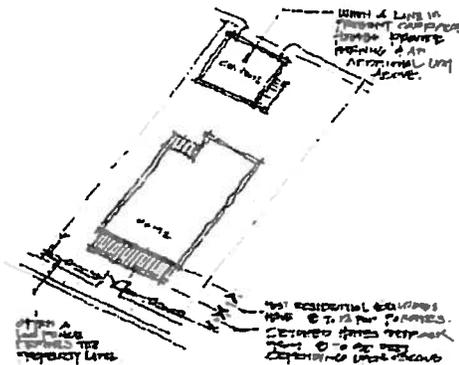
Drive-thrus, drive-thru windows, and drive-ups (collectively called "drive-thrus") are not permitted by-right within the Boundary Street Redevelopment District. Drive-thrus, except those at banks, may only be allowed when granted approval by the Zoning Board of Appeals as a special exception. Banks with drive-thrus may be approved by the City Architect under the conditions outlined below. In order for a drive-thru to be considered for approval by the Zoning Board of Appeals, it must conform with the following conditions:

- Drive-thru service windows must be located in the rear of properties, in mid-block and alley accessed locations;
- There shall be no minimum stacking requirements for vehicles; the maximum stacking allowed for vehicles shall be three vehicle lengths;
- There is only one drive-thru window;
- There is no outside menu board or order board;
- The drive-thru window is not located on the façade of the building facing the primary street.



### 9. Fences

Fences shall be a minimum of 25% opaque. Fences shall be constructed of materials that continue the architecture of the building that it abuts.



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City of Beaufort Zoning Board of Appeals  
1911 Boundary Street  
Beaufort, South Carolina 29902  
Phone (843) 525-7011, Fax (843) 986-5606  
E-Mail: [planning@cityofbeaufort.org](mailto:planning@cityofbeaufort.org)  
\*Revised October 7, 2010\*

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

**VARIANCE APPLICATION**

OFFICE USE ONLY: Date Filed: 5-2-14 Application #: 21314-10 Zoning District: QC

### 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):** Town Center Inn, LLC  
 Address: 2015 Boundary Street, Suite 300, Beaufort, SC 29902  
 Telephone: (843) 521-9000 [day] (843) 379-9545 [fax]  
 E-mail: [ctw@303associates.com](mailto:ctw@303associates.com)

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

**PROPERTY STREET ADDRESS:** TBD (to be assigned by City)  
 Tax Map No.: R122 001 000 0012 0000 (plus the former Lovejoy park acquired from the City of Beaufort)  
 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 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: 5/2/14 Applicant's Signature: *Calvin Howell*  
 TOWN CENTER INN, LLC

**City of Beaufort Zoning Board of Appeals**  
**1911 Boundary Street**  
**Beaufort, South Carolina 29902**  
**Phone: (843) 525-7011, Fax: (843) 986-5606**  
**E-Mail: [planning@cityofbeaufort.org](mailto:planning@cityofbeaufort.org)**  
**\*Revised October 7, 2010\***

**VARIANCE APPLICATION**

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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): **The request is not permitted by the UDO (Section 3.8.H.8), hence a variance is required.**

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) **to allow a drive-thru stacking lane longer than 3-car length and to permit a menu board for the drive-thru** 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:

**SEE ATTACHED**

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: \_\_\_\_\_  
\_\_\_\_\_
  - 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: \_\_\_\_\_  
\_\_\_\_\_
  - 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: \_\_\_\_\_  
\_\_\_\_\_

**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. These are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:**

Our client for this project requires a menu board and a stacking lane longer than 3 cars in order to conduct their normal course of business. In their extensive experience throughout the nation, a menu board is preferable to using a drive-up window because it allows time for the order to be assembled. By the time the car reaches the window, the order is ready. This allows for more continuous movement of cars onsite, reducing the amount of time a car sits idle.

A drive lane longer than 3 cars is necessary because our client fully understands their customer patterns and traffic flow, and by accommodating more than 3 cars, this will prevent cars wanting to use the drive-thru from blocking other customers who want to park and pass through the parking lot and who want to come inside to order.

**b. These conditions do not generally apply to other property in the vicinity as shown by:**

Other drive-thrus in the vicinity have menu boards and drive-thru lanes longer than 3 cars long. Granted, some of those have been in existence since before the Boundary Street Redevelopment zoning was passed. However, variances for these same issues, specifically the allowance of menu boards and longer drive lanes, have been granted to other properties in the nearby vicinity, specifically the McDonalds, which has 2 of each.

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

The City of Beaufort, through the Comprehensive Plan and the Boundary Street Redevelopment Plan, encourages economic development. Furthermore, the Boundary Street Master Plan states that it is crucial to check commercial sprawl and to encourage redevelopment within the City. In order to guide new businesses away from greenfield sites, variety must be accommodated. This includes "pedestrians and cyclists...as well as cars." We have worked diligently to recruit new businesses – local, regional and national – to Beaufort for over 15 years. We have successfully reached agreement to locate a national tenant to the Redevelopment District. We took the City's adopted Boundary Street Master Plan at face value – that the City desired large and small retailers, local and national retailers, to bolster the economic health of the City, and would embrace the variety associated with such differences. We are not responsible for the different requirements brought by this business and are simply trying to accommodate their needs within the District.

**d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDO in that:**

Granting the variance would not conflict with the Comprehensive Plan, the Boundary Street Master Plan or the purposes of the UDO; rather, it would help support the Comprehensive Plan and the Boundary Street Master Plan's principles of fostering economic development. And, while accommodating the variety brought by this business, urban forms principles set forth by the Boundary Street Redevelopment District do not have to be sacrificed. The menu board and the extended stacking lane are significantly set back from the public right of way, as they are behind the building with the drive-thru, and they are completely screened from the public right of way by a garden wall, implementing appropriate screening measures.

**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:**

Without the granting of this variance, this business will not locate in this location. IF they still choose to locate in Beaufort, they will choose a greenfield location, likely sprawling along Highway 170. This would go against the principles of encouraging growth and accommodating redevelopment with the Boundary Street Redevelopment District as established by the Comprehensive Plan and the Boundary Street Master Plan.

**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 variance will not be a detriment to the adjacent property or the public good, as the addition of a menu board that is completely screened from view will not harm the neighbors or the public in any way. Rather, the menu board and the longer stacking lane will help expedite the movement of traffic through the drive-thru lane, which means less idle time for automobiles and the less likelihood for any potential fume buildup. The character of the district will not be harmed by the granting of this variance, as the screening that will be implemented is in keeping with District standards and, as the Boundary Street Master Plan strongly urges, this variance will accommodate the variety that will help spur the economic vitality of the Boundary Street Redevelopment District.