

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

Case Number: ZB14-11
Property Address: 611 Mystic Drive
Applicant: Crish DeLoach
Type of Request: Variance from Limit on Number of Garages
Zoning: R-2

Background: The property is located at 611 Mystic Drive East in the Royal Pines neighborhood (see Site Location Map attached). The property is identified as District 120, Tax Map 7, Parcel 625. A single-family dwelling is located on the property. The property is zoned "R-2 Medium Density Single-Family District" (R-2).

The applicant desires to build a two-car garage at the rear of the dwelling. Section 5.4.B.1 of the Unified Development Ordinance (UDO) (attached), limits the number of garages on a property to one. Staff considers carports garages. The dwelling at 611 Mystic Drive has an attached carport (see attached photos). The applicant is requesting a variance of Section 5.4.B.1 to allow a garage to be built behind the dwelling.

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.

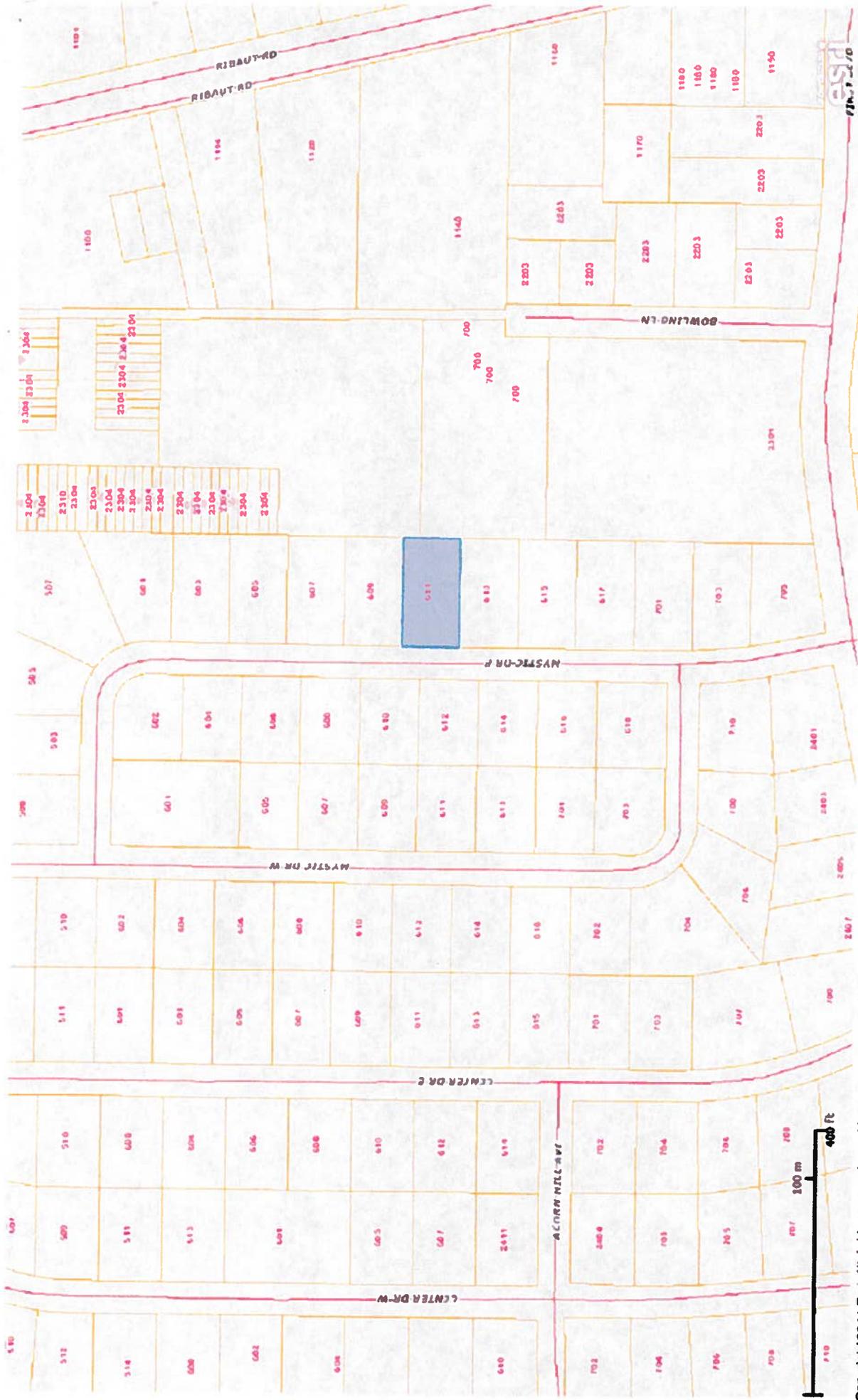
Staff findings: Based on the information submitted with the application, staff has concluded the following:

- (1) *Extraordinary and exceptional conditions.* In staff's opinion, there extraordinary and exceptional conditions attached to this property in that the dwelling has an attached carport.
- (2) *Conditions as applied to other property in the vicinity.* These conditions do not generally apply to other property in the vicinity in that many of these small carports have been enclosed to provide additional habitable space.
- (3) *Conditions not a result of the applicant's own actions.* These conditions are not the result of the applicants' own actions, in that the applicants did not build the dwelling with the attached carport.

- (4) *Not in conflict with Comprehensive Plan.* In staff's opinion, granting of the variance would not conflict with the Comprehensive Plan or the purposes of the UDO in that the garage will be located behind the dwelling which is the proper location from the urban design perspective.
- (5) *Unreasonable restriction on utilization of the property.* Staff believes it is an unreasonable restriction on use of the property to prevent the construction of a two-car garage in the proper location on the property due to the presence of a small attached carport. Further, staff believes it would be unreasonable to expect the carport to be enclosed as a condition for approval to construct the garage.
- (6) *Detriment to adjacent property and the public good.* Staff believes that granting of the variance will not be a detriment to adjacent property or the public good and that the character of the district will not be harmed by granting of the variance in that the garage will be constructed behind the existing dwelling which is the proper location for a garage, and if a condition is placed on granting of the variance that would prohibit parking in the front yard.

Staff recommendation: Staff believes that all of the findings necessary to approve a variance can be met and as a result, staff recommends approval on the condition that no vehicles shall be parked in the front yard (see attached photo), and that vehicles shall only be allowed to be parked in the driveway in front of the carport or at the rear of the dwelling in the driveway or in the garage.

611 Mystic Drive East



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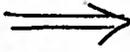


5.4 Accessory Uses

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

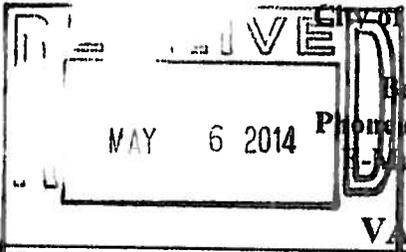
- 
1. Either a private garage (attached or detached) or workshop subject to the following standards:
 - a. Such structure (including attached garages) shall not be located in front of the front line of the dwelling (i.e. front façade, front building wall) except on lots on the marsh or water or where 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.



app# 9869



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
Revised October 7, 2010

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

OFFICE USE ONLY: Date Filed: 5-6-14 Application #: 2B14-11 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): Crish S. DeLoach
 Address: 611 E MYSTIC DR
 Telephone: 843-521-9475 [day] _____ [fax]
 E-mail: OIS322@HARGRAY.COM

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51614
126776

OWNER(S) if other than Applicant(s): _____
 Address: 611 E MYSTIC DR
 Telephone: 843-521-9475 [day] _____ [fax]

PROPERTY STREET ADDRESS: _____
 Tax Map No.: MAP 120 - 007 - 000 - 0625
 Parcel No.: 450026 0005

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: 4/29/14 Owner's Signature: Crish S. DeLoach

I (We) certify that the information in this application is correct.
 Date: 4/29/14 Applicant's Signature: Crish S. DeLoach

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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): To build enclosed garage to allow additional parking and storage in rear
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 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 car port is too small and price to add exterior and look from the street would take away the true look of the house
 - b. These conditions do not generally apply to other property in the vicinity as shown by: The fact that our house is unusual in the neighborhood.
 - c. The conditions are not the result of the applicant's own actions as follows: This was existing when I bought the property
 - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDO in that: It would increase the investment of the property and the area also allowing cars parked in the front yard moved to the back of the house
 - 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: having cars parked in the front yard and things that are stored in the carport moved to the garage in the back of the house
 - 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: again to allow parking rear of the house and move the storage from the view of the front of house of things stored to be out of sight from the street view