CITY OF BEAUFORT
ZONING BOARD OF APPEALS
Staff Report and Recommendations
Meeting of 24 November 2014

Case Number:	ZB14-23
Property Address:	2505 Fripp Street
Applicant:	Frederick & Frederick Architects
Type of Request:	Variance from Limit on Number of Garages
Zoning:	R-1

Background: The property is located at 2505 Fripp Street in the Hermitage Road Area neighborhood (see Site Location Map attached). The property is identified as District 120, Tax Map 5, Parcel 52. A single-family dwelling is located on the property. The property is zoned "R-1 Low Density Single-Family District" (R-1). The R-1 District requires a minimum lot area of 12,500 square feet. The lot is approximately 20,200 square feet in area. A single-family dwelling is located on the lot. A detached one-car carport is located on the west side of the existing dwelling. An existing open shed/carport is located in the northeast corner of the lot. Photographs of the property are attached.

Section 5.4.B.1 of the Unified Development Ordinance (UDO) (attached), limits the number of garages on a property to one. The applicant proposes to replace an existing open shed/carport with a garage. A one-car detached carport already exists on the west side of the dwelling. The applicant is requesting a variance of Section 5.4.B.1 to allow an additional two-car garage to be built behind the dwelling. The existing shed/carport to be replaced is approximately 18' x 22' or 396 square feet. Accessory structures less than 500 square feet are required to be set back 5' from side and rear property lines. The existing shed is located approximately 4' from the rear property line and so is nonconforming for the rear setback. The proposed garage will be located in the approximate location of the existing shed. The garage is proposed to be 20' x 25' or 500 square feet. The proposed garage will meet the 5' side and rear yard setback requirements. The applicant has submitted a site plan that shows the location of the proposed garage. The applicant stated the garage will be one-story with a low pitch roof and board and batten siding.

Questions for the applicant: Did the current property owner have the one-car carport and the open shed constructed?

Public comment: The property was posted on November 7. The public hearing notice referencing this application appeared in the November 9 edition of *The Beaufort Gazette.* Letters were sent to adjoining property owners on November 10. 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 are extraordinary and exceptional conditions attached to this property in that the lot is 60% larger than the minimum lot area required by the ordinance; that there is an existing carport on the property; that there is an existing open shed used for vehicle storage on the property; and that the existing open shed/carport is nonconforming for the rear setback.

(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 Board must make a finding that the extraordinary conditions are not the result of the applicant's own actions.

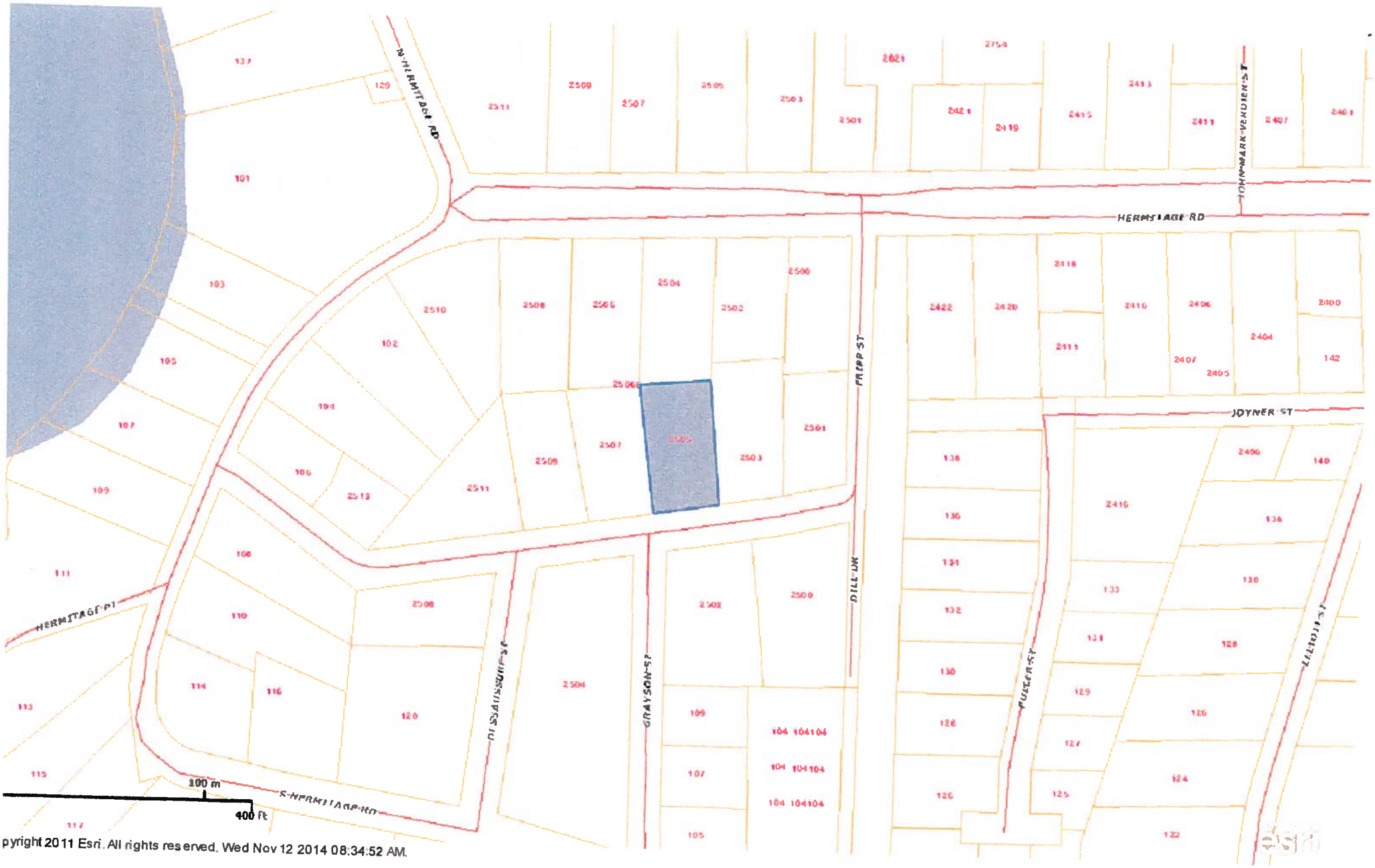
(4) *Not in conflict with Comprehensive Plan.* Staff believes that granting of the variance would not conflict with the Comprehensive Plan or the purposes of the UDO.

(5) *Unreasonable restriction on utilization of the property.* Staff believes it is an unreasonable restriction on use of the property to prohibit the replacement of an existing nonconforming open shed. There are already two accessory structures on the property that house vehicles—the shed to be replaced being one of these. Granting of the variance will not add an additional accessory structure, but will replace an existing nonconforming structure in poor condition. There are no other sheds or outbuildings on the property, so the lot will have no more structures than allowed by the current ordinance.

(6) *Detriment to adjacent property and the public good.* The garage is being designed by an architect to blend with the existing dwelling. The garage will be attractive and be made of quality materials. The garage will be located behind the dwelling in the rear corner of the lot which is an appropriate location for a garage. The enclosed garage will replace an old open carport and so will be more visually attractive than the existing structure. The new garage will eliminate a building that is nonconforming for the rear setback.

Staff comments: Staff believes the Board can make all the findings necessary to approve and variance and so recommends approval.

2505 Fripp Street



pyright 2011 Esri. All rights reserved. Wed Nov 12 2014 08:34:52 AM.

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.

$ PAID 11/4/14 CK
AP10731

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
- ☑ Residential $200
- ☐ Commercial $300
- ☐ Special Meetings $500

VARIANCE APPLICATION

OFFICE USE ONLY: Date Filed: 11-4-14 **Application #:** ZB14-23 **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): Frederick + Frederick Architects
Address: 38 Meridian Road, Beaufort, SC 29907
Telephone: 522 8422 [day] _____ [fax]
E-mail: jane@f-farchitects.com

OWNER(S) if other than Applicant(s): Mr. & Mrs. Stephen Schein
Address: 2505 Fripp Street, Beaufort, SC 29902
Telephone: 524-5801 [day] _____ [fax]

PROPERTY STREET ADDRESS: 2505 Fripp Street
Tax Map No.: R120-005-000-0052-0000
Parcel No.: Lot 89 Hundred Pines

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: 11/4/2014 Owner's Signature: [signature]

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

Date: 11/4/2014 Applicant's Signature: [signature]

City of Beaufort Zoning Board of Appeals
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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): 5.4.B.1 Accessory Uses

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) Replace existing shed with a garage. Currently there are 2 accessory structures. We want to keep one structure and replace the other structure.

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: There currently are two structures, so we are not changing the number of buildings on the site. The existing shed is not enclosed and the owner wants an enclosed garage.

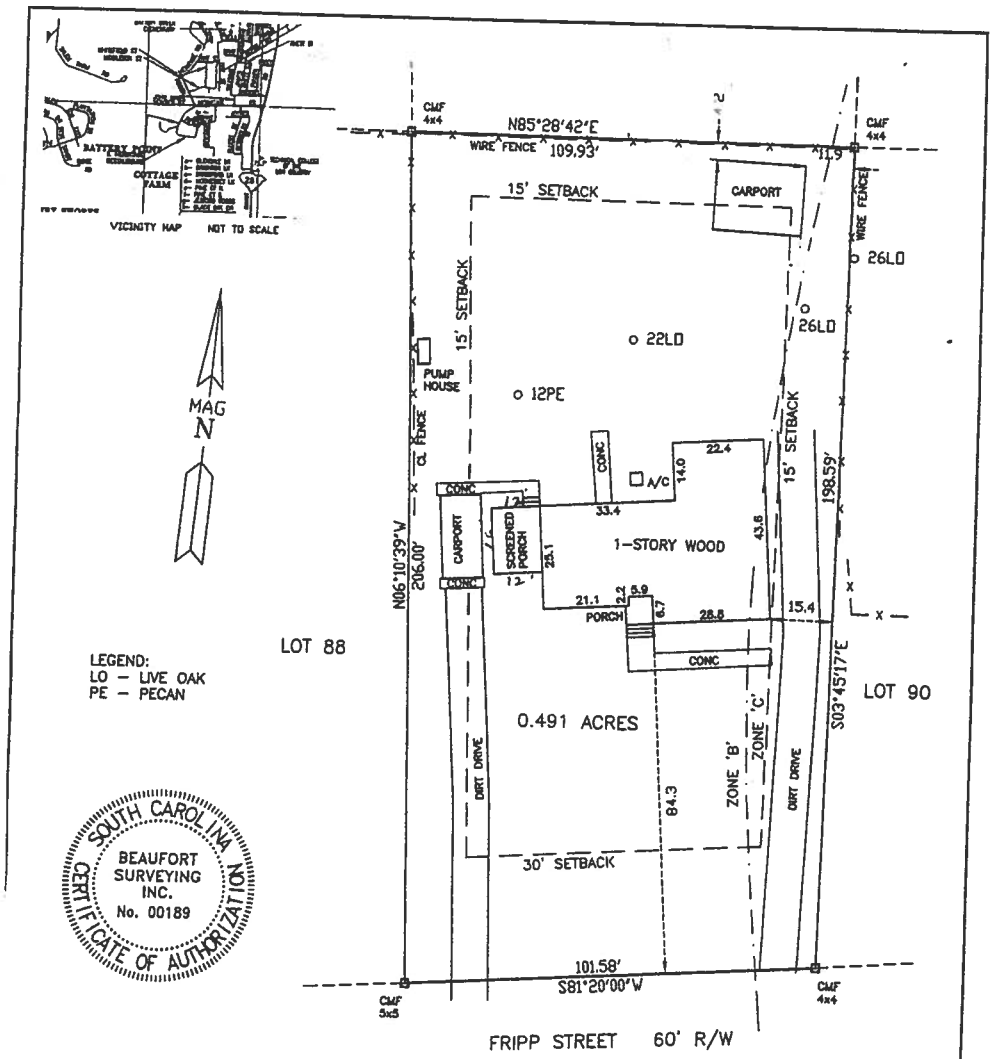
   b. These conditions do not generally apply to other property in the vicinity as shown by: Most of the houses in this well established neighborhood were built prior to the current zoning ordinance. There are all sorts of outbuildings in the neighborhood that do not meet the current ordinance. The house next door has two outbuildings.

   c. The conditions are not the result of the applicant's own actions as follows: There is an existing shed that we want to replace.

   d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDO in that: The enclosed garage will house boats that currently sit out in the yard. The new garage will barely be visible from the street.

   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: If the variance is not granted the shed will remain. The variance will allow enclosed storage which is more attractive.

   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: Since many of the houses in the neighborhood are non-conforming, this variance will not detract from the character of the neighborhood.



AS-BUILT AND SITE PLAN
PREPARED FOR
STEVEN SCHEIN
CITY OF BEAUFORT
BEAUFORT COUNTY, SOUTH CAROLINA

THE SAME BEING LOT 89, HUNDRED PINES SUBDIVISION AS SHOWN ON A PLAT BY J.W. GRAY DATED MAY 2, 1938 AND RECORDED IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA IN PLAT BOOK 4, PAGE 42-1/2.

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 ZONES B & C AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL NUMBER 450026 0005 D, DATED 9-29-86.

R120-005-000-0052-0000

0 15' 30' 60' 90'

SCALE 1" = 30'

APRIL 21, 2014
P15001/MMA

DAVID S. YOUMANS RLS 9765
BEAUFORT SURVEYING, INC.
1613 PARIS AVENUE
PORT ROYAL, S.C. 29935
PHONE (843) 524-3261

ZB14-23

RECEIVED
NOV - 4 2014
for 11/24/14