

VARIANCE APPLICATION
108 S. HERMITAGE ROAD

AP# 12376
Pd.

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

VARIANCE APPLICATION

OFFICE USE ONLY: Date Filed: 11-13-15 Application #: 2815-33 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.

APPLICANT(S): ROB MONTGOMERY
 Address: 404 RIBAUT RD. BEAUFORT SC 29902
 Telephone: 843-522-8077 [day] _____ [fax]
 E-mail: RM@MONARCHPL.COM

OWNER(S) if other than Applicant(s): GREG BRUNSON
 Address: P.O. BOX 367, HAMPTON, SC 29924
 Telephone: 803-943-2619 [day] _____ [fax]

PROPERTY STREET ADDRESS: 108 S. HERMITAGE
 Tax Map No.: R120 005 000 0041 0000
 Parcel No.: LOT 78, ONE HUNDRED PINES SUBDIVISION

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: 11/12/15 Owner's Signature: *Greg Brunson*

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

Date: 11/12/15 Applicant's Signature: *Rob Montgomery*

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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): SIDEYARD SET BACK - 15' - R-1 ZONE.
VARIANCE TO ALLOW 10'-9" ENCROACHMENT.

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) ADDITION TO THE NORTH OF EXISTING BUILDING, MAKING USE OF EXISTING OBSOLETE CARPORT.
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 SMALL EXISTING HOUSE IS CONFIGURED ON THIS NARROW LOT SUCH THAT IT TOUCHES BOTH SETBACK LINES. TO MAKE USE OF AN EXISTING CARPORT WE WISH TO CONVERT IT TO MASTER BEDROOM w/ 12' ADDITION.
 - b. These conditions do not generally apply to other property in the vicinity as shown by: THE FLOOR PLAN AND SITE CONDITIONS ARE UNIQUE.
 - c. The conditions are not the result of the applicant's own actions as follows: THIS HOME BUILT IN 1953 HAS A SMALL CARPORT ADJACENT TO THE NORTH SETBACK LINE. AS NEW OWNER, MR. BRUNSON DESIRES TO MAKE GOOD USE OF THIS AREA BY ENLARGING IT TO ACCOMMODATE A MSTR. BD. RM.
 - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDO in that: ALTHOUGH THE REQUESTED ENCROACHMENT IS ± 10'-9" IT IS A MODEST PIE SHAPE THAT IS CONSISTENT WITH THE EXISTING BUILDING ELEVATION.
 - 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: THE USE OF THE CARPORT GIVEN ITS POSITION IN THE PLAN AND LOCATION ON SITE WOULD BE EXTRANEOUS
 - 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 ELEVATION ALONG S. HERMITAGE (THE 'FRONT' LIKE ALL OF THE NEIGHBORS) WOULD BE LENGTHENED IN AN INNOCUOUS WAY. THE ENCROACHMENT ALONG FRIPP ST. DOES NOT ALTER THE LOOK OF THE BUILDING FORM

STAFF REPORT
108 S. HERMITAGE ROAD

**CITY OF BEAUFORT
ZONING BOARD OF APPEALS
Staff Report and Recommendations
Meeting of 21 December 2015**

Case Number: ZB15-33
Property Address: 108 S. Hermitage Road
Applicant: Rob Montgomery
Type of Request: Setback Variance
Zoning: T-1 District

Background: The property is located at 108 S. Hermitage Road in the Hermitage Road area neighborhood. The property is identified as District 120, Tax Map 5, Parcel 41. The property is located at the corner of Hermitage Road and Fripp Street (see Site Location Map attached). Fripp Street angles to the north at the rear corner of the lot (see attached map). The property is zoned "R-1 Low Density Single-Family Residential District" (R-1). The R-1 District requires a minimum lot width of 100' and a minimum lot area of 12,500 square feet. The lot appears to be approximately 110' in width and 25,265 square feet in area. This is a conforming lot. The lot is not rectangular in shape, but rather, is a trapezoid. The property is approximately 110' in width at the front (Hermitage Road) property line and 86' in width at the rear property line. The lot is 262' in length on the north (Fripp Street) side and 279' in length on the south side property line.

A single-family dwelling is located on the property. The dwelling is sited approximately parallel to Fripp Street. Based on the information presented by the applicant, the existing dwelling occupies almost the entire width of the buildable area (i.e., the building is built approximately to the setback lines). According to the tax assessment information, the one-story building is 1,377 square feet. The applicant has provided photos of the dwelling.

The applicant desires to construct an addition on the north, Fripp Street, side of the property. The addition is proposed to be 10' by 24' or 240 square feet. The R-1 District requires a 30' front setback [see Section 6.1.A of the Unified Development Ordinance (UDO) attached]. Section 6.5.A of the ordinance (attached) addresses setbacks on corner lots. Based on the provisions of this section, the Fripp Street setback is required to be 15'. The existing building is located almost at the 15' setback line. The applicant proposes to build the addition 10' 9" (10.75') into the Fripp Street setback at its farthest point. The addition will be located 4' 3" (4.25') from the Fripp Street property line. The applicant is requesting a 10.75' setback variance to permit the building addition.

Questions for the applicant: The house has a large back yard. What can't all the additional desired square footage be located in a rear addition? Or in an addition to the front of the dwelling where the lot is the widest? Would the side of the addition facing the street have windows? Please provide an elevation. What is the proposed siding and roofing material? What are the proposed colors?

Staff comments: The North-South Hermitage Road area is characterized by large lots with one-story dwellings set back from the street. Having a building set back less than 5' from a street side property line would be a very unusual situation. The smallest-lot residential district in the code requires a 12' front setback. This would allow a 6' setback on a corner lot.

Public comment: The public hearing notice referencing this application appeared in the December 6 edition of *The Beaufort Gazette*. The property was posted on December 7. Letters were sent to adjoining property owners on December 7. Staff informed representatives of the Hermitage Road Area neighborhood association of the application by e-mail on December 11. 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 pertaining to this property. This is a conforming lot. The lot does however, have an unusual configuration, in that it narrows by 24' from front to back. In addition, the existing dwelling occupies the full width of the buildable area.
- (2) *Conditions as applied to other property in the vicinity.* These conditions do not generally apply to other property in the vicinity, in that most of the interior lots in the neighborhood have a more regular shape.
- (3) *Conditions not a result of the applicant's own actions.* The applicant did not plat the lot or build the existing dwelling on the lot.
- (4) *Not in conflict with Comprehensive Plan.* The Board must make a finding that granting of the variance will not be in conflict with the Comprehensive Plan and the purposes of the Unified Development Ordinance
- (5) *Unreasonable restriction on utilization of the property.* The Board must make a finding that application of the ordinance to this particular property is an unreasonable restriction on use of the property. Is it an unreasonable restriction on use of the property to require all the additional habitable space to be built to the front or the rear of the dwelling where there is plenty of buildable area?
- (6) *Detriment to adjacent property and the public good.* Staff believes that granting of the variance may be a detriment to adjacent property and the public good, and the character of the district may be harmed by granting of the variance, in that the proposed addition will be located less than 5' from the Fripp Street property line. This setback does not seem in keeping with the character of the neighborhood. The smallest lot district set out in the City's code, the R-4 district, requires a 12' front setback and would permit a 6' setback on the secondary street. The proposed addition would be located almost 2' closer to the street than permitted in the highest density single-family district in the code. The R-1 District is the largest lot district shown on the current zoning map.

Staff recommendation: It does not appear that all the findings necessary to approve the variance can be made, and so staff recommends denial.

108 S Hermitage Road



Aerial View



Aerial View



Article 6. District Development Standards

6.1 Residential District Standards

A. Residential Development Standards

The following table illustrates the dimensional standards that apply in the City's base Residential districts:

Standard	Zoning District								
	TR	RE	R-1	R-2	R-3	R-4	GR and TBR-Old Commons	TBR-The Point	MHP
Lot Dimensions Lot Area, Min. Lot Width, Min. Lot Frontage, Min.	3 AC 100 feet 20 feet	21,780 SF 100 feet 20 feet	12,500 SF 100 feet 20 feet	9,000 SF 80 feet 20 feet	6,000 SF 80 feet 20 feet	4,000 SF 40 feet 20 feet	See note 5	See note 1	5 acres 150 feet 150 feet
Minimum Yards Front Yard Rear yard* Side Yard*	35 feet 15 feet 15 feet	35 feet 50 feet 15 feet	30 feet 15 feet 15 feet	20 feet 15 feet 12 feet	15 feet 15 feet 10 feet	12 feet 15 feet 6 feet	See note 2 See note 6 See note 6	See note 2 15 feet 10 feet	25 feet 15 feet 15 feet
Impervious Coverage	N/A	N/A	40%	45%	50%	55%	50%	55%	N/A
Maximum Height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	See note 3	See note 4	35 feet

1. Minimum 6,000 SF lot area and 60 feet in width for single-family; 8,000 SF lot area and 80 feet in width for two-family and 10,000 SF in lot area and 100 feet in width for three-family.
2. In the Historic District, use average prevailing setback for front yard; accessory structure side and rear yard setbacks may be reduced to 5'.
3. Maximum height 35 feet for single-family structures, 50 feet for multifamily.
4. Maximum height 35 feet above base flood elevation.
5. For single-family development see R-4 standards; for two-family, three-family and multifamily development (GR only), minimum 6,000 SF lot area, 80 feet lot width, and 60 feet lot frontage, maximum density 25 units per gross acre.
6. For multifamily development, minimum front yard 25 feet, minimum rear yard 15 feet, and minimum side yard 10 feet; single-family development, see R-4 standards;

*See Section 5.4.G. for setbacks for accessory structures.

B. Average Prevailing Setback (Front Yard)

The average prevailing front yard setback shall be measured by averaging the front yard setbacks on the three lots adjoining either side of the proposed lot. When the three lots extend more than 100 feet from the side lot line of the proposed lot, only those lots lying at least partially within 100 feet of the proposed lot line shall be used in calculating the average prevailing setback. The Administrator may exercise reasonable discretion and flexibility in determining the average prevailing front yard depth so that it is harmonious with the existing streetscape; however, the minimum front yard shall be no less than five feet.

C. MHP Manufactured Home Park District

1. MH Park plan

In order to qualify for a MH Manufactured Home zoning classification, a proposed park must first meet the following specific requirements:

6.5 Measurement and Exceptions



A. Corner Lots

On lots having frontage on more than one street at an intersection, the minimum front yard requirement may be reduced to one-half the regulated distance on the portion of the lot fronting on the street or streets of less importance with the following exceptions:

1. In the General Commercial (GC) District, the setback on the street of lesser importance shall be reduced to no less than seven feet;
2. In the Highway Commercial (HC) District, the setback on the street of lesser importance shall be reduced to no less than fifteen feet; and
3. In the Limited Industrial (LI) District, the setback on the street of lesser importance shall be reduced to no less than fifteen feet.

B. Location of Buildings on Lots

Every building or use hereafter erected or established shall be located on a lot of record; and every single-family and two-family residential structure, except as herein provided, shall be located on an individual lot of record.

C. Double Frontage Lots

On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this UDO. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this UDO on at least two of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of paragraph A above.

D. Flag Lots

Flag lots may be permitted by the Planning Commission in major subdivisions as part of the subdivision review process, if the lot has an access strip with a minimum width of 20' serving the main building site of the property. The front setback on flag lots shall be measured from the front property line within the main building site as opposed to the property line adjoining the public right-of-way.

E. Measurement of Yards; Determination of Building Area

The required front, side and rear yards for individual lots, as set forth for the particular zoning district within which a given lot is located shall be measured inward toward the center of said lot from all points along the respective front, side and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "buildable area."

F. Density

Density refers to the number of dwelling units per unit of land area. Density is calculated by dividing the number of dwelling units on a site by the gross area (in acres) of the site on which the dwelling units are located. The number of dwelling units allowed on a site is based on the presumption that all other applicable standards will be met. The maximum density established for a district, including Planned Unit Development districts, is not a guarantee that such densities may be obtained, nor shall the inability of a development to achieve the stated maximum