

**VARIANCE APPLICATION
108 S. HERMITAGE ROAD**

App # 12376

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: <u>1-14-16</u>	Application #: <u>ZB15-33</u>	Zoning District: <u>R-1</u>
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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 Road, Beaufort, SC 29902
Telephone: 843-522-8077 [day] --- [fax]
E-mail: rm@monarchpl.com

OWNER(S) if other than Applicant(s): Gregg 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 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: January 14, 2016 Applicant's Signature: Robert C. 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): Side yard set back 15' R-1 Zone

Variance to allow 2'-6" 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) Modification and addition to existing bedrooms.

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. Given the buildings geometry additions cannot logically be made without minor encroachment.
 - b. These conditions do not generally apply to other property in the vicinity as shown by: The floor plan and site conditions are unique to this narrow lot.
 - 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 outdated floor plan with modest additions.
 - 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 ± 2'-6", 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 expansion of the bedroom wing located adjacent to the south setback line dictates this minor encroachment.
 - 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: This minor encroachment allows an addition which is compatible with the character of the district
~~The encroachment along Fripp Street 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 25 January 2016**

Case Number: ZB15-33
Property Address: 108 S. Hermitage Road
Applicant: Rob Montgomery
Type of Request: Setback Variance
Zoning: R-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. The R-1 District requires a 15' side yard setback. The setback on Fripp Street is also required to be 15'

A single-family dwelling is located on the property. The dwelling is sited approximately parallel to Fripp Street. 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 proposes to renovate the dwelling for a new owner and construct an addition on the house. The original proposal was to construct the addition on the north/Fripp Street side of the structure. A 10.75' setback variance was requested. This request was considered at the Zoning Board's December meeting. After consideration of the staff report, the applicant's request, and public comments, the Board voted to table the application so that the applicant could consider a redesign and then stake out the proposed encroachment on the Fripp Street side of the property.

The applicant has redesigned the improvement to eliminate the north/Fripp Street encroachment. Instead, a small portion of a south side addition encroaches into the south side setback by 2' 6" at the furthest point. The attachment shows the location and the amount of the proposed encroachment.

Public comment: The adjoining property owner on the south, at 110 South Hermitage Road, has been notified in writing of this change to the variance request.

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

- (1) *Extraordinary and exceptional conditions.* Staff believes the Board could make a finding there are extraordinary and exceptional conditions pertaining to this property. The lot has 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, thereby precluding any addition that increases the width of the dwelling.
- (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.* Staff believes 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.
- (6) *Detriment to adjacent property and the public good.* Staff believes that granting of the variance will not 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 only a small portion of the addition encroaches into the setback, and that the encroachment is relatively small (17%). The addition will be located 12.5' from the south side property line. The City's ordinance permits smaller side setbacks in the other three residential zones—12' in the R-2 zone; 10' in the R-3 zone, and 6' in the R-4 zone.

Staff recommendation: If the adjoining property owner on the south side has no objection, staff believes the board could make all the findings necessary to approve the variance.

× 13.89

× 15.18

Frist St

× 14.40

o LOK44-30

S. Heritage Rd

× 13.31

o P14

o P24

× 13.43

× 14

× 13.62

o P23

15' Setback

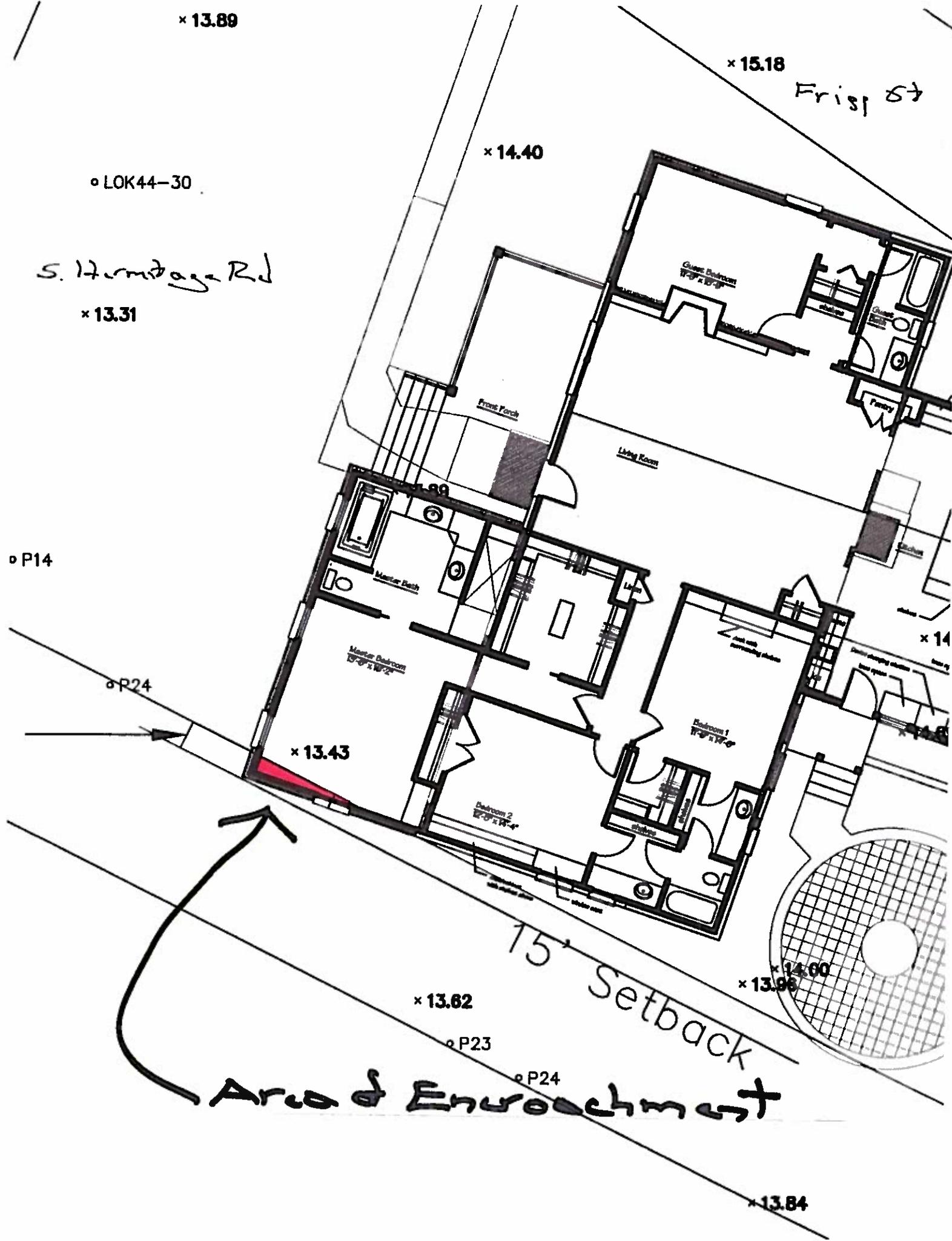
o P24

× 13.96

× 14.00

Area of Encroachment

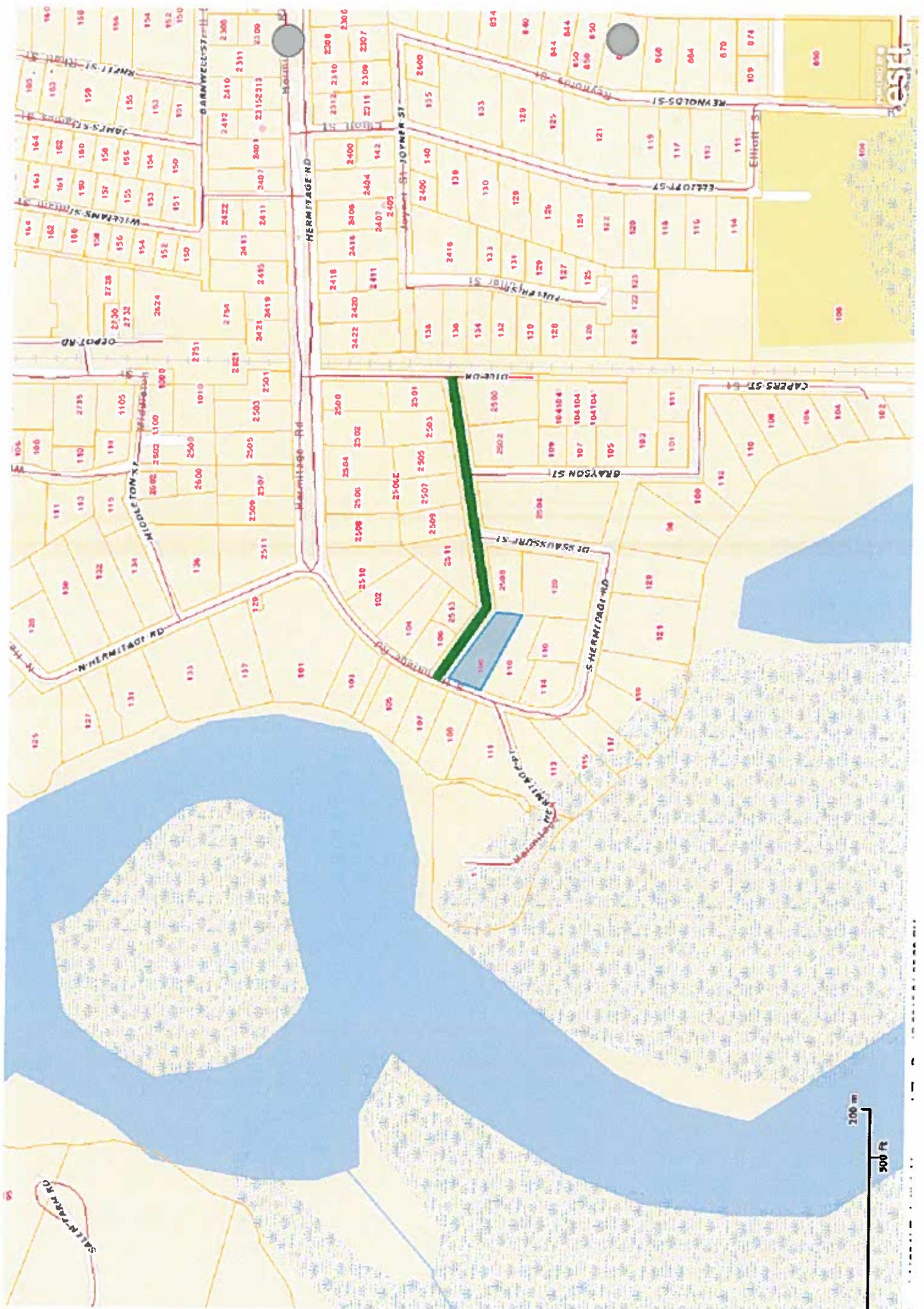
× 13.84



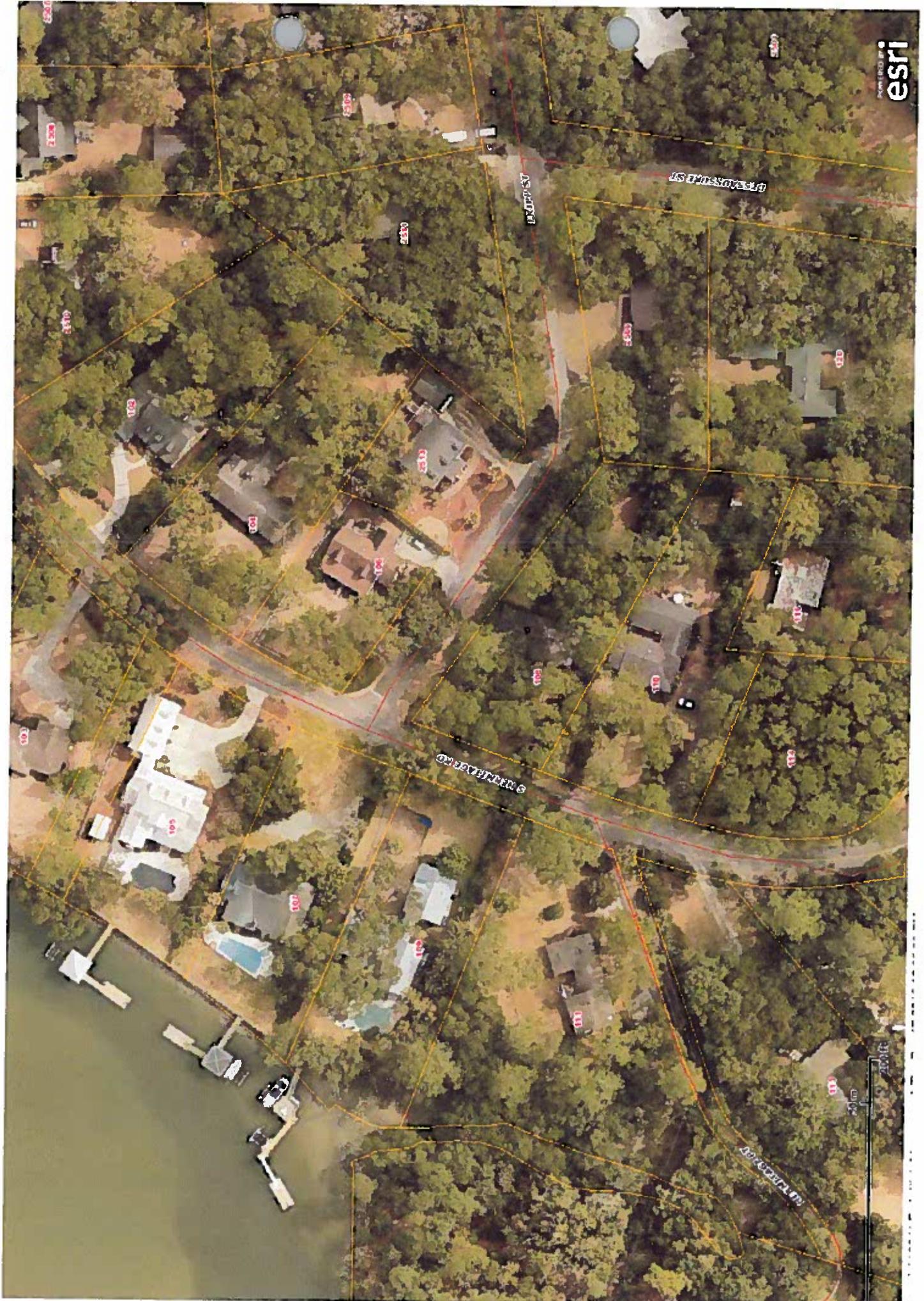
108 S Hermitage Road



Fripp Street



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 60 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 8 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, 60 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

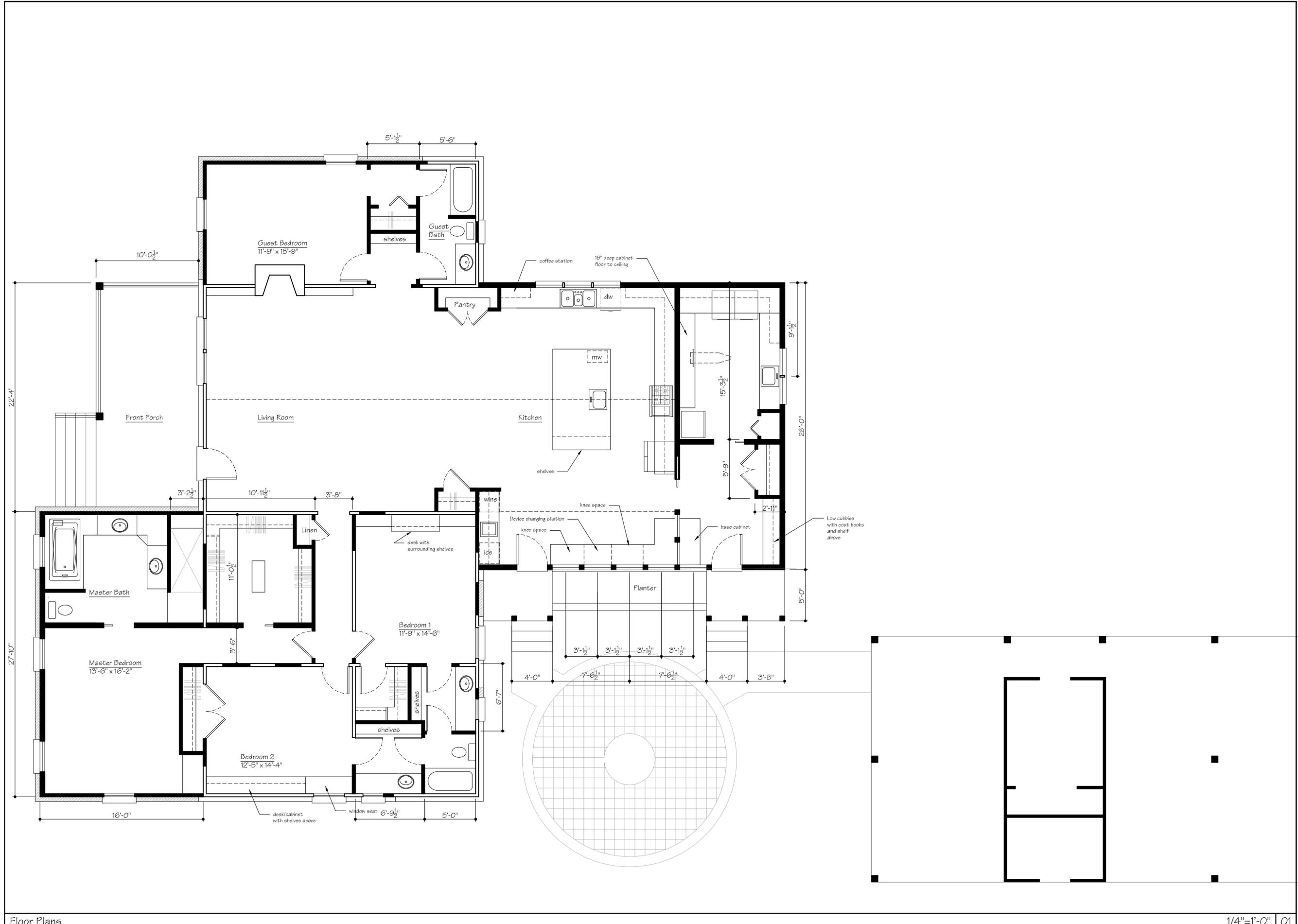
In order to qualify for a MH Manufactured Home zoning classification, a proposed park must first meet the following specific requirements:

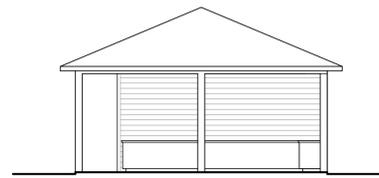
DATE	ISSUE
11-12-15	Prelim.
11-25-15	
12-1-15	
12-9-15	
1-12-16	

Floor Plans
Brunson Residence
 108 S. Hermitage
 Beaufort, SC

A2.1

Project No: 287
 Drawn By: AM
 Checked By: RM
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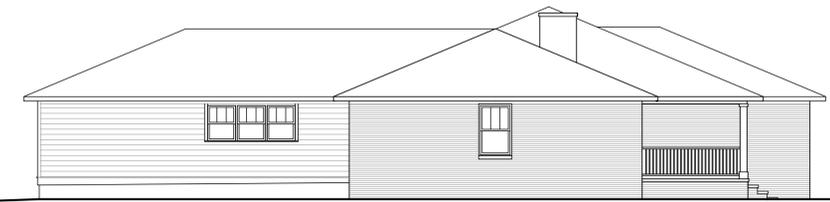
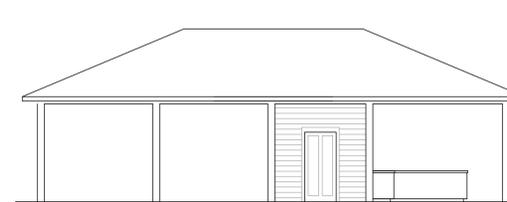


DRAWING SCALE 20

DRAWING SCALE 16

West Elevation @ Carport 1/8"=1'-0" 12

West Elevation 1/8"=1'-0" 04

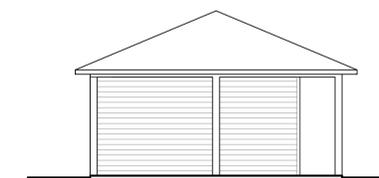


DRAWING SCALE 19

DRAWING SCALE 15

North Elevation 1/8"=1'-0" 03

DATE	ISSUE
11-12-15	Prelim.
11-25-15	
12-1-15	
12-9-15	
1-12-15	



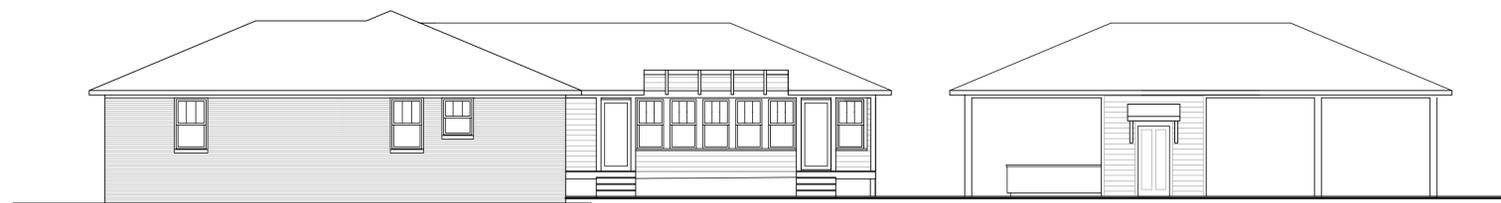
DRAWING SCALE 18

DRAWING SCALE 14

East Elevation at Carport 1/8"=1'-0" 10

East Elevation 1/8"=1'-0" 02

Elevations
Brunson Residence
108 S. Hermitage
Beaufort, SC



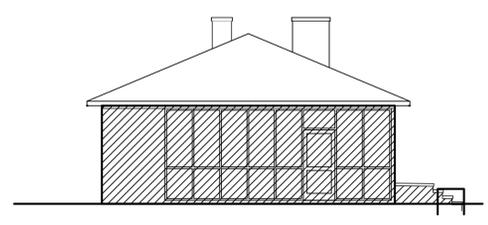
DRAWING SCALE 17

DRAWING SCALE 13

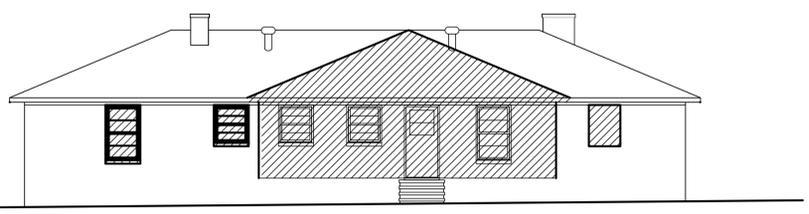
South Elevation 1/8"=1'-0" 01



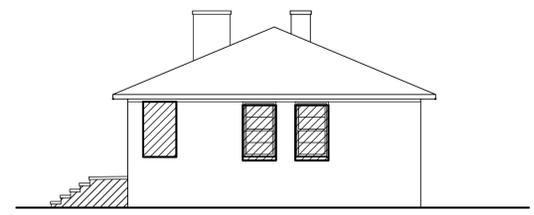
West Elevation 1/8"=1'-0" 16



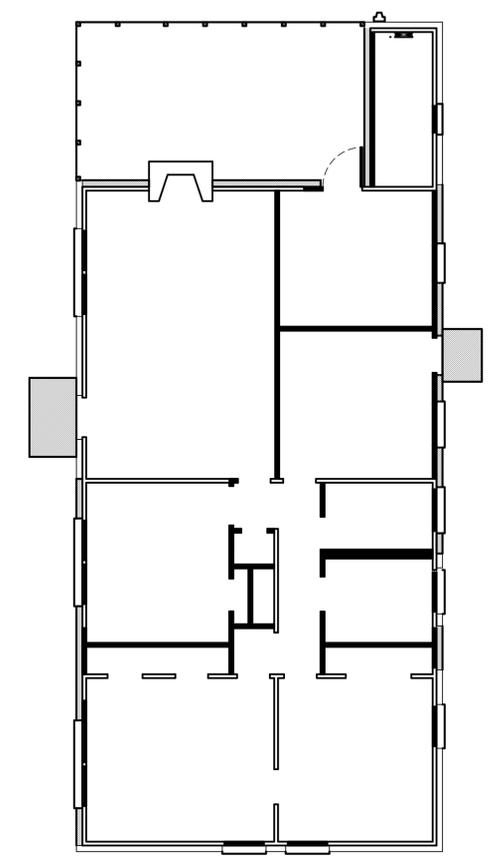
North Elevation 1/8"=1'-0" 15



East Elevation 1/8"=1'-0" 14



South Elevation 1/8"=1'-0" 13



Floor Plan 1/4"=1'-0" 01

DATE	ISSUE
11-12-15	Prelim.
12-1-15	
12-9-15	
1-12-16	

Demolition Plans and Elevations
Brunson Residence
108 S. Hermitage
Beaufort, SC