

**VARIANCE APPLICATION
521 RIBAUT ROAD**

Ap# 12412
PAID
11/20/15CA

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: 11-20-15 Application #: ZB15-34 Zoning District: R-3

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): Michael David Felver + Julie Moore-Felver
Address: 521 Ribaut Road
Telephone: 843 441-5587 [day] 843 441-5587 [fax]
E-mail: hervuu@hotmail.com

OWNER(S) if other than Applicant(s): same
Address: _____
Telephone: _____ [day] _____ [fax]

PROPERTY STREET ADDRESS: 521 Ribaut Road
Tax Map No.: (PIN) R120 003 000 0547 0000 (AIN) 0020 9866
Parcel No.: 521

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: _____ Owner's Signature: _____

I (We) certify that the information in this application is correct.
 Date: 11/20/15
 Applicant's Signature: Michael D. Felver
Julie Moore-Felver

City of Beaufort Zoning Board of Appeals

1911 Boundary Street

Beaufort, South Carolina 29902

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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' setback from property line.

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) placing a storage shed in back yard to miss the septic tank and drain field 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:

I. 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: small yard with septic tank and drain field.

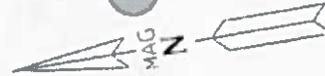
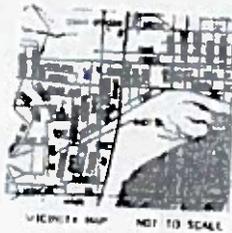
b. These conditions do not generally apply to other property in the vicinity as shown by: most houses in the area are attached do city sewer. Our home is not. We have a septic tank. We are limited as to where we can put a shed.

c. The conditions are not the result of the applicant's own actions as follows: This house was built prior to our owning it.

d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDO in that: We are investing in a shed to have a location for yard equipment and be an increase in our property value.

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: We have proposed the placement to be where it would not be an eye sore.

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: We have placed the proposed shed on the lot to be aesthetically pleasing. We have obtained permission from our neighbor.



CMF - CONCRETE MONUMENT FOUND

COLLEEN BAISLEY



ZB15-34
for

RECEIVED
NOV 20 2015

CLOSING PLAT
PREPARED FOR
G. MICHAEL BRANT &
BEN F. DeBERRY
CITY OF BEAUFORT

RIBAUT ROAD

EXEMPT

The development plan shown hereon is exempt from the requirements of the City of Beaufort Unified Development Ordinance according to the provisions in Article 6.1.B.



BEAUFORT COUNTY SOUTH CAROLINA

Certified by: David S. Youmans
Date: 3-10-06

THE SAME BEING THE SOUTHERN 1/4 OF LOT 48 AND THE NORTHERN 1/2 OF LOT 49, BLOCK G, BEAUFORT DEVELOPMENT COMPANY SUBDIVISION AS SHOWN ON THAT PLAT BY A. O. CHRISTENSEN, DATED JULY, 1938 AND RECORDED IN THE OFFICE OF REGISTER OF DEEDS, BEAUFORT COUNTY, SOUTH CAROLINA IN PLAT BOOK 4, PAGE 46.

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 ZONE C AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL NUMBER 450026 0005 D, DATED 09/29/86.

PIN: R120-003-000-0547-0000



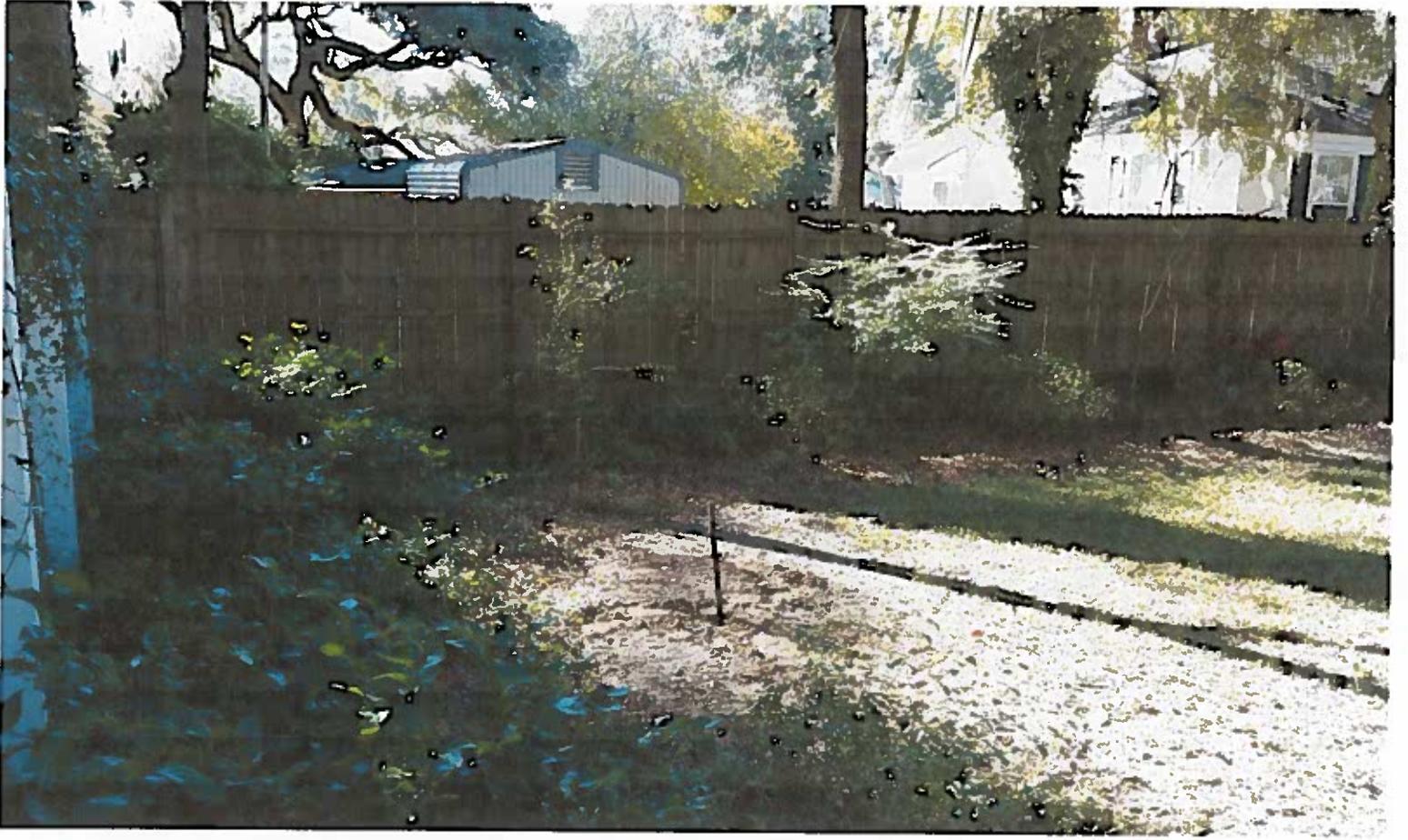
SCALE 1" = 20'

MARCH 8, 2006
P12645/JJ

David S. Youmans
DAVID S. YOUNMANS RLS 9765
BEAUFORT SURVEYING, INC.
1613 PARIS AVENUE
PORT ROYAL, S.C. 29935
PHONE (843) 524-3261 525-1175



ZB15-34
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for



STAFF REPORT
521 RIBAUT ROAD

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

Case Number: ZB15-34
Property Address: 521 Ribaut Road
Applicant: Michael and Julie Felver
Type of Request: Rear Yard Setback Variance
Zoning: T-3 District

Background: The property is located at 521 Ribaut Road in Dixon Village neighborhood (see Site Location Map attached). The property is identified as District 120, Tax Map 3, Parcel 547. The property is zoned “Medium-High Density Single-Family Residential District” (R-3). The minimum lot area for the R-3 District is 6,000 square feet. The lot is 6,629 square feet in area. A single-family dwelling is located on the property. Photos of the dwelling are attached. The property is served by a septic tank rather than being connected to public sewer. A survey of the property showing the location of the dwelling and the septic tank was included with the application.

The applicant desires to construct a shed in the rear yard. The shed enclosure will be 6’ x 12’ (72 square feet) with a 4’ porch and a 10’ roof overhang. The total area under roof will be 156 square feet. The shed will be located in the back yard behind a fence that is currently being constructed (see attached photos). The applicant desires to locate the shed as close to the rear property line as possible to keep the shed in the back yard while avoiding the septic tank. The shed is proposed to be located 2.5’ from the rear (east) property line as shown on the site plan submitted with the application. Section 5.4.G.2 of the Unified Development Ordinance (attached) stipulates that accessory structure less than 500 square feet be located 5’ from the side and rear property lines. The applicant is requesting a variance of this provision of the code.

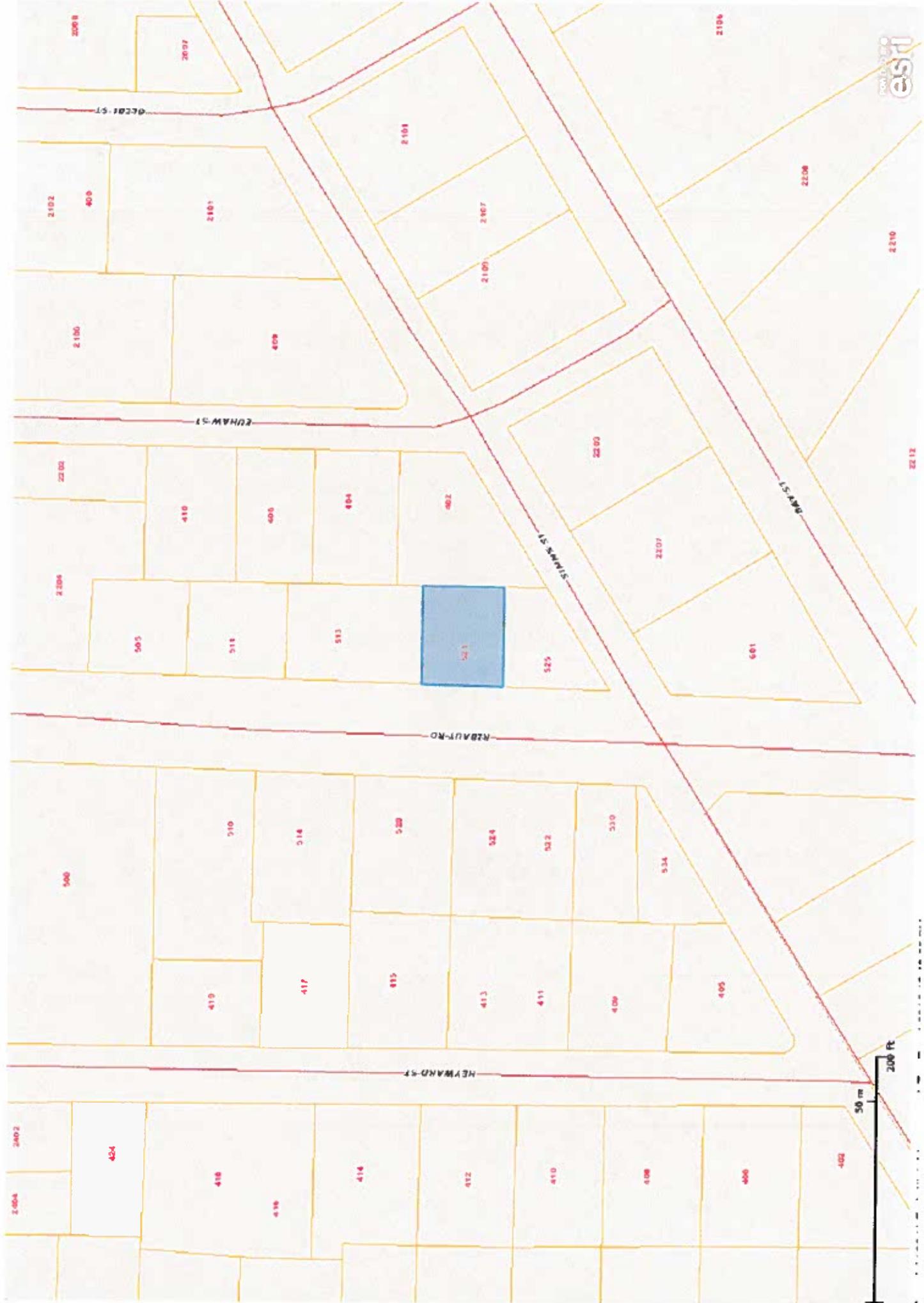
Public comment: The public hearing notice referencing this application appeared in the December 6 edition of *The Beaufort Gazette*. The property was posted on December 7. Letters were sent to adjoining property owners on December 7. Staff’s “Dixon Village” e-mail list was informed of the application by e-mail on December 11. Staff has received no public comments on this application as of the date of this writing. The applicant provided a letter of support for the application from the adjoining property owner to the rear, Collen Baisley.

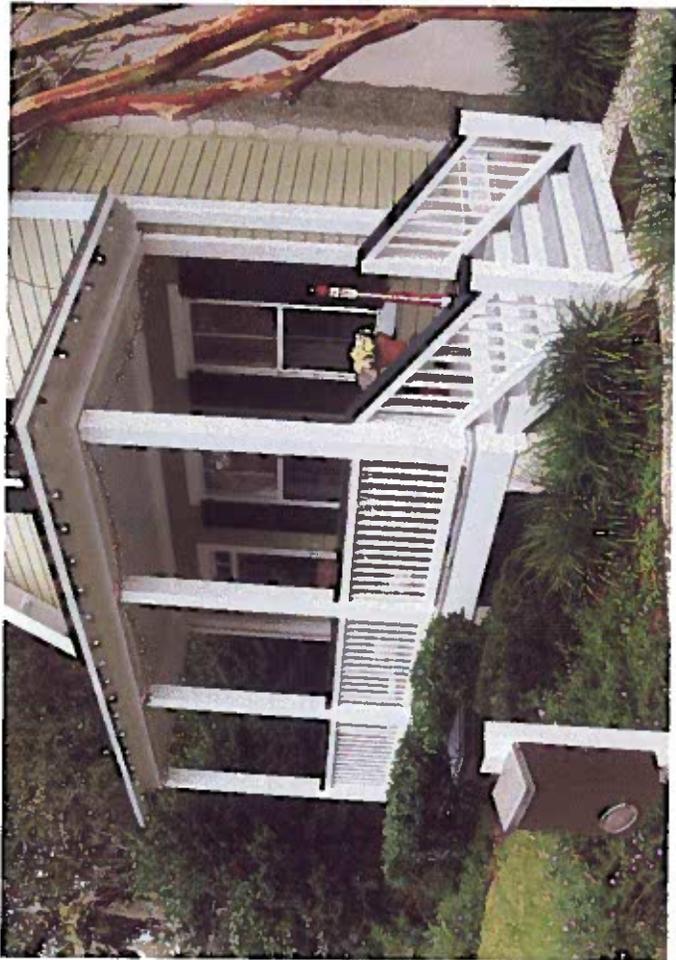
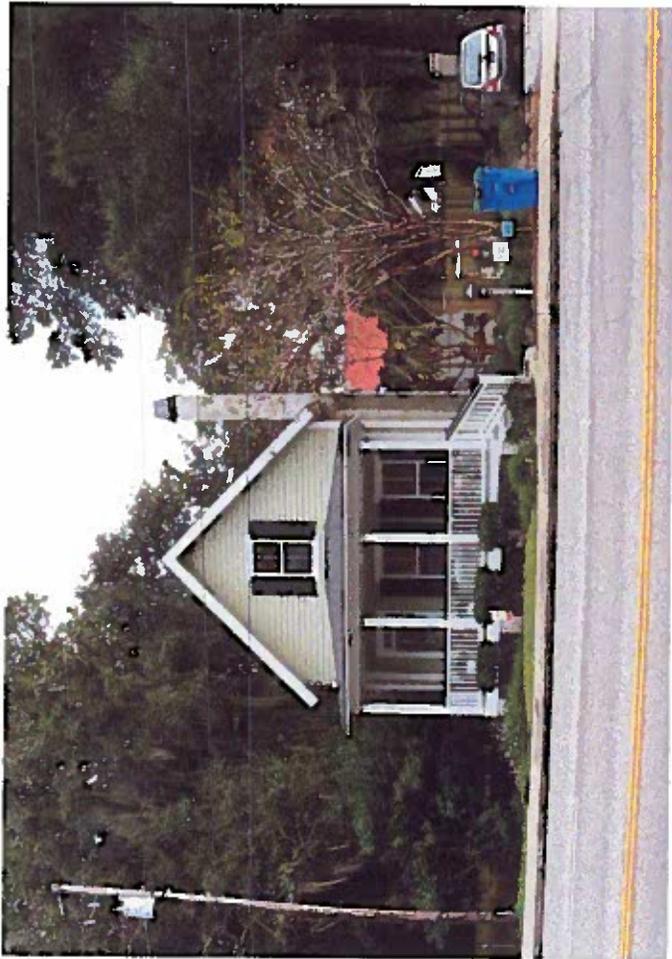
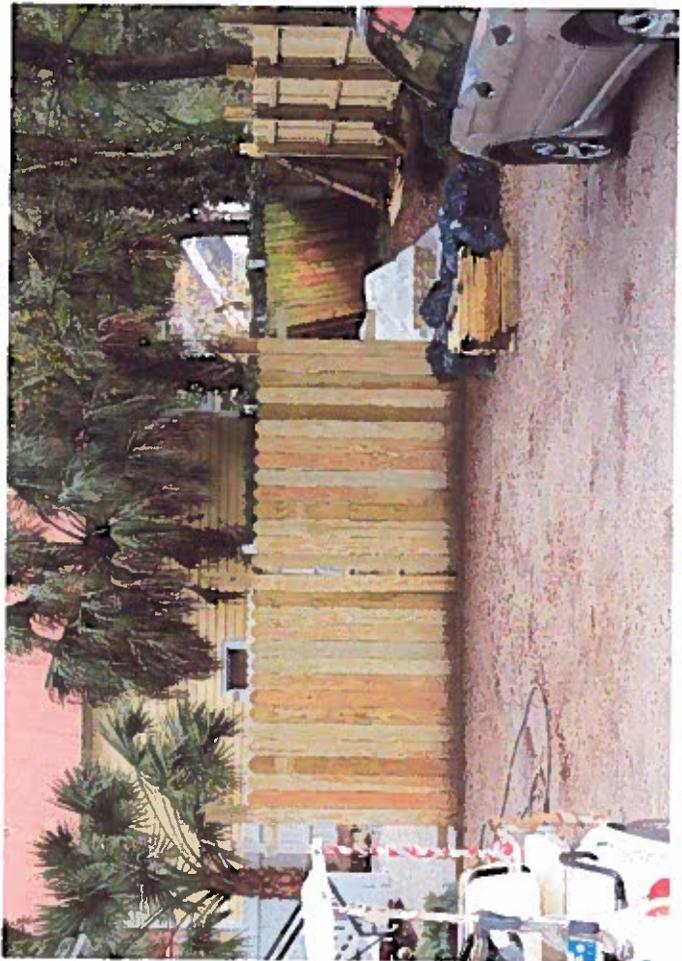
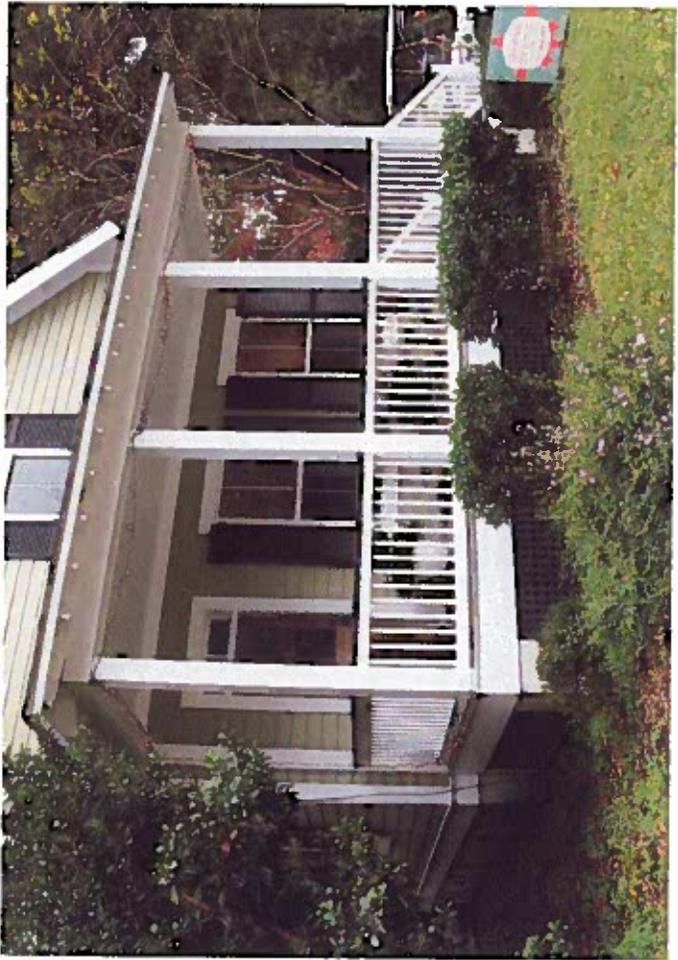
Staff findings: Based on the information submitted with the application, staff has concluded the following:

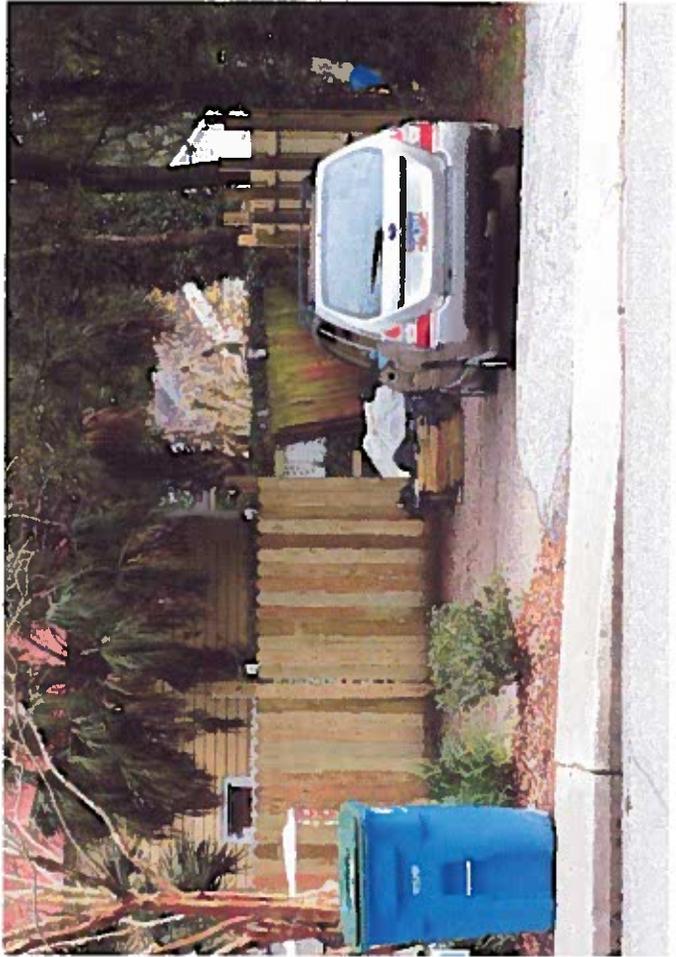
- (1) *Extraordinary and exceptional conditions.* The board must make a finding that there are extraordinary and exceptional conditions pertaining to this property. The lot is served by a septic tank rather than by sanitary sewer. This is a very unusual situation for a lot in the city limits.
- (2) *Conditions as applied to other property in the vicinity.* These conditions do not generally apply to other property in the vicinity in that the vast majority of lots in the city limits are served by public sewer.
- (3) *Conditions not a result of the applicant's own actions.* The applicant did not build the existing dwelling on the lot. The applicant has no control on whether the lot can be served by public sewer.
- (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, in that the variance being requested is small and pertains to a small accessory structure that will not be visible from the street.
- (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. The applicant currently has no garage or outside storage buildings. Because of the location of the existing dwelling, the location of the septic tank, and the need for on-site parking, there are very limited locations where a shed could be located. The most appropriate location for a shed is behind the dwelling, but the septic tank narrows this siting option. Staff believes it is an unreasonable restriction on use of the property to deny the construction of small shed in this location in the rear yard.
- (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 will not be harmed by granting of the variance, in that the proposed shed is small (less than 200 square feet); that the shed will not be visible from the street or from adjoining property; and that the neighbor most impacted by the shed setback has no objection to the variance request.

Staff recommendation: Staff believes that all the findings necessary to approve the variance can be made, and so staff recommends approval.

521 Ribaut Road







- a. Internal or external alterations inconsistent with the residential use of the building;
- b. Is visible from the street;
- c. Generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
- d. Creates a hazard to persons or property;
- e. Results in electrical interference;
- f. Is a nuisance; or
- g. Results in the outside storage or display of anything.

4. Prohibited Home Occupations

The following are prohibited as Home Occupations:

- a. Automobile and/or body and fender repairing;
- b. Food handling, processing or packing, other than catering services that utilize standard home kitchen equipment;
- c. Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a seamstress where goods are not manufactured for stock, sale or distribution;
- d. Restaurants;
- e. Uses which entail the harboring, training, raising or treatment of dogs, cats, birds or other animals on-site;
- f. Body piercing facilities; and
- g. Tattoo facilities.

 **G. Setback and Other Yard Requirements for Accessory Uses**

All accessory uses operated in structures above ground level, including in-ground or above-ground pools, shall observe all setbacks, yard and other requirements set forth for the district within which they are located, with the following exceptions:

- 1. Water-oriented facilities such as docks, marinas, boat houses, etc., which shall be allowed to infringe into required setback areas along shorelines and into rivers, lakes, streams and other waterways.
- 2. On single-family and two-family residential lots, the side and rear yard setbacks for nonhabitable accessory structures less than 500 square feet in size and 15' in height may be reduced to 5'.
- 3. On single-family lots the Historic District, the side and rear yard setbacks for accessory structures may be reduced to 5'.
- 4. Garages, where garage doors face the street, shall be set back from any street property line a minimum of 20'.