

**SPECIAL EXCEPTION APPLICATION  
109 STUART TOWN ROAD**

Ap# 12680  
\$ PAID  
1/28/16 CC

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](mailto:jbachety@cityofbeaufort.org)  
\*Revised September 12, 2014

Application Fee  
\$300

### SPECIAL EXCEPTION APPLICATION

OFFICE USE ONLY: Date Filed: 1-26-16 Application #: ZB16-04 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.

APPLICANT(S): Eve Allison Miller  
 Address: 109 Stuart Town Road Beaufort SC 29902  
 Telephone: 877-783-0444 [day] 800-382-4565 [fax]  
 E-mail: eveeworldsafe.net

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

PROPERTY STREET ADDRESS: 109 Stuart Town Rd Beaufort 29902  
 Tax Map No.: R120-007-000-0401-0000  
 Parcel No.: 401

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.

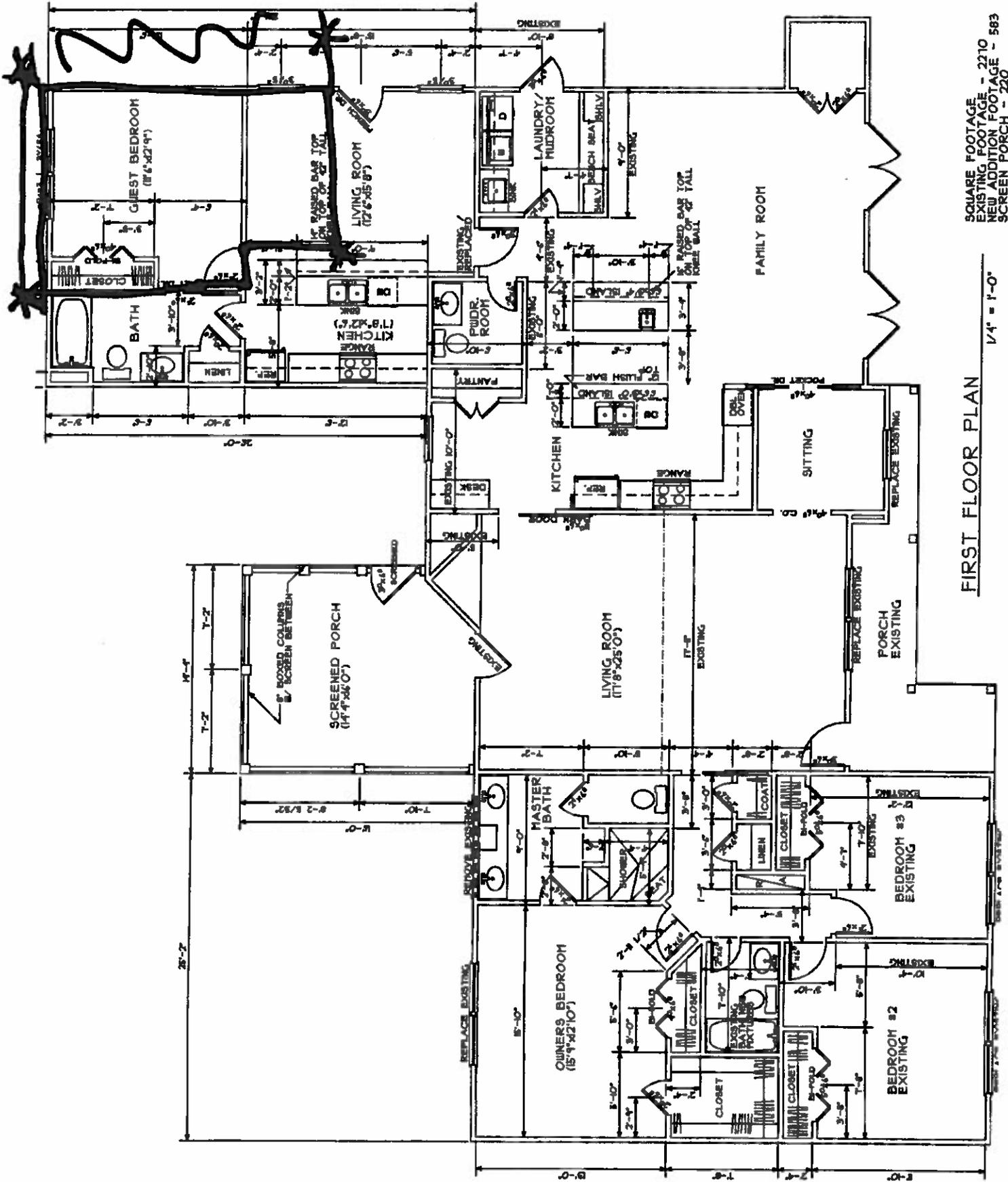
Date: 1-27-16 Applicant's Signature: Eve A. Miller

APPLICATION FOR SPECIAL EXCEPTION

Applicant hereby appeals to the Zoning Board of Appeals for a special exception for a (ex. Type 2 Home Occupation) Manufactures Representative Sales, Sales Support and Administrative (Home Occupation) on property described on Page 1, which is permitted by special exception under the district regulation in Section 5.1 of the Unified Development Ordinance (UDO).

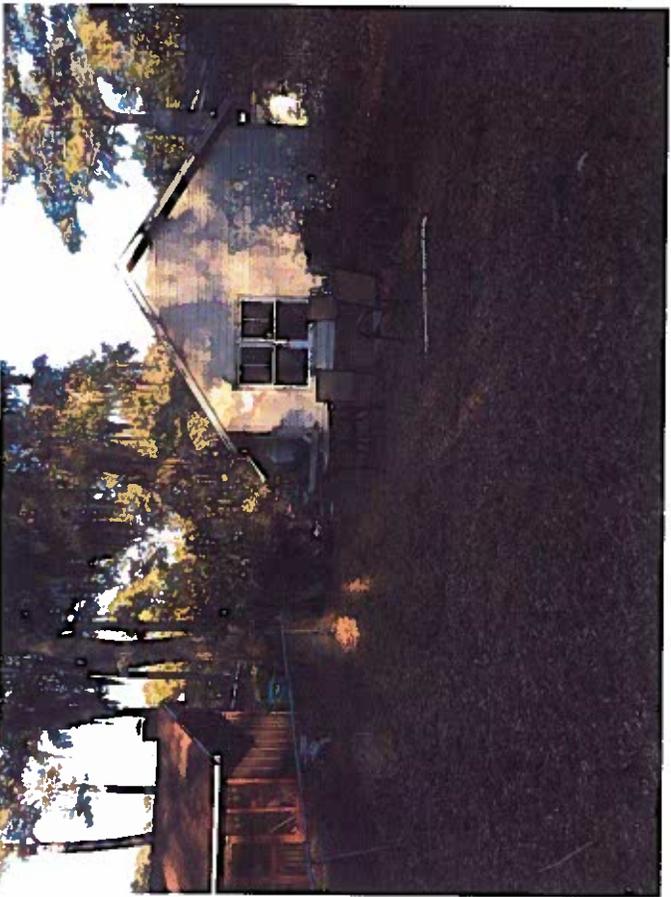
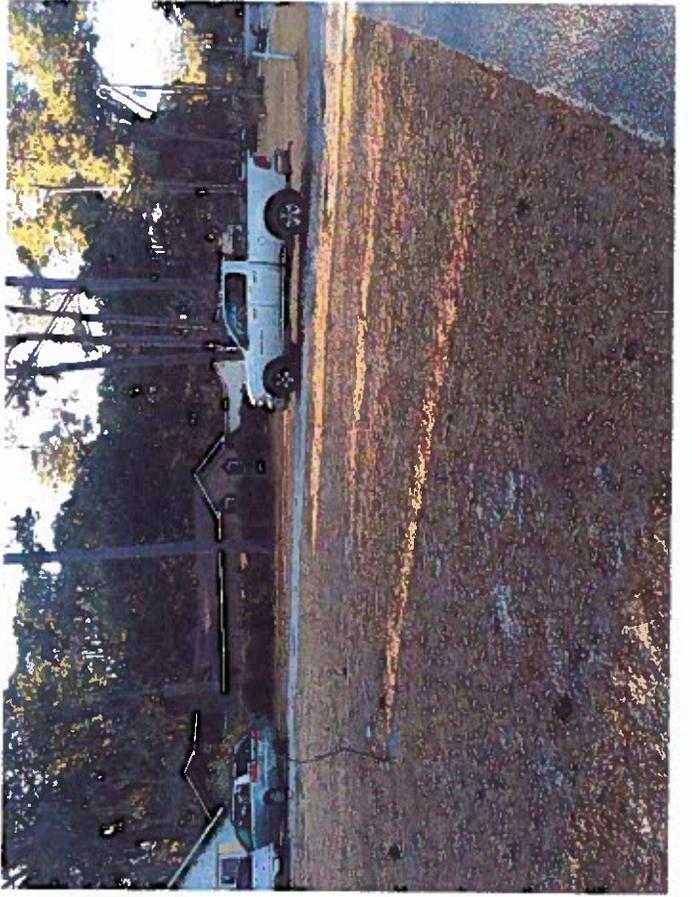
1. Applicant will meet the standards in Section 3.16.D of the UDO which are applicable to the proposed special exception in the following manner:
  - a. The proposed use is compatible with existing land uses in the surrounding area as follows: Office can not be identified outside of house & will not create higher traffic (vehicle or foot) for the neighborhood or general area.
  - b. The proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area in that: No changes will be made to existing structure which is consistent with neighborhood & area.
  - c. The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City are as follows: No noticeable difference or impact should be felt on public infrastructure based on additional administrative employees.
  - d. The proposed use(s) and designs are in general conformity with the City's comprehensive Plan and any other plans officially adopted by the City in that: Office space will not be increased and is designed as one-bedroom apartment attached to house. No visible difference from outside house to identify as business.
  - e. The likely impact on public health and safety is as follows: none. Administrative, clerical and office work consisting of phone + online work only. Maximum 1-2 additional vehicles onsite.
  - f. Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts is as follows: NO increase noticeable to city or neighborhood. Administrative & office work only.

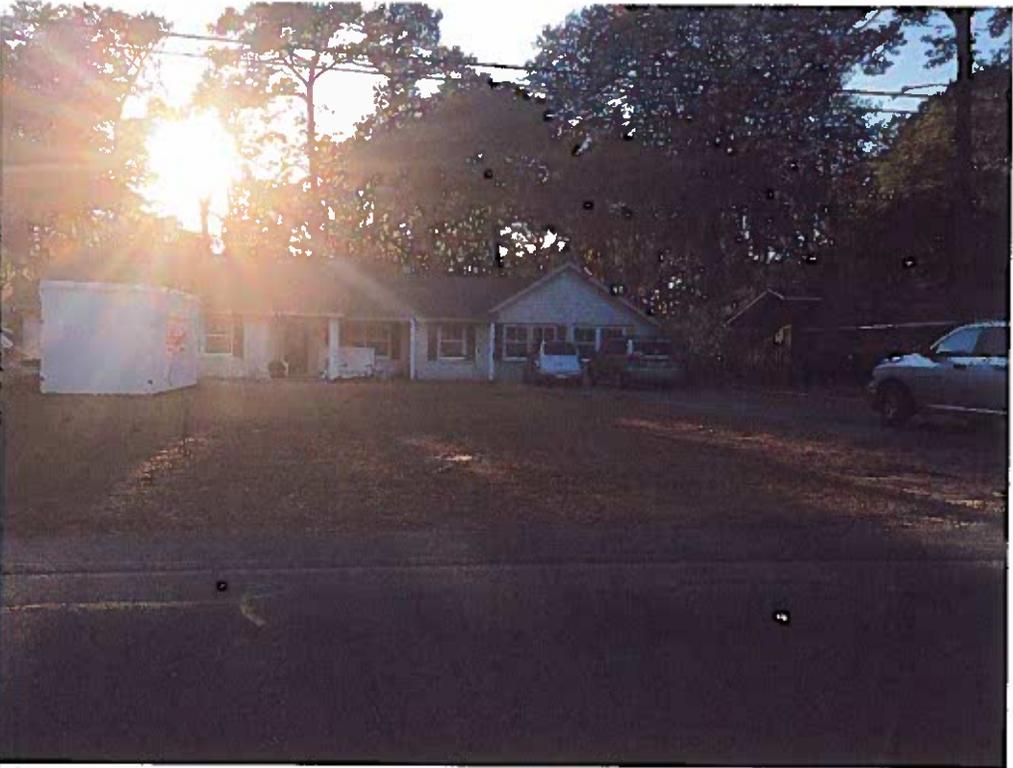
[A site plan must be submitted]



SQUARE FOOTAGE  
 EXISTING FOOTAGE - 2210  
 NEW ADDITION FOOTAGE - 583  
 SCREEN PORCH - 220

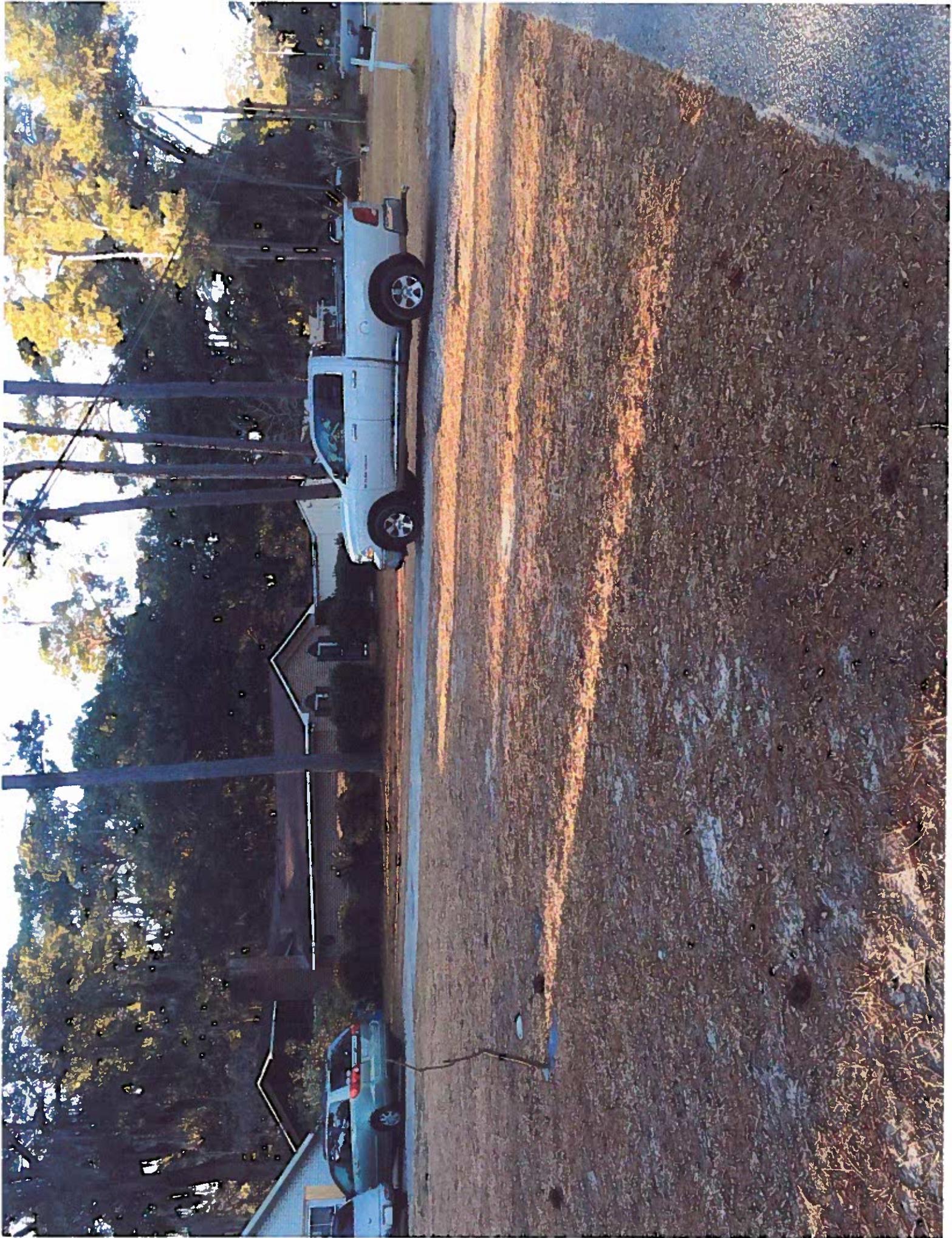
FIRST FLOOR PLAN  
 1/4" = 1'-0"



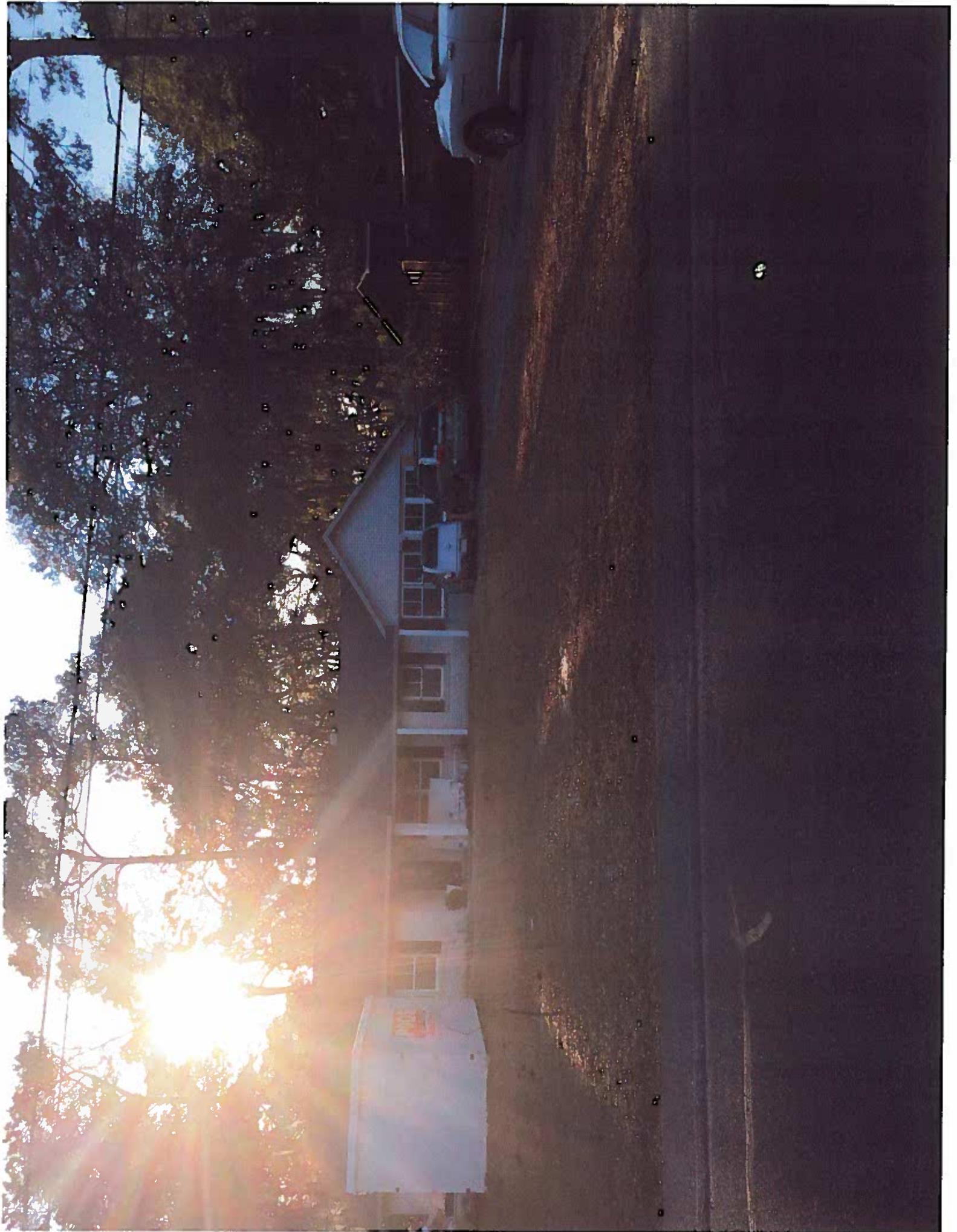


ZB16-04

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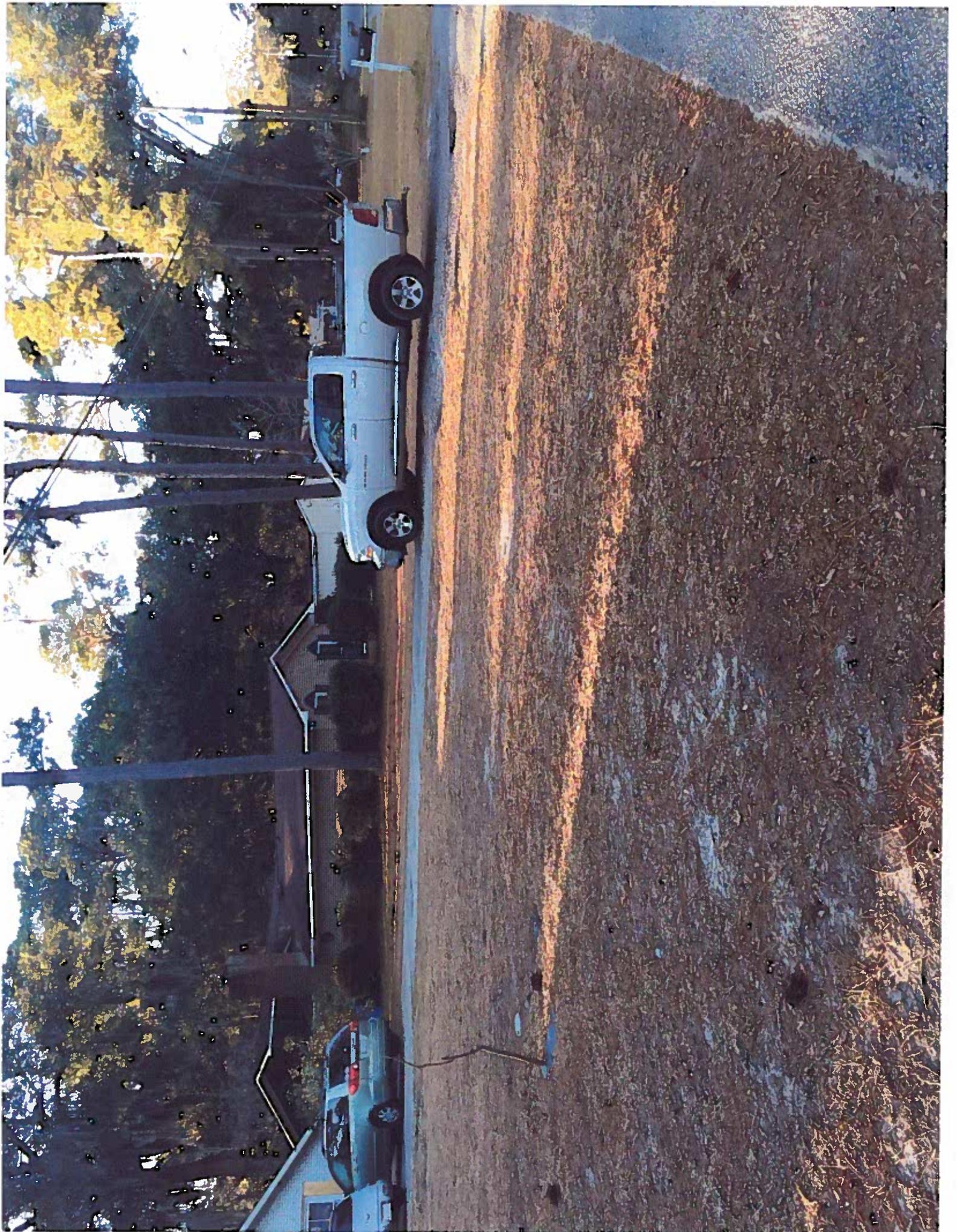


















**STAFF REPORT**  
**109 STUART TOWN ROAD**

**CITY OF BEAUFORT  
ZONING BOARD OF APPEALS  
Staff Report and Recommendations  
Meeting of 22 February 2016**

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**Case Number:** ZB16-04  
**Property Address:** 109 Stuart Town Road  
**Applicant:** Eve Miller  
**Type of Request:** Special Exception for Type 2 Home Occupation  
**Zoning:** R-1

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Background: The property is located at 109 Stuart Town Road in the Spanish Point neighborhood (see Site Location Map attached). The property is identified as District 120, Tax Map 7, Parcel 401. The property is zoned R-1 Low Density Single-Family Residential District (R-1). A single-family dwelling is located on the lot. Photos of the property are attached.

The applicant, who is the property owner, desires to open a home office on the premises. Section 5.4.F of the Unified Development Ordinance (UDO) sets out the rules for home occupations. The ordinance (attached) establishes two types of home occupations. Type 1 Home Occupations are approved by staff. Type 1 Home Occupations must “be conducted only by persons residing on the premises (nonresident employees are not permitted).” Type 2 Home Occupations permit up to two employees from outside the home. Type 2 Home Occupations must be approved as a special exception by the Zoning Board of Appeals. The applicant desires to employ one outside individual to assist with the business. At this time, she is not sure if the employee will be full- or part-time. The applicant has applied for a Type 2 Home Occupation. The criteria that the Board must consider in reviewing an application for a special exception are set out in Section 3.16.D. of the UDO (attached).

The application has described her business as follows:

I am a manufacturer's representative to the institutional markets meaning I do not sell retail. I sell baby products (mostly car seats) to governments agencies (including CAPA and First Step here in Beaufort), hospitals, non-profit organizations, child care centers and the travel industry. My customers either use the products themselves or give the products away. My customers include CAPA and First Step here in Beaufort and are good example of the way my customers use the products I sell. CAPA purchases our car seats to transport children and First Step purchases them to provide clients in their program who are in need. In addition, they provide car seat education and training. I am a certified Child Passenger Safety Technician and often travel to industry conferences to exhibit and present as an industry expert. Besides the conferences I attend, our sales business is conducted exclusively over the phone and through email. All work done by

any employee will administrative in nature and will consist of answering phones and computer work.

The applicant has stated that no customers will be coming to the dwelling. The applicant has stated there will be no deliveries associated with the home occupation.

The applicant stated there are three vehicles associated with the household. The addition of a vehicle driven by the employee will make a total of four vehicles that need to be parked on the site.

The applicant has provided a floor plan that denotes where the home occupation will be located in the dwelling. Note that the ordinance limits a home occupation to 25% of the floor area of the dwelling. The floor plan submitted by the applicant appears to meet this standard.

Public comment: Letters were sent to adjoining property owners on February 1. The public hearing notice referencing this application appeared in the February 7 edition of *The Beaufort Gazette*. The property was posted on February 8. Staff has received one public comment on this application as of the date of this report (attached).

Staff comments pertaining the criteria set out in Section 3.16:

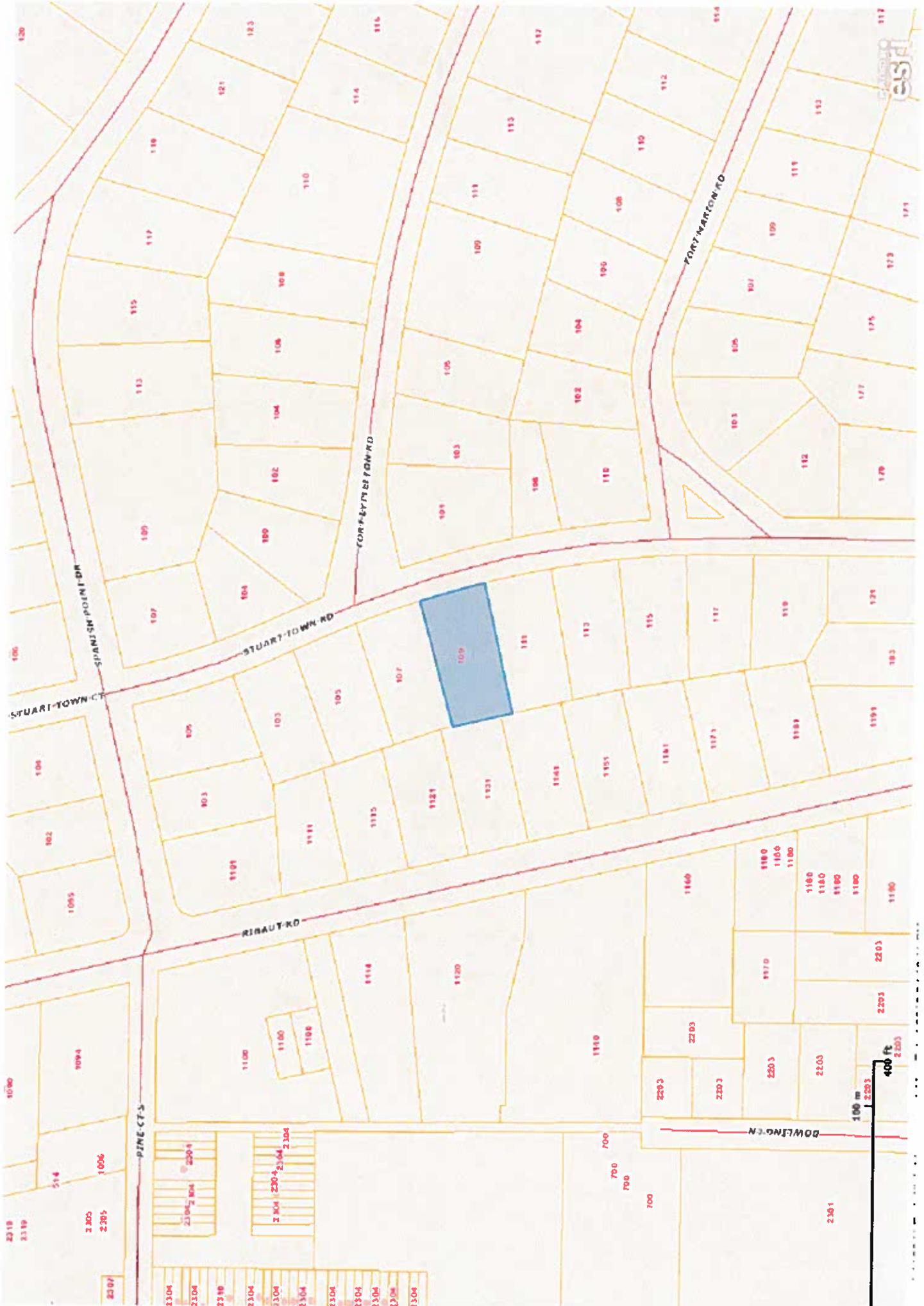
- (1) *Whether the proposed use is compatible with existing land uses in the surrounding area.* The lot is located at the western edge of the Spanish Point subdivision. The property is a short distance from Ribaut Road, a major arterial. The home occupation involves no outside customers or deliveries, so aside from the one outside employee, the use should generate no additional vehicles trips into the neighborhood.
- (2) *Whether the proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area.* No external changes are proposed to the dwelling as part of use of the dwelling for a Type II home occupation. The property has a fairly long driveway. Two vehicles can park side-by-side in the driveway near the house. Several additional vehicles can stack in the driveway in front of the house.
- (3) *The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City.* In staff's opinion, the proposed use will have negligible impact on public infrastructure.
- (4) *Whether the proposed use and designs are in general conformity with the City's comprehensive plan and any other plans officially adopted by the City.* In staff's opinion, the proposed use is in general conformity with the City's comprehensive plan.

- (5) *Likely impact on public health and safety.* In staff's opinion, the proposed use will have negligible impact on public health and safety.
- (6) *Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.* In staff's opinion, the proposed use, a home office, has little potential to create noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts if there is no outside activity or storage, and if the one outside employee parks their vehicle in the driveway.

Staff recommendation: Staff recommends approval of the Type 2 Home Occupation with the following conditions:

- there be only one outside employee;
- there be no outside work, fabrication, or storage of any material or equipment relating to the home occupation; and
- that any vehicles associated with the home occupation and the household are to park in the driveway and not on the street or in the front yard.

# 109 Stuart Town Road



## **F. Home Occupations**

The following regulations shall apply to the conduct of home occupation in any permitted zoning district.

### **1. Home Occupation Types**

Home occupations shall be separated into two categories and permitted subject to an annual business license issued by the City of Beaufort and the following provisions.

#### **a. Type 1 Home Occupation**

A Home Occupation Type 1 shall be deemed an accessory use and no further approval shall be required. Such home occupation must meet the following standards:

- (1)** Be conducted entirely within a structure and have no outside storage of any kind related to the home occupation;
- (2)** Be clearly incidental and secondary to the principal use of the dwelling;
- (3)** Be conducted only by persons residing on the premises (nonresident employees are not permitted);
- (4)** Entrance to the home occupation portion of the dwelling is from within the dwelling and not through a new outside entrance, except where this provision conflicts with the requirements of the South Carolina Department of Health and Environmental Control (DHEC);
- (5)** Create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem; and
- (6)** Instruction in music, dancing and similar subjects shall be limited to two students at a time.

#### **b. Type 2 Home Occupation**

Following approval as a special exception by the Board of Zoning Appeals, a limited business operation may be conducted as a Home Occupation Type 2. Such home occupation must meet the following standards. The Building Official may inspect the premises without prior notice during normal business hours.

- (1)** Not more than two employees who are not residents of the household are employed; and
- (2)** The applicable codes of the City of Beaufort, as amended, govern the electrical wiring, plumbing, etc., which shall be installed before such home occupation begins;

### **2. Home Occupation Standards**

- a.** The Home Occupation shall not affect the residential character of the dwelling nor cause the dwelling to be extended.
- b.** No outside storage shall be used in connection with the Home Occupation.
- c.** No more than one sign or name plate not exceeding one and one-half square feet in area indicating the name and/or occupation of the

occupant is permitted, and no freestanding, illuminated or animated sign is used. Where a home occupation is located in a Bed and Breakfast establishment, only one sign shall be permitted for both uses.

- d.** No equipment or process shall be used in connection with the Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises; and
- e.** No display of products shall be visible from the street and only articles made on the premises with the exception of antiques, may be sold; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the Home Occupation, may be sold on the premises.
- f.** Not more than 25 percent of the floor area of the principal dwelling is used for a home occupation.
- g.** Vehicles having passenger vehicles characteristics only shall be permitted in connection with the conduct of the Home Occupation.
- h.** All deliveries and activities involving outside visitors or clients shall be limited to the hours between 8 A.M. and 8 P.M.
- i.** The Home Occupation shall not result in off-street parking of more than three vehicles at any one time not owned by members of the occupant family.
- j.** Barber shops and beauty parlors shall be licensed and operated according to the standards set by the South Carolina Department of Labor, Licensing, and Regulation and shall be limited to two chairs. As part of the application for the proposed home occupation, the applicant shall certify that the proposed use is not prohibited by any covenant or deed restriction on the property.
- k.** No home occupations that involve visitation by customers or salespeople shall be permitted in accessory dwelling units.
- l.** Off-street parking shall be provided in accordance with the standards of Section 7.5 , for the type of home occupation maintained. The off-street parking spaces required for the home occupation shall be maintained in addition to the space or spaces required for the residence itself. No parking spaces, other than driveways, may be located in the required front yard setback.
- m.** One vehicle trailer no more than 12 feet in length may be permitted as part of a home occupation. Such trailer shall not be parked in the street right-of-way or in the front yard unless it is parked in a driveway.

**3. Exclusions to Home Occupations**

No home occupation shall be permitted that does any of the following:

- 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'.

### 3.16 Special Exceptions

#### A. Purpose

Special exceptions shall be used to permit uses subject to the terms and conditions for the uses set forth for such uses in this UDO. Uses permitted by special exception are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the zoning district within which they are proposed. The Zoning Board of Appeals shall hear and decide requests for special exceptions.

#### B. Application

A special exception application form as published by the Administrator and appropriate fee as required by Section 3.1 shall be required, along with such accompanying material as is required to ensure compliance with the criteria listed below.

#### C. Approval Process

##### 1. Staff Review and Report

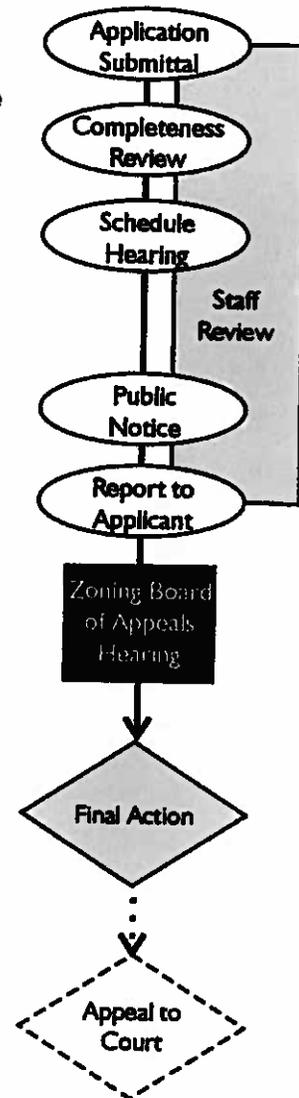
The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, the review criteria listed below, and the requirements of this UDO. A copy of the report shall be provided to the Zoning Board of Appeals and the applicant before the scheduled hearing.

##### 2. Mailed Notice

A courtesy notice of any Special Exception Application shall be provided by US Mail to all property owners within 200 feet of the subject property. Failure to provide such notice shall not be considered a jurisdictional defect, provided that published notice in accordance with Section 3.1 has been provided.

##### 3. Action by Board of Zoning Appeals

- a. Following posted and mailed notice in accordance with Section 3.1 Approval Procedures, the Zoning Board of Appeals shall hold a public hearing on the Special Exception application.
- b. After review of the application and the public hearing, the Zoning Board of Appeals shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.
- c. If approval, or approval with modifications or conditions is granted, the decision shall be communicated in writing within 15 days to the applicant, and the applicant shall then be authorized to submit a development permit application consistent with this ordinance.



**D. Special Exception Review Criteria**

The Zoning Board of Appeals may approve an application for a Special Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The Board shall consider the following criteria in its review:

1. Whether the proposed use is compatible with existing land uses in the surrounding area;
2. Whether the proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area;
3. The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the City;
4. Whether the proposed use and designs are in general conformity with the City's Comprehensive Plan and any other plans officially adopted by the City;
5. Likely impact on public health and safety; and
6. Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.

**E. Conditions**

The Zoning Board of Appeals may impose such conditions and restrictions upon the application as may be necessary to minimize or mitigate any potential adverse impacts of the proposed use.

**F. Appeal**

Any party aggrieved by the Zoning Board of Appeals' decision may appeal such determination to the Circuit Court of Beaufort County by filing with the Clerk of the Court a written petition within 30 days after the decision of the Board is postmarked, in accordance with the procedures found in Section 3.18 of this UDO.

**PUBLIC COMMENTS  
ZONING BOARD OF APPEALS APPLICATION  
109 Stuart Town Road**

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**Date of Comment:** February 9, 2015

**Name of Person Commenting:** Donna Brown

**Address:** owns and lives at 26 Stuart Town Road

**Summary:** Ms. Brown said she definitely opposes this application. She said there are lots on Ribaut Road adjoining Spanish Point that have been rezoned (office) commercial and now they are up for sale. She said this is a fully residential area. Ms. Brown said the applicant is currently running a business in the house. She said the Planning Department should go out and inspect the house to find out how much of the dwelling is being used for the home occupation. She said FedEx goes there frequently. This (activity) should not be in Spanish Point. It must be a home first and foremost. She said approving this application will be opening us a can of worms.

**Staff Taking Comments:** Libby Anderson