

VARIANCE APPLICATION
1498 RIVERSIDE DRIVE

APP# 13289

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>5/27/16</u>	Application #: <u>ZB/6-15</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): Frederick + Frederick Architects
 Address: 38 Meridian Road, Beaufort, SC 29907
 Telephone: 843.522.8422 [day] _____ [fax]
 E-mail: jane@f-farchitects.com

PAID
5/27/16
 CK

OWNER(S) if other than Applicant(s): Leslie Segal
 Address: 79 Coach Light Drive, Woodbury, CT 06798
 Telephone: _____ [day] _____ [fax]

PROPERTY STREET ADDRESS: 1498 Riverside Drive
 Tax Map No.: R120 008 000 0635 000
 Parcel No.: Parcel A PB84 PG105

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: 5/23/2016 Owner's Signature: Leslie M. Segal

I (We) certify that the information in this application is correct.
 Date: 5/23/2016 Applicant's Signature: [Signature]

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VARIANCE APPLICATION

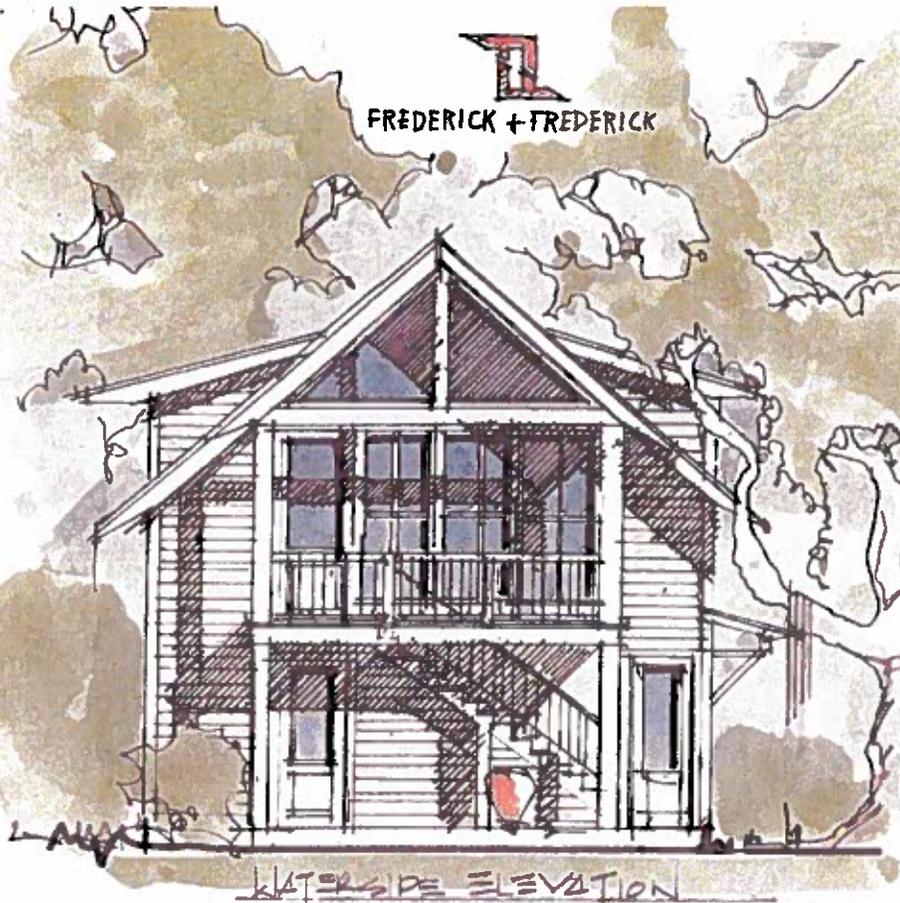
Applicant hereby appeals to the Zoning Board of Appeals for a variance from the strict application to the property described on Page 1 of the following provisions in Section 3.15 of the Unified Development Ordinance (UDO): 5.4.A **5.4.A**

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) We want to build the carriage house before we build the main house.

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 new Beaufort code allows for the carriage house to be built prior to the main house, Section 4.5.3.B.10. The Segals would like to start construction on the project before the new code is adopted.
 - b. These conditions do not generally apply to other property in the vicinity as shown by: The carriage house restrictions will not apply to properties that are built after the adoption of the new code.
 - c. The conditions are not the result of the applicant's own actions as follows: The design of the carriage house and main house meets the new Beaufort code.
 - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDO in that: The new code will allow the construction of the accessory buildings prior to the construction of the main building. The carriage house will meet the requirements of Section 4.5.3 of the new Beaufort Code.
 - 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 Segals would like to use their property for vacation and will not build the main house until they retire. They would like to use their vacation house in the winter of 2017 and if they wait until the new code is adopted the carriage house would not be built in time.
 - 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 new code will soon allow for carriage house to be built prior to the main house.

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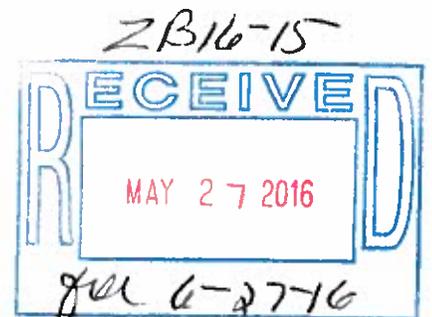
RIVERSIDE ELEVATION
WEST

SEGAL
RESIDENCE

Segal Variance

1498 Riverside Drive
Beaufort, South Carolina


FREDERICK + FREDERICK
Residential Architects





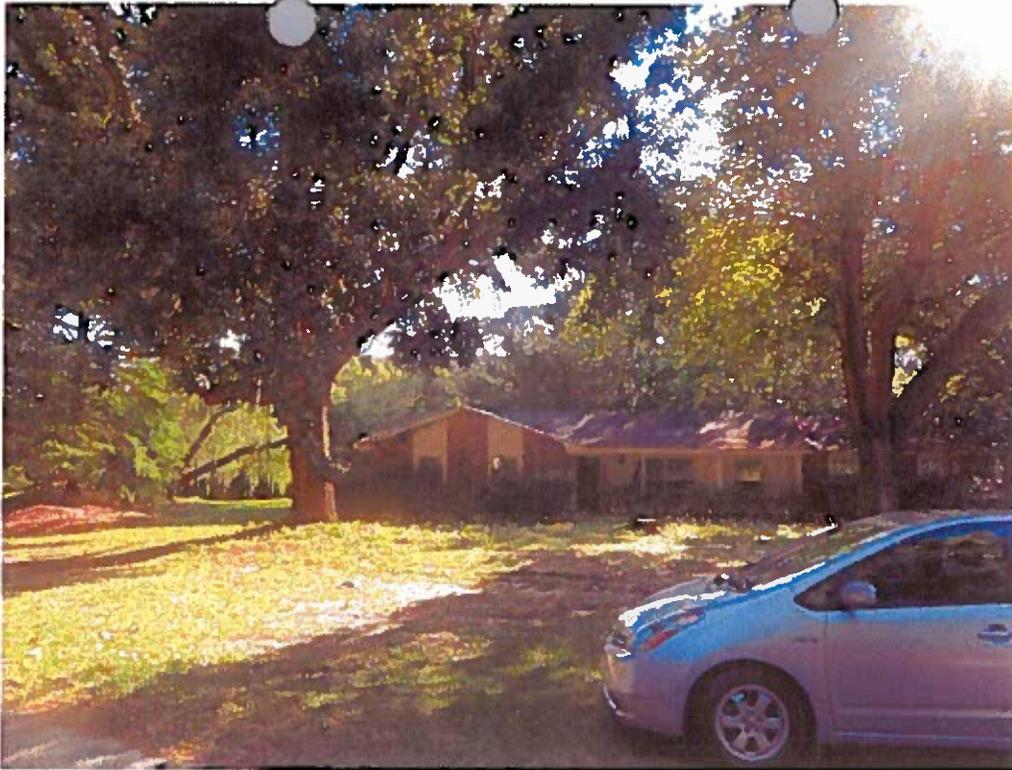
Property North of 1498 Riverside Drive



View North down Riverside Drive



FREDERICK + FREDERICK
Residential Architects



Property Northeast of 1498 Riverside Drive



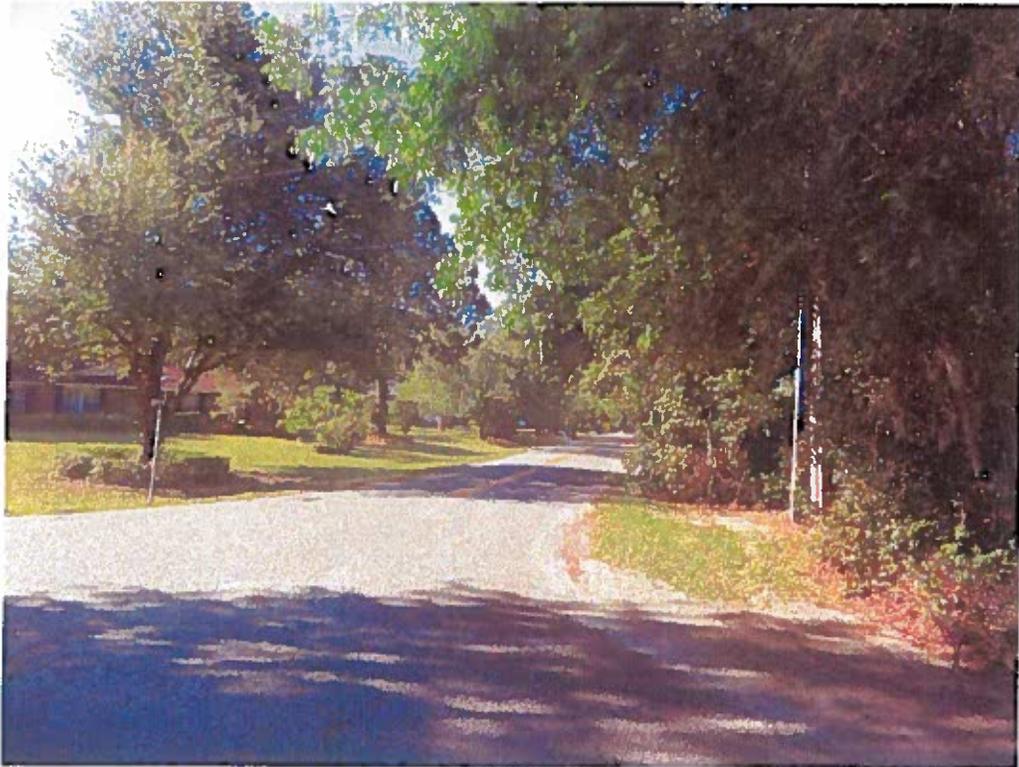
View East from 1498 Riverside Drive



FREDERICK + FREDERICK
Residential Architects



Property Southeast of 1498 Riverside Drive



View South down Riverside Drive



Property Southwest of 1498 Riverside Drive



1498 Riverside Drive



FREDERICK + FREDERICK
Residential Architects



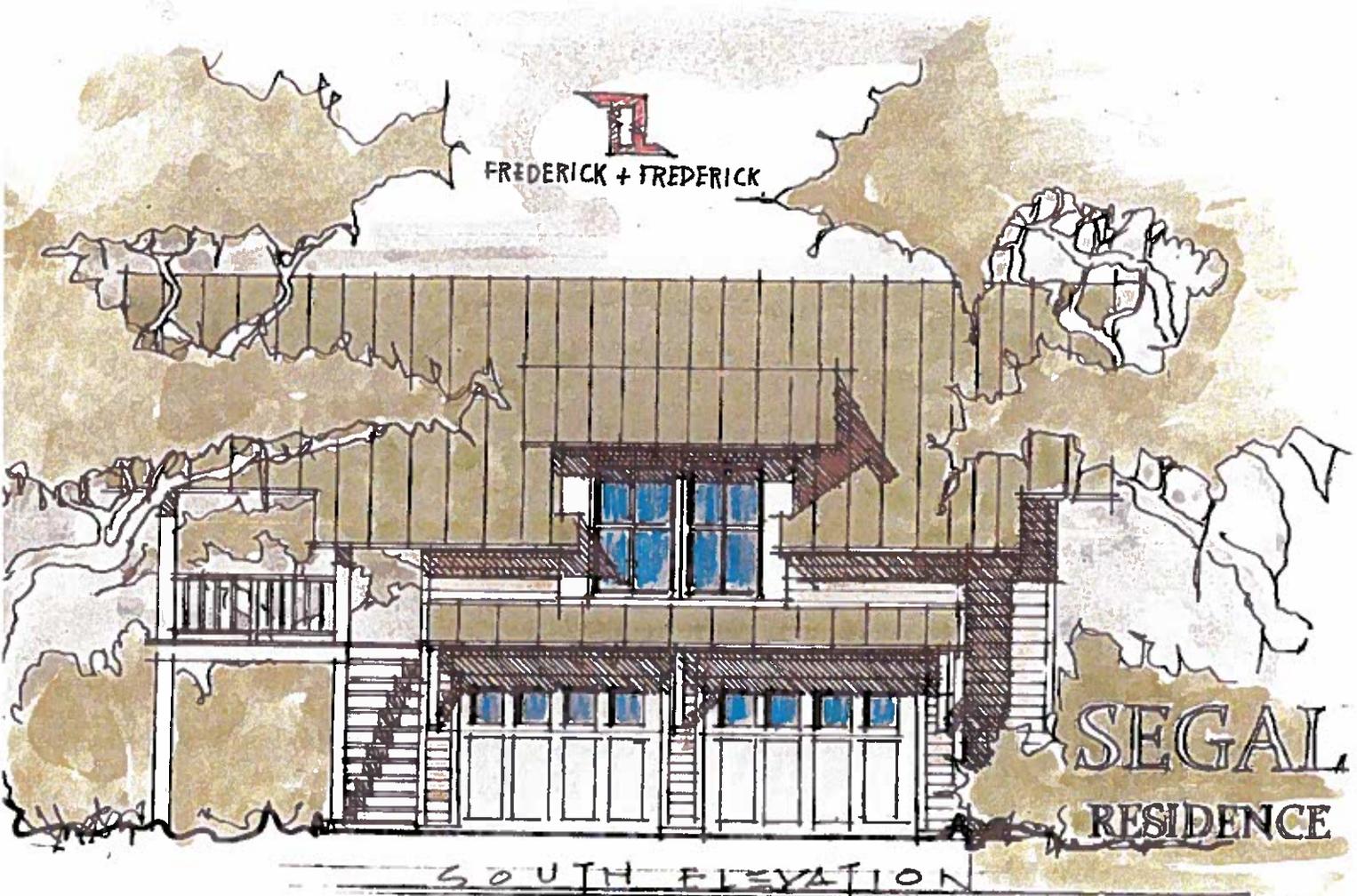
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Residential Architects


FREDERICK + FREDERICK



SEGAL
RESIDENCE

SOUTH ELEVATION



FREDERICK + FREDERICK
Residential Architects

STAFF REPORT
1498 RIVERSIDE DRIVE

**CITY OF BEAUFORT
ZONING BOARD OF APPEALS
Staff Report and Recommendations
Meeting of 27 June 2016**

Case Number: ZB16-15
Property Address: 1498 Riverside Drive
Applicant: Frederick & Frederick Architects
Type of Request: Variance from Restriction on Timing of Accessory Dwelling Unit
Zoning: R-1 District

Background: The property is located at 1498 Riverside Drive on Battery Creek in the Mossy Oaks neighborhood (see Site Location Map attached). The property is identified as District 120, Tax Map 8, Parcel 635. The property is zoned R-1 Low Density Single-Family Residential District (R-1). The lot is currently vacant.

The applicant desires to construct a “carriage house”—a garage with an upstairs accessory dwelling unit. The applicant desires to build the accessory dwelling unit and the garage now, and build the primary unit later.

Section 5.4.A of the Unified Development Ordinance (attached) stipulates that accessory structures cannot be built in advance of primary structure. The applicant is requesting approval to build the carriage house before the primary dwelling is constructed.

Questions for the applicant: When will the primary dwelling be constructed? What is the footprint of the primary dwelling? Note that the UDO limits the size of garages to 50% of the footprint of the primary dwelling. What are the proposed materials for the carriage house and for the primary dwelling?

Staff comments: The City is in the process of preparing a new development code. The draft code proposes to permit carriage houses to be built in advance of the primary dwelling when three conditions have been met: 1. the site has been master planned; 2. the carriage house is sized so that a primary dwelling can be built; and 3. the materials of the future primary structure must coordinate with the carriage house (see Section 4.5.3 of the draft code attached).

Public comment: The property was posted on June 10. The public hearing notice referencing this application appeared in the June 12 edition of *The Beaufort Gazette*. Letters were sent to adjoining property owners on June 15. 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 attached to this property.
- (2) *Conditions as applied to other property in the vicinity.* The Board must make a finding that 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 conditions outlined in paragraph 1 above, are not the result of the applicant's own actions.
- (4) *Not in conflict with Comprehensive Plan.* Staff believes that granting of the variances would not conflict with the Comprehensive Plan, Civic Master Plan, or the purposes of the UDO, in that the Civic Master Plan encourages infill development.
- (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 draft Beaufort Development Code permits a carriage house to be built in advance of the primary dwelling when certain conditions are met. These conditions are met in the current application. This provision in the draft code has not received any public comment. Adoption of the new code may be 3 to 5 months out. In staff's opinion, since the carriage house could be built in advance of the primary dwelling under the draft code, it appears to be an unreasonable restriction on use of the property to prohibit this construction at the present time.
- (6) *Detriment to adjacent property and the public good.* In staff's opinion, granting of the variance would not be a detriment to adjacent property or the public good, and the character of the district will not be harmed by granting of the variance, in that the carriage house is being located in the appropriate place on the lot and is of a high quality design as it is being designed by an architect.

Staff comments: If the Board makes all the findings necessary to approve the variance, staff recommends approval.

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 or workshop subject to the following standards:
 - a. Such structure shall not be located in front of the front line of the dwelling 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 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.

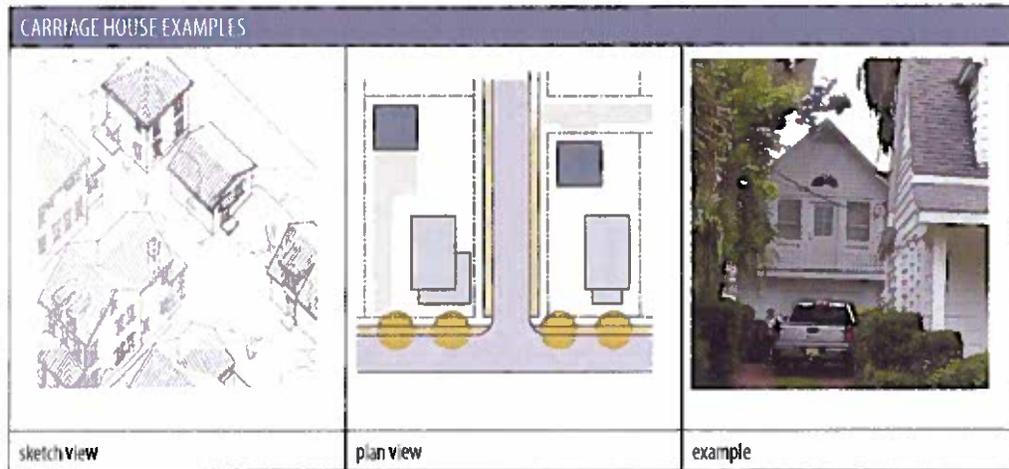
4.5.1 GENERAL

- A. The transect provides a framework for determining where specific types of buildings can be located. This section gives an overview of the most common building types in Beaufort, and where and how they are permitted based on their Transect Zone. Some building types are permitted in multiple zones, but have different requirements based on their district. In case of a conflict between this Section and Article 2, which ever requirement is stricter shall take precedence.
- B. This section is not intended to limit the palette of buildings or stife creativity. Other building types may be permitted by the Administrator or designated Development Review Body as specified in Article 10, if appropriate.

4.5.2 APPLICABILITY

- A. The requirements of the districts, as stated in Article 2, shall apply to all building types, unless a more stringent requirement is listed as part of this Section.
- B. Some of the building types listed have specific uses implied (eg. Gas/Fuel Station) while others may be used flexibly for multiple uses.
- C. Building types not listed in this section may be permitted at the discretion of the Administrator and must comply with the general Building Design Standards in Section 4.6

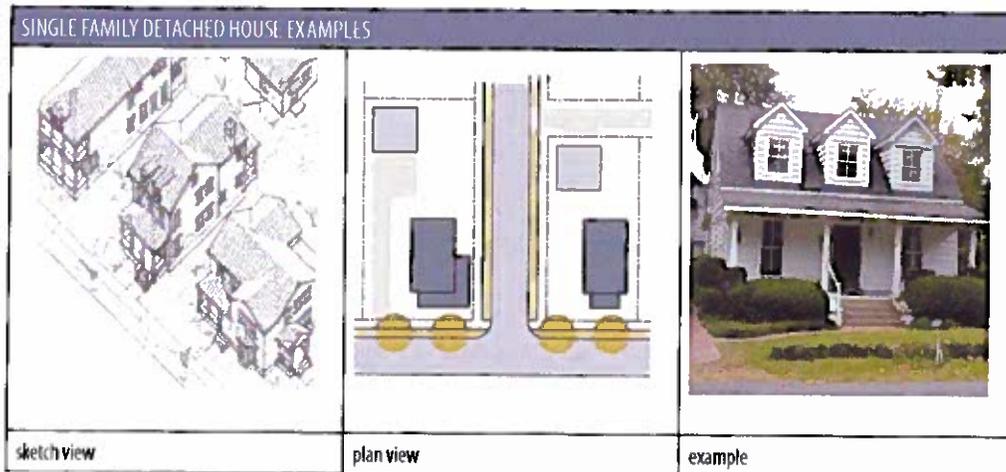
4.5.3 CARRIAGE HOUSE



- A. **Description:** an accessory structure that provides small, flexible living spaces adjacent to a main house (a.k.a. Accessory Dwelling Unit (ADU)). These are often used for rental housing, and may be located above a garage or parking area.
- B. **Special Requirements:**
 - 1. **Infrastructure:** The lot shall be served with public water and sewer.
 - 2. **Number allowed:** 2 per lot
 - 3. **Placement on the Lot:** The carriage house is typically to the rear of the primary residence or to the side as a secondary option with the following exceptions:
 - a. Units may be placed at the front of a lot where the front of the primary residence is not the street and the residence has clearly been designed to take advantage of unique site amenities such as location on the water.

- b. Units may be placed in the front of the lot where the prevailing character of the neighborhood has other similarly-placed units.
4. **Frontage Type:** No frontage type is prescribed unless the building is close to the street; in which case appropriate frontage types are: Porch, Stoop
5. **Maximum Number of Bedrooms:** 2
6. **Minimum Size:** 240 square feet in total area
7. **Maximum Size:** The footprint shall not exceed 50% of the footprint of the primary building, not to exceed 1,500 square feet, whichever is smaller.
8. **Coordination with Primary Structure:** Architectural details including color, siding, roof pitch, window detailing, roofing materials, height and foundation shall be coordinated with the primary dwelling unit.
9. **Parking:** Parking standards for an carriage house shall be the same as the residential unit in that district. See Section 7.3. Parking shall be clearly defined.
10. **Timing:** In some instances, the carriage house(s) may be permitted to be built prior to the primary structure on the lot. In this case, the following requirements must be met:
 - a. A sketch plan showing the potential build-out, including parking, of the site is required;
 - b. The size(s) must be appropriate to permit a primary structure without exceeding the maximum lot coverage; and
 - c. Materials of the future primary structure must coordinate with the carriage house.

4.5.4 SINGLE FAMILY DETACHED HOUSE



- A. **Description:** the predominant residential building type in Beaufort. This house sits on a private lot and can vary in size from a small cottage to a large mansion. Setbacks and frontage types vary by Transect Zone.
- B. **Special Requirements:**
 1. **Frontage Types:** Common Yard, Porch, Stoop