

SPECIAL EXCEPTION APPLICATION
2601 HARVEY ROAD

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 Fee
\$300

App# 13316
\$ PAID
6-1-16 CK

SPECIAL EXCEPTION APPLICATION

OFFICE USE ONLY: Date Filed: 6-7-16 Application #: ZB1676 Zoning District: R-2

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): Arlene Burton
Address: 2601 Harvey Rd Beaufort, SC 29902
Telephone: (843) 521-1173 [day] _____ [fax] _____
E-mail: blessed-1@embarqmail.com

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

PROPERTY STREET ADDRESS: 2601 Harvey Rd Beaufort, SC 29902
Tax Map No.: 20-8-204
Parcel No.: R-1200080000204000

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: 6-1-16 Applicant's Signature: Arlene Burton

June 1, 2016

Beaufort County Zoning Board of Appeals
Department of Planning and Development Services
1911 Boundary Street
Beaufort, SC 29902

Dear Sirs:

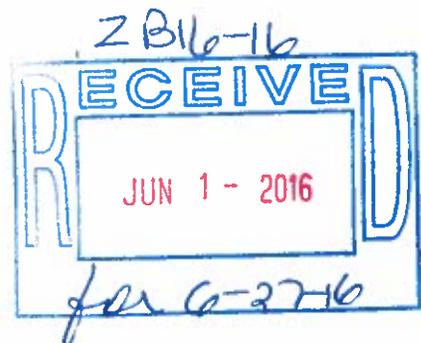
The Helping Hands with Love Registered Home Day Care is asking your consideration of a Type 2 Home Occupation status. The Special Exemption application and packets for review are enclosed.

Thank you so very much for your assistance in this matter.

Respectfully,



Arlene Burton,
Owner / Director





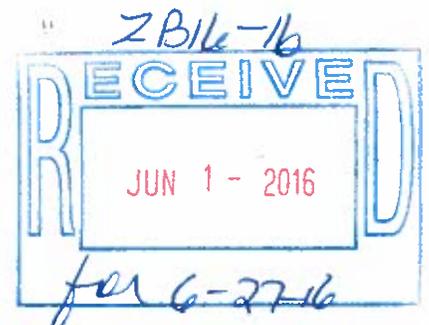
Helping Hands with Love Registered Home Day Care

Promoting Early Learning in a Safe Environment

Our Goal, Our Vision, Our Mission is to provide Affordable, Quality Care Services with emphasis on Language Enrichment and Early Literacy.

- **The South Carolina Early Learning Standards are incorporated in our curriculum along with movement and music, math and science, phonemic awareness, sign language and spanish.**
- **Nutritious home style meals as approved by USDA are provided.**
- **We participate with the ABC Voucher Program that enables parents to be able to afford quality care.**
- **Hours of Operation Monday through Friday 7:00 am to 5:00 pm.**

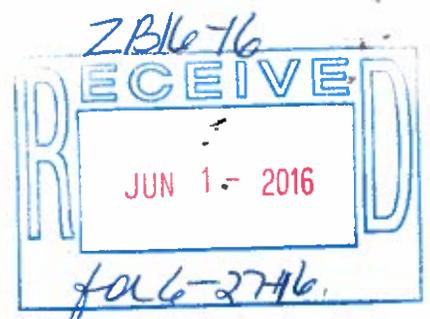
**Arlene Burton, MCD
Owner / Director**



The Helping Hands with Love Registered Home Day Care (HHWL) provides quality care to six children. The assistance of 2 additional employees / volunteers is requested. In being able to rotate 2 individuals will allow HHWL to:

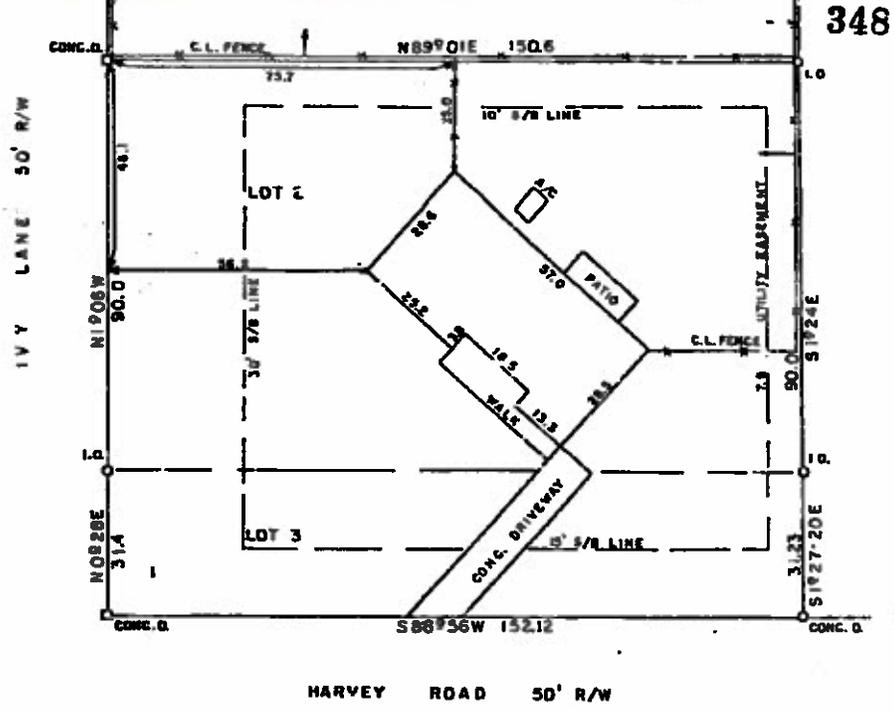
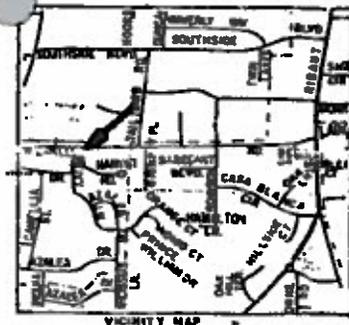
- **Enhance the daily ratio as allowed by the Department of Social Services(DSS) from 6:1 to 6:2.**
- **Provide stable care.**
- **Improve transition of daily activities.**
- **Allow mentoring of students in the community programs of higher learning. The student/employee will be able to earn required observation hours while gaining from valuable "hands on" experience in the area of child care development.**

In order to be employed or volunteer, individuals must undergo a SLED background check and fingerprinting as required by DSS.



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for 6-2716



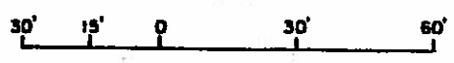
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PLAT PREPARED FOR
WENDELL O. WILBURN & LINDA K. WILBURN

THE SAME BEING LOT 2, AND A PORTION OF LOT 3, BLOCK B, WADDELL GARDENS SUBDIVISION AS SHOWN ON A PLAT BY JONES & MURPH, DATED AUGUST 16, 1962 AND RECORDED IN THE OFFICE OF THE CLERK OF COURT FOR BEAUFORT COUNTY, SOUTH CAROLINA IN PLAT BOOK 13, PAGE 57.

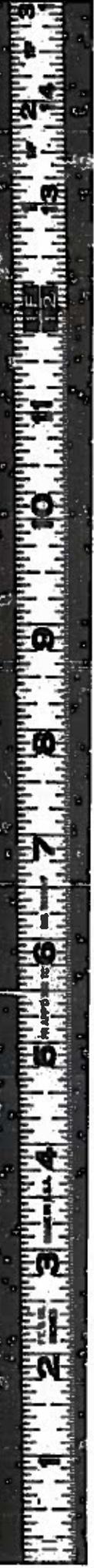
I HEREBY CERTIFY THAT THE MEASUREMENTS ON THIS PLAT ARE CORRECT AND THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

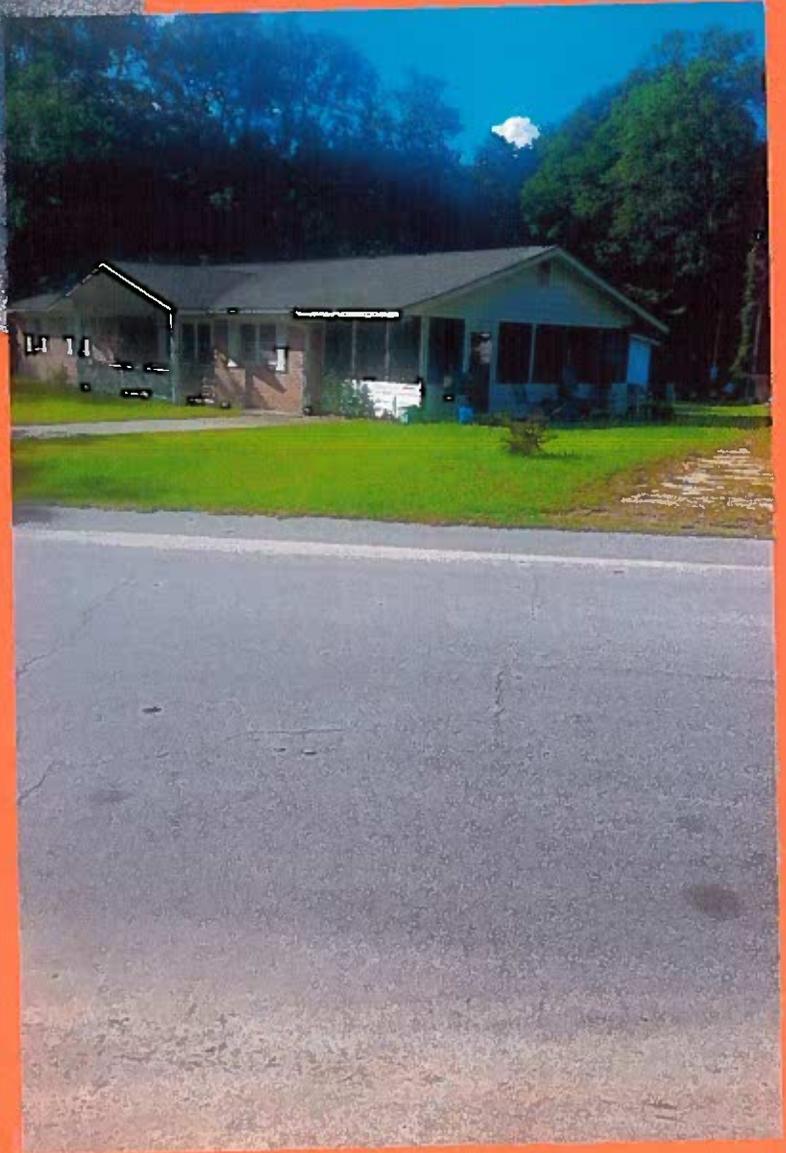
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA. FIRM COMMUNITY-PANEL NUMBER 450026 0005 D.



SCALE 1" = 30'
MAY 16, 1988

R. D. Trogdon, Jr.
R. D. TROGDON, JR., R.L.S. 2712
1613 BAY STREET (P.O. BOX 612)
BEAUFORT, SOUTH CAROLINA 29901
TELEPHONE (803) 524-3261





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JUN 1 - 2016
for 62716

STAFF REPORT
2601 HARVEY ROAD

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

Case Number: ZB16-16
Property Address: 2601 Harvey Road
Applicant: Arlene Burton
Type of Request: Special Exception for Type 2 Home Occupation
Zoning: R-2

Background: The property is located at 2601 Harvey Drive, at the corner of Harvey Drive and Ivy Lane in the Mossy Oaks neighborhood (see Site Location Map attached). The property is identified as District 120, Tax Map 8, Parcel 204. The property is zoned R-2 Medium Density Single-Family Residential District (R-2). A single-family dwelling is located on the lot. Photos of the property are attached.

The applicant, who is the property owner, desires to operate a family/home day care on the premises. A family day care is a facility operating out of the owner's home, providing day care for up to 6 children. In addition to meeting City zoning requirements, day care facilities are licensed by the SC Department of Social Services. The applicant desires to employ two outside individuals to assist with the day care.

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 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.

Questions for the applicant: How many vehicles are associated with the household? What is the maximum number of children that will be cared for? Will the children be outside for part of the day? If so, are there set "recess" hours? Where will the employees park on the site?

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.

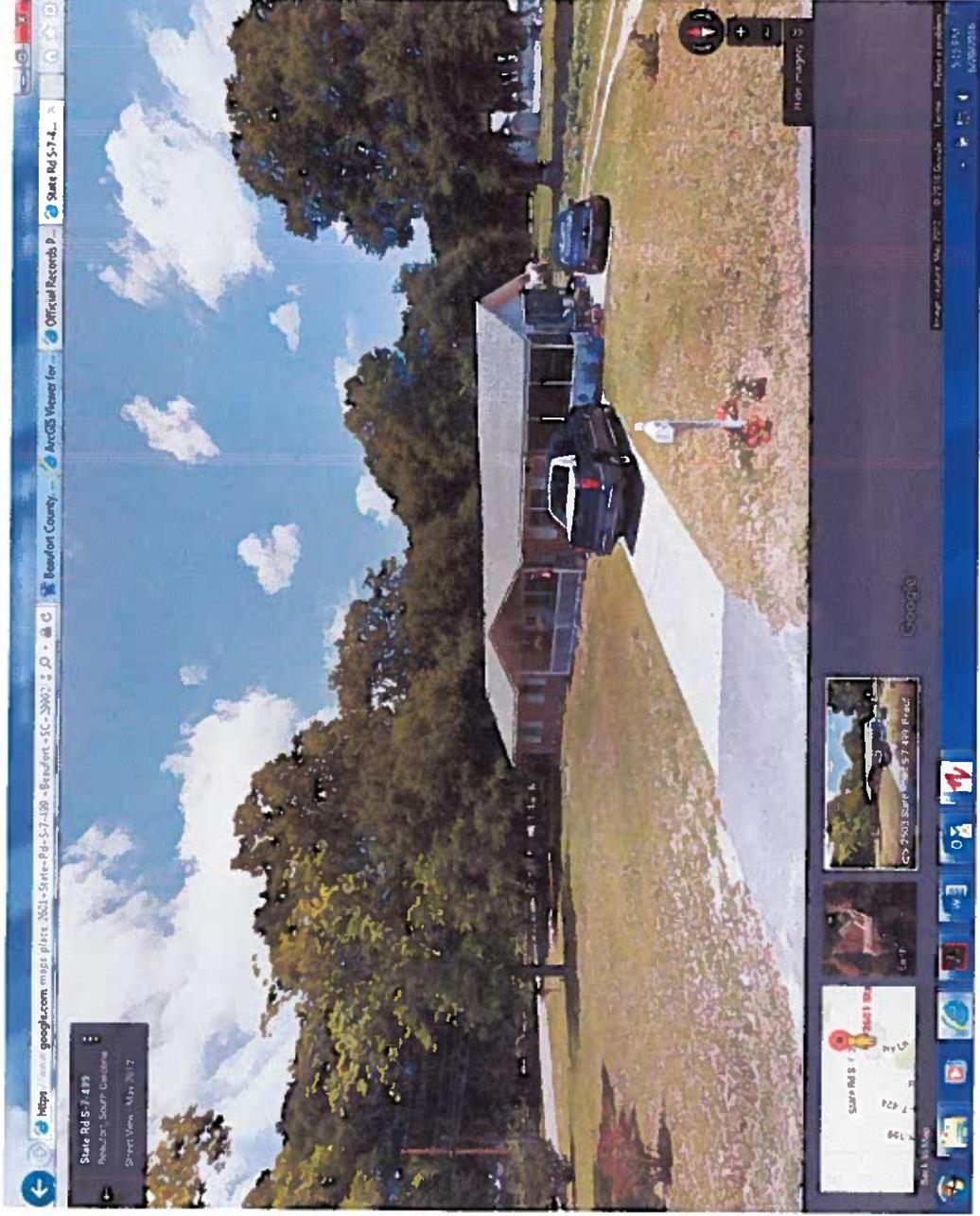
Staff comments pertaining the criteria set out in Section 3.16:

- (1) *Whether the proposed use is compatible with existing land uses in the surrounding area.* The property is one block from Waddell Road, a collector street. The property is a corner lot. This area of Mossy Oaks is characterized by large lots. A family day care facility is in keeping with the character of this residential neighborhood. Two outside employees working at the day care during the week should not change the character of the area. The addition of two outside employees should improve the nature of the day care operation.
- (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 is located on a corner lot. The lot is over 13,500 square feet in area. There is adequate room on the site to park three vehicles in addition to accommodating the day care drop off and pick up.
- (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 family day care, has little potential to create noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts if the hours of operation are limited to 7:00 AM to 5:00 PM Monday through Friday, and if employees park in the driveway or to the side of the dwelling.

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

- that any vehicles associated with the household and the home occupation are to park in the driveway or to the side of the house, and not park on the street or in the front yard.

PHOTO FROM GOOGLE MAPS



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'.

SPECIAL EXCEPTION CRITERIA

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

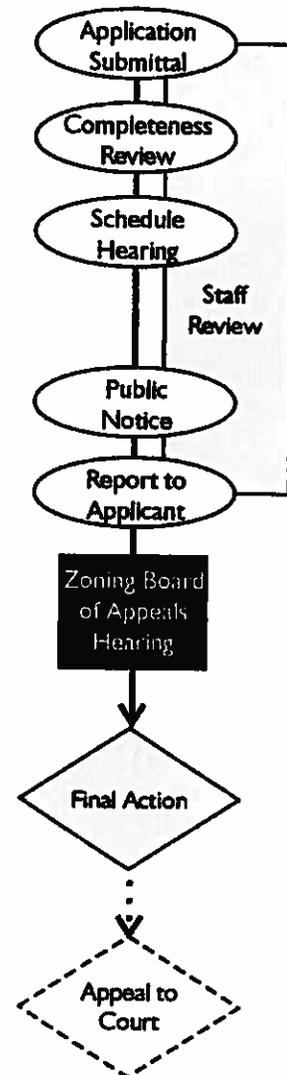
The Administrator shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, the review criteria listed below, and the requirements of this UDO. A copy of the report shall be provided to the Zoning Board of Appeals and the applicant before the scheduled hearing.

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.