

**TOWN OF SUMMERVILLE
BOARD OF ZONING APPEALS**



AGENDA

May 12, 2020

5:00 PM

Zoom Cloud Meeting Application

To view meeting click link: <https://zoom.us/j/478700766>

I. Approval of minutes from April 21, 2020

(For below item, signs posted on property April 6, 2020 and ad on April 5, 2020 in *Post & Courier*)

II. OLD BUSINESS:

1. No Old Business

III. NEW BUSINESS:

1. TMS # 137-07-02-002, 308 W. Doty Avenue, zoned GR-5 – General Residential, owned by Sarah and Matthew Hulseberg – Special Exception to allow Short Term Rentals at the property owner’s primary residence. Ordinance Section 3.4.3

IV. MISCELLANEOUS:

None

V. ADJOURN

Posted May 5, 2020

Board of Zoning Appeals
Tuesday, April 21, 2020
Zoom Cloud Meeting Application

Members Present:

Denis Tsukalas, Chairman
Elise Richardson, Vice Chairman
Don Nye
Lionel Lawson
Scott Riddell

Staff Present:

Tim Macholl, Zoning Administrator
Jessi Shuler, Director of Planning

Items on the agenda:

OLD BUSINESS:

1. None

NEW BUSINESS:

1. TMS # 137-10-08-007, 213 W. Carolina Avenue, zoned GR-2 – General Residential, owned by Lynne Elliot – variance request to reduce the required side setback from 15 feet to 8.4'. Ordinance Section 2.7.3C.
2. TMS # 144-16-10-002, 194 Thames Avenue, zoned GR-5 – General Residential, owned by Sally Hayden – variance request to increase the permitted lot coverage limit from 35% to 36%, Ordinance Sections 2.7.2.C.
3. TMS # 130-14-06-008, 106 Boone Street, zoned N-R – Neighborhood Residential, owned by Emanuel Baptist Church – variance request to allow 43 foot Primary Building Height. Ordinance Section 2.5.5.A.
4. TMS # 137-13-04-001, 535 Simmons Avenue, zoned GR-2 General Residential, owned by Marion and Phyliss Thornthwaite – variance request to reduce the required side setback for an accessory structure from 10 feet to 5 feet. Ordinance Section 2.7.4.B.

MISCELLANEOUS:

1. None
-

The meeting was called to order at 5:08 PM by Mr. Denis Tsukalas. Mr. Tsukalas asked for any comments or edits for the minutes from the February 11, 2020 meeting minutes. A motion was made by Mr. Nye to approve the minutes as presented. The motion was seconded by Mr. Lawson. The motion passed unanimously, 4-0.

OLD BUSINESS

1. None

NEW BUSINESS

1. **213 W. Carolina Avenue** – The first item under New Business TMS # 137-10-08-007, 213 W. Carolina Avenue, zoned GR-2 – General Residential, owned by Lynne Elliot – variance request to reduce the required side setback from 15 feet to 8.4'. Ordinance Section 2.7.3C. Ms. Shuler read the title and explained that this variance is needed to build a new home at the property above. Ms. Lynne Elliot explained that during Hurricane Dorian, a limb fell from a tree and hit the electrical lines to the original cottage on the property resulting in a structure fire. The result of the fire is a complete loss of the home. She continued that to be able to construct a new home, due to the shape of the lot she would not be able to meet the 15 foot side setbacks required by the zoning. She told the board that the original cottage did not meet the required setbacks. Mr. Tsukalas asked the board if they had any questions of the applicant. There were no questions and Mr. Tsukalas asked for a motion.

Mr. Riddell made a motion for approval. The motion was seconded by Mr. Nye. Mr. Macholl called the roll. The Motion passed unanimously 4-0.

2. **194 Thames Avenue** – The second item under New Business was TMS # 144-16-10-002, 194 Thames Avenue, zoned GR-5 – General Residential, owned by Sally Hayden – variance request to increase the permitted lot coverage limit from 35% to 36%, Ordinance Sections 2.7.2.C. Ms. Shuler read the title into the record and gave a brief background to the request. Ms. Sally

Hayden explained that the proposed porch was going to be built on the existing patio and that they are not proposing to alter the footprint of what is already existing. Mr. Riddell asked if the passage of the UDO would negatively or retroactively affect existing properties. Ms. Shuler explained that no the lot coverage limit always applied, this had been a deck, which is pervious, by adding the roof over it the porch becomes impervious. Mr. Tsukalas asked the board if there were any other questions for the applicant or staff. Being no questions Mr. Tsukalas asked for a motion.

Mr. Riddell made a motion for approval. The Motion was seconded by Mr. Tsukalas. Mr. Macholl read the Roll. The motion passed unanimously 5-0.

3. 106 Boone Street – The third item under New Business was TMS # 130-14-06-008, 106 Boone Street, zoned N-R – Neighborhood Residential, owned by Emanuel Baptist Church – variance request to allow 43 foot Primary Building Height. Ordinance Section 2.5.5.A. Mr. Macholl read the title into the record and gave some background on the proposed building. He explained that the steeple does not contribute to the overall height of the church building, but because it has a gable roof the height is limited to 40 feet in the N-R district. The proposed height to the ridge is 43 feet. Pastor JT Miller explained to the board that due to the size of the property to be able to accommodate the growing congregation they had designed a building with a balcony to allow for greater seating. He explained that it would be impossible to accommodate the occupancy in a shorter building.

Mr. Riddell asked for clarification of the variance request. Mr. Macholl explained that the proposed height to the ridge of the structure exceeded the permitted 40 feet in the district.

Mr. Tsukalas asked if there were any other questions. Being none he asked for a motion. Ms. Richardson made a motion for approval. The motion was seconded by Mr. Lawson. Mr. Macholl read the Roll. The motion passed unanimously 5-0.

4. 535 Simmons Avenue – The fourth item under New Business was TMS # 137-13-04-001, 535 Simmons Avenue, zoned GR-2 General Residential, owned by Marion and Phyliss Thornthwaite – variance request to reduce the required side setback for an accessory structure from 10 feet to 5 feet. Ordinance Section 2.7.4.B. Mr. Macholl read the title into the record. Ms. Thornthwaite addressed the board and explained the request for the new shed. She explained that reducing the setback allows the shed to be moved over to preserve some of the green space existing on the property. She also provided that they had asked their neighbor and that the neighbor had provided no objection to the reduced setback.

Ms. Richardson asked the applicant if there was an existing shed on the property. Ms. Thornthwaite confirmed the other shed, and explained that her husband uses that shed for his woodworking hobby and that they need more space for pool storage. Mr. Tsukalas asked about the position of the new shed. Ms. Thornthwaite explained that the old shed is on the other side of the property.

Mr. Tsukalas asked if there were any other questions. Being none he asked for a motion. Mr. Nye made a motion for approval. The motion was seconded by Mr. Lawson. Mr. Macholl read the Roll. The motion passed 4-1 with Ms. Richardson voting No.

MISCELLANEOUS:

1. None

ADJOURN:

There being no further business, the meeting was adjourned at 5:30 PM on a motion by Mr. Nye and a second by Mr. Tsukalas. The motion passed unanimously 5-0.

Respectfully Submitted,

Date: _____



Tim Macholl
Zoning Administrator

Approved: Denis Tsukalas, Chairman _____; or,

Elise Richardson, Vice Chairman _____

Special Exception
TMS#137-07-02-002
308 W. Doty Avenue, Summerville, SC
STAFF REPORT
BOARD OF ZONING APPEALS
May 12, 2020

Request: Special Exception application for a Short Term Rental to be operated at the above address

Property Zoning: GR-5 General Residential

Surrounding Zoning: North: GR-5 General Residential
South: GR-2 General Residential
East: N-MX Neighborhood Mixed Use
West: GR-5 General Residential

Ordinance requires: Ordinance Section 3.3 and 13.10.4

Background: The applicant has requested a Special Exception in accordance with the Town's Unified Development Ordinance. On April 14, 2020 the Owner of the property applied for a business license. Upon inspection of the application, Staff determined that based on the zoning of the property a Special Exception is required to be able to operate the proposed Short Term Rental (STR). It has been determined that the applicant has met the other requirements to operate a Short Term Rental at this location. Section 13.10.4 establishes the criteria that the BZA is required to evaluate the application. The following are the criteria:

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 Town (A traffic impact analysis (TIA) may be required as determined by Town Staff);
4. Whether the proposed use and designs are in general conformity with the Town's Comprehensive Plan and any other plans officially adopted by the Town;
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.

Based upon staff review of the application, the location of the property, and lack of complaints from adjacent property owners, considering that the STR has been operating since 2018, staff does not have any concerns with the proposed Special Exception.

Town of Summerville Information Lookup



308 W DOTY AVE

Basemap

Charleston County GIS, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

POWERED BY **esri**

Location Information

This property is in the Town of Summerville.

This property is in the Historic District

TMS: 137-07-02-002.000

Owner: HOLSEBERT MATTHEW & SARAH (JTROS)

Second Owner:

Zoning: GR-5

Address: 308 W DOTY AVE

Subdivision:

County: Dorchester

Council District: 2

Representative: Terry Jenkins

Town of Summerville Information Lookup



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Second Owner:

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Address: 308 W DOTY AVE

Subdivision:

County: Dorchester

Council District: 2

Representative: Terry Jenkins

PUBLIC HEARING NOTICE

The Town of Summerville
Board of Zoning Appeals will
hold a public hearing on
Date/Time: ~~Thursday~~ MAY 12 2020 AT 5 pm
In Summerville Town Hall, 200 S. Main St.,
to discuss a SPECIAL EXCEPTION FOR A SHORT TERM
for this property. RENTAL
For Information: Planning Department 851-5200



Sign may only be removed by
Authorized Town Employee

TMS# 137-07-02-002
Address 308 W DOTY AV
Sign Posted on: 4/27/2020

Google Maps ; (SX %



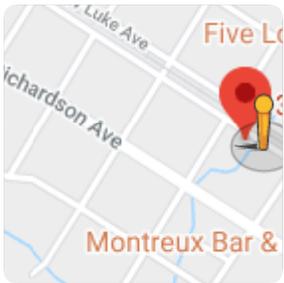
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