

**MINUTES  
TOWN OF SUMMERSVILLE  
BOARD OF ZONING APPEALS  
January 14, 2014**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, January 14, 2014 at 5:00 PM. Present were Denis Tsukalas; Arthur DeHay; Don Nye; and, Lionel Lawson. Elise Richardson was unable to attend the meeting. Staff present included Madelyn Robinson, AICP, Director of Planning & Economic Development and Jessi Shuler, AICP, Zoning Administrator.

The meeting was called to order at 5:00 PM by Ms. Robinson. She asked for the Board to elect a Chairman and Vice – Chairman for 2014. Mr. Nye nominated Denis Tsukalas as Chairman with Mr. DeHay making the second. Hearing no additional nominations from the floor, the Board voted Mr. Tsukalas as Chairman for 2014. Mr. Nye nominated Mr. DeHay for Vice-Chairman with Mr. Tsukalas making the second. Hearing no additional nominations from the floor, the Board voted Mr. DeHay as Vice-Chairman for 2014.

Mr. Tsukalas asked if there were any comments or edits for the minutes from the December 10, 2013 meeting. Mr. DeHay made a motion for approval with Mr. Tsukalas making the second. The motion carried approving the minutes as presented.

**OLD BUSINESS:**

There were no items under Old Business.

**NEW BUSINESS:**

The first item under New Business was the variance request for TMS#136-16-10-047; -046; -045; -044; -042; -040; and -039 all located via Shepard Street owned by J & J Custom Homes, LLC and zoned R2, Single Family Residential. The variance requested was for an exemption from the lot design standards, Section 32-321 of the Town's Zoning Ordinance requiring all new lots to front either a publicly or privately maintained right of way and instead allow access from a private ingress/egress easement. Staff explained the difference between a right of way and ingress/egress easement. Mr. Kirby Flodin, J & J Custom Homes, LLC, presented the request. He explained that since the right of way was a separate parcel for taxing purposes, unless it is taken over by a public agency for maintenance, it has the probability of being sold at a tax sale for lack of taxes being paid, as was the case in this situation, twice. He stated the Town does not want to accept this right of way for maintenance and HOA's, as is usually the private party that would maintain a private right of way, typically cease to exist over time subjecting the roadway to be sold at a tax sale and no one maintaining it.

The Board members asked various questions regarding maintenance responsibilities; affordability of maintaining it by the individual lot owners; how will service vehicles turn around (garbage trucks, fire trucks); and size and construction of easement. Mr. Flodin responded that each individual property's deed will specify the location of the easement and the property owner's responsibility to maintain it and if someone else paid to maintain it, a lien could be placed on the property that was responsible but did not. He explained that the Town Engineering Department recommended a hammerhead type turn around at the end of the easement to allow service and/or larger vehicles the ability to turn around and that a SCPW fire hydrant was located in a place that would allow the fire department to lay hose as opposed to bringing the truck down the length of the roadway. He also stated that the easement could be dedicated wider than the width of the current ROW because the easement is not separated from the properties and would not affect the overall square footage of the lots as needed to maintain minimum lot size per zoning. Mr. Flodin also stated that the roadway would be paved.

Following this discussion, Mr. Tsukalas made a motion to approve the request with the proviso that the road be paved, shoulders extended to include area for utilities, and that the hammerhead design feature be installed for turnaround capabilities at the end of the roadway. Mr. DeHay seconded the motion and the motion carried with no opposing votes.

The second item under New Business was the variance request for TMS#130-14-00-003, 800 W. 5<sup>th</sup> N. St., owned by Dorchester District 2 and zoned R2, Single Family Residential. The variance requested was for an increased height allowance for a new elementary school to be built on the property on which Alston Middle School is located. The requested height allowance was for 41' 4" from the maximum allowed by Section 32-123 of the Town's Zoning Ordinance of 35'. Staff provided a brief introduction and the architects for the project presented the request. Sandrine Danielson and Erick Aichele, both with LS3P gave information regarding the design and construction of the new school. They explained that the only portion of the building that reach this height is the entryway/lobby vestibule area which is a two and a half story atrium feature that serves as the center or spoke to various uses such as the media center, the lunchroom, etc. and will also serve as a larger exhibition space for the school. The building overall is only two stories and won't even meet the maximum of 35'. Mr. Nye made a motion to approve the request with Mr. DeHay making the second. The motion carried unanimously.

**MISCELLANEOUS:**

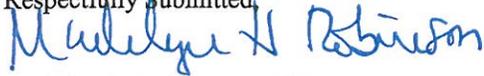
Ms. Robinson introduced Jessi Shuler to the Board and stated that she was the new Zoning Administrator for the Town and will be the primary staff person for the Board.

Mr. Lawson and Mr. Nye asked about required training and Ms. Robinson explained the training requirements for all appointed Planning Officials and that staff would notify the Board members as soon as the Town had information of upcoming training opportunities.

**ADJOURN:**

Hearing no further business the Chairman adjourned the meeting at 5:40 PM with a motion by Mr. DeHay and a second by both Mr. Lawson and Mr. Nye.

Respectfully Submitted,



Madelyn H. Robinson, AICP  
Director of Planning & Economic Development



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Denis Tsukalas, Chairman; or,  
Arthur DeHay, Vice Chairman

**MINUTES  
TOWN OF SUMMERVILLE  
BOARD OF ZONING APPEALS  
February 11, 2014**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, February 11, 2014 at 5:00 PM. Present were Denis Tsukalas; Arthur DeHay; Don Nye; Lionel Lawson; and, Elise Richardson. Staff present included Madelyn Robinson, AICP, Director of Planning & Economic Development and Jessi Shuler, AICP, Zoning Administrator.

The meeting was called to order at 5:01 PM by Mr. Tsukalas, Chairman. He asked for any comments or edits for the minutes from the January 14, 2014 meeting. Mr. Nye made a motion for approval with Mr. DeHay making the second. The motion carried approving the minutes as presented.

**OLD BUSINESS:**

There were no items under Old Business.

**NEW BUSINESS:**

The first item under New Business was the variance request for TMS#129-06-13-003, 411 Renau Boulevard, zoned PUD, Planned Unit Development, owned by Jeff & Kim Holt requesting an increased height variance for a primary structure per Section 32-125 of the Town's Zoning Ordinance. Ms. Robinson briefly explained the maximum height of 35' allowed by ordinance and that this particular neighborhood is zoned PUD and typically this minimum zoning requirement is addressed in the governing document, but in this instance it was not thus falling back on the Town's Zoning Ordinance, specifically the R2 zoning classification.

Jordy Tupper, builder for the applicant presented the request for Mr. and Mrs. Holt also present. He stated that the design of the home is to be constructed under the roof system as opposed to the roof simply being placed on top of the structure; the lot is unique in that it is a full acre in size and a larger, taller home would not overwhelm the lot or the adjacent lots; and, the Pine Forest Country Club has numerous examples of custom homes built taller than 35' and provided pictures of a few examples. He stated that some of these homes are on the golf course, as this lot is, as well as located on interior lots.

Mr. Nye made a motion to approve the request with Mr. DeHay and Mr. Lawson making the second. Hearing no additional discussion or questions regarding the request, the motion carried unanimously.

**MISCELLANEOUS:**

Ms. Robinson announced the upcoming Master Plan Charrette and provided copies of the informational newspaper to the Board members and applicants.

**ADJOURN:**

Hearing no further business the Chairman adjourned the meeting at 5:12 PM with a motion by Mr. Nye and a second by Mr. DeHay.

Respectfully Submitted,



Madelyn H. Robinson, AICP  
Director of Planning & Economic Development



Denis Tsukalas, Chairman; or,  
Arthur DeHay, Vice Chairman

**MINUTES  
TOWN OF SUMMERSVILLE  
BOARD OF ZONING APPEALS  
May 13, 2014**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, May 13, 2014 at 5:00 PM. Present were Denis Tsukalas; Don Nye; and, Elise Richardson. Lionel Lawson and Arthur DeHay were absent. Staff present included Madelyn Robinson, AICP, Director of Planning & Economic Development; Jessi Shuler, AICP, Zoning Administrator; and, Russ Cornette, PE, Town Engineer.

The meeting was called to order at 5:00 PM by Mr. Tsukalas, Chairman. He asked for any comments or edits for the minutes from the February 11, 2014 meeting. Mr. Nye made a motion for approval with Ms. Richardson making the second. The motion carried approving the minutes as presented.

**OLD BUSINESS:**

There were no items under Old Business.

**NEW BUSINESS:**

The first item under New Business was the variance request for TMS#146-00-00-006, a 24.65 acre parcel located on Lincolnville Road, owned by Gramling Brothers. The request included side setback variances, maximum impervious surface allowance; and, lot clearing variance for the proposed single family detached development per Sections 32-123 and 32-324 of the Town's Zoning Ordinance for the primary structures. Ms. Robinson introduced the application and stated the applicant was asking for 7.5' side setbacks, a 45% maximum impervious surface allowance and to clear an additional 10' (for a total of 20) beyond the footprint of the house at the time of permit to allow for a larger cleared backyard. She stated that staff had no concerns regarding the requests.

Marc Cherry with Gramling Brothers, Jason Simpson with Sabal Homes and Kevin Shoemake with Thomas & Hutton Engineering all presented the application.

The following people provided public comments:

Arthur Henderson, Barnhill Rd. – flooding concerns

Todd Shilling, Barnhill Rd. - flooding

Chris Lewis, Barnhill Rd. - flooding and traffic on Lincolnville Rd.

George Jones, Barnhill Rd. – flooding, retail costs and development schedule

Sean Perent (?), Saw Palm Dr. – wood line between this development and Summer Haven, drainage, and traffic

Michelle Caminiti (?), Towering Pine Dr. – flooding, home values

Dennis Wells, Saw Palm Dr. – quality of life and traffic

R. Caldarare (?) – buried tires

Debbie Los, Saw Palm Dr. – barricade between developments, crowded neighborhoods, bigger lots

Paul Shilling, Barnhill Rd. - zoning change

Following some questions and answers from the Board, Mr. Tsukalas made a motion to approve with the condition that the tree line be protected with a 25' area. Mr. Nye made a second. Mr. Cherry with Gramling Brothers stated that that could be done through restrictive covenants but would be detrimental for home sales as the reasoning for the increased ability to clear in the backyards is for the residents to be able to have a larger backyard as opposed to having to come back to the Town after moving in and requesting tree removal permits that end up being costly to new homeowners.

Following additional discussion, Mr. Tsukalas withdrew his motion from the floor. Ms. Richardson offered a motion to have the restrictive covenants to keep a buffer. No second to the motion was given, therefore, the motion died on the floor.

Mr. Nye then made a motion to approve the variance requests as presented with Ms. Richardson making the second. The motion carried unanimously.

**MISCELLANEOUS:**

**ADJOURN:**

Hearing no further business the Chairman adjourned the meeting at 5:54 PM with a motion by Mr. Nye and a second by Ms. Richardson.

Respectfully Submitted,

Madelyn H. Robinson, AICP  
Director of Planning & Economic Development



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Denis Tsukalas, Chairman; or,  
Arthur DeHay, Vice Chairman

**MINUTES  
TOWN OF SUMMERVILLE  
BOARD OF ZONING APPEALS  
July 8, 2014**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, July 8, 2014 at 5:00 PM. Present were Denis Tsukalas; Elise Richardson; Lionel Lawson; and Arthur DeHay. Don Nye was absent. Staff present included Jessi Shuler, AICP, Zoning Administrator; and Madelyn Robinson, AICP, Director of Planning & Economic Development.

The meeting was called to order at 5:00 PM by Mr. Tsukalas, Chairman. He asked for any comments or edits for the minutes from the May 13, 2014 meeting. Ms. Richardson made a motion for approval with Mr. DeHay making the second. The motion carried approving the minutes as presented.

**OLD BUSINESS:**

There were no items under Old Business.

**NEW BUSINESS:**

The first item under New Business was the variance request for Various lots in Pine Forest Country Club Phase 1 have been requested by owner D.R. Horton Homes, Inc. to receive height variances for the primary structure. Lots include TMS#129-13-09-013, 101 Riviera Dr.; 129-13-09-027, 2318 Hummingbird Ln.; 129-13-09-032, 2308 Hummingbird Ln.; 129-13-09-033, 2306 Hummingbird Ln.; 129-13-09-034, 2304 Hummingbird Ln.; 129-13-09-035, 2302 Hummingbird Ln.; 129-13-11-007, 206 Kilarney Rd.; 129-13-11-008, 208 Kilarney Rd.; 129-13-11-009, 300 Kilarney Rd.; 129-13-12-007, 108 Riviera Dr.; 129-13-12-008, 110 Riviera Dr.; 129-13-12-010, 114 Riviera Dr.; 129-13-12-012, 2402 Hummingbird Ln.; 129-13-14-002, 2301 Hummingbird Ln.; 129-13-14-004, 2305 Hummingbird Ln.; 129-13-14-005, 2307 Hummingbird Ln.; 129-13-14-010, 2407 Hummingbird Ln., all zoned PUD, Planned Unit Development. The request is for an increased height variance for a primary structure per Section 32-125 of the Town's Zoning Ordinance. Variance is for a total of 40' in height; ordinance allows a maximum of 35'. Ms. Shuler introduced the application and stated the applicant was not necessarily going to build the elevation that requires the height variance on all 17 lots, but that they wanted the ability for homebuyers to have that elevation as an option.

The applicant did not have a representative in attendance to present the application.

The following people provided public comments:

Sherwood Miler – Mr. Miler explained that he and a friend started PFCC working out of the Town's R-4 zoning which no longer exists. Their idea behind the development was to provide lots of different types of houses and styles. As the property was developed over the years, four houses were built that are over 40 feet in height due to the design of the houses and the roof styles. As president of the HOA and the ARB, he recognizes that this builder wants the ability to have different house styles. In the spirit of how PFCC was developed, the HOA and ARB support this need for flexibility. Mr. Miler stated that on behalf of the HOA & ARB (as the developer he is automatically the president of each), he would ask the BZA to be respectful of the fact that heights over 40 feet have already been approved in this development.

Deirdre A. Hulsen, 1303 Congressional Blvd. – Stated that her lot is larger, and feels as if this particular builder is building on postage stamp lots with almost no property. She feels that it diminishes the integrity of the neighborhood to have a huge house on a small piece of land – in particular, those lots that are directly on the golf course. She does not feel that their request is in keeping with the area along Congressional Blvd.

Elizabeth E. Rihl-Vohs? – She lives on the fairway, and feels the same way as Ms. Hulsen. Tall and narrow lots are not in keeping with the rest of the development. She does not think it will look right, and will not blend in with the existing homes.

Mr. Rihl-Vohs? – Asked how the increased height allowance would affect the pitch of the roofs. Would they resemble church steeples? Mr. Tsukalas responded that they would be similar in pitch to the rest of the houses.

Following some questions and answers from the Board, Ms. Shuler explained that the Board could approve the request with conditions or only for certain lots. Mr. Tsukalas stated that he had some questions that he would really like to ask the applicant. Mr. DeHay made a motion to table the request until the next regularly scheduled meeting so a representative for the applicant could be present to answer questions. Ms. Richardson made a second. The motion carried unanimously.

**MISCELLANEOUS:**

Ms. Shuler explained that staff currently was not aware of any opportunities for the state required training, but that the Board members would be informed as soon as additional opportunities were made available.

**ADJOURN:**

Hearing no further business the Chairman adjourned the meeting at 5:31 PM with a motion by Mr. DeHay and a second by Ms. Richardson.

Respectfully Submitted,



Jessi Shuler, AICP  
Zoning Administrator



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Denis Tsukalas, Chairman; or,  
Arthur DeHay, Vice Chairman

**MINUTES  
TOWN OF SUMMERVILLE  
BOARD OF ZONING APPEALS  
August 12, 2014**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, August 12, 2014 at 5:00 PM. Present were Denis Tsukalas; Elise Richardson; Lionel Lawson; and Don Nye. Arthur DeHay was absent. Staff present included Jessi Shuler, AICP, Zoning Administrator; and Madelyn Robinson, AICP, Director of Planning & Economic Development.

The meeting was called to order at 5:00 PM by Mr. Tsukalas, Chairman. He asked for any comments or edits for the minutes from the July 8, 2014 meeting. Ms. Richardson made a motion for approval with Mr. Nye making the second. The motion carried approving the minutes as presented.

**OLD BUSINESS:**

The first item under Old Business was the variance request for Various lots in Pine Forest Country Club Phase 1 have been requested by owner D.R. Horton Homes, Inc. to receive height variances for the primary structure. Lots include TMS#129-13-09-013, 101 Riviera Dr.; 129-13-09-027, 2318 Hummingbird Ln.; 129-13-09-032, 2308 Hummingbird Ln.; 129-13-09-033, 2306 Hummingbird Ln.; 129-13-09-034, 2304 Hummingbird Ln.; 129-13-09-035, 2302 Hummingbird Ln.; 129-13-11-007, 206 Kilarney Rd.; 129-13-11-008, 208 Kilarney Rd.; 129-13-11-009, 300 Kilarney Rd.; 129-13-12-007, 108 Riviera Dr.; 129-13-12-008, 110 Riviera Dr.; 129-13-12-010, 114 Riviera Dr.; 129-13-12-012, 2402 Hummingbird Ln.; 129-13-14-002, 2301 Hummingbird Ln.; 129-13-14-004, 2305 Hummingbird Ln.; 129-13-14-005, 2307 Hummingbird Ln.; 129-13-14-010, 2407 Hummingbird Ln., all zoned PUD, Planned Unit Development. The request is for an increased height variance for a primary structure per Section 32-125 of the Town's Zoning Ordinance. Variance is for a total of 40' in height; ordinance allows a maximum of 35'. This item was moved to the end of the agenda, as a representative for the applicant was not yet in attendance. Following New Business, this item was taken back up. A representative for the applicant was still not in attendance, but the Chairman opened the floor for public comment on the request.

The following people provided public comments:

Craig Abresch, 116 Royal Troon Ct. – Against the variance; feels that 35' is sufficient for a two-story house.

Marilyn Kaple, 120 Presidio Bend – Worried about what type of precedent this would set. D.R. Horton knew what they were planning, and now they want to change the rules. The decisions should have been made when the subdivision was designed, not when building.

Thom Nolan, 103 Carnoustie Ct. – Concerned about them coming back and asking for more if this is granted. What is the reasoning behind the request?

In response to Mr. Nolan's question, Ms. Shuler read the letters that were submitted with the variance application addressing the four state mandated criteria.

Robert Rybicki, 239 Renau Blvd. – Opposed to the granting of the variance; the 35 foot height limit is throughout Summerville, and a variance should not be granted solely on profitability. They should have known the regulations when they bought the property, and granting the variance would set a bad precedent.

Elizabeth Vohs, 104 Kilarney Rd. – The subdivision had some conformity of design before this portion was developed, but this section does not conform at all to the existing, which is her argument for at least keeping the same height requirement of 35 feet.

Deirdre A. Hulsen, 1303 Congressional Blvd. – To increase the height allowance is not conducive to the existing neighborhood. Admits that there are some larger, taller homes in the rest of PFCC, but they are also on much larger lots. For that tall of a house to be built on a postage stamp size lot would make it look like Brooklyn Row houses.

Mary Lund, 103 Amen Corner – Based on the letter submitted by D.R. Horton, it appears that it is a marketing issue, which they should have been aware of when they started. Their bottom line is not a good enough reason to grant the variance.

Andy Stetka, representing D.R. Horton, arrived while public comments were being given. Following public comment, Mr. Stetka explained that they were really only planning on making use of the variance twice, but that staff advised them to ask for it on all the lots remaining (staff confirmed that that was common practice). He further stated that he did not believe that the increased height would really be noticeable. The taller house actually uses a smaller footprint and creates more green space because it is only 40 feet deep instead of 72 feet and is three feet narrower. They will still be able to sell the lots if the variance is not granted, but they have two people who have specifically want this house.

Ms. Richardson asked about the height of certain house already built by D.R. Horton in this section, and Mr. Stetka responded that they were all either under or right at 35 feet in height. Mr. Tsukalas asked which two lots had specifically requested the taller

house. Mr. Stetka responded that one of them was Lot 4, and he was not sure of the other lot because the contract was just done. He also stated that the variance process is in place to look at certain situations, and he feels that this is a reasonable request. Mr. Lawson asked about the previous approvals for height variances in Pine Forest Country Club. Mr. Stetka stated that he believes they had been given to about six or seven houses, and Mr. Tsukalas confirmed that this current Board had granted one of them.

Ms. Richardson made a motion to deny the application to increase the height from 35 feet to 40 feet on all 17 lots because 35 feet on those lots is sufficient enough. Hearing no second, the motion died. Mr. Lawson made a motion to take each request on an individual home by home basis, and Mr. Nye made the second. Following some discussion, Mr. Nye amended the motion to approve the variance request of a 40 foot height for Lot 4 only, and any additional requests would be considered on a lot by lot basis. Ms. Richardson made the second, and the amended motion passed unanimously.

**NEW BUSINESS:**

The first item under New Business was the variance request for TMS#137-10-08-009, 108 Congress Street, zoned R1, Single Family Residential, owned by Larry James. Variance request is for a reduction of 4' on the rear setback (total rear setback to be 21') for a primary structure per Section 32-122 of the Town's Zoning Ordinance; ordinance requires a minimum of 25'. Mr. James, the homeowner, presented the application. Following Ms. Richardson's inquiry, Mr. James confirmed that he had spoken to Mr. Rick Sutton, representing the neighbor to the James' rear, and he had no objections to the request.

Ms. Richardson made a motion to approve a four foot variance on the rear setback for 108 Congress Street. Mr. Nye made a second. The motion carried unanimously.

**MISCELLANEOUS:**

**ADJOURN:**

Hearing no further business the meeting was adjourned at 5:44 PM with a motion by Ms. Richardson and a second by Mr. Nye.

Respectfully Submitted,

Jessi Shuler, AICP  
Zoning Administrator

  
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Denis Tsukalas, Chairman; or,  
Arthur DeHay, Vice Chairman

**MINUTES  
TOWN OF SUMMERVILLE  
BOARD OF ZONING APPEALS  
September 9, 2014**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, September 9, 2014 at 5:00 PM. Present were Denis Tsukalas; Arthur DeHay; Elise Richardson; Lionel Lawson; and Don Nye. Staff present included Jessi Shuler, AICP, Zoning Administrator; and Madelyn Robinson, AICP, Director of Planning & Economic Development.

The meeting was called to order at 5:00 PM by Mr. Tsukalas, Chairman. He asked for any comments or edits for the minutes from the August 12, 2014 meeting. Mr. Nye made a motion for approval with Mr. Lawson making the second. The motion carried approving the minutes as presented.

**OLD BUSINESS:**

**NEW BUSINESS:**

The first item under New Business was the variance request for TMS#137-06-11-006, 201 and 205 S. Hickory Street, zoned R-1, Single Family Residential, owned by Carolyn and Rutherford Smith. The variance request was for a decrease of 7' on the side setback for a total side setback of 3' for an accessory structure; ordinance requires 10' side setback for an accessory structure per Section 32-122. Mr. Smith, the homeowner, presented the application. He stated that he had spoken to most of his immediate neighbors, and they had no issues with the request.

Mr. Nye made a motion to approve a three foot side setback for 201 S. Hickory Street. Mr. DeHay made a second. Mr. Tsukalas asked whether they had considered moving the carport/shed. Mr. Smith explained that it was a pretty good size, so the slab construction would be pretty expensive. In addition, if they moved it one direction, it would be in conflict with existing trees and shrubs, and if they moved it the other way, it would look disproportionate because the building would be too close to the main house. Following the discussion, the motion carried unanimously.

The second item under New Business was the variance request for TMS#130-14-08-006, 821 W. 3<sup>rd</sup> North Street, zoned R-5, Mixed Residential, owned by Ben Williams. The variance request was for a decrease of 4' on the front setback for a total front setback of 16' and a decrease of 2.5' on one side setback for a total side setback of 5' for the primary structure; ordinance requires 20' front setback and 7.5' side setbacks for the primary structure per Section 32-126. Ms. Shuler explained that this parcel is heirs property, and staff is waiting on documentation that Jeanette Duberry, who is requesting the variance, has the rights of ownership. Ms. Duberry has met with the Center for Heirs Property Preservation at the recommendation of staff, and will be meeting with them again on the 18<sup>th</sup>. She has asked that her request be tabled until next month's meeting to give her time to get the required documentation.

Mr. Nye made a motion to table the request until next month's meeting, and Mr. DeHay made the second. The motion carried unanimously.

**MISCELLANEOUS:**

Ms. Shuler reminded the Board about an upcoming training opportunity at the BCDCOG on the 24<sup>th</sup>. Mr. DeHay, Mr. Tsukalas, and Ms. Richardson said that they were planning to attend. Mr. Nye stated that he was signed up for the required six hour training for new Board members.

**ADJOURN:**

Hearing no further business the meeting was adjourned at 5:19 PM with a motion by Mr. Nye and a second by Mr. DeHay.

Respectfully Submitted,



Jessi Shuler, AICP  
Zoning Administrator



Denis Tsukalas, Chairman; or,  
Arthur DeHay, Vice Chairman

**MINUTES  
TOWN OF SUMMERVILLE  
BOARD OF ZONING APPEALS  
October 14, 2014**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, October 14, 2014 at 5:00 PM. Present were Denis Tsukalas; Arthur DeHay; Lionel Lawson; and Don Nye. Staff present included Jessi Shuler, AICP, Zoning Administrator; and Madelyn Robinson, AICP, Director of Planning & Economic Development.

The meeting was called to order at 5:00 PM by Mr. Tsukalas, Chairman. He asked for any comments or edits for the minutes from the September 9, 2014 meeting. Mr. Nye made a motion for approval with Mr. Lawson making the second. The motion carried approving the minutes as presented.

**OLD BUSINESS:**

The first item under New Business was the variance request for TMS#130-14-08-006, 821 W. 3<sup>rd</sup> North Street, zoned R-5, Mixed Residential, owned by Ben Williams. The variance request was for a decrease of 4' on the front setback for a total front setback of 16' and a decrease of 2.5' on one side setback for a total side setback of 5' for the primary structure; ordinance requires 20' front setback and 7.5' side setbacks for the primary structure per Section 32-126. Ms. Shuler explained this item was tabled at last month's meeting because staff was waiting on documentation that Jannette Duberry, who is requesting the variance, has the rights of ownership. Ms. Duberry provided staff was a deed of distribution on October 3, 2014, so the variance request can now be heard. Ms. Duberry stated that she would just like to get back on her property since her previous trailer burned down almost a year ago, and it has taken her this long to find another mobile home she can afford. John Dozelle(?) spoke in support of Ms. Duberry's request. Ernest Walker who lives at 318 Aulds Ln. also spoke in support of Ms. Duberry. He explained that she does a lot for the community, and that they had been fighting to help her get back on her property. Bill Bunting, Ms. Duberry's employer, stated that she was one of the finest ladies he knows, and she has lived on the property as long as he has known her. He asked that the Board consider granting her the variance because she has been off the property for 11 months and deserves a place to live.

Mr. Nye made a motion for approval of the variance as requested, and Mr. Lawson made the second. The motion carried unanimously.

**NEW BUSINESS:**

The first item under New Business was the variance request for TMS#154-00-00-027, 295 Midland Parkway, zoned PUD, Planned Development District, owned by Trident Medical Center, LLC – request for a variance from Section 32-291 that requires pervious material and a parking island every six (6) spaces for those parking spaces that exceed the maximum amount of allowable spaces and instead, allow an impervious material and the standard of a parking island every 12 spaces. Lenny Arnold with Littlejohn Engineering presented the application on behalf of the applicant. He explained that the Town Code requirement for parking for hospitals is not adequate for hospital use, as is the case in most jurisdictions. Mr. Arnold further explained that they were requesting to use typical impervious asphalt for durability and ADA access reasons. With the constant traffic from the hospital, a pervious surface would not hold up adequately, and the requirement of a parking island every six spaces would present design problems for the movement of cars in the parking area. If not approved, the hospital would be forced to consider a parking garage, which would be extremely cost prohibitive. Lisa Valentine with Trident Medical Center thanked the Board for their consideration.

Mr. DeHay made a motion to approve the variance as requested, and Mr. Nye made a second. The motion carried unanimously.

**MISCELLANEOUS:**

Ms. Shuler stated that the November meeting needed to be rescheduled since it fell on Veteran's Day, which is an observed Town Holiday. She suggested moving the meeting to the third Tuesday, November 18, to give adequate time

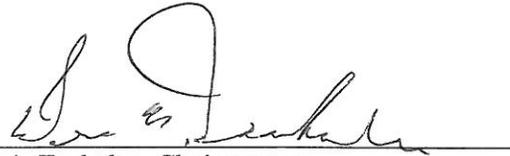
for submittals. Mr. DeHay made a motion to approve the date of the November meeting to be the third Tuesday of the month, November 18, 2014, and Mr. Tsukalas made the second. The motion passed unanimously.

**ADJOURN:**

Hearing no further business the meeting was adjourned at 5:17 PM with a motion by Mr. DeHay and a second by Mr. Lawson.

Respectfully Submitted,

Jessi Shuler, AICP  
Zoning Administrator

A handwritten signature in black ink, appearing to read "D. Tsukalas", written over a horizontal line.

Denis Tsukalas, Chairman; or,  
Arthur DeHay, Vice Chairman

**MINUTES  
TOWN OF SUMMERSVILLE  
BOARD OF ZONING APPEALS  
November 18, 2014**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, November 18, 2014 at 5:00 PM. Present were Denis Tsukalas; Arthur DeHay; and Don Nye. Staff present included Jessi Shuler, AICP, Zoning Administrator.

The meeting was called to order at 5:00 PM by Mr. Tsukalas, Chairman. He asked for any comments or edits for the minutes from the October 14, 2014 meeting. Mr. Nye made a motion for approval with Mr. DeHay making the second. The motion carried approving the minutes as presented.

**OLD BUSINESS:**

There were no items under Old Business.

**NEW BUSINESS:**

The first item under New Business was the variance request for TMS#136-16-10-046, 100 Lydia Lane, zoned R2, Single Family Residential, owned by J & J Custom Homes, LLC – variance request for a reduced second street front setback for a primary structure to 10’ from the ordinance minimum requirement of 25’ per Section 32-123 and 32-321. Kirby Flodin with J & J Custom Homes, LLC presented the application. He explained that they would like for the house to face Lydia Lane, and the requirement of two front setbacks makes that difficult on this lot. Mr. Tsukalas asked how far the front property line was from Shepard Street. Mr. Flodin stated that looking at the plat, it appeared to be approximately 12 feet from the asphalt, which would put the house when built a minimum of 22 feet from that road.

Mr. Nye made a motion to approve the variance as requested, and Mr. DeHay made a second. The motion carried unanimously.

The next item under New Business was the variance request for TMS#145-01-01-001, 101 Holly Inn Rd., zoned R1, Single Family Residential, owned by Chuck & Cammie Groome, - variance request for a reduced side setback for an accessory structure to 5’ from the ordinance minimum requirement of 10’ per Section 32- 122. Richard Waring presented the application on behalf of the applicants. He explained that the owners would like to build a pool house, but they did not want it to be right on top of the existing pool, so they needed the variance on the side setback. Mr. Tsukalas asked how tall the pool house was going to be, and Mr. Waring estimated that it would be about 12 feet in height. Mr. Nye asked if there would be an entry/exit doors on the side of the building that would only be five feet from the side property line. Mr. Waring stated that there would not be any doors on that side, and there is also an existing fence on that side that would remain.

Mr. Nye made a motion to approve the variance as requested, and Mr. DeHay made a second. The motion carried unanimously.

**MISCELLANEOUS:**

Ms. Shuler asked if all of the members had completed their required training for the year, and Mr. DeHay stated that he had not. Ms. Shuler told him that she would look into additional opportunities for him to complete the required training hours.

**ADJOURN:**

Hearing no further business the meeting was adjourned at 5:14 PM with a motion by Mr. DeHay and a second by Mr. Nye.

Respectfully Submitted,



Jessi Shuler, AICP  
Zoning Administrator



Denis Tsukalas, Chairman; or,  
Arthur DeHay, Vice Chairman

**MINUTES  
TOWN OF SUMMERSVILLE  
BOARD OF ZONING APPEALS  
December 9, 2014**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, December 9, 2014 at 5:00 PM. Present were Denis Tsukalas; Elise Richardson; Lionel Lawson; and Don Nye. Staff present included Jessi Shuler, AICP, Zoning Administrator and Madelyn Robinson, Director of Planning & Economic Development.

The meeting was called to order at 5:00 PM by Mr. Tsukalas, Chairman. He asked for any comments or edits for the minutes from the November 18, 2014 meeting. Mr. Nye made a motion for approval with Mr. Lawson making the second. The motion carried approving the minutes as presented.

**OLD BUSINESS:**

There were no items under Old Business.

**NEW BUSINESS:**

The first item under New Business was the variance request for TMS#130-11-00-018, North Palmetto Street, zoned R2, Single Family Residential, owned by Dorchester Habitat for Humanity – variance request for proposed Lot D2 to be three feet deeper than the ordinance minimum requirement of no more than four times the width per Section 32-321. Jaye Elliott and Bob Barnett with Dorchester Habitat for Humanity presented the application. Ms. Elliott gave the Board a brief background on Dorchester Habitat, and she explained that they try to keep the land costs on their projects as low as possible in order to be able to provide affordable mortgages for the homeowners. She went on to explain that they had done their research on this property and were under the mistaken belief that it could be subdivided into two lots without needing a variance. Ms. Elliott stated that with the \$24,000 land cost for the property, if they were not able to subdivide into two lots, Habitat would not be able to make the project work. Mr. Tsukalas asked if they could meet the ordinance requirement if they varied the line some. Mr. Barnett stated that they had looked at that, but then each lot would still be about a half a foot off.

Maxine El who lives at 807 N. Palmetto Street adjacent to the property stated that she was concerned about the architectural design and where the houses would be located on the two proposed lots. She did not want the houses to be built one behind the other as had been done by Habitat elsewhere on N. Palmetto Street. Ms. El was given the proposed plot plans to review. Both Ms. Elliott and Mr. Barnett assured her that there would just be one house per lot and that the location of it on the lot would be just about lined up with the adjacent houses.

Mr. Nye made a motion to approve the variance as requested, and Ms. Richardson made a second. The motion carried unanimously.

**MISCELLANEOUS:**

There were no items under Miscellaneous.

**ADJOURN:**

Hearing no further business the meeting was adjourned at 5:12 PM with a motion by Mr. Nye and a second by Mr. Lawson.

Respectfully Submitted,



Jessi Shuler, AICP  
Zoning Administrator



Denis Tsukalas, Chairman; or,  
Arthur DeHay, Vice Chairman