

**MINUTES
TOWN OF SUMMERSVILLE
BOARD OF ZONING APPEALS
January 12, 2016**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, January 12, 2016 at 5:00 PM. Present were Denis Tsukalas, Chairman; Don Nye; and Arthur DeHay. Staff present included Jessi Shuler, AICP, Zoning Administrator and Meredith Detsch, Town Planner. Councilmember Christine Czarnik was also in attendance.

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 December 8, 2015 meeting. Mr. DeHay made a motion for approval with Mr. Nye 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 Election of a new Chairman and Vice Chairman for 2016. Ms. Shuler asked for any nominations, and Mr. Nye made a motion that the appointments remain the same as 2015 with Mr. Tsukalas as the Chairman and Mr. DeHay as the Vice Chairman. The two nominees both accepted their nomination, and the motion carried.

The next item under New Business was the variance request for TMS# 221-13-05-133, 337 Southport Dr., zoned PUD, Planned Unit Development, owned by Alex Staines: Request for a variance to allow additional impervious surface amount of 10% for a total of 45% from Section 32-125 that allows a maximum impervious surface of 35%. Ms. Shuler introduced the request. The owner Alex Staines presented the application. Mr. Staines explained that the current screen porch on the back of the house was not big enough for outdoor eating, and he was looking to expand the screen porch from 10' by 12' to 13' by 21'. He stated that although his lot is over the impervious surface, he is surrounded by an HOA area with a pond that according to the HOA is for his exclusive enjoyment. Mr. Staines stated that he currently had no issues with flooding, and even during the 1,000 year flood back in October, the water in the pond next to his lot did not even get up to the edge of his fence. He also explained that the expansion would not be visible from the road and would have no negative effect. Mr. DeHay asked for clarification on the difference between the pool patio and the pool deck in regards to the impervious calculation provided by Mr. Staines, and Mr. Staines showed him on the plot plan. Mr. DeHay then stated that he felt that the existing pool could act as a sort of retention area for water before it is discharged out of the pool. Ms. Shuler clarified that the pool was not counted toward the impervious surface calculation as it was considered pervious.

Mr. DeHay made a motion to approve the variance as requested, and Mr. Nye made a second. The Chairman called for the vote, and the motion passed unanimously.

The final item under New Business was the affirmation of the existing Rules and Procedures for the BZA. Ms. Shuler explained that no changes had been made by staff and asked if any of the members had any changes or concerns. Mr. DeHay made motion to accept the Rules and Procedures as written, and Mr. Nye made the second. The motion passed unanimously.

MISCELLANEOUS:

There were no items under Miscellaneous.

ADJOURN:

Hearing no further business the meeting was adjourned at 5:13 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
February 9, 2016**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, February 9, 2016 at 5:00 PM. Present were Denis Tsukalas, Chairman; Lionel Lawson; Don Nye; and Arthur DeHay. Staff present included Jessi Shuler, AICP, Zoning Administrator; Madelyn Robinson, AICP, Director of Planning and Economic Development; and Meredith Honeycutt, Town Planner.

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 January 12, 2016 meeting. Mr. Lawson made a motion for approval with Mr. Nye 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# 135-12-00-016, 1612 and 1616 Central Avenue, - variance request for an increased sign area percentage of 9% on the side surfaces of the gas canopy from the ordinance maximum of 5% per Section 32-244 and an increased square footage of 73.65 square feet from the ordinance maximum allowance of 50 square feet in sign area for a freestanding sign per Section 32-246. Ms. Shuler introduced the request. Sunday Bougher with the SGA Design Group, representing the applicant, presented the variance request. She explained that they had already reduced the sign to the third smallest one that they had based on a request from the CDRB to bring the sign down to the ordinance requirement of eight feet in height. She stated that the premise for the variance was that they feel that they are two separate tenants, which would allow a 100 square foot sign by ordinance, even though the grocery store and the gas station are both owned by Walmart. Ms. Bougher also explained that the landscaping that is required by the Town in the front border will obstruct the view of a smaller sign. She also addressed concerns that she had heard about the lighting of the sign, stating that it would be zero footcandles at the property line. Mr. DeHay asked if they had installed any smaller site signs anywhere else, and Ms. Bougher stated that they had in Alabama because it was in a primarily residential area and they were not allowed to have the gas pricer panels on the freestanding sign. Mr. DeHay then asked if she felt that a smaller sign would be detrimental to Walmart's business at that location, and Ms. Bougher responded that she did not believe that it would be detrimental but that the request for the larger sign is proportionally fair and relative to the size of the building and the site. Ms. Shuler then provided some further clarification that the variance request by Walmart was in actuality two separate requests in one – one for an increase in sign area on the sides of the canopy and one for an increase in sign area on the freestanding sign. Ms. Shuler also pointed out to Ms. Bougher that the drawing of the signage on the gas canopy that was submitted to the CDRB was different from what was submitted to the BZA and asked for confirmation of which one was correct. Ms. Bougher verified that the correct drawing was what was submitted to the CDRB, which showed only the Walmart logo on the sides of the gas canopy and the digital pricer panel on the front of the canopy.

The following public comments were received:

- Wallace Towe, 197 Berwick Drive, asked Ms. Bougher why Walmart needed both a larger sign on the gas canopy and a larger freestanding sign on the street. Ms. Robinson clarified for the public that all questions and/or comments should be addressed to the Board and not to the applicant.

- Marion Scott, 3020 Trotters Club Way, asked how the size of the sign compared to the gas station across the road. She stated that knowing the numbers was not really helpful without a comparison. Ms. Shuler explained that all of the other signs in the area were under Dorchester County's jurisdiction as most of the area was not in Town, so we did not have the size of the other signs, but she believed the sign for the Circle K is probably bigger as it includes a full digital readerboard.
- Tracy Davis, owner of Ash & T's at 900 Bacon Bridge Rd., stated that she currently has no sign for her business as the shopping center where her business is located is old and has a nonconforming sign that cannot be added to. She questioned the need to for a larger sign for a corporate company, as she felt that if she could make it with no sign, then corporate America should have to go by the same rules as everyone else to make it fair. Mr. Tsukalas explained that everyone is allowed to pursue the variance process by right. Mr. DeHay further explained that the Board had particular guidelines dictated by the state that they had to go by regarding the granting of a variance.
- Scott Wright, 145 Claussen Street, asked for clarification on the size of the readerboard requested, which Ms. Shuler clarified that the only readerboard would be the digital pricer panels. Mr. Wright explained that if this request was granted, he was worried about it setting a precedent for future requests.
- Scarlett Wacter, 1269 Orangeburg Road, asked what the difference was between the proposed sign and the surrounding signs. Ms. Shuler again responded that staff was not aware of the size of the other signs as they were under Dorchester County's jurisdiction, and she also clarified that the existing Walmart Neighborhood Market on Dorchester Road was also under Dorchester County's jurisdiction. Ms. Wacter also asked how far back the sign would be from the road, and Ms. Shuler responded that the required setback is ten feet back from the property line.
- Jamie Barfield, 139 Destin Street, asked if the Walmart was in the Town. Staff and the Board members stated that it was in the Town limits, and Ms. Shuler displayed a map of the area on the projection screen showing which properties were in Town and which were not. Ms. Shuler also explained that the Town's ordinances were different from Dorchester County's ordinances.
- Jim Kersting with Mr. K's Piggly Wiggly at 1605 Central Avenue, asked if Walmart had done this before. Staff responded that they had no knowledge that they had. He further explained that he believed that they had been through the variance process before in other places, and they had just annexed into the Town and knew the Town's ordinances. They wanted to come into the city, knowing what ordinance they would be operating under, and he does not feel that granting the variance would be in the best interest of the area. He stated that the representative for the applicant already stated that it is not an undue hardship, and he believes that this request was by design because he was sure that Walmart had done their homework.

Following public comment, Mr. Tsukalas asked Ms. Bougher if Walmart had a slightly smaller sign in their inventory that would meet the ordinance requirement. Ms. Bougher responded that they did not currently have a sign that included the digital pricer panels that would meet the sign area requirements. Mr. Tsukalas asked if one could be made, to which Ms. Bougher responded that most any sign could be made, but that the larger sign was more in proportion to the building and the site, would be smaller than the signs already out there, and a smaller sign's visibility would be impacted by the required landscaping. Mr. DeHay made a motion to approve the request for a variance to Section 32-244 for the canopy signage and to table the second request for the freestanding sign to allow more information to be gathered about the size of the other signs in the surrounding area and for the applicant to provide the Board with the landscaping renderings. Receiving no second, the motion died. Mr. Nye then made a motion to deny the request and ask that the signs be within the zoning requirements as dictated by the current ordinance, and Mr. Lawson made a second. The Chairman called for the vote, and the motion passed with Mr. DeHay the lone vote in opposition.

The next item on the agenda was the variance request for TMS# 137-09-02-032, Shepard Street, - variance request for a reduced front setback to 17 feet and a reduced second street front setback to 24 feet for a primary structure from the ordinance minimum requirement of 25 feet per Section 32-123 and 32-321. Ms. Shuler

introduced the request. Sam Swails, the owner, presented the variance request. He stated that this was a very small corner lot and that he had previously increased the size of the lot as much as possible without negatively impacting the adjacent lot. Before the lot size was increased, he could have only built a ten foot wide home. Mr. Swails further explained that he wanted to build a small cottage to fit into the feel of the surrounding neighborhood, and the lot has large oaks surrounding the proposed house location so he did not want to go up to a second story. He stated that the proposed house is still only 25 feet wide and there is currently a six foot fence around the entire property, which he intended to retain and repair, so he felt that granting the variance would have no negative impact on the surrounding area. Mr. Tsukalas asked if the property would be used as a residence. Mr. Swails confirmed that it would be and stated that he hoped to retain ownership and rent the house as a residence.

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

MISCELLANEOUS:

Ms. Shuler reminded the Board about an upcoming training opportunity being held in the Town Hall Council Chambers at 10:00 am on February 24, 2016.

ADJOURN:

Hearing no further business the meeting was adjourned at 5:42 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
March 15, 2016**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, March 15, 2016 at 5:00 PM. Present were Denis Tsukalas, Chairman; Don Nye; Lionel Lawson; and Elise Richardson. Staff present included Jessi Shuler, AICP, Zoning Administrator and Meredith Detsch, Town Planner. Mayor Wiley Johnson was also in attendance.

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 9, 2016 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# 153-16-04-025, 203 Ashford Circle, zoned PUD, Planned Unit Development, owned by Stephen Nappi: Request for a variance to allow additional impervious surface amount of 3% for a total of 38% from Section 32-125 that allows a maximum impervious surface of 35%. Ms. Shuler introduced the request and explained that the homeowner was wanting to add a small shed to the property but was already at the maximum impervious surface. The owner Stephen Nappi presented the application.

Ms. Richardson made a motion to approve the variance for a total of 38% impervious surface, and Mr. Nye made a second. Mr. Tsukalas asked the homeowner if the shed was going to be on a concrete slab, and Mr. Nappi stated that it would not be on a slab but was a wooden shed that would be anchored to the ground. The Chairman called for the vote, and the motion passed unanimously.

The next item under New Business was the variance request for TMS# 145-09-09-034, 495 Dolphin Drive, zoned R-6, Multi-family residential, owned by Michael Cuff: Request for a variance to allow additional impervious surface amount of 6% for a total of 41% from Section 32-127 and 32-123 that allow a maximum impervious surface of 35%. Ms. Shuler introduced the request and explained that the homeowner was wanting to replace a wooden deck with a concrete slab and sunroom but was already at the maximum impervious surface. She further explained that wooden decks do not count toward the impervious surface since rain can filter through the slats. The contractor representing the owner, Michael Gregory with Express Sunrooms, presented the application.

Mr. Lawson made a motion to accept and approve the variance as requested, and Mr. Nye made the second. The Chairman called for the vote, and the motion passed unanimously.

MISCELLANEOUS:

Ms. Shuler reminded the Board members about an available training at the BCDCOG offices on Friday at 1:00 PM that would be discussing short-term rentals, which staff is planning on including in the new UDO that is being drafted.

The Chairman asked if Mayor Johnson wanted to speak. The Mayor thanked the Board members for their service, and stated that he felt that short-term rentals were definitely an issue that the Town needed to address. Ms. Richardson and Mr. Lawson also introduced themselves to the Mayor as they had not formally met him.

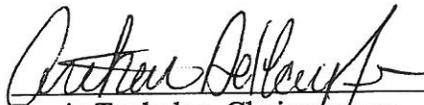
ADJOURN:

Hearing no further business the meeting was adjourned at 5:10 PM with a motion by Mr. Nye and a second by Ms. Richardson.

Respectfully Submitted,



Jessi Shuler, AICP
Zoning Administrator



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

**MINUTES
TOWN OF SUMMERVILLE
BOARD OF ZONING APPEALS
April 12, 2016**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, April 12, 2016 at 5:00 PM. Present were Arthur DeHay, Vice Chairman; Lionel Lawson; Don Nye; and Elise Richardson. Denis Tsukalas, Chairman was unable to attend. Staff present included Jessi Shuler, AICP, Zoning Administrator and Meredith Honeycutt, Town Planner.

The meeting was called to order at 5:00 PM by Mr. DeHay as Acting Chairman. He asked for any comments or edits for the minutes from the March 15, 2016 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# 137-00-00-004, 366 E. 5th North Street, Heritage Square - variance request for an increased height allowance of 16'7" feet from the ordinance maximum allowance of 15 feet for a freestanding sign per Section 32- 246. Ms. Shuler introduced the request and reminded the Board that a different proposed sign had been presented to them for this property at the end of last year. Rachel Burton with Swallowtail Architecture, representing the applicant, presented the variance request. She explained that the other sign had been deemed too tall (it was 22.5' in height), so she had worked with the applicant to reduce the height and scale of the sign. She stated that the brick on the base of the sign would match that used on the center and the trellis feature would be steel in the Antiquarian Brown color that is also used on the building. Ms. Richardson explained that she was personally opposed to the increased height because she still felt that it would set a precedent for other properties to request the same. Mr. Nye asked if there was any way to bring the sign down a little more to meet the requirement, and Ms. Burton stated that it was not possible to do that and fulfill their design intent. Mr. DeHay asked if the sign as proposed would be any taller than the Spinx gas station canopy that is currently being built on the corner as an outparcel of the Heritage Square site. Ms. Burton stated that she was not a part of that project and did not know the height of their gas canopy.

Mr. DeHay made a motion to approve the request as submitted, and Mr. Nye made the second. The motion failed in a tie vote with Mr. DeHay and Mr. Nye voting in favor and Mr. Lawson and Ms. Richardson voting in opposition.

Following the failed vote, Town staff was able to provide the drawings of the Spinx canopy approved by the CDRB, but the height was not designated. From the drawing, it appeared that the canopy was about 18 to 20 feet in height. Mr. DeHay further explained his reasoning for supporting the request. He stated that the actual sign was not over the height limit, just the ornamentation on the top of the sign, and he felt that it would not be detrimental to the area because this area is entirely commercial. Mr. Nye stated that he agreed with Mr. DeHay's reasoning. Ms. Burton added that the sign would have full landscaping around the base and that the design of the sign was not solid all the way up, so the mass of the sign would not seem as large.

Mr. Nye made a motion for approval of the variance as requested, and Mr. DeHay made the second. Mr. Lawson stated that he understood Mr. DeHay and Mr. Nye's reasoning as the body of the sign met the code

requirement, and just the trellis was over the height limit. He also asked Ms. Burton to confirm that the sign was not lighted, and she did confirm that.

Following the discussion, the Acting Chairman called for the vote, and the motion passed with Ms. Richardson the lone vote in opposition.

The next item on the agenda was the variance request for TMS# 144-07-10-003, 607 Boone Hill Road – variance request for a driveway within the required 20 foot Class 3 buffer required by ordinance Sections 32-131 and 32-322. Ms. Shuler introduced the request, and explained to the Board that if they were willing to approve the request, they should also considering allowing a reduction in the landscaping material required as with a narrower buffer, there would not be enough room to put in all of the landscaping required in a Class 3 buffer. Bill Beauchene with Atrium Builders and Jean Carignan, the owner, presented the application. Mr. Beauchene explained that this was a deep, narrow property that is only 50 feet wide at the rear. He stated that Ms. Carignan had owned the property since 1987 and operated the business since then, but the buffer had not previously been enforced. The existing house on the property is now obsolete due to an increase in their production, so they are putting in a new 5,000 square foot building, which triggered this requirement. Mr. Beauchene further explained that they only wanted to put in a 12 foot wide driveway, so they could still maintain a five foot buffer even at the portion closest to the building. Mr. DeHay questioned why the site required different buffers in different sections, and Ms. Shuler explained that the buffer ordinance was based on use and the property in question was adjacent to two different uses – the commercial use only requires a five foot landscape border (no buffer), but the public land use (fire station) requires a 20 foot Class 3 buffer. Mr. DeHay then asked if the building could be moved at all, but Mr. Beauchene stated that that would be difficult because he had to meet a building code requirement of 10 feet from the property line. Mr. DeHay had a further question about how the driveway would affect the holding pond shown on the plans, and Mr. Beauchene stated that it could be pushed over and back. Mr. DeHay also asked would size buffer could be maintained along the length of the property line between the property in question and the fire station property. Mr. Beauchene explained that he could keep a five foot buffer from the start of the building until about 90 feet back and then could maintain a 10 foot buffer for the remaining 120 feet of the property. He also further explained that the buffer would really only be visible from the fire station property, and reminded them that it had not historically been required.

Mr. DeHay made a motion to allow the driveway to encroach up to 15 feet for the first 90 feet and encroach up to 10 feet for the remaining 120 feet, and Ms. Richardson made the second. Ms. Shuler reminded the Board that if they were willing to approve the buffer encroachment, they should also include a reduction in the landscaping requirement. Mr. DeHay asked how the planting requirements differed, and Ms. Shuler explained the difference and stated that a 10 foot buffer would typically follow the Class 1-A buffer planting requirements. Mr. DeHay amended his previous motion to also allow the Class 1-A landscape requirements rather than the Class 3 requirements, and Ms. Richardson seconded the amended motion. The motion passed unanimously.

The final item on the agenda was the variance request for TMS# 232-00-01-049, 130-12-00-001, & 130-00-00-014, 201 W. 9th North Street #140 – variance request for 0' side setback/landscape border for County line/property line separating subject parcels; ordinance requires 5' side setback for County line/property line separating subject parcels per Sections 32-125 & 32-322. Chris Campeau with Seamon, Whiteside, and Associates presented the application on behalf of the property owner. Town staff was able to show the aerial of the site on the projector screen, and Mr. Campeau demonstrated where the County line fell in relation to the site. Mr. Campeau explained that the line only affects the property internally and if the variance is not approved, the property cannot be developed as proposed. He further stated that he had not heard of this issue before recently, so he believes that it may not have been enforced before, but that the Earthfare property had the same issue a few years ago, and that variance was approved.

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

MISCELLANEOUS:

There were no items under Miscellaneous.

ADJOURN:

Hearing no further business the meeting was adjourned at 5:50 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
May 10, 2016**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, May 10, 2016 at 5:00 PM. Present were Denis Tsukalas, Chairman; Arthur DeHay, Vice Chairman; Lionel Lawson; and Don Nye. Elise Richardson was unable to attend. Staff present included Jessi Shuler, AICP, Zoning Administrator and Meredith Detsch, Town Planner.

The meeting was called to order at 5:00 PM by the Chairman. He asked for any comments or edits for the minutes from the April 12, 2016 meeting. Mr. DeHay made a motion for approval with Mr. Nye 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# 130-15-03-011, 607 W. 5th North Street - variance request for an increased height allowance of 8 feet and an increased square footage of 16.5 feet from the ordinance maximum allowance of 6 feet in height and 10 square feet in sign area and a decreased setback to 2.5 feet from the ordinance minimum of 10 feet for a freestanding sign per Section 32- 244 and 32-245. Ms. Shuler introduced the request. The owner Michael Taylor presented the variance request. He explained that the proposed sign would be the same as the existing sign on the adjacent property that he also owns but which is zoned differently to allow a larger sign. He also stated that due to the large right-of-way on the road, according to SCDOT, the sign would still be 37.5 feet from the centerline of the road. Mr. Taylor explained that if the sign were to meet the setback requirement, it would be in the middle of the driveway, and since this is an existing building that he has to work with, he doesn't have the flexibility to move the building. In reference to the size of the actual sign, Mr. Taylor stated that he was trying to create the same look throughout the block. Mr. Nye asked for clarification if the sign was the same size as the State Farm sign on the adjacent property, and Mr. Taylor confirmed that it was exactly the same size and design. Mr. DeHay stated that he had been out to visit the property, and that in looking at all of the other signs along that area of the road, they were all in line with where Mr. Taylor was requesting to place his sign, and he reiterated Mr. Taylor's point that the sign would be in the middle of the driveway because the site has an existing horseshoe drive in the front.

Given the reasons stated above, Mr. DeHay made a motion to approve the request as submitted, and Mr. Nye made the second. The motion passed unanimously.

The next item on the agenda was the variance request for TMS# 137-09-02-088 & 089, 105 Noisette Row - variance request for an increased height of 23 feet for an accessory structure from the ordinance minimum of 20 feet per Section 32-123 and for an accessory structure to be built in the front yard of the parcel; ordinance only permits accessory structures in the rear and side yards of the parcel per ordinance Section 32-321. Ms. Shuler introduced the request. The owner Drew McPhail presented the variance request. He explained that the lot is narrow and deep and the road only goes a third of the way down the length of the front, so the structure would not appear to be in the front of the property. He further stated that he plans to build a pool and additional accessory structure behind the house in the future. In regards to the height of the garage, Mr. McPhail stated that the garage was designed to match the pitch of the roof of the main house and that it will be the same height as the garage attached to the house. Mr. Nye asked if the lot was at the very end of

Noisette Row, and Mr. McPhail confirmed that it was at the end. Mr. DeHay asked if it would be a significant expense to move the garage to the back of the lot, and Mr. McPhail confirmed that it would as the driveway would have to be much longer because it would be so far from the road. Mr. Tsukalas asked if the property was two lots or one, and Ms. Shuler explained that the lots had been combined by a recorded plat, but were still shown as two TMS numbers by the County for taxing purposes. He then asked if the detached garage would be the same height as the attached garage, and Mr. McPhail confirmed that it would be the same height. Mr. Fred Hoose from 116 Tallow Street stated that he had no objections to the request, but was confused about where the three structures were going. The third structure was not shown on the site plan he had seen. Mr. McPhail explained that the third structure was not going to be built at this time, but he was planning for it to be behind the house, so it would not be visible from the road.

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

MISCELLANEOUS:

The only item under Miscellaneous was the upcoming training webinar. Ms. Shuler reminded the Board members that if they had not completed their required three hours of training yet, the webinar was going to be held in the room they were in from 9:00 am to 12:30 pm on Thursday, May 12. The training would take care of the entire three hours of training for the year.

ADJOURN:

Hearing no further business the meeting was adjourned at 5:18 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
SPECIAL MEETING
May 24, 2016**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, May 24, 2016 at 5:00 PM. Present were Denis Tsukalas, Chairman; Arthur DeHay, Vice Chairman; Lionel Lawson; and Don Nye. Elise Richardson was unable to attend. Staff present included Jessi Shuler, AICP, Zoning Administrator; Madelyn Robinson, Director of Planning and Economic Development; and Meredith Detsch, Town Planner.

The meeting was called to order at 5:00 PM by the Chairman. He asked for any comments or edits for the minutes from the May 10, 2016 meeting. Mr. Lawson made a motion for approval with Mr. Nye 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# 232-00-02-016, 1317 N. Main Street - variance request to remove sign cabinets to renovate the existing freestanding sign; ordinance requires the sign to come into conformance with current standards when changed per Section 32- 242. Ms. Shuler introduced the request. Bill Beauchene with Atrium Builders, the general contractor; Jeff Walters with Miller Signs; Drew Sadowski, the owner; and Jan Pugh with Childress Klein, the management company, presented the variance request. Mr. Beauchene showed an aerial of the property and explained that the shopping center has over 2,500 feet of frontage on N. Main Street, and he has been working with the owners to renovate the shopping center, including the existing pylon sign. Mr. Beauchene stated that the original pylon sign was erected in 1986, and three of the tenants (Walmart, Payless Shoe Source, and Cato) have a lease agreement for panels on the pylon sign. He further explained that the sign is about 1,500 feet from the centerline of the interstate, so they do not qualify for the interstate signage allowed by ordinance. Mr. Beauchene presented a drawing of the proposed sign renovation, and stated that the design had been approved by the CDRB first in August, and then again in February of 2016 as the design changed slightly because the original design did not allow for the sign panels to be serviced. Mr. Walters explained the slight differences between the signs and stated that the underlying structure (posts) were not being removed. Mr. DeHay asked for clarification that the existing sign framework was just being rearranged in the same skeleton, and Mr. Walters stated yes, the top panels just had to be removed to fit in the new panels beneath. Ms. Shuler explained the misunderstanding between the applicant and staff about when signs had to come into conformance. She stated that staff allows for faces to be changed out, but if the entire cabinet has to be removed, staff considers that a structural change, and requires the sign to come into conformance. Ms. Shuler stated that she had originally been told that the cabinets were not going to be removed, and that when the sign design was changed slightly she was told again that the structure of the sign was not changing. The misunderstanding came from the difference between staff's interpretation of a structural change and the sign company's interpretation. Ms. Shuler then confirmed that the existing sign was well over the height and square footage that is currently allowed for a shopping center of that size.

Based on the discussion, Mr. Nye made a motion to approve the request to allow the signs to be renovated as approved by the CDRB, and Mr. DeHay made the second. The motion passed unanimously.

MISCELLANEOUS:

There were no items under Miscellaneous.

ADJOURN:

Hearing no further business the meeting was adjourned at 5:15 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
June 14, 2016**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, June 14, 2016 at 5:00 PM. Present were Denis Tsukalas, Chairman; Don Nye; Lionel Lawson; and Elise Richardson. Staff present included Jessi Shuler, AICP, Zoning Administrator and Meredith Detsch, Town Planner.

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 24, 2016 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# 145-09-12-027, 211 Goldfinch Lane, zoned R-6, Multi-family residential, owned by Joyce Baxtrom – variance request to allow additional impervious surface amount of 2% for a total of 37% from Section 32-127 and 32-123 that allow a maximum impervious surface of 35%. Ms. Shuler introduced the request. The owner's daughter Crystal Good presented the application on behalf of the owner. She explained that her parents were trying to build a sun room to increase their square footage. They have six kids and 13 grandkids, and a sunroom built on the existing patio would hardly have enough room for a picnic table and a grill. She further stated that the room would not be visible from the road.

Mr. Nye made a motion to approve the variance as presented, and Ms. Richardson made the second. The Chairman called for the vote, and the motion passed unanimously.

The next item under New Business was the variance request for TMS# 146-13-10-014, 113 Lynches River Drive, zoned PUD, Planned Development District, owned by Bonnie Walton – variance request to allow additional impervious surface amount of 3% for a total of 53% from Section 32-125 that allows a maximum impervious surface of 50%. Ms. Shuler introduced the request, and explained that the impervious surface for townhomes is calculated using the combined land and impervious surface for all of the attached structures and their associated lots. The contractor, Michael Gregory with Express Sunrooms, presented the application on behalf of the owner. He explained that the applicant was just wanting to add a small four foot by eight foot section of pavement and add a patio cover over the whole paved area.

Mr. Lawson made a motion to approve the variance as presented, and Mr. Nye made the second. The Chairman called for the vote, and the motion passed unanimously.

The next item under New Business was the variance request for TMS# 137-13-05-002, 546 Simmons Avenue, zoned R-1, Single-family Residential, owned by Lauren Oats – variance request for an exemption from the lot design standards, Section 32-321 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. Ms. Shuler introduced the request. The owner, Lauren Oats, presented the application. She explained that the easement would be 40 feet in

width, which is the minimum lot frontage that is required, and that the lot in the rear would be over a half acre in size. She stated that the lot is very wooded, and most of it would remain wooded, except where a new house is built in the rear. Mr. Tsukalas asked if the property was for sale as there was a for sale sign on the property. Ms. Oats confirmed that it was for sale and had been for over a year without an offer being made on the property as a whole. She stated that once they proposed subdividing the lot, offers were made on both of the potential properties. Ms. Oats also added that there were a number of lots in the general vicinity that were flag lots, which is now not allowed, and others that were accessed only by an ingress/egress easement.

Mr. Tsukalas made a motion to approve the variance as presented, and Mr. Nye made the second. The Chairman called for the vote, and the motion passed unanimously.

Ms. Shuler explained that Item D under New Business had been withdrawn.

The next item under New Business was the variance request for TMS# 144-08-04-007, 209 Race Club Road, zoned R-1, Single-family Residential, owned by Elizabeth W. Crowder - request for a variance to allow additional impervious surface amount of 2% for a total of 32% from Section 32-122 that allows a maximum impervious surface of 30%. Ms. Shuler introduced the request. The owner, Monty Crowder, presented the application. He stated that there was a shed on the property when they bought it, but it was basically condemned, so they tore it down. Now they are wanting to replace the shed that was previously there. Mr. Jim Messervy of 100.5 Fairway Drive stated that he wanted to speak against the request. He explained that he felt that the plot plan did not show all of the impervious surface, as they have an additional driveway off of Marlain Road and have six or seven cars, two boats, trailers, a carport that they appear to use for carpentry and other work, and dog kennels in the rear. He stated that they have removed a privacy fence that was previously there, so you can see everything from the road, and he believes that they are running a business from the residence. Mr. Messervy stated that he is concerned that the more impervious surface that is allowed on the property, the more commercial it will become. He further stated that they piped a ditch in the front of the property that continually becomes clogged due to all the activity on the property. Claudia Baldwin of 501 Pinehurst Avenue echoed Mr. Messervy's concerns and stated that they needed to maintain the standards in the neighborhood and keep it residential in nature. Larry Quick, also of 501 Pinehurst Avenue, stated that the property currently looks like a used car lot, and he is concerned about property values in the neighborhood. Mr. Tsukalas reminded the public that the only issue that the Board was considering was the issue of increased impervious surface, and issues of aesthetics and running a business out of the home should be taken up elsewhere. Mr. Messervy stated that he understood the issue before the Board, and he requests that it be given more study because he feels that the current request is not accounting for all of the impervious surface on the lot. Mr. Crowder addressed the Board, stating that the area on Marlain is gravel, which is considered pervious and that he obtained the proper permits for piping the ditch.

Ms. Richardson made a motion to postpone voting on this agenda item until the next meeting to allow further study of the request, and Mr. Tsukalas made the second. The Chairman called for the vote, and the motion passed unanimously. Ms. Shuler informed the public in attendance that the next meeting would be July 12.

The final item under New Business was the variance request for TMS# 145-09-11-004, 478 Dolphin Drive, zoned R-6, Multi-family residential, owned by George Servant - request for a variance to allow additional impervious surface amount of 6% for a total of 41% from Section 32-127 and 32-123 that allow a maximum impervious surface of 35%. Ms. Shuler introduced the request and explained how staff had calculated the impervious surface on the lot. She further explained that while the existing site is already over the impervious surface allowance, the variance had to take into account the full amount requested over what the ordinance allows. The owner, George Servant, presented the application. He stated that the existing patio was too small, so they are requesting to add an additional 130 square feet for a screen porch. He also explained that a

number of other properties in the subdivision had increased the size of their driveways, added to their patios, and added pools without having to get a variance. Mr. Tsukalas explained that pools were treated differently, as the actual pool was not counted toward impervious surface. Mr. Servant added that he felt that the addition of the screen porch to the back of their home would also help to reduce their AC costs and allow them greater use of the rear of their property.

Mr. Nye made a motion to accept and approve the variance as requested, and Ms. Richardson made the second. The Chairman called for the vote, and the motion passed unanimously.

MISCELLANEOUS:

Ms. Shuler stated that there were no items under Miscellaneous as all of the Board members present had completed their required training for the year.

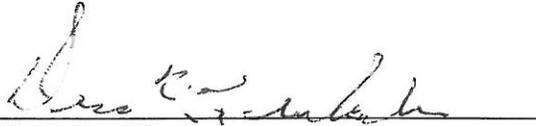
ADJOURN:

Hearing no further business the meeting was adjourned at 5:28 PM with a motion by Mr. Nye and a second by Ms. Richardson.

Respectfully Submitted,



Jessi Shuler, AICP
Zoning Administrator



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

**MINUTES
TOWN OF SUMMERSVILLE
BOARD OF ZONING APPEALS
July 12, 2016**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, July 12, 2016 at 5:00 PM. Present were Denis Tsukalas, Chairman; Don Nye; Lionel Lawson; and Arthur DeHay. Staff present included Jessi Shuler, AICP, Zoning Administrator and Meredith Detsch, Town Planner.

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 June 14, 2016 meeting. Mr. Nye made a motion for approval with Mr. DeHay making the second. The motion carried approving the minutes as presented.

OLD BUSINESS:

The first item under Old Business was the variance request for TMS# 144-08-04-007, 209 Race Club Road, zoned R-1, Single-family Residential, owned by Elizabeth W. Crowder - request for a variance to allow additional impervious surface amount of 2% for a total of 32% from Section 32-122 that allows a maximum impervious surface of 30%. This item was tabled from the previous month's meeting. Ms. Shuler introduced the request and explained that staff had followed up on questions brought up at the previous meeting. SCDOT verified that a permit had been issued in 2010 to pipe the ditches in front of the home and add drop inlets, and they also confirmed that they were aware of a flooding issue at that corner and were working to address the problem. The owner, Monty Crowder, provided further information and pictures about the flooding issue. He stated that the problem was not the area he had piped but a clogged catch basin across the street from his property, which connects to his piping underneath Race Club Road. He confirmed that he was working with SCDOT to get the problem resolved. Jim and Linda Messervy of 100.5 Fairway Drive spoke against the request. They provided additional pictures of the flooding and argued that they feel an increase in the impervious surface will just increase the flooding problem no matter what the problem is that is causing the flooding. The Messervys stated that Mr. Crowder's property was on the uphill side and little water was flowing into his inlets. Staff brought up an aerial of the site and surrounding area on the screen display. The Board members questioned where the drainage goes, and both Mr. Messervy and Mr. Crowder explained the drainage route and that it ended up down in the golf course. Mr. Tsukalas stated that it appears that the flooding problem is an engineering issue and the pipe under the road is just not large enough. Following further discussion about the flooding issue, Mr. Lawson asked Mr. Crowder for clarification on how much of an impervious surface increase he needed and what was existing on the lot. Mr. Crowder verified that he only needed 2%, or slightly less, and that there had been an existing shed on the same site, but he did not realize that he needed a permit to replace it with a new one. He stated that he had already enlarged the pad and the shed was partially framed before he was told he needed a permit. Mr. Tsukalas asked how much the existing pad had been enlarged, and Mr. Crowder stated that it had been enlarged about six feet in one direction and pointed it out on the site plan. Mr. Nye stated that his only concern about approving the variance was that he did not want to increase the existing flooding, but he also felt that less than a 2% increase would not affect the flooding in the area. Mr. Tsukalas stated that he agreed that the small increase would not have an effect, as it was more of a pipe issue.

Mr. Lawson made a motion to grant the variance as requested, and Mr. DeHay made the second. The Chairman called for the vote, and the motion passed with Mr. Tsukalas the lone vote in opposition.

NEW BUSINESS:

The first item under New Business was the variance request for TMS# 152-04-14-003, 408 Arbor Oaks Drive, zoned PUD, Planned Development District, owned by Brooke and Kell Kuskey – variance request for a reduction in the rear setback of two feet for a total setback of 23 feet for a primary structure from the ordinance minimum requirement of 25 feet per Section 32-125. Ms. Shuler introduced the request, and explained that the pie shape of the lot made the rear setback unusual, and the screen porch and patio cover had already been reduced in size to try to meet the setback. The owner did not have any additional information to add. Mr. Tsukalas asked if staff had received any public comment, and Ms. Shuler stated that she had only heard from the HOA, and they just wanted to make sure that the homeowner would still have to be approved by the HOA. Ms. Shuler confirmed that an HOA letter of approval would also be required before the permit could be issued, of which the homeowner was already made aware.

Mr. Nye made a motion to approve the variance as presented, and Mr. DeHay made the second. The Chairman called for the vote, and the motion passed unanimously.

The next item under New Business was the variance request for TMS# 146-07-02-048, 160 Sweet Alyssum, zoned PUD, Planned Development District, owned by Jasper Gentry – variance request to allow additional impervious surface amount of 2.5% for a total of 37.5% from Section 32-125 that allows a maximum impervious surface of 35%. Ms. Shuler introduced the request. The homeowner, Jasper Gentry, presented the application. He explained that they were wanting to add a room for their grandson. Mr. DeHay asked if the drainage easement at the back of the property was piped, and the applicant stated that they were not sure because it was vegetated/wooded. Mr. Tsukalas asked what was behind the property and if it was in the Town. Mr. Gentry stated that it was a cow pasture, and staff was able to bring up an aerial of the site on the screen showing the pasture. Ms. Shuler stated that the adjacent property was not in the Town limits.

Mr. DeHay made a motion to approve the variance as presented, and Mr. Nye made the second. The Chairman called for the vote, and the motion passed unanimously. Mr. Gentry asked if the existing patio was included in the calculations of the impervious surface, and Ms. Shuler confirmed that it was included. Mr. Gentry then asked if they could build a screen porch over that patio, and Ms. Shuler stated that they could as long as they did not extend beyond the footprint of the patio and a building permit would need to be obtained.

The next item under New Business was the variance request for TMS# 137-02-04-009, 615 W. 1st North Street, zoned R-5, Mixed Residential, owned by Mammoth Property Investments – variance request for a reduced second street front setback to nine feet and a reduced side setback to five feet for a primary structure from the ordinance minimum requirement of 25 feet for the second street front and ten feet for the side per Section 32-126 and 32-123. Ms. Shuler introduced the request. The owner, Micelle Pounds, presented the application. She explained that her company had bought the property, but that she and her husband were personally going to own the home and live in it with their two kids. At the request of the Board, staff brought up an aerial of the site. Ms. Pounds gave the history of the property and surrounding properties, stating that the same family had owned them since 1912. She stated that they had planned on keeping an existing addition to the rear of the home that was built in 1953, but they found that it was not structurally sound. An architect told them that it could be torn down, and as long as the original foundation was kept, it could be rebuilt and extended. Ms. Pounds only became aware of the issue with the setbacks after submitting for a building permit for the new addition. She further explained that the distance from N. Walnut Street was much more than the actual setback as it was about 47 feet at the smallest point and over 80 feet at the largest. Ms. Shuler pointed out this discrepancy for the Board on the aerial. Ms. Shuler confirmed that this area was a portion of the right-of-way and would not be developed in the future.

Mr. Tsukalas made a motion to approve the variance as presented, and Mr. Lawson made the second. The Chairman called for the vote, and the motion passed unanimously.

MISCELLANEOUS:

There were no items under Miscellaneous.

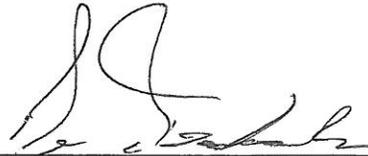
ADJOURN:

Hearing no further business the meeting was adjourned at 5:42 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
August 9, 2016

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, August 9, 2016 at 5:00 PM. Present were Denis Tsukalas, Chairman; Don Nye; Lionel Lawson; and Arthur DeHay. Staff present included Jessi Shuler, AICP, Zoning Administrator and Meredith Detsch, Town Planner.

The meeting was called to order at 5:08 PM by Mr. Tsukalas, Chairman. He asked for any comments or edits for the minutes from the July 12, 2016 meeting. Mr. Nye made the motion for approval with Mr. Lawson seconding the motion. 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 a variance request for TMS# 388-13-00-903, 128 Coosawatchie Street, zoned PUD, Planned Development District, owned by Michael R. Hafer and Sharon G. Hafer – variance request for reduced side setbacks of 1.5 feet and 4.5 feet for a primary structure from the ordinance minimum requirement of 5 feet per Section 32-125. Ms. Shuler introduced the request. Sean O'Connor, attorney representing the homeowner, presented the application on behalf of the owner, Mr. Hafer. He stated that Mr. Hafer was under the impression that he only needed approval from the HOA and did not need a permit from the Town for the addition. When Mr. Hafer received the HOA's approval he found that he needed a permit as it was stated on the approval. Mr. O'Connor presented a letter dated September 15, 2015 to the Board from the HOA approving the addition. Mr. O'Connor also provided a letter in support from Mr. Hafer's next door neighbor at 130 Coosawatchie Street that states that he does not have any issues with the addition. This variance is now being sought since the homeowner is selling his property and has bought a house elsewhere. Mr. Tsukalas asked Mr. O'Connor if the homeowner received an HOA approval letter prior to completing the construction. Mr. O'Connor stated that the homeowner had received verbal permission from the HOA, but he clarified that the addition had already been constructed prior to receiving the HOA approval letter. Mr. DeHay asked the homeowner if the slab was pre-existing and built with the house. Mr. Hafer stated that yes, a small part of the slab was pre-existing, but the rest was added with the construction of the addition. Mr. Tsukalas asked if the addition met the building code and zoning ordinance. Ms. Shuler stated since it didn't get a permit and wasn't inspected, staff cannot confirm whether or not it meets the building code, but it will need to be fire-rated based on how close it is to the property line. Mr. Hafer stated that one side was fire-rated but not the shed side wall and plans to fire-rate the other wall. Mr. Rick Erickson spoke on behalf of the Lakes of Summerville HOA regarding the project as a complaint had been launched against the structure. He presented the board the documentation the HOA had signed on September 11, 2015 and what had been agreed upon, which was different from the letter the homeowner's attorney presented to the board previously. Mr. Erickson explained that the initial complaint was that the building was not built as submitted, as the submittal approved by the HOA showed the structure not attached to the house. Mr. Erickson also stated that a building contractor told him that the foundation was not built correctly, and that Mr. Hafer had agreed to have a building permit for construction per the HOA approval, and that was not done. Mr. Erickson stated that the request came in on September 2, 2015 to the HOA and the approval was granted by the ARC on September 11, 2015 and the construction began before September 15. Mr. O'Connor stated that the letter submitted to the board dated September 15, 2015 postdated the documentation that Mr. Erickson provided. Mr. Nye pointed out that both of the letters stated it should have been permitted with the Town. Mr. Hafer stated that he was going to get a permit, but his neighbor Wayne told him he didn't need the permit and to go ahead and build it. Wayne Middaugh of 318 Savannah River Drive reiterated that the building was not built as the HOA had

approved it. Mr. Nye asked if the building official could look at the addition and sign off on it, would that be appropriate. Mr. DeHay made a motion to ask the Building Official to go out and inspect the structure since it never was permitted and inspected and table this item until next month's meeting with his feedback. Mr. Tsukalas reminded the board members that the Board of Zoning Appeals is here to approve or deny variances for the Zoning Ordinance and not get involved with the construction of the structures. Mr. DeHay retracted his motion. Mr. Tsukalas made a motion to deny the application, and Mr. Lawson seconded the motion. The motion passed unanimously. Mr. O'Connor asked if conditions could have been placed on the variance to include fire wall protection since variances can have conditions attached to it if it is approved. Mr. Tsukalas informed him that the decision could be appealed to Circuit Court. Mr. DeHay clarified to Mr. O'Connor that the variance was for the setbacks only and does not regard the building code and how the structure was built. The applicant asked if the variance would be reconsidered if they reduced the structure to the setbacks. Ms. Shuler stated that if the addition met the building setbacks, no variance would be needed. They would just need a building permit.

The next item on the agenda was the variance request for TMS# 145-06-06-013, 950 Bacons Bridge Road, zoned B-3, General Business, owned by JR Lex2 LLC – variance request for an increased height allowance of 15 feet from the ordinance maximum allowance of eight feet for a freestanding sign per Section 32-246. Ms. Shuler introduced the request. Bobbie Stephens, representing the owner, presented the variance request. She stated that because of the topography of the land the sign would sit below the grade of the road and would not be visible without the increased height allowance. Mr. Tsukalas asked about the existing pole sign on the site, and Ms. Shuler explained that that sign was considered abandoned and would have to be torn down, but it was well over the 15 foot height being requested. Ms. Shuler also explained that the CDRB had already approved the design of the sign and the height, pending BZA approval, due to the approximately seven foot difference between the finished grade of the site and the road. She also stated that staff had no issues with the request. Mr. DeHay stated that he felt that the sign as requested would still be proportional to what was allowed due to the difference in grade, and he made a motion for approval as presented. Mr. Nye made the second, and the motion passed unanimously.

The next item on the agenda was the variance request for TMS# 388-13-00-731, 311 Salkahatchie Street, zoned PUD, Planned Development District, owned by Mary Ann Howell– variance request to allow additional impervious surface amount of 5% for a total of 55% from Section 32-125 that allows a maximum impervious surface of 50%. Ms. Shuler introduced the request. Jason Howell, the owner, presented the request. He stated that he was only requesting to put a roof over the back porch and that it was not attached to the house. Mr. Howell further explained that the existing house when it was built was slightly over the impervious surface allowance, and he was only requesting approximately an additional 70 square feet or so. He reiterated that it was a roof over a wooden deck that was not attached to the house and not enclosed, so rain would go through it if it gets under the deck. The Board members stated that they felt that since the covered deck would not be enclosed and rain could potentially go through it, it was not truly impervious. Ms. Shuler explained that staff interpreted anything with a roof to be impervious. Based on the information presented, Mr. Nye made a motion to approve the request as presented, and Mr. DeHay made the second. The motion passed unanimously.

The next item on the agenda was the variance request for TMS# 130-15-09-014, 504 N. Pine Street, zoned B-1, Residential Business, owned by Rossington Law Offices LLC - variance request for an increased height allowance of 9 feet and an increased square footage of 24 square feet from the ordinance maximum allowance of 6 feet in height and 10 square feet in sign area for a freestanding sign per Section 32-244 and 32-245 and to be located in the street right-of-way which is prohibited per Section 32-242. Ms. Shuler introduced the request. Wayne Waters with Mr. Sign presented the application on behalf of the owner, Rossington Law Firm. Mr. Waters explained that he found out that the property was zoned B-1 after submitting the sign permit application. He stated that all of the neighbors are about the same size and he was requesting to raise the height to nine feet due to the vegetation (azaleas) along the side property line. Mr. Waters provided pictures showing that the adjacent signs were all about the same size and the sign immediately adjacent was the same height as he was requesting. Ms. Shuler clarified that he was also asking for the sign to be located in the right-of-way, and Mr.

Waters added that it would be in line with all of the other signs on that side of the street. Mr. Nye made a motion for approval as presented, and Mr. DeHay made the second. The motion passed unanimously.

The final item on the agenda was the variance request for TMS# 130-14-11-003, 702 W. 5th North Street, zoned R-1, Single family Residential, owned by Paul M. Alford - variance request for an accessory structure to be built in the front yard of the parcel; ordinance only permits accessory structures in the rear and side yards of the parcel per Section 32-321. Ms. Shuler introduced the request. Paul Alford, the owner, presented the application. He explained that the house is so far back on the lot (there is about a ½ acre of front yard) that if he turned the garage horizontally, it would block the only way to access the back of property by vehicle, and he was trying to save a very large pine tree. Mr. Alford stated that the garage would still be about 80 to 90 feet from the road and only about 10 to 15 feet in front of the line of the house. Mr. Tsukalas stated that the tree would most likely be approved if it was in the way of new construction, but Mr. Alford stated that he would like to keep the tree if at all possible because he knows the Town values large pine trees. Kathi Ward of 712 W. 5th North Street stated that she was Mr. Alford's neighbor, and she has no objection to his request. Mr. DeHay asked for clarification on how far in front of the house the garage would be, and Mr. Alford stated that it would be about 10 to 15 feet, and staff showed the distance on the site plan. Mr. Nye made a motion for approval as presented, and Mr. DeHay made the second. The motion passed unanimously.

MISCELLANEOUS:

There were no items under Miscellaneous.

ADJOURN:

Hearing no further business the meeting was adjourned at 5:41 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
September 13, 2016**

The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, September 13th, 2016 at 5:00 PM. Present were Denis Tsukalas, Chairman; Don Nye; Lionel Lawson; Arthur DeHay; and Elise Richardson. Staff present included Meredith Detsch, Town Planner, 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 9th, 2016 meeting. Mr. Nye made the motion for approval with Mr. Lawson seconding the motion. The motion carried unanimously approving the minutes as presented.

OLD BUSINESS:

There were no items under Old Business.

NEW BUSINESS:

The first item under new business was a variance request for TMS# 137-03-19-008, 309 N. Palmetto Street, zoned R-2, Single family Residential, owned by Kay Street Investors, LLC – variance request for a reduced front setback to 19 feet and a reduced side setback to five feet for a primary structure from the ordinance minimum requirement of 25 feet for the front setback and 10 feet for the side setback per Section 32-122. Ms. Detsch introduced the request. Mr. Fred Skipper explained to the board that they are seeking this request as they have been working with staff to save a large Oak tree. Concerns over the porch footings with the roots were explained to the board members and the property owner is trying their best to protect the tree. Mr. DeHay made the motion to approve the request as presented and Mr. Lawson seconded the request. The Chairman called for the vote and the motion passed unanimously.

The next item under new business was the variance request for TMS# 153-01-06-013, 117 Cynthia Lane, zoned R-2, Single family Residential, owned by Glenn Emil Powell – variance request for a reduced side setback to one foot for an accessory structure from the ordinance minimum requirement of 10 feet for the side setback per Section 32-122. Ms. Detsch presented the request. Mr. Jeremy Graham presented the application. Mr. Graham explained that he essentially needed a temporary variance as he needs storage for his equipment from his business he used to run. Mr. Graham stated that his neighbor passed away two months ago and did not have any issues with the structure; the son now is living there and also does not have any problems with it. Mr. Tsukalas asked if the structure is movable, Mr. Graham stated it was as it is on skids, he also stated that he is planning on taking it with him when he moves. Mr. DeHay asked if Code Enforcement brought this to the Town's attention and Mr. Graham replied yes. Mr. Graham stated that he had started working on it over the course of a few days and a Red Tag was issued that he needed to get a permit. Mr. Graham explained the permitting process and discussion he had with staff about the location of the shed in relation to property lines. Mr. DeHay asked if it was a foot from the property line and Mr. Graham confirmed it was. Mr. Nye asked if there was such a thing as a temporary variance. Staff explained that you either approve the variance or deny it. The board discussed. Mr. Tsukalas asked Mr. Graham if he could move the structure. Mr. Graham

explained why he chose this route verses renting a storage unit. Mr. DeHay asked if the structure could be moved over, Mr. Graham explained the site constraints to the board that included trees. Mr. Nye has concerns over the variance request and temporary variances. Mr. Tsukalas asked Mr. Graham if the problem moving the structure would be because there is so much stuff in it. Mr. Graham stated he could slide the structure over a foot possibly, and explained the site constraints with the trees in the backyard. Mr. Tsukalas asked that if it was the side yard where he needed the space, not the backyard, Mr. Graham stated yes. Discussion of the request of the setbacks between the board members and Mr. Graham ensued including site constraints. Mr. Nye asked Mr. Graham if he would be running his business out of the shed and Mr. Graham stated that it was only storage for his materials that were associated with his business. Ms. Richardson asked if he still had the business and Mr. Graham stated he did. Mr. DeHay made the motion to approve the variance as written due to utilization as the property has limits on where the structure can be placed. Mr. Tsukalas asked Mr. Graham about the photos and Mr. DeHay asked for clarification. Mr. Graham stated the photo was a picture looking at the shed from his neighbor's house. Discussion of the location and option to move it between the board and Mr. Graham ensued. Mr. Lawson seconded the motion. Mr. Tsukalas stated that he thinks the building should be moved back as the trees in the back did not appear to be grand and once they approve this request it is permanent. Mr. Nye asked the board if they would like to table the item so that they can do additional research and walk the property if the property owner allows them to. Mr. DeHay made a motion to table the item until further review. Mr. Nye asked if the board could come out and look at the property and Mr. Graham said yes they could. Mr. Graham asked the board about his court date and how this will affect his hearing. Staff replied he could ask for it to be postponed. This item will be heard at the October Board of Zoning Appeals meeting as it was tabled. Mr. Nye seconded the motion and the Chairman called for a vote, the motion passed unanimously.

MISCELLANEOUS:

There were no items under Miscellaneous.

ADJOURN:

Hearing no further business the meeting was adjourned at 5:13 PM with a motion by Mr. Tsukalas and a second by Mr. Nye.

Respectfully Submitted,



Meredith Detsch
Town Planner



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