

**TOWN OF SUMMERVILLE
BOARD OF ZONING APPEALS**



**AGENDA
February 11, 2020
5:00 PM
Town Hall (annex) – Training Room
200 S. Main Street**

I. Approval of minutes from January 14, 2020

(For below item, signs posted on property December 30, 2019 and ad on December 29, 2019 in *Post & Courier*)

II. OLD BUSINESS:

1. No Old Business

III. NEW BUSINESS:

1. TMS # 154-00-00-009, zoned UC-MX – Urban Corridor Mixed Use, owned by Tricoastal Properties II – variance request to increase the permitted side setback from a maximum of 15 feet to 43.3 feet for easements and drive aisle, Ordinance Sections 2.5.3.B.

IV. MISCELLANEOUS:

None

V. ADJOURN

Posted February 4, 2020

Board of Zoning Appeals
Tuesday, January 16, 2020
Summerville Municipal Complex –Annex Building Training Room

Members Present:

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

Staff Present:

Tim Macholl, Zoning Administrator

Items on the agenda:

OLD BUSINESS:

1. None

NEW BUSINESS:

1. TMS # 136-16-10-023, 708 Simmons Avenue, zoned GR-2 – General Residential, owned by Barry Katz – variance request to increase the permitted accessory structure height from 20 feet to 24.375 feet, Ordinance Sections 2.7.5.B.
2. TMS # 153-01-05-028, 105 Tiffany Lane, zoned GR-5 – General Residential, owned by Curtis Bowman – variance request to increase the permitted accessory structure height from 20 feet to 24 feet, and to increase the permitted square footage from 50% of the footprint of the building to 71% (1200 sf). Ordinance Section 2.7.5.B and 3.5.2.A.2.
3. TMS # 137-05-09-013, 109 Old Postern Road, zoned PUD – Planned Development District, owned by Robert and Sandra Callahan – variance request to reduce the required side setback for an accessory structure from 10 feet to 2 feet. Ordinance Section 2.10.

MISCELLANEOUS:

1. Election of Officers
-

The meeting was called to order at 5:00 PM by Mr. Denis Tsukalas. Mr. Tsukalas asked for any comments or edits for the minutes from the November 12, 2019 meeting minutes. A motion was made by Mr. Nye to approve the minutes as presented. The motion was seconded by Ms. Richardson. The motion passed 4-0.

OLD BUSINESS

1. None

NEW BUSINESS

1. **708 Simmons Avenue** – The first item under New Business TMS # 136-16-10-023, 708 Simmons Avenue, zoned GR-2 – General Residential, owned by Barry Katz – variance request to increase the permitted accessory structure height from 20 feet to 24.375 feet, Ordinance Sections 2.7.5.B. Mr. Macholl explained that this variance was brought to staff prior to application for the construction of the garage. Mr. Barry Katz came to the table to discuss the variance request. He explained that he wanted to use the garage for more than just parking cars. Ms. Richardson asked about the tree removal for the project. Mr. Katz explained that almost all of the trees being removed were less than 8" DBH. Mr. Tsukalas asked where the new driveway would be. Mr. Katz explained that one is not needed and that they would be coming off of the existing drive.

Mr. Nye made a motion to approve as presented. The motion was seconded by Mr. Lawson. The motion passed 4-0.

2. **105 Tiffany Lane** – The Second item under New Business TMS # 153-01-05-028, 105 Tiffany Lane, zoned GR-5 – General Residential, owned by Curtis Bowman – variance request to increase the permitted accessory structure height from 20 feet to 24 feet, and to increase the permitted square footage from 50% of the footprint of the building to 71% (1200 sf). Ordinance Section 2.7.5.B and 3.5.2.A.2. Mr. Macholl explained the request to the board, he detailed that at the time of application going through the plans the height variance would be needed. Mr. Curtis Bowman addressed the height variance and insisted that the garage that he had purchased did not have the tallest sidewalls as shown in the submitted plans, and that the overall height would

not exceed 14 feet. Mr. Macholl accepted his explanation and it was determined that a height variance would not be needed if the overall height of the structure was not to exceed 20 feet overall. Mr. Bowman showed pictures of other taller structures in his neighborhood. He also explained that the need for the garage is because of his and his family's hobby of working on older cars that would not fit within a standard sized garage. There was extensive discussion concerning the size of the house. The owner was not able to adequately address the size of the home. Mr. Macholl provided the latest information from the Dorchester County Assessor's Office data. Mr. Riddell questioned if it was prudent to move a variance forward without accurate information.

Mr. Nye made a motion to approve as presented. The motion was seconded by Mr. Lawson. The Chairman asked for any additional discussion. Mr. Riddell asked for additional clarification on the size of the house, and could not provide an adequate explanation for the discrepancy between the assessor's office square footage and the provided appraiser's report. Mr. Bowman insisted that he had not added to the house at any time during his ownership of the property. The motion passed 3-2 with Mr. Riddell and Mr. .

3. 109 Old Postern Road – The Third item under New Business TMS # 137-05-09-013, 109 Old Postern Road, zoned PUD – Planned Development District, owned by Robert and Sandra Callahan – variance request to reduce the required side setback for an accessory structure from 10 feet to 2 feet. Ordinance Section 2.10. Mr. Macholl explained the request. Mr. Bob Callahan came to the table to discuss the request. Mr. Nye explained to the Board members that he used to live at this property and that he felt that this has a hardship due to the shape of the lot. Being a pie shape tapering to the rear there is very little room in the rear for any additional structures. Ms. Richardson asked why the structure was not built on the other side of the house. Mr. Callahan explained that this was actually closer to the outdoor area, he explained that he asked whether permits would be needed and he was told no. That is why he proceeded with the project. He provided to the Board a letter from the neighbor adjacent stating that they had no objection to the location of the structure. He explained that there was some confusion on the location of the property line due to the location of the brick fence. He had gone to St George to get a plat and determine the property line location, but had repaired storm damage to the fence during the last hurricane assuming the fence was his.

Mr. Lawson made a motion to approve. The motion was seconded by Mr. Nye. The motion passed unanimously 3-2 with Mr. Riddell voting against and Mr. Tsukalas abstaining.

MISCELLANEOUS:

1. Election of Officers – The Board discussed keeping the same officers for 2020. There was discussion whether Ms. Richardson wanted to keep the Vice Chair position.

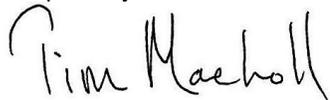
Mr. Lawson made a motion to keep the same officers for 2020 with Mr. Tsukalas as Chairman and Ms. Richardson as Vice Chairman. The motion was seconded by Mr. Nye. The motion passed unanimously 5-0.

ADJOURN:

There being no further business, the meeting was adjourned at 5:48 PM on a motion by Mr. Nye and a second by Mr. Riddell. The motion passed unanimously 5-0

Respectfully Submitted,

Date: _____



Tim Macholl
Zoning Administrator

Approved: Denis Tsukalas, Chairman _____; or,

Elise Richardson, Vice Chairman _____

VARIANCE REQUEST
TMS#154-00-00-009
Ladson Road and Limehouse Drive, Summerville, SC
STAFF REPORT
BOARD OF ZONING APPEALS
February 11, 2020

Request: Variance request to increase the maximum side setback from 15 feet to 43.3 feet

Property Zoning: UC-MX Urban Corridor Mixed Use

Surrounding Zoning: North: UC-MX Urban Corridor Mixed Use
South: UC-MX Urban Corridor Mixed Use
East: UC-MX Urban Corridor Mixed Use/Out
West: UC-MX Urban Corridor Mixed Use/Out

Ordinance requires: Ordinance Section 2.5.3.B Maximum 15 foot side setback.

Response: In order for a variance to be issued by the Board of Zoning Appeals, an applicant is required to show that all four of the conditions listed below have been met and an unnecessary hardship must be shown.

(b) *Variances.* The board has the power to hear and decide requests for variances when strict application of this chapter's provisions would cause an unnecessary hardship.

(1) The following standards must apply for finding an unnecessary hardship:

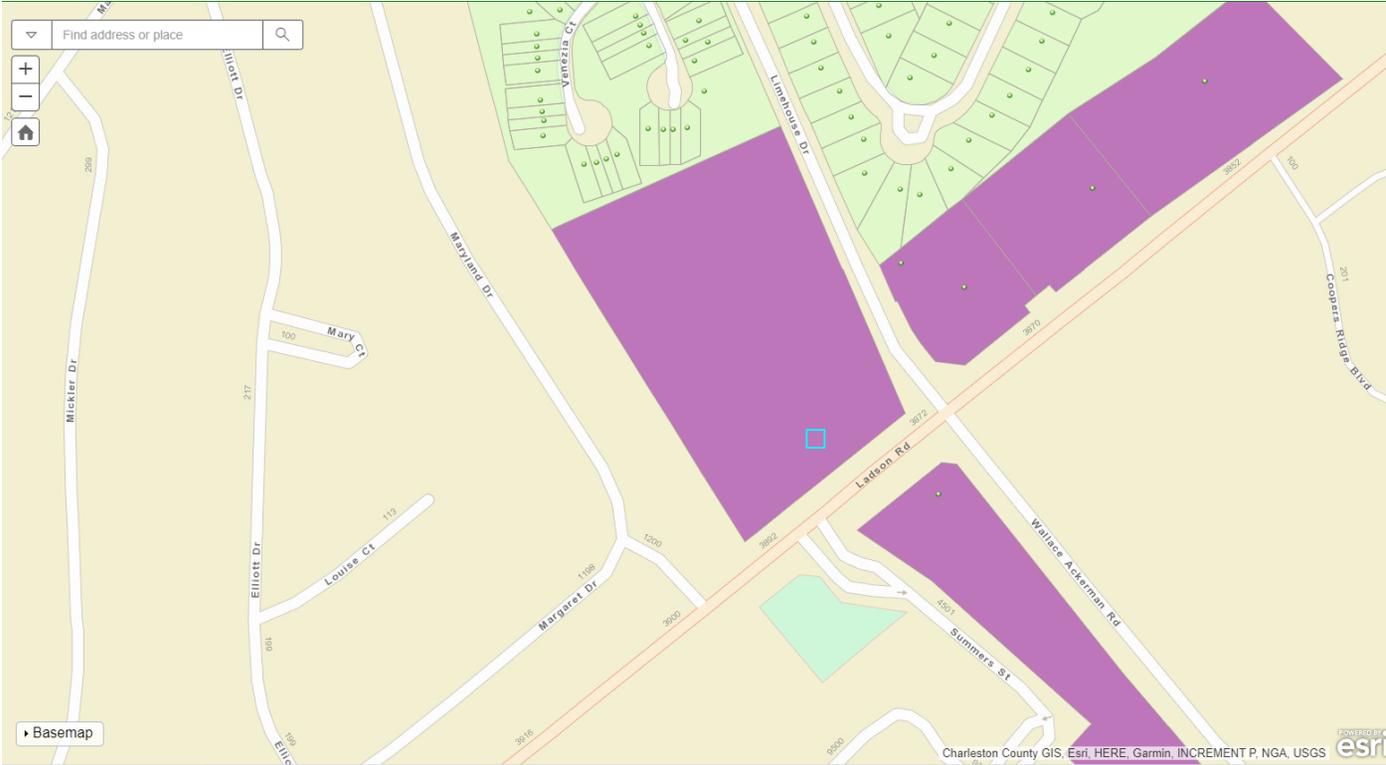
- a. *Extraordinary conditions.* There are extraordinary and exceptional conditions pertaining to the particular piece of property, which could exist due to topography, street widening or other conditions which make it difficult or impossible to make an economically feasible use of the property.
- b. *Other property.* Extraordinary conditions generally do not apply to other property in the vicinity.
- c. *Utilization.* Because of these extraordinary conditions, the application of this chapter's provisions to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- d. *Detriment.* The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting of the variance.

Background: The applicant has been in discussions with staff concerning the layout of the proposed development. Initial planning for the property started prior to the approval of the UDO. Parker's Co feels that the placement of the building at the maximum setback is not possible. To address the applicant's concerns the following are staff's responses.

- a. *Extraordinary conditions:* The existence of the easements adjacent to Ladson Road does mitigate the requirement to meet the front maximum setback of 5 feet. However, the elimination of the drive that runs between the Limehouse frontage and the building would allow the building to be moved in such a way to meet the side setback corner requirement. Flipping the building and placing the "pergola" structure on the other side of the building and moving the convenience store closer to Ladson and Limehouse would make it possible to meet the site layout requirements.

- b. Other Property: The UC-MX zoning has been applied to properties along Ladson Road. The form based setback will be applied to those properties as they are developed moving forward. It has also been the policy of the Town's Design Review Board to move the proposed buildings through this corridor closer to the street. Prior approvals in this corridor have brought buildings within 10 feet of the front property line.
- c. Utilization: By complying with the requirements of the code the property will be able to be fully developed. This will not unnecessarily restrict the development of the property, it will restrict the ability to develop the property as shown on the proposed site plan. The easements mitigate the front setback requirement and it is staff's position that it is not an undue hardship to move any proposed development to within 15 feet of the side property line along Limehouse Drive.
- d. Detriment: The issuance of the variance will not necessarily be detrimental to the surrounding properties, but it is staff's opinion that it will set a precedent for future development and will be detrimental to the character of the corridor that the Town is trying to establish with the passage of the UDO.

Town of Summerville Information Lookup



Location Information

This property is in the Town of Summerville.

TMS:	154-00-00-009.000
Owner:	TRICOASTAL PROPERTIES II
Second Owner:	
Zoning:	UC-MX
Council District:	6
Representative:	Bob Jackson

Town of Summerville Information Lookup



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Zoning: UC-MX
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Town of Summerville

BOARD OF ZONING APPEALS / VARIANCE REQUEST APPLICATION

ADDENDUM

Pursuant to Chapter 32 Article II, The Drayton Parker Companies and Gregory M. Parker Inc. is seeking a variance from Section 2.5 Mixed -Use District Standards where it requires a maximum side yard setback of 15 feet for corner lots in the UC-MX zoning district.

- (a) **Extraordinary Conditions:** There extraordinary and exceptional conditions pertaining to the particular piece of property, which could exist due to topography, street widening, or other conditions which make it difficult or impossible to make an economically feasible use of the property.

The site, which sits at the corner of Ladson Road and Limehouse Drive is bounded on the south and east sides by a 35 ft. Utility easement and a 10 ft. utility easement respectively. The existence of these easements and landscaping requirements prevents the applicant from meeting the maximum setback requirements of the UC-MX zone, which includes a 15 ft sideyard setback from Limehouse Drive. In addition, in accordance with Section 8.5.2, the applicant is required to provide a minimum 8 ft. wide landscaped buffer along Limehouse Drive, which further prevents compliance with the stated setback.

- (b) **Other Property:** Extraordinary conditions generally do not apply to other property in the vicinity.

The property in question is one of only few properties along the Ladson Road corridor situated in the Town's UC-MX district, where the majority of similarly zoned properties are located in the Town's more densely developed urban corridors and downtown business district. While other properties along this corridor may in some instances be constrained by easements and other encumbrances, they are not equally burdened with the more restrictive zoning and maximum setback requirements of the UC-MX Zone. Those properties sharing the same zoning designation were in some cases previously developed under less restrictive standards.

- (c) **Utilization:** Because of these extraordinary conditions, the application of this chapter's provisions to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

In light of the aforesaid unique conditions and constraints surrounding the subject property, if the applicant were not granted a variance and is forced to comply with the maximum setback requirements, it would render the site unusable. The corner location, easements and buffer requirements associated with the property as zoned significantly challenges the design, safety, and use of the property. While the site is zoned UC-MX, it will in perpetuity be prevented from being developed and functioning like similarly zoned properties where such site constraints do not exist. Variances from the strict enforcement of the ordinance exist for reasons such as these.

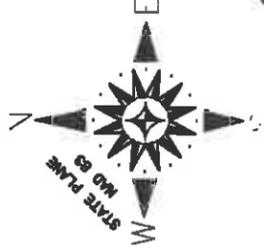
(d) Detriment: The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.

The above referenced conditions coupled with the need to rebalance the site in keeping with the spirit of the ordinance has afforded the applicant the opportunity to reconfigure the proposed improvements to allow for the safe circulation of private vehicular, pedestrian and delivery traffic throughout the site. The exercise of power in granting a variance in this case would be consistent with the spirit of the ordinance as granting the variance will vastly improve circulation, service and the safety of the public and will not adversely impact adjacent properties or uses nor will it be detrimental to the overall health, safety and welfare of the community. The character of the district will be significantly enhanced given the design of site, landscaping and aesthetics of the proposed building and associated improvements.

Signature of Applicant Date

_____Signature _____Date

K 102
#132



LOCATION MAP

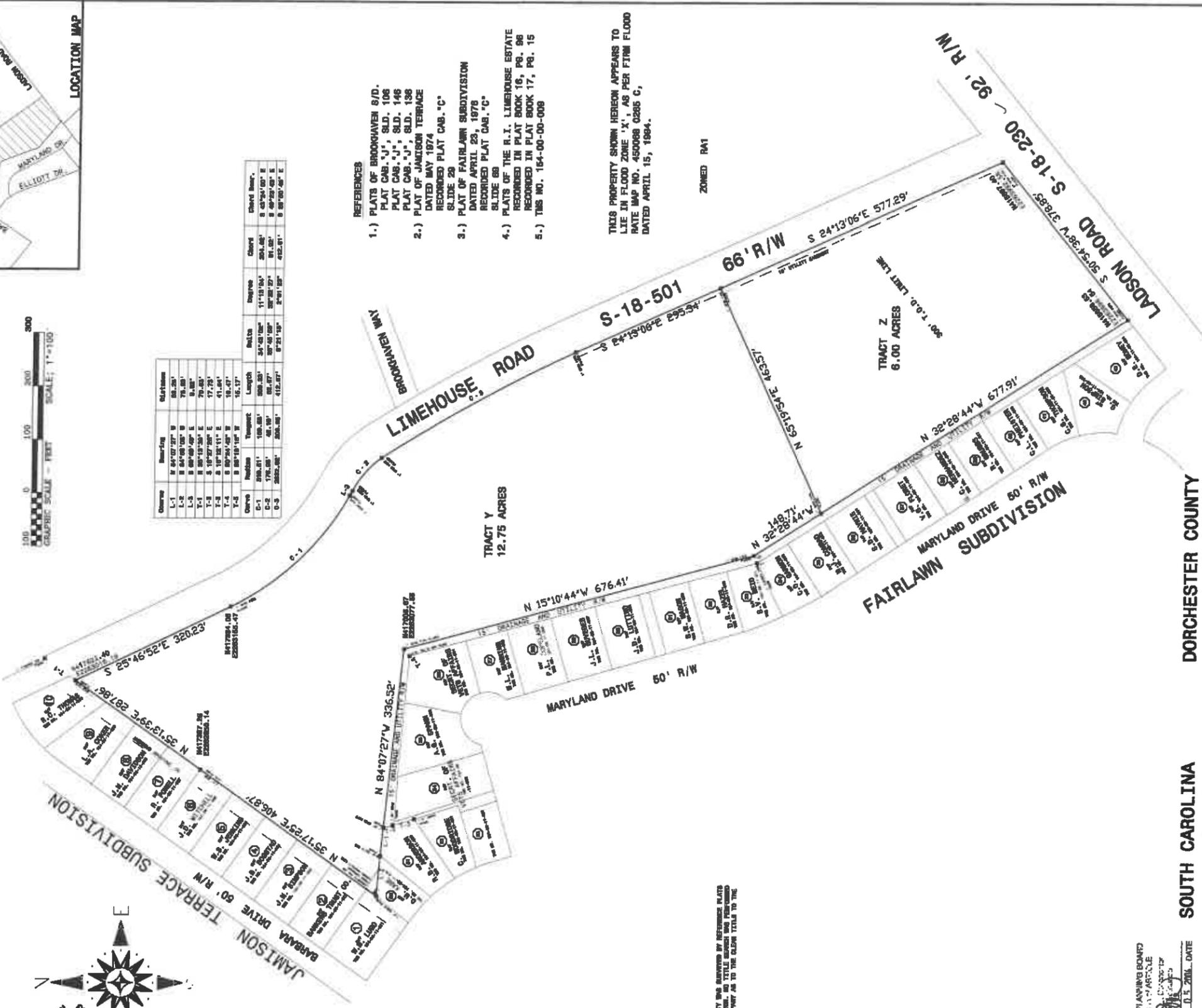


Course	Bearing	Distance
L-1	S 84°07'27" W	88.28'
L-2	S 84°07'27" W	79.28'
L-3	S 84°07'27" W	8.28'
L-4	S 84°07'27" W	8.28'
L-5	S 84°07'27" W	8.28'
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L-100	S 84°07'27" W	8.28'

- REFERENCES
- 1.) PLATS OF BROOKHAVEN S/D. PLAT C&B "J", SLD. 106 PLAT C&B "J", SLD. 146 PLAT C&B "J", SLD. 138 PLAT C&B "J", SLD. 136 PLAT OF JAMISON TERRACE DATED MAY 1974 RECORDED PLAT C&B "C" SLIDE 29
 - 2.) PLAT OF FAIRLAWN SUBDIVISION DATED APRIL 23, 1978 RECORDED PLAT C&B "C" SLIDE 68
 - 3.) PLAT OF THE R.I. LIMEHOUSE ESTATE RECORDED IN PLAT BOOK 16, PG. 98 RECORDED IN PLAT BOOK 17, PG. 15 TMS NO. 154-00-00-008

THIS PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE 'X', AS PER FIRM FLOOD RATE MAP NO. 4500088 0285 C, DATED APRIL 15, 1984.

NOTES: THIS PROPERTY WAS SURVEYED BY REFERENCE PLATS AND FIELD MEASUREMENTS. NO TITLE RECORD WAS PROVIDED BY THE OWNER. THIS SURVEY IS TO THE BOUNDARIES OF THE PROPERTY.



DORCHESTER COUNTY PLANNING BOARD
 500 LINDSEY DRIVE, SUMMERVILLE, S.C. 29586
 DATE: NOVEMBER 4, 2003

SOUTH CAROLINA DORCHESTER COUNTY
 OAKBROOK COMMUNITY

PLAT OF 18.75 ACRES OF LAND, LOCATED AT THE INTERSECTION OF LADSON AND LIMEHOUSE ROADS, BEING SUBDIVIDED INTO TWO TRACTS, AS REQUESTED BY SUMMERVILLE PARTNERS OF GA., LLP C/O GRACE SHEWMAKER

NOVEMBER 4, 2003

JOB NO. 2003-173

I, JOHN GRACE SHEWMAKER, HEREBY DECLARE TO THE BEST OF MY KNOWLEDGE, BELIEF AND FAITH, THAT THE FOREGOING SURVEY WAS MADE IN ACCORDANCE WITH THE PRACTICE OF LAND SURVEYING IN GREAT BRITAIN, AND THAT THE INSTRUMENTS FOR A CLASS "A" SURVEY AS DEFINED IN THE SURVEYING ACT, 1984, WERE USED IN THE PERFORMANCE OF THIS SURVEY. TO THE BEST OF MY BELIEF AND FAITH, THERE ARE NO UNRECORDED EASEMENTS OR ENCUMBRANCES OTHER THAN THOSE SHOWN HEREON.

John Grace Shewmaker
 JOHN GRACE SHEWMAKER, P.L.L.C.
 S.C. REGISTRATION NO. 15888

ASSOCIATED SURVEYORS OF SUMMERVILLE
 P.O. BOX 6
 SUMMERVILLE, S.C. 29584
 843-673-1061

PARKING CALCULATIONS

TENANT	AREA SF	MIN. REQUIRED RATIO	MIN. REQUIRED PARKING	MAX. REQUIRED RATIO	MAX. REQUIRED PARKING	PARKING PROVIDED
PARKER'S	4,920 SF	2 SPACES PER 1000 SF	10	20% OF AREA	20	30

RESIDUAL PARCEL
3.62 AC. +/-

PARCEL 1 -
±239 AC

Parker's kitchen
4,920 S.F.

AIR/AC EQUIPMENT

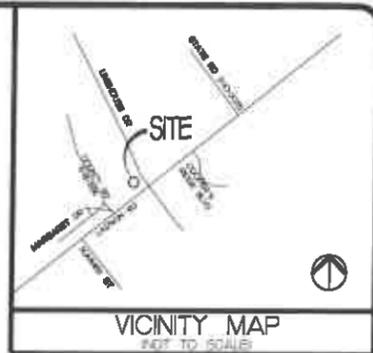
SINGLE STACK 6 MFD CANOPY AND CONCRETE

REGOLA

5' MAX. BLDG. SETBACK LINE

LADSON ROAD (S-18-230)
(92 FOOT PUBLIC RIGHT-OF-WAY)

LIMEHOUSE DRIVE (S-18-501)
(66 FOOT PUBLIC RIGHT-OF-WAY)



REVISIONS	BY

FREELAND and KAUFFMAN, INC.
Engineers & Landscape Architects
209 West Stone Avenue
Greenville, South Carolina 29609
864-233-9497

**PRELIMINARY
NOT FOR
CONSTRUCTION**



Parker's kitchen
17 W. MCCONOUGH STREET
SAVANNAH, GA 31401
LADSON RD & LIMEHOUSE DR

SITE PLAN



DRAWN	DAC
CHECKED	BTS
DATE	10/20
SCALE	AS NOTED
DRAWING	DRAWING