TOWN OF SUMMERVILLE
BOARD OF ZONING APPEALS

AGENDA
April 9, 2019
5:00 PM
Town Hall (annex) – Training Room
200 S. Main Street

I. Approval of minutes from February 12, 2019

(For below item, signs posted on property March 25, 2019 and ad on March 24, 2019 in Post & Courier)

II. OLD BUSINESS:
1. No Old Business

III. NEW BUSINESS:
1. TMS # 146-00-00-067 and 388-00-00-301, Judith Drive, zoned PL Public Land, owned by Summerville Commissioners of Public Works – Special Exception request to allow the construction of a 190 foot telecommunication monopole, Ordinance Section 32-211(4)(b)(2).

IV. MISCELLANEOUS:
1. None

V. ADJOURN

Posted April 2, 2019
The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, February 12, 2019 at 5:00 PM. Present were Denis Tsukalas, Chairman; Don Nye, Elise Richardson, Lionel Lawson and Scott Riddell. Staff present included Tim Macholl, Zoning Administrator and Meredith Detsch, 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 November 13, 2018 meeting. A motion was made by Mr. Nye to defer approval of the minutes to the next meeting due to the packets not being delivered through the mail, and a second was given by Mr. Lawson. The motion passed unanimously.

**OLD BUSINESS:**
There were no items under old business.

**NEW BUSINESS:**
The first item under New Business was TMS # 137-13-08-001, 151 Gadsden Street, zoned R-1 Single Family Residential, owned by Mary and Scott Lloyd – variance request to reduce the required front yard setback from 30 feet to 24 feet, Ordinance Section 32-122(f)(2). Mr. Macholl introduced the variance request, stating that the homeowners have had some flooding issues on the property which have resulted in a mold problem within the existing house. The homeowners intend to demolish the existing home on the property and build a new structure in its place. To address the flooding issues and avoid future situations on the property the homeowners are requesting to move the house forward on the lot closer to Gadsden Street. This move results in the front stairs encroaching into the required front setback. Staff feels that the situation is unique to the property based on the shape and environmental conditions in place. Ms. Beth Lloyd, homeowner came to the table to discuss the proposal. She explained there would be some grading to alleviate some of the flooding issues, but that they are trying to prevent any water from being pushed onto other properties. Ms. Richardson asked where the water was coming from. Ms. Lloyd said that the area drains through her property, and that she is working with the stormwater department to give an easement for that drainage. The rain in 2015 and the recent hurricanes have really exacerbated the problem on the property. Mr. Macholl explained that there would be no relief in regards to this property. Ms. Lloyd explained they are trying to maintain the existing footprint, but they would be going up and building a 2 story home. Mr. Tsukalas asked if the property drained to Salisbury. Ms. Lloyd said that it drained to the pipe there. Mr. Tsukalas asked if the existing garage was going to remain. Ms. Lloyd stated it would be staying in place at this time.

Mr. Nye made a motion to approve the variance as requested. The motion was seconded by Mr. Riddell. The motion passed unanimously 5-0.

The second item under new business TMS # 154-00-00-034, Springview Lane, zoned PUD Planned Unit Development, owned by Trident Medical Center, LLC. – variance request to eliminate the required Class 2 use buffer, Ordinance Section 32-322. Mr. Will Rogan of Cypress Engineering came to the table to present the project to the Board. Mr. Macholl explained the variance request, and Mr. Rogan expanded and said that due to the large easement on the rear of the property, which has a very large drainage canal the site plan is constrained by the planting requirement. He explained that they are trying to preserve the front planted buffer to keep the nature of the surrounding properties continued on this piece of property. Currently it is used as parking for the Oakbrook Nature Trail. The adjacent owner has purchased the property to relocate the practice into a larger facility. He indicated that they are also trying to preserve more of the grand trees on-site which has resulted in the site plan layout as presented. There is also another drainage easement that runs through the property that they have had to reroute around the building. Mr. Tsukalas asked about the size of the drainage canal. Mr. Rogan explained that though you may not see it, it is within a 75 foot easement and is approximately 11-12 feet deep and at least 25 feet wide. Mr. Riddell asked if there is a buffer for the apartments on the other side of the easement. Mr. Rogan explained that it doesn’t look like there is a heavily planted buffer. Mr. Macholl explained that the area is zoned PUD which allows for multiple uses throughout the area, which is how it was originally planned. Mr. Riddell asked for clarification of the variance criteria. Mr. Macholl explained the State requirements for the granting of a variance. Mr. Riddell asked for clarification on the staff opinion concerning the uniqueness of the situation, specifically if that was for
the immediate properties or if it was a Town wide consideration. Mr. Macholl explained that it is looked at from a Town wide perspective as well as at the immediate vicinity, and that it was the Staff’s position that this situation would not generally apply to a majority of the properties in the area or Town wide.

Mr. Tsukalas made a motion to approve the variance as requested. The motion was seconded by Mr. Nye. The motion passed 4-1 with Mr. Riddell voting no.

**MISCELLANEOUS:**
Election of officers – The first item under Miscellaneous was the election of officers for 2019. A motion was made by Mr. Nye to retain the Chairman (Mr. Tsukalas) and Vice Chairman (Ms. Richardson) for 2019. The motion was seconded by Mr. Lawson. The motion passed unanimously.

**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. The motion passed unanimously.

Respectfully Submitted,

Tim Macholl  
Zoning Administrator

Denis Tsukalas, Chairman; or,  
Elise Richardson, Vice Chairman
Request: Special Exception application for a new 190 foot telecommunication monopole tower to be constructed on the Summerville Commissioners of Public Works property located off of Judith Drive per section 32-211(4)(b)(2). (see attached)

Background: Summerville CPW approached staff concerning the possible construction of a new 190 foot monopole on the property above. The property in question is zoned PL – Public Land. Environmental constraints including wetlands located on the property, prevent the proposed pole from meeting the required setbacks from residential zones, as required by Sect 32-211(4)(b)(3). The proposed Special Exception would allow the proposal to be exempt from the above section per the stipulation of section 32-211(4)(b)(2). Summerville CPW has requested the special exception for the following reasons:

- Concern for the structural integrity of the tank, which may be eased with the elimination of the cellular equipment
- Need for the equipment to be removed for a complete overhaul of the tank, which includes the coating system being completely sandblasted off the tank
- Avoiding “touch up” work on the new coating system should the carrier have to go back on the tank after the overhaul
- The tank is taller than all the others on the SCPW water system, so hydraulically the tank does not provide significant benefit to the system and is strongly being considered for abandonment and removal.

According to the information we have available, the tank was constructed in 1967. The height is 145’ 8” from the top of the foundation to the overflow pipe. Please note that the overflow pipe is not quite at the top of the tank, so there may be an additional 2-3’ of actual tank height. Putting overall height of the tank at approximately 149 feet.

It is staff’s opinion that the Special Exception request meets the intent of the ordinance, and all other conditions have been met. Additionally, the pole is designed such that the fall zone will not exceed 35 feet. Based on the engineering plans, this will not endanger either the existing tank on the property or any of the adjacent residential properties. Based on the above stated reasons staff recommends approval of the requested Special Exception.
(4) Communication (telecommunication) towers. Communication (telecommunication) towers are defined as including, but not limited to, a tower or other structure that supports communication equipment, either broadcasting or receiving, utilized by commercial, government, or other public and quasipublic users. This definition does not include television reception antennas and satellite dishes, or amateur radio antennas as licensed by the Federal Communication Commission. Communication towers shall be reviewed as special uses subject to the approval and applicable conditions.

a. Application: All requests for communication towers shall be submitted in the form of an application and include the following information in addition to the general information required by this article. A nonrefundable application fee of $100.00 shall be charged.

1. A scaled site plan showing the location of the towers, guy anchors (if any), and other structures or improvements, parking, driveways, fences, landscaped areas (specifying size, spacing and plant materials proposed), protected and grand trees affected, and adjacent land uses.

2. Report from a registered structural or civil engineer indicating tower height and design, structure, fall zone and total anticipated capacity of structure (including number and types of antennas which could be accommodated). This data shall satisfactorily demonstrate the proposed tower conforms to the requirements of the applicable building codes.

3. Documentation indicating that collocation on existing towers or buildings in the vicinity of the proposed tower was attempted by the applicant but found to be unfeasible, with reasons noted. The applicant shall provide a binding statement that they will allow other companies/agencies to collocate on an approved tower subject to the engineering and technical capabilities of the tower and a financial arrangement between the parties at fair market value.

4. Other information as requested by the staff or the board to allow adequate review of approval criteria, including photographs with the tower superimposed to assess visual impact or a balloon test.

b. The following general requirements shall be considered as part of the application review:

1. The maximum height of a tower shall be 300 feet.

2. Towers will be allowed as a special use in B-2, B-3, I-1, I-2, AC and PL districts subject to this section. Users wishing to erect towers in R-1, R-2, R-3, R-4, R-5, R-6, R-7, and B-1 districts will have to receive approval for a special exception from the board of adjustment. Location of towers in the historic district is strongly discouraged and will only be permitted by approval from the board of adjustment and the board of architectural review. Those towers located in residential areas and/or the historic district may be subject to more stringent landscaping and fencing which may be required by the applicable boards. The provisions of subsection (4)b.3 of this section shall not apply to special exceptions.

3. Towers shall maintain a minimum distance from any residential zone or B-1 zone of 50 feet from plus one foot distance per one foot of tower height (measured from the base). The land used to meet this minimum distance does not have to be owned or controlled by the applicant.

4. The setback for the tower, any structure, or guy support shall be the greater of the following; the minimum fall zone as determined in subsection (4)a.2 of this section, plus ten feet, or ten feet from any guy base or structure located at the edge of the property. The land used to meet the setback shall be owned, leased or have easement rights by the applicant and the minimum lot size will be determined by meeting the setback provisions.

5. Towers shall not be located within 1,000 feet of another tower unless on the same property.
6. The town strongly encourages that a thorough attempt be made to collocate on existing towers and/or structures and to make use of publicly owned land. Towers located on existing structures shall be no more than 50 feet above the height of the structure.

7. Landscaping shall be required around the base of the tower, outside of the security fence, with at least one row of evergreen shrubs capable of forming a continuous hedge at least five feet in height, with individual plantings spaced not more than five feet apart. In addition, at least one row of evergreen trees with a minimum caliper of 1 3/4 inches at the time of planting and spaced not more than 25 feet apart shall be provided within 50 feet of the perimeter security fence. The landscaping requirements may be waived if it is determined that existing natural vegetation provides adequate screening or if it is determined that the landscaping requirements are not feasible due to physical constraints or the characteristics of the site on which the communication tower is to be located. The landscaping shall be installed according to established planting procedures using good quality plant materials. A certificate of occupancy will not be issued until the required landscaping is completed in accordance with the approved landscape guidelines as certified by an on-site inspection by the zoning officer or designee. When the occupancy of a structure is desired prior to the completion of the required landscaping, a certificate of occupancy may be issued only if the owner or developer provides to the town a performance bond satisfactory to the town attorney and in an amount of 150 percent of the estimated landscaping cost. All required landscaping must be installed and approved by the first planting season following issuance of the certificate of occupancy or the bond will be forfeited to the town. The owner, occupant, tenant, and the respective agent of each, if any, shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to represent a healthy, neat and orderly appearance at least equal to the original development, and shall be kept free of refuse, with dead vegetation promptly replaced.

8. Towers and structures shall be illuminated only to the extent required by applicable federal and state regulations. Any additional lighting shall be oriented inward so as not to project onto surrounding property. Those towers erected in residential areas and especially in the historic district, shall be disguised as to appear as a part of the natural landscape (i.e., tree) if so directed by the zoning board of adjustment or the board of architectural review. All other towers shall be gray or black, except as otherwise required by applicable federal or state statute or regulation.

9. No signs are permitted on or around the tower except as is required by applicable federal and state law and/or regulation (i.e., purpose of identification, warning, emergency function or contact) may be placed as required by standard industry practice.

10. A communication tower taken out of service must be removed within 120 days of the date such tower ceases to be used for communication purposes and the site dismantled at the expense of the tower's owner.

11. Communication towers should meet the requirements of any state or federal agency having jurisdiction, regulations or laws relating to the erection and use of such towers.

12. Applications for towers on property owned by the town shall be approved by the town council who may vary any requirements as a condition of approval.
This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map; however, the Town of Summerville disclaims all representation and liability for the use of this map.

Subject Properties

Zoning:
TMS 146-00-00-067 & 388-00-00-301

September 5, 2018
This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map; however, the Town of Summerville disclaims all representation and liability for the use of this map.

September 5, 2018
PUBLIC HEARING NOTICE

The Town of Summerville
Board of Zoning Appeals will
hold a public hearing on
Date/Time: Tuesday, April 9, 2019 at 5:00
In Summerville Town Hall, 200 S. Main St.,
to discuss a Special Exception Application for a
PD Telecommunications Tower
for this property.
For Information: Planning Department 851-5200

TMS# Ul-10-00-081 and 288-10-00-521
Address: Judith Drive
Sign Posted on: 3/15/2019
PUBLIC HEARING NOTICE

The Town of Summerville Board of Zoning Appeals will hold a public hearing on
Date/Time: TUESDAY APRIL 9, 2019 AT 5:00PM
In Summerville Town Hall, 200 S. Main St., to discuss a Special Exception Application for a Telecommunications Tower for this property.
For Information: Planning Department 851-5200

TMS# 141-60-04-01 and 140-60-05-01
Address: JUDITH DRIVE
Sign Posted on: 3/15/2019

Sign may only be removed by Authorized Town Employee
BOARD OF ZONING APPEALS (BZA)

APPEAL APPLICATION

Per Town of Summerville Zoning Ordinance, Chapter 32, Article II
(SC Code of Laws 8-29-790)

Date: 03/08/2019  TMS#:  Charleston County TMS # 388-00-00-301
                Dorchester County TMS # 146-00-00-067  Zoned:  PL

Property Owner:  Summerville Commissioner of Public Works
               Attn:  Christopher Kahler, General Manager
               Phone:  (843) 875-8754

Email:  rckahler@summervillecpw.com

Mailing Address:  215 North Cedar Street, Summerville, SC

Site Address:  Judith Drive, Summerville, SC 29485

Subdivision:

Representative for Property Owner (If applicable)*:  Jonathan L. Yates

Present Use of Property:  (Please check one):  
\[ \Box \] Residential  \[ \Box \] Commercial  \[ \Box \] Institutional

\[ \Box \] Industrial  \[ \Box \] Other:  Summerville Commissioner of Public Works Water Tank

THE FOLLOWING MUST BE SUBMITTED WITH THIS APPLICATION:

1. Non-refundable fee of $100 – check made payable to Town of Summerville.
2. Statement of property owner addressing the grounds for appeal of the written decision of the Town’s Zoning Administrator.

I certify that all information required is included and the application is complete. If an application is found to be incomplete, the primary contact will be notified. This approval does not constitute approval by other boards or town departments.

Signature of Property Owner:  

Date: 03/08/19

Signature of Applicant*:  

Date: 03/08/2019

*If applicant is not legal property owner, please submit documentation from the property owner giving permission for applicant to represent property owner.
March 11, 2019

Mr. Tim Macholl
Zoning Administrator,
Town of Summerville
200 S. Main Street,
Summerville, SC 29483

Re: Stetler Infrastructure, LLC - Site Name: Judith Drive - Site Address: Judith Drive,
Summerville, SC 29485- Telecommunication Facility Application - Collocation Policy Letter

Dear Mr. Macholl,

Stetler Infrastructure, LLC shall be willing to allow other companies/agencies to collocate on an approved tower subject to the engineering and technical capabilities of the tower and a financial agreement between the parties at fair market rate.
STORE EXTRA PARTS OF STYMIELOCK DEVICE IN TELCO CABINET.

NO PLUNGER OR MUSHROOM HEAD REQUIRED.