

**TOWN OF SUMMERVILLE
BOARD OF ZONING APPEALS**



**AGENDA
April 21, 2020
5:00 PM**

Zoom Cloud Meeting Application

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

I. Approval of minutes from February 11, 2020

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

II. OLD BUSINESS:

1. No Old Business

III. NEW BUSINESS:

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

IV. MISCELLANEOUS:

None

V. ADJOURN

Posted April 6, 2020

Board of Zoning Appeals
Tuesday, February 11, 2020
Summerville Municipal Complex –Annex Building Training Room

Members Present:

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

Staff Present:

Tim Macholl, Zoning Administrator

Items on the agenda:

OLD BUSINESS:

1. None

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.

MISCELLANEOUS:

1. None
-

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 January 14, 2020 meeting minutes. Mr. Riddell pointed out a couple minor changes that needed attention. A motion was made by Mr. Nye to approve the minutes with the changes noted. The motion was seconded by Mr. Riddell. The motion passed 4-0.

OLD BUSINESS

1. None

NEW BUSINESS

1. **TMS # 154-00-00-009** – The first item under New Business 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. Mr. Macholl explained that this variance was identified by staff at the time of application to the Design Review Board. The applicant designed the site based upon the previous zoning ordinance, and with the passage of the Unified Development Ordinance the setback requirements changed. The property is zoned UC-MX – Urban Corridor Mixed Use and the required setbacks are not minimum setbacks as in the older ordinance, but maximum setbacks. It is the intent of the ordinance to change the nature of the development in this corridor. Mr. Macholl continued stating that it has been the policy of the Design Review Board to ask that the proposed development through this corridor be brought closer to the street and place the parking behind it to frame the street and change the nature of the development through this corridor. The Variance request to increase the maximum permitted side setback from 15 feet at the corner to 43 feet would fundamentally change the character of the corridor and would not be in keeping with the intent of the ordinance. Additionally, Mr. Macholl addressed the staff report detailing how the applicant did not have a specific hardship, and that they did not meet the four criteria for a variance to be granted. Mr. Macholl explained that the front maximum setback was not being met, but the UDO had allowances for this exact situation. There is an easement that runs across the front property line, which prevents the construction of a building, because the easement exists the front setback is permitted not to be met. He pointed out that other properties had been developed on the Ladson Road corridor that met these site layout requirements. It was made clear that by meeting the setback requirement it would not prohibit the development of this property in its entirety, it would only prevent its development in the manner the applicant prefers. Mr. Macholl pointed out that if the variance were granted, it would set a precedent that the intent of the UDO does not matter and it would be detrimental to the future development of the corridor under the UDO requirements.

Mr. Todd Simmons of Freeland and Kaufman, and Mr. Daniel Ben-Yisrael of Parkers Company came to the table to address the Board. Mr. Ben-Yisrael presented the Parker's Company position. He explained that the form based requirements would make the property practically unbuildable when you start stacking the easement and landscaping requirements. He explained that they felt that the design and layout met the spirit of the Ordinance, and that this layout would not be detrimental to the character of the corridor. He claimed that the proposed layout would meet the same proportions that the ordinance requires, but the site is not able to meet because of the existence of the easements on the property. Mr. Riddell asked Mr. Macholl to explain the setback requirements and the intent of the ordinance. Using the exhibit, Mr. Macholl showed the board what the required setbacks are and how the UDO mitigates the requirements due to the existence of the easements located on the property. Mr. Macholl explained that the intent of the UC-MX zoning is to change the nature of the development away from car/auto oriented site design to a design that is more pedestrian friendly. Mr. Ben-Yisrael took the opportunity to address staff's comments, he said that the UC-MX zoning is better suited to a more downtown environment, and that Ladson is not an appropriate location for this type of form based zoning. Mr. Simmons added that this type of maximum setback can be detrimental to future widening of the road. Mr. Lawson asked if the property was usable without the variance. Mr. Macholl responded that yes it could be developed without a variance. Mr. Ben-Yisrael pointed out that he felt that a variance would still be needed due to the existence of a 10 foot easement and the eight foot landscaping requirement, indicating that he felt that the easement holder would not allow for the placement of landscaping within the easement area. Mr. Macholl addressed this situation, explain that it is rare that an easement holder would deny landscaping to be located within the easement area. At this time Mr. Tsukalas asked if there was anyone in the audience which wished to address the Board concerning the proposed variance.

Mr. Michael Griffin came up and addressed the board concerning the request. He explained that with the intersection improvements recently opened at Beverley Drive and Miles Jamison, Limehouse Drive had become a cut through for drivers to avoid the Ladson and Miles intersection. He expressed fear that the addition of a gas station would increase the traffic. He said that he would prefer to see the corner developed like the intent of the ordinance with buildings at the setback occupied with small neighborhood shops. He felt that a gas station was not appropriate for this corner. He asked what the developer was doing about noise. He also pointed out that the whole neighborhood was concerned.

Mr. Ben-Yisrael explained that because this was the front 2.3 acres of a six acre parcel there would still be almost four acres between the gas station and the residential development behind them. Mr. Jason Dixon came to the table to address the board. He said that he represented the Limehouse Villas HOA and that he was asked to lodge an official objection to the proposed plan. He explained that a gas station would be detrimental to the neighborhood based on environmental concerns. He also expressed that he felt that the addition of this station would have a similar effect on the neighborhood as the Dollar General had on the neighborhood behind that development. He expressed concern about increased traffic and traffic accidents, and home values dropping. He said that the East Bay Deli that was proposed across Ladson had not been wanted by the adjacent neighborhood. He also expressed concerns over the lighting that would be disruptive to the neighborhood.

Mr. Simmons addressed the concerns, accepting that the traffic and lighting concerns are valid and that the company would work to reduce any negative impacts. He pointed out though that the use was not in question, but the layout of the development.

Mr. Nye asked for clarification, and wanted to confirm that this hearing only related to the setbacks. Mr. Macholl confirmed that the use was a permitted conditional use, and only the request for an increased setback was at issue that night.

Mr. Griffin addressed the board and asked that the setback requirement be enforced and that the variance not be granted. Mr. Dixon again addressed the board and explained that he felt that this proposed gas station was too close to the homes and that the possibility of fire and explosion put too much undue risk to the neighborhood.

Mr. Tsukalas asked for a motion and pointed out that the shape of the lot does affect the layout of the development. Mr. Simmons said that they wanted to be further away from the neighbors, and pointed out that any uses proposed here might need a rear access. He expressed a concern that if the property is not convenient people will not use it.

Mr. Nye made a motion to approve as presented. The motion received no second.

Mr. Thomas Mathews of Parkers Company explained to the board that when the project was originally present to the Design Review Board, the Board had requested a low brick wall to help shield the view into the site and of the proposed drive around the

side of the building. He pointed out that with the building pushed closer to the property lines it could be negatively impacted by future road improvements.

Mr. Riddell made a motion to deny the request. The motion was seconded by Mr. Lawson. Mr. Tsukalas asked for further discussion.

Mr. Riddell addressed the applicant's point that the request was proportional to the required setback. He expressed concern about setting a precedent for future applications, and that that argument could be scaled to "silly" proportions.

Mr. Tsukalas asked for a vote. The motion passed 4-0 to deny the request.

MISCELLANEOUS:

1. None

ADJOURN:

There being no further business, the meeting was adjourned at 6:05 PM on a motion by Mr. Nye and a second by Mr. Tsukalas. The motion passed unanimously 4-0

Respectfully Submitted,

Date: _____



Tim Macholl
Zoning Administrator

Approved: Denis Tsukalas, Chairman _____; or,

Elise Richardson, Vice Chairman _____

VARIANCE REQUEST
TMS#137-10-08-007
213 W. Carolina Avenue, Summerville, SC
STAFF REPORT
BOARD OF ZONING APPEALS
March 10, 2020

Request: Variance request to reduce the required side setback from 15 feet to 8.4 feet.

Property Zoning: GR-2 General Residential

Surrounding Zoning: North: GR-2 General Residential
South: GR-2 General Residential
East: GR-2 General Residential
West: GR-2 General Residential

Ordinance requires: Ordinance Section 2.7.3.C Side Setback – 15 feet

Background: The owner of the property is seeking to rebuild a home on the property after a fire destroyed the previous home on the property.

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.

Staff feels that the applicant does not meet all four criteria, and that a hardship is present.

- a. Extraordinary conditions exist in the form of existing conditions, the property is an hourglass shape and smaller than the standard. Even centering the new structure on the property the shape of the lot will prevent a decent replacement structure of being placed on the property.
- b. Other property in the area do not have similar lot shape and would not face similar constraints.
- c. Utilization of the property is reduced but not eliminated due to the shape of the lot.
- d. Detriment will not be caused to other properties by the issuance of this variance on this property.

Town of Summerville Information Lookup



Location Information

This property is in the Town of Summerville.
This property is in the Historic District
TMS: 137-10-08-007.000
Owner: ELLIOTT LYNNE M
Second Owner:
Zoning: GR-2
Address: 213 W CAROLINA AVE
Subdivision:
County: Dorchester
Council District: 3
Representative: Walter Bailey

Google Maps 207 W Carolina Ave

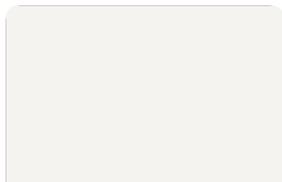


Image capture: Nov 2018 © 2020 Google

Summerville, South Carolina



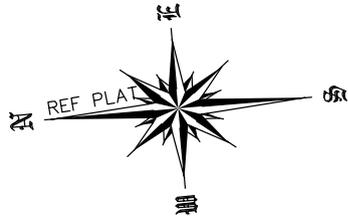
Street View



My 1880's cottage was irreparably damaged in a fire during Hurricane Dorian. I am now going through the difficult process of getting it demolished and rebuilding another house on my lot. My lot is narrow and my 1880's house did not meet the current 15 ft easements but was grandfathered in. The current proposed house will not meet the present day 15 ft side easements either. I am requesting a variance to be able to rebuild a home on my lot once I get approval to demolish the existing fire damaged house in a neighborhood I have lived in and loved for the past 20 years. I am submitting site plans that will show I have centered the proposed house on my lot. On the north side, the house will be approximately 10 ft from the property line as I have sifted it over from where the original house stood. So it will now be further from the property line than my 1880's cottage was. But by shifting it over it will be approximately 8 ft from the property line on the south side. However, this property is a flag property with the actual house sitting behind my property- and the portion that will be 8 ft from my proposed house is merely a wide strip with a driveway leading back to the actual house. I therefore believe it will not be a detriment to my neighbors and/or the neighborhood. As it will be now centered on my lot, the new proposed house will maintain the integrity of the historic neighborhood that I have grown to love. Thank you for your consideration.

LEGEND

- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- - - EXISTING EASEMENT LINE
- · - · - NEW EASEMENT LINE
- - - SETBACK LINE
- - - ADJACENT R/W LINE
- PROPERTY CORNER FOUND AS NOTED
- PROPERTY CORNER, 5/8" REBAR, SET
- ⊗ WATER METER
- Ⓜ ELECTRICAL PEDESTAL
- Ⓢ STORM DRAIN MANHOLE
- Ⓣ TELECOMMUNICATIONS PEDESTAL
- △ CALCULATED PROPERTY CORNER
- ⊙ PERC TEST SITE
- ⊕ TEMPORARY BENCH MARK
- CONCRETE MONUMENT FOUND
- ↑ SIGN
- POWER POLE
- UTILITY POLE



RESERVED FOR STAMPING

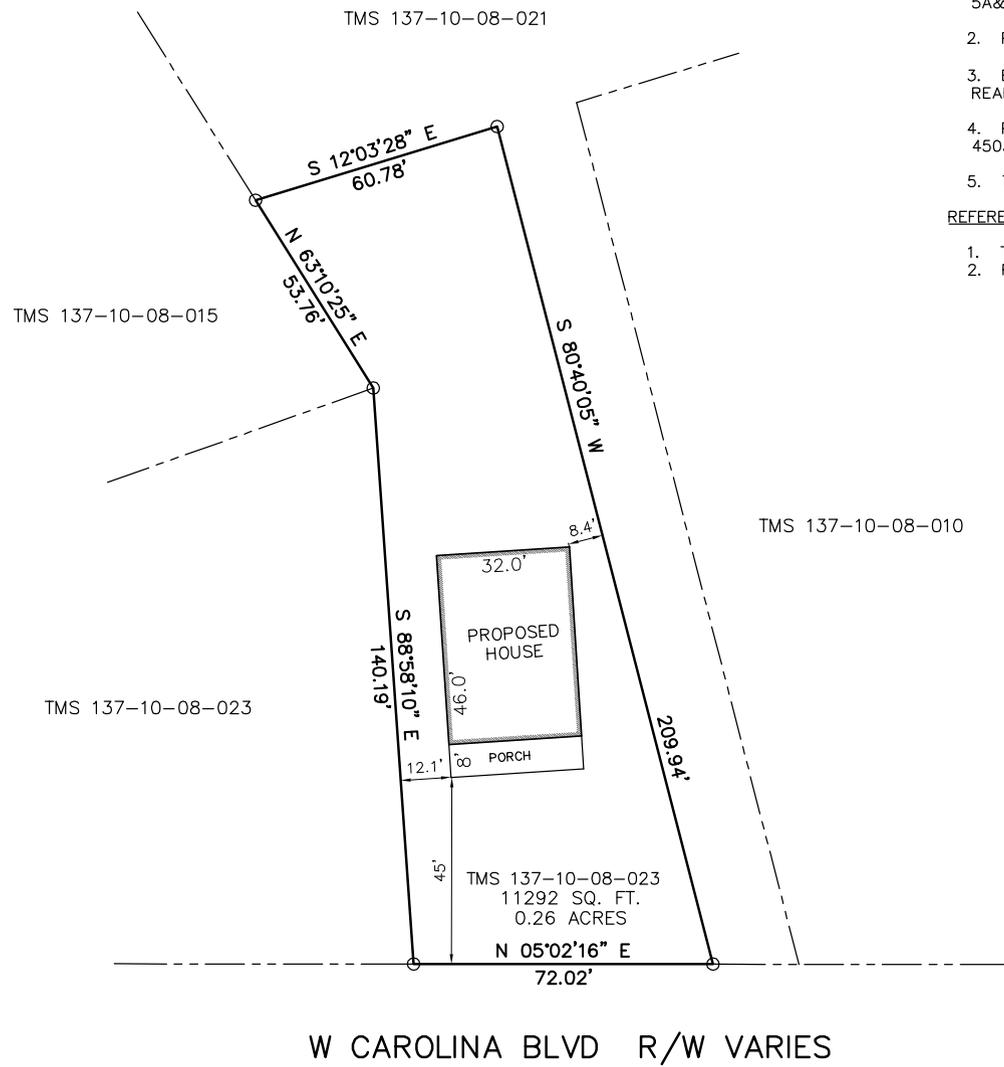


LOCATION MAP (NOT TO SCALE)

KENNERTY SURVEYING INC.

42 LORD CALVERT DRIVE
CHARLESTON, SC 29407

843-571-2121
EMAIL: lkennerty@comcast.net



NOTES

1. THIS SITE PLAN DOES NOT DELINEATE A BOUNDARY SURVEY OF LOT 5A&B.
2. PROPERTY IS ZONED IN THE TOWN OF SUMMERVILLE.
3. BUILDING SETBACKS ARE: ' FRONT SETBACK, ' SIDE SETBACK, AND ' REAR SETBACK.
4. PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE X AS PER FIRM MAP 45035C0339 E , EFFECTIVE DATE OF JULY 18, 2017.
5. TOTAL ACREAGE IS 0.26 ACRES

REFERENCES

1. TMS 137-10-08-007
2. PLAT BY SINCLAIR & ASSOCIATES DATED JUNE 18, 2011 RECORDED IN PLAT BOOK L PAGE 170 DORCHESTER COUNTY RMC



LAWRENCE J. KENNERTY, PLS
REG. NO. 12520

SITE PLAN
213 W CAROLINA AVE
TMS 137-10-08-007
LOCATED IN THE TOWN OF SUMMERVILLE
PREPARED FOR SCHUMACHER HOMES



SCALE: 1" = 30'

SCALE:	1" = 30'
DRAWN:	
DATE:	01 / 19 / 20
CHECKED:	
REVISED:	
JOB NO#:	014-20

SHEET
1 OF 1

SEABROOK COASTAL 1472 Sq.Ft.

\$193,883



We designed the Seabrook for small lots with big dreams. This three-bedroom, two-bath plan features open living areas perfect for entertaining. The chef in the family will love the kitchen with lots of counter space. The oversized front porch is perfect for enjoying quiet moments with family and friends.

PURCHASER

Lynne Michelle Elliott
213 West Carolina Avenue
Summerville, South Carolina 29483
(843) 822-8085
shadow213@cloud.com

BUILD ADDRESS

213 West Carolina Avenue
Summerville, SC 29483
Dorchester, Dorchester

NEW HOME CONSULTANT

Ashley Peden
271 Treeland Dr
Ladson, SC 29456
843-376-5778
apeden@schumacherhomes.com

We thank you for taking the time to discuss the details of your brand new home.

We've created a unique space for you to see and touch every finish for your home featuring the most high performing and current materials and trends in Home Building today all under one roof. We will guide you through the process and help make it fun and exciting.

We want you to feel in control of the entire process. Every option has been individually itemized on your Schumacher Custom Home quote so you can easily understand where each dollar is going. We look forward to working with you to build a home that fits your lifestyle and budget while bringing you enjoyment for years to come. If you have any questions please call any time.

NOTE:
CONTINUOUS RIDGE VENTS
ALL ROOF RIDGES

SEABROOK / CUSTOM
FRONT ELEVATION
9' CEILING HEIGHT
SCALE: 1/8" = 1'-0"

STANDING SEAM METAL
ROOF WITH BOX EDGES

FIBER CEMENT LAP SIDING



SEABROOK / CUSTOM
REAR ELEVATION
9' CEILING HEIGHT
SCALE: 1/8" = 1'-0"



Charleston, SC
271 Treeland Dr.
Ladson, SC 29546
(877) 267-3482
www.schumacherhomes.com

Paul Schumacher
SCHUMACHER HOMES

CUSTOM BUILT FOR:

LYNNE MICHELLE ELLIOTT

JOB #:

CN #:

VA # EL130

LOCATION: 215 WEST CAROLINA AVENUE
SUMMERSVILLE, SC, 29483
DORCHESTER COUNTY

SQUARE FOOTAGE:
FOUNDATION: 1472 SQFT
MAIN FLOOR: 1472 SQFT
PORCH: 256 SQFT

DRAWN BY:

JTB

DATE:

1/31/2020

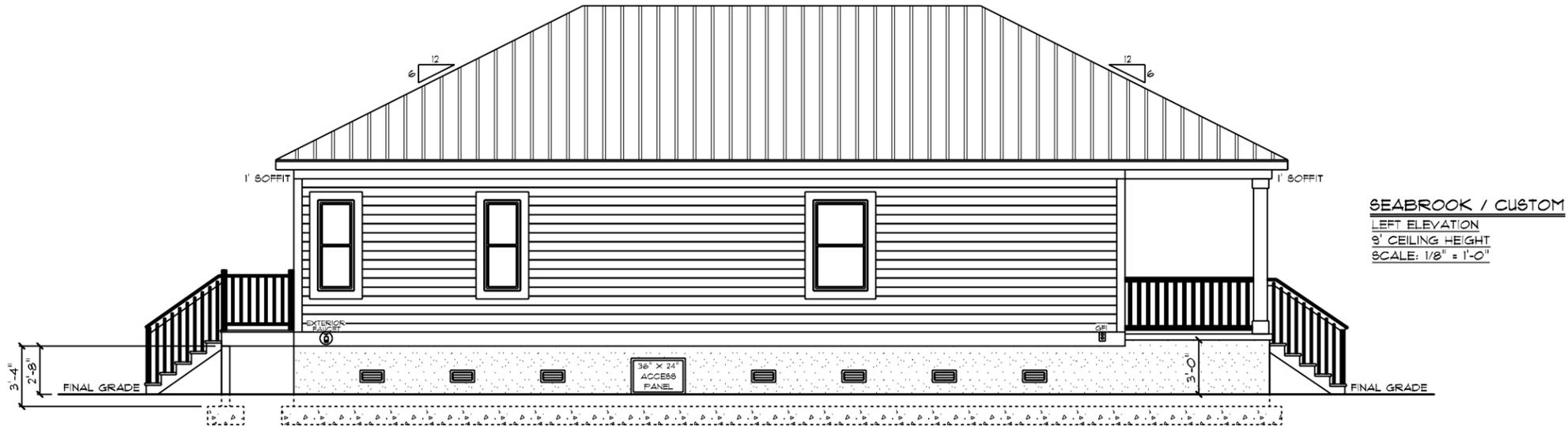
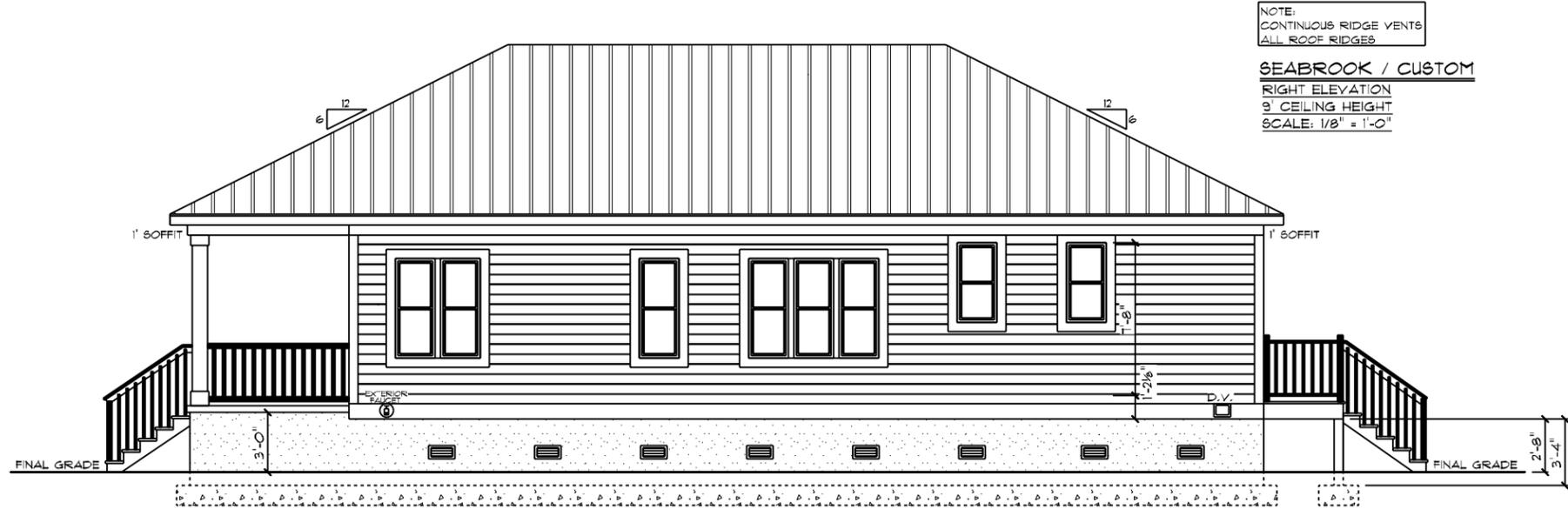
SCALE:

1/8" = 1'-0"

DWG.:

1

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NOTE:
CONTINUOUS RIDGE VENTS
ALL ROOF RIDGES

SEABROOK / CUSTOM
RIGHT ELEVATION
9' CEILING HEIGHT
SCALE: 1/8" = 1'-0"

SEABROOK / CUSTOM
LEFT ELEVATION
9' CEILING HEIGHT
SCALE: 1/8" = 1'-0"

DATE:	1/31/2020	SCALE:	1/8" = 1'-0"	DWG.:	2
DRAWN BY:	JTB				

SQUARE FOOTAGE:
FOUNDATION: 1472 SQFT
MAIN FLOOR: 1472 SQFT
PORCH: 256 SQFT

CUSTOM BUILT FOR:	LYNNE MICHELLE ELLIOTT		
JOB #:	CA #:	VA #:	EL130
LOCATION:	215 WEST CAROLINA AVENUE SUMMERSVILLE, SC, 29483 DORCHESTER COUNTY		

Charleston, SC
271 Treeland Dr.
Ladson, SC 29546
(877) 267-3482
www.schumacherhomes.com



VARIANCE REQUEST
TMS#144-16-10-002
194 Thames Avenue, Summerville, SC
STAFF REPORT
BOARD OF ZONING APPEALS
March 10, 2020

Request: Variance request to increase the permitted impervious surface from 35% to 36%

Property Zoning: GR-5 – General Residential

Surrounding Zoning: North: GR-5 – General Residential
South: PL – Public Land
East: GR-5 – General Residential
West: GR-5 – General Residential

Ordinance requires: 35%; Ordinance Section 2.7.2.C

Background: The applicant is seeking a variance to allow for the construction of a new back porch on the rear of the house.

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.

Staff feels that the applicant does not meet all four criteria, and that a hardship is not present.

- a. Extraordinary conditions do exist on the property. At this time there is just more coverage on the property than is permitted, which existed prior to the passage of the ordinance. The area being covered was a patio that has existed for years.
- b. Other property in the area probably have similar situations
- c. Utilization of the property is not eliminated but will be only slightly diminished if the homeowners are not able to build a screened in porch.
- d. Detriment will not be caused to other properties by the issuance of this variance on this property.



Town of Summerville Information Lookup

194 THAMES AVE



Location Information

This property is in the Town of Summerville.

TMS: 144-16-10-002.000
 Owner: HAYDEN SALLY A
 Second Owner:
 Zoning: GR-5
 Address: 194 THAMES AVE
 Subdivision: NEWINGTON GARDENS
 County: Dorchester
 Council District: 5
 Representative: Kima Garten-Schmidt

Basemap



Location Information

This property is in the Town of Summerville.
TMS: 144-16-10-002.000
Owner: HAYDEN SALLY A
Second Owner:
Zoning: GR-5
Address: 194 THAMES AVE
Subdivision: NEWINGTON GARDENS
County: Dorchester
Council District: 5
Representative: Kima Garten-Schmidt

Google Maps 194 Thames Ave



Image capture: Dec 2015 © 2020 Google

Summerville, South Carolina



Street View



Owner Statement

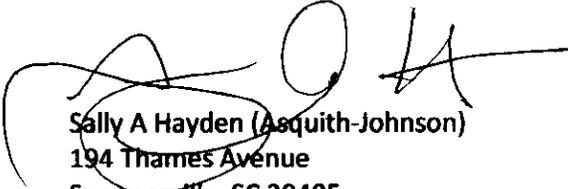
February 5, 2020

I am requesting a variance to the 35% impervious surface area requirement, given that my proposed back porch project would create a 36% impervious surface area on my property. My justification for requesting this variance is below:

Extraordinary Conditions and Utilization: I am simply replacing a pre-existing back deck with a new back porch, which covers exactly the same surface area that the deck did. Given the layout of the back portion of the house and backyard, a reduction in the size of the back porch (from an 18 foot by 10 foot porch to a 10 foot by 10 foot porch) to conform with this 35% impervious surface requirement would make the back porch significantly less usable and actually unattractive.

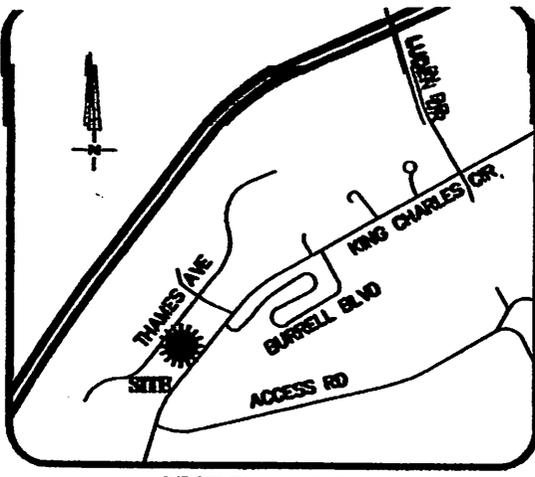
Other Property: This variance would have no application or impact on any other property in the vicinity.

Detriment: Given that the variance requested is such a small amount (36% versus the regulated 35% impervious surface requirement) and that the previous back deck structure covered the same area, I can confidently state that granting this variance will present no substantial detriment to adjacent property or the public good. Furthermore, the character of the district will not be harmed by the granting of this variance.



Sally A Hayden (Asquith-Johnson)
194 Thames Avenue
Summerville, SC 29485

SIGNED Jeffrey W. Sawyer
 JEFFREY W. SAWYER, S.C. PLS L-28590

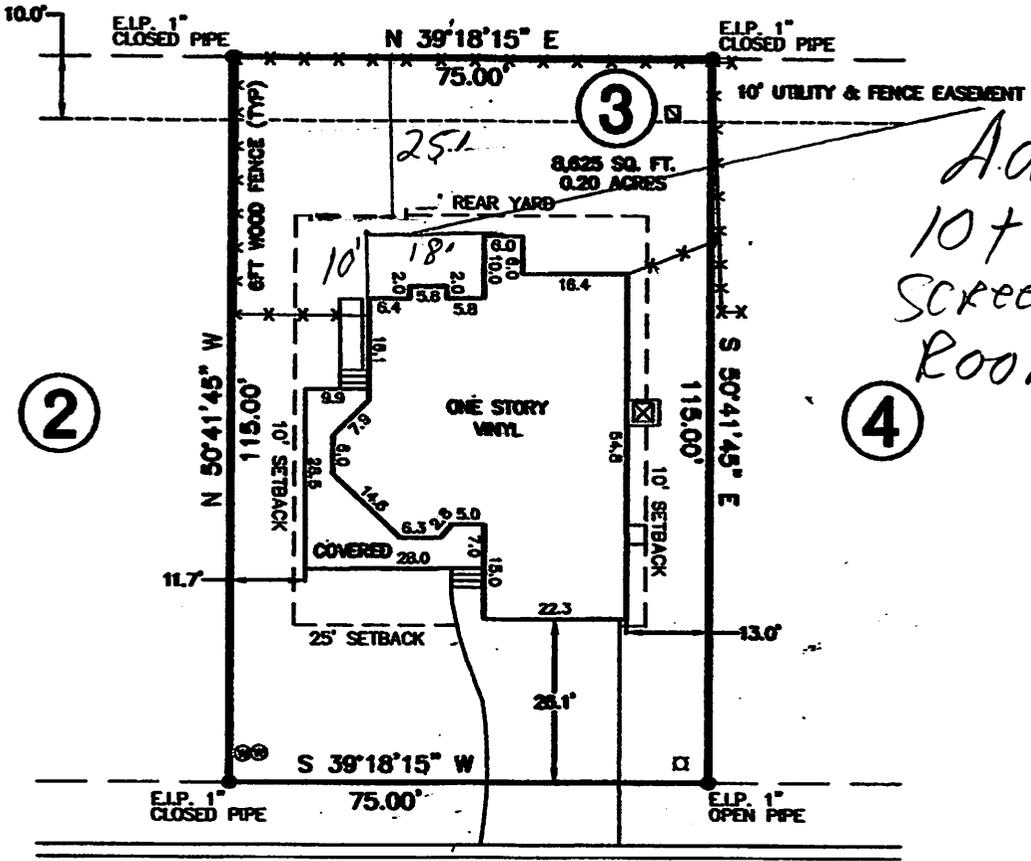
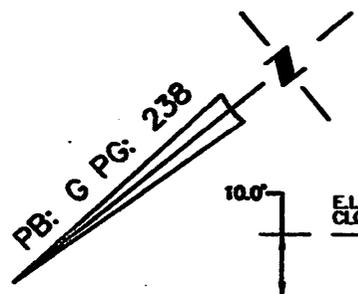


VICINITY MAP
 Not To Scale

- LEGEND**
- ELP. EXISTING IRON PIN
 - E.C.M. EXISTING CONCRETE MONUMENT
 - S.I.P. SET IRON PIN
 - F.P.E. FLOOD PROTECTION ELEVATION
 - CLOSURE EXCEEDS 1 INCH in 10,000'
 - PROPERTY LINE
 - ADJOINER PROPERTY LINE BY DEED OR PLAT
 - X-X-X FENCE LINE
 - CLEAN OUT
 - LIGHT POST
 - MAN HOLE
 - TELEPHONE PEDISTAL
 - WATER METER
 - CALCULATED PT
 - DRAIN INLET
 - FIRE HYDRANT
 - TRANSFORMER
 - ELECTRIC BOX
 - CABLE PEDISTAL
 - WATER VALVE
 - HVAC
 - POWER POLE



(50' R/W)
KING CHARLES CIRCLE



*Add
 10x18
 SCREEN
 ROOM*

#194 THAMES AVE

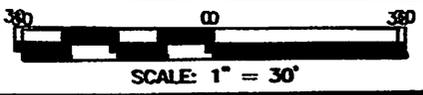
(50' R/W)

NOTE:
 THIS PROPERTY IS ZONED R-2.

THIS PROPERTY MAY BE SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHT-OF-WAY, UTILITIES AND RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD OR IMPLIED

TMS: 144-16-10-002

FLOOD NOTE:
 ACCORDING TO DORCHESTER COUNTY G.I.S. FEMA LAYER, DATED 7/18/2017, THIS PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE X.



PHYSICAL SURVEY

FOR
 #194 THAMES AVE (LOT 3 NEWINGTON GARDENS)

VARIANCE REQUEST
TMS#130-14-06-008
106 Boone Street, Summerville, SC
STAFF REPORT
BOARD OF ZONING APPEALS
April 21, 2020

Request: Variance request to allow 43 foot building height

Property Zoning: NR – Neighborhood Residential

Surrounding Zoning: North: NR – Neighborhood Residential
South: NR – Neighborhood Residential
East: NR – Neighborhood Residential
West: NR – Neighborhood Residential

Ordinance requires: Ordinance Section 2.5.5.A – Primary Building Height: 40 feet

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.

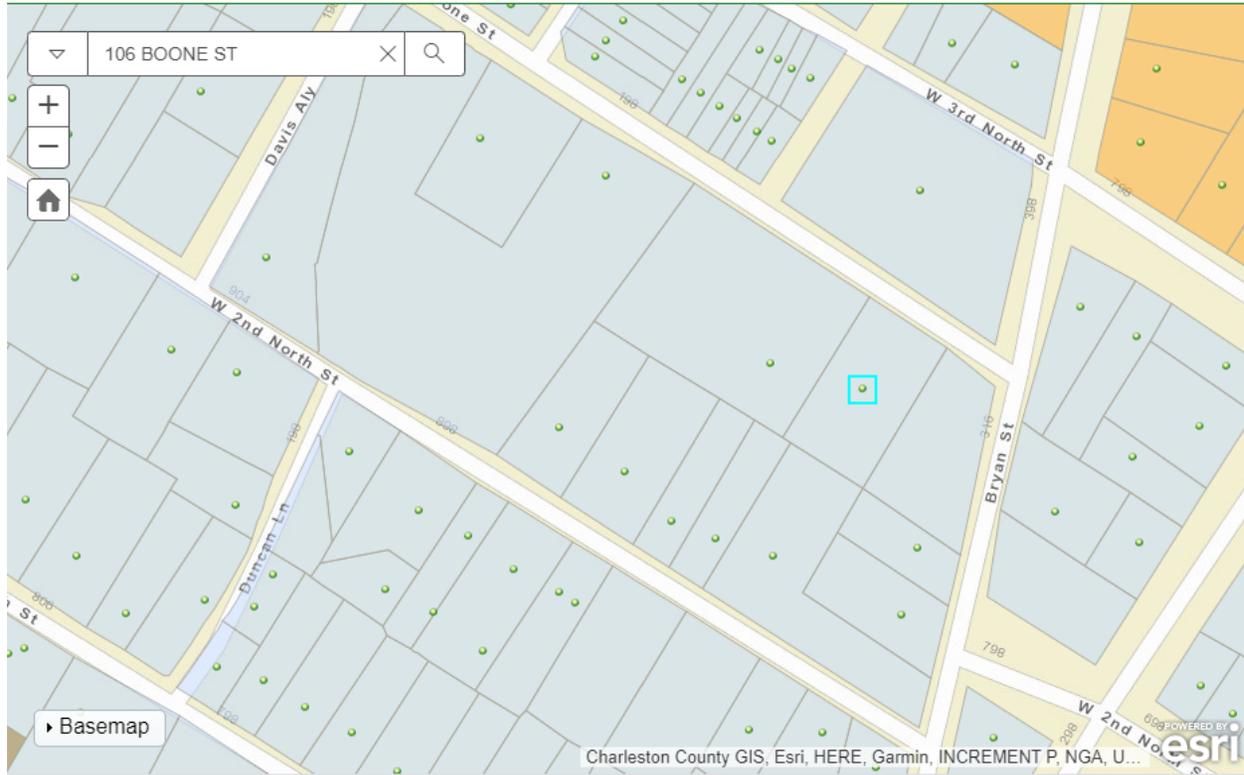
Background: The need for a variance was identified at the time of application for a building permit. The owner of the property is requesting a height variance to allow the new primary building height to exceed the permitted 40 foot maximum height at the ridge. The requested height is 43 feet and the zoning allows for steeple height to exceed the permitted maximum.

Staff does not feel that the four criteria have been met, and that a hardship exists.

- a. *Extraordinary Conditions* – This is the churches current location an they would like ot build on the same property. The height restriction is more specifically targeting residential style buildings.
- b. *Other Property* – Most other properties are developed residentially.
- c. *Utilization* – Technically the plans could be revised to meet the required height limt, it would adversely impact the overall design of the building.

- d. Detriment – The proposed height, and the addition of the steeple, which does not count towards overall height of the building, would tower over the adjacent properties.

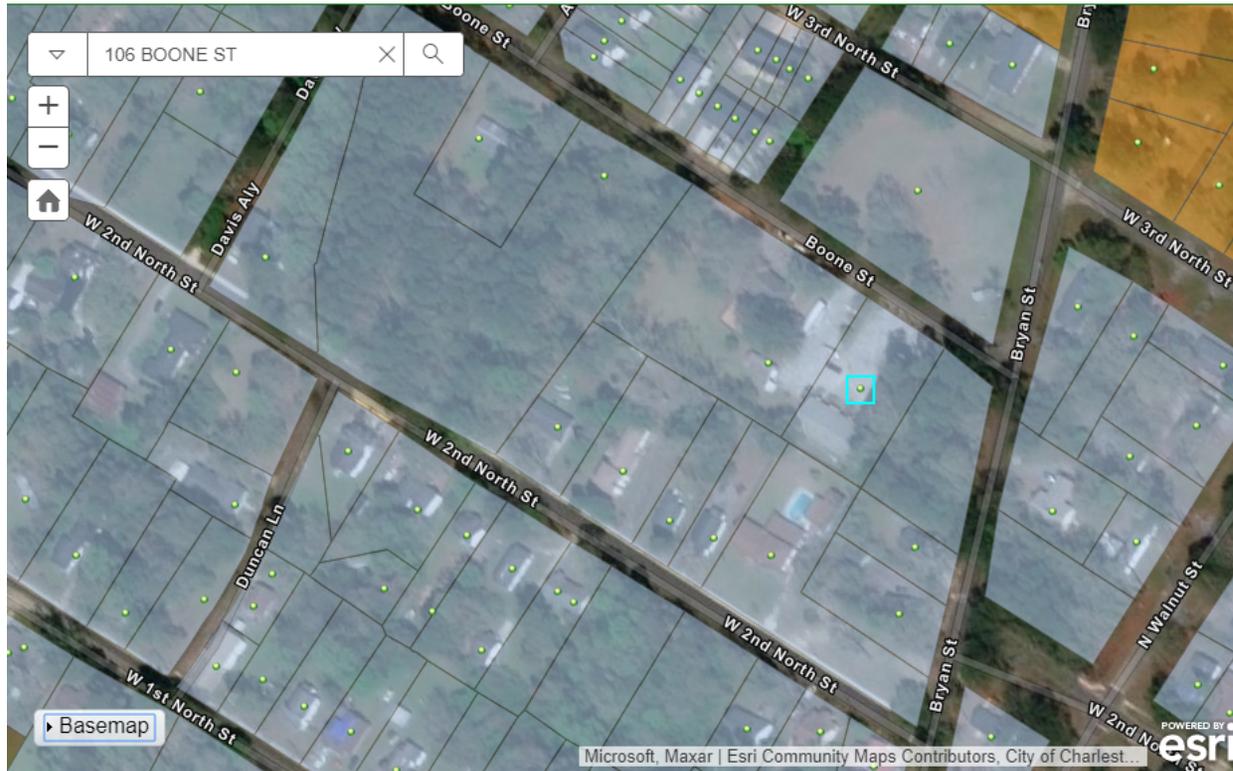
Town of Summerville Information Lookup



Location Information

This property is in the Town of Summerville.
TMS: 130-14-06-008.000
Owner: CHURCH-EMANUEL BAPTIST INC
Second Owner:
Zoning: N-R
Address: 106 BOONE ST
Subdivision:
County: Dorchester
Council District: 1
Representative: Aaron Brown

Town of Summerville Information Lookup



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This property is in the Town of Summerville.
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Address: 106 BOONE ST
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County: Dorchester
Council District: 1
Representative: Aaron Brown

Zoom_84e049413....exe ^

Show all X



**EMANUEL BAPTIST CHURCH
106 BOONE STREET
SUMMERVILLE, SC 29483**

**JOHN T. MILLER, PASTOR
DAVID MOULTRIE, CHAIRMAN OF DEACONS
843-875-6786 (office)
843-737-1586 (mobile)
www.myemanuelbaptist.com**

February 27, 2020

Town of Summerville (Board Of Zoning Appeals Variance)
200 S. Main Street
Summerville, SC 29483

Greetings,

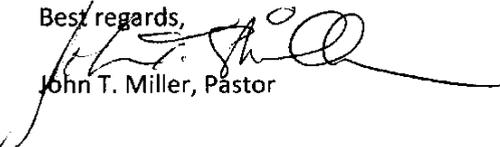
We, the Emanuel Baptist Church officers are asking that you grant us the additional footage in height for our new church building. This additional height is needed for the design and occupant load of the new church building. Due to our limited property space we have designed our new church building with a balcony to accommodate the needed occupant load for the growing membership of the church.

With this additional footage in height we would be able to conduct our regular worship services and meetings in comfort and not violate any Town or State occupant load ordinances due to the growth of our membership.

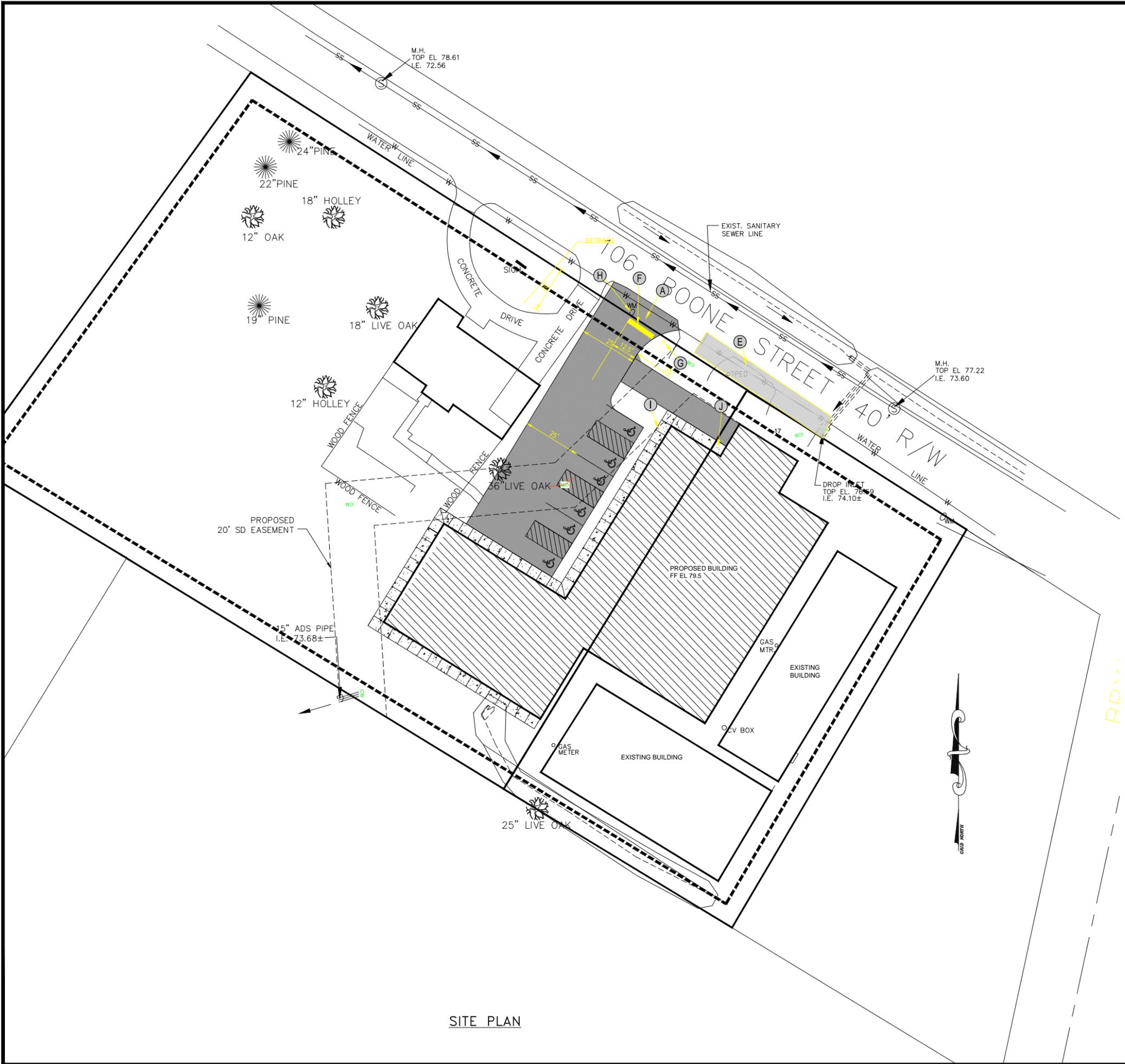
We are assured that this added footage height will not negatively affect any of the properties that will be directly adjacent to our new church building, because the two properties that are directly adjacent to it belong to us; the building to the left of it is our Daycare Ministry (EBC Blessed Generations) and the building to the right of it is our current church; which will be used as a historical museum/memorial center for our founder (Dr. Lewis Howard Simmons – Civil Rights Activist of the 1950-60s) and classrooms once the new church building is completed.

We appreciate your consideration and attention to our request, and if there are any questions please contact me at 843-737-1586 or by email at pastorjt@emanuelbaptist.com

Best regards,


John T. Miller, Pastor

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SITE PLAN

SITE NOTES

- EXISTING SITE CONDITIONS SHALL BE VERIFIED PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPORT ANY DIFFERENCES FROM THE PLAN THAT WILL AFFECT CONSTRUCTION, IN WRITING, TO THE ENGINEER AND AWAIT FURTHER INSTRUCTIONS.
- DIMENSIONS ARE TO THE EDGE OF PAVEMENT, FACE OF BUILDING OR PROPERTY LINE.
- R DENOTES EDGE OF PAVEMENT RADIUS. ALL RADII ARE 5' UNLESS NOTED OTHERWISE.
- ALL WORK IN THE R/W SHALL BE VERIFIED WITH THE APPROVED ENCROACHMENT PERMIT PRIOR TO COMMENCING WORK.
- TOTAL AREA OF SITE = 1.25 ACRES
TOTAL AREA DISTURBED = 0.5 ACRES
- AN ELECTRONIC FILE OF THE SITE PLAN SHALL BE MADE AVAILABLE FOR STAKING PURPOSES.
- CONTACT THE UTILITY COMPANY TO RELOCATE ANY EXISTING UTILITY POLES. ALL EXISTING FACILITIES WHICH CONFLICT WITH THE IMPROVEMENTS UNDER THE SCOPE OF THIS PROJECT MUST BE RELOCATED AT THE EXPENSE OF THE CONTRACTOR.

ZONING CODE SUMMARY

PROJECT NAME: EMANUEL BAPTIST CHURCH NEW SANCTUARY
 PLANS PREPARED BY: ROBERT DAVIS ENGINEERING LLC PHONE# (843)536-0896
 TAX PARCEL ID: 130-14-06-008, 130-24-15-001
 STREET ADDRESS: 106 BOONE ST, SUMMERVILLE, SC
 ZONING: NC
 PROPOSED USE: RELIGIOUS
 BUILDING HEIGHT: 18'
 BUILDING COVERAGE: 12099 SF±
 LOT SIZE: 1.25 ACRES
 JURISDICTION: DORCHESTER COUNTY, SC
 YARD REQUIREMENTS:
 FRONT YARD (EAST): 10'
 REAR YARD (WEST): 10'
 SIDE YARD (SOUTH): 10'

REQUIRED BUFFERS:
 BUFFER YARD "B" PER BERKELEY COUNTY ZONING ORDINANCE
 REQUIRED SCREENING:
 SETBACK (FRONT): N/A SIDE YARD (EAST): N/A
 REAR YARD: N/A SIDE YARD (WEST): N/A
 PARKING AND SERVICE ONLY: N/A

OPEN SPACE SUMMARY

PARCEL AREA: 1.25 ACRES
 TOTAL IMPERVIOUS AREA (PAVEMENT, WALKS, AND BUILDING): 0.7 ACRES
 IMPERVIOUS RATIO: 56%

OPEN SPACE:
 REQUIRED: NONE
 PROVIDED: NONE

PARKING SUMMARY

CURRENT BUILDING: RELIGIOUS
 NEW BUILDING: RELIGIOUS
 NONE

PARKING REQUIRED: NONE
 ACCESSIBLE PARKING REQUIRED: NONE
 PARKING PROPOSED: 6 SPACES - 6 H/C, 6 VAN
 TOTAL PARKING PROVIDED: 6 SPACES

DETAIL LEGEND

- (A) SCDOT STANDARD DUTY ASPHALT PAVEMENT (SEE SITE DETAIL SHEETS)
 - (B) ACCESSIBLE PARKING AND SIGNAGE (SEE SITE DETAIL SHEETS)
 - (C) VAN ACCESSIBLE PARKING AND SIGNAGE (SEE SITE DETAIL SHEETS)
 - (D) CONCRETE WHEEL STOPS AT ALL SPACES(SEE SITE DETAIL SHEETS)
 - (E) RESURFACE ROAD PER SCDOT STANDARDS
 - (F) STOP BAR
 - (G) STOP SIGN
 - (H) RELOCATED EXISTING WATER METER
 - (I) PROPOSED SIDEWALK
 - (J) PROPOSED ACCESSIBLE RAMP SLOPE 1:12
- (ALL LABELS ARE TYPICAL UNLESS OTHERWISE NOTED)

SITE LEGEND

- DENOTES GRASSED/LANDSCAPED AREAS REFER TO C201
- DENOTES ASPHALT PAVEMENT REFER TO C201
- DENOTES EXISTING PAVING
- DENOTES PROPOSED 4'WIDEx4' THICK SIDEWALK
- DENOTES NUMBER OF PARKING STALLS IN A ROW



Robert Davis ENGINEERING, LLC
 181 E. Evans Street, BTC 024
 Suite C1
 Florence, SC 29506
 Phone (843) 536-0896
 Fax (843) 536-0901

Seals:

EMANUEL BAPTIST CHURCH
 NEW SANCTUARY
 106 BOONE STREET
 SUMMERVILLE, SC 29483

Mark	Date	Description	Revisions

SHEET TITLE

SITE PLAN

Drawn	AEB
Designed	RD
Checked	RD
Date	1/20/2019
Job No.	19078
Sheet No.	C104

PUPS
 PALMETTO UTILITY PROTECTION SERVICES INC
 3 DAYS BEFORE DIGGING IN
 SOUTH CAROLINA
 CALL 1-888-721-7877



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Darby W. McCloskey, AIA
Registered Architect, Florida, Georgia & South Carolina
1700 FREDERICA ROAD SUITE #203, ST. SIMONS GA. 31522 - 912-996-7942
Email : darby@darbyarchitect.com - Web : darbyarchitect.com

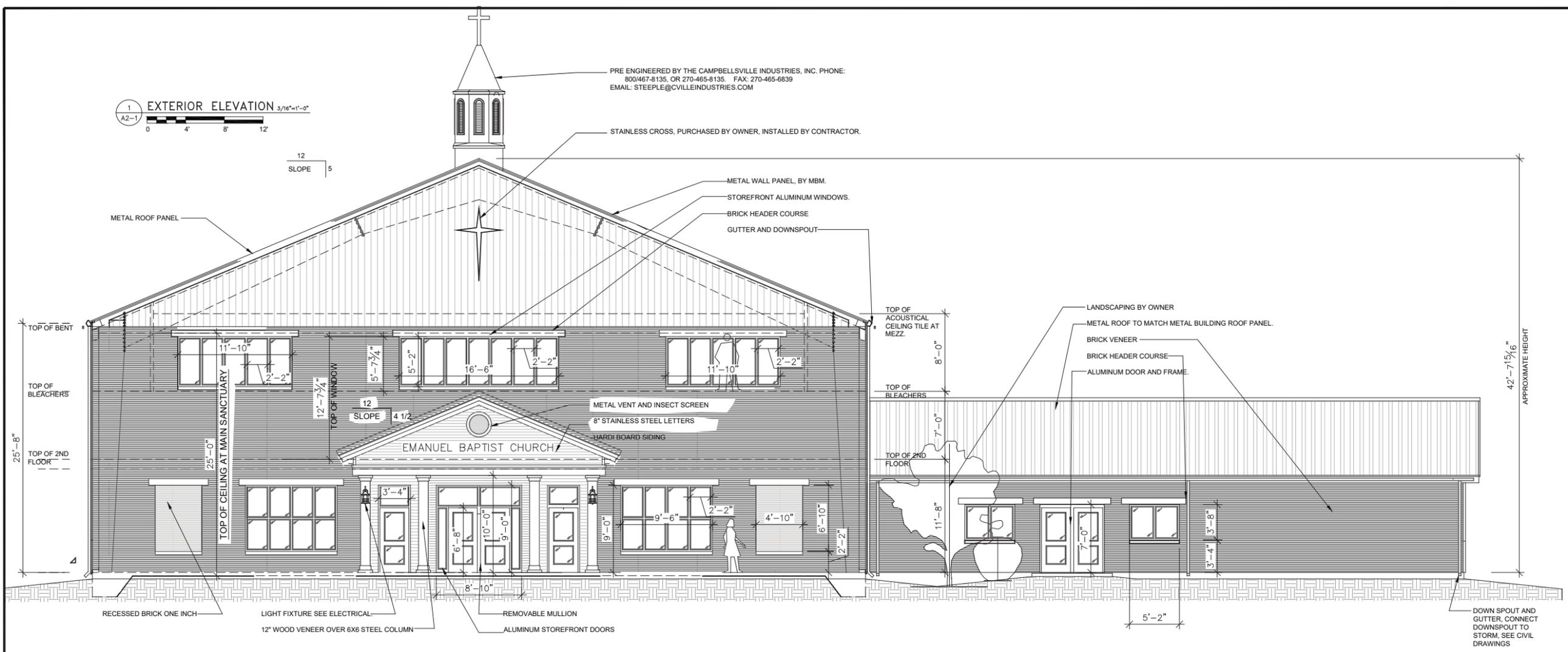
A NEW CAMPUS FOR
EMANUEL BAPTIST CHURCH
106 BOONE STREET SUMMERVILLE SOUTH CAROLINA 29483
OWNER CONTACT - ROBERT DAVIS, JR.
181 E EVANS STREET - SUITE 210 - FLORENCE SC 29506
1-843-636-0696 - robert@robertdavisengineering.com

1921

02-28-2020

A2-1

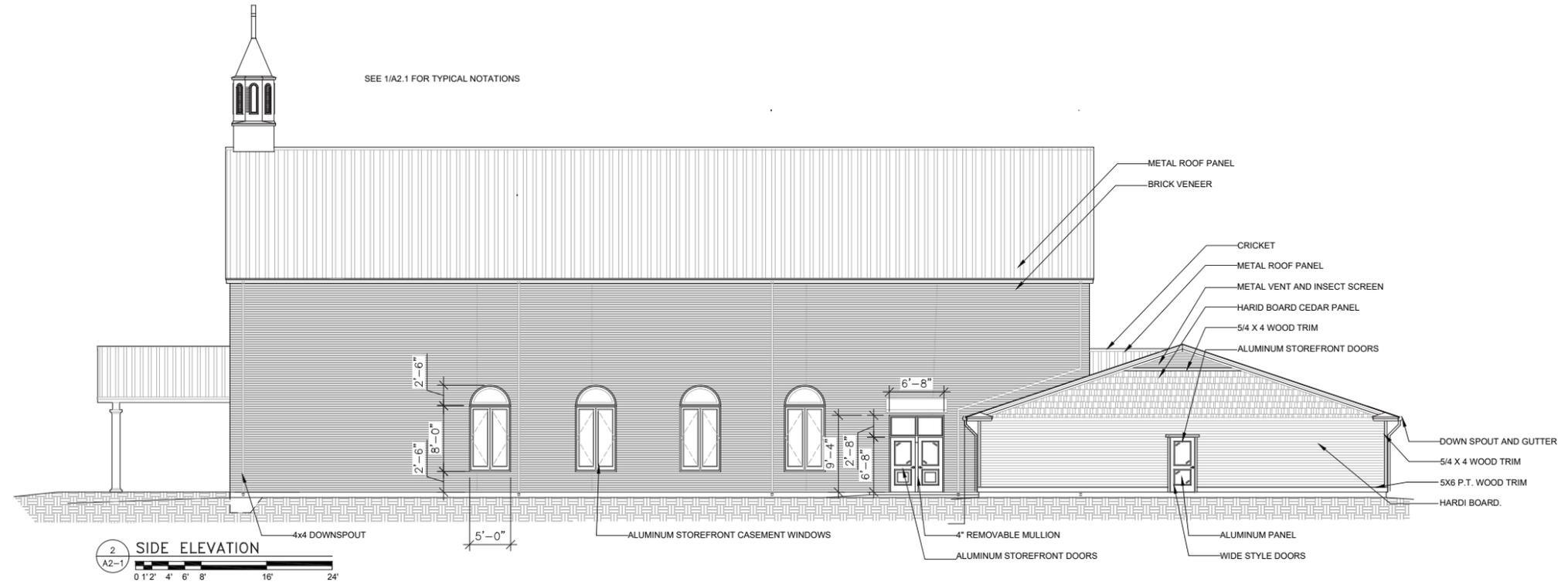
PERMIT AND PRICING



1 EXTERIOR ELEVATION 3/16"=1'-0"

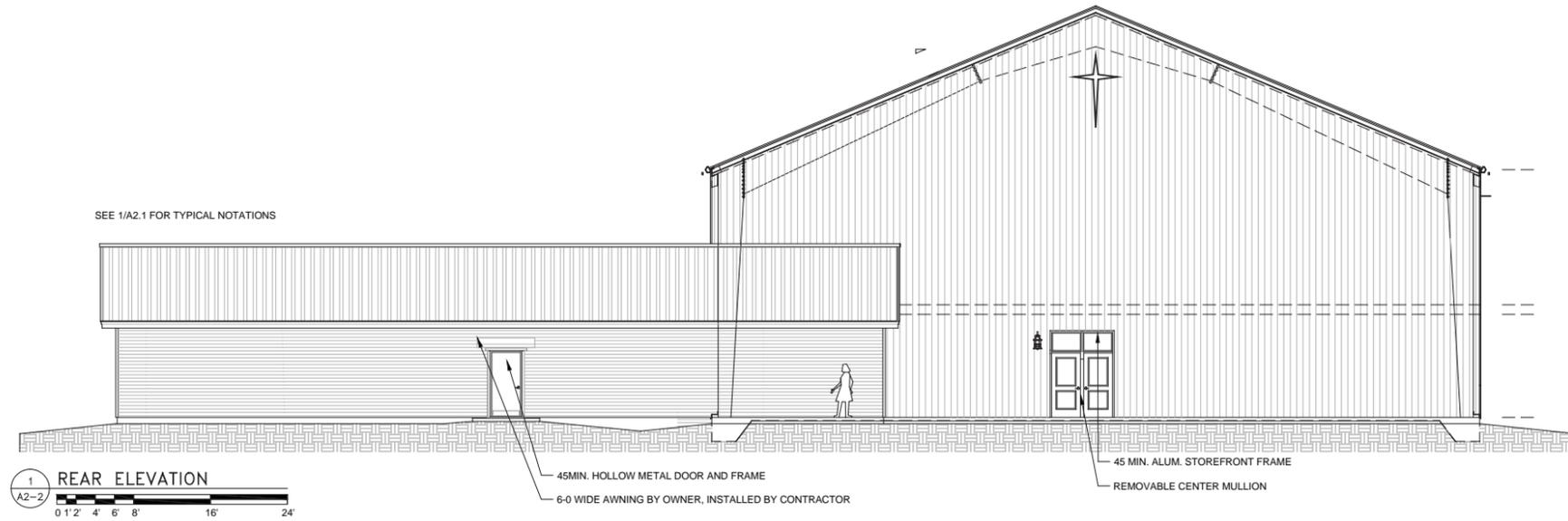


SEE 1/A2.1 FOR TYPICAL NOTATIONS

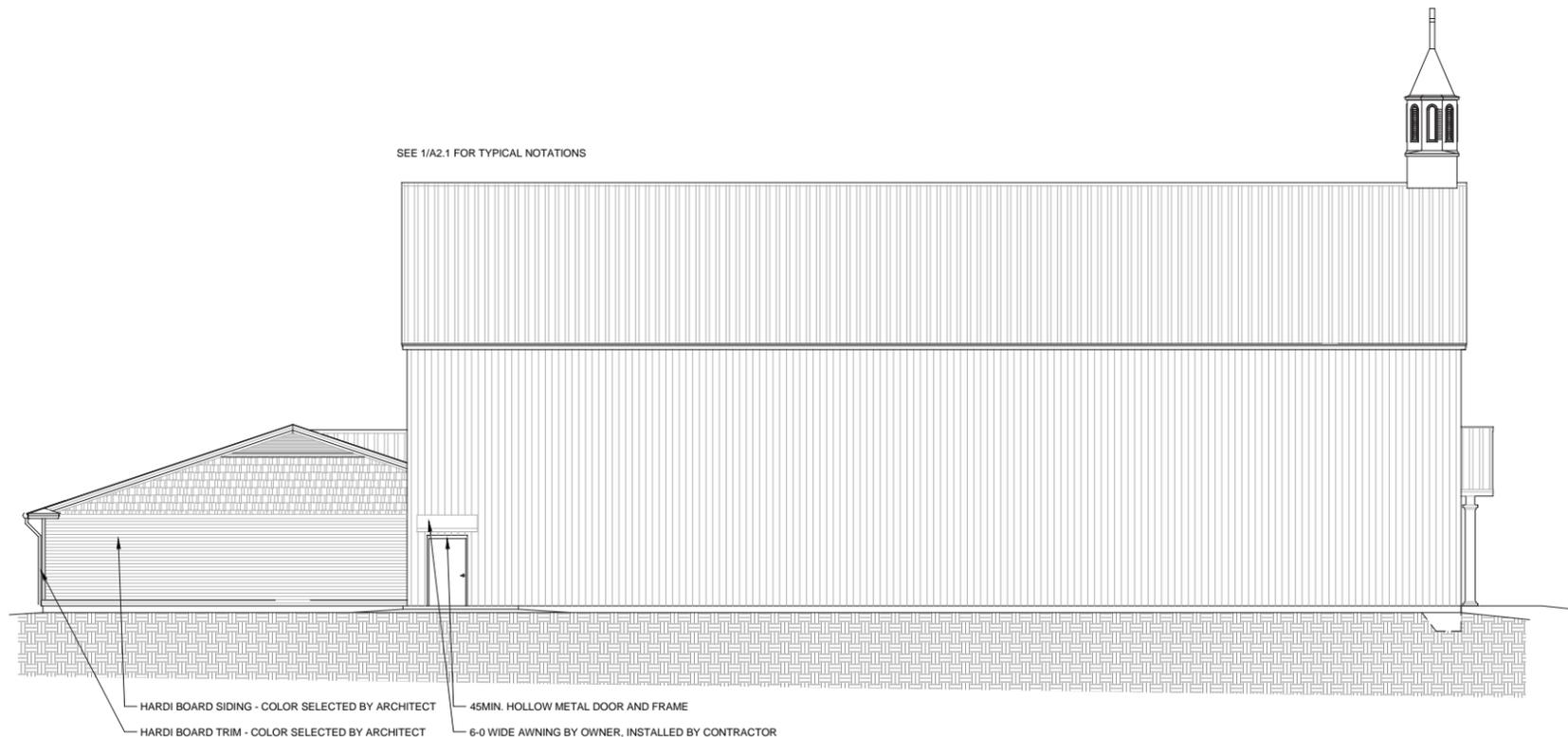


2 SIDE ELEVATION





1 REAR ELEVATION
0' 1' 2' 4' 6' 8' 16' 24'



2 SIDE ELEVATION
0' 1' 2' 4' 6' 8' 16' 24'



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Darby W. McCloskey, AIA
Registered Architect, Florida, Georgia & South Carolina
1700 FREDERICA ROAD SUITE #203, St. Simons GA, 31527 - 912-996-7942
Email : darby@darbyarchitect.com - Web : darbyarchitect.com

A NEW CAMPUS FOR
EMANUEL BAPTIST CHURCH
106 BOONE STREET SUMMERVILLE SOUTH CAROLINA 29483
OWNER CONTACT - ROBERT DAVIS, JR.
181 E EVANS STREET - SUITE 210 - FLORENCE SC 29506
1-843-638-0886 - robert@robertdavisengineering.com

1921
02-28-2020

PERMIT AND PRICING

A2-2

VARIANCE REQUEST
TMS#137-13-04-001
535 Simmons Avenue, Summerville, SC
STAFF REPORT
BOARD OF ZONING APPEALS
January 14, 2020

Request: Variance request to reduce the required side yard setback from 10 feet to five feet for an accessory structure.

Property Zoning: GR-2 General Residential

Surrounding Zoning: North: GR-5 General Residential
South: GR-2 General Residential
East: GR-2 General Residential
West: GR-2 General Residential

Ordinance requires: Ordinance Section 2.7.4.B Accessory Structure Side Setback – 10 feet

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 setback variance was determined at the time of application for the permit to construct the shed.

Staff feels that the applicant does not meet all four criteria, and that a hardship is present.

- a. Extraordinary conditions exist in the form of existing conditions, the property is a triangle shape. The shape of the lot though does not prevent the shed from being placed at a proper setback. The property is of a size that this should not be detrimental to the utilization of the property.
- b. Other property in the area do not have similar lot shape and would not face similar constraints.
- c. Utilization of the property is reduced but not eliminated due to the shape of the lot.
- d. Detriment will not be caused to other properties by the issuance of this variance on this property.

Town of Summerville Information Lookup



Location Information

This property is in the Town of Summerville.
TMS: 137-13-04-001.000
Owner: THORNTHWAITE MARION R & PHYLISS B
Second Owner:
Zoning: GR-2
Address: 535 SIMMONS AVE
Subdivision:
County: Dorchester
Council District: 3
Representative: Walter Bailey



Town of Summerville Information Lookup

535 SIMMONS AVE



Location Information

This property is in the Town of Summerville.

TMS: 137-13-04-001.000

Owner: THORNTHWAITE MARION R & PHYLISS B

Second Owner:

Zoning: GR-2

Address: 535 SIMMONS AVE

Subdivision:

County: Dorchester

Council District: 3

Representative: Walter Bailey

Basemap

Google Maps 538 Simmons Ave



Image capture: Dec 2015 © 2020 Google

Summerville, South Carolina



Street View





Town of Summerville
 200 South Main Street
 Summerville, SC 29483
 843.851.4214

[For Office Use Only]	
Date Received/Initials:	_____
Property Zoned:	_____
BZA Meeting Date:	_____
Ad in Paper Date:	_____
Posted Signs on Property:	_____

**BOARD OF ZONING APPEALS (BZA)
 VARIANCE APPLICATION**

Per Town of Summerville Zoning Ordinance, Chapter 32, Article II
 (SC Code of Laws 6-29-780)

Date: 2-10-20 TMS#: _____ Zoned: R 1

Property Owner: Marion and Phyliss Thornthwaite Phone: 843-754-5663

Email: thornthwaite@knology.net

Mailing Address: 535 Simmons Ave. Summerville, SC 29483

Site Address: 535 Simmons Ave. Summerville, SC 29483

Subdivision: Pine Forest Subdivision

Representative for Property Owner (if applicable)*: _____

Request for variance relating to: (please check one): Setbacks Buffer yard Height

Parking Other: _____

Ordinance Requires: 10' setback

Property Owner Requests: 5' setback

Present Use of Property: (please check one): Residential Commercial Institutional

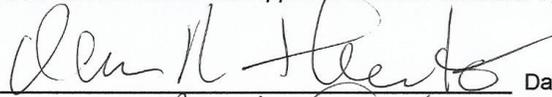
Industrial Other: _____

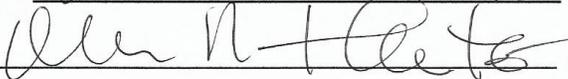
THE FOLLOWING MUST BE SUBMITTED WITH THIS APPLICATION:

1. Copy of recorded plat of property with proposed site plan demonstrating the requested variance.
2. Non-refundable fee of \$100 – check made payable to Town of Summerville.
3. Statement of property owner addressing the State mandated criteria below (please address all four criteria):
 - (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.

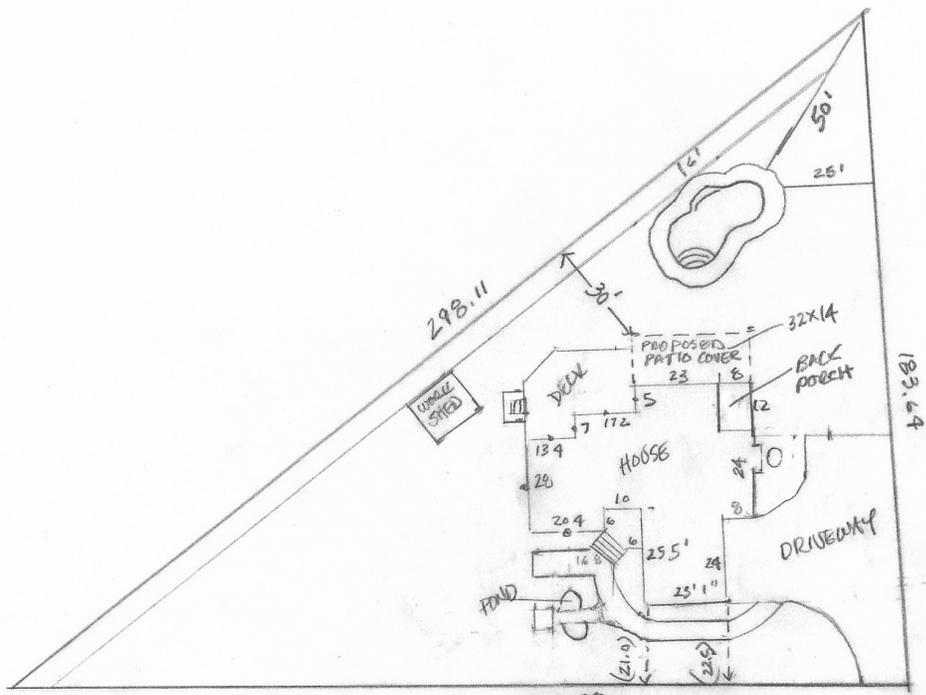
- (c) *Utilization*: Because of these extraordinary conditions, the application of this chapter's provisions to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- (d) *Detriment*: The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting of the variance.

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: 2/10/2020

Signature of Applicant:  Date: 2/10/2020

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



[SCALE 1/20]

246.99

Variance Request for property of Marion R and Phyliss Thornthwaite 535 Simmons Ave Summerville, SC 29483

As requested in this application process, we are submitting the following in Appendix A.

1. Copy of the current recorded plat of the property and
2. Location of the proposed shed on property

PURPOSE OF VARIANCE:

The property is located at 535 Simmons Ave. Summerville SC 29483. The existing setback requirement is 10' on the "side of the property" for the area being proposed. We are requesting a variance of 5' rather than 10'. With a 5' variance, the closest point between the shed and the pool will be 11.5'.

The purpose of the requested variance is to change the required set back from 10' to 5' from the adjacent property. We would like to place a shed in the backyard area conveniently located close to the pool. The shed is needed to hold pool related items such as cushions for chairs, play equipment that is used by our grandchildren, pool supplies, equipment used to clean the pool and furniture storage during the colder months. This is the only feasible location of the shed that would be close to the pool.

The proposed shed would be located in the backyard area off of the smaller side of the property (see proposed site in Appendix A).

The backyard is where we spend most of our time with family and friends. Having pool is a highlight in the summer when grandchildren visit.

State mandated Criteria

(a.) "Extraordinary Conditions: There are extraordinary and exceptional conditions pertaining to the particular piece of property which could exist due to topography and size (see comments below), street widening (not applicable or NA) and other conditions (NA) which could make it difficult or impossible to make an economically feasible use of the property."

Regarding the property's topography, the property is a .52 -acre triangular lot. Of the three sides of the lot, the two longest sides face Simmons Ave and border the back of the property. The third side of the property is the smallest (See Appendix A). It is on this smaller side of the property that we are requesting the proposed variance for a 16x10' shed.

The property width from our property line to the edge of the pool is 26.5'. With the existing offset requirement of 10', if we add the 10' of offset to the 10' of the width of the shed, only 6.5' remains between the shed and the pool.

This would in effect would crop our backyard lawn into two areas: (1) area between the shed and our back fence and (2) **the shed and our pool**. This cropping of the property would leave the flow of the landscaped lawn aesthetically unappealing.

We are requesting a variance of a 5' offset (rather than 10'). In this case, if we add the 5' requested variance to the 10' of the width of the shed, then 11.5' remains between the shed and the pool.

The proposed variance request will allow for us to save 80 square feet (i.e., 5' variance x 16' length of shed) of existing lawn green space.

(b.) Other property: Extraordinary conditions generally, do not apply to other property in the vicinity.”

Don and Laurie Fletcher are the owners of the property on the side we are requesting the variance change (i.e., 537 Simmons Ave). We met with them to view the proposed site of the 16x10 shed and they have no problem with the shed being located at the proposed location on our property. The Fletchers have provided a letter.
[ATTACH STATEMENT]

(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.”

This side of the property is the only place the shed can be located due to the triangular nature of the property.

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

As stated under criteria “(b.) Other property”, Don and Laurie Fletcher are the owners of the property on the side we are requesting the variance change (i.e., 537 Simmons Ave). A letter from the Fletchers is attached.

This 16’ x 10’ shed will be on skids and leveled using 8”x16”x4” concrete blocks. It will be installed by Graceland Portable Buildings. Water runoff will pass under the building and not impair current water flow due to rain. The model chosen will be painted to complement the existing home. It will be maintained to assure the character of the neighborhood is not impacted negatively. The shed would be a complement to the house.



From: Donald Fletcher DFletcher@cmcoastal.com **Subject:** 535 Simmons Avenue

Date: September 12, 2019 at 6:38 AM **To:** thornthwaite@knology.net

To Whom it May Concern,

Laurie and Don Fletcher residents of 537 Simmons Avenue, Summerville, SC 29483
Give Roscoe Thornthwaite of 535 Simmons Avenue, Summerville, SC 29483 our fullest
authority to
build/offset 16 x 10 shed five feet rather than ten feet from our adjoining property line.
Please contact

me at 843-751-5456 should you have additional questions regarding this matter.
Sincerely,

Don Fletcher
537 Simmons Avenue Summerville, SC 29483 (843)751-5456



Proposed 16x10 shed.



View of proposed site with orange-taped-5-foot variance. Pink tape in front is the 10-foot offset. View is from the backyard entry gate to the right side and back property lines.



View of proposed site with orange-taped-5-foot variance. Pink tape in front is the 10-foot offset. View is from the back-property line toward the backyard entry gate.



Broader view of proposed site from back property line toward the backyard gate.



Broader view of proposed site from the backyard gate toward the back-property line.