I. Approval of minutes from April 9, 2019

(For below item, signs posted on property April 29, 2019 and ad on April 28, 2019 in Post & Courier)

II. OLD BUSINESS:
1. No Old Business

III. NEW BUSINESS:

1. TMS # 137-14-09-029, 103 Graham Lane, zoned R-2 Single Family Residential, 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).

2. TMS # 137-13-05-027, 106 Abigale Lane, zoned R-2 Single Family Residential, owned by Christopher and Bethany DeLaughter – Variance request to reduce the rear yard setback from 25 feet to 18 feet for the construction of a screened in porch, Ordinance Section 32-123(e)(3).

IV. MISCELLANEOUS:

1. None

V. ADJOURN

Posted May 7, 2019
The Board of Zoning Appeals met in the Training Room at Town Hall on Tuesday, April 9, 2019 at 5:00 PM. Present were Denis Tsukalas, Chairman; Don Nye, and Elise Richardson. Lionel Lawson and Scott Riddell were unable to attend. Staff present included Jessi Shuler, Director of Planning and Meredith Detsch, Planner.

The meeting was called to order at 5:14 PM by the Chairman. He asked for any comments or edits for the minutes from the February 12, 2019 meeting. A motion was made by Mr. Nye to approve the minutes as presented, and a second was given by Ms. Richardson. The motion passed unanimously.

OLD BUSINESS:
There were no items under old business.

NEW BUSINESS:
The first item under New Business was 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). Ms. Shuler introduced the variance request. Jonathan Yates, Robert Hill with TEP, and Nick Windham with Stetler represented the applicant. Mr. Yates explained that the cell towers were currently located on the water tower on the property. The water tower was placed on the property in 1967, and SCPW, who owns the land and the water tower, is doing a complete overhaul of the water tank, which will take an extended period of time and require all of the existing cell tower equipment to be removed. SCPW is offering to lease an area on their property behind the tank for a monopole cell tower. Chris Kahler with SCPW clarified that they are also concerned about the structural integrity of the water tower with the cell tower equipment on it, and would prefer to lease the land for the monopole rather than making extensive structural changes to the water tower. The existing water tower is approximately 149 feet tall, and the proposed monopole will be 190 feet tall with a four foot lightning rod. Mr. Yates stated that they will allow for co-location of other cell providers on the monopole, and there will be a seven foot tall fence with three strands of barbed wire around the monopole with landscaping around the base of the fence. Mr. Tsukalas asked if anyone from the public would like to speak, and David Small with the Lakes of Summerville HOA noted that he had no questions, and he has no issues with what was presented for the monopole.

Mr. Nye made a motion to approve the variance as requested. The motion was seconded by Ms. Richardson. The motion passed unanimously 3-0.

MISCELLANEOUS:
There were no items under Miscellaneous.

ADJOURN:
Hearing no further business the meeting was adjourned at 5:22 PM with a motion by Mr. Nye and a second by Ms. Richardson. The motion passed unanimously.

Respectfully Submitted,

Jessi Shuler
Director of Planning

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 at 103 Graham Lane 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 R-2 Single Family Residential. Existing conditions, 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

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 ¼ 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.
Disclaimer: 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.
Disclaimer: 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.
BOARD OF ZONING APPEALS (BZA)
APPEAL APPLICATION
Per Town of Summerville Zoning Ordinance, Chapter 32, Article 11
(SC Code of Laws 6-29-760)

Date: 03/08/2019 TMS#: 137 - 14 - 09 - 029 Zoned: R-2

Property Owner: Attn: Christopher Kahler, General Manager Phone: (843) 875-8754

Email: rckahler@summervillecpw.com

Mailing Address: 215 North Cedar Street, Summerville, SC

Site Address: 103 Graham Street, Summerville, SC 29483

Subdivision:

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

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

☐ Industrial ☒ 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: Graham Lane - Site Address: 103 Graham Lane,
Summerville, SC 29483- 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.

[Signature]
CAUTION

RADIO FREQUENCY ENVIRONMENT AREA

ALERTING INSTRUCTIONS: CAUTION RADIO FREQUENCY ENVIRONMENT AREA.

WARNING: CONTINUOUS EXPOSURE TO RADIO FREQUENCY ENVIRONMENT MAY BE HARMFUL TO HEALTH.

DESCRIPTION: CONTINUOUS EXPOSURE TO RADIO FREQUENCY ENVIRONMENT MAY BE HARMFUL TO HEALTH.

NOTICE

Radio frequency fields beyond this point may exceed the FCC general public exposure limit.

CAUTION:

WHITE / YELLOW BACKGROUND / BLACK LETTERING

QUANTITY: (1)

TO BE MOUNTED AT EYE LEVEL OR TOWER TOP SAFETY CLIMB.

NOTICE:

WHITE / GREEN BACKGROUND / BLACK LETTERING

QUANTITY: (1)

TO BE MOUNTED ON CONDUIT ACCESS PANEL.

FCC ANTENNA
STRUCTURE REGISTRATION #

FCC# TBD

STETLER TOWER ID: SC109

GRAHAM LANE

SIGNAGE NOTE:

1. CONTRACTOR TO PROVIDE AND INSTALL ALL SIGNS.
2. ALL SIGNS SHALL BE ADDED ON INSIDE OF TOWER TRAFFIC.
3. UNLESS NOTED OTHERWISE,
VARIANCE REQUEST
TMS#137-13-05-027
106 Abigale Lane, Summerville, SC
STAFF REPORT
BOARD OF ZONING APPEALS
May 14, 2019

Request: Variance request to reduce the required front yard setback from 25 feet to 18 feet.

Property Zoning: R-2 Single Family Residential

Surrounding Zoning: North: R-2 Single Family Residential
South: R-2 Single Family Residential
East: R-1 Single Family Residential
West: R-2 Single Family Residential

Ordinance requires: Ordinance Section 32-123(e)(5) Rear Yard Setback: 25 feet

Background: The owner of the property is seeking to construct a screened in porch on the rear of the house. Due to the placement of the home on the property, with the required 25 foot front yard and 25 foot rear yard setbacks, the proposed porch extends into the required setback 7 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.

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 home is 41 feet setback from the front property line and if it were at the required 25 foot front this would not be necessary.

b. Other property in the area have this same condition, but this is uncommon overall throughout town, and would not necessarily be setting a precedent.

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.
Disclaimer: 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.
Disclaimer: 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.
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: 3/26/19  TMS#: 137-13-05-027  Zoned: R-2

Property Owner: Scott & Beth Delaughter  Phone: 843-709-0997

Email: SCDELHAUGHER@GMAIL.COM

Mailing Address: 106 ABILALE LANE

Site Address: SAME

Subdivision: PRESIDENT'S CIRCLE (NEW)

Representative for Property Owner (if applicable): JENNINGS SMITH

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

☐ Parking ☐ Other:

Ordinance Requires: 28' Rear Setback

Property Owner Requests: Variance for 14' deep Back Porch

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: 3/26/19

Signature of Applicant: 

Date: 3/26/19

*If applicant is not legal property owner, please submit documentation from the property owner giving permission for applicant to represent property owner.*
106 Abigale Lane, Scott and Beth DeLaughter, Zoning Request

3/26/19

Dear Sir or Madam;

I would like to obtain permission to build a screen porch, approximately 18’x14’. Currently, I have a 28’ rear setback, I would need the setback moved back approximately 10’. I would like to address the state mandated criteria below.

a) Extraordinary conditions: There are extraordinary conditions that exist for my property, in that it is a triangular, or “pie” shaped lot. The original builders had to push the home back to be able to fit the front of the home inside the side yard setbacks. In doing so, it left the rear of my home only a few feet off the setback, essentially, unusable.

b) Other property: My neighbors on Abigale Lane are able to, and some indeed have, built rear porches because their homes are not on pie shaped lots and are not pushed so far back onto their lots. My extraordinary conditions do not apply to my neighbors.

c) Utilization: I am unable to build a screen porch onto the front or sides of my house, there is a total restriction on the property to be able to extend to the rear in any significant way.

d) Detriment: There will be no detriment to my neighbors or neighborhood. My backyard has a privacy fence, beyond that, a stretch of trees, and beyond that, Simmons Avenue. This porch will be in congruence with my home, will pass the HOA standards, and will increase the value of my neighbor’s property. Furthermore, the porch will not be visible from Abigale Lane, or Simmons Avenue.

Thank you for your kind consideration in this matter.

[Signature]

Respectfully,

Scott and Beth DeLaughter

106 Abigale Lane

Summerville, SC 29483
3/26/19

Dear Sir or Madam;

I would like to give permission to Jennings Smith and Michael Coutu, of Alair Homes, to represent me in this zoning matter.

Respectfully,

[Signature]

Scott and Beth DeLaughter

106 Abigale Lane

Summerville, SC 29483