

**MINUTES
CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS MEETING
NOVEMBER 19, 2019 6:30 P.M.
GOOSE CREEK COUNCIL CHAMBERS
519 N. GOOSE CREEK BOULEVARD**

I. CALL TO ORDER

Vice Chairman Volkmar called the meeting to order at 6:30 p.m. He initiated the Pledge of Allegiance and a moment of silence.

II. ROLL CALL

Vice Chairman Volkmar defined the duties and powers of the Zoning Board of Appeals (ZBA) per the City's Code of Ordinance. Mrs. Moneer initiated roll call.

Present: Jason Dillard, Larry Monheit, Thomas Volkmar, Bakari Jackson,
James Fisk, Gerald Stinson
Absent: Butch Clift
Staff Present: Mark Brodeur, Brenda Moneer
City Council Present: None

III. REVIEW OF MINUTES FROM JUNE 19, 2019

MOTION: A motion was made to approve the June 19, 2019 minutes as written. **MOVED BY** Board Member Fisk. **SECONDED BY** Board Member Monheit.
DISCUSSION: None
VOTE: All in favor (6-0). Motion carried.

IV. PUBLIC HEARING

TO SOLICIT PUBLIC INPUT CONCERNING A REQUEST FOR A VARIANCE AT PROPERTY IDENTIFIED AS 119 ST. JAMES AVE (TMS#243-08-05-053). THE APPLICANT WILL BE SEEKING A VARIANCE FROM THE SIGN REGULATIONS OF 151.084 OF THE CITY'S ZONING ORDINANCE.

Vice Chairman Volkmar read the public hearing request, gave the testimony of oath to those parties to speak for or against the request, and opened the public hearing.

Mr. Brodeur presented staff report. He stated the item before the Board this evening is a variance request. He stated the variance request is to permit the continued existence of a fascia wall sign which exceeds the maximum number of signs permitted for this business. He stated the Zoning Administrator cited the owner of the business for having a third illegal sign. Rather than comply

and remove the sign, the applicant requests a variance due to special circumstances from the ZBA.

Mr. Brodeur stated per the current sign regulations, a business is permitted only so many signs. He stated Optical Impressions, which is located at 119 St. James Avenue, has several signs oriented toward St. James Avenue. He stated the business owner believes the sign in question allows the motoring public to be able to see the business prior to passing the building, thus alleviating a potential safety hazard. According to the sign regulations, the number of signs allowed by any business depends on their distance from the roadway. Optical Impressions is less than 100 feet from St. James Avenue and falls into a category that allows up to two (2) wall signs. He stated it is staff's recommendation that the board take testimony from the applicant and make the required findings for a variance request.

Mr. Larry Richard spoke on behalf of Optical Impressions. Mr. Richard stated the orientation of the building is long. He stated the business received concerns from several customers not knowing where the building was located.

He stated a professionally made sign was installed as the business was not aware that this was not allowed. He stated the sign has helped with alleviating motorist driving past the business. He stated this also helped with alleviating the potential for accidents as motorist would have to make a U-turn. He stated this is a safety concern.

The board inquired as to how many signs Optical Impressions has. Mr. Richard stated there is one (1) located on the back of the building and two (2) on the parapet of the building. He stated there is also a road sign. Mr. Richard stated the back sign is not lit and is flushed against the building. He stated it is a sign that helps motorist to alleviate traffic incidents. He stated in talking with City staff, they agreed that the sign was helpful, however it would need approval.

Board Member Stinson inquired if Mr. Richard was aware that a median will be installed next year. Mr. Richard stated yes however he did not know about it until after the decision was made. He stated the median will make it worse. Board Member Stinson stated once the median is installed, motorist will not be able to make a left turn into the parking lot. Mr. Richard stated he is not happy about the installation of the median and will contact the transportation department to see what can be done. He stated the transportation department did not provide sufficient notice.

The board inquired of City staff if there is a permitting process for a business to install a sign. Mrs. Moneer stated yes. The board inquired of Mr. Richard if he applied for a permit. Mr. Richard stated no. He stated he did not realize a permit was needed as it was installed to direct traffic.

Board Member Volkmar stated the City has a sign ordinance that City Council passed in an attempt to control the proliferation of signs. Mr. Richard stated he understood and understands that City Council is trying to make the City viable to which he is a part of. He stated he has been in Goose Creek since 1993 and has seen it grown from a bedroom community. He stated for a business to be successful, the customers have to know where the business is located. He stated his sign is not a banner flying on the street, it is well made, and he did not think it would be an issue.

Board Member Stinson stated the reason the median is being installed is for safety as motorists are getting injured. Mr. Richard stated there are accidents everywhere as motorists get impatient. He stated the sign helps motorists not get impatient as they know which lane to be in before it is too late. The board inquired as to how long the sign has been up. Mr. Richard stated a few months. He stated Optical Impressions moved into the building in May of 2018 and the sign was installed two to three months after.

Mr. Brodeur stated the decision to place a business off the main street is the business owner's choice. He stated the wall signs on the parapet are not visible from Highway 52. He stated he believes a better solution might be to change the colors of the monument sign. Mr. Brodeur stated he is torn as it is an illegal sign; as the City's Zoning Administrator, it is his duty to cite illegal signage. He stated if the ZBA believes it can meet the seven criteria of the variance request then it should be approved.

Mr. Richard stated he disagrees with Mr. Brodeur's recommendation of changing the colors of the monument sign. He stated the current colors were chosen because they tend to be the one that draws attention to the eye in the normal course of day.

BOARD MEMBER MONHEIT MADE A MOTIONED TO CLOSE THE PUBLIC HEARING. BOARD MEMBER FISK SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED

Discussion occurred between the board as to whether this request meets the seven criteria for a variance. It was stated that if the board allows for this request to pass, then everyone will want extra signs.

BOARD MEMBER MONHEIT MADE A MOTIONED TO OPEN THE PUBLIC HEARING. BOARD MEMBER STINSON SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED

Mr. Richard stated if the variance is granted, he does not believe there will be a snowball effect. He stated every situation is different and unique. Board Member Stinson inquired as to why the sign was not located in the back when the building was designed. Mr. Richard stated it did not come up until feedback was presented from customers.

MOTION: A motion was made to deny the application for a variance request as it does not satisfy the criteria set forth. **MOVED BY** Board Member Monheit. **SECONDED BY** Board Member Fisk.

DISCUSSION: None

VOTE: All in favor (6-0). Motion carried.

Mr. Richard stated he does not agree with the board for not granting the variance. He stated the rules allow for a variance and this is a case where a variance should have been granted. Mr. Richard stated he will appeal to the circuit court.

V. END OF YEAR BUSINESS

A) ELECTION OF CHAIRMAN

MOTION: A motion was made to nominate Mr. Butch Clift as Chairman **MOVED BY** Board Member Stinson **SECONDED BY** Board Member Jackson.

DISCUSSION: None

VOTE: All in favor (6-0). Motion carried.

B) ELECTION OF VICE CHAIRMAN

MOTION: A motion was made to nominate Mr. Tom Volkmar as Vice Chairman **MOVED BY** Board Member Stinson **SECONDED BY** Board Member Jackson.

DISCUSSION: None

VOTE: All in favor (6-0). Motion carried.

C) COMMISSION MEMBER TERMS

Mrs. Moneer stated there are no terms expiring until 2020.

VI. COMMENTS FROM THE BOARD

Vice Chairman Volkmar stated the holiday party is from 6:00 to 8:30 at the Crowfield Golf Course and spouses are invited.

VII. COMMENTS FROM STAFF

No Comments

VIII. ADJOURNMENT

Board Member Monheit made a motion to adjourn. Board Member Stinson seconded. All voted in favor (6-0). The meeting ended at 7:11 p.m.

_____ **Date:** _____, 2020
Tom Volkmar, Vice Chairman