



## **Zoning Board of Appeals Meeting**

Monday, April 23, 2018

6:30 p.m.

City of Goose Creek  
Marguerite H. Brown Municipal Center  
Council Chambers  
519 North Goose Creek Blvd.  
Goose Creek SC



## MEMORANDUM

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**TO:** Members of the Zoning Board of Appeals

**FROM:** Brenda Moneer, Planning and Zoning Specialist

**DATE:** April 18, 2018

**SUBJECT:** Notification of Meeting

This is to inform everyone that the next meeting of the Zoning Board of Appeals has been scheduled for **Monday, April 23, 2018 at 6:30pm.**

You will be asked to review one application for a variance requests pursuant to your duties and powers as defined in Zoning Ordinance Section 151.171 below. Information regarding the request(s) are included in your packet.

### **§ 151.171 DUTIES AND POWERS.**

#### **VARIANCES**

(B) To hear and decide appeals for variance from the requirements of this chapter when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the ZBA makes and explains in writing the following findings, and that all of the following factors shall be met. The following are provisions of S.C. Code, 1994 § 6-29-800, as amended:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (2) These conditions do not generally apply to other property in the vicinity;

(3) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

(4) The authorization of a variance shall not be of substantial detriment to adjacent property or to the public good, and the character of the district shall not be harmed by the granting of the variance;

(5) The ZBA may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land, or to change the zoning district boundaries shown on the official zoning map approved by City Council and on file with the Planning Director and City Clerk. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;

(6) In granting a variance, the ZBA may attach to it the conditions regarding the location, character, or other features of the proposed building, structure, or use as the ZBA may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety or general welfare; and

(7) The ZBA shall not grant use variances. A use variance involves the establishment of a use not otherwise permitted in a zoning district, or extends physically a non-conforming land use or changes the zoning district boundaries shown on the official zoning map approved by City Council and on file with the Planning Director and City Clerk.



**AGENDA  
CITY OF GOOSE CREEK  
ZONING BOARD OF APPEALS MEETING  
MONDAY, APRIL 23, 2018 6:30 P.M.  
MARGUERITE H. BROWN MUNICIPAL CENTER  
519 N. GOOSE CREEK BOULEVARD**

- I. Call to Order –Chairman Butch Clift
- II. Roll Call – Chairman Butch Clift
- III. **Public Hearing** - Request for Variance to Appendix D ZONING DISTRICTS from the required lot coverage maximum of the City’s zoning ordinance for property located at 134 Firethorn Dr., TMS# 235-11-03-077.
- IV. Comments from Board
- V. Comments from Staff
- VI. Adjournment

*Please note this Agenda was posted at City Hall and on the City Website prior to meeting.*



## MEMORANDUM

**TO:** Zoning Board of Appeals

**FROM:** Brenda Moneer  
Planning and Zoning Technician

**RE:** Variance Request – 134 Firethorn Drive

**DATE:** January 19, 2017

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Staff has reviewed the above referenced variance request and offers the following commentary:

### Background

1. Pursuant to §151.171 of the Zoning Ordinance of the City of Goose Creek, the applicant is seeking a variance from the required lot coverage maximum requirements as required by Appendix D of the City's Zoning Ordinance.
2. The property in question is located in Liberty Village IIIB, within Brickhope Plantation, and is zoned Planned Development. The community was developed as a high density residential development (R3), with required setbacks of 20' front, 5' minimum side, and 20' rear.
3. The applicant wishes to build a 12'x14' screen porch totaling 168 square feet onto the home but cannot do so and meet the lot coverage requirement in its entirety. The proposed porch would exceed the 40% maximum by 1%.
4. Staff does note the applicant is proposing an addition with the same size as currently offered by the builder.

5. **Lot Size = 7,150 SF**

**\*Existing Structures: Front Porch = 175 SF +; Garage = 400 SF +; 1<sup>st</sup> Floor = 2207  
Total = 2782 SF**

**Proposed Addition: 12'x14' Screen Porch = 168 SF**

**All structures (existing and proposed) = 2950 SF ÷ Lot Size 7,150 = .413 or 41%**

Therefore, a smaller porch such as 10'x10' totaling 100SF would meet the 40% lot coverage maximum requirement. Otherwise, evidence presented during this public hearing will have to establish whether or not all criteria are met.

\*This information was retrieved from the property card from Berkeley County Tax Assessor records.



# PROPERTY PROFILE

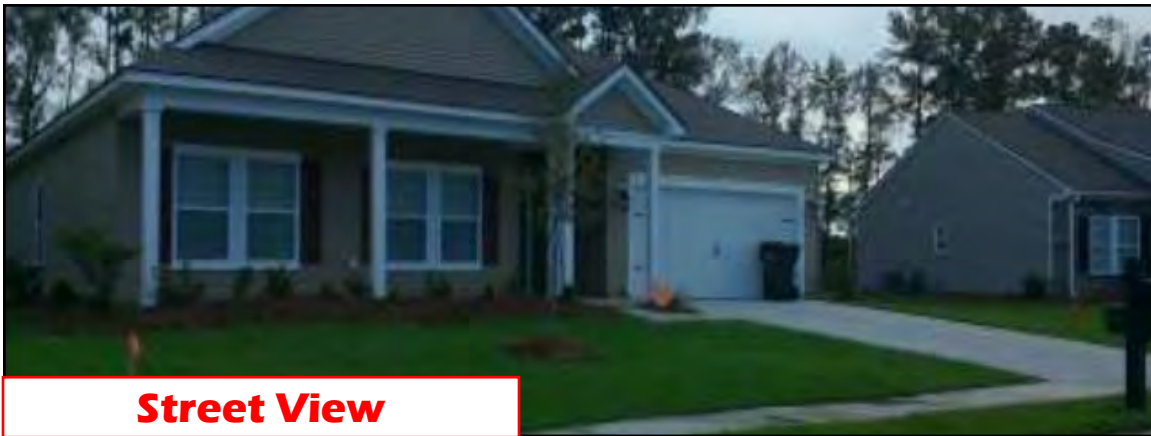
DEPARTMENT OF PLANNING AND ZONING

## PUBLIC HEARING

**Request for Variance from the required lot coverage maximum of Appendix "D" of the City Zoning Ordinance in regard to TMS #235-11-03-077, 134 Firethorn Drive.**

DATE: April 18, 2018

**STREET:** Firethorn Drive  
**OWNER/DEVELOPER:** Michael and Tamara Ellington  
**EXISTING USE:** Residence  
**LOCATION:** Liberty Village III-B  
**VARIANCE REQUEST:** Appendix D  
**ZONING:** PD- Planned Development



**Street View**



**Aerial View**



TODAY'S DATE: 3-7-18

PART I. PURPOSE OF SUBMITTAL

- Site Plan
- Subdivision (See Checklist)
- Plat Review
- Variance\*
- Rezoning\*
- Conditional Use Permit\*

PART II. GENERAL INFORMATION

1. Development Name: Brickhope Plantation
2. Street Address: 134 Firethorn DR.
3. TMS #: \_\_\_\_\_

GOOSE CREEK ZONING DISTRICTS

- CO: Conservation Open Space
- LI: Light Industrial
- R-1: Residential Low Density
- R-2: Residential Medium Density
- R-3: Residential High Density
- GC: General Commercial
- NC: Neighborhood Commercial
- RC: Restricted Commercial
- PD: Planned Development
- PD-MH: PD for Mobile Home

4. Zoning Classification: \_\_\_\_\_  
Requested Classification: \_\_\_\_\_ (For rezonings only)
5. Total Site Acres: 0.203

PART III. CONTACT INFORMATION

Owner/Developer Name: Michael and Tamara Ellington  
 Street Address: 134 Firethorn DR. City: Goose Creek St: SC Zip: 29445  
 Telephone: \_\_\_\_\_ Cell Phone: 843-437-2335 Fax: \_\_\_\_\_  
 E-mail Address: zorn-tamara@gmail.com

PART IV. SUBMITTAL INFORMATION (IF APPLICABLE)

Proposed Building Use: Screened porch  
 Proposed Total Building Area (gross sq. ft.): 1168 12'x14'  
 Max. Building Height: \_\_\_\_\_ Total Number of Buildings/Units/Lots: 1

AGENT WAIVER

*In filing this plan as the property owner, I do hereby agree and firmly bind myself, my heirs, executors, administrators, successors and assignees jointly and severally to construct all improvements and make all dedications as shown on this proposed site plan as approved by the City of Goose Creek, South Carolina. I hereby designate \_\_\_\_\_ to serve as my agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf, and to represent me in any public meetings regarding this application.*

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_



March 7, 2018

Re: Request for Variance for 12x14 Screened Porch for 134 Firethorn Drive, Goose Creek

To whom it may concern:

We are requesting a variance for our screened porch addition for the reasons listed below. We appreciate the time that you volunteer to review our request.

- The builder informed us that we would be able to go through the City of Goose Creek to add our 12x14 screened porch and measured with us to make sure that this size would fit. The builder never informed us of the 40% lot usage regulation, had we been informed we would have chosen a different lot. We as homeowners do understand why this rule is in place and are only requesting a 1% variance.
- We are requesting the variance in order to build the same size offered by the builder in an effort to remain consistent with the other screened porches throughout the neighborhood.
- The percentage of our lot size is somewhat smaller because we have a larger one-story home that does not allow quite as much space as what a two story home would allow.

We purchased with the intention of it being our retirement home; the lot sits adjacent to a very nice pond with a gorgeous view that offers much needed therapy for the very busy world we live in. Our porch is our quiet escape from the world where we spend a lot of time together and we would be grateful for your approval of our variance request. With respect we are only asking for a 1% variance, if approved this would add value to our home as well as consistency.

Thank you for your time and consideration,

Michael and Tamara Ellington

843-437-2335

[zorntamara@gmail.com](mailto:zorntamara@gmail.com)



Tamara Ellington <zorntamara@gmail.com>

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## Approval Letter

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**muribe@cmgcharleston.com** <muribe@cmgcharleston.com>  
To: zorntamara@gmail.com

Tue, Mar 6, 2018 at 1:18 PM



March 6, 2018

Tamara Z. & Michael W. Ellington  
[134 Firethorn Dr.](#)  
[Goose Creek, SC 29445](#)

Re: Screened Porch Request

Property: [134 Firethorn Dr.](#)

Dear Tamara Z. & Michael W. Ellington

Thank you for submitting your request to the Architectural Review Committee. The Committee recently reviewed your requested modification and has moved to **APPROVE** your request. Please see noted conditions below (if any).

The Architectural Committee appreciates your participation in the review process. Please be advised that the ARC/ARB/ACC does not warranty improvements. It is important to note that any deviation from the approved plan requires resubmission to the Architectural Review Committee.

It is your responsibility to ensure the quality of craftsmanship, gain proper approvals, and ensure adequacy of design. The ARC/ARB/ACC will inspect to make sure guidelines were adhered to.

Thank you again for your submission. Should you have any further questions, please do not hesitate to contact our office at [Brickhope@cmgcharleston.com](mailto:Brickhope@cmgcharleston.com).

Sincerely,

Brickhope Plantation Master Community Association, Inc.

**COMMENTS: Please ensure that all siding and roofing matches the existing structure as described in the application. Please obtain any necessary permits as required. Thank you.**

