

**MINUTES
CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS MEETING
JUNE 15, 2021, 4:00 P.M.
MARGUERITE H. BROWN MUNICIPAL CENTER**

I. TRAINING FOR BOARD MEMBERS: ZBA MEMBER ONLY 4PM TO 5PM

A representative from Wetmore Law Firm reviewed the following topics with the board:

- ZBA Basics
- State Ethics Law
- State FOIA Law
- Variances
- Special Exceptions
- Procedures

II. CALL TO ORDER AND ROLL CALL

Chairman Clift called the meeting to order at 5:00 p.m. and initiated the Pledge of Allegiance. Mrs. Moneer initiated roll call.

Present: Butch Clift, Tom Volkmar, Larry Monheit, James Fisk, Jason Dillard, Bakari Jackson, Sarina Freinckle

Absent: None

Staff Present: Planning and Zoning Director Mark Brodeur
Planning Technician Brenda Moneer

Chairman Clift defined the duties and powers of the Zoning Board of Appeals (ZBA) per the City's Code of Ordinance.

III. APPROVAL OF MINUTES

MOTION: A motion was made to approve the minutes as presented. **MOVED BY** Board Member Volkmar. **SECONDED BY** Board Member Monheit.

DISCUSSION: None

VOTE: All in favor (7-0). Motion carried.

IV. PUBLIC HEARING: NEW BUSINESS

A. 2021-037 CUP: COKERS COMMONS (TMS# 235-06-10-087): REQUEST FOR A CONDITIONAL USE PERMIT FOR DEVELOPMENT OF PARCEL LOCATED AT 117 KIRKLAND STREET, GOOSE CREEK, SC.

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

Mr. William Presnell with Presstar 2011, LLC presented his request. He stated this is a property located in Cokers Commons. He stated there was a pool build by the original developer around 2008, however the developer went bankrupt in 2012; during that time the pool fell into disrepair. Mr. Presnell stated it is an eye soar for the neighborhood. He stated the property is currently zoned General Commercial (GC) with no restrictions. The original developer never deeded the property to the Homeowner's Association (HOA) and he never even started and HOA before he failed. Mr. Presnell stated the property went to a tax sale which is how he came to own the property. Since taking ownership, he has worked with the HOA thinking they may want the property back to rehabilitate it. He stated they did not want it as they do not have the funds to rehabilitate it and maintain it. He stated seeing that no one is going to spend the money to rehabilitate it as a pool, he thinks the highest and best use would be to subdivide it into townhome lots to match the rest of the neighborhood. Discussion regarding the HOA ensued. It was stated the newer development has an HOA. There is no HOA on this property itself.

The applicant stated he is not a builder; he is looking to divide the lots in keeping with the rest of the neighborhood. He is going to sell to a builder to develop these townhomes. He stated the infrastructure is in place.

1. **Setbacks, buffers, fences, or planting strips protect adjacent properties from adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors:** The proposed subdivision creates attached single-family townhome lots identical to the existing residential lots in the rest of the community. The existing setbacks and rules in place that will be applicable to these lots ensure that there will be no adverse effect on the adjacent lots or community. On the contrary, the removal of the pool will be a significant improvement.
2. **Vehicular traffic flow would not increase, and pedestrian movement would not be diminished or endangered: ingress and egress roads placed away from the intersection of Carolina Ave/Marilyn Street to reduce potential impact of additional traffic flow:** The addition of six additional lots in this location will create no additional burden on local traffic patterns nor will it impede pedestrian movement. The property is located at the front of the existing development, so any additional through-traffic past the existing homes would be negligible.
3. **Off-street parking and loading, and ingress/egress points of proposed uses will be adequate as to location, capacity, and design:** In keeping with the existing design and

site plans in the development, each property will have sufficient off-street parking for at least two vehicles.

4. **Property values, general character and welfare of nearby areas will not be deteriorated:** The current condition of the pool and bathhouse structure is an eyesore and detriment to the value in the community. Its demolition will remove a significant impairment to the value of adjacent properties and improve the overall attractiveness of the community.
5. **The proposed use shall be in accordance with the purpose and intent of the city's Comprehensive Plan, this chapter and other rules and regulations.** To the best of the applicant's understanding, the proposed plan is consistent with the purpose and intent of the City of Goose Creek Comprehensive Plan and complies with all rules and regulations.
6. **The proposed use shall be compatible with the existing neighborhood character and be consistent with the character and purpose of the applicable zoning district:** The intent of applying for the Conditional Use Permit is to remove the pool and structures that have fallen into disrepair and redevelop the property to make it consistent and in keeping with the condition, character and use of the rest of the development.
7. **The proposed use shall not adversely affect surrounding land use, as measured in terms of its physical size, intensity of use, visual impact, and proximity to other structures:** The proposed lots match the existing lots in the community in orientation, layout, and size. The townhouse proposed for development also will be in keeping with the existing size, style, and layout with the existing structures. The proposed use will have no adverse effects on the adjacent properties and will be an improved visual impact in comparison to the existing structures.
8. **The proposed use complies with all applicable development standards of the city:** To the best of the applicant's understanding, the proposed use complies with all applicable development standards of the City.
9. **The proposed use is not detrimental to the public health, safety or general welfare of the city and its citizens:** As is, the pool is a potential health and safety hazard to the community. Its removal will be a significant benefit, and the lots developed will have no negative impacts on the health or safety of the community.
10. **The proposed use shall not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, of the vehicular movement, of noise or fumes or of the type of physical activity:** The proposed single family lots are consistent with the neighborhood and will create no nuisance or hazards. Approval of this CUP will result in the removal of the abandoned pool and its associated health and safety risks.
11. **The proposed use shall not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site:** The lots proposed are identical in layout, size, and orientation to those that currently exist, and do not create or aggravate any vehicular or pedestrian hazards.

12. **The proposed use shall not create glare from vehicular and stationary lights and the extent to which the lights will be visible from the adjacent zoning districts:** The lots proposed are identical in layout, size, and orientation to those that currently exist, and their development and use will be consistent with the residential use of adjacent properties. No glare from vehicular or stationary lights will have an impact on the adjacent parcels.
13. **The proposed use shall not destroy, create a loss, or cause damage to natural scenic, history features of significant important:** Re-development of this property will have no impact on any natural, scenic, or historic feature of significant importance.

Mr. Brodeur read his staff report into the record:

Proposal:

The property owner, William “Tripp” Presnell is appearing before the Zoning Board of Appeals (ZBA) for a Conditional Use Permit to construct six townhouse units on a small .43-acre parcel zoned General Commercial.

Background:

The subject parcel TMS number is 235-06-10-087 and is approximately 18,730 square feet. The site has a swimming pool and associated structures that have fallen into serious disrepair. The site also has numerous off-street parking spaces that have been utilized by the surrounding community for additional parking. The property is zoned General Commercial (GC) and Multi-family development is allowed with a Conditional Use Permit. The property is adjacent to other GC zoning with similar townhouses built upon them. He stated all of the townhomes in this development are zoned GC.

If approved, the parcel will need to be subdivided (See draft plan) into individual parcels consistent with the size of surrounding properties so that they “fit” within the same look of the neighborhood. The zoning code establishes the minimum lot sizes for each unit depending on the number of stories and the number of bedrooms provided.

Discussion:

At this point, the applicant does not have fully developed site plans and architectural elevations for the proposed townhouse units. The applicant has worked with the members of the existing HOA to gain support for the removal of the swimming pool and the construction of townhomes consistent with surrounding designs. See letter from HOA.

Since this is a Conditional Use, the ZBA may place conditions of approval on the ultimate development of the site. Staff has the following recommendation to the ZBA to be placed as conditions of approval.

1. All six front facades must look different from one another. Employing a different color is not enough.
2. Each unit shall employ a front porch for the entire width of the townhouse (except garage door) and be a minimum of four feet deep.

3. Each unit shall employ the use of a single car garage and a driveway capable of parking two cars in tandem.
4. The public parking spaces that are currently on the one side of the pool parcel shall remain in place for visitor parking for the rest of the subdivision. The HOA must maintain those spaces.
5. One street tree shall be planted in front of each unit. A 15-gallon tree of the owners choosing.
6. Foundation shrub plantings shall be installed on the front of each unit.
7. Direct the applicant to return with plans, specifications, and architectural drawings for approval by the Zoning Administrator.

Recommendation:

Approve the Conditional Use request with suggested conditions.

Chairman Clift stated he would like to add a number eight (8) that the townhomes will be a part of the HOA.

Ms. Renee Davis of Coker's Commons shared her concerns regarding parking.

Ms. Patti Lewis of Coker's Commons shared her concerns regarding parking. She stated in the original HOA, the bylaws state there is no parking on the street. She stated they need additional parking. She stated she hoped larger trees could be planted. She stated mailboxes will also need to be moved.

The public hearing was closed, discussion regarding if they can require these townhomes to be a part of the HOA ensued.

MOTION:

A motion was made to approve the application for a conditional use permit for the property located at TMS# 235-16-10-087 having found the application satisfies the thirteen (13) criteria for a conditional use permit as outline in section 151.171 (c) of the zoning ordinance with the following conditions to be added:

1. All six front facades must look different from one another. Employing a different color is not enough.
2. Each unit shall employ a front porch for the entire width of the townhouse (except garage door) and be a minimum of four feet deep.
3. Each unit shall employ the use of a single car garage and a driveway capable of parking two cars in tandem.

4. The public parking spaces that are currently on the one side of the pool parcel shall remain in place for visitor parking for the rest of the subdivision. The HOA must maintain those spaces.
5. One street tree shall be planted in front of each unit. A 15-gallon tree of the owners choosing.
6. Foundation shrub plantings shall be installed on the front of each unit.
7. Direct the applicant to return with plans, specifications, and architectural drawings for approval by the Zoning Administrator.
8. The townhomes will be a part of an HOA.

MOVED BY Board Member Volkmar. **SECONDED BY** Board Member Monheit.

DISCUSSION: None

VOTE: Board Member Clift, Board Member Volkmar, Board Member Monheit Board Member Dillard, Board Member Jackson, and Board Member Freinle voted in favor. Board Member Fisk opposed. Motion carried (6-1).

The board open the meeting to the public.

V. CLOSING REMARKS AND ADJOURNMENT

Board Member Volkmar inquired as to the appropriate way to amend the Zoning Ordinance as to how the board conducts the meeting. Mr. Brodeur stated we will have to place the item on the agenda for approval. Questions regarding who needs to be sworn in ensued. Mr. Brodeur stated staff and the applicant needs to be sworn in, the public does not. Board Member Dillard requested the meetings be held at 6 p.m.

MOTION: A motion was made to adjourn. **MOVED BY** Board Member Monheit. **SECONDED BY** Board Member Jackson.

DISCUSSION: None

VOTE: All in favor (7-0). Motion carried.

The meeting ended at 5:57 p.m.

_____ **Date:** _____, 2021
Butch Clift, Chairman