

**MINUTES  
CITY OF GOOSE CREEK  
ZONING BOARD OF APPEALS MEETING  
SEPTEMBER 30, 2021, 6:00 P.M.  
MARGUERITE H. BROWN MUNICIPAL CENTER**

**I. CALL TO ORDER AND ROLL CALL**

Chairman Clift called the meeting to order at 6:00 p.m. and initiated the Pledge of Allegiance. Mrs. Moneer initiated roll call.

**Present:** Butch Clift, Tom Volkmar, Larry Monheit, James Fisk, Bakari Jackson

**Absent:** Jason Dillard, Sarina Freinckle

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

**II. APPROVAL OF MINUTES: JUNE 15, 2021**

**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 (5-0). Motion carried.

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

**MOTION:** A motion was made to change the order of business to provide for the Zoning Administrator to present first followed by the applicant. **MOVED BY** Board Member Volkmar. **SECONDED BY** Board Member Monheit.

**DISCUSSION:** None

**VOTE:** All in favor (5-0). Motion carried.

### **III. PUBLIC HEARING: NEW BUSINESS**

#### **A. 2021-061 AP: ALL-STAR STORAGE APPEAL: THE APPEAL OF THE ZONING ADMINISTRATOR'S DECISION FOR ALL-STAR STORAGE. PARCEL IS IDENTIFIED AS TMS#243-00-00-013, LOCATED AT 221 ST. JAMES AVE.**

Mr. Brodeur presented staff report. He stated the item before the board today is an appeal of a decision made by the City's Zoning Administrator. Per Zoning Code Chapter 151.171(A) - DUTIES AND POWERS, the Zoning Board of Appeals (ZBA) has the exclusive power to hear and decide appeals where it is alleged the zoning administrator, in the strict enforcement of the zoning ordinance, erred in a decision or determination. The ZBA may reverse or affirm, wholly or in part, the determination by the Zoning Administrator. The board has all the powers of the zoning administrator in this case and may issue or direct the issuance of the permit.

Mr. Brodeur presented background information. He stated the 8.092-acre property has an existing storage facility built upon it and is referred to as All Star Storage. The property is zoned General Commercial (GC). Research confirms the site has been zoned commercial since approximately 1983. Until circa 2014, the site remained a grocery store. The current owner legally converted the property into a storage facility in the 2014-15 timeframe. The storage facility currently includes covered and uncovered recreational vehicle (RV) parking. At the time, the storage facility, plus the recreational vehicle parking was a legal use. Research of records reveal that in the latter part of 2017, City Council adopted a new ordinance that changed the requirements for storage facilities located in the General Commercial zoning district; this change effectively made parking/storage of recreational vehicles a prohibited use in the GC zoning class. Today, the existing RV parking at All Star Storage is considered a legal non-conforming use. The applicant's proposal to the City's Zoning Administrator was to expand the RV parking on the site. The Zoning Administrator denied the applicant's request because the parking of recreational vehicles is not a permitted activity in the General Commercial zoning district. City Council made a direct change to the uses allowed in the GC district regarding RV Parking.

Mr. Brodeur presented APPENDIX D which is the chart he uses to make land use decisions. He stated per the chart, storage of recreational vehicles under the GC column is marked with an X, this means it is not a permitted activity in this district.

Mr. Ross Appeal with the law firm of McCullough Khan, LLC spoke on behalf of All Star Storage. He stated his client has been operating a self-storage facility on the property for many years and part of what this business involves is the parking and storage of vehicles. He stated the reason he is here is because his client has a respectful disagreement about the code. Mr. Brodeur believes they are proposing an expansion of a legal non-conforming use. Mr. Appeal's client believes he is proposing an additional expanded area for an accessory use. This appeal comes down to principle and accessory use in the zoning ordinance. He stated section 151.028 of the zoning ordinance defines the principle use to be "the main or primary purpose for which a building, other structure and/or lot is designed, arranged or intended, or for which they may not be used, occupied or maintained under this chapter. The use of any other building, other structure and/or land on the

same lot and incidental or supplementary thereto and permitted under this chapter shall be considered an accessory use.”

Mr. Appeal stated a property can only have one principle use at a time and by definition in the ordinance, any other use, customarily incidental to, maintained and operated as part of the principal use is allowed. He stated the zoning ordinance defines accessory uses as ”A use, building or structure customarily incidental and subordinate to, and detached from, the principal use, structure or building, and located on the same lot with the principal use, structure or building.

Mr. Appeal stated it is their position that the primary use of the property is a storage facility, it is not the storage of recreational vehicles. He stated to Mr. Brodeur’s point, storage of recreational vehicles was taken out of APPENDIX B by City Council, but they took it out as a principal use. He stated the storage of recreational vehicles, is an accessory use.

Mr. Appeal stated he needs to prove to the board that the storage of recreational vehicles in the storage industry is customary. The applicant handed the board letters from Universal Storage Group CEO and Devon’s Self Storage CEO. He stated the sum of the letters state in the self-storage industry, both in South Carolina and nationally, the parking of storage and recreational vehicles is a customary incidental and subordinate use to the primary use of the property which is a storage facility.

Mr. Appeal ran through the elements in section 151.108 which state the rules that govern accessory uses.

1. Is customarily incidental to, maintained and operated as part of the principal use.
2. Does not impair the use or enjoyment of nearby property (nor create hazard) in greater degree than the associated principal use.

Mr. Appel stated all surrounding properties are commercial in nature. Recreational vehicles have been parked on the property for years without any complaints from neighbors. He stated in fact this use will take recreational vehicles out of neighborhoods into a commercially zoned facility.

3. Does not create levels of noise, odor, lighting, vibration, dust, pollution, or traffic hindrance in greater degree than the associated principal use.

Mr. Appeal stated in response to this item, it is hard to imagine a less impactful use than a parked vehicle. It is not a disruptive use.

4. Complies with the size, location, and appearance standard of the ordinance.

Mr. Appeal stated he meets these criteria. He stated he wants to make sure everyone understands that they are already parking recreational vehicles on the property and have been doing so for years. The appeal is to find out if we can devote the remaining footprint of the lot to this use.

5. Is not used in residential districts for commercial purposes, specifically as rental or lease property.

Mr. Appel stated this is a commercial district. His client is not asking to put a commercial business inside a residential community.

In closing, Mr. Appel stated in the table of use in the zoning ordinance, the sales and repair of recreational vehicles is allowed in the GC district. He stated that the parking of these vehicles is far less intense and disruptive for the City's stated goals than sales and repair.

Chairman Clift asked if anyone in the audience would like to speak in favor. Mr. Albert Hayward is the developer and presented the history of the property. He stated this is not just for parking recreational vehicles but also for parking tractor trailers as this has been a major issue in the area. He stated his plan is to install ten (10) spots dedicated for tractor trailers.

Chairman Clift asked if anyone opposed this request. No one from the audience opposed.

Mr. Brodeur summarized. He stated his job as the Zoning Administrator is to use the strictest interpretation of the ordinance. The board inquire as to why the ordinance was changed in 2017. Mr. Brodeur stated he was not at the city in 2017 but it is his understanding that there was a rash of storage facilities at that time. He stated City Council change the ordinance due to the fact that the City's commercial corridors were being taken over by them. The board inquired as to the process to have an ordinance changed by City Council. Mr. Brodeur stated he would take the proposal to the Planning Commission and request a modification.

The public hearing was closed, and discussion occurred between board members.

**MOTION:** A motion was made to extend the existing nonconforming use to the undeveloped portion of TMS 243-00-00-013 located on the southeastern portion of the parcel with the condition that there is a fifteen (15) foot vegetive barrier and security fence. **MOVED BY** Board Member Volkmar. **SECONDED BY** Board Member Fisk.

**DISCUSSION:** None

**VOTE:** All voted in favor (5-0)

The board open the meeting to the public.

#### **IV. CLOSING REMARKS AND ADJOURNMENT**

Mr. Brodeur stated state law specifically states you cannot refer these types of items to the Planning Commission. Mr. Brodeur stated he sent an e-mail to all board members to notify if they need training. He thanked the board for all they do.

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

**DISCUSSION:** None

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

The meeting ended at 7:10 p.m.

\_\_\_\_\_ **Date:** \_\_\_\_\_, **2021**  
**Butch Clift, Chairman**