



THE CITY OF  
**GOOSE CREEK**

BERKELEY CO. EST. 1961 SO. CAROLINA

**ZONING BOARD OF APPEALS**  
**THURSDAY, JULY 30, 2020**  
**5:30 PM**

**VIA VIDEO CONFERENCING**  
**UTILIZING ZOOM**

*Information for viewing available  
On City website at [www.cityofgoosecreek.com](http://www.cityofgoosecreek.com)  
Under Zoning Board of Appeals*

# MEMORANDUM

---

**TO:** MEMBERS OF THE ARCHITECTURAL REVIEW BOARD

**FROM:** BRENDA M. MONEER, PLANNING TECHNICIAN

**DATE:** JULY 23, 2020

**SUBJECT:** MEETING NOTIFICATION

**WHERE:** ZOOM VIDEO CONFERENCE

This is to remind everyone that the next meeting of the Zoning Board of Appeals is scheduled for Thursday, July 30, 2020 at 5:30pm VIA ZOOM. You will be hearing request's for ONE variance.

Please review the enclosed packet. Should you have any questions or comments prior to Thursday's meeting, please do not hesitate to contact Brenda Moneer, Planning and Zoning Technician (x1116) or Mark Brodeur, Planning and Zoning Director(x.1118) at 843-797-6220.

## **§ 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.



---

MINUTES: NOVEMBER 19, 2020

---

**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 MOTION 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 MOTION 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**





---

VARIANCE REQUEST: 112 HEWITT STREET

---



## STAFF REPORT FOR THE CITY OF GOOSE CREEK ZONING BOARD OF APPEALS

For reference, the City of Goose Creek Code of Ordinances are available online at <https://www.cityofgoosecreek.com/government/code-ordinances>

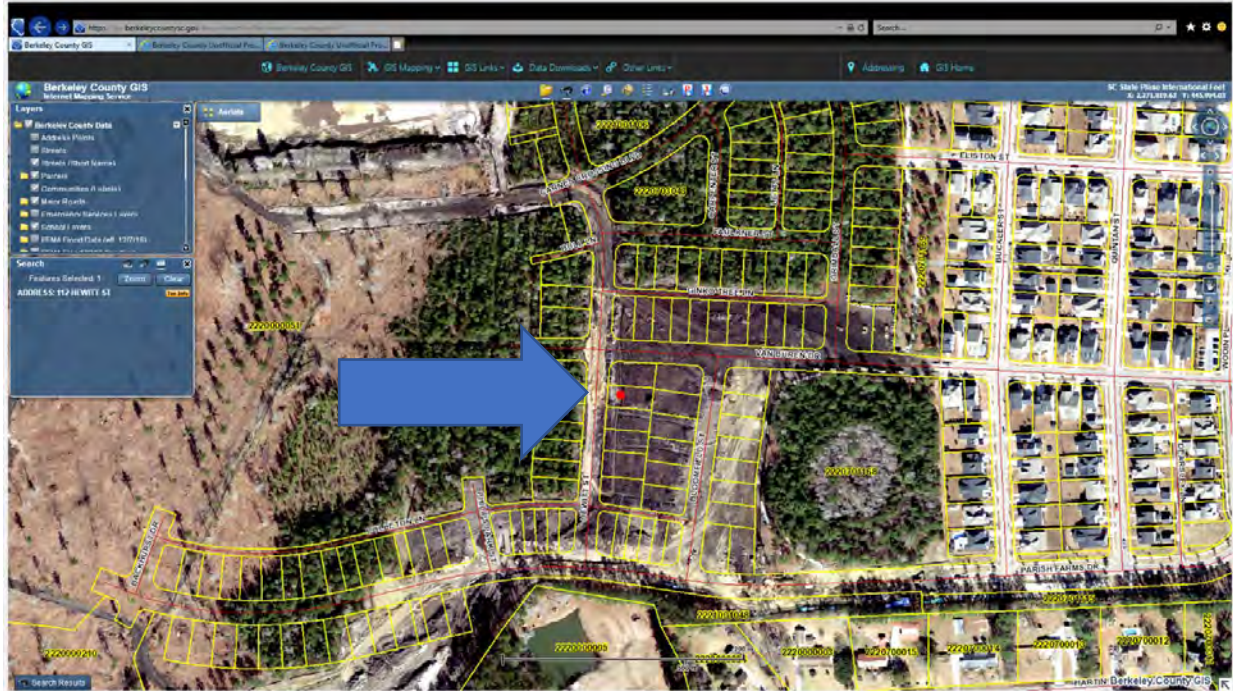
Agenda Item	
<b>Applicant:</b>	EASTWOOD HOMES
<b>Location/Address:</b>	112 Hewitt Street
<b>Property Owner:</b>	Eastwood Homes
<b>Tax Map Number:</b>	222-10-01-053
<b>Plat Book &amp; Page:</b>	CAB Q, Page 389H
<b>Current Zoning:</b>	High Density Residential (R3)

Description of the request
The applicant is requesting a 2' relief from the 12' total side setback requirement. Currently the proposed
plot plan shows 5' side setbacks on each side, which does not meet the Daniel Island Dev. Agreement §5.7 of 12' total.

Zoning Ordinance Reference			
The applicant is making this request in accordance with Section 151.171 DUTIES AND POWERS (D) "In exercising the			
above powers, the ZBA may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or			
may modify this order, requirements, decisions or determination, and to that end shall have all the powers of the			
officer from whom the appeal is taken, and may issue or direct the issuance of a permit. The ZBA, in the execution			
of the duties for which appointed, may subpoena witnesses and in case of contempt may certify the fact to the			
circuit court having jurisdiction".			
Property Zoning to the:		Property Uses to the:	
<b>North:</b>	Goose Creek – High Density Residential (R-3)	<b>North:</b>	Carnes Community Single Family Res.
<b>South:</b>	Goose Creek – High Density Residential (R-3)	<b>South:</b>	Carnes Community Single Family Res.

<b>East:</b>	Goose Creek – High Density Residential (R-3)	<b>East:</b>	Carnes Community Single Family Res.
<b>West:</b>	Goose Creek – High Density Residential (R-3)	<b>West:</b>	Carnes Community Single Family Res.

**Aerial Map**



## Aerial – Carnes Crossroads Community



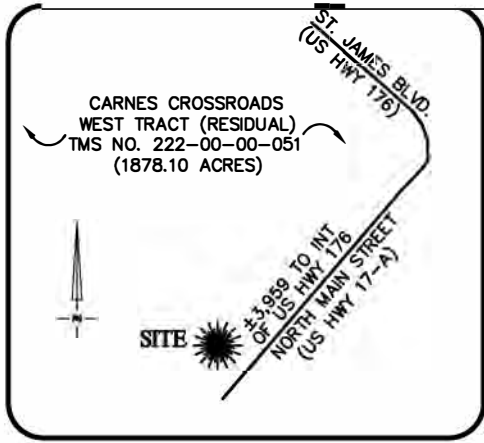
## Staff Comments

The applicant is requesting an additional 2' (1' on each side) to accommodate a particular house plan. The Builder has been given approval from the Daniel Island Development Group with the contingency that the Zoning Board of Appeals of the City of Goose Creek, SC grants the Variance as requested. Section 5.7 LOT CRITERIA of The Carnes Crossroads Development Agreement between the City of Goose Creek and Carnes Crossroads Associates, LLC ET AL; document number 2006-00062297, Book-R VI-5647 states the following requirements specific to setbacks: §5.7(d) All Single Family detached lots shall have the following setback standards for the primary structure: 10 foot front yard setback at a minimum; 12 feet total (3feet minimum) side yard setback; 20 foot rear yard setback, except as set forth in 5.7(f)

<b>VARIANCE</b>
<b>According to § 151.171 DUTIES AND POWERS of the Zoning Board of Appeals as contained in the City of Goose Creek Zoning Ordinance:</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:
<input type="checkbox"/> (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
<input type="checkbox"/> (2) These conditions do not generally apply to other property in the vicinity;
<input type="checkbox"/> (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;
<input type="checkbox"/> (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;
<input type="checkbox"/> (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;
<input type="checkbox"/> (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;
<input type="checkbox"/> (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.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

SIGNED Jeffrey W. Sawyer  
JEFFREY W. SAWYER, S.C. PLS L-28590



VICINITY MAP Not To Scale

**LEGEND**

- E.I.P. EXISTING IRON PIN
- E.C.M. EXISTING CONCRETE MONUMENT
- S.I.P. SET IRON PIN
- P.D.E. PUBLIC DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- F.P.E. FLOOD PROTECTION ELEVATION
- CLOSURE EXCEEDS 1 INCH in 1,000'
- PROPERTY LINE
- - - ADJOINER PROPERTY LINE BY DEED OR PLAT
- X X X PROPOSED FENCELINE TO BE INSTALLED

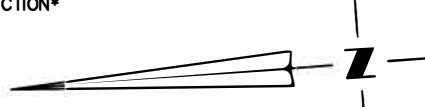
\*AT TIME OF DRAWING, TOPO SURVEY NOT COMPLETED ON THIS PROPERTY. PLOT PLAN TO BE FINALIZED AND REVISED UPON RECEIPT OF ELEVATIONS IF NECESSARY UPON COMPLETION OF THE SURVEY. TO BE VERIFIED PRIOR TO CONSTRUCTION\*

\*NOTE: AT TIME OF DRAWING, CONSTRUCTION PLANS NOT AVAILABLE. R/W AND SIDEWALKS SHOWN ASSUMED PER BUILDER. TO BE VERIFIED AND UPDATED IF NECESSARY UPON RECEIPT.\*

\*NOTE: PLACEMENT PENDING ARB APPROVAL\*

\*NOTE: WALKWAYS TO BE 4' WIDE.\*

\*NOTE: STAIRS SHOWN SCALED PER PLANSET. REAR STAIRS OFF SUNROOM REMOVED PER BUILDER EMAIL\*



DRAINAGE ARROWS AND PROPOSED HOUSE ELEVATIONS PROVIDED BY BUILDER. BY PRESENTING ON PLAT, RLA IN NO WAY ASSUMES LIABILITY OF HYDRAULIC DESIGN. ANYTHING OF THIS NATURE IS ONLY SHOWN FOR PURPOSES OTHER THAN THE ACKNOWLEDGEMENT OF HYDRAULICALLY ENGINEERED DESIGN BY RLA. WE ARE NOT LICENSED TO HYDRAULICALLY DESIGN, THEREFORE, DRAINAGE ARROWS AND/OR PROPOSED HOUSE ELEVATIONS ON THIS PLAT WERE GIVEN AND TRACED FROM ACTUALLY PROVIDED DATA TO RLA.

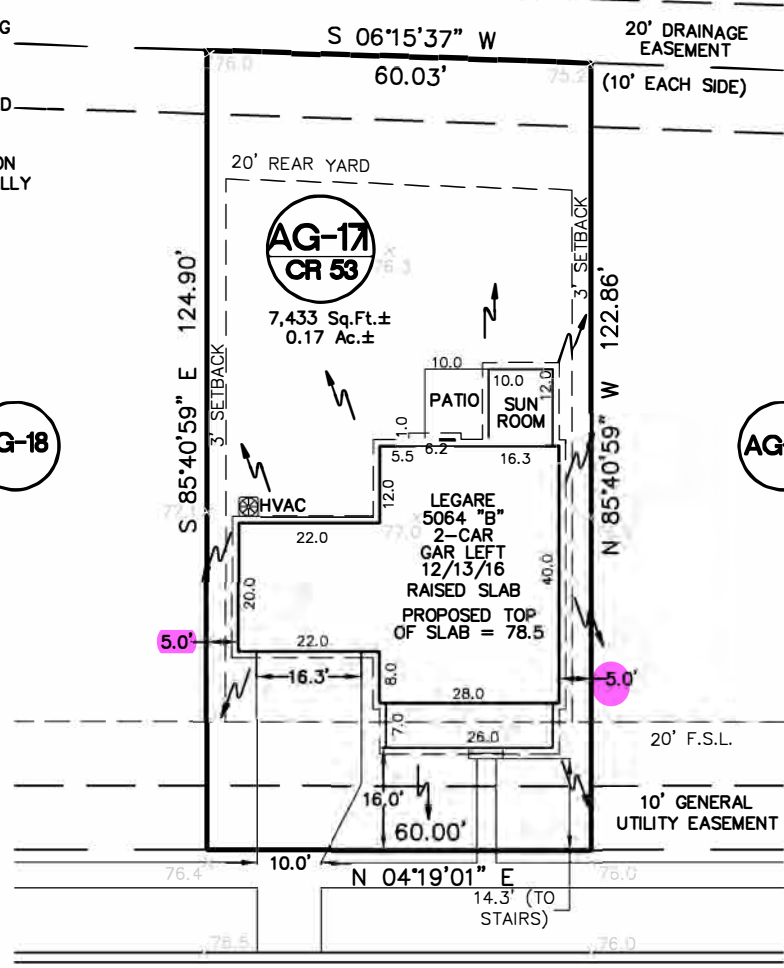


AG-18

AG-16

IMPERVIOUS SURFACE AREA	
DESCRIPTION	AREA
HOUSE w/ PORCH	1,868 S.F.
DECK/PATIO/AC	124 S.F.
DRIVEWAY & WALKS	536 S.F.
TOTAL (PROPOSED)=	2,528 S.F.
LOT AREA =	7,433 S.F.
% IMPERVIOUS AREA	=34.0%

FLATWORK WITHIN R/W=331 S.F.



**REVISIONS**

REV. #	DATE	COMMENT
REV. 1	4/28/20	CHANGED TO LEGARE "B"
REV. 2	5/7/20	REVISED DRIVEWAY AND STAIRS PER BUILDER

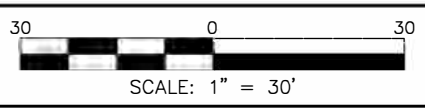
**#112 HEWITT STREET**  
(60' PUBLIC R/W)

**TMS. 222-10-01-053**

- NOTE:
- BUILDER ASSUMES RESPONSIBILITY FOR GRADING LOT AND/OR DESIGNING STEPS, PORCHES, DECKS, ETC. AS NECESSARY TO PREVENT ENCROACHMENT INTO SETBACKS.
  - HOUSE DIMENSIONS AND OPTIONS SHOULD BE VERIFIED WITH CONTRACTOR PRIOR TO CONSTRUCTION.
  - SETBACKS/ EASEMENTS SHOULD BE VERIFIED WITH DEVELOPER AND LOCAL OFFICIALS PRIOR TO CONSTRUCTION.
  - THIS IS A CONCEPTUAL DRAWING AND CONTENTS SHOWN HEREON ARE SUBJECT TO CHANGE UPON FINAL CONSTRUCTION.
- THIS PROPERTY MAY BE SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHT-OF-WAY, UTILITIES AND RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD OR IMPLIED

THIS PROPERTY APPEARS TO LIE IN FLOOD HAZARD ZONE X ACCORDING TO F.I.R.M. MAP NO. 45015C, PANEL 0590D, DATED OCTOBER 16, 2003.

THIS PLOT PLAN DOES NOT REPRESENT A LAND SURVEY, WAS NOT PREPARED FOR RECORDATION, AND IS NOT SUITABLE FOR DEEDING OF PROPERTY. NO GROUND SURVEY WAS PERFORMED.



**HOUSE LOCATION PLOT PLAN**

FOR  
LOT AG-17, AS SHOWN ON SUBDIVISION PLAT OF  
CARNES CROSSROADS WEST TRACT, PHILIPS PARK, PARCEL A, BLOCK G  
City of Goose Creek, Berkeley County, South Carolina

PROPERTY OF: EASTWOOD HOMES

INST #: 2019013218-9

DRAWN BY: MAH

DATE: MARCH 5, 2020

**RLA ASSOCIATES, PA**  
2204 BACONS BRIDGE ROAD  
SUMMERVILLE, SC 29485  
PHONE (843) 879-9091  
FAX (843) 261-9092



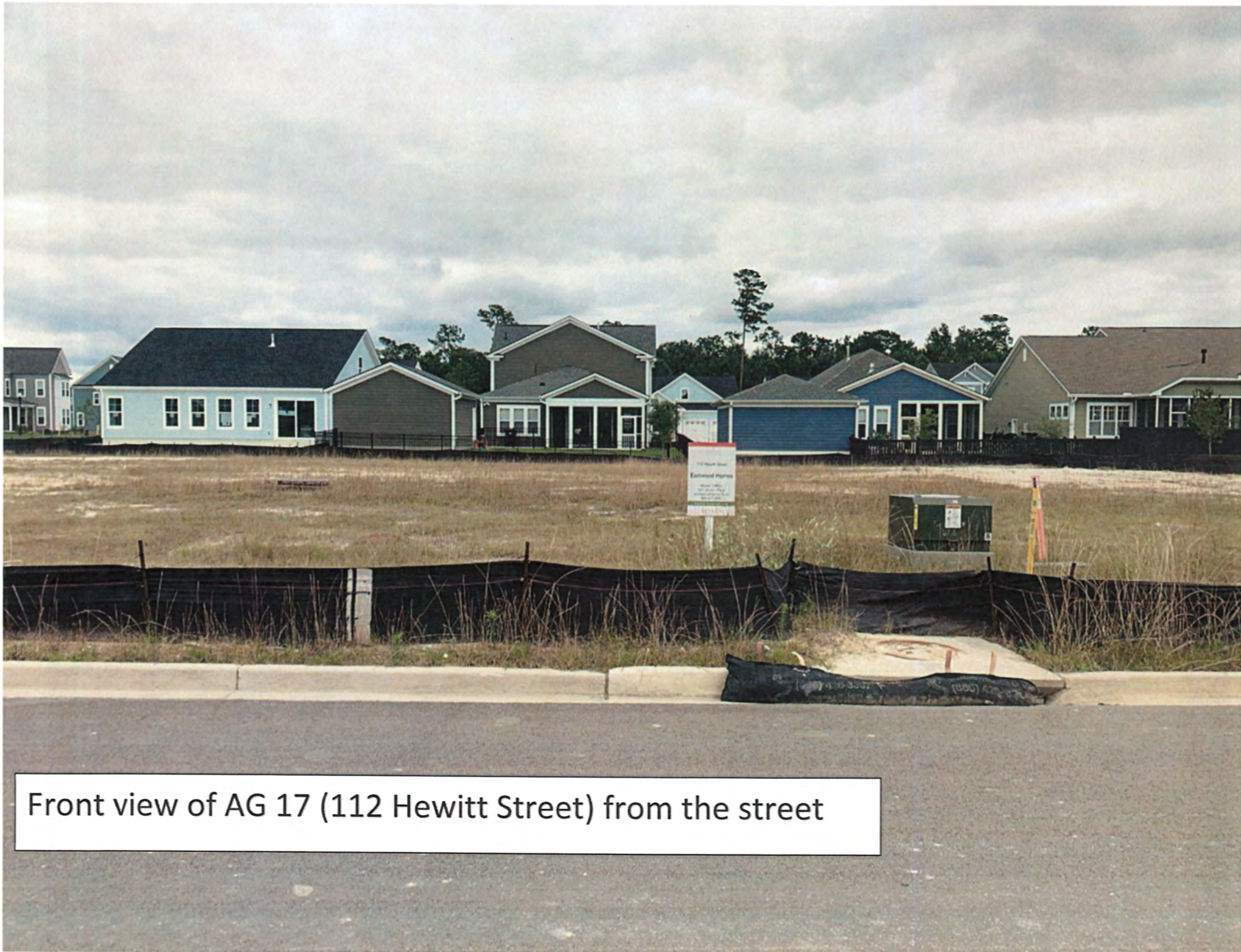
EASTWOOD HOMES VARIANCE REQUEST FOR AG 17 (112 HEWITT STREET)

- (1) The house does not fit the lot, and it is the last lot in this phase for us, and the customer cannot purchase in another phase due to prices and this is our model home floor plan in Carnes Crossroads.
- (2) This is a true statement. The rest of this phase is sold out, so no other lots could be affected by these conditions.
- (3) We will not be able to construct the home for this customer with the ordinance in place.
- (4) There will not be a substantial detriment to other properties or to the public good.
- (5) The variance will not be misused
- (6) Eastwood Homes understands that there may be conditions attached to the granted variance
- (7) We are not requesting a use variance.



Empty Lots Adjacent to AG 17 (112 Hewitt Street)





Front view of AG 17 (112 Hewitt Street) from the street



View of lots across the street from  
Lot AG 17 (112 Hewitt Street)