

**MINUTES
CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS MEETING
FEBRUARY 18, 2016 6:30 P.M.
GOOSE CREEK MUNICIPAL COURTROOM
519 N. GOOSE CREEK BOULEVARD**

I. Call To Order – Chairman Clift called the meeting to order at 6:30 p.m.

Present: Butch Clift, Jason Dillard, James Fisk, Ralph Hayes, Larry Monheit, Gerald Stinson, Thomas Volkmar
Absent: none
Staff Present: Sarah Hanson

II. Review of Minutes from January 21, 2016 Meeting

Motion: Mr. Volkmar made a motion to approve the minutes as written. Mr. Monheit seconded.
Discussion: There was none.
Vote: All voted in favor. (7-0)

III. Public Hearing – Request for Variance to Front Setback Requirement at 113 Hounds Run, Foxborough (TMS# 234-16-05-017)

Chairman Clift opened the public hearing, and administered the testimony oath to all who were present to speak on behalf of or against the application for the public hearing.

Chairman Clift opened the public hearing, and requested Staff to present the application. Ms. Hanson explained the applicant, Mr. Tony Ratliff, Sr., is requesting a variance from the front setback in order to add a front porch onto the primary structure to provide a covered entry. She described the property to be located in the Foxborough subdivision with a zoning classification of R1-Low Density Residential. Staff noted the setbacks are 30' front, 10' minimum side, and 25' rear. Ms. Hanson stated the applicant wishes to build a front porch with a depth of 8' onto the home but cannot do so and meet the front setback requirement in its entirety. She added the proposed porch would encroach into the front setback at various dimensions, the most measuring 6.3', noting that approximately more than two thirds of the porch structure would be located within the setback. Staff noted the front of the primary structure is located at 31.8', at the closest point, from the front property line. Ms. Hanson added the addition of the porch would be an obvious encroachment in relationship to the other houses along the street line. Staff also stated that a 30' deep front setback is not currently typical, and mentioned that the current street view does line up with the front of the other existing houses. Ms. Hanson stated that Staff does not support having non-conforming structures unless the situation strictly meets all four criteria as

set by the State statute, and in cases such as this Staff does not feel this situation meets the criteria.

Chairman Clift opened the floor to the applicant. Mr. Shaun Ratliff spoke on behalf of Mr. Tony Ratliff, and presented the application to the Board. Mr. Ratliff explained the current condition of the house consists of an uncovered front entry that is in need of repair. He added that the houses on the street do align; however, the neighboring properties have covered porches. Mr. Ratliff stated the uncovered entry is causing water damage due to exposure of the elements, thus creating a hardship for his elderly parents. Mr. Ratliff stated they wanted to add a porch that would not only create the covered entry but add an aesthetically pleasing addition to the property. He added they had contracted an engineer to design plans prior to learning of the setback encroachment. Mr. Ratliff stated they were requesting some type of porch to provide a covered area, and would make necessary revisions to the plans as per the suggestions of the Board. Chairman Clift inquired how much larger would the new porch be compared to the existing porch. Mr. Shaun Ratliff stated the current porch is 6' across and comes out 7' off the house. He added they would like to come out the same depth as the uncovered porch. Chairman Clift inquired about the width. Mr. Shaun Ratliff stated they would like to extend it 15' in width. Ms. Hanson added the current property does not have a covered porch, but does have a concrete stoop.

Mr. Volkmar explained in order to grant a variance the Board is limited to what they can do by the zoning ordinance which is modeled directly off the State Statutes. He added the requirement that all four criteria must be met. Mr. Volkmar inquired in regards to the extraordinary and exceptional conditions pertaining to this particular piece of property, with the current porch which already extends into the encroachment area, but does not have a roof, unlike the neighboring properties. Mr. Shaun Ratliff explained he feels the neighbors have a covered porch within the same area they are requesting, and if the variance is granted, would help to take care of the property. Chairman Clift stated the house could have been placed further back on the lot when it was built in 1969, thus creating an extraordinary and exceptional circumstance. There was some discussion in regards to setbacks being a requirement at the time the house was originally built, and some areas designated as R1 with similar setbacks. Ms. Hanson stated the zoning classification could have been designated due to the lot sizes if the property was annexed into the City. It was noted for the record, that no neighbors were present to object the addition. There was discussion about the lack of a covered entry creating exposure to the elements. Staff restated the encroachment for the setback requirement. Chairman Clift asked Mr. Ratliff if he wanted to summarize. Mr. Shaun Ratliff stated they wanted a covered entry to provide upkeep of the house with a covered access. There was discussion about revising the plans, and going through a staff review. It was suggested that the addition should be in line with surrounding porches that neighbor the property.

Motion: Mr. Monheit made a motion to close the public hearing. Mr. Dillard seconded.

Vote: All voted in favor. (7-0)

There was a detailed discussion determining if these circumstances are unique, that it is an existing property built in 1969, and the immediate neighboring houses are nonconforming with

similar structures. There was discussion that the proposed addition would be required to meet the same setback depth as the immediate neighboring houses within four or five feet of their existing porches. There was discussion that these conditions do not apply to other properties in the vicinity, due to the fact that the other properties have porches. Mr. Volkmar stated that the lack of a porch would cause these conditions; the application of the ordinance to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Motion: Mr. Volkmar made a motion to approve the application for the variance from the setback requirements stated in Appendix D of the zoning ordinance of the City of Goose Creek for the parcel specifically identified as TMS#234-16-05-017, addressed as 113 Hounds Run, having found the application does meet the conditions set forth for a variance as outlined in section 151.086 of the zoning ordinance: With the limitations that the proposed porch will be a maximum of a seven foot dimension towards the street; encroach slightly over five feet on the thirty foot front setback with the width as presented in the documentation provided. The conditions surrounding the property in question are extraordinary due to the 1969 date of construction, immediate neighbors having similar encroaching porches, a thirty foot setback; that the conditions surrounding the property are unique and do not generally apply to other property in the area, and is unique in those items as noted which likely had no setbacks at the time of construction in 1969, and now have a thirty foot setback; that the immediate neighbors do have similar porches; that the use of the subject property may be uncommonly and unreasonably restricted by the strict enforcement of this ordinance in the fact that the front door has damage to the wood, and that the property owner is attempting to protect the particular building component, and in the fact that the current owners are elderly and wanting protection from the elements during egress and entry; the granting of this variance would not adversely impact any adjacent property or cause detriment to the public good in the fact that there was no one at this public hearing to object against this request and in the Boards opinion this is an enhancement to the property. Mr. Monheit seconded.

Discussion: There was none.

Vote: All voted in favor. (7-0)

Chairman Clift stated the Zoning Board of Appeals voted to approve the variance request with the limitations as stated in the motion to the front setback requirement for 113 Hounds Run, with the Foxborough subdivision, identified as TMS#234-16-05-017.

Chairman Clift closed the Public Hearing.

IV. Comments from the Board

There was none.

V. Comments from Staff

There was none.

VI. Adjournment

Mr. Volkmar made a motion to adjourn. Mr. Stinson seconded. All voted in favor. The meeting ended at or about 7:23 p.m.

_____ **Date:** _____, **2016**
Butch Clift, Chairman