

**MINUTES
CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS MEETING
JANUARY 21, 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 December 14, 2015 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 116 Gavins Way, Falling Leaf at Montague Point (TMS# 235-05-09-009)

Chairman Clift 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 present the application. Ms. Hanson explained the applicant, Hunter Quinn, had purchased nine infill lots in Falling Leaf at Montague Point to complete the subdivision. She explained this lot at 116 Gavins Way is one of the nine lots they are developing. Staff stated the applicant discovered, after the contract was written, that there would be a two foot encroachment which would require a variance in order to be built. Ms. Hanson stated the setback as per Appendix D of the City's zoning ordinance is 25' for the front setback. She described the property is located on a culdesac which makes the front property line irregular, and noted it is a deep lot that would accommodate other footprints. Staff noted the encroachment would be on the short end of the curve resulting in the home being placed two feet forward of the home next door and angling closer to the short end of the curb on the culdesac. Staff expressed concerns that this would make the encroachment more obvious, and added after she had explained the request to the neighbor, and he stated he has no personal concerns with the encroachment.

Chairman Clift opened the floor to the applicant. Mr. Jake Koeller, project manager with Hunter Quinn Homes, presented the application to the Board. Mr. Koeller explained the twenty five foot front setback was not taken into account when sales wrote the contract with that particular house plan. Mr. Koeller explained lots nine and fourteen are the only lots with this issue, and mentioned lot fourteen was able to fit the footprint within the predefined setbacks. He added the authorization of this variance would not have any negative or apparent impact of the streetscape, the neighbors, or the character of the district. Mr. Koeller stated the condition on this lot makes the buildable area within the setbacks irregularly shaped, thus causing a typical floor plan with these general dimensions to encroach on the left corner by approximately twenty four inches. There was inquiry in regards to the square footage of the proposed home to be built. Mr. Koeller stated it would be 1,635 square feet. Mr. Fisk inquired to Staff if there were any other variances granted within this community. Staff stated there were none. Chairman Clift inquired if this would be the only variance request for the remaining lots. Mr. Koeller stated it would be the last lot to be built on in this community. There was a brief discussion about the nine lots built on by Hunter Quinn, and the size of the lots in relationship to the houses built on them.

Mr. Volkmar inquired to the representative if they have a floorplan that would fit on the lot with the current setback requirements. Chairman Clift swore in Kristen Wightman, Sales Agent for Hunter Quinn. Ms. Wightman stated this footprint is larger due to the fact that it is a one story. Ms. Wightman stated she was uncertain if they had other house plans that would fit, and it would require a lot fit study in order to confirm plans that would fit. Mr. Koeller stated they most likely have other plans that would fit.

Mr. Volkmar stated that in order to grant a variance, the Board is required to ensure that all four criteria are met. Mr. Koeller stated that this was the first variance that they had requested, and it was due to their error. He mentioned that this is the last home site in this community, and they really wanted to be able to build it for the customer. Ms. Wightman added that this particular home would add value to the neighborhood for the community. Mr. Volkmar stated it would be hard to determine that this particular request meets the conditions surrounding the property are extraordinary, that they are unique, they do not generally apply to other properties, that the use of the subject property would be unreasonably restricted if the variance was not granted, and that granting this variance would not adversely impact the adjacent property or cause detriment to the public good. He added he did not feel it met all criteria. There was an involved discussion about the four criteria in regards to this request, the size of the lot and surrounding lots, and the potential for other floor plans to be built on this lot. Mr. Monheit inquired if the house was sold prior to ensuring the house would fit. Ms. Wightman stated she did.

Mr. Hayes commended the representative on their honesty of their mistake, and Ms. Hanson in regards to explaining the request to the neighbor. He added that although the current neighbor may be ok with the granting of the variance, the next occupant of that home may not. Mr. Hayes mentioned the decision would strictly be made determined by the required parameters of the zoning ordinance.

Chairman Clift inquired if there were any public comments. There was none. Chairman Clift gave the representative an opportunity to summarize the request. Mr. Koeller stated that they

had covered all key points, and inquired if the Board had additional questions. Mr. Dillard inquired if the potential buyers had been contacted in regards to the issue. Ms. Wightman stated they had not. Mr. Koeller stated they were awaiting the outcome of the public hearing before informing the customer of the circumstances.

Chairperson Clift inquired if Staff wished to summarize. Ms. Hanson stated that the four criteria that the Board is tasked to look for is within the City zoning ordinance, and the reason it is in the ordinance is because it is a state statute. She added that because it is a state statute it is required to be incorporated into the City ordinance, and reflects the state statute verbatim. Ms. Hanson mentioned the state created the four criteria to ensure it would not be a subjective decision on the Boards part. Ms. Hanson stated Staff does not support nonconforming structures unless the situation meets all four criteria as set by the state statute, and does not feel that this situation meets all four criteria. Staff addressed the lot size and the limitations since it is the last lot within the development. Chairman Clift invited the Board to ask additional questions to the representatives of the request. There was none.

Motion: Mr. Stinson 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. It was determined the circumstances are not. There was some discussion in regards to the corner being front forward two feet, and the potential to provide a different product for this lot.

Motion: Mr. Volkmar made a motion to deny the application for the variance for the setback requirements stated in Appendix D of the zoning ordinance of the City of Goose Creek for the parcel specifically identified as TMS#235-05-09-009, addressed as 116 Gavins Way having found the application does not meet the conditions set forth for a variance as outlined in section 151.086 of the ordinance where the conditions surrounding the property in question are not extraordinary. Mr. Volkmar stated he felt it met the other criteria but felt it needed to be denied based on the fact that the circumstances do not meet all four of the criteria. Mr. Monheit seconded.

Discussion: There was none.

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

Motion: Mr. Volkmar made a motion to open the public hearing. Mr. Monheit seconded.

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

Chairman Clift stated the Zoning Board of Appeals voted to deny the variance request for the variance request to the front setback requirement 116 Gavins Way, Falling Leaf at Montague Point, TMS#235-05-09-009.

Chairman Clift closed the Public Hearing.

IV. Comments from the Board

There was discussion about training for Boards and Commissions. Mr. Dillard commented on the real estate activity in Goose Creek.

V. Comments from Staff

Ms. Hanson stated the BCDCOG was conducting a federal study and grant for traffic on I-26. She mentioned the BCDCOG is holding public meetings for the public to come to hear about the study. She noted the dates and times available to attend the public meetings. There was some discussion about rapid bus to serve immediate needs, and the potential for light rail to serve future needs.

VI. Adjournment

Mr. Volkmar made a motion to adjourn. Mr. Dillard seconded. All voted in favor. The meeting ended at or about 7:28 p.m.

Butch Clift, Chairman

Date: _____, 2016