

**MINUTES
CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS MEETING
OCTOBER 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, James Fisk, Ralph Hayes, Larry Monheit, Thomas Volkmar
Absent: Jason Dillard, Gerald Stinson
Staff Present: Sarah Hanson

II. Review of Minutes from August 30, 2016 Meeting

Review was tabled until minutes could be prepared for at a future meeting, all voted in favor.

III. Public Hearing – Request for Variance to Appendix A – Table of Parking and Loading Requirements of the City’s zoning ordinance for a portion of TMS#235-00-00-065

Chairman Clift opened the floor to Staff. Ms. Hanson introduced Max Bosso, representative for Charter Schools USA. She added the proposed project is located within the Brickhope Plantation community, off Montague Plantation Road with an additional access off Liberty Hall Road. Staff detailed the location and the current builder developing in this neighborhood, noting their completion of this connection of the road to go all the way through from Highway 52 to Liberty Hall Road. Ms. Hanson noted that the section was not yet open, with some minor repairs still needing to be completed before Berkeley County can make the determination of when it will be open for through traffic. Ms. Hanson pointed out the proposed Charter School location on the overhead. She added the location is within the land use map for commercial and institutional use within Brickhope. Staff stated the reason they are requesting a variance from the City’s parking ordinance requiring about 332 spaces. Ms. Hanson stated that other municipalities require much less than what Goose Creek requires. She added they are proposing 153 spaces as opposed to the 332 spaces, noting the pick-up loop area as shown on the site plan offers 177 spaces. Staff stated that the current City parking requirements are not in conformance with some other municipalities, and hopes it can be granted to give less concrete to the project within the site. Staff stated no reservation in the variance being approved if the Board feels it meets the four criteria.

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

Mr. Max Bosso, representative for Charter Schools USA of Ryan Companies, introduced himself to the Board. Mr. Bosso stated that Charter Schools USA currently have 81 schools throughout the US, similar to the one as proposed with the “racetrack” design loop around the school. He stated they currently work very well with no traffic issues, and serve as a model for other Charter and Government schools. Mr. Bosso noted that Ryan Companies have built and developed 25 schools in the past 7 years, and that this proposal would be number 26 along with 3 others throughout the U.S. Mr. Bosso presented the four criteria to assist the board in making their determination as follows:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property
 - a. The site has a unique shape and is not your standard “rectangle”
 - b. There are wetlands along the south side of the property as identified by the ACOE thus limiting the developable area of the property, and creating a hardship to provide all the required parking.
 - c. The requested variance is the minimum variance necessary to alleviate the hardship and make possible the reasonable use of the property under the strict application of the ordinance.
2. These conditions do not generally apply to other property in the vicinity
 - a. Other properties in the vicinity do not have to work around existing wetlands
 - b. The variance might not be required if the property were a customary shape.
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.
 - a. By granting the requested variance the design can maximize the efficiency of the total site area of the property.
 - b. Furthermore, the effect of the variance would be contained entirely on-site insofar as congestion would be contained to the site and limited to unusual events.
 - c. The unique nature of an elementary school creates an unusually and consistently low demand on parking.
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.
 - a. The result of granting the variance will be a more functional site design which will not affect the use and value of the area adjacent to the property in a substantial manner.
 - b. The character of the district will not be harmed by the granting the variance.

- c. In the spirit of the ordinance and the zoning in which the property is located, the project will provide residents access to an alternative schooling system.

Mr. Bosso presented slides of similar projects to the Board, and explained the purpose of the pick-up lanes and the amount of students it would accommodate. He mentioned other requirements for parking spaces, noting that some municipalities break down the required amount of spaces by grade level of education. Mr. Monheit inquired about buses. Mr. Bosso stated there would be no buses on a daily bases, only for special occasions such as a field trip. Chairman Clift inquired if Mr. Bosso had any additional comments. Mr. Bosso stated that the 3 pick-up lanes plus the parking lot out front totaled 300 spaces, and with all four pick-up lanes and the front parking lot, it would total 345 spaces. There was an inquiry about how many employees would need parking. Mr. Bosso stated there would be around 79 employees. He detailed the student pickup and drop off process. There was a detailed discussion about this procedure, and the width of the lanes. There was an inquiry if there was a traffic study. Mr. Bosso stated they had hired a firm to conduct the traffic study, and it was somewhat difficult because the road has not been opened all the way through at this time. There was discussion in regards to the traffic impact analysis submitted to SCDOT and Berkeley County. There were concerns in regards to the volume of traffic, and the impact the school would have. Mr. Bosso assured the Board that it would not back up onto Henry Brown Boulevard, and mentioned the lanes fill up approximately three quarters of the way at the most. There was discussion about the different pick-up intervals for different grade levels K-8. Mr. Hayes inquired if the schools were typically enrolled at capacity. Mr. Bosso stated that out of all the current Charter USA schools, less than ten are not at capacity. Chairman Clift inquired about the anticipated completion date. Mr. Bosso stated opening start of school year 2017. There was a discussion about the sidewalks as part of the development.

Chairman Clift inquired if Staff had additional comments. Ms. Hanson suggested it be noted for the record no additional public was present. Chairman Clift stated there was no public present to approve or deny, or comment in regards to the request.

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

Vote: All voted in favor. (5-0)

Motion: Mr. Volkmar moved to approve the application for the variance from the parking requirements stated in Appendix A of the zoning ordinance of the City of Goose Creek having found that the application meets the conditions set forth for a variance as outlined in the zoning ordinance that the conditions are extraordinary relative to the property in question based on its unique shape, the wetlands, the variance making reasonable use of the property under the strict application of the ordinance, and the conditions surrounding the property in question are unique and do not apply to other properties in the area as they do not have those aforementioned wetlands, and the limitations of the unique shape. That

the subject property may be uncommonly and unreasonably restricted by the strict enforcement of the ordinance based on the design maximizing the efficiency of the site area, and the effect of the variance would entirely congest the area and create a sea of asphalt. That the granting of the variance would not adversely impact the adjacent properties or cause detriment to the public good, as the character of the district will not be harmed, in my opinion, and that the result will provide a much needed education facility for the community. Mr. Monheit seconded the motion.

Discussion: There was none.

Vote: All voted in favor. (5-0)

Chairman Clift opened the public hearing.

Motion: Mr. Monheit motioned to open the public hearing. Mr. Fisk seconded.

Vote: All voted in favor. (5-0)

Chairman Clift stated the Board had granted the variance.

IV. Public Hearing – Request for Variance to Appendix D – Zoning Districts of the City’s zoning ordinance for property at 435 Old Mt. Holly Rd., TMS#234-07-05-042

Chairman Clift opened the floor to Staff. Ms. Hanson introduced Mr. David Tracy, representative for the variance request on behalf of JW Aluminum. Staff stated they are requesting a variance from the front setback requirements of Appendix D of the zoning ordinance. Ms. Hanson presented the Board with an overview aerial of the property. She explained they are proposing to expand their facilities, and added that in order to expand they must expand backward from where they are now. Staff added they are in a very unique situation in that half of their property is within Berkeley County and half of the property is in the City. Ms. Hanson pointed out on the aerial view that the original plant is in the County for the most part, with the current storage yards in the City, noting that they are properly zoned for their use. She stated they are getting ready to abandon property lines in order for all the property within the City to become one parcel. Ms. Hanson explained that because the proposed expansion will be connected to their existing facility, as it needs to be for production, they cannot meet the front 50’ setback. There was discussion about the location of all property lines in the County and City. Staff noted typically the frontage would be a 50’ setback requirements, and with this being attached to the existing building it is somewhat considered the back of the building. Ms. Hanson stated that because of this unique situation Staff recommends the variance be approved if the Board feels it meets the four criteria.

Chairman Clift invited the applicant to speak on behalf of the variance as requested. Mr. David Tracy, of JW Aluminum, introduced himself stating he had been at the plant for 36 years. He also introduced Rick Vance, of JW Aluminum, that would also be available to answer any questions the Boards may have. Mr. Tracy noted that 16.6 acres are within the City boundaries at the rear of the plant. Mr. Tracy stated that Davis and Floyd are the engineers for the design of the expansion project. He explained that the request to reduce the front setback from 50’ to 0’ in

order to allow the expansion of the existing aluminum manufacturing facility. Mr. Tracy presented the Board with the following comments in meeting the four criteria:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:
 - a. The front interior property line is a municipal boundary line between Berkeley County and the City of Goose Creek.
2. These conditions do not generally apply to other property in the vicinity as shown by: There are no other large facilities in the area that contain a municipal boundary running through the center of the project site.
3. Because of these conditions, the application of the ordinance effectively prohibits or unreasonably restricts the utilization of the property as follows: Due to this condition, the property cannot be legally combined.
4. Authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:
 - a. JW Aluminum owns the property and currently operates plant activities within the City of Goose Creek municipal zoning district. Plant activities will continue to run as before but will be enclosed within the new building expansion.

There was discussion in regards to the improvement of the facility to keep it viable. Mr. Monheit inquired as to why the entire facility was not in the City limits. Mr. Tracy stated that would be determined by upper management. There was inquiry about the time frame for start of construction. Mr. Tracy stated that they were not fully funded, and are currently in the permitting process. He added that the storm water and drainage are currently with Berkeley County. Mr. Tracy added that they had gone before Berkeley County for a variance on the rear setback from 40' to 0', and they had granted it. Chairman Clift inquired if the parking across the street would need to be increased. Mr. Vance stated that the project would be completed in two phases, with this being the first phase. He added that if it was successful and viable, then phase two would assess the need for additional employees and parking. There was some discussion in regards to current productivity and the future processing to be the best aluminum processing facility in the world, not just within the United States. Mr. Vance stated they are currently in the preliminary part of the process. Mr. Tracy added that time and traffic studies have been done on the project as a whole. He added that they are looking at feasibility studies on the road. Chairman Clift inquired if there were additional comments from the applicants, and also inquired if the Board or Staff had additional comments. Ms. Hanson mentioned that JW Aluminum will meet all other requirements as far as setbacks, land use buffers, etc. She added this would be the only requirement that they cannot meet, and that the City created a zoning classification for this use in order to provide sufficient setbacks, and buffers.

Motion: Mr. Volkmar made a motion to close the public hearing. Mr. Fisk seconded.

Vote: All voted in favor. (5-0)

Discussion: Mr. Volkmar stated he felt this was a very unique circumstance.

Motion: Mr. Volkmar moved 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 having found that the application meets the conditions set forth for a variance as outlined in the zoning ordinance that the conditions surrounding the property in question are extraordinary based on the rear interior property line being a municipal boundary line between Berkeley County and the City of Goose Creek in the center of their manufacturing facility. Having found that the conditions surrounding the property in question are unique and do not generally apply to other properties in the area as there are no other large facilities in the area that contain a municipal boundary running through the center of the projects site. The use of the subject property may be uncommonly and unreasonably restricted by the strict enforcement of the ordinance, due to this condition the property cannot be legally combined, and that granting of the variance would not adversely impact the adjacent properties or cause detriment to the public good as JW Aluminum owns the properties on each side, and the plant will continue to run as before within the new enclosed building expansion. He added that JW Aluminum is an important portion of the community. Mr. Fisk seconded the motion.

Discussion: There was none.

Vote: All voted in favor. (5-0)

Chairman Clift opened the public hearing.

Motion: Mr. Monheit motioned to open the public hearing. Mr. Fisk seconded.

Vote: All voted in favor. (5-0)

Chairman Clift stated the Board had granted the variance. There was a brief discussion about the timeline.

V. Comments from the Board

There was none.

VI. Comments from Staff

Ms. Hanson mentioned the Planning and Zoning office was the point of contact if any City residents had experienced damage from Hurricane Matthew. She explained the procedures for those that had experienced damage, and at what point they contact FEMA. There was some discussion in regards to debris and pickup.

Ms. Hanson mentioned that she had been approved as a facilitator for Boards and Commission continuing education training. She stated she would be contacting members to notify them of times that would be made available to attend the training sessions.

Staff mentioned there would need to be an organizational meeting to elect officers before the end of the year. There was discussion on who would need to be renewed to their position. It was determined that Jason Dillard, Larry Monheit and Gerald Stinson would be up for renewal.

VII. Adjournment

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

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