

**MINUTES  
CITY OF GOOSE CREEK  
ZONING BOARD OF APPEALS MEETING  
May 16, 2018 6:30 P.M.  
GOOSE CREEK COUNCIL CHAMBERS  
519 N. GOOSE CREEK BOULEVARD**

**I. CALL TO ORDER:**

Chairman Clift called the meeting to order at 6:36 p.m. He initiated the Pledge of Allegiance and a moment of silence.

**II. ROLL CALL:**

Chairman Clift defined the duties and powers of the Zoning Board of Appeals (ZBA) per the City's Code of Ordinance. Ms. Browder initiated roll call.

<b>Present:</b>	Butch Clift, Jason Dillard, James Fisk, Larry Monheit, Gerald Stinson, Thomas Volkmar
<b>Absent:</b>	None
<b>Staff Present:</b>	Kara Browder, Brenda Moneer

**III. PUBLIC HEARING:**

**REQUEST FOR TWO CONDITIONAL USE PERMITS; ONE TO MODIFY A PREVIOUS APPLICATION LOCATED AT LIBERTY HALL ROAD DESIGNATED AS TMS 244- 00-00-079, AND THE OTHER FOR ADDITIONAL MULTI-FAMILY UNITS WITH A MIXED USE LOCATED AT HENRY E. BROWN BOULEVARD DESIGNATED AS TMS 244-00-00-065.**

Chairman Clift 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.

Ms. Browder referred the ZBA to the Staff Report that was provided to each board member. She apologized and stated that due to technical difficulties, the projector was not working. Ms. Browder stated the applicant is requesting the Conditional Use Permit (CUP) that was approved by the ZBA in November 2016, be modified to remove the condition that the remaining buildable portions of the property be reserved for commercial development. She stated this condition was placed on the request as part of the approval. She stated in addition, the property was subdivided into two (2) parcels with one (1) parcel consisting of 24.8 acres (TMS 244-00-00-079) and one (1) parcel consisting of 16.3 acres (TMS 244-00-00-065) following the approval of the CUP. She stated the parcel being considered in this request is the parcel consisting of 24.8 acres.

Ms. Browder stated the applicant is making this request in accordance with Section **§151.171 DUTIES AND POWERS (C) (15)** of the City's Ordinance. She stated the applicant wishes to

modify the approved CUP by removing the condition that the remaining buildable portions of the property be reserved for commercial development. She stated the applicant is making this request to avoid the revocation of the CUP for non-compliance with the condition attached to the approval.

Ms. Browder stated the applicant is requesting to construct a mixed used development consisting of eighty-four (84) apartment units along with a 6,000 square foot of commercial/retail space on the 16.3 acres (TMS 244-00-00-065) along Henry E. Brown Jr. Boulevard.

Ms. Browder stated the applicant appeared before the ZBA in November of 2016. She stated at that time the request was to develop an apartment community, totaling up to one hundred and eighty (180) apartment units on approximately forty-one (41) acres. She stated the forty-one (41) acres are the combination of TMS 244-00-00-079 and TMS 244-00-00-065. She stated she provided a copy of the minutes from that meeting for reference. Ms. Browder stated shortly after the approval was given for the CUP, the property was subdivided into two (2) parcels. She stated the first parcel, which is the parcel associated with this request, now equals to 24.8 acres (TMS 244-00-00-079). She stated the second parcel is now 16.3 acres (TMS 244-00-00-065). Ms. Browder stated regardless of the ZBA's decision on this request or for the request associated with TMS 244-00-00-065, the property line should be abandoned between the two (2) parcels thus reestablishing the CUP as approved in November of 2016. She stated if the property line is abandoned, the applicant can still proceed with the plans as originally approved by the ZBA despite the outcome of this present request. Discussion began regarding if the conditional use goes away since the size of the property has now changed.

One of the developers, Mr. Jason Esposito, stated when the original CUP was applied, there were one-hundred and eighty (180) units shown on the parcel on Liberty Hall Boulevard. He stated there was nothing on the other parcel and the request is not to change anything on the Liberty Hall Boulevard side. Mr. Esposito stated they want to use the Henry E. Brown Jr. Boulevard side for commercial purposes as this location is visible. Mr. Danny Forsberg, the engineer and surveyor, provided the history of these and the neighboring properties.

Board Member Volkmar stated that clarification is needed as to whether the CUP is still valid since the hundred and eighty (180) apartment units were only approved for TMS 244-00-00-065 and not for TMS 244-00-00-079. Mr. Forsberg requested that Ms. Browder inquire from the City attorney as to whether or not the developer is in jeopardy of losing the one hundred and eighty (180) apartment units. Board Member Hayes stated that once the property was divided it voided the CUP because the dimensions of the property that was attached to that permit no longer exist. Chairman Clift stated the Geographic Information Systems Coordinator at Berkeley County messed up when they assigned the new tax map number. Board Member Volkmar suggested the following: table the issue pending the removal of the line; revise the request to include the eighty-four additional apartment units; have another Public Hearing to give the residents a chance to voice their opinions.

**MOTION:**

A motion was made to table the issue pending a resolution on the two parcels by rejoining them and that the applicant modify the application to include the total amount of

apartments and the total amount of commercial space. **MOVED BY** Board Member Volkmar **SECONDED BY** Board Member Monheit

**DISCUSSION:**

Mr. Forsberg stated he does not want to lose the one hundred and eighty (180) apartments. A board member stated that the one hundred and eighty (180) apartments was already approved for TMS 244-00-00-065. Board Member Hayes stated if the request is modified to what it was previously approved, they will still have the one hundred and eighty (180) apartments.

**VOTE:**

All voted in favor (6-0), none opposed. Motion carried.

**IV. APPROVAL OF MINUTES:**

**MOTION:**

A motion was made to accept the Zoning Board of Appeals (ZBA) Minutes from the March 28, 2018 meeting. **MOVED BY** Board Member Dillard **SECONDED BY** Board Member Volkmar.

**DISCUSSION:**

None

**VOTE:**

All voted in favor (6-0), none opposed. Motion carried.

**V. Comments from the Board:**

Chairman Clift inquired if the required webinars could be recorded so that the Board can view it at a later date. Ms. Browder stated she would find out. Discussion occurred around the CUP. It was stated that these permits are site specific and when the property is subdivided the permit is voided. It was suggested that moving forward the specific site should include details such as acreage.

**VI. Comments from Staff:**

Ms. Browder stated there is an opening on the ZBA. She stated the Ribbon Cutting Ceremony for the Michael J. Heitzler Recreation Complex will be held on Friday, May 18, 2018 at 10 a.m.

**VII. Adjournment:**

Board Member Volkmar made a motion to adjourn. Board Member Fisk seconded. All voted in favor. The meeting ended at 7:31 p.m.

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**Butch Clift, Chairman**

**Date:** \_\_\_\_\_, 2019