



Zoning Board of Appeals Meeting

Wednesday, March 28, 2018

6:30 p.m.

City of Goose Creek
Marguerite H. Brown Municipal Center
Council Chambers
519 North Goose Creek Blvd.
Goose Creek SC



**AGENDA
CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS MEETING
WEDNESDAY, MARCH 28, 2018 6:30 P.M.
MARGUERITE H. BROWN MUNICIPAL CENTER
519 N. GOOSE CREEK BOULEVARD**

- I.** Call to Order –Chairman Butch Clift
- II.** Roll Call – Chairman Butch Clift
- III.** 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
- IV.** Comments from Board
- V.** Comments from Staff
- VI.** Adjournment

Please note this Agenda was posted at City Hall and on the City Website prior to meeting.



MEMORANDUM

TO: Members of the Zoning Board of Appeals

FROM: Brenda Moneer, Planning and Zoning Specialist

DATE: March 22, 2018

SUBJECT: Notification of Meeting

This is to inform everyone that the next meeting of the Zoning Board of Appeals has been scheduled for **Wednesday, March 28, 2018 at 6:30pm.**

You will be asked to review one application for a variance requests pursuant to your duties and powers as defined in Zoning Ordinance Section 151.171 below. Information regarding the request(s) are included in your packet.

§ 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.

**STAFF REPORT
APPLICATION FOR A VARIANCE
FROM SETBACK REQUIREMENTS
PER APPENDIX D OF THE ZONING ORDINANCE
PROPERTY LOCATED AT 435 OLD MT. HOLLY ROAD
TMS# 234-07-05-042**

Date of Meeting:	March 28, 2018
Subject:	Variance Request – Setback Requirements JW Aluminum

Proposal:

The applicant proposes to develop a major addition to their existing plant. The plant property is very much an anomaly in that the existing plant structures are located on property within the Berkeley County boundaries and outside the City of Goose Creek. However, the property immediately behind the existing structures, which are currently being used as their storage yard, is located within the City boundaries. The boundary line between the County and the City is shown on the attachments.

The boundary line between the County and the City also represents the property line of the different parcels owned by JW Aluminum and on which the addition will be built. Because the proposed addition includes structures which will be built virtually straddling the property lines and having no separation from the existing building, it will not meet setback requirements for typical construction. They are also planning future sub-dividing of this property that will require a variance from all setbacks, as there is really no way for them to build an addition as needed and as reasonable and meet the setback.

Staff Recommendation:

Staff believes this particular situation is as unique and exceptional as we would find in the development of properties and recommends approval.



CITY OF GOOSE CREEK LAND USE APPLICATION

TODAY'S DATE: 3-8-2018

PART I. PURPOSE OF SUBMITTAL

- Site Plan, Subdivision Plan, Plat Review, Variance, Rezoning, Conditional Use Permit

PART II. GENERAL INFORMATION

- Development Name: JW Aluminum
Street Address: 435 Old Mt. Holly Road
TMS #: 234 - 07 - 05 - 042
Zoning Classification: G1
Requested Classification: (For rezonings only)
Total Site Acres: 17.67

Table with 2 columns: Zoning District Name and Description. Includes CO, LI, R-1, R-2, R-3, GC, NC, RC, PD, PD-MH.

PART III. CONTACT INFORMATION

Owner/Developer Name: JW Aluminum c/o: David Tracy
Street Address: 435 Old Mt. Holly Road City: Goose Creek St: SC Zip: 29445
Telephone: 843-764-8252 Cell Phone: 843-200-2188 Fax:
E-mail Address: DavidTracy@jwaluminum.com

PART IV. SUBMITTAL INFORMATION (IF APPLICABLE)

Proposed Building Use:
Proposed Total Building Area (gross sq. ft.):
Max. Building Height: Total Number of Buildings/Units/Lots:
Is The Property Restricted by Any Recorded Covenant Which Conflicts With or Prohibits The Proposed Use:

AGENT WAIVER

In filing this plan as the property owner, I do hereby agree and firmly bind myself, my heirs, executors, administrators, successors and assignees jointly and severally to construct all improvements and make all dedications as shown on this proposed site plan as approved by the City of Goose Creek, South Carolina. I hereby designate Chris Haynes to serve as my agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf, and to represent me in any public meetings regarding this application.

Print Name: David Tracy Date: March 8 2018
Signature: [Handwritten Signature]

City of Goose Creek

JW Aluminum - Setback Variance Application

A portion of TMS #234-07-05-042 (Parcel #2 – 0.22 Acres)

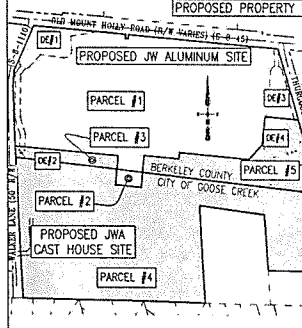
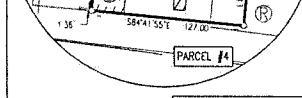
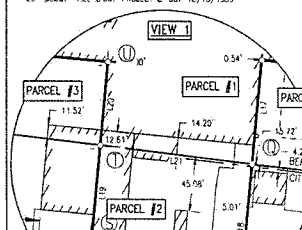
We have recently made an application for a permit to expand our current aluminum manufacturing facility and subdivide the existing parcels. This proposed expansion/subdivision will result in the existing facilities not being able to meet the current building setbacks established in the City of Goose Creek's Code of Ordinances. We respectfully request a variance to pursue an elimination of the building setbacks on all four sides of the property to support the expansion/subdivision.

The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State Law and the ordinance are met by the following facts:

- a. *There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:* There is an extensive network of existing infrastructure in place and an existing manufacturing facility located adjacent to the newly subdivided parcels and the future plant expansion. There is also a jurisdictional boundary line running through the property dividing it between Berkeley County and the City of Goose Creek.
- b. *These conditions do not generally apply to other property in the vicinity as shown by:* Properties in the general area do not contain existing large manufacturing facilities. Additionally, there are no other properties in the area that have jurisdictional boundary lines with two different municipal zoning districts.
- c. *Because of these conditions, the application of the ordinance effectively prohibit, or unreasonably restrict the utilization of the particular piece of property as follows:* The large expansion planned could not occur because several of the existing buildings would not comply with the current setback standards.
- d. *The authorization of the 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:* JW Aluminum owns the majority of the adjacent properties in the area and will continue to operate plant activities within the boundaries of their existing property. The district is all zoned for industrial uses (in both the City of Goose Creek and in Berkeley County) and the character will not be harmed by granting the variance. All existing setbacks and buffers will be maintained around the perimeter of the overall site. This will ensure that the elimination of the setbacks will only effect JW Aluminum operations and not the adjacent neighbors.

REFERENCE PLAT BY: PLAT BOOK-PAGE

1. J.B. SKINNER	- 2/1937	B - 156
2. HEARY E FISHER	- 1967-1972	U - 25
3. R.O. QUERRY	- 8/22/1972	V - 184
4. KEVIN J. DUBS	- 11/7/1975	V - 184
5. KEVIN J. DUBS	- 12/16/1975	V - 190
6. JAMES SALTER	- 03/27/1979	D - 084
7. JOHN MCGRATH	- 05/10/1979	M - 281C
8. HAGER METTS	- 5/28/1990	J - 105
9. J.P. WARDER	- 10/23/1991	L - 245D
10. HAGER METTS	- 5/14/1995	M - 281C
11. HAGER METTS	- 5/28/1996	M - 281C
12. ALBERT HEATLEY	- 06/19/1996	M - 259A
13. ALBERT HEATLEY	- 06/19/1996	M - 11E
14. HAGER METTS	- 7/15/1997	N - 1E
15. ALBERT HEATLEY	- 07/14/1998	N - 259A
16. ALBERT HEATLEY	- 05/21/2000	O - 280A
17. ALBERT HEATLEY	- 08/25/1999	O - 131A
18. ALBERT HEATLEY	- 08/21/2000	O - 280A
19. ALBERT HEATLEY	- 04/03/2000	O - 280A
20. ALBERT HEATLEY	- 04/10/2000	O - 232A
21. ALBERT HEATLEY	- 07/02/2002	P - 255A
22. MARK E. MILLS	- 04/07/2008	3588 - 141
23. SCDOT FILE # 8667 PROJECT C-668	10/10/1989	



PROPERTY LINE TABLE

Line #	Direction	Length	Line #	Direction	Length	Line #	Direction	Length
L1	S83°19'54"E	12.80	L8	S02°57'14"E	61.11	L15	N05°18'05"E	31.21
L2	S08°45'09"W	21.09	L9	N02°39'25"W	146.94	L16	S84°41'55"E	173.99
L3	S84°51'16"E	13.84	L10	N02°39'25"W	57.40	L17	N05°18'05"E	86.70
L4	N08°45'09"W	21.09	L11	N03°51'33"E	85.83	L18	N05°18'05"E	75.25
L5	N03°26'38"W	78.07	L12	S84°41'55"E	167.31	L19	S05°18'05"W	70.37
L6	N07°47'48"W	62.02	L13	N05°18'05"E	142.41	L20	S05°18'05"W	69.33
L7	N03°45'10"W	138.60	L14	N42°30'02"E	100.12	L21	N83°17'41"W	127.04

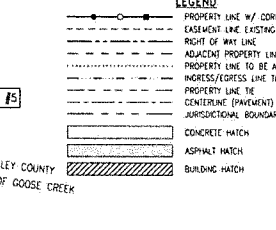
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARD MAPS FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. THE AREA HAS BEEN DETERMINED BY THE COORDINATE METHOD OF AREA DETERMINATION. THE PRECISION OF THE UNADJUSTED FIELD SURVEY WAS GREATER THAN 1:10,000.

ADJACENT PROPERTY OWNERS

1. TMS# 234-07-05-020	KEVIN M. & JENNIFER A. CONDON
2. TMS# 234-07-06-021	JEROME & SANDRA SHUPERT
3. TMS# 234-07-06-022	CONNIE COLE GARLAND
4. TMS# 234-07-06-023	FRANCIS W. & ADRIAN V. ANDERSON
5. TMS# 234-07-06-020	ARON J. & SARAH L. HOWELL
6. TMS# 234-07-06-031	KATERINE BOHREN
7. TMS# 234-07-06-033	STEVEN S. CANTAWAN
8. TMS# 234-07-06-037	EARL & SHARON A. MOULDER
9. TMS# 234-08-01-019	LINDA J. HILL
10. TMS# 234-08-01-020	ANNIE W. MURRAY

ABBREVIATION LEGEND

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
SBS	REBAR SET (5/8" REBAR)
RSF	REBAR FOUND
O	280A
IPF	IRON PIPE FOUND
IPPF	IRON PITCH PIPE FOUND
CMF	CONCRETE MONUMENT FOUND
CLF	CHAIN LINK FENCE
VW	VARIABLE WIDTH



DRAINAGE EASEMENT LINE TABLE

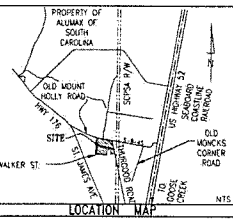
Line #	Direction	Length	Line #	Direction	Length
D122	S84°43'12"E	319.15	D142	N84°47'09"W	159.85
D123	S80°25'24"W	132.37	D143	N13°49'03"W	1.48
D124	S03°02'05"E	71.76	D144	N07°40'20"W	87.44
D125	N81°49'38"W	114.83	D145	N15°49'03"W	87.88
D126	S40°58'45"W	83.86	D146	N02°20'14"W	77.15
D127	S35°10'20"W	38.93	D147	N15°39'47"W	65.29
D128	S00°37'16"W	213.50	D148	N15°39'47"W	118.33
D129	S18°17'55"E	91.08	D149	N74°01'39"E	21.80
D130	S03°45'38"W	62.31	D150	N24°53'38"E	77.26
D131	S03°45'38"W	16.72	D151	S65°06'22"W	13.45
D132	S03°39'54"W	41.24	D152	N15°49'03"W	126.42
D133	N83°17'41"W	25.04	D153	S83°17'41"E	247.46
D134	N03°39'54"E	39.93	D154	S36°11'08"W	142.00
D135	N03°45'38"E	17.41	D155	S24°53'38"E	86.79
D136	N03°45'38"E	57.22	D156	N74°01'39"E	66.47
D137	N16°17'55"W	90.37	D157	S05°06'46"W	159.70
D138	N03°37'16"E	225.03	D158	S84°41'55"E	136.52
D139	N35°10'20"E	45.07	D159	S03°06'46"W	225.23
D140	N11°55'34"W	23.06	D160	S02°40'20"E	89.46
D141	N02°59'52"E	181.63			

DRAINAGE EASEMENT CURVE TABLE

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
DC2	64.47	35.50	101°12'07"	S47°33'56"W	56.41
DC3	24.16	28.50	52°14'03"	S67°05'46"W	23.33
DC4	8.53	26.50	18°28'24"	N07°08'46"W	8.49
DC5	6.54	68.50	5°36'12"	N09°06'26"W	6.54
DC6	74.28	28.00	49°41'18"	N40°39'42"W	23.53
DC7	54.79	35.00	89°41'28"	N29°10'56"E	49.36
DC8	66.52	35.00	99°04'35"	N60°21'20"W	53.76
DC9	19.45	35.00	31°43'55"	S47°16'08"W	19.20
DC10	77.55	40.00	117°05'37"	S50°25'48"E	65.96
DC11	32.88	28.00	67°18'51"	S38°45'11"W	31.02

Internal property line. Setback variance required.
External property line. Required building setbacks to remain.

PLANNING AND RMC USE ONLY



GENERAL NOTES:

- THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE & CREATE DRAINAGE EASEMENTS ACROSS TMS#234-00-00-010 & 234-07-05-042 AS SHOWN.
- SUBJECT PROPERTY IS TMS# 234-00-00-010 & 234-07-05-042 OWNED BY J.W. ALUMINUM. SITE ADDRESS: 435 OLD MOUNT HOLLY ROAD, GOOSE CREEK, SOUTH CAROLINA, 29445.
- THIS PLAT SHOWS ONLY EASEMENTS WHICH ARE OBLIGATORY OR APPLICABLE TO THE SURVEY.
- STATE PLANE COORDINATES ARE FOR GAS PURPOSES ONLY.
- U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLAND DETERMINATIONS HAVE DETERMINED THAT THERE ARE NO WETLANDS LOCATED ON THESE TRACTS SHOWN ON THIS SURVEY PER SAFC013-00331-224 DATED 04/23/2013.
- BY GRAPHIC PLOTTING ONLY, THIS PROPERTY APPEARS TO BE IN FLOOD ZONE "X" (ZONE 1932) AS SHOWN ON FLOOD INSURANCE RATE MAP #450330050, EFFECTIVE DATE 10/16/2003, LOCATED IN BERKELEY COUNTY COMMUNITY #40029 & GOOSE CREEK COMMUNITY #40026.
- PROPERTIES LOCATED IN THE CITY OF GOOSE CREEK, ZONING FOR TMS# 234-07-05-042 IS (C2) GENERAL INDUSTRIAL. FRONT SETBACKS ARE 50 FEET. SIDE SETBACKS ARE 20 FEET OR 30 FEET WHEN LOCATED ON A CORNER PROPERTY. REAR SETBACKS ARE 40'. BERKELEY COUNTY PROPERTY TMS# 234-100-00-010 IS ZONED (H4) HEAVY INDUSTRIAL. ADJACENT PARCELS TO THE SOUTH ARE ZONED (P-2) MEDIUM DENSITY RESIDENTIAL.
- PROPERTY G LETTERS L, O & PP NOT USED.
- ACCESS TO PARCEL #2 TO BE VIA RECORDED BLANKET EASEMENT OVER LINES OF JWA CASTHOUSE OR A RESTRICTIVE COVENANT OVER PROPERTY OF JW ALUMINUM PRIOR TO FINAL SUBDIVISION PLATING.

PLAT SHOWING THE SUBDIVISION OF TMS# 234-00-00-010 (22.22 ACRES) BEING SUBDIVIDED INTO PARCEL 1 (17.95 AC) & RESIDUAL PARCEL 2 (0.22 AC) & PARCEL 3 (0.74 AC), PARCEL 4 (17.45 AC) & PARCEL 5 (3.53 AC) AND SHOWING THE CREATION OF DRAINAGE EASEMENTS DRAINAGE EASEMENT # 1 (1.09 ACRES), DRAINAGE EASEMENT # 2 (0.26 ACRES) AS SHOWN, PROPERTY OF J.W. ALUMINUM LOCATED BERKELEY COUNTY, SOUTH CAROLINA

THE SUBDIVISION OF TMS# 234-07-05-042 (17.67 ACRES) BEING SUBDIVIDED INTO PARCEL 2 (0.22 AC) & RESIDUAL PARCEL 4 (17.45 AC) AND SHOWING THE CREATION OF DRAINAGE EASEMENTS DRAINAGE EASEMENT # 2 (0.26 ACRES), DRAINAGE EASEMENT # 3 (1.19 ACRES) AS SHOWN, PROPERTY OF J.W. ALUMINUM LOCATED BERKELEY COUNTY, SOUTH CAROLINA

DRAFT DATE: FEBRUARY 14, 2018
SCALE: 1" = 100' DATE: JULY 17, 2016
SHEET # 1 of 1

DAVIS & FLOYD, INC.
POST OFFICE BOX 61599
CHARLESTON, SC 29419
PHONE: (843) 554-8602
KTHE@DAVISFLOYD.COM

PROPERTY DISTRIBUTION TABLE

PARCEL	AREA	PRESENT OWNER	PROPOSED OWNER	OUTER BOUNDARY OF PROPERTY
#1	17.95 ACRES	JW ALUMINUM	JW ALUMINUM	A-B-C-D-F-G-H-J-K-M-N-P-Q-R-S-T-U-V-A
#2	0.22 ACRES	JW ALUMINUM	JW ALUMINUM	TOTAL JW ALUMINUM AREA 18.17 ACRES
#3	0.74 ACRES	JW ALUMINUM	JWA CAST HOUSE	H-W-AA-BB-CC-DD-EE-FF-GG-HH-IJ-KK-LL-MM-NN-OO-X-V-U-T-S-R-O-P-N-M-L-K-J-H
#4	17.45 ACRES	JW ALUMINUM	JWA CAST HOUSE	TOTAL JWA CAST HOUSE AREA 21.64 ACRES
#5	3.53 ACRES	JW ALUMINUM	JWA CAST HOUSE	TOTAL SITE AREA 39.81 ACRES