

**MINUTES
CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS MEETING
JULY 30, 2020 5:30 P.M.
VIA VIDEO CONFERENCE (ZOOM)**

I. CALL TO ORDER

Chairman Clift called the meeting to order at 5:30 p.m.

II. ROLL CALL

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

Present: Butch Clift, Jason Dillard, Larry Monheit, Thomas Volkmar,
Bakari Jackson, James Fisk, Gerald Stinson
Absent: None
Staff Present: Mark Brodeur, Brenda Moneer
City Council Present: None

III. REVIEW OF MINUTES FROM NOVEMBER 19, 2019

MOTION: A motion was made to approve the November 19, 2019 minutes as written. **MOVED BY** Board Member Volkmar. **SECONDED BY** Board Member Fisk.
DISCUSSION: None
VOTE: All in favor (7-0). Motion carried.

IV. PUBLIC HEARING

REQUEST FOR VARIANCE FOR A 2' RELIEF FROM THE REQUIRED LOT SETBACKS OF THE DANIEL ISLAND DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 112 HEWITT STREET, TMS# 222-10-01-053.

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. He stated Vice Chairman Volkmar recused himself stating his justification as professionally employed by or under contract with principal.

Mrs. Moneer stated the applicant is requesting a two-foot relief from the twelve-foot total side setback requirement. Currently the proposed plot plan shows five-foot side setbacks on each side, which does not meet the Daniel Island Development Agreement with the City of Goose Creek per section 5.7.

Mrs. Moneer stated the applicant is making this request in accordance with Section 151.171 DUTIES AND POWERS (D) “in exercising the above powers, the ZBA may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify this order, requirements, decisions or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. The ZBA, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify the fact to the circuit court having jurisdiction.”

She stated the property to the North, South, East and West is within the Carnes Crossroads Community.

Mr. David William with Eastwood Homes presented his request for a variance by answering the seven (7) criteria's.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property:

Mr. Williams stated the house does not fit the lot, and it is the last lot in this phase. He stated the customer cannot purchase a lot in another phase due to pricing and this is the only model that is available to this customer.

2. These conditions do not generally apply to other property in the vicinity:

Mr. Williams stated this is a true statement. The rest of this phase is sold out so there are no other lots could be affected by these conditions.

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:

Mr. Williams stated we will not be able to construct the home for this customer with this ordinance in place.

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:

Mr. Williams stated there will not be a substantial detriment to other properties or to the public good.

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:

Mr. Williams stated the variance will not be misused.

- 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:**

Mr. Williams stated Eastwood Homes understands that there may be conditions attached to the granted variance.

- 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.**

Mr. Williams stated we are not requesting a use variance.

Mrs. Moneer stated there was no one from the public to speak in favor or against this request. Mr. Williams answered questions from the board.

BOARD MEMBER DILLARD MADE A MOTIONED TO CLOSE THE PUBLIC HEARING. BOARD MEMBER FISK SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

MOTION: A motion was made to approve the application for a variance for the setback requirements of the Daniel Island Development Agreement for the property located at 112 Hewitt Street having found that the application satisfies the criteria set forth for a variance outlined in section 151.171C of the Zoning Ordinance; there are extraordinary and exceptional conditions pertaining to the particular piece of property; these conditions do not generally apply to other property in the vicinity; 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; 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; **MOVED BY** Board Member Dillard. **SECONDED BY** Board Member Fisk.

DISCUSSION: None

VOTE: All in favor (6-0). Motion carried.

BOARD MEMBER JACKSON MADE A MOTIONED TO GO BACK INTO THE PUBLIC HEARING. BOARD MEMBER MONHEIT SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

V. COMMENTS FROM THE BOARD

No comments from the board

VI. COMMENTS FROM STAFF

No comments from staff.

VII. ADJOURNMENT

Board Member Dillard made a motion to adjourn. Board Member Stinson seconded. All voted in favor (7-0). The meeting ended at 5:58 p.m.

_____ Date: _____, 2020
Butch Clift, Chairman