

**MINUTES
CITY OF GOOSE CREEK
ZONING BOARD OF APPEALS MEETING
FEBRUARY 1, 2021 6:30 P.M.
MARGUERITE H. BROWN MUNICIPAL CENTER**

I. CALL TO ORDER

Vice Chairman Volkmar called the meeting to order at 6:30 p.m. and initiated the Pledge of Allegiance.

II. ROLL CALL

Vice Chairman Volkmar 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:	Bakari Jackson; Jason Dillard, Thomas Volkmar, James Fisk, Gerald Stinson
Absent:	Butch Clift, Larry Monheit
Staff Present:	Planning and Zoning Director Mark Brodeur Planning Technician Brenda Moneer

III. REVIEW OF MINUTES FROM SEPTEMBER 2, 2020

MOTION: A motion was made to approve the September 2, 2020 minutes as written. **MOVED BY** Board Member Fisk. **SECONDED BY** Board Member Stinson.

DISCUSSION: None

VOTE: All in favor (5-0). Motion carried.

IV. PUBLIC HEARING

A. SOLICIT PUBLIC INPUT CONCERNING A REQUEST FOR A CONDITIONAL USE PERMIT FOR DEVELOPMENT OF PARCELS IDENTIFIED AS TMS#244-00-00-033, #244-14-05-047/048 LOCATED OFF OF OLD BACK RIVER ROAD, GOOSE CREEK, SC.

Vice Chairman Volkmar 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.

Mr. Brodeur presented staff report. He stated the applicant is seeking a Conditional Use Permit (CUP) for sixty-three (63) single family detached units on a parcel that was previously zoned R2 and went through the process with Planning Commission and City Council to receive an R3 zoning designation. The parcels, when combined, equal 13.37 acres. City staff has reviewed the project and does not have a suggested list of conditional uses to add to the project. City staff believes this project will be a welcomed residential enclave in this part of the City.

Mr. David Stevens, the applicant, presented his request and answered each criteria for a CUP.

The applicant provided his explanation for meeting the CUP criteria's.

1. **Setbacks, buffers, fences or planting strips protect adjacent properties from adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors:** It is the applicant's opinion that the construction of sixty-three (63) single family detached patio homes, located on this site, have all the necessary infrastructure and access with existing development and will not have a negative impact to surrounding areas.
2. **Vehicular traffic flow would not increase, and pedestrian movement would not be diminished or endangered:** See item 3.
3. **Off-street parking and loading, and ingress/egress points of proposed uses will be adequate as to location, capacity, and design:** The applicant combined #2 and #3. He stated these are addressed by the existing access roads around the project which are adequate to support development of this project. A traffic study will be required to assure the project will not have impact to existing road. The new roadway and infrastructure design and construction shall meet both City of Goose Creek and Berkeley County requirements. Parking for each single- family unit will have a minimum of two (2) parking spaces per dwelling unit.
4. **Property values, general character and welfare of nearby areas will not be deteriorated:** The applicant stated the total development cost per lot for the single-family detached patio home is \$188,068 per lot. He provided a worksheet that shows the surrounding home values. He stated the value of these patio homes are equal to or above existing sales. The applicant believes this will improve the property value in the area.
5. **The proposed use shall be in accordance with the purpose and intent of the city's Comprehensive Plan, this chapter and other rules and regulations:** The applicant stated this project is in accordance with the Comprehensive Plan. He stated it is an infill project that uses existing infrastructure in order to adequately support designated and compact growth.
6. **The proposed use shall be compatible with the existing neighborhood character and be consistent with the character and purpose of the applicable zoning district:** The applicant stated that using preexisting zoning makes this project compatible as single-family homes as well as cost comparable too.
7. **The proposed use shall not adversely affect surrounding land use, as measured in terms of its physical size, intensity of use, visual impact and proximity to other structures:** The applicant stated he envisions this project enhancing the surrounding area. He stated the home sizes will be the same as other single-family homes adjacent to the project.

8. **The proposed use complies with all applicable development standards of the city:** The applicant stated the proposed use will comply with all applicable development standards of the City of Goose Creek.
9. **The proposed use is not detrimental to the public health, safety or general welfare of the city and its citizens:** The applicant stated this project will not be detrimental to the safety or general welfare of the city and its citizens. Hopefully, by being an infill project, it will be an asset to the City.
10. **The proposed use shall not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, of the vehicular movement, of noise or fumes or of the type of physical activity:** The applicant stated these detached patio single family homes will not constitute or be a nuisance as all existing surrounding homes are detached single family units.
11. **The proposed use shall not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site:** The applicant stated they are constructing sidewalks to separate vehicular and pedestrian traffic where possible.
12. **The proposed use shall not create glare from vehicular and stationary lights and the extent to which the lights will be visible from the adjacent zoning districts:** The applicant stated as this proposed use is single family, which is the same as the surrounding area.
13. **The proposed use shall not destroy, create a loss or cause damage to natural scenic, history features of significant important.** The applicant stated this will have minimal impact on natural features which will be mitigated. He stated it will not impact historic features of significant importance.
14. **In the consideration of a conditional use, the ZBA shall not grant permission based on the circumstances of the applicant, or on unnecessary hardship:** The applicant stated he understands that the ZBA shall not grant permission based on the circumstances of the applicant or unnecessary hardships.
15. **The ZBA reserves the right to revoke any conditional use permit that it has issued if it determines that the applicant or operator has failed to maintain and conduct the use in accordance with the conditions imposed on the conditional use. The ZBA shall give the applicant written notice of its intent to revoke the conditional use permit, and, if within ten calendar days of receipt of the notice the applicant submits a request for a hearing to the Secretary, the ZBA shall schedule a public hearing and provide the applicant with the opportunity to be heard prior to deciding whether to revoke the permit:** The applicant stated he understand the ZBA has the right to revoke any Conditional Use Permit based on information in 151.171 (C)(15).
16. **The provisions for revocation of conditional use permits shall not be deemed to preclude any other legal remedy with respect to violation of the provision of this chapter or other rules and regulations of the city:** The applicant stated he understands the revocation of Conditional Use Permit as listed in 151.171 (C)(16).

17. In approving a conditional use, the ZBA may impose the conditions and restrictions as in its opinion will accomplish the intent of this chapter: The applicant stated he understands that in approving a conditional use, the Commission may impose such conditions and restrictions to accomplish the intent of the Ordinance.

The applicant answered questions from the board regarding floorplans, parking, materials, utilities, drainage, and traffic study.

Vice Chair Volkmar inquired if the public would like to speak in favor or in opposition of the request. No one from the public spoke.

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

The board shared their concerns regarding traffic for this development as a traffic light currently does not exist.

MOTION: A motion was made to approve the application for a Conditional Use Permit for development of parcels identified as TMS#244-00-00-033, TMS#244-14-05-047/048 located off of Old Back River Road, Goose Creek, SC having found that the applicant satisfied the seventeen (17) criteria set forth for a Conditional Use Permit (CUP) as outlined in section 151.171C of the Zoning Ordinance with the condition that a traffic study is completed. **MOVED BY** Board Member Fisk. **SECONDED BY** Board Member Stinson.

DISCUSSION: None

VOTE: All in favor (5-0). Motion carried.

BOARD MEMBER DILLARD MADE A MOTION TO GO BACK INTO PUBLIC HEARING. BOARD MEMBER STINSON SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.

B. SOLICIT PUBLIC INPUT CONCERNING A REQUEST FOR A CONDITIONAL USE PERMIT FOR DEVELOPMENT OF PARCELS IDENTIFIED AS TMS#243-08-06-001/002/003/004/005 LOCATED OFF OF MARILYN STREET, GOOSE CREEK, SC.

Vice Chairman Volkmar gave the oath to all those who wished to speak regarding this request. Mr. Brodeur presented Staff report.

Mr. Broder stated the applicant is requesting a CUP on 2.77 acres for a 48-unit single building apartment complex. He stated while City staff believes the use of multi-family is appropriate for this location, we are reminded that this is a request for a CUP. He stated a CUP allows the board to attach certain “conditions” to the approval that must be followed, or the board can revoke the permit for non-compliance.

Mr. Brodeur stated developers who build affordable housing face a lot of hurdles: complex subsidy programs, expensive labor and materials, local land use regulations, and community opposition.

Mr. Brodeur stated City staff has reviewed the proposal and remains unimpressed by the exterior design of the building and site and provided the following recommendation for conditions of approval:

1. Use a durable brick or stone waterboard around the base of the building (all sides). A water board is the lowest portion of an exterior wall from the ground upwards to a maximum height of 42 inches.
2. Require the use of a very durable exterior wall surface that is low in maintenance such as a horizontal fiber cement siding or better. The use of T-111 or vinyl is specifically prohibited.
3. The use of hip and gable roof forms shall be expressed on the building. A single hip roof is unacceptable.
4. Require the use of covered porch entries that extend outward from the façade to the perimeter sidewalk to add architectural interest and to provide weather protection.
5. Require the submittal of a landscape plan to City staff for review and approval by the Director.
6. Provide covered parking for all of the spaces (60) away from the building island/lease office.
7. Provide a six-foot-high masonry fence along the property lines at rear of project (100.3, 121.76, 199.91).
8. Provide a five-foot wide concrete sidewalk along Francis and Marilyn Street.
9. Enclose dumpster with six-foot masonry walls to match the perimeter wall.

Mr. Brodeur stated City staff received seven (7) written comments and letters from residents of the community. He stated six (6) were opposed to the project, and one (1) was in favor of the project.

Mr. Matthew Sotivoglow, the applicant, presented the request. He provided information regarding his background and stated he was born and raised in Goose Creek. He stated the project he is proposing is already zoned GC and is seeking a CUP to build a single structure, multi-family building. He stated the pandemic has ravage and changed many American financial situations including his own. With this in mind this project would seek to offer under market affordable rates to residents that make up to \$65,000 a year. He stated he is seeking to have no subsidy and will include tighter background checks, employment verification and income verification through individual tax returns. He stated the vacant land off Marilyn Street and Carolina Ave are frequented by homeless foot traffic and encampment within the land itself. Our

project will eradicate this issue for those lots. The aim is to lower the criminal activity in the area by making appropriate use of the land and also implementing tighter background screenings for the tenants. Lastly, there will always be concerns over increased traffic, so we addressed this with the site plan. He stated the parking area, ingress and egress roads are located as far away from the intersection of Marilyn and Carolina Ave as possible. In conclusion he stated he believes this proposal is the most realistic option that would best serve the area, the City, and provide the most value to the individual resident.

The applicant went through the seventeen (17) criteria:

- 1. Setbacks, buffers, fences or planting strips protect adjacent properties from adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors:** The applicant stated the structure will have greater setbacks than the bare minimum where applicable to protect adjacent properties from adverse influence of the items listed above. The applicant increased the required parking and provided two ports of entry and exit so that the traffic flow would not be impeded. The initial plan was to leave a minimum of ten feet of vegetation buffer on southern and eastern lot lines however staff requested a six-foot-high masonry fence.
- 2. Vehicular traffic flow would not increase, and pedestrian movement would not be diminished or endangered: ingress and egress roads placed away from the intersection of Carolina Ave/Marilyn street to reduce potential impact of additional traffic flow:** The applicant stated ingress and egress roads are placed away from the intersection of Carolina Ave and Marilyn Street to reduce potential impact of additional traffic flow. He stated that City staff requested a five-foot sidewalk.
- 3. Off-street parking and loading, and ingress/egress points of proposed uses will be adequate as to location, capacity, and design:** The applicant stated parking will adhere to city ordinance guidelines, 9'x18' parking stalls and 109 stalls planned.
- 4. Property values, general character and welfare of nearby areas will not be deteriorated:** The applicant stated that multifamily new construction in this area will greatly increase the value of the surrounding properties. He stated Marilyn Street has not seen much improvement in the past twenty (20) years, and this would make appropriate use of undeveloped land that now is subject to litter, loitering, and trespassers.
- 5. The proposed use shall be in accordance with the purpose and intent of the city's Comprehensive Plan, this chapter and other rules and regulations:** The applicant stated that a comment from a resident on the 2021 Comprehensive Plan Proposal suggested, "If the residential component isn't affordable and/or for 55+, then we don't need any more housing included." He stated the project plans to offer rental rates to residents that meet 80% of area median income established by HUD for Berkeley County. He stated a comparable project would be Etiwan Place Apartments which was finished in 2019. He stated this site was pre-leased and has a waitlist into 2022.
- 6. The proposed use shall be compatible with the existing neighborhood character and be consistent with the character and purpose of the applicable zoning district:** The applicant stated the parcels are currently zoned General Commercial with a potential conditional use for

Multifamily. He stated the project would support the City's plan as this area is being considered for redevelopment. He stated a recently completed project off of Carolina Avenue is a large commercial warehouse.

7. **The proposed use shall not adversely affect surrounding land use, as measured in terms of its physical size, intensity of use, visual impact and proximity to other structures:** The applicant stated the proposed use is in line with surrounding buildings off of Marilyn Street and Carolina Avenue. He stated there is a mix of structure type to include commercial retail, multifamily apartments, commercial buildings for local small businesses, and even a plot of mobile homes.
8. **The proposed use complies with all applicable development standards of the city:** Yes.
9. **The proposed use is not detrimental to the public health, safety or general welfare of the city and its citizens:** The applicant stated the site-plan offers emergency personnel two routes of ingress/egress to the property. He stated by offering affordable rates and to 80% AMI residents, the use will cater to those that have been affected by the pandemic of 2020 and have had their wages lowered and financial situations upended. He stated they are looking into a Covid-specific air filtration system to add to our HVAC systems throughout the structure.
10. **The proposed use shall not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, of the vehicular movement, of noise or fumes or of the type of physical activity:** The applicant stated the site plan parking lot size and position accounts for the space needed to mitigate the above factors.
11. **The proposed use shall not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site:** The applicant stated the parking and foot traffic is all contained within the parking area. He stated concrete curb and sidewalks will be added around the entire building to allow 360 degrees access for residents and emergency response personnel.
12. **The proposed use shall not create glare from vehicular and stationary lights and the extent to which the lights will be visible from the adjacent zoning districts:** The applicant stated leaving a minimum 10' vegetation buffer will create a barrier between parcels and mitigate factors above. He stated the only required lighting will be installed on the exterior of the structure to light walkways and stairwells. He stated City staff recommends adding a six-foot-high masonry fence.
13. **The proposed use shall not destroy, create a loss or cause damage to natural scenic, history features of significant important.** The applicant stated no such features are identified on site.
14. **In the consideration of a conditional use, the ZBA shall not grant permission based on the circumstances of the applicant, or on unnecessary hardship:** The applicant stated he agrees to the stipulations.
15. **The ZBA reserves the right to revoke any conditional use permit that it has issued if it determines that the applicant or operator has failed to maintain and conduct the use in accordance with the conditions imposed on the conditional use. The ZBA shall give the**

applicant written notice of its intent to revoke the conditional use permit, and, if within ten calendar days of receipt of the notice the applicant submits a request for a hearing to the Secretary, the ZBA shall schedule a public hearing and provide the applicant with the opportunity to be heard prior to deciding whether to revoke the permit: The applicant stated he agrees to the stipulations.

16. The provisions for revocation of conditional use permits shall not be deemed to preclude any other legal remedy with respect to violation of the provision of this chapter or other rules and regulations of the city: The applicant stated he agrees to the stipulations.

17. In approving a conditional use, the ZBA may impose the conditions and restrictions as in its opinion will accomplish the intent of this chapter: The applicant stated he agrees to the stipulations.

The board stated they recommend a traffic study and may table the motion until one is provided. The board inquired as to the cost of rent. The applicant stated \$800 to \$1000. The board inquired if the rent price point is feasible with all the upgrades that staff is recommending. The applicant stated if he has to reduce units to make it work, he will. The board inquired from staff the recommended use of this property in the Comprehensive Plan. Mr. Brodeur stated it is Mixed Use under the Comprehensive Plan.

Vice Chairman Volkmar inquired if anyone was in favor of the proposal and would like to speak.

Vice Chairman Volkmar recognized Mr. Rolando Villavicencio who spoke in favor of the project.

Vice Chairman Volkmar inquired if anyone was in opposition of the proposal and would like to speak.

Vice Chairman Volkmar recognized Ms. Cheryl Worrell of Pineview who is concerned with traffic and the lack of sidewalks.

Vice Chairman Volkmar recognized Ms. Enos of Janice Street who shared her concerns regarding traffic and with the lack of sidewalks in a high-density zone. She also stated she feels this will decrease the property value.

Vice Chairman Volkmar recognized Ms. Sandra Allen of Pineview who stated she was concern with traffic.

Vice Chairman Volkmar recognized Mr. Corey McClary of Crystal Street who stated a traffic study needs to be done before a decision can be made.

Vice Chairman Volkmar stated this property is currently zoned commercial hence a more intensive commercial development could be developed at this location. He stated such project will not have to come before this board. Mr. Brodeur stated some examples of commercial

developments that could go in this location could be a convenience store, mini mall with seven or eight different tenants, hair salon, tanning salon, vape shop or a laundry mat. He stated small commercial uses such as a car wash or used car lot could also go in this location. Mr. Brodeur stated any of these uses will only have to be approved by the Architectural Review Board (ARB) and would not have to come before ZBA or Planning Commission as these would be an approval by right.

Mr. Brodeur presented staff summary. He stated given that the application was sent with an incorrect zoning designation and given the fact that the board and public would like to see a traffic study with a set of mitigations for the project, he respectfully asks the board to table this request for thirty (30) days.

The applicant presented a summary. He stated he does not live life going off of assumptions as a lot were shared tonight. He stated to assume, you impede progress and make bad decisions. He stated the property owners that he is purchasing the property from are fully in support of this project. He stated if this project does not get approved anything zoned General Commercial can go in its place. He stated his proposal is something that will improve the entire area. The applicant stated he would be willing to meet with the sellers to ask for and additional thirty (30) days for a traffic study.

BOARD MEMBER JACKSON MADE A MOTION TO CLOSE THE PUBLIC HEARING. BOARD MEMBER FISK SECONDED. ALL IN FAVOR. NONE OPPOSED. MOTION PASSED.

The board discussed the project and shared the same concerns of those that spoke in opposition. The board decided they would give the applicant an opportunity to come back in thirty (30) days to address these concerns.

MOTION: A motion was made to table the request for a Conditional Use Permit for the parcels identified as TMS# 243-08-06-001/002/003/004/005 located off Marilyn Street, Goose Creek, SC for an extended period of thirty-one (31) days to give the opportunity for reconsideration of possible traffic review, 3rd party opinion, and traffic study at this location. **MOVED BY** Board Member Bakari. **SECONDED BY** Board Member Dillard.

DISCUSSION: None

VOTE: All in favor (5-0). Motion carried.

BOARD MEMBER DILLARD MADE A MOTION TO GO BACK INTO PUBLIC HEARING. BOARD MEMBER STINSON SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED

V. 2021 ELECTIONS – CHAIR AND VICE CHAIR

MOTION: A motion was made to nominate Butch Clift for Chair. **MOVED BY** Board Member Fisk. **SECONDED BY** Board Member Stinson.

DISCUSSION: None

VOTE: All in favor (5-0). Motion carried.

MOTION: A motion was made to nominate Tom Volkmar for Vice Chair. **MOVED BY** Board Member Stinson. **SECONDED BY** Board Member Jackson.
DISCUSSION: None
VOTE: All in favor (5-0). Motion carried.

VI. COMMENTS FROM THE BOARD

A board member inquired if appointments have been made for the ZBA. Mrs. Moneer stated that Kelly Lovette, the City Clerk will reach out to the board members.

VII. COMMENTS FROM STAFF

Mr. Brodeur invited everyone to the Comprehensive Plan workshop on Wednesday night between 2 pm -7 pm at the Fire Station.

VIII. ADJOURNMENT

Board Member Fisk made a motion to adjourn. Board Member Stinson seconded. All voted in favor (5-0). The meeting ended at 8:31 p.m.

_____ **Date:** _____, **2021**
Tom Volkmar, Vice Chairman