

MINUTES
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNTY COUNCIL CHAMBERS, SUMMERVILLE
January 30, 2018
6:00 PM

1. **DETERMINE QUORUM**

Present: Chairman Dwight
Mr. Couto
Mr. Mercer
Mr. Reeves
Mr. Johnson
Ms. Harper
Mr. Dehay

Staff: Ms. Reinertsen
Ms. Cook
Ms. Blatchford

2. **INVOCATION**

Mr. Mercer gave the invocation.

3. **MINUTES**

Adoption of Minutes from the December 19, 2017, Board of Zoning Appeals Meeting
Mr. Dehay made a motion to approve the minutes as written. Mr. Johnson seconded the motion and the minutes were unanimously approved.

4. **VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

A. Variance from Sections 13.2.2, 13.2.3, and 13.2.4 to provide relief from the screening and buffering requirements for telecommunication towers.

Applicant:	Jonathan L. Yates
Property Owner:	Holseberg Properties, LLC
Location:	213 Jedburg Road Summerville, SC 29483 TMS# 122-00-00-115

Ms. Blatchford presented the staff report with these following facts.

1. The parcel subject to the variance is approximately five acres in area, roughly 315 feet wide and 615 feet deep. Parcels in this vicinity vary greatly in size and shape but the rectangular shape of the subject lot is typical in general and of other properties in the vicinity.
2. The property is currently utilized by the business located on it.
3. The fall zone radius is not provided and it is not known if it would encroach on adjacent properties.
4. There are six towers that exist in the immediate area with no evidence of attempts to locate antennas on them.

Based on these facts, staff finds that the request does not meet the requirements for variance approval and therefore recommends disapproval.

Mr. Yates the applicant stepped to the podium and explained that when the zoning was amended

he was invited to help with input during the revision in 1990. Mr. Yates stated the pole would be like a sign pole that you see on the side of the highway. The steel is designed to get through major disasters and only the top 55' would fall the rest would collapse. Mr. Yates also pointed out that the property was a textbook location for a cell tower.

Mr. Keith Powell with Optimum Towers explained that the location is ideal because it would be in the middle of surrounding towers.

Mr. Dehay stated where are towers needed in Summerville. Mr. Powell responded that it all depended on demand and usage.

Mr. Dehay asked that if the Board goes against staff, how will it affect other towers in the future?

Mr. Couto asked why not move it to the middle of the land? Mr. Powell said due to functionality, the fence line is a better location and it would interfere with the building in the middle.

Mr. William Smith representing Muckenfuss Property stepped to the podium. Mr. Smith sold Mr. Holesberg the property that the cell tower will go on and stated it was the worst piece of property for a cell tower. Muckenfuss property turned down the offer for the cell tower. Mr. Smith explained that the Muckenfuss' are developing an industrial park with the property adjacent to the tower. Hoping to support the manufacturing businesses locating in the County.

Mr. Tom Limehouse stepped to the podium and explained he rejected a cell tower on his property located on Greyback Road. Mr. Limehouse stated he had respect for both sides and his complaints are mostly about service in the industrial area. Mr. Limehouse said he felt this is a legit case for one and believes this is a good time to grant the variance.

Mr. Dehay asked was there anything about the cell tower that was detrimental. Mr. Smith stated they had the perfect location.

Mr. Dehay made a motion to close the public hearing and Mr. Reeves seconded the motion.

Ms. Harper made a motion to approve the variance in light of the information that was provided by Mr. Yates and definitely believed the County needs the coverage in the industrial area. Ms. Harper also stated she thought it was very important for the County to provide that to everyone coming into the area, particularly this area. Mr. Mercer seconded the motion.

The variance was approved with a vote of 4 to 3. (Dwight, Mercer, Harper, Dehay – For Couto, Johnson, Reeves – Against).

B. Special Exception Request for a Tire Baling Business in an Absence of Controls District (AC).

Applicant: Donald Chip Greene
Property Owner: Old South Investments, Inc.
Location: 368 Wunningham Road
St. George, SC 29477
TMS# 032-00-00-229

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 21(b) Manufacturing Services and 22(a) Outdoor Storage as Special Exception Uses.

Ms. Blatchford presented the staff report and explained why this Special Exception was brought to the Board again. Ms. Blatchford explained when the first Special Exception was granted it was based on the baling machine being located on the inside of the building. Mr. Green has now decided to move the machine to the outside. Ms. Blatchford stated that after reviewing the request, staff provides the following facts:

1. The proposed business complies with the Future Land Use element of the Comprehensive Plan.
2. The applicant still has several pending approvals that need to be obtained. Prior to obtaining DHEC approval, the County may need to revise their Solid Waste Management Plan.
3. The general area contains a mix of commercial businesses, single-family residences, and agricultural uses.
Hours of operation are 9am – 5pm. Bailing will occur outside the existing building, and may impact adjacent properties.

4. The Zoning Code limits Industrial uses to 90 dB at the property line and Residential & Agricultural uses to 60 dB at the property line.
5. The existing building complies with required setbacks but the proposed site plan will need final review and approval from the County Technical Review Committee.
6. In granting a variance the board is only approving the use. Outstanding permits, reviews, and approvals must still be obtained prior to beginning operations.

Ms. Blatchford stated that based on these facts, staff finds that the request adheres to the Comprehensive Plan, and Zoning Code compliance will be addressed through TRC review and site monitoring. However, because of the potential for adverse noise, staff recommends Conditional Approval with appropriate sound mitigation as determined by the Board.

Mr. Chip Green, the applicant, stepped to the podium and explained why he changed the original plan for the baling machine. Mr. Green stated that he will now be using a portable baler that will fit on a flatbed tow truck and can be moved anywhere with hopes of getting more business, being able to go to other sites.

Mr. Dehay asked if the motor made noise and Mr. Green stated not loud enough to disturb anyone. Mr. Green supplied the board with a noise chart for the engine he will be using.

Mr. Mercer made a motion to grant the Special Exception and Mr. Reeves seconded the motion. The vote was 7-0 to grant the special exception.

5. **OLD BUSINESS**

6. **NEW BUSINESS**

A. Nomination and Election of Chairman

Mr. Mercer made a motion to have Chairman Dwight remain the Board Chairman. Mr. Reeves seconded the motion and the vote was unanimous to have Chairman Dwight remain as Chairman.

B. Nomination and Election of Vice-Chairman

Mr. Johnson made a motion to have Vice Chairman Couto remain the Board Vice Chairman. Mr. Mercer seconded the motion and the vote was unanimous to have Mr. Couto remain as Vice Chairman.

7. **REPORT OF ZONING ADMINISTRATOR**

Ms. Blatchford updated the Board on the second round of the Comprehensive Workshops.

8. **PUBLIC COMMENT**

9. **ADJOURNMENT**

Meeting adjourned at 7:40 pm

MINUTES
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY KENNETH WAGGONER BUILDING
COUNTY COUNCIL CHAMBERS, SAINT GEORGE
FEBRUARY 27, 2018
6:00 PM

1. **DETERMINE QUORUM**

Present: Chairman Dwight
Mr. Mercer
Mr. Reeves
Mr. Johnson

Absent: Mr. Couto
Ms. Harper
Mr. Dehay

2. **INVOCATION**

Mr. Mercer gave the invocation.

2. **REVIEW OF MINUTES**

Adoption of Minutes from the January 30, 2017, Board of Zoning Appeals Meeting

The minutes were deferred to March 27, 2018 meeting.

3. **VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

A. Variance from Section 10.4.2(1)(f) requiring that accessory structures are located in the side yard or rear yard of residential properties.

Applicants: James and Karla Dowdey
Property Owners: James and Karla Dowdey
Property Location: 164 Fall Creek Blvd.
Summerville, SC 29483
TMS#: 143-05-03-002

Ms. Reinertsen presented the staff report and explained the state requirement that need to be met to grant a variance. Ms. Reinertsen stated that reviewing the request, staff provides the following:

1. There are no extraordinary conditions relating to this particular property; there are numerous corner lots in the immediate area which are also served by septic systems.
2. The property is currently in residential use; the conditions claimed by the applicant do not prohibit or impair full use and enjoyment of the property.
3. Placement of the garage in the front yard is not consistent with the standards of this zoning district nor other zoning districts, all of which require accessory structures to be located in the rear or side yard. As a residential zoning district, homes are the primary focus; an accessory building in the front yard would detract from that. Additionally, this corner lot is highly visible to neighborhood residents and passers-by.
4. The existence of the septic field and repair area to the east of the house does not prohibit placing the garage on that side. There is also ample space in the yard north of the house. The mock lot plan illustrates that a variance is not needed to accommodate the garage.

Ms. Reinertsen stated that staff recommends denial since the Variance does not meet the necessary requirements.

Mr. and Mrs. Dowdey, the applicants stepped to the podium and explained why they had to have the accessory structure in the second front yard. Mr. Dowdey showed where their septic and drain field are located. He also stated there are wetlands on that side of their property and if they were to put it behind the main house it would be right up to their neighbor's home.

Mr. Johnson asked to point out the wetlands again and the drain field.

Mr. Mercer asked how the staff say it's OK to have the structure on the right side.

Mr. Johnson read out loud the email received from an adjacent neighbor opposed to the structure.

Mr. Mercer made a motion to close the public hearing and Mr. Johnson seconded the motion. The public hearing was closed.

Mr. Johnson made a motion to deny the variance request based on the staff's recommendation and finding of facts. Mr. Reeves seconded the motion and the vote was 3 to 1 (with Mr. Mercer opposed) to deny the variance request.

- B. Variance from Section 10.4.2(1)(f) requiring that accessory structures are located in the side yard or rear yard of residential properties.

Applicant: Rodney S. Burbage

Property Owner: Rodney S. Burbage
Property Location: 151 Tiger Lane
Summerville, SC
TMS# 121-00-00-242

Ms. Reinertsen presented the staff report with these finding of facts and recommendation of approval.

1. The septic drain field and repair area comprise a majority of the side and rear yards on this parcel; the trees also use a portion of that area but their removal would not provide adequate space for the pool.
2. Other parcels are serviced by septic systems but none has trees planted as an 'orchard.'
3. These conditions do not prohibit or unreasonably restrict use of the property; it is in use as a home.
4. In this particular circumstance, placement of a pool in the front yard would not be detrimental to adjacent properties; to the public good; or to the character of the zoning district. The property owners on Tiger Lane are related and it has been conveyed to staff that the pool would be enjoyed by all family members. The location of the parcel on an access easement prevents the pool from being seen by passers-by and the general public.

Mr. Burbage the applicant was present to answer any questions the Board may have for him.

Mr. Johnson made a motion to approve the variance for the pool based on staff's recommendation. Mr. Mercer seconded the motion and the vote was unanimous (4-0) to approve the variance.

4. OLD BUSINESS

5. NEW BUSINESS

A. Adoption of Revised 2018 Board of Zoning Appeals Schedule

Ms. Reinertsen explained to the Board about the meeting schedule possibly changing locations from Summerville to St George a couple of more times this year. This would be to accommodate the Parks and Recreation Commission that meets at 6 pm on the 4th Tuesday of every month that has always met in the conference room but is now being told they must meet in County Council Chambers.

Chairman Dwight stated that since the schedule has already been adopted and in place no changes should be made, but would look to make changes to next year's schedule.

Mr. Mercer made a motion by stating the Board of Zoning Appeals appreciates staff and respect delivering the request. Mr. Mercer explained that the Boards schedule is in place

4

and changes would need to take place next year except for the March 2018 meeting. Mr. Johnson seconded the motion and the vote was unanimous (4-0) not to change the current adopted schedule.

6. REPORT OF CHAIRMAN

7. REPORT OF ZONING ADMINISTRATOR

Chairman Dwight reminded all Board members of the Comprehensive Plan workshop in the next two weeks to mark their calendars. Chairman Dwight recommended that they plan to attend.

8. PUBLIC COMMENT

9. ADJOURNMENT

Mr. Johnson made a motion to adjourn and Mr. Reeves seconded the motion. The meeting was adjourned. The meeting was adjourned at approximately 7:00 pm.

MINUTES
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY KENNETH WAGGONER BUILDING
COUNTY COUNCIL CHAMBERS, ST. GEORGE

April 24, 2018
6:00 PM

1. **DETERMINE QUORUM**

Present: Chairman Dwight
Mr. Mercer
Mr. Reeves
Mr. Johnson
Mr. Dehay
Mr. Harper

Absent: Mr. Cuoto

Staff: Ms. Blatchford
Ms. Cook

2. **INVOCATION**

Mr. Mercer gave the invocation.

3. **MINUTES**

Adoption of Minutes from the January 30, 2018, Board of Zoning Appeals Meeting.

Adoption of Minutes from the February 27, 2018, Board of Zoning Appeals Meeting

Mr. Mercer made a motion to adopt both meeting's minutes as written. The motion was seconded by Mr. Reeves and the vote was unanimous (6-0) to approve

4. **VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

A. Variance from Section 10.4.20(c)(1)(e) to eliminate the required type "B" buffer from all property lines.

Applicant: Cameron Baker, C. Baker Engineering, LLC
Property Owner: Susan Keifer and William Hall
Location: West 5th North Street
Summerville, SC 29483
TMS# 122-00-00-145

Ms. Blatchford presented the staff report and stated after reviewing the request, staff provides the following facts:

1. The subject parcel of land is extraordinary due to its extreme width-to-depth ratio.

Although Dorchester County does not prescribe a maximum lot width-to-depth ratio on non-residential properties, 1:1 to 1:5 is the generally accepted range. The subject parcel exhibits a ratio of 1:14. The existence of the de facto drainage ditches is also unique in that they are not encumbered as County Drainage Easements.

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

There is one land tract located approximately 1,700 feet south on Highway 78 that measures approximately 150 feet in width; 1,500 in length; and represents a 1:10 width-to-depth ratio. It was part of the railroad spur to several of the industries here. The ditches are unique in their existence on this tract.

3. These conditions are extraordinary and unique but they do not unreasonably restrict use of the property.

The Conditions set out in Section 10.4.20 allow for stacking containers up to three high in compliance with a certifying engineer's plan; no such plan has been submitted but utilizing this method would increase storage capacity and provide land area for planting the buffer.

4. Eliminating the Conditional Buffer would result in shipping containers to be in full view from adjacent parcels and from Highway 78 on approach to the site from either direction. A 15-foot Minimum Visual Buffer, required as part of the Transitional Overlay District code, is planned for installation.

If the Board considers it advisable to protect established property values and promote the general welfare in the surrounding area, it has the authority to place conditions on a variance approval, including adjustments to location of the buffer.

Based on these facts, staff finds that the request does not meet the requirements for variance approval and therefore recommends disapproval.

Ms. Harper stated that their packets did not include the applicant's application and felt they were not given the proper paper to do a complete review.

Mr. Cameron Baker, the applicant, stepped to the podium and stated the intent is to honor the existing drainage. Mr. Baker also stated from the property line to 25' in they would be installing their own drainage system. 35' on both sides will limit use of acreage especially with large vehicles. Mr. Baker stated they are wanting to have a 200' buffer of dense trees.

Ms. Harper asked will the company be starting from the rear of the property, Mr. Baker responded yes. Ms. Harper asked will there be shipping containers all the way to the buffer. She also inquired if they would be left there, stored, or turned over.

Mr. Dehay asked would the containers be empty and could the County take over the ditches. Ms. Blatchford stated she had spoken to Mr. Gerrish in Public Works and the County does not want to due to the condition of the ditches. Mr. Dehay stated he applauds the efforts Mr. Baker and the company owners have put into this.

Ms. Blatchford stated the 2nd request is related to this request.

Ms. Harper asked is the buffer located up front and Mr. Johnson asked how high will they stack the containers.

Chairman Dwight asked if they can substitute canopy coverage for buffer. Mr. Mercer asked about the surrounding neighbors' view.

Mr. Baker commented that containers would not be stacking until 35' into the property.

Mr. Stephen Anderson stepped to the podium and he stated the he strongly opposed this operation. Mr. Anderson explained that he has a tenant that paints automobiles and the company will have ROC down so when the wind will blow and the trucks deliver it will kick up the dust and ruin the work his tenant has done. Mr. Anderson explained the nightmare it will cause the neighbors. Mr. Anderson requested he gets the report from the Corp of Engineer before its approved, there has been major drain problems a long time in that area.

Mr. Ross Settle stepped to the podium and stated he strongly opposed the business as well. The ROC is all over the plants, trees and our business. Mr. Ross explained he already had two ditches that ran through his property and worries about the additional run off.

Mr. Litchfield stepped to podium and stated he owns the property with the baseball field. Mr. Litchfield stated that the old runway holds so much water it is like a sponge. The roads are potholed up and now more trucks are going to be coming in. Mr. Litchfield stated he had security issues now.

Mr. Baker stepped back to the podium to address the concerns. Mr. Baker stated that the information from the Corp will be provided. The trucks will enter from Highway 78 not Thorpe Street and there will be dust control.

Mr. Oppold, the business owner, stepped to the podium and stated he wants to do the right thing by his new neighbors.

Ms. Harper made a motion to deny the request based on facts and findings of the staff. Mr. Johnson seconded the motion and the vote was unanimous (6-0) to deny.

B. Variance from Section 13.3.4 to eliminate the Canopy Coverage requirement.

Applicant: Cameron Baker, C. Baker Engineering, LLC
Property Owner: Susan Keifer and William Hall
Location: West 5th North Street
Summerville, SC 29483
TMS# 122-00-00-145

Ms. Blatchford presented the staff report with these following facts:

1. The subject parcel of land is extraordinary due to its extreme width-to-depth ratio.

Although Dorchester County does not prescribe a maximum ratio for non-residential lots, generally accepted lot width-to-depth ratios are 1:1 to 1:5. The subject parcel exhibits a ratio of 1:14.

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

There is one land tract located approximately 1,700 feet south on Highway 78 that measures approximately 150 feet in width and 1,500 in length and represents a 1:10 width-to-depth ratio. It was part of the railroad spur to several of the industries here. The ditches are unique in their existence on the subject parcel.

3. These conditions are extraordinary and unique but they do not unreasonably restrict use of the property.

The Conditions set out in Section 10.4.20 allow for stacking containers up to three high in compliance with a certifying engineer's plan; no such plan has been submitted but utilizing this method would increase storage capacity and provide land area for planting trees.

4. Eliminating the Canopy Coverage requirement may not pose substantial detriment to adjacent property in that several of them were developed before this requirement, however, future development is subject to it and the first 300 feet inward from the Highway 78 right of way is in the Transitional Overlay District (TOD); eliminating Canopy Coverage in that area would expose the view of shipping containers to passers-by and is contrary to the intent of the TOD.

Ms. Blatchford stated that based on these facts, staff finds that the request does not meet the requirements for variance approval and therefore recommends disapproval. Ms. Blatchford stated that the canopy coverage cannot be accommodated due to the buffer requirement.

Mr. Dehay asked could the staff be in agreeance if they would plant their own canopy trees in lieu of the side buffers.

Mr. Mercer stated he was still concerned with the same issues.

Mr. Johnson made a motion to deny the request and Mr. Mercer seconded the motion. The motion was tied (3-3) with Mr. Johnson, Mr. Mercer, and Mr. Dwight in favor and Mr. Dehay, Ms. Harper, and Mr. Reeves opposed. Motion failed due to a tie vote.

Mr. Dehay made a motion to approve the request and Ms. Harper seconded the motion. The motion was tied (3-3) with Mr. Dehay, Ms. Harper, and Mr. Reeves in favor and Mr. Johnson, Mr. Mercer, and Mr. Dwight opposed. Motion failed due to a tie vote.

Mr. Dehay made a motion to table the request and Ms. Harper seconded the motion. The vote was unanimous (6-0) to table the request.

- C. Variance from Section 7.3.5(c) to reduce the required 25' rear yard setback to allow an addition.

Applicant: Matthew R. Jones
Property Owner: Matthew R. Jones

Location: 8528 Belford Court
North Charleston, SC 29420
TMS# 181-05-06-021

Ms. Blatchford presented the staff report with these finding of facts:

1. There are no extraordinary conditions that apply to this lot. The next five consecutive lots have the same easements and setbacks; three of these lots exhibit a triangular shape that results from being on a cul de sac.
2. These conditions apply to the next five consecutive lots and to several lots on the other side of Wynnfield Drive.
3. The parcel has been used as a home for approximately 50 years and can continue as such.
4. Authorization of this request may be detrimental to adjacent properties and would be detrimental to the character of the district by causing overcrowding in a district designated for low density residential development. Additionally, the Board of Zoning Appeals does not have authority to grant encroachment into the drainage easement.

Based on these facts, staff finds that the request does not meet the requirements for variance approval and therefore recommends disapproval.

The applicant, Mr. Jones, stepped to the podium and explained why he needed the variance. Mr. Jones stated his neighbors or the Homeowners Association has no problem with him building into the setbacks.

Councilman Bailey stepped to the podium and stated he spoke with Mr. Carraher in Public Works, who informed Councilman Bailey that the County did not own the ditch.

Mr. Dehay made a motion to conditionally approve the request with the applicant supplying the County with a notarized statement from the Home Owners Association that there is no problem with the addition. Ms. Harper seconded the motion and the vote was unanimous (6-0) to approve the variance request.

- D. Variance from Section 7.8.6(c) to reduce/eliminate required side yard setbacks for a proposed storage facility.

Applicant and
Property Owner: Charles Reeves
Location: Hwy 17-A South
Summerville, SC 29483
TMS# 152-01-01-010

Ms. Blatchford presented the staff report with these findings of fact:

1. The subject parcel is extraordinary because the Mixed Use Community Zoning abuts Multi-family Residential Zoning although the abutting uses are commercial in nature.
2. Other properties in the vicinity are not commercially zoned or zoned for mixed uses.
3. Requiring fifty-foot setbacks on each side would eliminate 100 feet of useable land for the entire length of the parcel. The parcel averages approximately 616 feet in length, thereby eliminating over 60,000 square feet and leaving approximately one-third acre of the 1.77 total acres for development.
4. Authorization of this request would not pose a detriment to adjacent properties, to the public good, and would not harm the character of the zoning district.

Based on these facts, staff finds that the request meets the requirements for a variance and therefore recommends approval.

Mr. Reeves, the applicant, stepped to the podium and explained why he is requesting the variance for the setbacks. Mr. Reeves stated that 1/3 of the property is wetlands and he would like to put a storage facility on the parcel.

Mr. Mercer asked what type of storage.

Mr. Dehay asked if it was a single-story storage unit.

Ms. Harper asked if it was permanent storage.

Councilman Bailey stepped to the podium and stated that he is opposed to this request and it should not be granted based on the County's Ordinance.

Mr. Mercer made a motion based on the analysis from staff and County Council to approve the variance request. Mr. Johnson seconded the motion the motion was approved (5-2) with Mr. Dehay and Mr. Reeves opposed.

E. Special Exception Request for a Beauty Supply Store in an Absence of Controls District.

Applicant: Tisha McCollum
Property Owner: Carney E. Jakes
Location: 284 Hwy 78
Ridgeville, SC 29472
TMS# 110-00-00-037

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 10, Business, Convenience Retail, as a Special Exception Use.

Ms. Blatchford presented the staff report with the following findings of fact:

1. The proposed business complies with the Comprehensive Plan because the use is consistent with the Future Land Use recommendation as well as with existing uses;
2. The site exhibits extensive landscaped buffering along Highway 78 which will remain in place; and
3. Traffic, lighting, noise and other externalities generated by the business will be minimal and will not present disturbances in the area.

Based on these facts, staff finds that the request meets the requirements for variance approval and therefore recommends approval.

The applicant, Ms. McCollum, explained it had always been a dream to do hair but believes she has found her niche to sell hair. Ms. McCollum showed the Board pictures of what she intends on doing.

Mr. Albert Tucker, an adjacent property owner, stepped to the podium to state he was opposed to this business location. Mr. Tucker explained it was a steep curve on Highway 78 and it would put lives in danger. It was an accident waiting to happen.

Ms. Harper made a motion to approve the request based on staff findings. Mr. Mercer seconded the motion and the vote was unanimous (6-0) to grant the Special Exception.

F. Special Exception request for outdoor storage in a Mixed Use Community District.

Applicant and
Property Owner: Michael and Hannah Barnette
Location: 1554 Dawson Branch Road
Summerville, SC 29483
TMS# 110-00-00-048

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article VIII, Section 8.2, Subsection 8.2.4 lists Use Group 22(a), Outdoor Storage, as a Special Exception Use.

Ms. Blatchford presented the staff report with the following findings of fact:

1. The proposed business complies with the Comprehensive Plan because the use is consistent with the Future Land Use recommendation as well as with existing uses;
2. The owner will minimize the negative appearance of stored vehicles by planting adequate landscaped buffers and installing opaque screening;
3. Traffic, lighting, noise and other externalities generated by the business will be minimal and will not present disturbances in the area.

Based on the analysis presented above, Staff finds that the proposed business complies with the Comprehensive Plan because the use is consistent with the Future Land Use recommendation as well as with existing uses; that the owner will minimize the negative appearance of stored vehicles by planting adequate landscaped buffers and installing opaque screening; and that traffic, lighting, noise and other externalities generated by the business will be minimal and will not present disturbances in the area, and therefore recommends conditional approval with appropriate additional landscaping as determined by the Board.

Mr. Barnett the applicant stepped to the podium and explained that this is his future business once he retires from the military and would be glad to move the shed anywhere it needs to be.

Mr. Mercer made a motion to approve the Special Exception request based on staff analysis and the 2nd part of paragraph 2. Mr. Johnson seconded the motion and the vote was unanimous (6-0) to approve.

5. **OLD BUSINESS**

6. **NEW BUSINESS**

Ms. Harper asked if the Board would be in favor to getting an attorney. Ms. Harper felt it was a good time since the budget for FY19 was on County Council's agenda.

7. **REPORT OF CHAIRMAN**

8. **REPORT OF ZONING ADMINISTRATOR**

Ms. Blatchford reminded everyone of the upcoming Comprehensive Plan Meeting

9. **PUBLIC COMMENT**

10. **ADJOURNMENT**

Meeting adjourned at 9:03 pm.

MINUTES
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNTY COUNCIL CHAMBERS, SUMMERVILLE

May 22, 2018
6:00 PM

1. **DETERMINE QUORUM**

Present: Chairman Dwight
Mr. Couto
Mr. DeHay
Ms. Harper

Absent: Mr. Johnson
Mr. Reeves
Mr. Mercer

Staff: Ms. Reinertsen
Ms. Cook

2. **INVOCATION**

Mr. DeHay gave the invocation.

3. **MINUTES**

Adoption of Minutes from the April 24, 2018, Board of Zoning Appeals Meeting

Mr. DeHay made a motion to approve the minutes as written. Ms. Harper seconded the motion and the vote was unanimous (4-0) to approve.

4. **VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

- A. Variance from Section 8.1.5(c) to reduce the minimum rear yard setback from thirty-five feet (35') to one point eight feet (1.8').

Applicant: Micah Wood
Property Owner: Attain Properties, LLC
Location: 107 Paris Lane
Summerville, SC 29483
TMS# 135-07-00-026

Ms. Reinertsen presented the staff report with the following finding of facts:

1. The lot in question is smaller than other lots in Caire Yelleau, but not significantly smaller than the other lots adjacent to it at the end of Paris Lane. These conditions do not make use of the property economically unfeasible; the existing house was built in 1990.
2. The location of the house to the far rear of the lot was the choice of the owner/builder at the time. Most other homes are more centrally located on their respective lots.
3. The application of the ordinance does not unreasonably restrict the use of the property. Compliance with the setbacks still allows ample room for the location of a house.
4. The approval of the variance would allow a rear yard setback of only 1.8'. This will require modifications to the structure to comply with fire regulations. A setback this small was not anticipated for a subdivision with lots of this size.
5. SC Case Law (*Restaurant Row Associates v. Horry County*) has established that financial hardship does not automatically constitute unnecessary hardship entitling the applicant to a variance.
6. SC Case law has repeatedly affirmed that property owners are not entitled to relief from a self-created hardship. A claim of unnecessary hardship cannot be based on conditions created by the property owner nor can one who purchases property after the enactment of a zoning regulation complain that the nonconforming use would work a hardship upon him/her.

Ms. Reinertsen stated, staff finds that the application does not meet the requirements for a variance and therefore recommends denial of the request.

The applicant, Mr. Micah Wood, and his agent, Mr. Richard Moore, stepped to the podium and stated they had purchased the house from the bank. Mr. Wood explained they had done their due diligence. Mr. Wood stated they had checked with the County for pulled permits, which the previous owner had pulled in 2013 and 2017. They did not realize there was a problem until they came in to pull a permit and were told about the setback issues.

Chairman Dwight asked that when they had contacted the County did they tell you if the addition had a permit pulled. Mr. Couto stated with interior work you don't always have to pull a permit, it depends on the type of work.

Mr. Couto asked if the bank disclosed any of this information. Mr. Couto stated you brought the house knowing it was a problem.

Mr. Richard Moore stated that is why we are asking to rehab the house to match the neighborhood. Mr. Wood stated he would have walked away if he knew this would happen. Mr. Couto asked again, why did you buy the house knowing it was wrong.

Ms. Harper asked how the system worked when you pull a building permit.

Mr. Wood stated they just wanted a variance to do the repairs. Mr. Couto stated you knew it was there on the property line you could have walked away.

Mr. Don Spivey, 103 Paris Lane, stepped to the podium and stated his side property line backs up to the rear-property line. Mr. Spivey said the history of the house originally started as a garage, then an apartment was added to the garage. Then the house and all the add-ons. Mr. Spivey stated the last owner was renting with the option to buy and backed out of the deal in 2017. Mr. Spivey wanted to let the Board know he was opposed to the variance request. Mr. Spivey is concerned it will be an investment fix up and then they would sell in two years.

Chairman Dwight asked how long Mr. Spivey lived in the neighborhood and he responded 30 years.

Mr. Couto made a motion to deny the variance because it far exceeds a reasonable request to be that close to the property line. Ms. Harper seconded the motion and the vote was unanimous (4-0) to deny the Variance request.

B. Variance from Section 7.9.7(c) to reduce the minimum front yard setback from fifty feet (50') to thirty-three feet (33').

Applicant:	Elliot Locklair
Property Owner:	Limehouse Investments, LLC
Address:	119 Fabricator Street Summerville, SC 29483 TMS# 122-00-00-161

Ms. Reinertsen presented the staff report and After reviewing the request, staff provides the following facts:

1. The lot in question meets the minimum size requirements for CLI lots and was created in accordance with our current zoning and land development standards at the request of the current property owner.
2. The location of the lot, along the cul-de-sac, results in the disruption of an established setback line.
3. The cul-de-sac only affects this lot and lot 5, which is deep enough to allow more flexibility with site design.

4. The lot is usable, however, the strict application of the setback from the cul-de-sac effectively prohibits buildings of 100' in depth, in that portion of the lot. Such buildings are not uncommon for industrial development.
5. The approval of the variance would allow a portion of the building to occupy space intended to remain open. However, the site will comply with all other applicable regulations and is located in an area intended for industrial uses. It is not anticipated that the authorization of a variance would be a detriment to adjacent properties or the public good.
6. SC Case law has repeatedly affirmed that property owners are not entitled to relief from a self-created hardship. A claim of unnecessary hardship cannot be based on conditions created by the property owner nor can one who purchases property after the enactment of a zoning regulation complain that the nonconforming use would work a hardship upon him/her.

Based on these facts, staff finds that the application does not meet the requirements for a variance and therefore recommends denial of the request.

Mr. Elliot Locklair, the applicant, stepped to the podium and explained why he is requesting a variance. Mr. Locklair stated it is just at the curve of the cul-de-sac.

Mr. Couto asked if the building is moved over and back would that help with the setback.

Mr. DeHay asked if it is detrimental if space is lost in the rear of the building.

Mr. Couto made a motion to approve an amended request to a rear 15' setback with the applicant's agreement. Mr. DeHay seconded the motion and the vote was unanimous (4-0) to approve the variance for a 15' rear set back.

C. Special Exception Request for Used Auto Sales in an Absence of Controls District.

Applicant and
Property Owner: Jamie Mondo
Location: Mizell Road
Dorchester, SC 29473
TMS# 064-00-00-056

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 9 Business, Secondary Retail, as a Special Exception Use.

Ms. Reinertsen presented the staff report with these findings of fact:

1. The proposed business complies with the Future Land Use element of the Comprehensive Plan.

2. The applicant still has pending site plan and building use approval that will need to be obtained through the TRC process.
3. The area contains a mix of single-family residences and agricultural uses.
4. Hours of operation are 8am – 6pm. Traffic is expected to be minimal.
5. Buffering will be required for the adjacent residential lots.
6. In granting a special exception the board is only approving the use. Outstanding permits, reviews, and approvals must still be obtained prior to beginning operations.
7. The request is for used vehicle sales only and does not include the sale or storage of junk or salvage vehicles.

Staff has concerns with establishing a commercial business in a residential area that is not a main thoroughfare and would suggest limiting the number of vehicles and/or requiring roadside landscaping as a condition of approval.

Ms. Jamie Mondo, Mizzell Road, stepped to the podium and explained her plans for the business. Ms. Mondo stated she was a stay at home mom and was just applying for her wholesale license. Ms. Mondo explained that she would not have over 5 cars per year and it will be a family business.

Mr. Couto asked how far is the barn set back from the road. Mr. DeHay asked about the numbers of vehicles at any given time, about 12, and will the entrance be gated. Mr. DeHay also asked about set hours for the business, strictly a web based business.

Ms. Harper made a motion to approve the use of the property with the conditions that we limit the vehicles to 12, keep the hours of operation to 8am to 6pm, include plantings down the side with the neighbor as recommended by staff, and some roadside landscaping as well. Also insuring all other permits and reviews have been obtained. Mr. Couto seconded the motion and the vote was unanimous (4-0) to approve.

5. **OLD BUSINESS**

A. Variance from Section 13.3.4 to eliminate the Canopy Coverage requirement.

Applicant:	Cameron Baker, C. Baker Engineering, LLC
Property Owner:	Susan Keifer and William Hall
Location:	West 5 th North Street

Summerville, SC 29483
TMS# 122-00-00-145

Ms. Reinertsen presented the staff report to refresh the Board members of this Variance request.

After the previous meeting staff had met with the applicant and they are asking relief from the Canopy coverage.

Mr. Couto asked about the Transitional Overlay District and what is the buffer.

Mr. DeHay asked since both motions were voted as a deadlock vote, technically the variance was not approved. The motion failed on the request.

Mr. Cameron Baker stepped to the podium and went over the request again.

Mr. Couto how close will you be to Highway 78 and how high are the containers to be stacked.

Mr. Baker said the intent is to eventually have the building to the front and containers to the rear. The intent is to start at the rear of the property and work their way up front

Mr. DeHay do you plan to extend the storage area forward in the future.

Mr. Tom Limehouse stepped to the podium and advised the board to obtain legal advice regarding the motions at previous meetings before proceeding.

Chairman Dwight stated what they need to do is get our attorney.

Mr. DeHay made a motion for a continuance based on legal findings by staff. Ms. Harper seconded the motion and the vote was (3 - 1) to approve the motion with Mr. Couto opposed.

6. **NEW BUSINESS**

7. **REPORT OF CHAIRMAN**

8. **REPORT OF ZONING ADMINISTRATOR**

9. **PUBLIC COMMENT**

10. **ADJOURNMENT**

Mr. DeHay made a motion to adjourn and Mr. Couto seconded the motion. The vote was unanimous (4-0) to adjourn at 7:20 pm.

Minutes
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNTY COUNCIL CHAMBERS, SUMMERVILLE

June 26, 2018
6:00 PM

1. **DETERMINE QUORUM**

Present: Chairman Dwight
Mr. Couto
Ms. Harper
Mr. Reeves
Mr. Dehay

Absent: Mr. Mercer
Mr. Johnson

Staff: Ms. Reinertsen
Ms. Cook

2. **INVOCATION**

Mr. Dehay gave the invocation.

3. **MINUTES**

Adoption of Minutes from the May 22, 2018, Board of Zoning Appeals Meeting

Mr. Dehay made a motion to approve the minutes as written. Ms. Harper seconded the motion and the vote was unanimous (5-0) to approve.

4. **VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

A. Variance from Section 7.3.5(c) to reduce the minimum rear yard setback from twenty-five feet (25') to eighteen feet (18').

Applicant and
Property Owner: Jennifer Nguyen
Location: 102 Writing Court
Ladson, SC 29456
TMS# 154-14-12-019

Ms. Reinertsen presented the staff report with these finding of fact:

1. The lot in question was engineered and prepared as part of a master planned community and is of a similar size and shape as the other lots in the neighborhood.
2. The lot and house are of similar dimensions and siting to other lots and homes in the neighborhood.
3. Utilization of the property is not restricted and is currently being used as a single-family residence.
4. The approval of the variance would not be of detriment to adjacent properties or the public good but may set a precedent for the neighborhood.
5. SC Case Law (Restaurant Row Associates v. Horry County) has established that financial hardship does not automatically constitute unnecessary hardship entitling the applicant to a variance.
6. SC Case law has repeatedly affirmed that property owners are not entitled to relief from a self-created hardship.

Based on these facts, staff finds that the application does not meet the requirements for a variance and therefore recommends denial of the request.

Ms. Nguyen, the applicant, stepped to the podium and explained why she was requesting the variance. Ms. Nguyen wants to build a porch to stop the flooding in her home.

Mr. Dehay asked if the yard was flooding or just rain coming in.

Mr. Couto made a motion to grant the variance request of 7' to construct an enclosed porch. Mr. Dehay seconded the motion. The vote was unanimous (5-0) to grant the 7' variance.

- B. Variance from Section 7.2.4 to reduce the minimum lot size from 14,500 square feet to 13,520 square feet and from Section 7.2.5(b) to reduce the minimum lot width from eighty feet (80') to sixty-seven feet (67').

Applicant:	Sharee Mason
Property Owner:	Hunter Quinn Homes, LLC
Location:	96 Dean Drive Summerville, SC 29483 TMS# 129-06-14-002

Ms. Reinertsen presented the staff report with these findings of fact:

1. The lot in question was subdivided in 2001 to meet the standards in place at that time. The standards have not changed since that time.

2. The other lots resulting from the same subdivision are similar in size and dimension. Other in Pine Hill Acres in general, are smaller than the subject lot, but not by a significant amount.
3. Utilization of the property is not restricted and was developed with a single-family residence.
4. The approval of the variance would not be of detriment to adjacent properties or the public good but may set a precedent for the neighborhood.

Based on these facts, staff finds that the application does not meet the requirements for a variance and therefore recommends denial of the request.

Ms. Sharee Mason from Hunter Quinn Homes stepped to the podium to explain why they are requesting the variance.

Mr. Couto asked how big would the homes be on the lots. Mr. Couto also asked why could they not split the lot in half to have two lots of 76' in width. Then the lots would probably look the same as the rest of the street.

Mr. Dehay asked who would maintain the easement.

Mr. Couto made a motion to approve the variance with the following modification, the two lots will each be approximately 73.83' in width and measure approximately 14,000 square feet. Mr. Dehay seconded the motion and the vote was unanimous (5-0) to approve the modified variance request.

- C. Variance from Section 8.3.6(c) to reduce the minimum setback for an accessory structure from fifty feet (50') to fifteen feet (15').

Applicant:	Alder Energy Systems LLC
Property Owners:	James P & Rita May Ranck
Address:	121 Joseph Lane Summerville, SC 29485 TMS# 171-00-00-193

Ms. Reinertsen presented the staff report with these findings of fact:

1. The lot in question is subject to a very restrictive overlay district that contemplates the future subdivision and development of larger tracts but which was put into place without consideration for existing lots and development.

2. The conditions do apply to other properties in the vicinity and have been the subject of several variance requests in recent years.
3. Utilization of the property is not restricted and is currently being used as a single-family residence. However, the development of accessory structures which are typical for single-family lots is overly restricted due to the placement of the house and the setback imposed by the overlay district.
4. The approval of the variance would not be of detriment to adjacent properties or the public good and has been approved by the neighborhood HOA.

Based on these facts, staff finds that the application meets the requirements for a variance and therefore recommends approval of the request.

Mr. Couto asked if 15' would be normal outside the Ashley River Historic Overlay District and if 50' applies to each property line within the District.

Mr. Ranck, the property owner, stepped to the podium and stated he has talked with the adjacent homeowners and they approved the panels. Mr. Ranck explained if they were 50', they would encroach on the septic tank.

Mr. William Allen, neighbor with property on the northwest corner, stepped to the podium and asked if his property would lose value. Mr. Allen asked if Mr. Ranck could put up a buffer such as a row of hedges. Mr. Allen stated he had spoken with the applicant about not seeing them and will be building his home to the back of his property line.

Mr. Ranck stated he had spoken with both Allen brothers and he agreed to put hedges up at the property line to hide the panels.

Ms. Harper made a motion to approve the variance with the condition that hedges would must be planted as a buffer. Mr. Dehay seconded the motion and the vote was unanimous (5-0) to approve.

D. Special Exception Request for Scaffold Leasing Company in an Absence of Controls District.

Applicant:	Steve Sawyer
Property Owner:	Harleyville Properties, LLC
Location:	146 Brown Town Road Harleyville, SC 29448 TMS# 016-00-00-025

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 17(b) Business, General Services as a Special Exception Use in an Absence of Controls District.

Ms. Reinertsen presented the staff report with these finding of facts:

1. The proposed business complies with the Future Land Use element of the Comprehensive Plan.
2. The site has been used for commercial/industrial uses in the past.
3. The area is largely undeveloped and is near the Giant Cement facility. There is a cluster of residential homes at the end of Brown Town Road.
4. Hours of operation are 7am – 5:30pm, Monday thru Friday. Traffic is expected to be minimal

Staff has reviewed the application and determined that it complies with the Comprehensive Plan and is not considered detrimental to the surrounding area, and therefore recommends approval.

Mr. Steve Sawyer and Mr. Bobby Kern, the applicants, stepped to the podium and explained the scope of the business.

Mr. Couto made a motion to approve the Special Exception. Mr. Dehay seconded the motion and the vote was unanimous (5-0) to approve the Special Exception request.

5. **OLD BUSINESS**

A. Variance from Section 13.3.4 to eliminate the Canopy Coverage requirement.

Applicant:	Cameron Baker, C. Baker Engineering, LLC
Property Owner:	Susan Keifer and William Hall
Location:	West 5 th North Street Summerville, SC 29483 TMS# 122-00-00-145

Ms. Reinertsen presented the staff report with these finding of facts:

1. The subject parcel of land is extraordinary due to its extreme width-to-depth ratio.

Although Dorchester County does not prescribe a maximum ratio for non-residential lots, generally accepted lot width-to-depth ratios are 1:1 to 1:5. The subject parcel exhibits a ratio of 1:14.

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

There is one land tract located approximately 1,700 feet south on Highway 78 that measures approximately 150 feet in width and 1,500 in length and represents a 1:10 width-to-depth ratio. It was part of the railroad spur to several of the industries here. The ditches are unique in their existence on the subject parcel.

3. These conditions are extraordinary and unique, but they do not unreasonably restrict use of the property.

The Conditions set out in Section 10.4.20 allow for stacking containers up to three high in compliance with a certifying engineer's plan; no such plan has been submitted but utilizing this method would increase storage capacity and provide land area for planting trees.

4. Eliminating the Canopy Coverage requirement may not pose substantial detriment to adjacent property in that several of them were developed before this requirement, however, future development is subject to it and the first 300 feet inward from the Highway 78 right of way is in the Transitional Overlay District (TOD); eliminating Canopy Coverage in that area would expose the view of shipping containers to passers-by and is contrary to the intent of the TOD.

Based on these facts, staff finds that the request does not meet the requirements for variance approval and therefore recommends disapproval.

Mr. Baker, the applicant, stepped to the podium and explained why his client is asking for the variance. Mr. Baker explained they would be losing additional property with the property they are already losing from the sides for drainage.

Mr. Couto asked if they would be putting the building to the front of the property and would they be landscaping around the building. Mr. Baker responded that they would be landscaping around the building.

Mr. Couto also asked if there would be any containers within 300 feet of Highway 78.

Mr. Steve Anderson, adjacent property owner, stepped to the podium and asked why the Board was letting this happen. Mr. Anderson stated he would have to get a lawyer for the drainage and asked what kind of canopy would cover it up, a bush will not.

Mr. Dehay reminded Mr. Anderson that they were only here to hear the variance for the canopy coverage.

Mr. Ross Settle, 107 Fabricator Street, stepped to the podium and asked how thick the gravel would be to support the containers. Mr. Settle also stated that canopy trees would filter the dust. Mr. Settle asked if 30' tall trees were their intent, also what about the diesel, smoke, dust and noise.

Chairman Dwight stated the applicant has a business that is allowed according to the ordinance and can go on this property.

Mr. Couto made a motion to grant relief from the canopy but have no containers closer than 300 ft. Mr. Dehay seconded to motion.

Discussion was opened for the Board. Mr. Dehay stated he would like to amend the motion by adding stipulation for certain amounts of trees within front buffers and setbacks. Mr. Frampton, the County's attorney stated if the motion is amended with the planting suggestions then they would be back to the Canopy requirements. The amended motion failed due to a lack of a second.

Chairman Dwight asked for a vote on Mr. Couto's motion. The vote was 3-2 to approve the variance with Mr. Reeves, Mr. Dwight and Mr. Couto in support and Mr. Dehay and Ms. Harper opposed.

6. **NEW BUSINESS**

7. **REPORT OF CHAIRMAN**

Chairman Dwight reminded the Board that packets were for their eyes only and make sure they are not having meetings prior to the meetings.

Chairman Dwight also stated that if any members felt they could not make a good judgement to please recuse yourself, so you are not putting yourself in a compromising position.

Mr. Dehay stated he enjoyed the Board and the good work they were doing, but with that being said come together for training to support one another.

8. **REPORT OF ZONING ADMINISTRATOR**

9. **PUBLIC COMMENT**

10. **ADJOURNMENT**

Minutes
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNTY COUNCIL CHAMBERS, SUMMERVILLE

July 24, 2018
6:00 PM

1. DETERMINE QUORUM

Present: Chairman Dwight
Mr. Couto
Mr. Mercer
Ms. Harper
Mr. Reeves

Absent: Mr. Dehay
Vacancy

Staff: Ms. Reinertsen
Ms. Cook

2. INVOCATION

Mr. Mercer gave the invocation.

3. MINUTES

Adoption of Minutes from the June 26, 2018, Board of Zoning Appeals Meeting

Mr. Couto made a motion to approve the minutes as written and Mr. Reeves seconded the motion. The vote was 4-0 to approve, with Mr. Mercer abstained.

4. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS

A. Special Exception Request for a Concrete Batch Plant in an Absence of Controls District (AC).

Applicant and	
Property Owner:	M & B Properties LLC
Address:	277 Seven Mile Road
	Harleyville, SC 29448
	TMS# 026-00-00-016

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 20(a) Manufacturing, as a Special Exception use.

Ms. Reinertsen presented the staff report with the following facts:

1. The proposed business complies with the Future Land Use element of the Comprehensive Plan.
2. The site has been used for commercial/industrial uses in the past.
3. The area is largely undeveloped and is near the Giant Cement facility with easy access to I-26.
4. Hours of operation are 7:00am – 5:00pm, Monday thru Friday.
5. Plans will still go through the appropriate departments and agencies for approval.

Ms. Reinertsen stated that staff has reviewed the application and determined that it complies with the Comprehensive Plan and is not considered detrimental to the surrounding area, and therefore recommends approval.

Mr. Todd Muckenfuss, Owner/Applicant, stepped to the podium to answer any questions the Board may have.

Mr. Couto asked if the hours would be Monday – Friday, no weekends. Mr. Muckenfuss responded yes.

A motion was made by Mr. Couto to approve a concrete batch plant in the Absence of Controls District, since it will not be detrimental to the surrounding properties. Ms. Harper seconded the motion and the vote was unanimous (5-0) to approve.

B. Special Exception for an Auto Sales Business in an Absence of Controls District (AC).

Applicant:	Gerald Anderson
Property Owner:	Cheryl Shuler
Address:	2109 Highway 15 N St. George, SC 29477 TMS# 014-00-00-230

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 9(b) Business, Secondary Retail, as a Special Exception Use.

Ms. Reinertsen presented the staff report with these finding of facts:

1. The proposed business complies with the Future Land Use element of the Comprehensive Plan.
2. The site has been used for commercial uses in the past.
3. The area is within ¼ mile of the intersection of Highway 15 and Highway 178 and is near other commercial operations.
4. Hours of operation are 10:00am – 6:00pm
5. Plans will still go through the appropriate departments and agencies for approval.
6. Staff does have concerns about how impacts to the adjacent residential properties will be addressed.

Staff has reviewed the application and determined that it complies with the Comprehensive Plan and is not considered detrimental to the surrounding area, however, staff recommendation of approval is conditional upon an adequate site plan being submitted for review and approval through the Technical Review process.

Chairman Dwight asked if the applicant was present. The applicant was not, and Mr. Reeves stated that he would like to ask a couple of questions to the applicant.

Mr. Mercer made a motion to defer the Special Exception to next month when the applicant could be present to answer questions. Mr. Reeves seconded the motion and the vote was unanimous (5-0) to defer.

- C. Special Exception for an Auto Sales Business in an Absence of Controls District (AC).

Applicant and
Property Owner: William S. Limehouse
365 Mulberry Rd
St George, SC 29477
TMS# 013-00-00-065

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 9(b) Business, Secondary Retail, as a Special Exception Use.

Ms. Reinertsen presented the staff report and after reviewing the request, staff provides the following facts:

1. The proposed business complies with the Future Land Use element of the Comprehensive Plan.

2. The site has been used for commercial uses in the past.
3. The area is within $\frac{3}{4}$ mile of the intersection of Mulberry and Highway 178 and another $\frac{3}{4}$ mile from I-95.
4. Hours of operation are 9:00am – 5:00pm
5. Plans will still go through the appropriate departments and agencies for approval.

Staff has reviewed the application and has determined that it complies with the Comprehensive Plan and is not considered detrimental to the surrounding area, however, staff recommendation of approval is conditional upon an adequate site plan being submitted for review and approval through the Technical Review process.

Mr. Limehouse, applicant and property owner, stepped to the podium to answer any questions.

Mr. Limehouse explained the business would be wholesale/retail and auto auction with the hours of operation as Monday-Friday, 9 am to 5 pm, an auction would also be once a week but there would be no noise because it will be inside the barn on the property.

Mr. Richard Hippey, 120 Rancho Hippey Way, stepped to the podium opposed to the Special Exception. Mr. Hippey explained the background to the property and Mr. Limehouse obtained it when it went into foreclosure, but now it is in a state of despair.

Mr. Hippey stated there is nothing from I-95 to St. George but farmland and Mulberry Road is not commercial or industrial and it would be ludicrous to allow a wholesale auto auction and sales on this property.

Mr. Reeves asked where exactly did Mr. Hippey live, the other side of Interstate 95, and isn't that a good way from this address.

Mr. Hippey stated about 2 $\frac{1}{2}$ miles from the property. Mr. Hippey commented that Mr. Limehouse can't rent the property, so he is looking for other options and he owns a wholesale business in Summerville so why not move up to St. George.

Marcy Hippey, St. George, stepped to the podium and stated the business would ruin the rural flare of the area. Ms. Hippey also explained that a new house had been set up on the adjacent property and they would not agree to this business, doubted he would want a car lot next door.

Ms. Hippey asked what would happen to run off, oil, fluids and other things.

Mr. Hippey stated that section 10.5 stated it cannot harm land or agriculture and there are alligators in the pond. People are growing corn across the street to consume.

Mr. Mercer asked about the follow up issues with contamination. Ms. Reinertsen explained the TRC process will evaluate the runoff and other things.

Mr. Couto made a motion to approve the business in the Absence of Controls District since the property was formally used as a commercial business. Mr. Reeves seconded the motion and the vote was unanimous (5-0) to approve.

D. ***DEFERRED AT THE APPLICANT'S REQUEST***Special Exception for a Sand Mine in an Absence of Controls District (AC).

Applicant: Austin Construction Company, Inc.
Property Owners: John M. & Robin C. Clayton
Address: E Main Street
Harleyville, SC 29448
TMS# 075-00-00-073

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.2.3 lists Use Group 1(d) Agriculture, Mineral Resource Extraction as a Special Exception Use.*** DEFERRED AT THE APPLICANT'S REQUEST ***

Ms. Reinertsen stated that this item was deferred at the applicant's request in order to allow DHEC to address the comments made at the public hearing held in June. When this item is placed on the agenda again in the future, all public notice requirements will be adhered to.

A. Variance from Section 12.4.4(d)(2) to allow the removal of a Grand Tree outside of the proposed building footprint.

Applicant: Kevin Woodley
Property Owner: Dan Ryan Builders SC LLC
Address: 107 Ashley Bluffs Road
Summerville, SC 29485
TMS# 152-15-01-005

Ms. Reinertsen presented the staff report with this finding of facts:

1. The tree in question is shown on the approved Preliminary Plan as a Grand Tree to remain.
2. The tree protection zone shown on the plan is incorrect and does not accurately reflect the true size of the tree. If it had been shown accurately, the lot configuration may have been adjusted to accommodate.
3. Other properties in the subdivision have not had to accommodate such a large tree.

4. Utilization of the property is restricted due to the size of the Tree Protection Zone combined with the required setbacks, but another house model may fit on the lot and better accommodate the tree.
5. The approval of the variance would be contrary to the intent of the Tree and Canopy Protection standards and not in keeping with the approved Preliminary Plan.
6. South Carolina case law has repeatedly affirmed that property owners are not entitled to relief from self-created hardship. A claim of unnecessary hardship cannot be based on conditions created by the property owner.
7. South Carolina code of laws dictates that the fact that property may be utilized more profitably if a variance is granted may not be considered grounds for a variance.

Based on these facts, staff finds that the application does not meet the requirements for a variance and therefore does not recommend approval of the request.

Chairman Dwight asked if the applicant has reached out to staff for help to avoid a variance request.

The applicant, Kevin Woodley representing Dan Ryan, stepped to the podium and explained that Dan Ryan was not responsible for the tree study. Dan Ryan did not develop the property, the lots were brought as pre-developed. Mr. Woodley also stated that they were already building their smallest house.

Ms. Harper asked what was the size of the home they were building.

Mr. Couto asked about removing the screened porch, but it would still require a Variance from the Board.

Mr. Mercer asked how long Dan Ryan has been in the County.

Mr. Jerry Benton, 118 Ashley Bluff Road, stepped to the podium and stated his concerns and the only reason they were here now is because Dan Ryan got caught. There has been three other developers and they had no problems building houses with the trees. People in the trade know they can't cut down grand trees. Mr. Benton also stated Dan Ryan shows a trend that they disregard the rules.

Ms. Diane Donnelly, 124 Daniel's Ridge Drive, spoke that the trees define what the neighborhood is supposed to look like. The builder has already cut down a lot of trees and trees of this statute should be preserved.

Mr. William Smith stepped to the podium and stated it seems like a criminal activity cutting down these grand trees or not giving enough room for growth. The canopy of this tree has to be at least 40 to 50 ft wide.

Mr. Eliu Estrada, 115 Daniels Ridge Drive, stepped to the podium and stated this builder has set a pattern of doing illegal items. The previous builders took precautions with the trees.

Ms. Kathy Cannavaro, 111 Ashley Bluff Road, stepped to the podium and shared pictures with the Board members of lot 6. Ms Cannavaro stated she sent emails to Ms. Blatchford and she had also tried to the name of the tree company. Ms Cannavaro stated Ms. Blatchford informed her that Dan Ryan had not applied for any tree permits and looked back on the site plan and the trees were shown.

Mr. Mercer asked if the limbs on the adjacent property could be trimmed.

Mr. Dan Moses, 115 Ashley Bluff Road, stepped to the podium and stated if they were looking for tree mitigation, they would have to submit for an application. Dan Ryan knew what they were getting into and it could affect storm water and runoff.

Mr. John Peak, 147 Ashely Bluff Road, stepped to the podium and stated he was a member of the Home Owners Association board and they have had no success.

Ms. Harper asked did the Board have to agree to the house plans and what was the minimum size. Mr. Peak responded with 1500sqft and 1800sqft., homeowners do not want to lose their property value.

Ms. Nicole McMillan stepped to the podium and stated money talks. Ms. McMillan explained the builder had neglected the neighborhood and Dan Ryan doesn't care they are only in it for the money.

Mr. Mercer made a motion based on the facts and staff analysis, that the Variance needs to be denied. Mr. Couto seconded the motion and the Variance was unanimously (5-0) denied.

5. OLD BUSINESS

6. NEW BUSINESS

7. REPORT OF CHAIRMAN

Chairman Dwight thanked the staff for the hard work.

8. REPORT OF ZONING ADMINISTRATOR

Ms. Reinertsen asked the Board to put on their calendars October 2nd 10:00 to 11:30 am for continuing education hours.

9. PUBLIC COMMENT

Ms. Linda Kaley from the Stone Soup Coalition stepped to the podium and explained her group and gave the Board literature.

Mr. Tim Lewis, stepped to the podium and spoke about the possible sand mine and concerns for areas health. Mr. Lewis stated it would only be 50 feet from the school and it would impact the children's education and environment.

Ms. Angie Crum voiced her concern about who was notified about the possibility of the sand mine and gave staff an additional point of contact. Ms. Crum also asked about which paper it was in.

10. ADJOURNMENT – Meeting Adjourned at 7:58 pm.

Minutes
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY KENNY WAGGONER BUILDING
COUNTY COUNCIL CHAMBERS, ST GEORGE

August 28, 2018

6:00 PM

1. DETERMINE QUORUM

Present: Chairman Dwight
Mr. Mercer
Mr. Reeves
Ms. Harper
Mr. Dehay
Mr. Tulluck

Absent: Mr. Couto

Staff: Ms. Reinertsen
Ms. Cook

2. INVOCATION

Mr. Mercer gave the invocation.

3. MINUTES

Adoption of Minutes from the July 24, 2018, Board of Zoning Appeals Meeting

Mr. Reeves made a motion to approve the minutes as written and Mr. Mercer seconded the motion. The vote was (5 to 0) to approve, with Mr. Tulluck abstained.

4. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS

A. Variance from Section 10.4.2(f) to allow an accessory structure in the front yard.

Applicant and:
Property Owner: Nels and Shelly Davis
Address: 2269 Old Beech Hill Road
Ridgeville, SC 29472
TMS# 132-00-00-132

Ms. Reinertsen presented the staff report with the following facts:

1. The lot in question is an awkward shape, but of sufficient size to allow use of the property.
2. The lot currently contains two residential structures, both placed on the lot recently.
3. Other properties in the vicinity are generally deeper but contain only one residence.
4. Utilization of the property is not restricted as it is being used for a dwelling and a rental cabin.
5. The approval of the variance would not be detrimental to adjacent property or the general character of the district.
6. South Carolina case law has repeatedly affirmed that property owners are not entitled to relief from self-created hardships. A claim of unnecessary hardship cannot be based on conditions created by the property owner.

Based on these facts, staff finds that the application does not meet the requirements for a variance and therefore does not recommend approval of the request.

Ms. Shelly Davis, the applicant, stepped to the podium, made a correction to County GIS and stated there was only one dwelling on the parcel in question. The other structure the Board was seeing was located on the next parcel.

Ms. Davis also explained only the front corner of the accessory structure would be in front of their home, not the whole structure. Ms. Davis stated that this would keep it out of the drainage ditch.

Ms. Davis passed around a lot plan with a drawing of the house on it and showed pictures to the Board.

Ms. Davis also explained when they brought her present house to set up the movers pushed it to the rear of the property which left no room for setbacks.

Ms. Harper asked if you knew it was in the setbacks why didn't you have them move the home then.

Mr. Tulluck asked about the drawing and not having all the information on the paper would be hard to make an accurate decision. Mr. Tulluck stated they need a drawing to scale.

Mr. Dehay explained the situation to the applicant and suggested tabling until next month when Ms. Davis has presented staff and the Board with a scaled drawing of everything on their property.

Mr. Mercer made a motion to table the variance request and Mr. Dehay seconded. The vote was unanimous (6-0) to table until the September meeting.

5. OLD BUSINESS

A. Special Exception for an Auto Sales Business in an Absence of Controls District (AC).

Applicant: Gerald Anderson
Property Owner: Cheryl Shuler
Address: 2109 Highway 15 N
St. George, SC 29477
TMS# 014-00-00-230

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.3.2 lists Use Group 9(b) Business, Secondary Retail, as a Special Exception Use.

Ms. Reinertsen presented the staff report with these findings of fact:

1. The proposed business complies with the Future Land Use element of the Comprehensive Plan.
2. The site has been used for commercial uses in the past.
3. The area is within ¼ mile of the intersection of Highway 15 and Highway 178 and is near other commercial operations.
4. Hours of operation are 10:00am – 6:00pm
5. Plans will still go through the appropriate departments and agencies for approval.
6. Staff does have concerns about how impacts to the adjacent residential properties will be addressed.

Ms. Reinertsen then stated that staff has reviewed the application and determined that it complies with the Comprehensive Plan and is not considered detrimental to the surrounding area, however, staff recommendation of approval is conditional upon an adequate site plan being submitted for review and approval through the Technical Review process. Ms. Reinertsen explained the Special Exception was just granting the use of the property.

The applicant was not present, and Chairman Dwight suggested to table the item again.

Mr. Dehay suggested voting on the request but was reminded that the Board had some questions they wanted to ask.

Mr. Reeves made a motion to defer the Special Exception request and Mr. Mercer seconded the motion. The vote was unanimous (6-0) to defer until September.

6. NEW BUSINESS

7. REPORT OF CHAIRMAN

8. REPORT OF ZONING ADMINISTRATOR

Ms. Reinertsen reminded the Board Members of the upcoming webinar on October 2 at 10:00am in County Council Chambers Summerville.

9. PUBLIC COMMENT

10. ADJOURNMENT

Mr. Reeves made a motion to adjourn and Mr. Dehay seconded the motion.

Minutes
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNTY COUNCIL CHAMBERS, SUMMERVILLE

September 25, 2018

6:00 PM

1. DETERMINE QUORUM

Present: Chairman Dwight
Mr. Couto
Mr. Mercer
Ms. Harper
Mr. Tulluck

Absent: Mr. Dehay
Mr. Reeves

Staff: Ms. Reinertsen
Ms. Cook

2. INVOCATION

Mr. Tulluck gave the invocation.

3. MINUTES

Adoption of Minutes from the August 28, 2018, Board of Zoning Appeals Meeting

Mr. Couto made a motion to approve the minutes as written. Ms. Harper seconded the motion and the vote was unanimous to approve.

4. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS

A. Variance from Section 10.4.2(1)(f) to allow an accessory structure in the front yard.

Applicant and:
Property Owner: Nels and Shelly Davis
Address: 2269 Old Beech Hill Road
Ridgeville, SC 29472
TMS# 132-00-00-132

Ms. Reinertsen presented the staff report with these finding of facts:

- 1.The lot in question is an awkward shape, but of sufficient size to allow use of the property.
- 2.The lot currently contains a residential structure, placed on the lot recently.
- 3.Other properties in the vicinity are generally deeper.
- 4.Utilization of the property is not restricted as it is being used for a dwelling.
- 5.The approval of the variance would not be detrimental to adjacent property or the general character of the district.
6. South Carolina case law has repeatedly affirmed that property owners are not entitled to relief from self-created hardships. A claim of unnecessary hardship cannot be based on conditions created by the property owner.

Based on these facts, staff finds that the application does not meet the requirements for a variance and therefore does not recommend approval of the request.

The applicants, Nels and Shelly Davis, stepped to the podium and explained the location of the accessory structure is because a South Carolina Department of Transportation drainage ditch comes across their property. The accessory structure at this location is the highest part of their yard.

Mr. Tulluck stated he had gone out to the property and spoke with the applicants. Mr. Tulluck explained that they had a nice set up and the trees were beautiful. Mr. Tulluck also spoke about the site across the street and the drainage issue.

Ms. Harper asked if when they purchased the property was the ditch there. Applicant explained that they had cleared the property in April and only noticed it then.

Mr. Tulluck stated there was more water there now because of what someone else has done.

Mr. Couto asked did someone dig a ditch to make it worse. Ms. Reinertsen explained that across the street a property owner illegally encroached on a drainage ditch. It is being investigated and will take time to complete through the departments.

Ms. Harper made a motion to close the public hearing and Mr. Couto seconded the motion. The vote was unanimous to close the public hearing.

Chairman Dwight reminded the Board that at the last meeting they had asked for a scaled drawing of the property. Chairman Dwight stated this one is a little better and that the accessory structure could be moved over, but the applicant doesn't want to move it.

Ms. Harper reminded the Board to remember they were there to determine if 10 ft of a garage is Ok in the front yard.

Mr. Tulluck asked if trees could come down.

Mr. Couto made a motion to close discussion and Ms. Harper seconded the motion. The vote was unanimous to close.

Mr. Couto made a motion to deny the variance request because the garage can be moved to another location. Ms. Harper seconded. The motion passed 4-1 with Mr. Dwight, Ms. Harper, Mr. Couto, and Mr. Mercer in favor, and Mr. Tulluck opposed.

B. Variance from Section 13.2.4 to eliminate the right-of-way buffering requirement.

Applicant and:
Property Owner: M&B Properties, LLC
Address: 277 Seven Mile Road
Harleyville, SC 29448
TMS# 026-00-00-016

Ms. Reinertsen presented the staff report with these finding of facts:

1. The lot in question is more than 17 acres and the submitted site plan only shows a portion of the site. There do not appear to be constraints on the property that limit the ability to accommodate a buffer.
2. Other manufacturing uses in the vicinity do not contain buffers but predate the ordinance. If those uses were established today, a buffer would be required.
3. The requirement to install a buffer does not prohibit or restrict the utilization of the property.
4. The need to recalculate drainage is often experienced during site plan review to accommodate required adjustments.
5. The approval of the variance may be detrimental to adjacent property which are agricultural in nature.

Based on these facts, staff finds that the application does not meet the requirements for a variance and therefore does not recommend approval of the request.

Chairman Dwight asked Ms. Reinertsen if staff had tried to work with the applicant. Ms. Reinertsen stated the applicant tried to get the adjacent property owners permission but could not get them all.

Mr. Todd Muckenfuss, one of the property owners, stepped to the podium and stated that in 2011 he had taken down the fence that was originally there from 2008 and replaced it in the exact same place.

Mr. Muckenfuss explained he had no problem putting up the barrier on the fence or planting trees or bushes. Mr. Muckenfuss explained there is a well and irrigation system that supplies the water to the offices. Mr. Muckenfuss asked if he could leave the fence where it is at now because it runs from one end of the property to the other.

Mr. Muckenfuss said he thought they had the signatures needed but one of the family members thought they were scamming them because they found it ridiculous.

Mr. Muckenfuss made sure the Board understood it was new equipment not a new business. Mr. Muckenfuss stated the shrubs are fine to plant just not around the well. that would be a problem.

Mr. Tulluck asked about the two parcel numbers and Mr. Mercer asked exactly where the equipment was going. Mr. Tulluck stated there are a lot of different things and how much would they be willing to do.

Mr. Muckenfuss stated he would cover the fence, and put plantings in, he just wants the Hopper up along with the Silo. Mr. Muckenfuss asked could the buffer be 50' and not cover the fence.

Ms. Harper made a motion to close the public hearing and Mr. Mercer seconded the motion. The vote was unanimous to close the public hearing.

Mr. Couto made a motion to grant a reduction from a 100' buffer to a 50' buffer with no cover on the fence. Mr. Tulluck seconded the motion and the vote was unanimous to grant a reduction in the buffer from 100' to 50' with no covering required on the fence.

5. OLD BUSINESS

6. NEW BUSINESS

7. REPORT OF CHAIRMAN

Chairman Dwight stated a request has been made for the Board to stand for the invocation and say the pledge of alliance, Chairman Dwight asked for a motion.

Mr. Mercer made a motion to have the Board stand for the invocation and say the pledge of alliance. Mr. Couto seconded the motion and the vote was unanimous to make the change.

8. REPORT OF ZONING ADMINISTRATOR

Ms. Reinertsen reminded the Board of the Continuing education being held October 2, 2018 in County Council Chambers 10:00am to 11:30am

9. PUBLIC COMMENT

Harriet Holman stepped to the podium and introduced herself. Ms. Holman stated she is running for the District 1 seat.

Mr. Tim Lewis stepped to the podium and introduced himself. Mr. Lewis stated he is running for the District 3 seat and stated that zoning was very important.

10. ADJOURNMENT

Mr. Mercer made a motion to adjourn the meeting and Ms. Harper seconded the motion. The meeting was adjourned at 6:55 pm.

MINUTES
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNTY COUNCIL CHAMBERS, SUMMERVILLE

October 23, 2018

6:00 PM

1. **DETERMINE QUORUM**

Present: Chairman Dwight
Mr. Mercer
Ms. Harper
Mr. Dehay
Mr. Tulluck

Absent: Mr. Reeves
Mr. Couto

Staff: Ms. Reinertsen
Ms. Cook

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

Mr. Mercer gave the invocation and led the room in the Pledge of Allegiance.

3. **MINUTES**

Adoption of Minutes from the September 25, 2108, Board of Zoning Appeals Meeting
Ms. Harper made a motion to approve the minutes as written. Mr. Mercer seconded the motion and the vote was unanimous (5-0) to approve.

4. **VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS**

A. Variance from Section 10.4.2(1)(f) to allow an accessory structure in the front yard.

Applicant: Kelly G. Willis
Property Owner: A. David Willis
Address: 141 Briarwood Lane
Summerville, SC 29483
TMS# 137-01-00-037 & 137-01-00-038

Ms. Reinertsen presented the staff report with these finding of facts

1. The lot in question contains almost 3 acres and no significant topographical issues have been brought forward.
2. Access to the property is thru a private easement and the alignment of the house to this driveway creates the illusion that the front yard is located in front of the house. The actual front yard is located along Briarwood Lane.
3. The application of the ordinance does not unreasonably restrict the use of the property. Compliance with the setbacks still allows ample room for the location of accessory structures.
4. The location of the accessory structures as proposed would not be a detriment to adjacent property or the public good.
5. SC Case law has repeatedly affirmed that property owners are not entitled to relief from a self-created hardship. A claim of unnecessary hardship cannot be based on conditions created by the property owner nor can one who purchases property after the enactment of a zoning regulation complain that the nonconforming use would work a hardship upon him/her.

Based on these facts, staff finds that the application does not meet the requirements for a variance and staff recommends denial of the request.

Mr. David Willis, the applicant, stepped to the podium and stated he had built the home 11 years ago. Mr. Willis explained during that time it was not considered which was the front yard of the home.

Mr. Willis explained that he is trying to create a buffer from Parsons and Vaughn Road, also trying to buffer headlights. Mr. Willis also stated there was a grand tree they also wanted to keep, so moving it back would require removing the tree.

Mr. Willis also stated that no one would see the structures because they all have privacy fences and all we see is their backyards.

Mr. Dehay made a motion to close public comment, Ms. Harper seconded the motion and the vote was unanimous to close.

Mr. Dehay stated that although Mr. Willis is caught by a technicality, granting the variance would not cause any problems

Ms. Harper agreed, Mr. Willis looks at backyards all the way down Briarwood.

Mr. Dehay made a motion to close the discussion and Ms. Harper seconded the motion. The discussion was closed by the vote.

Mr. Dehay made a motion to approve the variance based on the extraordinary conditions as Brairwood Road closing and the property being used to its capacity. Ms. Harper seconded the motion and the vote was unanimous (5-0) to approve the variance request.

B. Variance from Section 12.4.3(a)(6) to allow the removal of two Grand Trees.

Applicant and
Property Owner: Jonathan Rivera
Address: 169 Hainsworth Dr.
N. Charleston, SC 29418
TMS# 181-06-11-028

Ms. Reinertsen presented the staff report with these following facts:

1. The lot in question is a typical residential subdivision lot with no extraordinary or exceptional conditions.
2. The lot in question was developed in consistency with the other lots along the street.
3. The application of the ordinance does not unreasonably restrict the use of the property. The property has been used as a residential dwelling since the home was constructed in 2003.
4. The installation of solar panels as proposed would not be a detriment to adjacent property or the public good, however the loss of the trees is considered detrimental based on the County's tree protection ordinance.
5. SC Case law has repeatedly affirmed that property owners are not entitled to relief from a self-created hardship. A claim of unnecessary hardship cannot be based on conditions created by the property owner nor can one who purchases property after the enactment of a zoning regulation complain that the nonconforming use would work a hardship upon him/her.

Based on these facts, staff finds that the application does not meet the requirements for a variance and staff recommends denial of the request.

Garret with the Solar Panel Company stepped to the podium and explained that the applicant was serving overseas. He also explained the reason for removing the trees is because they are too close to the house and can be harmful to the panels if a storm comes through.

Mr. Mercer asked about lifting the canopy and Mr. Dehay asked if he could explain exactly how the system worked.

Chairman Dwight asked could they not add additional panels to the roof.

Mr. Mercer made a motion to close public comment and Ms. Harper seconded the motion. The vote was unanimous.

Mr. Mercer stated that he did not understand where there is a hardship. The owner lives in the home now and has electricity.

Ms. Harper stated that solar is green and clean like trees

Mr. Tulluck asked what will be harmed and Chairman Dwight stated the County has a tree protection ordinance.

Ms. Harper advised the Commission to remember that as a Board they set the precedent.

Mr. Dehay made a motion to close the discussion and Ms. Harper seconded the motion. The vote was unanimous to close.

Mr. Mercer made a motion to deny the variance request. The motion was not seconded so the motion failed.

Mr. Dehay made a motion to grant the variance based on this being a specialized use of the variance to remove the grand trees. Since the residence has been used in a conventional way, and they are now asking to use it in a nonconventional way. Ms. Harper seconded the motion. The motion was approved (3-2) with Mr. Mercer and Mr. Dwight opposed.

C. Variance from Section 10.4.20(c)(1)(e) to eliminate the required type “B” buffer along a portion of the property.

Property Owner:	Susan Keifer & William Hall
Applicant:	Robert Elliott Locklair, PE
Address:	2719 West 5 th North Street Summerville, SC 29483 TMS# 122-00-00-145

Ms. Reinertsen presented the staff report with these following facts:

1. The subject parcel of land is extraordinary due to its extreme width-to-depth ratio. It is also the only parcel in the Industrial area that would be subject to an internal buffer.
2. There is one land tract located approximately 1,700 feet south on Highway 78 that measures approximately 150 feet in width; 1,500 in length; and represents a 1:10 width-to-depth ratio. It was part of the railroad spur to several of the industries here. The buffer requirement is unique to this tract.
3. These conditions do not unreasonably restrict use of the property but they create a scenario whereby use of adjacent properties are affected because a shared stormwater system is not an option when the buffer requirement is in place.
4. The elimination of the buffer is supported by Limehouse Investments, the owner of adjacent parcels. The support of the other two property owners is unknown to staff at this

time. The loss of the buffer to support a shared stormwater system would only affect those property who stand to benefit by enhanced stormwater management.

Based on these facts, staff finds that the request meets the requirements for variance approval and therefore recommends approval.

Mr. Locklair, the applicant, stepped to the podium and explained that they had partnered with the property owner of the old airstrip to construct on retention pond from the middle of the parcel to the front.

Mr. Locklair stated they had meeting with Dorchester County Public Works and they approve of the joint pond. Mr. Locklair stated that one big pond would be better than 7 small ponds.

Mr. Steve Anderson stepped to the podium and stated, what about our side, what is the County going to do for them on the other side of the airstrip. The County cannot let this happen.

Mr. Dehay asked Mr. Anderson if he had any solutions to his drainage problem. Mr. Anderson stated what is the County going to do for him.

Ms. Harper reminded everyone we were here for the opposite side of the airstrip.

Mr. Tulluck suggested getting together with other property owners for a solution.

Mr. Ken Litchfield, DC Machinery, stated he wanted to buy this property and subdivide it to increase the acreage of the existing properties but the prior property owner would not entertain it.

Mr. Dehay made a motion to close the public hearing and Ms Harper seconded the motion. The public hearing was closed.

Ms. Harper made a motion to approve based on the fact that the property owners are trying to come up with a solution, which won't be detrimental to those properties on the other side. Ms. Harper also added that Public Works is supportive of the joint pond. Mr. Dehay seconded the motion. The motion was approved (3 to 2) with Mr. Tulluck and Mr. Mercer opposed.

D. Variance from Section 12.4.4(d) to allow the removal of two Grand Trees.

Applicant:	Maria Leahy
Property Owner:	Tom Limehouse
Address:	Dogwood Ridge Rd Summerville, SC 29483 TMS# 170-00-00-031

Ms. Harper recused herself to the audience for this request.

Ms. Reinertsen presented the staff report with the following facts:

1. The lot in question is an odd shape, does not meet the 3 acre minimum that imposes the 50' setback requirement, does not meet the 200' minimum lot width requirement, and has a large berm/ditch across the back.
2. Very few lots along Dogwood Ridge Road meet the minimum lot width and minimum lot size requirements. All these lots were subdivided based on the previous regulations that required a smaller lot size and smaller setbacks.
3. The lot can accommodate a house without requiring a variance, but it would change the size, design, and/or siting of the house.
4. Significant and Grand trees may be removed for property development if they are in the footprint of the proposed structure. Grand trees however, must be mitigated.

Ms. Reinertsen state based on these facts, staff finds that the request does not meet the requirements for a variance and therefore recommends denial.

The property owner, Tom Limehouse and the applicant Ms. Leahy, stepped to the podium. Mr. Limehouse stated this variance meets extraordinary conditions because of its size and the setbacks.

Ms. Leahy showed the Board the house she wanted to build and explained she had been looking for the lot to fit it, which meant they would need to remove the trees.

Russ Iserman, resident next door to the lot, stated the Ashley River Historic Overlay is in place and this is a direct violation. Mr. Iserman explained that these trees can drink up to 100 gallons of water a day.

Mr. Tulluck asked Mr. Iserman what he thought should happen. Mr. Iserman give the solution of purchasing the land himself from Mr. Limehouse.

Mr. Tulluck asked did you offer him fair market value.

Ms. Tiffany Davis, adjacent property owner, stated the 4-prong test per staff in order to grant the variance. There are rules to follow and the Board should pull the integrity of the stature and if not set a precedent.

Mr. Tulluck stated this could be solved if Mr. Limehouse sold to Mr. Iserman instead.

Ms. Davis asked if Mr. Limehouse could get something in writing if he had spoken to the County Attorney.

Mr. Dehay made a motion to close the public discussion and Mr. Mercer seconded the motion.

Mr. Tulluck asked how significant is it that the County approved this plat.

Mr. Mercer made a motion to grant the variance since the grand trees can be mitigated. Mr. Tulluck seconded the motion. The motion was approved (3-1) with Mr. Dwight opposed and Ms. Harper abstaining.

5. **OLD BUSINESS**

6. **NEW BUSINESS**

7. **REPORT OF CHAIRMAN**

Chairman Dwight thanked everyone for coming out for the continuing education course.

8. **REPORT OF ZONING ADMINISTRATOR**

9. **PUBLIC COMMENT**

10. **ADJOURNMENT**

Mr. Dehay made a motion to adjourn and Ms. Harper seconded the motion. The meeting adjourned at 8:50 pm.

MINUTES
DORCHESTER BOARD OF ZONING APPEALS
COUNTY BOARD OF ZONING APPEALS MEETING
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNTY COUNCIL CHAMBERS, SUMMERVILLE

November 27, 2018

6:00 PM

1. DETERMINE QUORUM

Present: Chairman Dwight
Mr. Couto
Mr. Mercer
Mr. Reeves
Ms. Harper
Mr. Tulluck

Staff: Ms. Reinertsen
Ms. Cook

Absent: Mr. Dehay

2. INVOCATION AND PLEDGE OF ALLIANCE

3. MINUTES

Adoption of Minutes from the October 23, 2018, Board of Zoning Appeals Meeting

Mr. Mercer made a motion to approve the minutes as written. Ms. Harper seconded the motion and the vote was unanimous (6-0) to approve.

4. VARIANCE REQUESTS, SPECIAL EXCEPTION APPLICATIONS

A. Special Exception for a Sand Mine in an Absence of Controls District (AC).

Applicant and	
Property Owner:	M & B Properties, LLC
Address:	178 Tobacco Road
	St. George, SC 29477
	TMS# 104-00-00-039

The Dorchester County Zoning and Land Development Standards Ordinance #04-13, Article IX, Section 9.1, Subsection 9.1.2.3 lists Use Group 1(d) Agriculture, Mineral Resource Extraction as a Special Exception Use

Ms. Reinertsen presented the staff report and after reviewing the request, staff provides the following facts:

After reviewing the request, staff provides the following facts:

1. Mining requires a Special Exception in the Absence of Controls zoning district.
2. The applicant must demonstrate compliance with four mining conditions as provided in the Zoning and Land Development standards prior to the issuance of a Zoning Permit.
3. DHEC oversees environmental review and compliance.
4. The applicant has not submitted their request to DHEC.
5. Wire Road is a state-maintained road and is classified as a Major Collector.
6. Proposed hours of operation are 6am to 5pm, no days were provided.
7. This portion of Wire Road is predominantly characterized by large tracts of land with limited residential development. The closest residence is more than ½ mile from the proposed mine site.

Based on these facts, staff recommends approval of the request noting however, that submittal of all required DHEC approvals must occur prior to initiating operations on the site.

Mr. Muckenfuss the applicant stepped to the podium and explained that his home was approximately a ½ mile from the mine. His residence will be the closest to the mine.

Mr. Muckenfuss also explained that the sand will not be public use just for his company and hours of operation would be 7 am to 5 pm.

Mr. Couto made a motion to grant the Special Exception with working hours as Monday-Friday, 7 am to 5 pm and all DHEC permits in place prior to operation. Mr. Reeves seconded the motion and the vote was unanimous (6-0) to grant the Special Exception.

B. Variance from Section 12.4.3(b) to allow the removal of three Grand trees.

Applicant and	
Property Owner:	Gerhard Jung
Address:	1244 Bacons Bridge Rd
	Summerville, SC 29485
	TMS# 145-09-06-013

Ms. Reinertsen presented the staff report and after reviewing the request staff finds the following facts:

1. The lot in question is a typical commercial lot with no extraordinary or exceptional conditions.
2. The alterations to the site resulting from the widening of Bacons Bridge Road apply to all other lots in the vicinity.
3. The application of the ordinance does not unreasonably restrict the use of the property. The property has been used commercially since the 1980's.
4. The loss of the trees is considered detrimental based on the County's tree protection ordinance. It would also drastically affect the aesthetics of the site which lost all of its street-front trees and minimal street buffer due to the widening.

Based on these facts, staff finds that the application does not meet the requirements for a variance and therefore recommends denial of the request.

Mr. Gerhard Jung, the applicant, stepped to the podium to answer any questions the Board may have about his request.

Mr. Couto asked if the water is already on the concrete why do you think it will change anything.

Ms. Harper suggested calling SCDOT and asking them to come out to put drains in since this was not happening until they widened the road.

Mr. Couto made a motion to deny the variance request to remove the grand trees.

Ms. Harper asked if the Board denies the variance can he revisit it after checking outside sources for help.

Mr. Couto withdrew his motion.

Mr. Tulluck made a motion to remove the trees with the applicant giving to the tree mitigation fund. Mr. Mercer seconded the motion and the vote was 4 – 2, with Mr. Couto and Mr. Dwight opposed, to grant the variance to remove the trees and give to the tree mitigation fund.

5. OLD BUSINESS

6. NEW BUSINESS

7. REPORT OF CHAIRMAN

Chairman Dwight asked the Board for their opinions on the new schedule.

8. REPORT OF ZONING ADMINISTRATOR

Ms. Reinertsen let the Board know about the continuing education in December.

9. PUBLIC COMMENT

10. ADJOURNMENT