

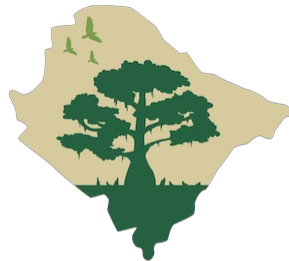
**BERKELEY COUNTY GOVERNMENT**  
**BOARD OF ZONING APPEALS AGENDA**  
**SEPTEMBER 20, 2022**

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**Berkeley County Administration Building**  
**1003 Highway 52, Moncks Corner, SC 29461**

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**6:00 PM**



**BERKELEY**  
— COUNTY —  
SOUTH CAROLINA

**Chairman**

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Richard Smith

**Vice Chairman**

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Joseph Shirah

**Board Member**

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Harold Jefferson

**Board Member**

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Jim Mills

**Board Member**

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Billy Joy

**Board Member**

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Nicole Burbage

**Board Member**

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Matthew Smith

**Board Member**

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Todd Crawford

*In accordance with the Freedom of Information Act, the electronic and print media were duly notified.*

**ELECTRONIC PARTICIPATION AUTHORIZED**

**1. Call to Order**

**2. Invocation and Pledge of Allegiance to the Flag of the United States of America**

**3. Consideration of Minutes**

- 3.A Board of Zoning Appeals - Minutes from August 16, 2022  
[2022\\_0816\\_BZA - Minutes.docx](#)

**4. Old Business: Requests for Variance**

***The following items were entertained at the August 16, 2022 Meeting and, due to a procedural matter, Subject to Re-Hearing***

- 4.A TMS#: 013-00-03-022. Request from Cynthia Washington for a variance to §6.4.9 for relief of minimum lot size and §6.4.10, setback standards, at/near Gabe Road and Highway 45 in the Pineville community. (PLVA 042755-2022)

[Application.pdf](#)  
[Aerial.pdf](#)  
[Gabe Rd Plat PDF - revised 4.7.2022.pdf](#)  
[Plat\\_D-231.jpg](#)  
[plat\\_L-254.jpg](#)  
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- 4.B TMS#: 228-13-01-034. Request from David Mikulski for a variance to §5.3.10 for relief of primary structure setbacks for an intended dwelling at/near 158 Brightwood Dr in the Brightwood community in the Huger area. (PLVA 042857-2022)

[Application.pdf](#)  
[Plat.pdf](#)  
[Elevation.pdf](#)  
[Aerial.pdf](#)  
[RECORDED PLAT.pdf](#)  
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- 4.C TMS#: 121-12-03-030. Request from Mike Mullins for a variance to 5.1.9 for relief of primary structure setbacks for an intended dwelling at/near 125 Waters Edge Ln in the Waters Edge community. (PLVA 042853-2022)

[Application.pdf](#)  
[Plans.pdf](#)  
[Plat.pdf](#)  
[Aerials from Applicant.pdf](#)  
[Aerial.pdf](#)  
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**5. Requests for Special Exception**

- 5.A TMS#: 242-00-02-059. Request from Carter Ricks of Remark Studio on behalf of Jacyelly Silva of Sunny Enterprises LLC for a special exception per §7.2.6(1) to establish an outdoor storage primary use, at/near 10028 Hwy 78 in the Ladson community. (PLSX 043081-2022)



[20220815\\_Special-Exception-Application.pdf](#)  
[22033\\_10028HWY78\\_ProjectNarrative\\_BZA\\_2022.08.16.pdf](#)  
[22022\\_10028hwy78\\_BZASet\\_2022.08.16\\_Final.pdf](#)  
[Aerial.pdf](#)  
[CABN 246C.pdf](#)  
[9.13.22.JPG](#)  
[9.9.22 1.JPG](#)  
[9.9.22 2.JPG](#)  
[9.9.22 3.JPG](#)  
[IMG\\_0026.JPG](#)  
[8.24.22.JPG](#)  
[JULY 7 2022 PIC SET.docx](#)  
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## 6. New Business: Requests for Variance

- 6.A TMS#: 197-00-01-034. Request from Renfroe Outdoor LLC C/O Jacob Barker on behalf of North of Charleston LLC for a variance to §18.10 for relief of the locational requirements for an intended off-premises sign (Billboard) at/near 2690 Hwy 52 in near the Foxbank community. (PLVA 042662-2022)  
[Binder4.pdf](#)  
[Aerial.pdf](#)  
[1,000, 1,500 LF Buffer](#)  
[Article18.10\\_Off\\_Premise\\_Signs.pdf](#)  
[Email from Moncks Corner 9-15-22.pdf](#)  
[Renfroe Billboard Letter.pdf](#)  
[2688 US 52 Location Exhibit.pdf](#)  
[THIS PAGE LEFT INTENTIONALLY BLANK.docx](#)
- 6.B TMS#: 161-15-00-059. Request from The Spinx Company C/O Spinks Investments for a variance to §10.3.3 for relief of the minimum frontage requirements for placement of two ground-type signs, at/near 1558 S Live Oak Dr and Gaillard Rd in Moncks Corner. (PLVA 043079-2022)  
[Application Spinx.pdf](#)  
[Real Estate Title.pdf](#)  
[Plat.pdf](#)  
[Sign Plans.pdf](#)  
[3d7914c2-d551-49fe-aa5e-97469fd6afc4 6.pdf](#)  
[Aerial.pdf](#)  
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- 6.C TMS#: 195-11-02-011. Request from June Miller Murphy for a variance to §6.3.9A for relief of the minimum lot size requirements for a second principal dwelling at/near 117 Winding Rd in the Creekside Acres community of Moncks Corner. (PLVA 043085-2022)  
[Application Murphy.pdf](#)  
[Letter from applicant.pdf](#)  
[Aerial.pdf](#)  
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## 7. Departmental Updates

**8. Administrative**

**9. Closing Remarks and Adjournment**



**STAFF SUMMARY  
FOR BOARD OF ZONING APPEALS**

**Topic:** Board of Zoning Appeals - Minutes from August 16, 2022

**Prepared By:** Shelley Forest, County Council

**Date:** September 20, 2022

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**Attachment(s):**  
[2022\\_0816\\_BZA - Minutes.docx](#)

## **BERKELEY COUNTY BOARD OF ZONING APPEALS**

**August 16, 2022**

**Chairman:** Mr. Richard Smith, Board Member, Council District No. 1

A meeting of the **Berkeley County Board of Zoning Appeals** was held on **Tuesday, August 16, 2022**, at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Richard Smith, Chairman, Council District No. 1; Vacant, Board Member, Council District No. 2; Mr. Todd Crawford, Board Member, Council District No. 4; Mr. Matthew Smith, Board Member, Council District No. 5; Mr. Billy Sunday Joy, Board Member, Council District No. 6; and Mr. Harold Jefferson, Board Member, Council District No. 7; and Mr. Joseph Shirah, Vice Chairman, Council District No. 8. Mr. Jim Mills, Board Member, Council District No. 3, was excused.

*During periods of discussion and/or presentations, minutes are condensed and paraphrased. Video coverage of the full meeting is available on the Berkeley County Government website.*

### ***ELECTRONIC PARTICIPATION AUTHORIZED***

#### **1. CALL TO ORDER**

Chairman Richard Smith called the meeting to order.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

#### **2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

Board Member Harold Jefferson provided the Invocation, which was followed by the Pledge of Allegiance to the Flag of the United States of America.

#### **3. CONSIDERATION OF MINUTES**

Chairman R. Smith asked for approval of minutes from the Board of Zoning Appeals meeting held on July 19, 2022.

**IT WAS MOVED BY VICE CHAIRMAN SHIRAH AND SECONDED BY BOARD MEMBER M. SMITH TO APPROVE THE MINUTES AS PRESENTED. THE MOTION PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.**

Chairman R. Smith swore in all attendees who will be seeking a Variance, or who will be speaking either in support of or in opposition to any Variance request on this evening's agenda.

#### **4. Requests for Variance**

##### **4.A. TMS#: 013-00-03-022. REQUEST FROM CYNTHIA WASHINGTON FOR A VARIANCE TO §6.4.9 FOR RELIEF OF MINIMUM LOT SIZE AND §6.4.10, SETBACK STANDARDS, AT/NEAR GABE ROAD AND HIGHWAY 45 IN THE PINEVILLE COMMUNITY. (PLVA 042755-2022).**

Chairman R. Smith read the request into the record, and invited the applicant to the podium.

Ms. Cynthia Washington, who resides at 58 Dodge Street in East Orange, New Jersey. She explained that her mother passed away three years ago and she was left land that she needed to distribute to her siblings, but she was never able to do that. She stated that she was here with her brother to fulfill her grandfather's wish to have the land split up among her siblings.

Chairman R. Smith inquired as to if she and her brothers and sister live in the area, and Ms. Washington replied to the negative.

Chairman R. Smith inquired as to their intentions of building a home on the property, and Ms. Washington replied to the negative, stating that there is an existing home they would be visiting often.

Chairman R. Smith noted that if the variance is granted, the applicant would have to increase the Gabe Road ingress/egress coming into the property.

Mrs. Alison Simmons, Planning and Zoning Director, stated that since Gabe Road is prescriptively maintained, it is a requirement anytime we receive a subdivision proposal that is served by a prescriptively maintained access, that the proportionate share of the right-of-way be dedicated as public right-of-way. She stated that she sent the plat that was previously prepared by the applicant's surveyor, showing a 10 foot ingress egress easement extending along the frontage of your parent parcel inward 10 feet, to the Roads & Bridges Department, and they concurred with that alignment.

Ms. Washington stated that she was not aware of that.

Chairman R. Smith inquired as to if there were any questions from the Board.

Vice Chairman Shirah confirmed with the applicant that this is heirs' property.

Chairman R. Smith inquired as to if the property belonged to the applicant's grandmother or her mother, and she responded that it belonged to her grandparents.

Board Member M. Smith inquired as to if there would be 7 family members taking ownership of the parcels, and Ms. Washington replied to the affirmative.

Chairman R. Smith inquired as to if there was anyone present who wished to speak in support of or in opposition to this variance request, with no response.

Board Member Jefferson stated that, since the applicant's brother was sworn in, he could join Ms. Washington at the podium if he wished to do so.

Ms. Washington's brother stated that their mother did not have the chance to distribute the property and her siblings have all passed away, and they want to make sure that their land is passed on to their children. He stated that his family currently owns the whole parcel and they need to divide it and distribute the rightful share to each of the appropriate family members.

Chairman R. Smith inquired as to if Staff had anything further to add.

Mrs. Simmons stated that, because the Roads & Bridges Department concurred with the 10-foot ingress/egress on the prior subdivision proposal that we received, there are no conflicts with the applicant's ability to meet the front setback standards.

Board Member M. Smith asked for confirmation that this is the only property in the will, and the applicants confirmed that it was the only property in the will.

**IT WAS MOVED BY VICE CHAIRMAN SHIRAH AND SECONDED BY BOARD MEMBER M. SMITH TO APPROVE A REQUEST FROM CYNTHIA WASHINGTON FOR A VARIANCE TO §6.4.9 FOR RELIEF OF MINIMUM LOT SIZE AND §6.4.10, SETBACK STANDARDS, AT/NEAR GABE ROAD AND HIGHWAY 45 IN THE PINEVILLE COMMUNITY. (PLVA 042755-2022). THE MOTION PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.**

**4.B. TMS#: 121-12-03-030. REQUEST FROM MIKE MULLINS FOR A VARIANCE TO 5.1.9 FOR RELIEF OF PRIMARY STRUCTURE SETBACKS FOR AN INTENDED DWELLING AT/NEAR 125 WATERS EDGE LN IN THE WATERS EDGE COMMUNITY. (PLVA 042853-2022).**

Chairman R. Smith read the request into the record, and invited the applicant to the podium.

Mr. Mike Mullins, who resides at 131 Andrews Boulevard in Summerville, stated that that he and his wife purchased this lot and, due to the setbacks, they are asking for relief of setbacks to build a home in Waters Edge. There is a buffer behind them so there is no structure that could go there.

Chairman R. Smith clarified that the applicant is requesting a 2.6-foot variance from the rear property line.

Mr. Mullins stated that there is a utility box is on one side of the property, so they have to put the garage on the left-hand side.

Chairman R. Smith inquired as to if they have contact anyone with regards to moving the utility box, and the applicant replied to the negative.

Chairman R. Smith inquired as to if there were any other questions from the Board.

Board Member M. Smith inquired as to if the applicant spoke with the HOA.

Mr. Mullins replied that they went to a builder and were told to get the variance approved before approaching the HOA.

Board Member M. Smith stated that the lot that they are encroaching closest to is the HOA common area.

Chairman R. Smith inquired as to the size of the house.

Mr. Mullins stated that the house is 2,200 square feet.

Board Member M. Smith stated that he would like to see communication from the HOA saying they are okay with the encroachment. He stated that if this Board did grant the variance, it could add a condition that the variance would be approved dependent on approval by the HOA.

Chairman R. Smith inquired as to if there were any further questions.

Board Member Crawford inquired as to if he would still need a variance if not for the utility box, and the applicant replied to the negative.

Chairman R. Smith inquired as to if it is an above-ground box, and Mr. Mullins replied to the affirmative.

Chairman R. Smith inquired as to if there was anyone present who wished to speak in support of or in opposition to this variance request, with no response. He inquired as to if Staff had anything further to add, and Mrs. Simmons replied to the negative.

**IT WAS MOVED BY BOARD MEMBER M. SMITH AND SECONDED BY AND SECONDED BY VICE CHAIRMAN SHIRAH TO APPROVE A REQUEST FROM MIKE MULLINS FOR A VARIANCE TO 5.1.9 FOR RELIEF OF PRIMARY STRUCTURE SETBACKS OF 2.5-FOOT FROM THE REAR PROPERTY LINE FOR AN INTENDED DWELLING AT/NEAR 125 WATERS EDGE LN IN THE WATERS EDGE COMMUNITY. (PLVA 042853-2022), WITH CONDITION THAT APPLICANT PROVIDES LETTER FROM HOA WITHIN 90 DAYS FROM THIS MEETING. THE MOTION PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.**

**4.C. TMS#: 197-00-01-034. REQUEST FROM RENFROE OUTDOOR LLC C/O JACOB BARKER ON BEHALF OF NORTH OF CHARLESTON LLC FOR A VARIANCE TO §18.10 FOR RELIEF OF THE LOCATIONAL REQUIREMENTS FOR AN INTENDED OFF-PREMISES SIGN (BILLBOARD) AT/NEAR 2690 HWY 52 IN NEAR THE FOXBANK COMMUNITY. (PLVA 042662-2022).**

Chairman R. Smith read the request into the record, and invited the applicant to the podium.

Mr. Jacob Barker, 225 Seven Farms Drive in Daniel Island, approached and explained that he is requesting relief of locational requirements for a billboard. He stated that he has received and reviewed a letter from the Town of Moncks Corner, who is in opposition to his request, so he is requesting a deferral for 30 days to work with the Town of Moncks Corner.

This item was deferred by the applicant.

**4.D. TMS#: 228-13-01-034. REQUEST FROM DAVID MIKULSKI FOR A VARIANCE TO §5.3.10 FOR RELIEF OF PRIMARY STRUCTURE SETBACKS AND §5.3.12, IMPERVIOUS COVERAGE REQUIREMENTS, FOR AN INTENDED DWELLING AT/NEAR 158 BRIGHTWOOD DR IN THE BRIGHTWOOD COMMUNITY IN THE HUGER AREA. (PLVA 042857-2022).**

Chairman R. Smith read the request into the record, and invited the applicant to the podium.

Mr. David Mikulski, who resides at 173 Brightwood Drive in Huger, stated that he is seeking relief of primary structure setbacks for his dwelling. He stated that he has built 30 homes in the subdivision, and this one does not fall clearly in the realms of the rules, and the Planning Commission directed him to this Board. He stated that there is a 3-phase 14,000-volt transformer on one corner of the lot, which would be “horrendously hard to move”. The property has a 143-foot arc in the front, and 2 side setbacks. He stated that there are houses on either side, which have both been sold. He stated that they designed a property that would use those property lines as side setbacks. Applicant mentioned Simmons said there are then no rear setbacks. Applicant mentions Brightwood Master Plan that stipulates that setbacks are 20-foot setbacks from 6,000 or less square feet, and 25 feet on lots larger than 6,000 square feet. This lot is 6,004 square feet. He stated that the house that they designed meets HOA requirements.

Chairman inquired as to if the applicant developed the whole subdivision, and Mr. Mikulski replied to the negative.

Mr. Mikulski stated says he is and has to continue to be the President of HOA and ARB of the subdivision.

Chairman R. Smith inquired as to if he created this problem by designing these lots, and the applicant replied to the negative.



Chairman R. Smith confirmed the existing setbacks, and stated that the house has no backyard. He then inquired as to if there were any questions from the Board.

Board Member Crawford confirmed that there is a 25.5-foot setback on the front.

Mr. Mikulski stated that Moncks Corner Electric was given a deed that gave them 8 square feet where the big transformer would go. If the transformer was removed from the property lines, they would fall under 6,000 square feet.

Chairman R. Smith inquired as to if there were any further questions from the Board, and there were not.

Chairman R. Smith inquired as to if there was anyone present who wished to speak in support of or in opposition to this variance request, with no response. He inquired as to if Staff had anything further to add.

Mrs. Simmons stated that Staff included in the narrative that there might be a conflict in meeting the 50% impervious surface requirement. The driveway also does not meet the dimensional standard for a 2-car driveway (18 feet). The driveway can encroach on the setback because it is not a structure.

Mr. Mikulski stated that he is willing to find those calculations, but has not done those yet.

Chairman R. Smith stated that if this Board grants the variance, the applicant may have to come back for relief of the 50% impervious setback.

Mr. Mikulski stated that he does not think the driveway will add another 1,000 square feet, and he promised to meet the 50% impervious setback.

Chairman R. Smith clarified that the applicant will need to get another variance if the impervious setback exceeds that threshold.

Board Member M. Smith asked for a footprint of the home (house is 1,016 square feet & lot is 6,004 square feet), and he stated that he does not see the driveway taking up that large of a space.

**IT WAS MOVED BY BOARD MEMBER CRAWFORD AND SECONDED BY VICE CHAIRMAN SHIRAH TO APPROVE A REQUEST FROM DAVID MIKULSKI FOR A VARIANCE TO §5.3.10 FOR RELIEF OF PRIMARY STRUCTURE SETBACKS AND §5.3.12, IMPERVIOUS COVERAGE REQUIREMENTS, FOR AN INTENDED DWELLING AT/NEAR 158 BRIGHTWOOD DR IN THE BRIGHTWOOD COMMUNITY IN THE HUGER AREA. (PLVA 042857-2022). THE MOTION PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.**

5. **DEPARTMENTAL UPDATES**

Mrs. Simmons stated that there were no department updates this evening.

6. **CLOSING REMARKS AND ADJOURNMENT**

Chairman R. Smith requested for Mrs. Simmons to explain impervious surfaces and what alternatives there are for residents.

Mrs. Simmons stated that she believes it might help if she read the definition and the Ordinance for impervious surface: “Any material that that prevents absorption of stormwater into the ground. All buildings, roofs, paved surfaces that do not use porous pavement, sidewalks and surfaces covered by concrete or asphalt shall be considered impervious. In addition, other areas that meet the meaning of this definition will be categorized as impervious.” She stated that alternatives would include pervious pavers, gravel eyes surfaces, pebbles, etc.

She stated that what we usually do when we entertain plot plans for residential building permit applications is take the lot area and we divide it by half and we look to see if all impervious surfaces - the footprint of the dwelling, any accessory structures and flatwork - will conform to that 50% threshold.

Chairman R. Smith clarified that if they do not meet that, then you would not issue a permit and they would have to come to this Board. He stated that he would seek guidance from Council.

Vice Chairman Shirah inquired as to when there will be another training session.

Mrs. Simmons stated that she has not scheduled a date yet, and she welcomed their suggestions for course offerings.

IT WAS MOVED BY BOARD MEMBER VICE CHAIRMAN SHIRAH AND SECONDED BY BOARD MEMBER JEFFERSON TO **ADJOURN** THE BOARD OF ZONING APPEALS MEETING. THE MOTION **PASSED** BY UNANIMOUS VOICE VOTE OF THE BOARD.

The meeting **adjourned** at 6:39 p.m.

September 20, 2022  
Approval Date



## STAFF SUMMARY FOR BOARD OF ZONING APPEALS

**Topic:** TMS#: 013-00-03-022. Request from Cynthia Washington for a variance to §6.4.9 for relief of minimum lot size and §6.4.10, setback standards, at/near Gabe Road and Highway 45 in the Pineville community. (PLVA 042755-2022)

**Prepared By:** Amanda Ellis, Planning & Zoning

**Date:** September 20, 2022

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**Background:** The subject property is presently +/- 3.81 acres in size, zoned in the Agricultural (Flex-1) District, contains one 1,212 square foot dwelling, and located along Hwy 45 and Gabe Road in the Pineville community.

The applicant desires to subdivide the subject property to result in 7 lots (six new and 1 residual). The minimum lot size in the Flex-1 district is 30,000 square feet. Each of the 7 lots is 0.54 acres in size (+/- 23,522 square feet). Therefore, the applicant is seeking relief of the following standard.

*6.4.9. Lot requirements. A. Minimum lot size when subdividing: 30,000 square feet (.69 of an acre).*

Gabe Road is a County-maintained unpaved road and, to staff's knowledge, does not contain a formally dedicated right of way. Therefore, as a condition to subdivide, the applicant is required to delineate and dedicate his/her proportionate share of the right of way, measured 25' from roadway centerline. The applicant is showing a dedication of 10' from the edge of the property line, and the Department engaged the Engineering

and Roads and Bridges Departments to confirm this dimension.

In the event that additional right of way is required that compromises the applicant's ability to meet the front setback required from the existing dwelling, the applicant is seeking relief of the front setback requirements:

*6.4.11. Minimum yard requirements: Front - 35'.*

*RESULT FROM AUGUST 16 MEETING:*

*IT WAS MOVED BY VICE CHAIRMAN SHIRAH AND SECONDED BY BOARD MEMBER M. SMITH TO APPROVE A REQUEST FROM CYNTHIA WASHINGTON FOR A VARIANCE TO §6.4.9 FOR RELIEF OF MINIMUM LOT SIZE AND §6.4.10, SETBACK STANDARDS, AT/NEAR GABE ROAD AND HIGHWAY 45 IN THE PINEVILLE COMMUNITY. (PLVA 042755-2022). THE MOTION PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.*

**Attachment(s):**

Application.pdf

Aerial.pdf

Gabe Rd Plat PDF - revised 4.7.2022.pdf

Plat\_D-231.jpg

plat\_L-254.jpg

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# BERKELEY COUNTY SC

## PLANNING AND ZONING DEPARTMENT

Alison Simmons, AICP, Director  
P.O. Box 6122  
1003 Highway 52 • Moncks Corner, SC 29461  
843.719.4095

### APPLICATION FOR VARIANCE

Of the Berkeley County Zoning Ordinance No. 01-8-35 (as amended)

**ALL SECTIONS OF THIS APPLICATION ARE REQUIRED TO BE COMPLETED TO BE ACCEPTED**

Applications are due by COB of the previous month's meeting date. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the *Property Owner Authorization* (found on page 3) to designate the Applicant as the Authorized Agent. Application Fee is **\$150.00** (Non-Refundable). Cash, Card, and Check Accepted. Checks may be made out to **BERKELEY COUNTY**

#### APPLICANT INFORMATION

PRINTED Name of Applicant:

Cynthia Washington

Relation to Property Owner (Check One):

I am the Owner  I am the Authorized Agent

Phone #:

201-618-7682

Email Address:

x012027@comcast.net

Mailing Address:

#### PROPERTY OWNER'S CONTACT INFORMATION (IF NOT STATED ABOVE)

Name: Cynthia Washington

Mailing Address: 58 Dodd Street East Orange, New Jersey 07017

Phone #: 201-618-7682

Email Address: x012027@comcast.net

#### BZA MEETING DATE AND EXPECTATIONS

BZA Meeting Date Applied for:

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If, for some reason I or a representative will not be able to attend the scheduled meeting, I must submit a written request for deferral to another date in accordance with the adopted [Defeat/Deferral Policy](#) or withdraw my application.

**Applicant's Initials Here:**

#### PROPERTY INFORMATION

TMS#: 013-00-03-022

Lot Size:

Zoning:

Physical Address or Location of Subject Property: 124 Gabe Road, Pineville, SC 29468

Present Use of the Property:

The following information **MUST BE** submitted with this application:

- |                                   |   |
|-----------------------------------|---|
| <b>1. SITE PLAN</b>               | This should be on a copy of the <u>recorded plat</u> (8"x11"), if available. Sketch showing <u>ALL</u> existing and proposed buildings, bufferyards, roads, driveways, parking spaces, fencing, and other physical improvements in relation to the request. |
| <b>2. OTHER RELEVANT EVIDENCE</b> | The burden of proof to demonstrate a physical hardship falls on the applicant. Please enclose any documents, letters of support, surveys, pictures, or other materials deemed necessary to demonstrate the conditions of the property.                      |

#### SUBMITTAL ENCLOSURES (PLEASE CHECK ALL THAT APPLY)

- Existing Plat of Record
- Site Plan
- Letters of Support from Neighboring Property Owners
- Owner's Notarized Written Authorization (If Owner's Signature Cannot Be Obtained)
- Other (please specify): Proposed subdivision of 7 lots



**RELEVANT FACTORS PERTAINING TO THE VARIANCE**

I (we) have made (or desire to make) an application for a permit to:

**Create 7 lots measuring <30,000 sf each to satisfy decedents will.**

And the Planning and Zoning Department either denied it or stated that it does not conform on the grounds that:

All lots must be >30,000 sf. in Flex1 zoning.

I request a variance from the Berkeley County Zoning Ordinance to be/have (Be specific with measurements, feet, acreage, numbers of, ratio, etc.):

Create lots that are >=23,500 sf, as shown on the attached plat.

State Law and the Berkeley County Ordinance requires that the following four (4) facts are sufficiently met in order for a variance to be considered by the BZA. The applicant must prove through fact that the strict application of the ordinance will result in unnecessary hardship. Please provide a response to EACH question provided below and use additional sheets if necessary.

**THE VARIANCE IS REQUESTED BECAUSE OF THE FOLLOWING REASONS:**

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. There are issues such as size, shape, and topography that prevent compliance with the Ordinance. **NOTE: The BZA REQUESTS precise measurements, either drawn on a map or plat or prepared by a Surveyor or other qualified professional. If insufficient information is presented to the BZA, the applicant risks the Variance being denied or held for a future meeting until the Applicant can provide the necessary evidence.**

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2. These conditions do not generally apply to other property in the vicinity. The applicant should answer the question: What condition(s) that generally applies only to this property prevents compliance with the ordinance? **A simple example pertaining to lot shape: "The triangular shape makes it impossible for me to meet the requirements. All the adjacent lots around me are square."**

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3. Because of these conditions, the application of the ordinance effectively prohibits, or unreasonably restricts the utilization of the particular piece of property. The applicant should answer the question: What is the reasoning behind why the ordinance would harm the property's current or future use? **NOTE: Monetary gain or advantage is not to be considered by the board in determining hardship. A simple example pertaining to building a detached garage on a residential lot: "Because of the triangular shape of the lot, a detached garage will not fit within the boundaries of the lot and still adhere to the setback requirements. This prevents the lot from being fully utilized."**

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4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. **Affected/Interested stakeholders, either in support or in opposition, have the privilege to be heard during the Public Hearing.**

In order to fulfill Gabe Brown's wishes to give his heirs (7) lots, we will need the variance to satisfy his will.

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**ACKNOWLEDGMENTS:**

**TERMS OF THIS APPLICATION**

1. Hardship resulting from financial difficulty, and the applicant's own actions are generally not sufficient cause for the board to grant a variance.
2. Although the appeal will be advertised in the local newspaper, and the property posted with a sign concerning the details of the meeting, staff strongly recommend that all neighbors and property owners be contacted, by the applicant, before the application is submitted.
3. The applicant may present, at the discretion of the BZA Chairman, and items and/or individuals he/she believes will help his/her case.
4. Five, of the eight appointed Board members, must be present before action can be taken on the variance, and the concurring vote of majority of the Board present is necessary in order for a Variance to be approved.
5. No Variance, having been denied, shall be resubmitted to the Board for a period of one (1) year, unless conditions have changed substantially and new evidence is received, and the Board votes unanimously to rehear the matter.
6. Any person who may have a substantial interest in any decision of the Board may appeal said decision to a court of competent jurisdiction in and for the county of Berkeley, filing with the clerk of such court a petition in writing setting fourth plainly, fully and distinctly wherein such decision is contrary to the law. Such appeal shall be filed within thirty (30) days after the decision of the board is rendered.

**APPLICANT DISCLOSURES**

I, the applicant, hereby acknowledge by my signature that this application is complete and accurate to the best of my knowledge, information, and benefit, **have read and understand the terms and expectations associated with this Application**, hereby release, hold harmless, and indemnify forever Berkeley County, its employees, and agents, both individually and jointly, from any and all liability or responsibility for any foreseen or unforeseen damage, including, but not limited to, death, bodily injury, personal injury, and property damage, arising from the home occupation located at the above-referenced property by adjoining landowners, visitors and/or any user of the home, including, but not limited to, the public at large, **am the owner of the subject property or the authorized representative of the owner**, authorize the subject property to be posted and/or inspected, AND hereby certify that the tract(s) or parcel(s) of land to which this request pertains is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought, as provided in the South Carolina Code of Laws, Section 6-29-1145, and are exempt per Section 59.35 of the Berkeley County Code of Ordinances.

Signature:  Date: 07/01/2022

**PROPERTY OWNER AUTHORIZATION (IF DIFFERENT FROM APPLICANT)**

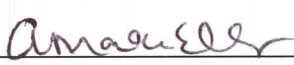
I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this special exception application.

Property Owner(s) Printed Name: \_\_\_\_\_

Property Owner(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

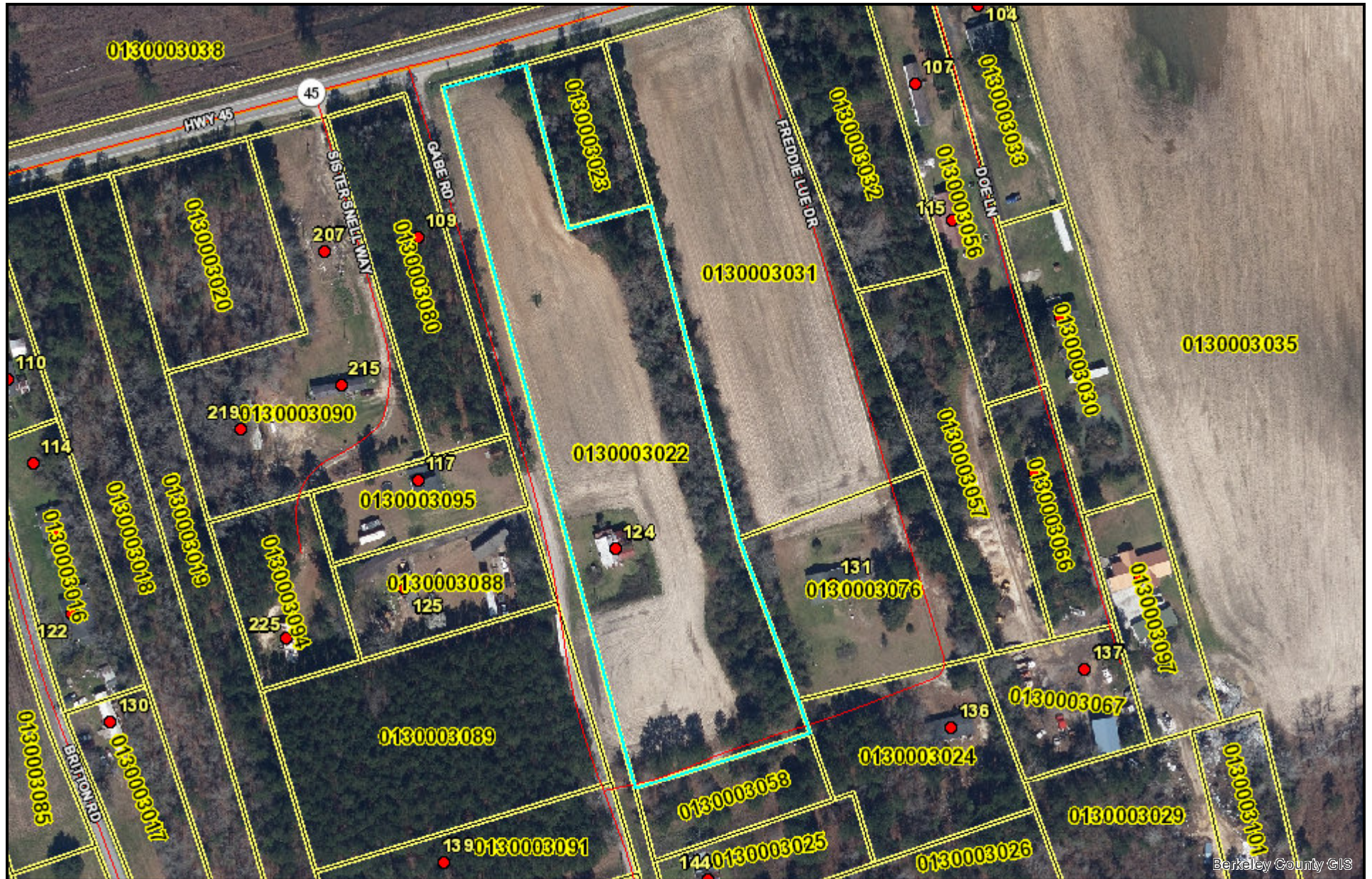
**OFFICE USE SECTION**

AMOUNT PAID: 150  CHECK #: \_\_\_\_\_;  CASH;  ONLINE PAYMENT INTENDED  
 DATE RECEIVED: 7/1/22; RECEIPT NUMBER: \_\_\_\_\_  
 DATE FILED: 7/1/22; MEETING DATE: 8/18/22

 7/1/22  
 ZONING OFFICIAL DATE



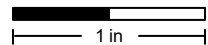
# 013-00-03-022



Berkeley County GIS



1 inch = 167 feet



Date: 7/5/2022

Berkeley County GIS



The county of Berkeley and its GIS Department disclaims accountability for this product and makes no warranty express or implied concerning the accuracy thereof. Responsibility for interpretation and application of this product lies with the user.



BERKELEY COUNTY STAMPS

- NOTES:
1. Property appears to be located in flood zone X, per FIRM 45015C-0100E, dated December 7, 2018.
  2. Features outside of the subject property are shown for descriptive purposes only.
  3. Only easements and rights-of-way shown on the references and/or obvious to the surveyor are shown.
  4. All corners are 5/8" rebar set, unless otherwise noted.
  6. Property zoned Flex 1.
  7. Lot 5 (residual) served by individual well and septic. All other lots do not have septic permits at time of survey.

REFERENCES:

1. Plat by H. Exo Hilton, dated October 1980, recorded in plat cabinet D-231.
2. Plat by William H. Dennis, dated November 1995, recorded in plat cabinet L-254.
3. Plat by Thomas Evans, dated August 27, 1988, recorded in plat cabinet H-173.

The Property owner(s) of record hereby acknowledges(s) that the Lots shown hereon are considered non-buildable until public water and/or sewer is made available to these Lots or SCDHEC approves an onsite septic system and/or individual well for each individual Lot."

Signature(s) of Property Owner(s) or legal representative

Signature \_\_\_\_\_

Date \_\_\_\_\_

By the Recording of This Plat, I Hereby Dedicate the Easements and Rights-Of-Way Shown Hereon to The Use of The Public Forever and I Hereby Dedicate the General Utility Easements Shown Hereon to Those Entities Which Provide Said Utilities. Nothing in This Dedication Shall Be Construed to Imply an Acceptance by Berkeley County of Any Roadway or Drainage Facility or As Creating Any Duty by Berkeley County to Maintain Any Roadway, Right-Of-Way or Drainage Easement Shown Hereon.

Signature(s) of Property Owner(s) or legal representative

Signature \_\_\_\_\_

Date \_\_\_\_\_

The Washington Subdivision was created as a Minor Subdivision per section 59-23(A)(2) of the Berkeley County Land Development and Subdivision Regulations. No more than 10 Lots shall be created out of the parent TMS [013-00-03-022] without bringing the entire Subdivision into full compliance to the standards established for a Major Subdivision per section 59-24 and a new Plan/Plat is submitted to the Department, unless a Waiver is issued by the Planning Commission and, if applicable, the property owners' association or similar entity.

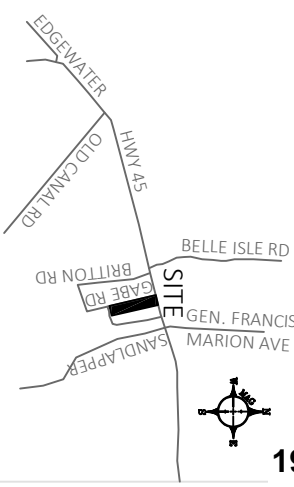
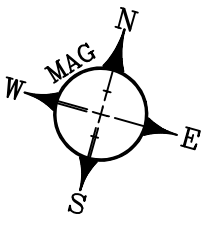
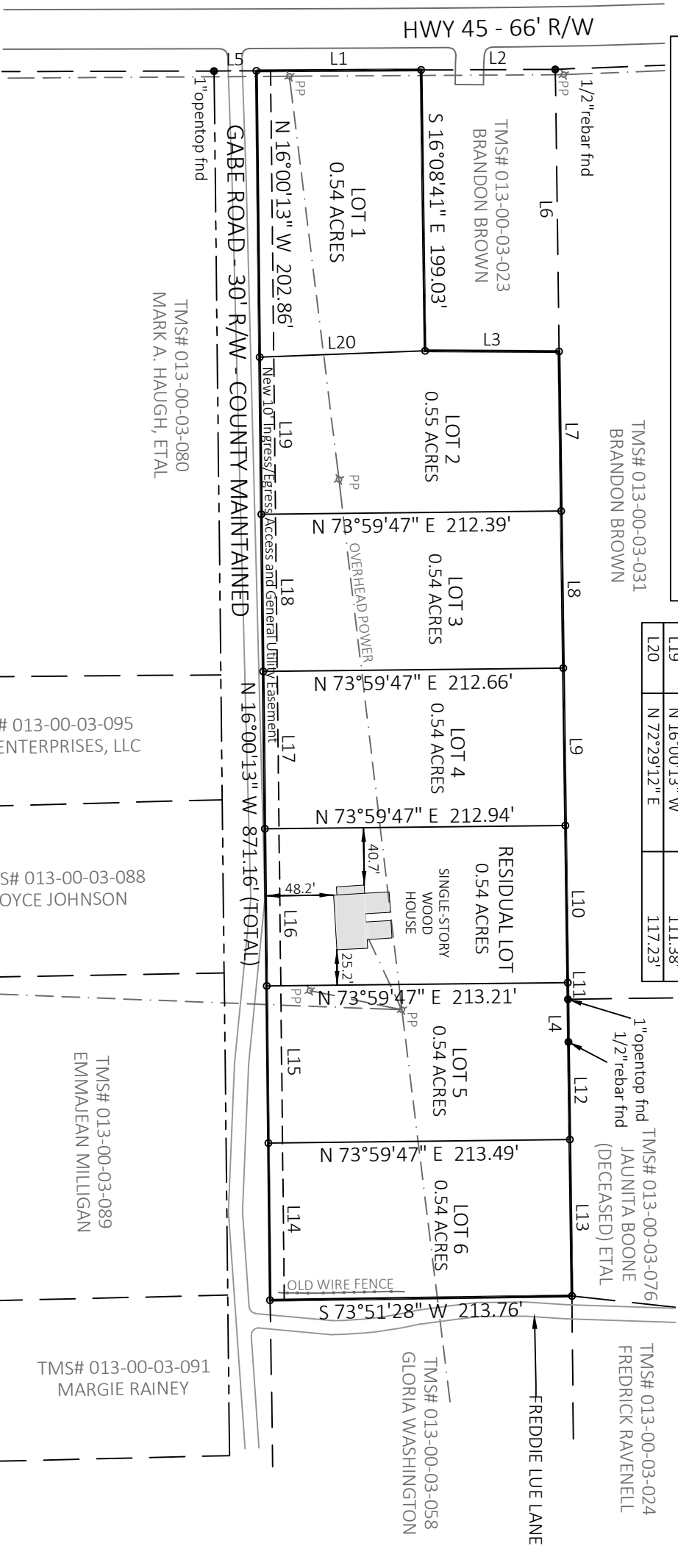
**Matthew J. Halter, PE, PLS**

120 Sandhill Path  
Summerville, SC 29483  
843-514-9415

matthewhalter@gmail.com

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

LINE	BEARING	DISTANCE
L1	N 74°21'38" E	116.70'
L2	N 74°21'38" E	95.00'
L3	N 74°56'48" E	94.93'
L4	S 16°08'41" E	30.17'
L5	S 74°21'38" W	30.00'
L6	S 16°07'15" E	200.00'
L7	S 16°08'42" E	112.89'
L8	S 16°08'42" E	111.38'
L9	S 16°08'42" E	111.50'
L10	S 16°08'42" E	111.40'
L11	S 16°08'42" E	11.84'
L12	S 16°08'42" E	69.25'
L13	S 16°08'42" E	110.86'
L14	N 16°00'13" W	111.38'
L15	N 16°00'13" W	111.26'
L16	N 16°00'13" W	111.40'
L17	N 16°00'13" W	111.50'
L18	N 16°00'13" W	111.38'
L19	N 16°00'13" W	111.38'
L20	N 72°29'12" E	117.23'



LEGEND

- BOUNDARY
- BOUNDARY, ADJOINER
- OVERHEAD POWER
- - - EASEMENT, NEW
- - - RIGHT OF WAY
- MONUMENT FOUND (SIZE & TYPE GIVEN)
- MONUMENT SET (5/8" REBAR PIN)
- ⌘ UTILITY POLE

SURVEYED FEBRUARY 22, 2022

BERKELEY COUNTY  
SOUTH CAROLINA

SUBDIVISION PLAT OF TMS# 013-00-03-022,  
CREATING NEW LOTS 1-6,  
OWNED BY CYNTHIA WASHINGTON, ET AL,  
MEASURING 3.81 ACRES





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**STAFF SUMMARY  
FOR BOARD OF ZONING APPEALS**

**Topic:** TMS#: 228-13-01-034. Request from David Mikulski for a variance to §5.3.10 for relief of primary structure setbacks for an intended dwelling at/near 158 Brightwood Dr in the Brightwood community in the Huger area. (PLVA 042857-2022)

**Prepared By:** Amanda Ellis, Planning & Zoning

**Date:** September 20, 2022

---

**Background:** The subject property is zoned in the Manufactured Residential District, R-2, is approximately 6,004 square feet in size, and located along the curve of Brightwood Drive in the Brightwood Subdivision (Lot 34) in the Huger Community (located off of Cainhoy Road). The subject property is presently undeveloped/vacant.

The applicant is seeking to construct a 2,249 square foot dwelling on the subject property. According to the plot plan submitted with the application, the proposed screened dwelling encroaches into the rear 20' setback by 12.5', resulting in a setback from the rear property line of 7.5'.

*Typical Primary Structure Setbacks for a lot of this size is as follows:*

*Front: 25'*

*Second Street Frontage: 25'*

*Sides: 7.5'*

*Rear: 20'*

*RESULT FROM AUGUST 16 MEETING*

*IT WAS MOVED BY BOARD MEMBER CRAWFORD AND*

*SECONDED BY VICE CHAIRMAN SHIRAH TO APPROVE A REQUEST FROM DAVID MIKULSKI FOR A VARIANCE TO §5.3.10 FOR RELIEF OF PRIMARY STRUCTURE SETBACKS FOR AN INTENDED DWELLING AT/NEAR 158 BRIGHTWOOD DR IN THE BRIGHTWOOD COMMUNITY IN THE HUGER AREA. (PLVA 042857-2022). THE MOTION PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.*

*It was determined at the time of the August Meeting that relief of the 50% Impervious Coverage requirement was not necessary.*

**Attachment(s):**

Application.pdf

Plat.pdf

Elevation.pdf

Aerial.pdf

RECORDED PLAT.pdf

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# BERKELEY COUNTY SC

## PLANNING AND ZONING DEPARTMENT

Alison Simmons, AICP, Director  
P.O. Box 6122  
1003 Highway 52 • Moncks Corner, SC 29461  
843.719.4095

### APPLICATION FOR VARIANCE

Of the Berkeley County Zoning Ordinance No. 01-8-35 (as amended)

**ALL SECTIONS OF THIS APPLICATION ARE REQUIRED TO BE COMPLETED TO BE ACCEPTED**

Applications are due by COB of the previous month's meeting date. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the *Property Owner Authorization* (found on page 3) to designate the Applicant as the Authorized Agent. Application Fee is **\$150.00** (Non-Refundable). Cash, Card, and Check Accepted. Checks may be made out to **BERKELEY COUNTY**

#### APPLICANT INFORMATION

PRINTED Name of Applicant:

DAVID MIKULSKI

Relation to Property Owner (Check One):

I am the Owner  I am the Authorized Agent

Phone #:

Email Address:

173 Brightwood Dr Huger 29450

NEARZERO2011@gmail.com

Mailing Address:

#### PROPERTY OWNER'S CONTACT INFORMATION (IF NOT STATED ABOVE)

Name:

Mailing Address:

Phone #:

Email Address:

#### BZA MEETING DATE AND EXPECTATIONS

BZA Meeting Date Applied for:

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If, for some reason I or a representative will not be able to attend the scheduled meeting, I must submit a written request for deferral to another date in accordance with the adopted [Defeat/Deferral Policy](#) or withdraw my application.

Applicant's Initials Here:

DM

#### PROPERTY INFORMATION

TMS#:

228-13-01-034

Lot Size:

6004 SQ FT.

Zoning:

Physical Address or Location of Subject Property:

Present Use of the Property:

#### The following information **MUST BE** submitted with this application:

**1. SITE PLAN**

This should be on a copy of the recorded plat (8"x11"), if available. Sketch showing ALL existing and proposed buildings, bufferyards, roads, driveways, parking spaces, fencing, and other physical improvements in relation to the request.

**2. OTHER RELEVANT EVIDENCE**

The burden of proof to demonstrate a physical hardship falls on the applicant. Please enclose any documents, letters of support, surveys, pictures, or other materials deemed necessary to demonstrate the conditions of the property.

#### SUBMITAL ENCLOSURES (PLEASE CHECK ALL THAT APPLY)

- Existing Plat of Record
- Site Plan
- Letters of Support from Neighboring Property Owners
- Owner's Notarized Written Authorization (If Owner's Signature Cannot Be Obtained)
- Other (please specify):



RELEVANT FACTORS PERTAINING TO THE VARIANCE

I (we) have made (or desire to make) an application for a permit to:

Construct New Family Home

And the Planning and Zoning Department either denied it or stated that it does not conform on the grounds that:

Does Not Meet Rear Set Back.

I request a variance from the Berkeley County Zoning Ordinance to be/have (Be specific with measurements, feet, acreage, numbers of, ratio, etc.):

Requesting 7.5 foot Rear Set Back.

State Law and the Berkeley County Ordinance requires that the following four (4) facts are sufficiently met in order for a variance to be considered by the BZA. The applicant must prove through fact that the strict application of the ordinance will result in unnecessary hardship. Please provide a response to EACH question provided below and use additional sheets if necessary.

THE VARIANCE IS REQUESTED BECAUSE OF THE FOLLOWING REASONS:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. There are issues such as size, shape, and topography that prevent compliance with the Ordinance. NOTE: The BZA REQUESTS precise measurements, either drawn on a map or plat or prepared by a Surveyor or other qualified professional. If insufficient information is presented to the BZA, the applicant risks the Variance being denied or held for a future meeting until the Applicant can provide the necessary evidence.

THERE IS NO CLEAR REAR SET BACK. THE LOT ONLY HAS THREE SIDES. THE LONGEST IS FRONT. THE FRONT TAKES UP MOST OF THE LOT.

2. These conditions do not generally apply to other property in the vicinity. The applicant should answer the question: What condition(s) that generally applies only to this property prevents compliance with the ordinance? A simple example pertaining to lot shape: "The triangular shape makes it impossible for me to meet the requirements. All the adjacent lots around me are square."

THE TRIANGULAR SHAPE MAKES IT IMPOSSIBLE FOR ME TO MEET THE REAR SETBACK.

3. Because of these conditions, the application of the ordinance effectively prohibits, or unreasonably restricts the utilization of the particular piece of property. The applicant should answer the question: What is the reasoning behind why the ordinance would harm the property's current or future use? NOTE: Monetary gain or advantage is not to be considered by the board in determining hardship. A simple example pertaining to building a detached garage on a residential lot: "Because of the triangular shape of the lot, a detached garage will not fit within the boundaries of the lot and still adhere to the setback requirements. This prevents the lot from being fully utilized."

THE SHAPE OF THE IS VERY UNUSUAL SHAPE. ADD THE PLACEMENT OF A THREE PHASE ELECTRICAL BOX 14,000 VOLT FEEDING THE NEIGHBORHOOD.

4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. Affected/Interested stakeholders, either in support or in opposition, have the privilege to be heard during the Public Hearing.

BOTH PROPERTIES HAVE 6 FOOT PRIVACY FENCE ALONG THE PROPERTY LINE. THEY WILL NOT BE HARMED.



**ACKNOWLEDGMENTS:**

**TERMS OF THIS APPLICATION**

1. Hardship resulting from financial difficulty, and the applicant's own actions are generally not sufficient cause for the board to grant a variance.
2. Although the appeal will be advertised in the local newspaper, and the property posted with a sign concerning the details of the meeting, staff strongly recommend that all neighbors and property owners be contacted, by the applicant, before the application is submitted.
3. The applicant may present, at the discretion of the BZA Chairman, and items and/or individuals he/she believes will help his/her case.
4. Five, of the eight appointed Board members, must be present before action can be taken on the variance, and the concurring vote of majority of the Board present is necessary in order for a Variance to be approved.
5. No Variance, having been denied, shall be resubmitted to the Board for a period of one (1) year, unless conditions have changed substantially and new evidence is received, and the Board votes unanimously to rehear the matter.
6. Any person who may have a substantial interest in any decision of the Board may appeal said decision to a court of competent jurisdiction in and for the county of Berkeley, filing with the clerk of such court a petition in writing setting fourth plainly, fully and distinctly wherein such decision is contrary to the law. Such appeal shall be filed within thirty (30) days after the decision of the board is rendered.

**APPLICANT DISCLOSURES**

I, the applicant, hereby acknowledge by my signature that this application is complete and accurate to the best of my knowledge, information, and benefit, **have read and understand the terms and expectations associated with this Application**, hereby release, hold harmless, and indemnify forever Berkeley County, its employees, and agents, both individually and jointly, from any and all liability or responsibility for any foreseen or unforeseen damage, including, but not limited to, death, bodily injury, personal injury, and property damage, arising from the home occupation located at the above-referenced property by adjoining landowners, visitors and/or any user of the home, including, but not limited to, the public at large, **am the owner of the subject property or the authorized representative of the owner**, authorize the subject property to be posted and/or inspected, AND hereby certify that the tract(s) or parcel(s) of land to which this request pertains is *not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought*, as provided in the South Carolina Code of Laws, Section 6-29-1145, and are exempt per Section 59.35 of the Berkeley County Code of Ordinances.

Signature: \_\_\_\_\_

Date: 7-19-2022

**PROPERTY OWNER AUTHORIZATION (IF DIFFERENT FROM APPLICANT)**

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this special exception application.

Property Owner(s) Printed Name: David Mikulski

Property Owner(s) Signature: \_\_\_\_\_

Date: 7-19-2022

**OFFICE USE SECTION**

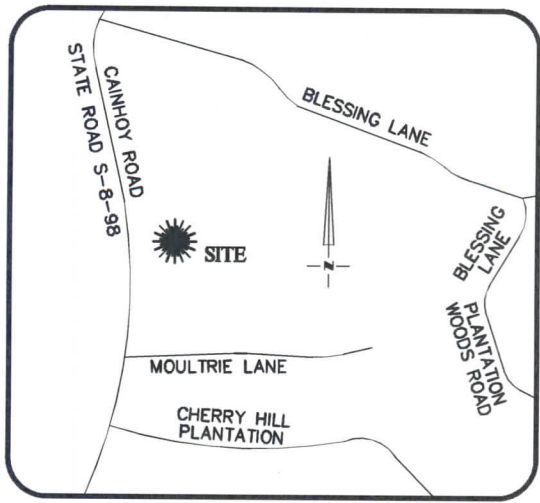
AMOUNT PAID: 150.00  CHECK #: 3451 ;  CASH;  ONLINE PAYMENT INTENDED  
 DATE RECEIVED: 7/19/22 ; RECEIPT NUMBER: 613675  
 DATE FILED: 7/19/22 ; MEETING DATE: \_\_\_\_\_

\_\_\_\_\_  
ZONING OFFICIAL

\_\_\_\_\_  
DATE

IMPERVIOUS SURFACE AREA	
DESCRIPTION	AREA
HOUSE w/ PORCH	1,332 S.F.
DECK/PATIO/AC	9 S.F.
DRIVEWAY & WALKS	610 S.F.
TOTAL (PROPOSED)=	1,951 S.F.
LOT AREA =	6,005 S.F.

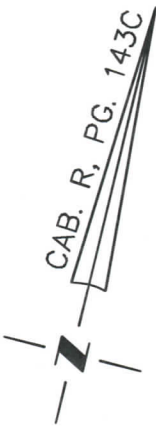
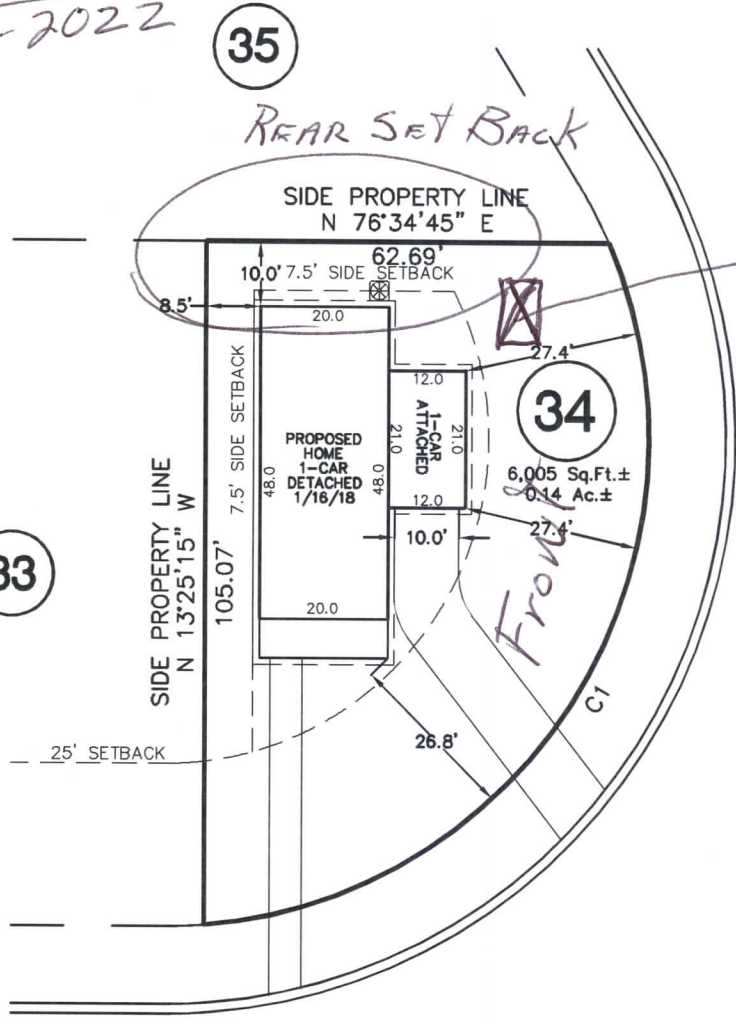
\*NOTE: LAYOUT SHOWN PER PROPOSED SITEPLAN PROVIDED BY BUILDER. TO BE VERIFIED PRIOR TO CONSTRUCTION\*



VICINITY MAP  
Not To Scale

CURVE TABLE				
CURVE	BEARING	CHORD	LENGTH	RADIUS
C1	S17°24'03"W	122.35	143.07	75.00

*[Handwritten Signature]*  
7-19-2022



33

35

34

50' R/W

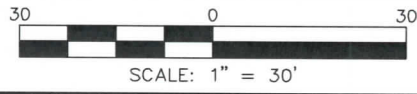
# #158 BRIGHTWOOD DRIVE

NOTE: TMS: 228-13-01-034

1. BUILDER ASSUMES RESPONSIBILITY FOR GRADING LOT AND/OR DESIGNING STEPS, PORCHES, DECKS, ETC. AS NECESSARY TO PREVENT ENCROACHMENT INTO SETBACKS.
2. HOUSE DIMENSIONS AND OPTIONS SHOULD BE VERIFIED WITH CONTRACTOR PRIOR TO CONSTRUCTION.
3. SETBACKS/ EASEMENTS SHOULD BE VERIFIED WITH DEVELOPER AND LOCAL OFFICIALS PRIOR TO CONSTRUCTION.
4. THIS IS A CONCEPTUAL DRAWING AND CONTENTS SHOWN HEREON ARE SUBJECT TO CHANGE UPON FINAL CONSTRUCTION. THIS PROPERTY MAY BE SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHT-OF-WAY, UTILITIES AND RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD OR IMPLIED

FLOOD NOTE:  
PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE "X" PER FEMA FIRM MAP COMMUNITY-PANEL #45015C0640E, EFFECTIVE DECEMBER 7, 2018.

THIS PLOT PLAN DOES NOT REPRESENT A LAND SURVEY, WAS NOT PREPARED FOR RECORDATION, AND IS NOT SUITABLE FOR DEEDING OF PROPERTY. NO GROUND SURVEY WAS PERFORMED.



## HOUSE LOCATION PLOT PLAN

FOR

LOT 34, OF BRIGHTWOODS SUBDIVISION, TRACT "A"

Located Near Huger, Berkeley County, South Carolina

PROPERTY OF: NEAR ZERO ENERGY HOMES

MAP BOOK R PAGE 143C DEED REFERENCE \_\_\_\_\_

DRAWN BY: MRB

DATE: MAY 12, 2022

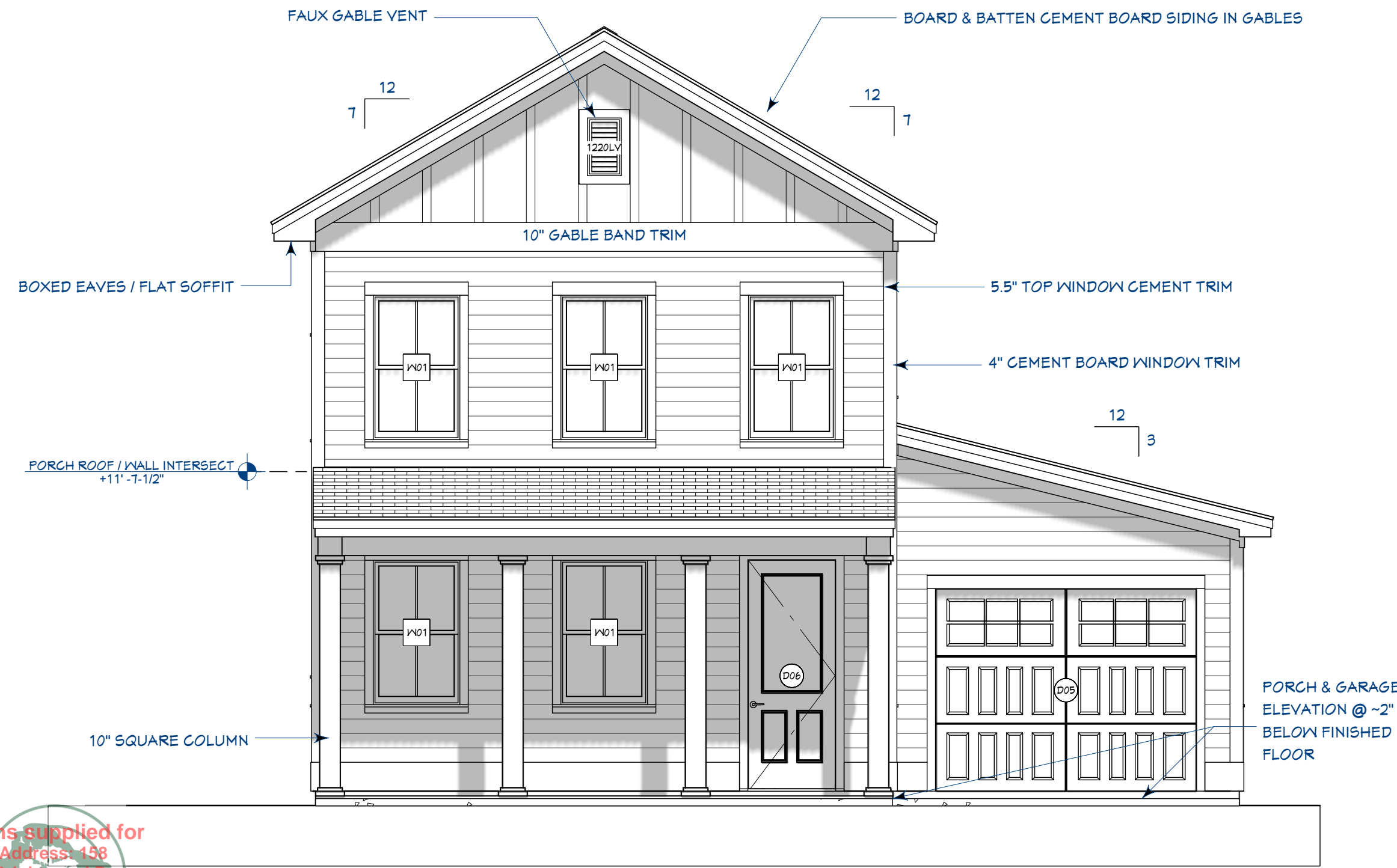
### RLA ASSOCIATES, PA

2204 BACONS BRIDGE ROAD  
SUMMERVILLE, SC 29485  
PHONE (843) 879-9091  
FAX (843) 261-9092



3

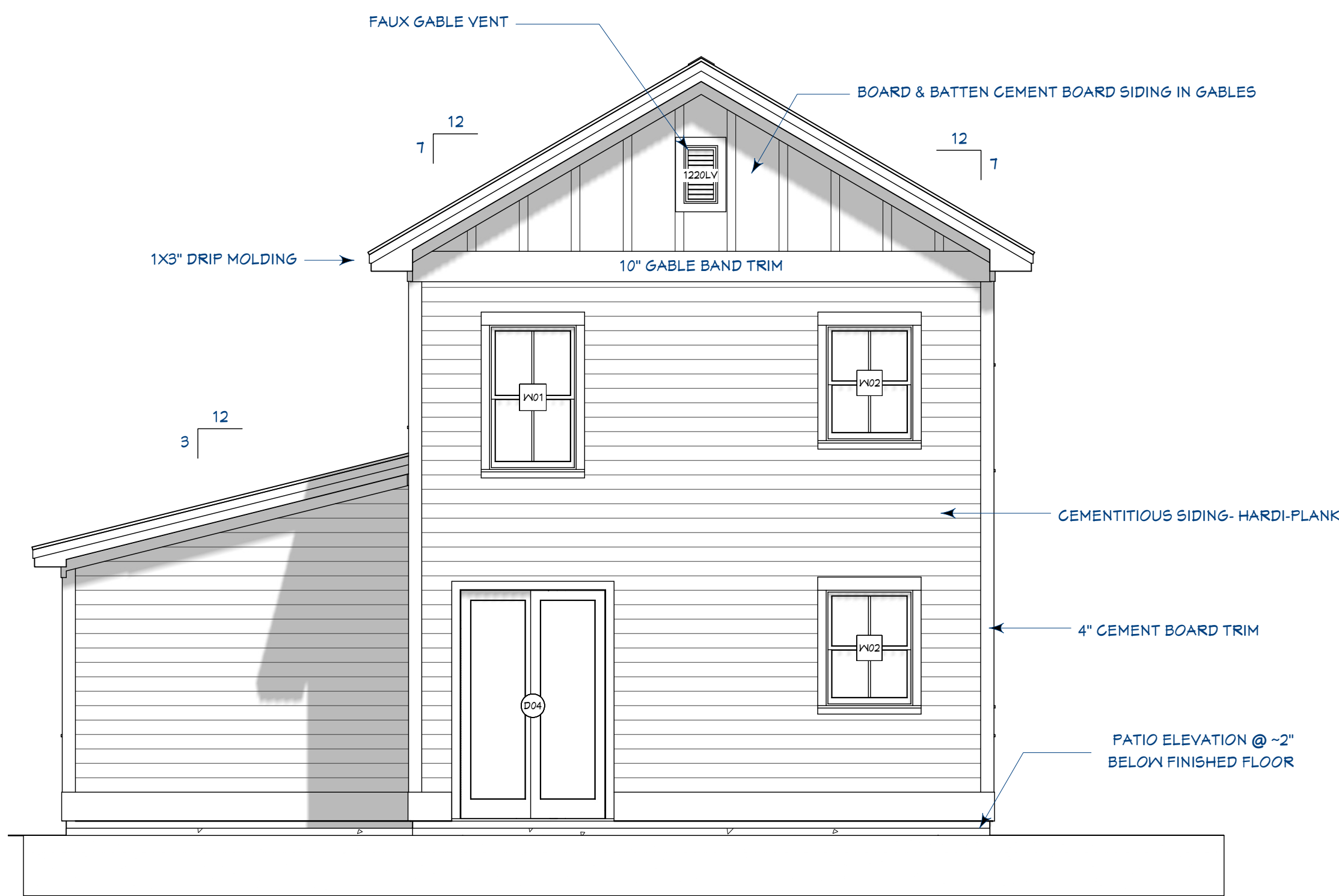
# FRONT ELEVATION



Plans supplied for Analysis 136 Brightwood Dr plans.pdf have been reviewed for code compliance. 07/11/2019. \*\*Photo of the structure has less than a 5' setback, fire rated double garage door submitted.

5

# REAR ELEVATION

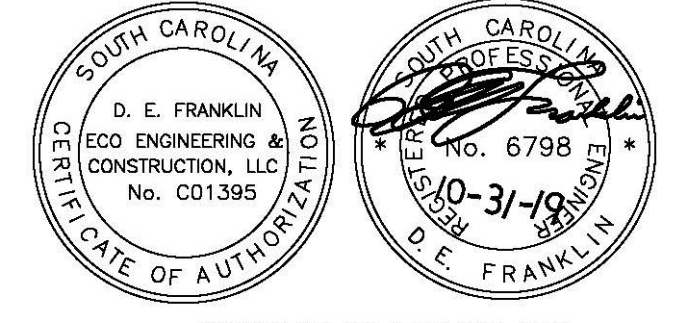


4

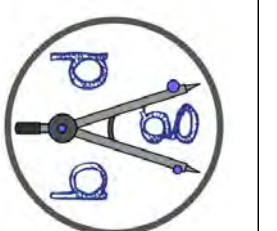
# RIGHT ELEVATION



NOTE- SEE ENGINEERING & CONSTRUCTION DETAILS ON S-1 THROUGH S-5 FOR CONNECTION, FOUNDATION AND FRAMING DETAILS FOR ALL PAGES



CERTIFICATION FOR STRUCTURAL ONLY



NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
158 BRIGHTWOOD DR  
LOT 34- BRIGHTWOOD  
HUGER, SC 29450

PROJECT DESCRIPTION:  
NEAR ZERO HOMES

DRAWINGS PROVIDED BY:  
broderick design group  
843.801.1207 broderick-design.com  
PO BOX 12113 CHARLESTON, SC 29422  
(843) 801-1207 pat@broderick-design.com

DATE:  
10/9/2019

SCALE:  
1/4" TO 1'

SHEET:

A-8

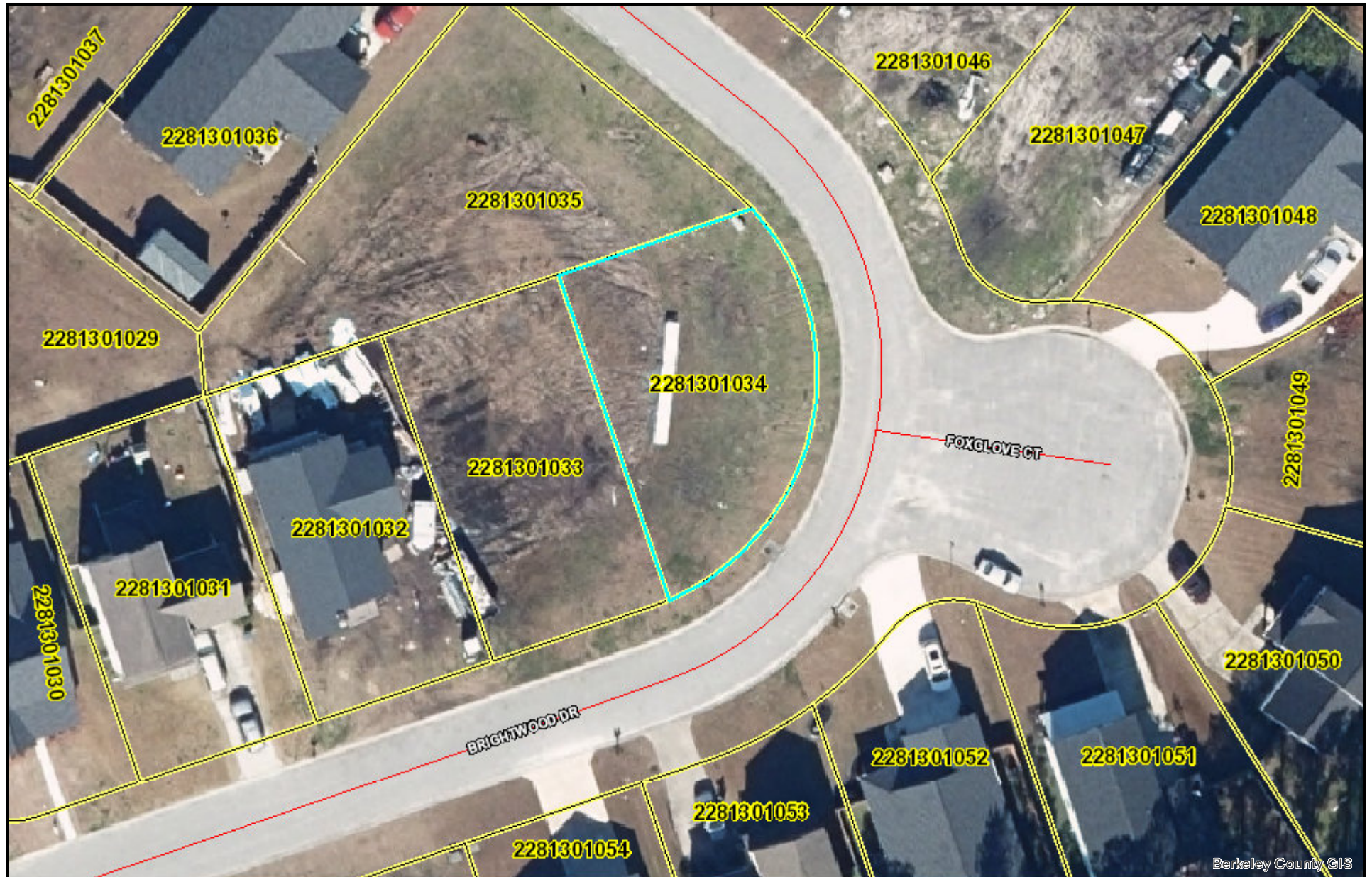
6

# LEFT ELEVATION





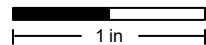
# 228-13-01-034



Berkeley County GIS



1 inch = 42 feet



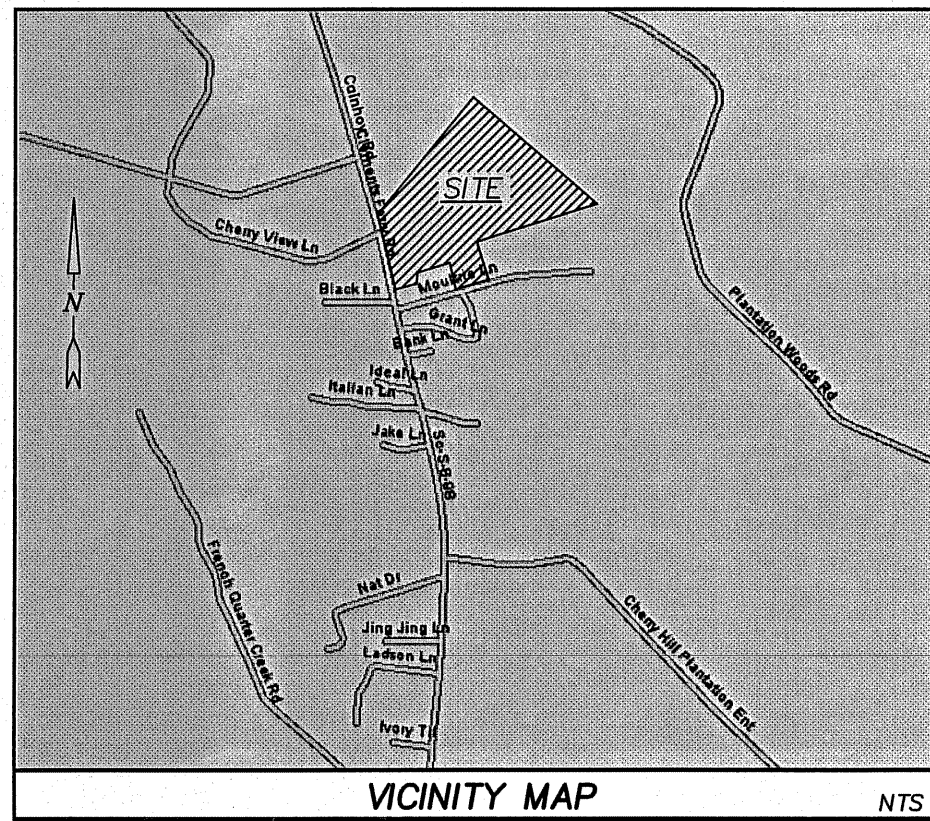
Date: 7/20/2022

Berkeley County GIS



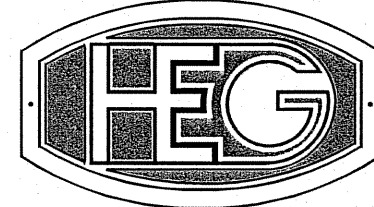
The county of Berkeley and its GIS Department disclaims accountability for this product and makes no warranty express or implied concerning the accuracy thereof. Responsibility for interpretation and application of this product lies with the user.





VICINITY MAP

HORNER, EELMAN & GEARHART, LLC  
672 Marina Drive, Suite 204  
Charleston, SC 29492  
Ph: 843.881-9804  
Fax: 843.881-9807



NUMBER	RADIUS	DELTA	LENGTH	TANGENT	CHORD	BEARING
C2	21924.97	00'16"02"	102.25	51.13	102.25	N 08°44'03" W
C3	21924.97	00'56'19"	359.14	179.57	359.13	N 09°35'53" W
C4	250.00	52'35'23"	229.47	123.53	221.50	N 54°35'22" E
C5	500.00	12°00'53"	104.85	52.62	104.66	N 34°18'07" E
C6	500.00	03°32'36"	30.92	15.47	30.92	N 42°04'51" E
C7	150.00	70°00'26"	183.28	105.05	172.09	N 78°51'22" E
C8	150.00	37°16'50"	97.60	50.60	95.89	S 84°46'50" E
C9	100.00	60°53'03"	106.26	58.77	101.33	N 46°08'13" E
C10	100.00	60°53'03"	106.26	58.77	101.33	N 14°44'50" W
C11	100.00	41°24'35"	72.27	37.80	70.71	N 65°53'39" W
C12	125.00	43°12'43"	94.27	49.51	92.06	N 28°08'06" W
C13	100.00	50°22'54"	87.93	47.04	85.13	N 18°39'42" E
C14	100.00	70°00'26"	122.19	70.03	114.73	N 78°51'22" E
C15	125.00	52°43'01"	115.02	61.94	111.00	S 39°46'50" E
C16	25.00	89°00'00"	39.27	25.00	35.36	S 58°25'15" E
C17	225.00	44°51'50"	176.18	92.89	171.71	N 58°27'09" E
C18	225.00	07°43'33"	30.34	15.19	30.32	N 32°09'27" E
C19	525.00	02°59'48"	27.46	13.73	27.45	N 29°47'34" E
C20	525.00	03°47'53"	34.80	17.41	34.79	N 33°11'24" E
C21	25.00	84°49'48"	37.01	22.84	33.72	N 07°19'34" W
C22	150.00	24°02'32"	62.94	31.94	62.48	N 37°43'12" W
C23	150.00	14°44'10"	38.58	19.40	38.47	N 18°19'51" W
C24	150.00	04°26'02"	11.61	5.81	11.60	N 08°44'45" W
C25	125.00	05°45'05"	12.55	6.28	12.54	N 03°39'12" W
C26	125.00	22°40'15"	49.46	25.06	49.14	N 48°41'02" E
C27	125.00	21°57'34"	47.91	24.25	47.62	N 32°52'22" E
C28	125.00	08°50'24"	19.29	9.66	19.27	N 48°16'21" E
C29	125.00	17°49'52"	38.90	19.61	38.74	N 61°36'29" E
C30	125.00	19°32'27"	42.63	21.52	42.43	N 80°17'39" E
C31	125.00	20°25'03"	44.54	22.51	44.31	S 79°43'36" E
C32	125.00	03°22'40"	7.37	3.69	7.37	S 67°49'45" E
C33	150.00	06°38'55"	17.41	8.71	17.40	S 62°48'57" E
C34	150.00	19°08'56"	50.13	25.30	49.90	S 49°55'01" E
C35	150.00	16°34'10"	43.38	21.84	43.23	S 32°03'29" E
C36	150.00	10°21'09"	27.10	13.59	27.07	S 18°35'49" E
C37	25.00	89°00'00"	39.27	25.00	35.36	S 58°25'15" E
C38	75.00	04°31'42"	5.93	2.97	5.93	N 74°18'54" E
C39	75.00	109°18'01"	143.07	105.73	122.35	N 17°24'03" E
C40	75.00	07°56'24"	10.39	5.21	10.39	N 41°13'10" W
C41	25.00	70°31'44"	30.77	17.68	28.87	N 80°27'13" W
C42	50.00	63°20'33"	55.28	30.85	52.50	N 84°02'49" W
C43	50.00	47°22'52"	41.35	21.94	40.18	N 28°41'06" W
C44	50.00	45°06'32"	39.37	20.77	38.36	N 17°33'36" E
C45	50.00	45°06'32"	39.37	20.77	38.36	N 62°40'09" E
C46	50.00	42°53'53"	37.17	19.49	36.32	S 73°28'38" E
C47	50.00	06°50'00"	6.10	3.05	6.10	S 48°41'02" E
C48	125.00	22°03'38"	48.13	24.37	47.63	S 34°09'32" E
C49	125.00	10°18'46"	22.50	11.28	22.47	S 17°58'20" E
C50	25.00	78°48'37"	34.39	20.54	31.74	S 52°13'16" E
C51	50.00	08°45'23"	7.64	3.83	7.63	S 87°14'53" E
C52	50.00	58°47'11"	51.30	28.17	49.08	S 53°28'36" E
C53	50.00	44°53'13"	39.17	20.65	38.18	S 01°38'24" E
C54	50.00	42°25'26"	37.02	19.41	36.18	S 42°00'55" W
C55	50.00	59°47'19"	52.18	28.74	49.84	N 86°52'42" W
C56	25.00	12°52'43"	5.62	2.82	5.61	N 63°25'24" W
C57	25.00	65°55'54"	28.77	16.21	27.21	S 77°10'18" W
C58	125.00	15°09'47"	33.08	16.64	32.98	S 51°47'15" W
C59	125.00	17°12'37"	37.55	18.92	37.41	S 67°58'27" W
C60	175.00	05°00'13"	15.28	7.65	15.28	S 79°04'52" W
C61	175.00	15°50'55"	48.41	24.36	48.25	S 89°30'26" W

NUMBER	RADIUS	DELTA	LENGTH	TANGENT	CHORD	BEARING
C62	175.00	16°25'42"	50.18	25.26	50.01	N 74°21'16" W
C63	25.00	90°00'00"	39.27	25.00	35.36	S 68°51'35" W
C64	25.00	48°11'23"	21.03	11.18	20.41	S 00°14'06" E
C65	50.00	32°31'32"	38.38	14.59	28.00	S 08°04'02" E
C66	50.00	52°32'12"	45.85	24.68	44.26	S 34°27'50" W
C67	50.00	74°26'49"	64.97	37.98	60.49	N 82°02'40" W
C68	50.00	37°31'39"	32.31	16.74	31.75	N 26°18'26" W
C69	50.00	50°18'58"	43.91	23.48	42.51	N 17°21'53" E
C70	50.00	29°31'36"	25.77	13.18	25.48	N 57°17'10" E
C71	25.00	48°11'23"	21.03	11.18	20.41	N 47°57'17" E
C72	25.00	90°00'00"	39.27	25.00	35.36	N 21°08'25" W
C73	125.00	23°58'16"	52.30	26.54	51.92	N 78°07'33" W
C74	125.00	46°02'10"	100.44	53.11	97.76	S 68°52'14" W
C75	475.00	01°24'20"	11.63	5.83	11.65	S 43°08'59" W
C76	475.00	07°58'31"	63.35	31.72	63.31	S 38°37'34" W
C77	275.00	07°28'30"	35.88	17.96	35.85	S 77°08'49" W
C78	25.00	89°45'08"	39.16	24.89	35.28	S 36°00'30" W
C79	25.00	86°24'23"	37.70	23.48	34.23	S 87°03'21" W
C80	100.00	43°12'43"	75.42	39.60	73.64	N 28°08'06" W
C81	75.00	50°22'54"	65.95	35.28	63.85	N 18°39'42" E
C82	75.00	70°00'26"	91.64	52.52	86.04	N 78°51'22" E
C83	100.00	20°38'13"	36.02	18.21	35.82	S 58°49'18" E
C84	100.00	32°04'56"	55.99	28.75	55.27	S 29°27'43" E
C85	25.00	90°00'00"	39.27	25.00	35.36	S 31°54'45" W
C86	125.00	01°24'20"	11.63	5.83	11.65	S 43°08'59" W
C87	125.00	01°19'35"	2.89	1.45	2.89	N 66°48'12" W
C88	175.00	03°41'12"	11.26	5.63	11.26	N 67°59'01" W
C89	175.00	12°09'54"	37.16	18.65	37.09	N 75°54'33" W
C90	25.00	41°52'40"	18.27	9.57	17.87	N 61°03'10" W
C91	50.00	03°20'19"	2.91	1.46	2.91	N 41°47'00" W
C92	50.00	47°01'31"	41.04	21.75	39.90	N 66°57'56" W
C93	50.00	34°54'55"	30.47	15.72	30.00	S 72°03'52" W
C94	50.00	36°46'50"	32.10	16.62	31.55	S 36°13'00" W
C95	25.00	41°52'40"	18.27	9.57	17.87	S 38°45'55" W
C96	175.00	01°24'20"	11.63	5.83	11.65	S 59°11'40" W
C97	175.00	04°29'55"	14.28	7.26	14.17	S 51°06'07" W
C98	475.00	06°30'38"	53.98	27.02	53.95	S 31°32'59" W
C99	275.00	18°09'33"	87.16	43.95	86.79	S 37°22'27" W
C100	275.00	11°04'39"	53.17	26.67	53.09	S 51°59'33" W
C101	275.00	15°52'42"	76.21	38.35	75.97	S 65°28'13" W

NUMBER	DIRECTION	DISTANCE
L72	S 34°17'48" E	31.73'
L73	S 05°59'26" E	50.09'
L74	S 27°55'11" W	38.21'
L75	S 31°08'58" E	52.28'
L76	S 73°15'19" E	116.87'
L77	N 78°00'57" E	124.93'
L78	N 35°21'56" E	29.08'
L79	N 23°50'56" E	36.63'
L80	N 22°25'52" E	52.01'
L81	N 13°59'59" W	34.27'
L82	N 32°51'10" W	58.50'
L83	N 18°26'32" W	73.83'
L84	N 37°02'45" E	57.70'
L85	N 47°29'23" E	125.72'
L86	S 42°33'32" E	85.40'
L87	N 42°33'32" W	84.85'
L88	N 00°06'41" W	19.91'
L89	S 00°06'41" E	19.06'
L90	S 47°29'23" W	132.49'
L91	S 52°37'13" W	40.21'
L92	S 31°07'31" W	34.17'
L93	N 10°57'59" E	46.87'
L94	N 34°00'31" E	47.88'
L95	N 47°33'12" E	62.07'
L96	N 12°13'24" E	40.67'
L97	N 02°39'55" E	48.79'
L98	N 11°35'43" W	49.18'
L99	N 19°16'26" W	42.95'
L100	N 28°31'43" W	10.18'
L101	S 32°02'22" E	57.59'
L102	S 14°07'36" W	37.61'
L103	S 47°11'44" W	38.08'
L104	S 35°42'48" W	70.97'
L105	N 08°44'45" W	138.86'

REFERENCE PLATS BY:  
1. PAUL C. LAWSON - DEC. 11, 1999  
2. J. E. SHULER - MARCH 12, 1977

RECORDED IN THE  
BERKELEY COUNTY  
R.M.C. OFFICE  
PLAT BK. - PG  
0-160  
W-191

GENERAL NOTES:

- THIS PLAT SHOWS ONLY EASEMENTS WHICH ARE OBVIOUS OR APPARENT TO THE SURVEYOR.
- AREAS ABOVE THE 100 YEAR FLOOD ZONE FIRM MAP COMMUNITY-PANEL #45015C 0640 D MAP REVISED: OCTOBER 16, 2003
- OWNER/DEVELOPER: MARY BRIGHT THE BRIGHT GROUP 102 QUEEN STREET (843) 577-2354 CHARLESTON, SC 29401
- DEVELOPMENT ZONING: (R-2)
- BUILDING SETBACKS ARE AS FOLLOWS:

PARCEL SIZE	FRONT	SIDES	REAR	SECOND STREET FRONT	OPEN DRAINAGE
14000 S.F. & GREATER	35'	15'	30'	35'	30'
10000 S.F. TO 13999 S.F.	30'	10'	25'	30'	30'
6001 S.F. TO 9999 S.F.	25'	7.5'	20'	25'	30'
6001 S.F. & UNDER	20'	7.5'	20'	20'	30'

- THIS PROPERTY IS SHOWN ON BERKELEY COUNTY TAX MAP 228-00-00-022
- SEWER SERVICE SHALL BE PROVIDED BY BERKELEY COUNTY WATER AND SEWER AUTHORITY WATER SERVICE SHALL BE PROVIDED BY BERKELEY COUNTY WATER AND SEWER AUTHORITY

GENERAL NOTES CONTINUED:

- NO CURB CUTS SHALL BE ALLOWED WITHIN 40' OF AN INTERSECTION.
- THE 100' BUFFER ADJACENT TO CAINHOY ROAD WILL BE LEFT UNDISTURBED.
- 4" WIDE CONCRETE SIDEWALKS WILL BE PROVIDED ON ONE SIDE OF STREETS.
- CLEARING IN H.O.A. AREAS WILL BE LIMITED TO UNDERBRUSHING AND/OR REMOVAL OF DEAD/DISEASED MATERIAL ONLY.
- THE GENERAL UTILITY AND DRAINAGE EASEMENTS WILL ALSO PROVIDE ACCESS TO H.O.A. AREAS AS NEEDED.
- THE H.O.A. WILL BE RESPONSIBLE FOR THE MAINTENANCE OF PONDS, POND OUTFALL STRUCTURES, AND SWALES.
- H.O.A. AREAS SHOWN ARE INCLUSIVE OF WETLANDS & DRAINAGE EASEMENTS.

RIGHT-OF-WAY DEDICATION:

BY THE RECORDING OF THIS PLAT, I HEREBY DEDICATE THE EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON TO THE USE OF THE PUBLIC FOREVER. NOTHING IN THIS DEDICATION SHALL BE CONSTRUED TO IMPLY AN ACCEPTANCE BY BERKELEY COUNTY OF ANY ROADWAY OR DRAINAGE FACILITY OR AS CREATING ANY DUTY BY BERKELEY COUNTY TO MAINTAIN ANY ROADWAY, RIGHTS-OF-WAY OR DRAINAGE EASEMENT SHOWN HEREON.

*Marilynne P. Bright*  
SIGNATURE OF OWNER  
MARILYNNE P. BRIGHT  
THE BRIGHT GROUP  
102 QUEEN STREET  
CHARLESTON, SC 29401  
(843) 577-2354

7/10/06  
DATE

NUMBER	DIRECTION	DISTANCE
L1	N 37°35'45" W	5.11'
L2	N 44°04'35" W	40.61'
L3	N 17°14'34" W	45.29'
L4	N 20°14'54" E	36.82'
L5	N 20°14'54" E	2.62'
L6	N 23°47'52" W	35.32'
L7	N 12°34'21" E	29.89'
L8	N 21°24'03" E	0.24'
L9	N 21°24'03" E	34.50'
L10	N 46°28'57" W	29.90'
L11	N 02°11'45" W	14.02'
L12	N 02°11'45" W	34.96'
L13	N 32°28'15" W	34.28'
L14	S 66°08'25" E	15.35'
L15	S 66°08'25" E	49.71'
L16	S 30°36'14" E	19.79'
L17	S 30°36'14" E	35.16'
L18	S 30°36'14" E	48.74'
L19	S 46°16'36" E	15.94'
L20	S 00°08'32" E	19.53'
L21		



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## STAFF SUMMARY FOR BOARD OF ZONING APPEALS

**Topic:** TMS#: 121-12-03-030. Request from Mike Mullins for a variance to 5.1.9 for relief of primary structure setbacks for an intended dwelling at/near 125 Waters Edge Ln in the Waters Edge community. (PLVA 042853-2022)

**Prepared By:** Amanda Ellis, Planning & Zoning

**Date:** September 20, 2022

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**Background:** The subject property, TMS 121-12-03-030, (125 Waters Edge Lane), is presently zoned Single-Family Residential (R-1), approximately 11,787 square feet in size (0.27 acres), vacant, located along Waters Edge Lane near Moultrie Passage Ln in the Waters Edge Community. The subject property adjoins HOA common area on the western (rear) and southern lot lines.

The applicant desires to construct a primary residence +/- 2.6 feet from the rear property line. Therefore, the applicant is seeking relief of the primary structure setback requirements.

Typical Primary Structure Setbacks for a lot of this size are as follows:

- Front: 30'
- Second Street Frontage: 30'
- Rear: 25'
- Sides: 10'

RESULT FROM AUGUST 16 MEETING:

IT WAS MOVED BY BOARD MEMBER M. SMITH AND  
SECONDED BY AND SECONDED BY VICE CHAIRMAN  
SHIRAH TO APPROVE A REQUEST FROM MIKE MULLINS  
FOR A VARIANCE TO 5.1.9 FOR RELIEF OF PRIMARY  
STRUCTURE SETBACKS OF 2.5-FOOT FROM THE REAR  
PROPERTY LINE FOR AN INTENDED DWELLING AT/NEAR  
125 WATERS EDGE LN IN THE WATERS EDGE COMMUNITY.  
(PLVA 042853-2022), WITH CONDITION THAT APPLICANT  
PROVIDES LETTER FROM HOA WITHIN 90 DAYS FROM  
THIS MEETING. THE MOTION PASSED BY UNANIMOUS  
VOICE VOTE OF THE BOARD.

**Attachment(s):**

Application.pdf

Plans.pdf

Plat.pdf

Aerials from Applicant.pdf

Aerial.pdf

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# BERKELEY COUNTY SC

## PLANNING AND ZONING DEPARTMENT

Alison Simmons, AICP, Director  
P.O. Box 6122  
1003 Highway 52 • Moncks Corner, SC 29461  
843.719.4095

### APPLICATION FOR VARIANCE

Of the Berkeley County Zoning Ordinance No. 01-8-35 (as amended)

**ALL SECTIONS OF THIS APPLICATION ARE REQUIRED TO BE COMPLETED TO BE ACCEPTED**

Applications are due by COB of the previous month's meeting date. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the *Property Owner Authorization* (found on page 3) to designate the Applicant as the Authorized Agent. Application Fee is **\$150.00 (Non-Refundable)**. Cash, Card, and Check Accepted. Checks may be made out to **BERKELEY COUNTY**

#### APPLICANT INFORMATION

PRINTED Name of Applicant:

**Mike Mullins**

Relation to Property Owner (Check One):

I am the Owner  I am the Authorized Agent

Phone #:

**843-452-1236**

Email Address:

**uphbymike@yahoo.com**

Mailing Address:

406 Ashby Street, Summerville, SC 29486

#### PROPERTY OWNER'S CONTACT INFORMATION (IF NOT STATED ABOVE)

Name:

Mailing Address:

Phone #:

Email Address:

#### BZA MEETING DATE AND EXPECTATIONS

BZA Meeting Date Applied for:

**Aug 16, 2022**

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If, for some reason I or a representative will not be able to attend the scheduled meeting, I must submit a written request for deferral to another date in accordance with the adopted [Defeat/Deferral Policy](#) or withdraw my application.

Applicant's Initials Here:

*MM*

#### PROPERTY INFORMATION

TMS#:

121-12-03-030

Lot Size:

.24acres

Zoning:

Berkeley County - R1

Physical Address or Location of Subject Property: **125 Waters Edge Lane, Moncks Corner, SC 29461**

Present Use of the Property:

The following information **MUST BE** submitted with this application:

#### 1. SITE PLAN

This should be on a copy of the recorded plat (8"x11"), if available. Sketch showing ALL existing and proposed buildings, bufferyards, roads, driveways, parking spaces, fencing, and other physical improvements in relation to the request.

#### 2. OTHER RELEVANT EVIDENCE

The burden of proof to demonstrate a physical hardship falls on the applicant. Please enclose any documents, letters of support, surveys, pictures, or other materials deemed necessary to demonstrate the conditions of the property.

#### SUBMITTAL ENCLOSURES (PLEASE CHECK ALL THAT APPLY)

- Existing Plat of Record
- Site Plan
- Letters of Support from Neighboring Property Owners
- Owner's Notarized Written Authorization (If Owner's Signature Cannot Be Obtained)
- Other (please specify):



RELEVANT FACTORS PERTAINING TO THE VARIANCE

I (we) have made (or desire to make) an application for a permit to:

Ask approval to exceed variance to build at 125 Water's Edge Lane

And the Planning and Zoning Department either denied it or stated that it does not conform on the grounds that:

This is the first application

I request a variance from the Berkeley County Zoning Ordinance to be/have (Be specific with measurements, feet, acreage, numbers of, ratio, etc.):

Current draft of plan shows home exceeds variance by 17.4 feet of a 20 foot setback. Property backs up to a wooded buffer. Unable to reverse plan due to fiber optics located on right side facing property.

State Law and the Berkeley County Ordinance requires that the following four (4) facts are sufficiently met in order for a variance to be considered by the BZA. The applicant must prove through fact that the strict application of the ordinance will result in unnecessary hardship. Please provide a response to EACH question provided below and use additional sheets if necessary.

THE VARIANCE IS REQUESTED BECAUSE OF THE FOLLOWING REASONS:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. There are issues such as size, shape, and topography that prevent compliance with the Ordinance. NOTE: The BZA REQUESTS precise measurements, either drawn on a map or plat or prepared by a Surveyor or other qualified professional. If insufficient information is presented to the BZA, the applicant risks the Variance being denied or held for a future meeting until the Applicant can provide the necessary evidence.

Due to fiber optics located on right side facing property, house plan can not be reversed and requires use of the shortest side of property.

2. These conditions do not generally apply to other property in the vicinity. The applicant should answer the question: What condition(s) that generally applies only to this property prevents compliance with the ordinance? A simple example pertaining to lot shape: "The triangular shape makes it impossible for me to meet the requirements. All the adjacent lots around me are square."

Fiber optics and shape of property

3. Because of these conditions, the application of the ordinance effectively prohibits, or unreasonably restricts the utilization of the particular piece of property. The applicant should answer the question: What is the reasoning behind why the ordinance would harm the property's current or future use? NOTE: Monetary gain or advantage is not to be considered by the board in determining hardship. A simple example pertaining to building a detached garage on a residential lot: "Because of the triangular shape of the lot, a detached garage will not fit within the boundaries of the lot and still adhere to the setback requirements. This prevents the lot from being fully utilized."

The fiber optics and shape of property prevent home to be built within the boundaries.

4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. Affected/Interested stakeholders, either in support or in opposition, have the privilege to be heard during the Public Hearing.

Other property owners will not be affected by the authorization of variance because the setback has a wooded buffer. The front and sides of property are within setback to adjoining properties.



**ACKNOWLEDGMENTS:**

**TERMS OF THIS APPLICATION**

1. Hardship resulting from financial difficulty, and the applicant's own actions are generally not sufficient cause for the board to grant a variance.
2. Although the appeal will be advertised in the local newspaper, and the property posted with a sign concerning the details of the meeting, staff strongly recommend that all neighbors and property owners be contacted, by the applicant, before the application is submitted.
3. The applicant may present, at the discretion of the BZA Chairman, and items and/or individuals he/she believes will help his/her case.
4. Five, of the eight appointed Board members, must be present before action can be taken on the variance, and the concurring vote of majority of the Board present is necessary in order for a Variance to be approved.
5. No Variance, having been denied, shall be resubmitted to the Board for a period of one (1) year, unless conditions have changed substantially and new evidence is received, and the Board votes unanimously to rehear the matter.
6. Any person who may have a substantial interest in any decision of the Board may appeal said decision to a court of competent jurisdiction in and for the county of Berkeley, filing with the clerk of such court a petition in writing setting fourth plainly, fully and distinctly wherein such decision is contrary to the law. Such appeal shall be filed within thirty (30) days after the decision of the board is rendered.

**APPLICANT DISCLOSURES**

I, the applicant, hereby acknowledge by my signature that this application is complete and accurate to the best of my knowledge, information, and benefit, have read and understand the terms and expectations associated with this Application, hereby release, hold harmless, and indemnify forever Berkeley County, its employees, and agents, both individually and jointly, from any and all liability or responsibility for any foreseen or unforeseen damage, including, but not limited to, death, bodily injury, personal injury, and property damage, arising from the home occupation located at the above-referenced property by adjoining landowners, visitors and/or any user of the home, including, but not limited to, the public at large, am the owner of the subject property or the authorized representative of the owner, authorize the subject property to be posted and/or inspected, AND hereby certify that the tract(s) or parcel(s) of land to which this request pertains *is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought*, as provided in the South Carolina Code of Laws, Section 6-29-1145, and are exempt per Section 59.35 of the Berkeley County Code of Ordinances.

Signature: Michael Mullin Date: 7-17-2022

**PROPERTY OWNER AUTHORIZATION (IF DIFFERENT FROM APPLICANT)**

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this special exception application.

Property Owner(s) Printed Name: Michael Mullins

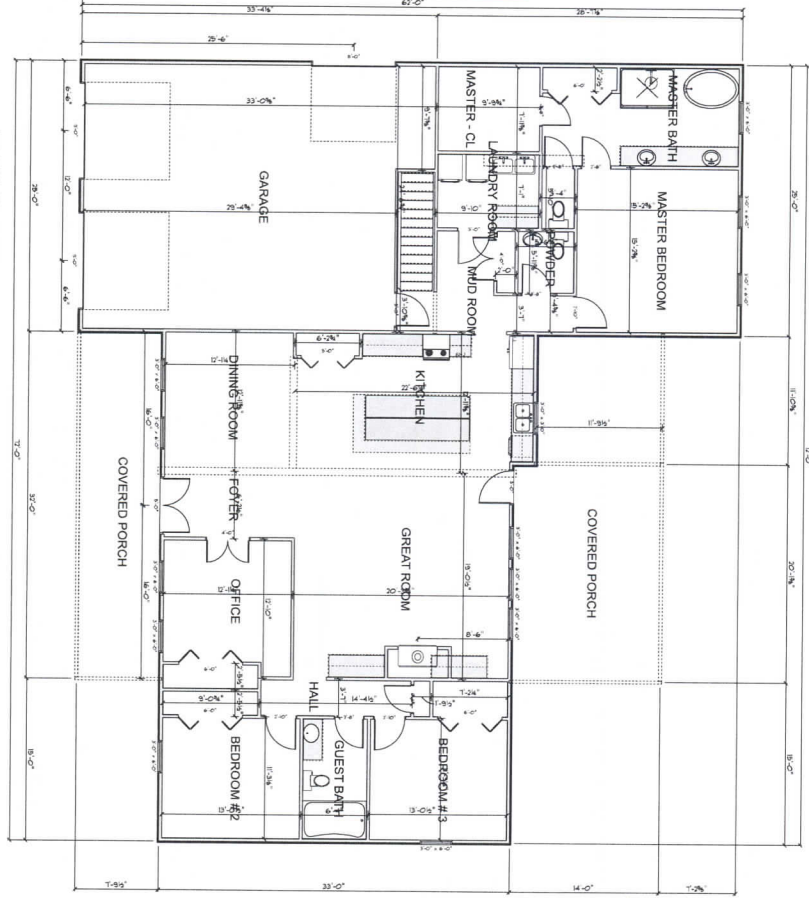
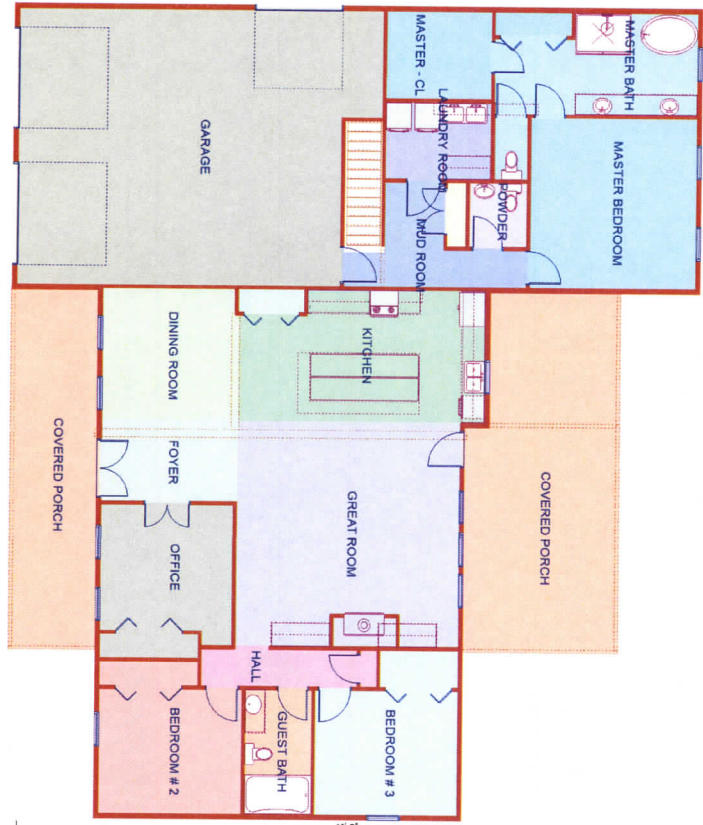
Property Owner(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE SECTION**

AMOUNT PAID: 150.00  CHECK #: 1004 ;  CASH;  ONLINE PAYMENT INTENDED  
 DATE RECEIVED: 7/18/22 ; RECEIPT NUMBER: \_\_\_\_\_  
 DATE FILED: \_\_\_\_\_ ; MEETING DATE: 8/16/22

Amanda Gil 7/18/22  
 ZONING OFFICIAL DATE





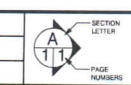
**MAIN FLOOR**  
 SCALE: 3/16" = 1'-0"  
 2388 SF living area

**Patti and Mike Mullins**  
 Lot #30 Waters Edge @ Moutrie S/D PHONE: 843.860.1074 (Patti)  
 Moncks Corner FAX:  
 South Carolina MOBILE: 843.452.1236 (Mike)  
 phughes81@att.net; uphymike@yahoo.com

PLANS ARE PREPARED BY JDS PROPERTIES & DESIGN, INC. PURSUANT TO THE PROFESSIONAL CONTRACT BETWEEN THE ARCHITECT AND THE CLIENT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE PLANS OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THE PLANS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN OF THE BUILDING AS SHOWN ON THESE PLANS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE PLANS OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THE PLANS.

**JDS Properties & Design**  
 1506 Lantern  
 Summerville  
 SC  
 29486  
 PHONE: 520-265-7332  
 FAX:  
 MOBILE: 520-265-7332  
 apachyfyw@gmail.com

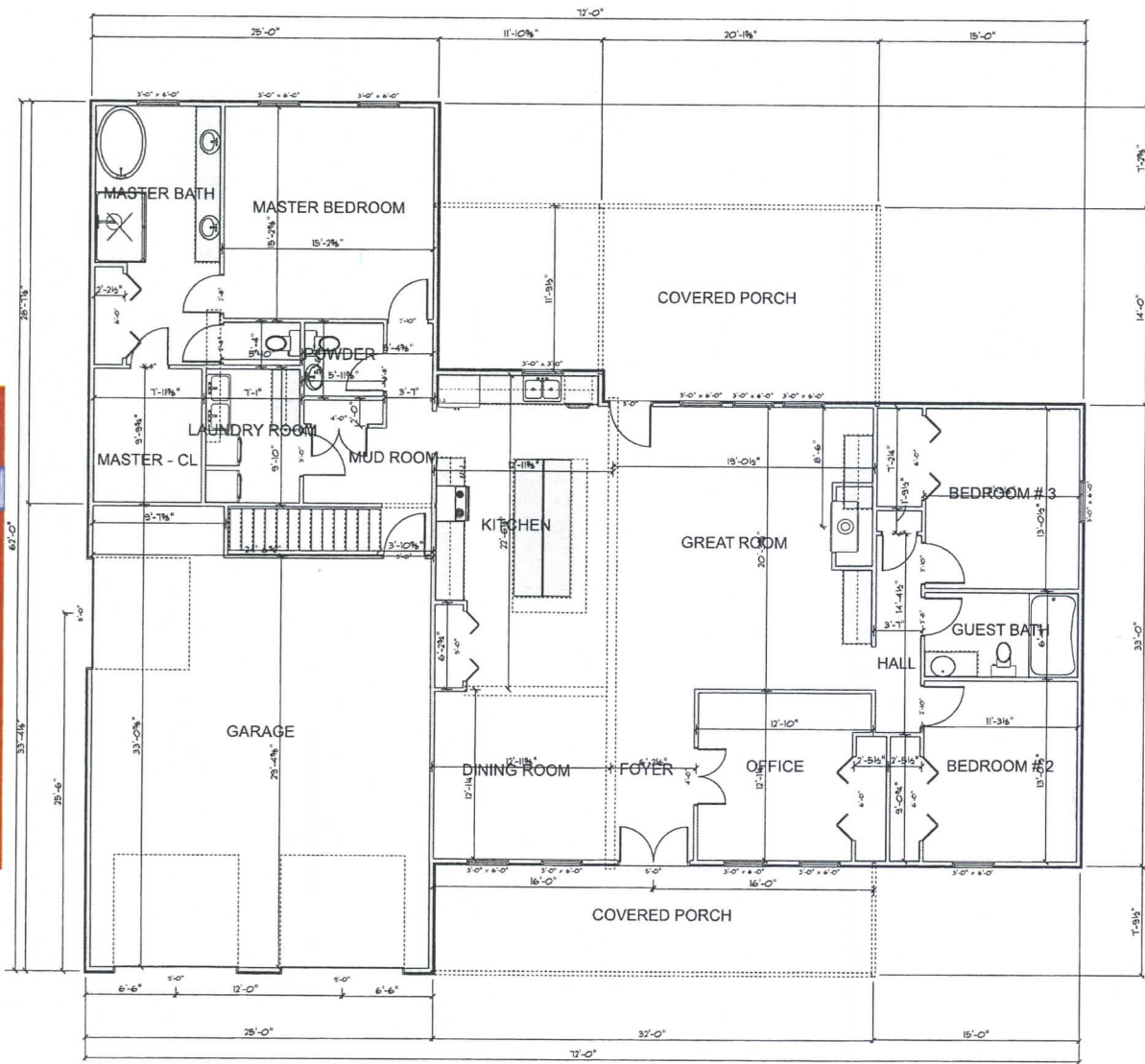
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 DRAWN BY:  
 DATE: Wednesday, June 8, 2022



APPROVED:  
 CHECKED BY:

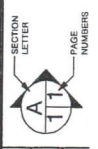
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 5/10  
 Floor Plan





**MAIN FLOOR**  
 SCALE: 3/16" = 1'-0"  
 2388 SF living area

APPROVED:  
 CHECKED BY:



SCALE: 3/16" = 1'-0"  
 DRAWN BY:  
 DATE: Wednesday, June 8, 2022

**JDS Properties & Design**  
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 FAX:  
 MOBILE: 520-285-7332  
 apachillyer@gmail.com

1306 Lantern  
 Summerville  
 SC  
 29488

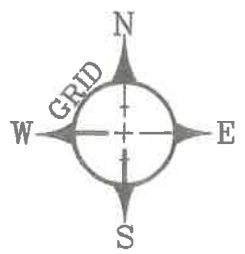
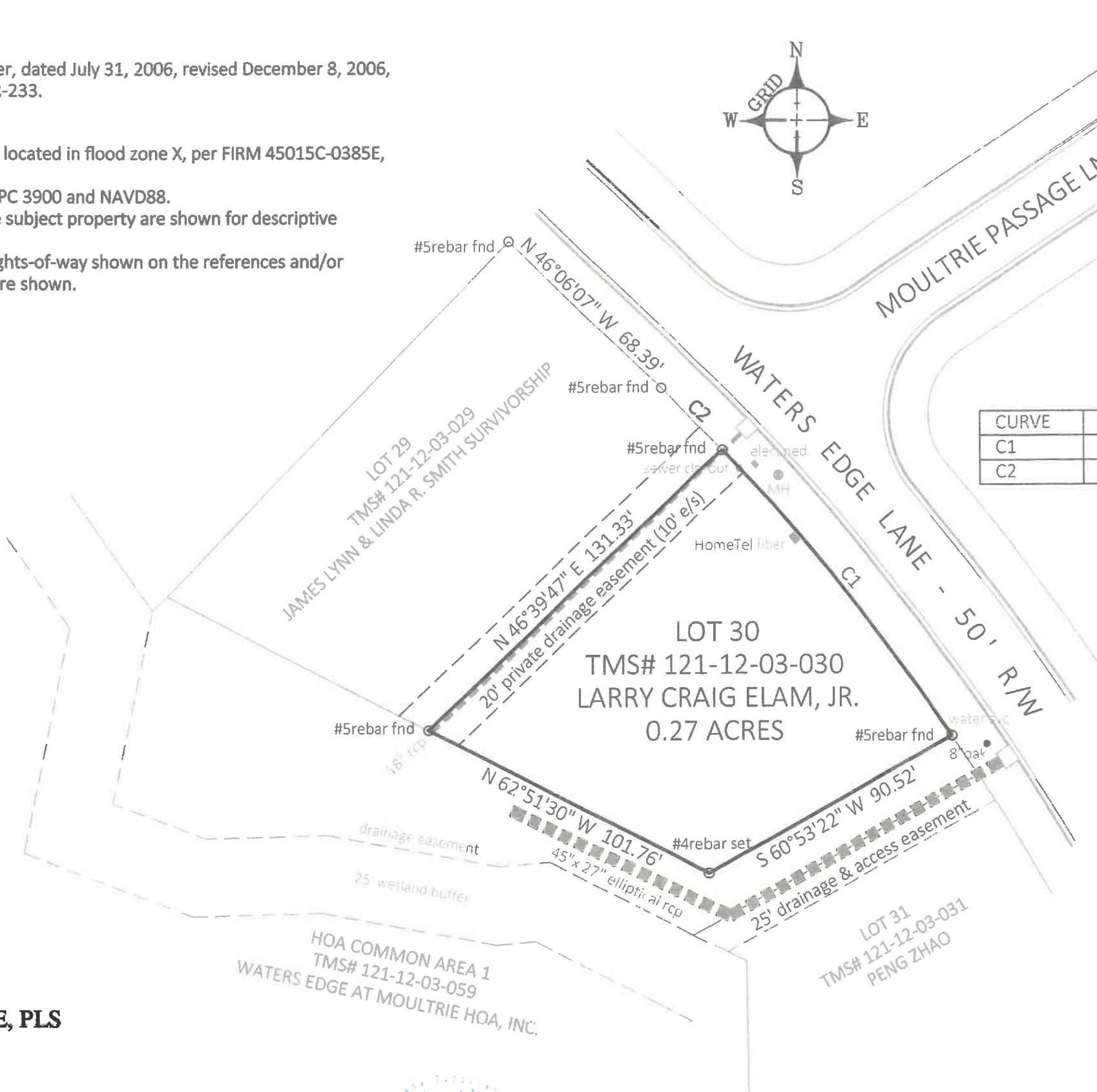
**Patti and Mike Mullins**  
 Lot #30 Waters Edge @ Mullins CID PHONE: 843.860.1074 (patt)  
 10000 Corner  
 South Carolina  
 phuphas1@att.net; uphymic@yahoo.com

REFERENCES:

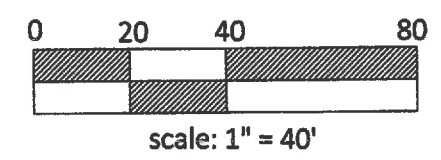
1. Plat by Timothy D. Elmer, dated July 31, 2006, revised December 8, 2006, recorded in plat cabinet R-233.

NOTES:

- 1. Property appears to be located in flood zone X, per FIRM 45015C-0385E, dated 12.7.2018.
- 2. Datum referenced to SPC 3900 and NAVD88.
- 3. Features outside of the subject property are shown for descriptive purposes only.
- 4. Only easements and rights-of-way shown on the references and/or obvious to the surveyor are shown.



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	725.00'	118.67'	118.54'	S 38°42'07" E
C2	725.00'	27.94'	27.94'	S 44°26'58" E



**Matthew J. Halter, PE, PLS**  
 120 Sandhill Path  
 Summerville, SC 29483  
 843-514-9415  
 matthewhalter@gmail.com

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

*Matthew J. Halter*  
 No. 178  
 5.11.2021

SURVEYED MAY 11, 2021  
 LOCATED IN PINOPOLIS  
 BERKELEY COUNTY  
 SOUTH CAROLINA

BOUNDARY SURVEY OF  
 LOT 30, TMS# 121-12-03-030,  
 WATERS EDGE AT MOULTRIE S/D,  
 MEASURING 0.27 ACRES,  
 ABOUT TO BE CONVEYED TO,  
 PATTI HUGHES MULLINS & MICHAEL CLAY MULLINS



Berkeley GIS



# BCGIS Mobile



Find TMS, Owner, Address, Street





11:30



March 15  
5:36 PM

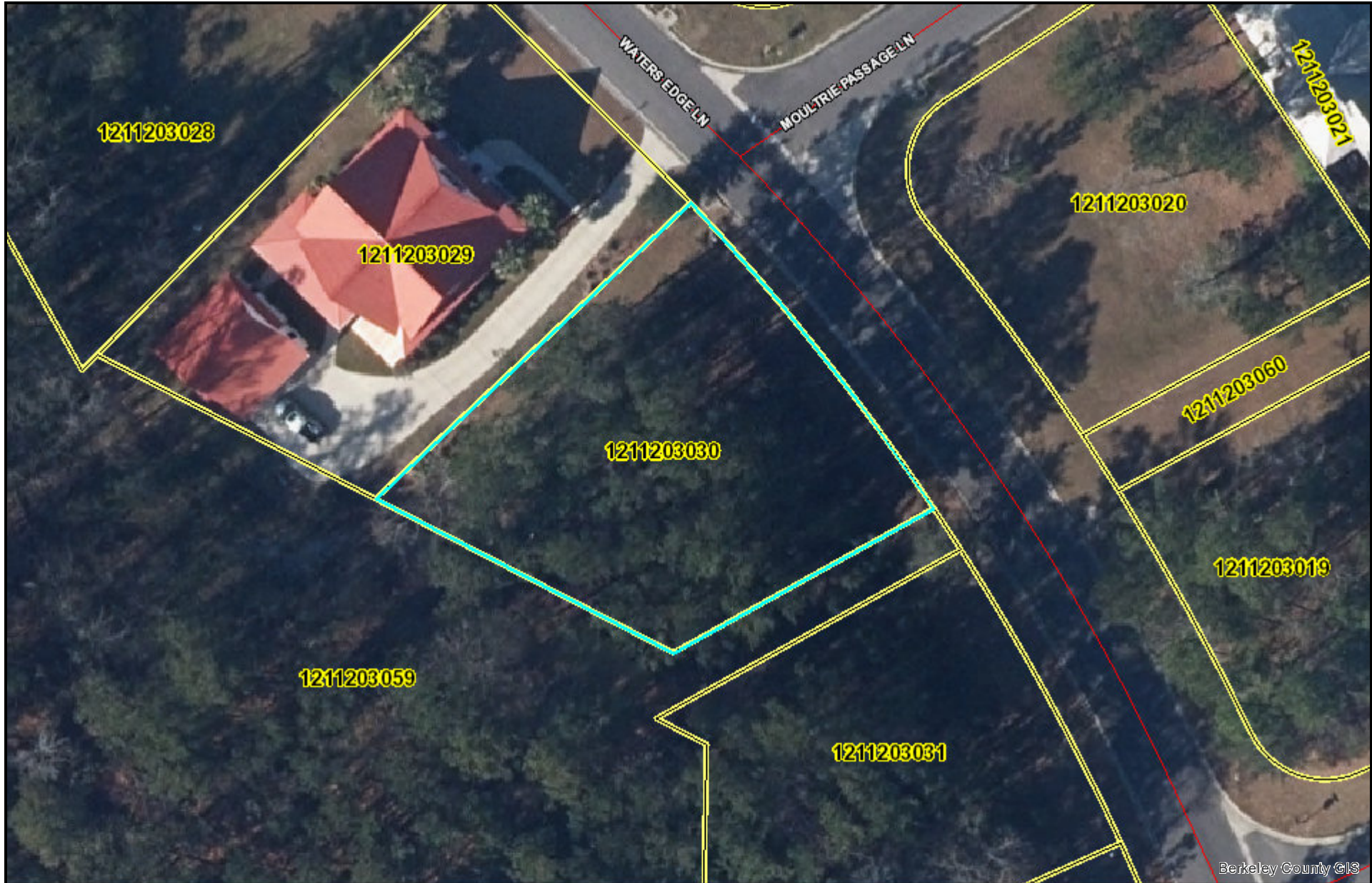
Edit

125 WATER'S EDGE LANE

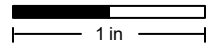




# 121-12-03-030



1 inch = 42 feet



Date: 7/20/2022

Berkeley County GIS



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## STAFF SUMMARY FOR BOARD OF ZONING APPEALS

**Topic:** TMS#: 242-00-02-059. Request from Carter Ricks of Remark Studio on behalf of Jacyelly Silva of Sunny Enterprises LLC for a special exception per §7.2.6(1) to establish an outdoor storage primary use, at/near 10028 Hwy 78 in the Ladson community. (PLSX 043081-2022)

**Prepared By:** Amanda Ellis, Planning & Zoning

**Date:** September 20, 2022

---

### Background:

#### Special Exception for Outdoor Storage

The subject property, TMS 242-00-02-059 (10028 Hwy 78), is currently zoned General Commercial (GC) and is 0.964 acres or 41,940 square feet and contains a commercial business.

- In January 2021, a site development plan was approved for the subject parcel which contemplated the demolition of an existing structure and the paving of parking areas overall. It is clear from county files that the building contemplated for demolition had been demoed, but the remaining disturbance activity was still under routine inspection.
- In July 2021, staff were contacted by a real estate agent in the interest of this subject parcel for the establishment of a swimming pool construction company.
- In December of 2021, it was brought to staff's attention by a county stormwater inspector during his routine

inspections, that there was unpermitted construction activity occurring onsite inconsistent with the approved plans. It was at this time that staff was made aware that the swimming pool construction company had purchased the subject parcel and established their business activity on site including the erection of a silo and outdoor storage of construction materials. A new site development plan had not been received or contemplated.

- In February 2022, a Notice of Violation was issued to the property owner Sunny Enterprises LLC. Jacy Silva met with staff to discuss a path forward to compliance. At the time, as staff understood the business operation, it was determined that a Special Exception for the outdoor storage would be required. The applicant was put on notice, that if the special exception is granted, they are still responsible for submitting a development review plan through the Concurrent Departmental Review process for the established business operation. They were also made aware that if the special exception is denied, given the nature of the business operations and necessary outdoor storage component, they will not be permitted to continue operations under the current General Commercial zoning.
- Since discussions began with the applicant et.al. staff have received multiple complaints from neighboring property owners regarding the noise and dust pollution. Stormwater has continued regular inspections and documented site activity.

If an outdoor storage use is proposed that exceeds the footprint allowable for an accessory outdoor storage use (25% of the total site area), a special exception is required.

Outdoor Storage as primary use is allowed in the GC district with approval of a Special Exception permit application. The special exceptions application must address applicable standards established in Section 7.2.6(1)(A) Outdoor Storage as a Primary Use in GC District, Article 17 Bufferyards, and Sections 11.2.2 and 11.2.3 pertaining to the Special Exception

Permit.

Adjacent Property Information:

- North: GC Zoning – contains a stormwater pond with an associated car dealership
- West: GC Zoning – Car Dealership
- East: R1 Zoning – Vacant land uses, held under restricted covenants, Taylor Farms Residential Development
- South: Hwy 78 and Charleston County – Office buildings

At the time that this Agenda was prepared, the Department has received a project narrative and site plan contemplating an 8' wood fence to span the front of the parcel and maintenance of the existing opaque chain link fence along the side and rear property lines. GC outdoor storage standards require a minimum 8' screen constructed of wood, brick or masonry. In addition, the required buffers in accordance with 7.2.6 shall be consistent with Business and Retail uses – a 25' Type B buffer to adjacent residential zones or uses. The placement of the silo encroaches into the required buffer area and the site plan included with the application packet does not appear to conform to require screening and buffer standards.

**Upon staff inspections and site visits, it was observed that the materials contained within the outdoor storage use as indicated by the applicant's narrative crosses into expanded areas and the silo containing materials in support of the outdoor storage component when included into the proposal brings the total size of the outdoor storage area to roughly 40% of the site.** The applicant's narrative states 8% of the site is contemplated as outdoor storage. The applicant narrative also states that the company owns/operates 6 trucks "but not all of those are actively being used." The storage of trucks/vehicles in excess of a 24-hour period thusly qualifies as outdoor storage.



*Screening.* Outdoor storage shall be enclosed by opaque fencing of at least eight feet in height, but no greater than 12 feet, as well as conform to the buffering requirements applicable to business and retail uses per articles 17 and 10.3, as applicable. For the side(s) of the facility that are within 500 feet of a street or shared access, the continuous screen shall be constructed of wood, brick, and/or masonry. For the side(s) of the facility that are located 500 or more feet from a street or shared access, the screen shall be constructed of wood, brick, masonry, and/or chain link with opaque slats. The Applicant shall specify the extent and type of vegetative buffering to be used to protect adjoining properties as prescribed in article 17.

**Please note that, because of the lot size/depth, the only type of fencing allowable for the use proposed is wood, brick, masonry.**

*Nuisance mitigation.* No outdoor storage activity shall create a nuisance or unduly disrupt the allowed uses of other property. Traffic, noise, and odors generated by the activity shall be considered when evaluating this criterion with respect to residential areas.

*Separation standards.* The outdoor storage use shall not operate within 500 feet of a public or private school, a public park or public recreation area (within the Francis Marion National Forest, includes only designated recreation areas), a residential use, a youth activity center, a public library, or a licensed childcare facility, a lot zoned primarily for residential use, or another existing or entitled (but not yet constructed) outdoor storage (primary use) facility. The applicant shall indicate the distance of the site from the nearest property that contains a residential use. The board of zoning appeals (BZA) may permit reductions in this separation standard upon demonstration of adequate alternative measures to attenuate noise and other adverse impacts. The board may consider written consent from the affected adjoining landowner(s) to the reduction and alternative measures proposed.

For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the outdoor storage use to the nearest property line of the premises of a religious institution, public or private school, youth activity center, public library, child care facility, or to a residential use; to the nearest boundary of a parcel that contains an existing or entitled (but not yet constructed) outdoor storage (primary use) facility; to the nearest boundary of any residential district or residential lot; and to the nearest active portion of a public park or public recreation area (within the Francis Marion National Forest, includes only designated recreation areas).

Should the Special Exception be approved, a full civil site plan will be required to be submitted for concurrent departmental review and, upon demonstrated conformance to the conditions established in the GC district and those imposed by the BZA, approval to meet compliance with enacted Notice of Violation.

Please see attached enclosed materials provided by both the applicant and staff.

**Attachment(s):**

[20220815\\_Special-Exception-Application.pdf](#)  
[22033\\_10028HWY78\\_ProjectNarrative\\_BZA\\_2022.08.16.pdf](#)  
[22022\\_10028hwy78\\_BZASet\\_2022.08.16\\_Final.pdf](#)  
[Aerial.pdf](#)  
[CABN 246C.pdf](#)  
[9.13.22.JPG](#)  
[9.9.22 1.JPG](#)  
[9.9.22 2.JPG](#)  
[9.9.22 3.JPG](#)  
[IMG\\_0026.JPG](#)  
[8.24.22.JPG](#)  
[JULY 7 2022 PIC SET.docx](#)  
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# BERKELEY COUNTY SC

**BERKELEY COUNTY**  
**Planning and Zoning**  
Planning and Zoning Department  
1003 Highway 52, Moncks Corner, Sc 29461

## APPLICATION FOR SPECIAL EXCEPTION PERMIT

Per Berkeley County Zoning Ordinance No. 01-8-35, Article 11.2  
(SC Code of Law 6-29-800)

Applications are due by COB of the previous month's meeting date. Application Fee is **\$150.00 (Non-Refundable)**. Cash, Card, and Check Accepted. Checks may be made out to **BERKELEY COUNTY**

### APPLICANT INFORMATION

PRINTED Name of Applicant:

Relation to Property Owner (Check One):

CARTER RICKS/ REMARK STUDIO

I am the Owner     I am the Authorized Agent

Phone #:

Email Address:

843-952-7817

CARTER@REMARKSTUDIOLL.COM

Mailing Address:

REMARK STUDIO, PO BOX 22736, CHARLESTON, SC 29413

### PROPERTY OWNER'S CONTACT INFORMATION (IF NOT STATED ABOVE)

Name:

JACYELLY SILVA

Mailing Address:

103 EDGEBROOK DRIVE, SUMMERVILLE, SC 29486

Phone #:

843-475-6933

Email Address:

JACY@AQUATICAPOOOLSANDSPAS.COM

### PROPERTY AND SUBMITTAL INFORMATION

TMS#:

242-00-02-059

Zoning:

GC

Physical Address of Subject Property:

10028 HWY 78, LADSON, SC 29456

What is the intent of this Request?

GENERAL COMMERCIAL OUTDOOR STORAGE

Present Use of the Property:

GENERAL COMMERCIAL OUTDOOR STORAGE

(1) The Applicant hereby Appeals to the Board of Zoning Appeals for a Special Exception for use of the property as GENERAL COMMERCIAL WITH OUTDOOR STORAGE and more fully described in this application, which is a permitted Special Exception under Section 7.2.6 of the Zoning Ordinance.

(2) The Applicant will meet the standards in Section 7.2.6 of the Zoning Ordinance which are applicable to the proposed Special Exception in the following manner (use additional sheets if necessary):

SEE ADDITIONAL SHEETS AND PLANS

(3) List any concession or additional requirements that you agree to for the Board of Appeals to include if the request is approved (use additional sheets if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The following information MUST BE submitted with this application:**

**1. SITE PLAN**

This should be on a copy of the recorded plat (8"x11"), if available. Sketch showing ALL existing and proposed buildings, bufferyards, roads, driveways, parking spaces, fencing, and other physical improvements in relation to the request.

**2. OPERATIONS PLAN**

This will detail how the intended use will be operated and maintained in compliance with the stated conditions applicable to the request.

**3. PROJECT NARRATIVE**

The project narrative addresses how each of the stated conditions are satisfied in the site and operations plans submittal.

**SUBMITTAL ENCLOSURES (PLEASE CHECK ALL THAT APPLY)**

- Existing Plat of Record
- Site and/or Operations Plan
- Project Narrative, addressing every stated condition required for intended use
- Traffic Impact Analysis (When Required)
- Other (please specify):

**Acknowledgments:**

I, the applicant, hereby acknowledge by my signature that this application is complete and accurate to the best of my knowledge, information, and benefit, **I have read and understand the requirements applicable for review and approval, and I am the owner of the subject property or the authorized representative of the owner.** I authorize the subject property to be posted and/or inspected.

I also hereby certify that the tract(s) or parcel(s) of land to which this approval request pertains *is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought*, as provided in the South Carolina Code of Laws, Section 6-29-1145, and are exempt per Section 59.35 of the Berkeley County Code of Ordinances.

Signature: Jayelly L. G. Silva Date: 08/15/22

**Property Owner Authorization:**

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this special exception application.

Property Owner(s) Printed Name: Jayelly L. G. Silva

Property Owner(s) Signature: Jayelly L. G. Silva Date: 8/15/22





Landscape Architecture  
1859 Summerville Ave #550  
Charleston | SC | 29405  
843.952.7817

[www.remarkstudiollc.com](http://www.remarkstudiollc.com)

**August 16<sup>th</sup>, 2022**

**10028 Highway 78  
Smart Gunite, LLC Facility  
TMS: 242-00-02-059**

### **BZA Special Exceptions Application**

Current Zoning Status: GC  
Requested Use: Accessory/Ancillary Outdoor Storage

Lot Size: 41,939 sf  
Outdoor Storage Area: 3,292 sf (8%)  
Total Impervious: 4,962 sf  
Lot Coverage Percentage: 11.83%

Arterial Overlay Requirements: Yes. See Sheet L200.  
Bufferyard Requirements: Yes. See Sheet L200.

Side Accessory Setback: 5'

Traffic Tier Determination: No Further Study – July 8, 2022- See attached confirmation.

### **Operations Plan:**

The property is used as the primary business location for Smart Gunite, LLC. Smart Gunite, LLC works in the new pool construction industry. The property is used for all aspects of the company's business: administration, parking and maintenance of company vehicles, and sand and cement storage. The property contains one building that is 3,645 sf. The building is mostly used as a garage for maintenance and loading of vehicles. There is a small office space in the building.

Sand and cement are loaded on work trucks at the site. While no materials are mixed on site, they are transported around the region where trucks mix the materials to make gunite to be installed in new pool construction projects. The employees load the trucks in the morning and take off for the jobsite where the sand and cement are mixed on at the jobsite. The trucks return for more materials depending on the size of the job.

Therefore, a determined schedule for number and frequency of trips is dependent upon the size and number of jobs in a given day. 12 trips a day is an average maximum number of trips.

The company owns six trucks but not all of those are actively being used. At maximum, there are six employees at the property at a time. Required parking spaces have been met on the plan (see L102) to comply with code requirements (10.3.5).

No additional buildings are proposed to this site.

### **Project Narrative**

As stated, the parcel contains the primary business location of Smart Gunitite, LLC. The parcel is currently zoned GC but is requesting approval via the Special Exceptions process to include outdoor storage. The site was purchased with the understanding that the aforementioned operations of the business would be allowable.

*Present Condition:* The previous owner of the property tore down the larger building that used to be located in the center of the lot. The existing opaque chain-link fence was not installed by the current owners. The current owners have only added a small ramp, concrete blocks for containing the material laydown area, and a moveable silo that is below the height requirements designated for GC by the code.

*Screening:* The proposed plan calls for an 8' wood fence to span the entire front section of the property which would replace the existing opaque chain link fence. The southeast and northeast spans of the property currently have an existing opaque chain link fence. This fence was not installed by the current owners. The plan proposes leaving the opaque chain link fence and introducing a living fence element. L200 shows confederate jasmine trained on these two spans of fencing. The owners are hoping the Board will take into consideration the fact that the opaque chain link fence was existing upon purchase of the property and understood to be compliant. Implementing a wood fence along the front of the property provides special attention to the arterial connection.

*Materials:* Sand and cement are loaded on work trucks at the site. While no materials are mixed on site, they are transported around the region where trucks mix the materials to make gunitite to line pools. Material storage makes up 8% of the property. Materials will not be stacked higher than the screening fence per the codes (7.2.6)

*Hours:* Standard work hours govern the operations of this business/property use.

*Nuisance Mitigation:* Material laydown areas will be monitored regularly to ensure proper care is being taken to prevent dust. Proposed bufferyards will assist in noise reduction.

*Separation Standards:* Seeking exception for this clause as two parcels neighboring this property are zoned R-1 they are currently dense wooded parcels. The addition of the

living fence and densely planted bufferyards will allow for proper screening of the site for any potential future development that may take place on these parcels.

*Management:* Aquatica will have a designated manager on site.

*Contact Information:* Jacyelly Silva | 843.475.6933

*Storage Specifics:* Sand and cement are stored on site at a maximum height of 8' (height of fence). The sand and cement is contained by concrete blocks that form a "U" shape, see site plan on L102, located at on the west side of the property. The material area is comprised of 3,292 sf or 8% of the total property.

*Drainage and Maintenance:* A formal stormwater review is pending on BZA approval and a conversation with Stormwater regarding the site has begun. The site plan calls for the removal of existing asphalt in order to implement the bufferyards thus reducing the imperviousness of the site. Total lot coverage is 11.83%. The addition of planting beds on three sides of the lot will enhance the drainage on site. No additional hardscape elements are proposed.

*Parking:* The proposed site plan has the required parking per article 15 of the code (Wholesaling, Warehousing, and Distribution Uses parking requirements). The company owns six trucks but not all of those are actively being used. At maximum, there are six employees at the property at a time. Required parking spaces have been met on the plan (see L102) to comply with code requirements (10.3.5). 8 spaces provided including 1 handicap parking spot. The six trucks have a designated spots at the rear of the property as well.

*Transportation considerations:* A preliminary traffic assessment was sent in for formal review. Based on the description of the operations of the site and the site plan, the engineer team requested "no further study" on the property on July 8<sup>th</sup>, 2022. See attached correspondence from the Engineering Department to this document.

*Bufferyards:* This property is located on in an Arterial Overlay District. The landscape plan on L200 shows the proposed plan to implement a 20' wide bufferyard, bringing the property into compliance with the code (10.3.4). There are no existing trees or mature vegetation on site. The northeast and southeast spans of the property neighbor R-1 zoned parcels that are presently densely wooded. The code mandates a 25' bufferyard on both sides (article 17). Efforts were made to implement a 25' bufferyard on two sides, but the function on the property would have been compromised. The operations and vehicular flow needed to carry out day to day tasks on the property be rendered impossible with such deep planting beds. Because the front bufferyard is compliant and front span is a wood fence, the hope is the that the Board will consider a reduction in bufferyards for the other two sides (17.7.3). The plan on L200 shows these reduced by half (12'-6") while still meeting the planting requirements, as another effort to show compliance, both spans of opaque chain link fence will be fashioned into a living fence. The intent is to avoid disruptive removal of already existing fence and instead create a additional screening through the training of confederate jasmine. As

mentioned, all of the planting requirements have been met, simply the depth of the bufferyards has been decreased for Board consideration.







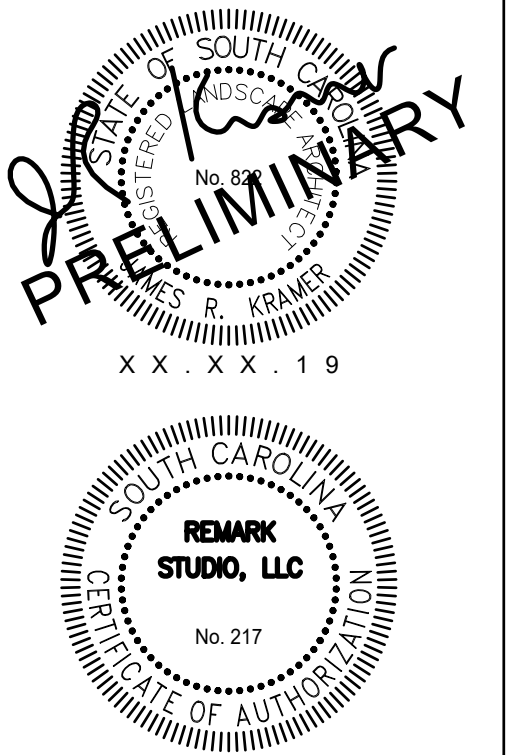
**REMARK**  
 landscape architecture

1859 summerville ave.  
 suite 550  
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 M843.303.6798  
 E jr@remarkstudioinc.com  
 W remarkstudioinc.com

i n n o v a t i o n  
 c o l l a b o r a t i o n  
 s t e w a r d s h i p

# 10028 HIGHWAY 78

Ladson, South Carolina



10028 US HIGHWAY 78  
 August 2022

SCHEDULE OF DRAWINGS	
SHEET NO.	DESCRIPTION
L000	PLAT PLAN
L100	EXISTING CONDITIONS
L101	DEMOLITION PLAN
L102	SITE PLAN
L200	LANDSCAPE PLAN
L201	PLANTING DETAILS
L300	SITE DETAILS

1 0 0 2 8 H I G H W A Y 7 8  
 L A D S O N , S O U T H C A R O L I N A

PROJECT #: 22022  
 DATE: 08.16.22  
 DRAWN BY: HCR  
 CHECKED BY: JRK  
 REVISIONS:  
 DATE: XX. XX. XX

S T A T U S :  
 bza special exceptions



GENERAL NOTES:

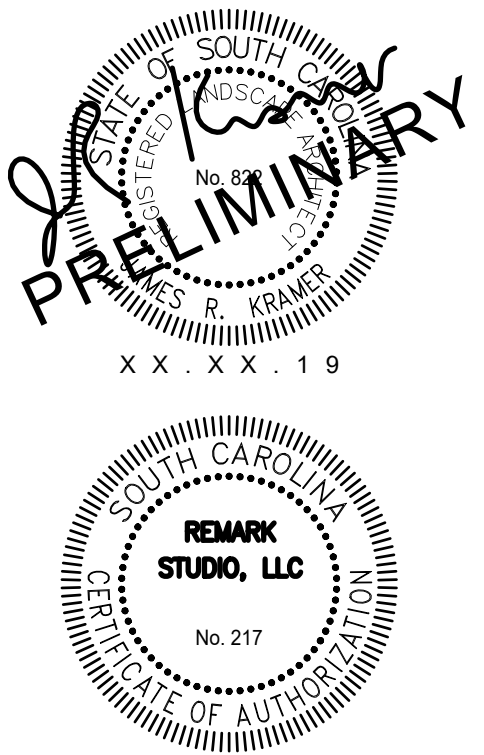
1. BASE INFORMATION PROVIDED BY A SURVEY OBTAINED FROM GLENN ASSOCIATES SURVEYING, AND A SITE VISIT PERFORMED BY REMARK STUDIO, LLC. REMARK STUDIO, LLC ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THIS INFORMATION.
2. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE CABLE LOCATOR SERVICE 811 TO LOCATE ALL EXISTING UNDERGROUND ELECTRICAL AND TELEPHONE UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR TO MAKE THESE CONTACTS PRIOR TO BEGINNING WORK.
3. THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION IN AREAS WHERE ADDITIONAL UNDERGROUND UTILITIES MAY EXIST. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES, BOTH KNOWN AND UNKNOWN. CONTRACTOR SHALL OBSERVE SAFETY PRACTICES WHILE WORKING NEAR VEHICULAR TRAFFIC.
4. THE CONTRACTOR SHALL VERIFY PLANS IN THE FIELD AND NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.
5. CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL NECESSARY LICENSES AND INSURANCE TO COMPLETE WORK.
6. CONTRACTOR SHALL SUBMIT SCHEDULE OF WORK TO REMARK STUDIO ONCE CONTRACT IS AWARDED.



**REMARK**  
landscape architecture

1859 summerville ave.  
suite 550  
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M843.303.6798  
E jr@remarkstudioinc.com  
W remarkstudioinc.com

innovation  
collaboration  
stewardship



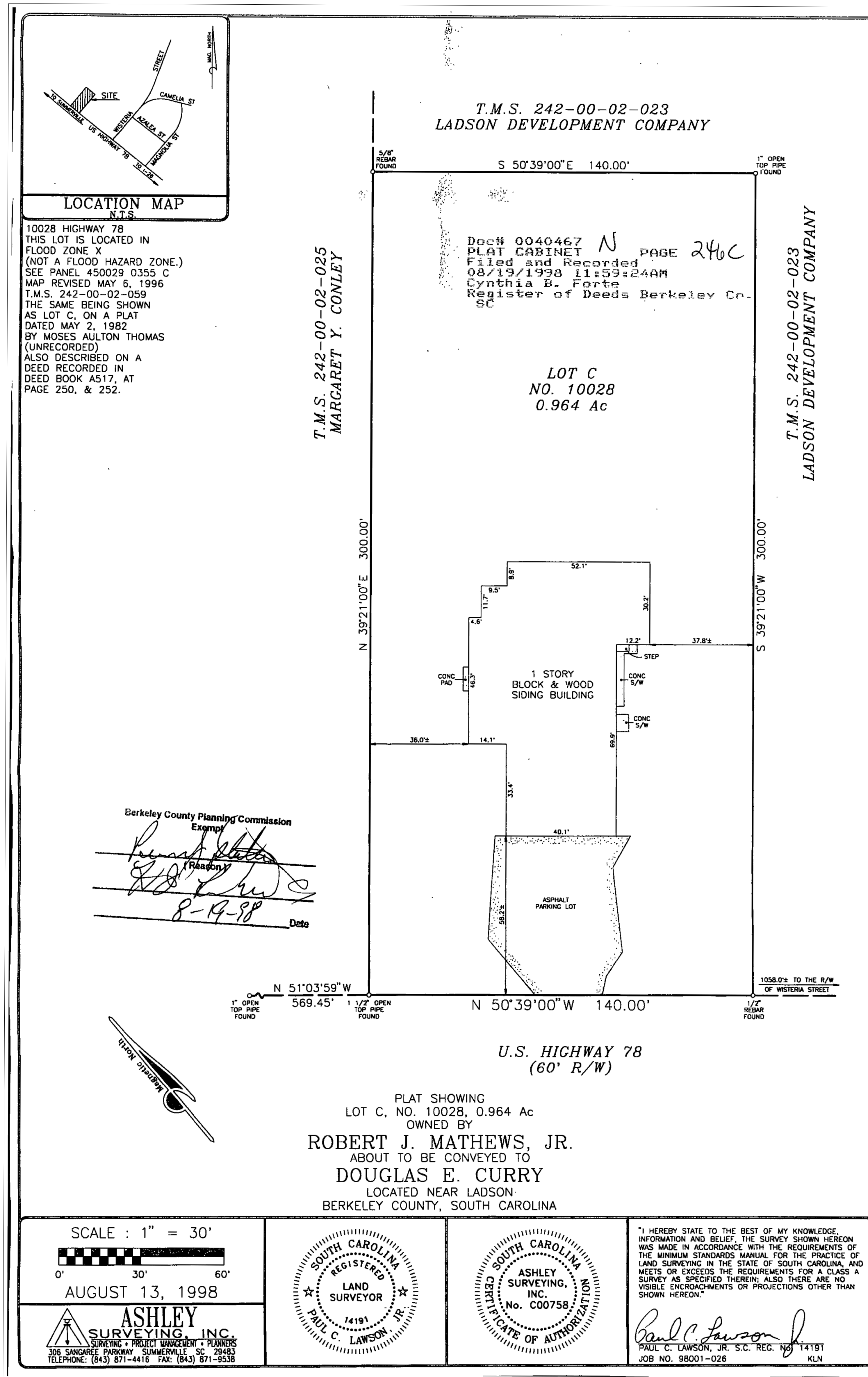
10028 HIGHWAY 78  
LADSON, SOUTH CAROLINA

PROJECT #: 22022  
DATE: 08.16.22  
DRAWN BY: HCR  
CHECKED BY: JRK  
REVISIONS:  
DATE: XX.XX.XX

PLAT PLAN

STATUS:  
bza special exceptions

L000



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GENERAL NOTES:

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1859 summerville ave.  
suite 550  
charleston, sc 29405  
P843.952.7817  
M843.303.6798  
E jr@remarkstudio.com  
W remarkstudio.com

innovation  
collaboration  
stewardship



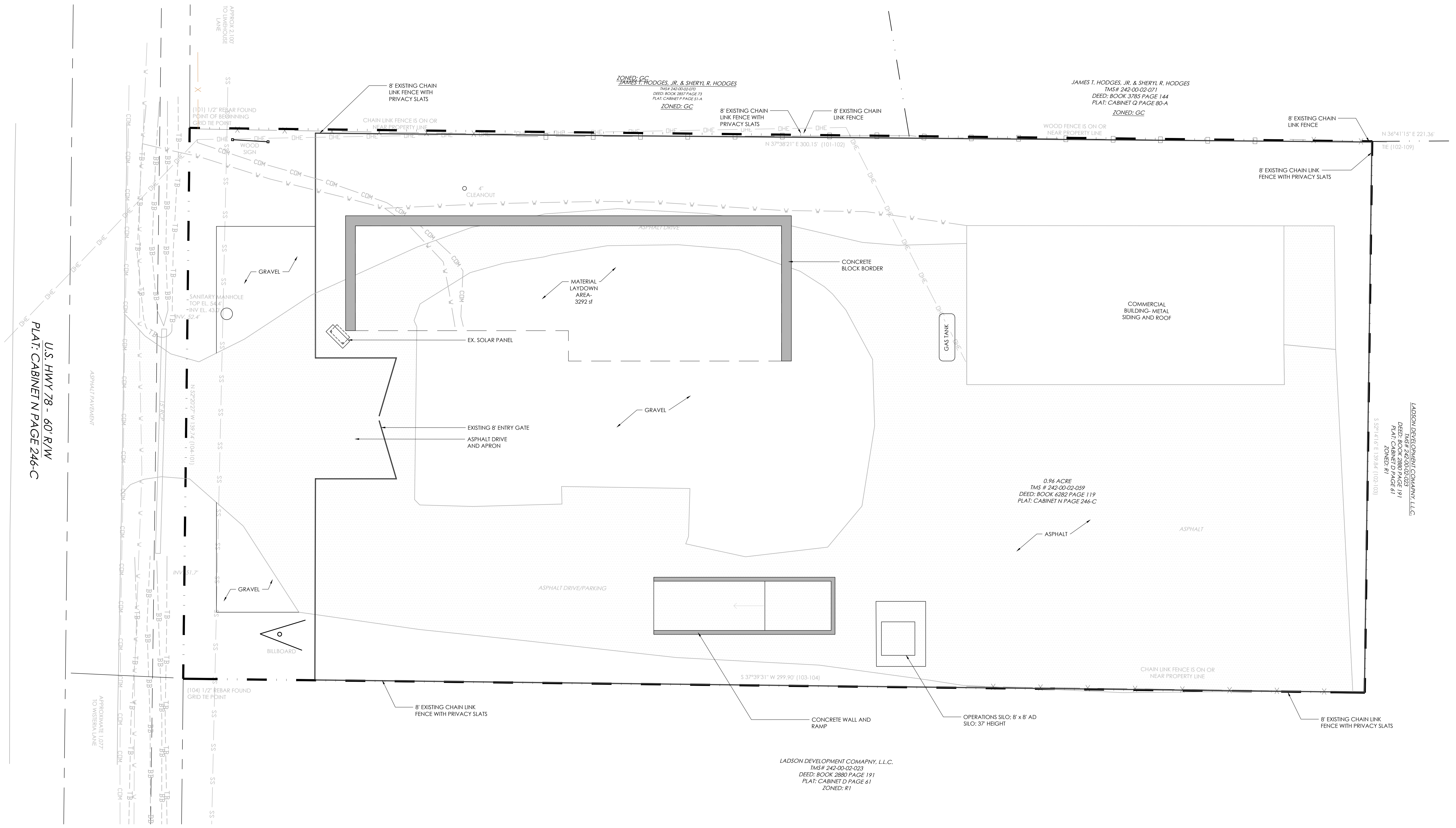
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LADSON, SOUTH CAROLINA

PROJECT #: 22022  
DATE: 08.16.22  
DRAWN BY: HCR  
CHECKED BY: JRK  
REVISIONS:  
DATE: XX.XX.XX

EXISTING  
CONDITIONS

STATUS:  
bza special exceptions

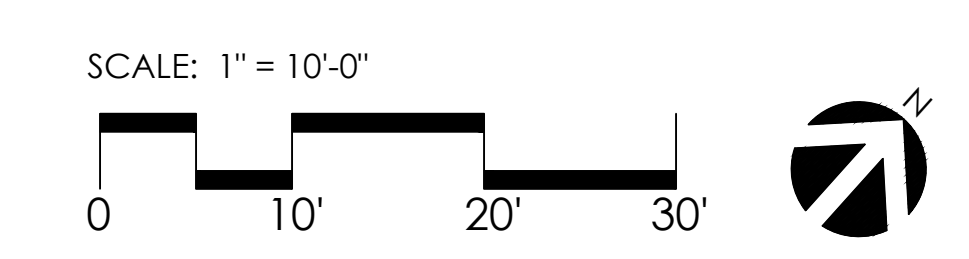
L 100



LADSON DEVELOPMENT COMPANY, LLC.  
TMS # 242-00-02-023  
DEED: BOOK 2880 PAGE 191  
PLAT: CABINET D PAGE 61  
ZONED: R1

0.94 ACRE  
TMS # 242-00-02-059  
DEED: BOOK 6282 PAGE 119  
PLAT: CABINET N PAGE 246-C

LADSON DEVELOPMENT COMPANY, LLC.  
TMS # 242-00-02-023  
DEED: BOOK 2880 PAGE 191  
PLAT: CABINET D PAGE 61  
ZONED: R1



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**IMPERVIOUS DISTURBANCES**  
 AREA OF DISTURBANCE FOR ASPHALT REMOVAL: 3,140 SF  
 AREA OF DISTURBANCE FOR ADDITIONAL SITE ELEMENTS: 160 SF

**PERVIOUS DISTURBANCES:**  
 AREA OF DISTURBANCE FOR GRAVEL REMOVAL: 947 SF  
 TOTAL AREA OF DISTURBANCE: 4,247 SF OR 0.1 ACRES

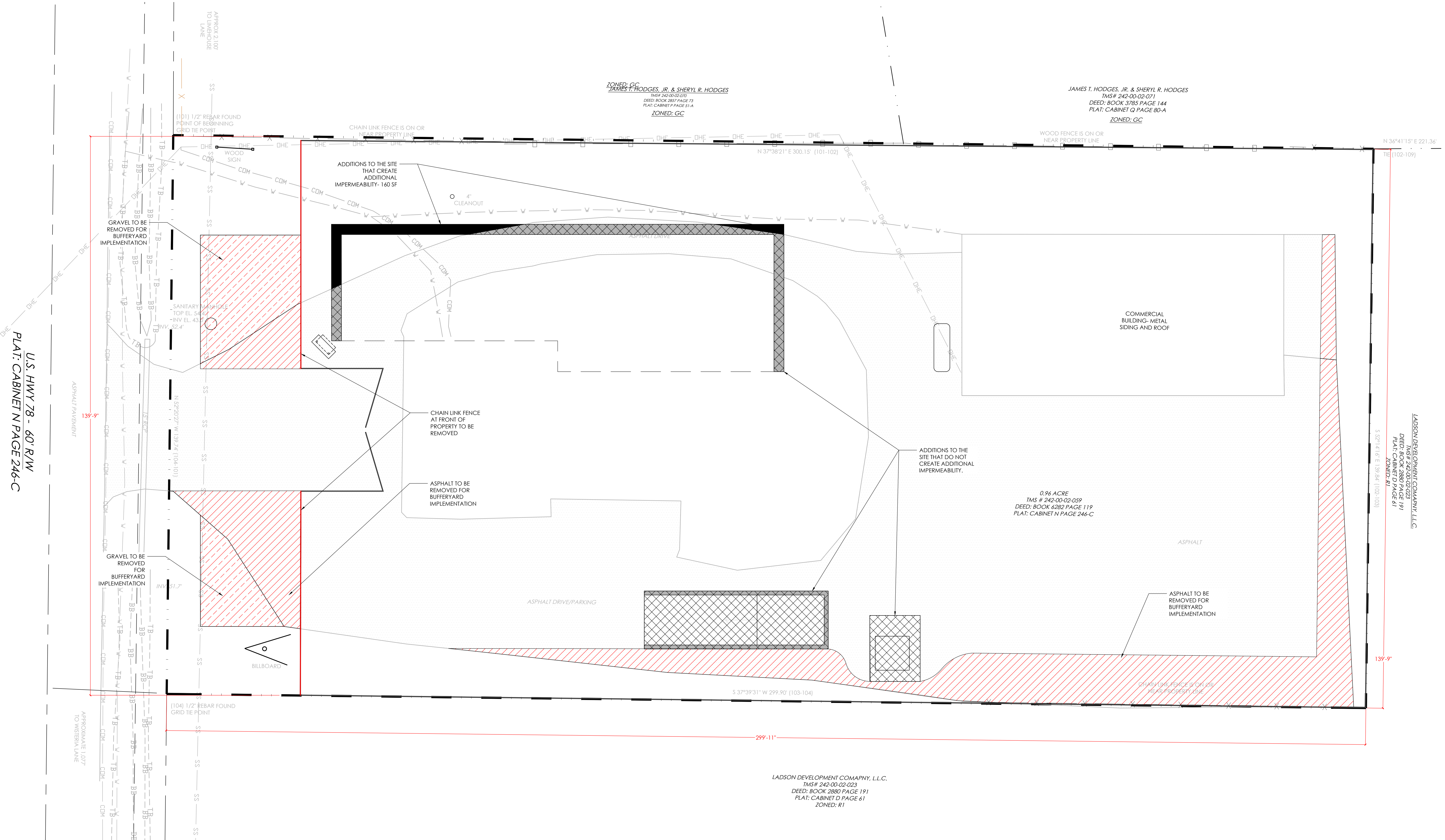
**DEMO & CONSTRUCTION LEGEND:**

	REMOVE EXISTING ASPHALT - 3,159
	REMOVE EXISTING GRAVEL - 947 SF
	PREVIOUS DISTURBANCE - SITE ELEMENTS - DOES NOT IMPACT IMPERMEABILITY - 1,156 SF
	PREVIOUS DISTURBANCE - SITE ELEMENTS - IMPACTS IMPERMEABILITY - 160 SF

**REMARK**  
 landscape architecture

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 M843.303.6798  
 E jr@remarkstudioinc.com  
 W remarkstudioinc.com

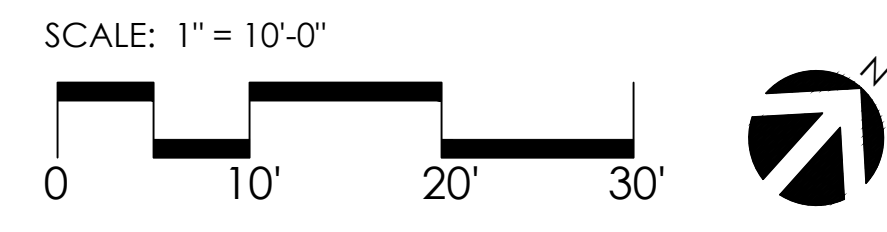
innovation  
 collaboration  
 stewardship



10028 HIGHWAY 78  
 LADSON, SOUTH CAROLINA

PROJECT #: 22022  
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 DRAWN BY: HCR  
 CHECKED BY: JRK  
 REVISIONS:  
 DATE: XX.XX.XX

**DEMOLITION PLAN**



STATUS:  
 bza special exceptions



**GENERAL NOTES:**

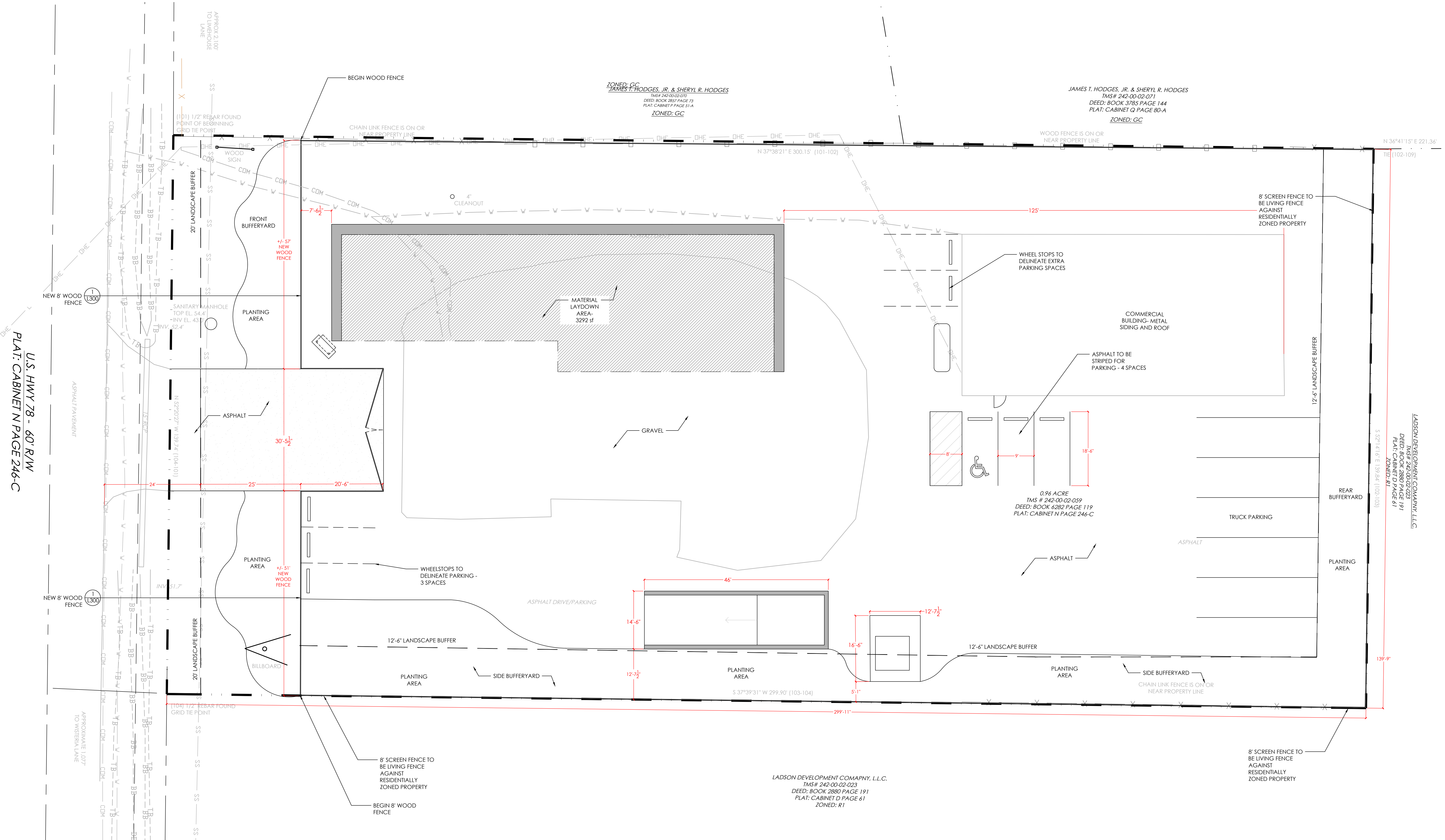
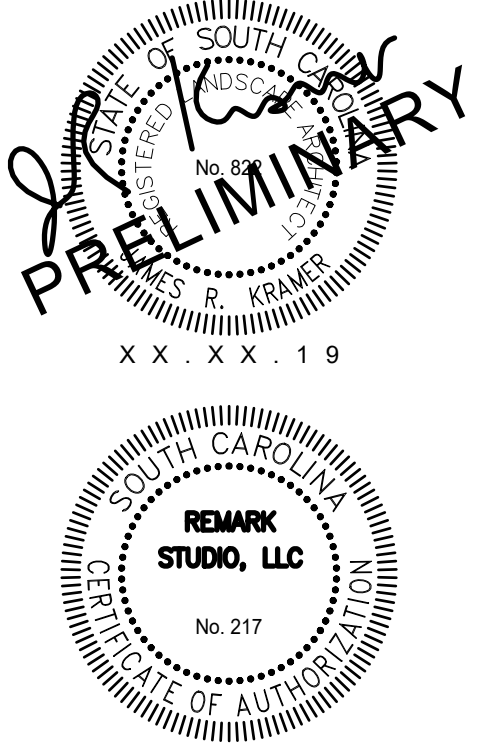
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ZONING CLASSIFICATION: GC  
 ADJACENT PROPERTY: GC / USED CAR SELLER - SIDE R1 - REAR AND SIDE  
 MAXIMUM NUMBER OF EMPLOYEES: 6  
 PARKING SPACES REQUIRED: 6  
 PARKING SPACES PROVIDED: 8 (1 HANDICAP)  
 ACCESSORY STRUCTURE SETBACK: 5'  
 DESIGNATED MANAGER: YES

LOT SIZE: 41,939 SF	
OUTDOOR STORAGE AREA:	3292 SF (8%)
LOT COVERAGE:	
MAIN BUILDING FOOTPRINT:	3,645 sf
RAMP:	667 sf
OPERATION TOWER FOOTPRINT:	208 sf
CONCRETE BLOCK:	462 sf
TOTAL IMPERVIOUS:	4,982 sf
LOT COVERAGE PERCENTAGE:	11.83 %

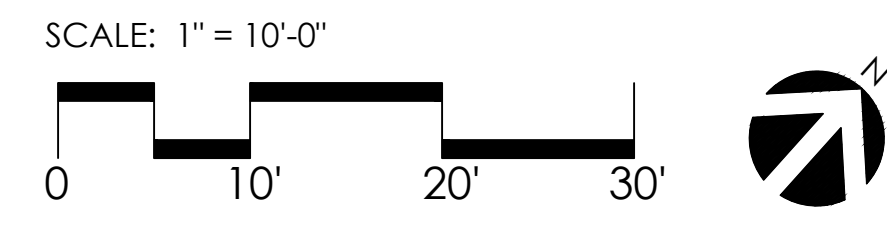
**REMARK**  
 landscape architecture  
 1859 summerville ave.  
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 charleston, sc 29405  
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 E jr@remarkstudioinc.com  
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 collaboration  
 stewardship



10028 HIGHWAY 78  
 LADSON, SOUTH CAROLINA

PROJECT #: 22022  
 DATE: 08.16.22  
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**SITE PLAN**



STATUS:  
 bza special exceptions

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**BUFFERYARD REQUIREMENTS:**  
 10.3.4 ARTERIAL ROAD OVERLAY DISTRICT:  
 20' WIDE BUFFERYARD AT FRONT OF PROPERTY (CALCULATED PER 140 LINEAR FEET)  
**REQUIRED:** 3 CANOPY TREES/6 UNDERSTORY TREES/ 17 SHRUBS  
**PROVIDED:** 4 CANOPY TREES/6 UNDERSTORY TREES/ 41 SHRUBS  
**REAR BUFFERYARD:**  
 25' LANDSCAPE BUFFER (CALCULATED PER 300 LINEAR FEET)  
**REQUIRED:** 4 CANOPY TREES/6 UNDERSTORY TREES/ 35 SHRUBS  
**PROVIDED:** 4 CANOPY TREES/6 UNDERSTORY TREES/ 67 SHRUBS  
**SIDE BUFFERYARD:**  
 25' LANDSCAPE BUFFER (CALCULATED PER 300 LINEAR FEET)  
**REQUIRED:** 9 CANOPY TREES/12 UNDERSTORY TREES/ 75 SHRUBS  
**PROVIDED:** 9 CANOPY TREES/14 UNDERSTORY TREES/ 107 SHRUBS  
 ADDITIONAL: 56 NATIVE GRASSES/ 117 NATIVE VINES

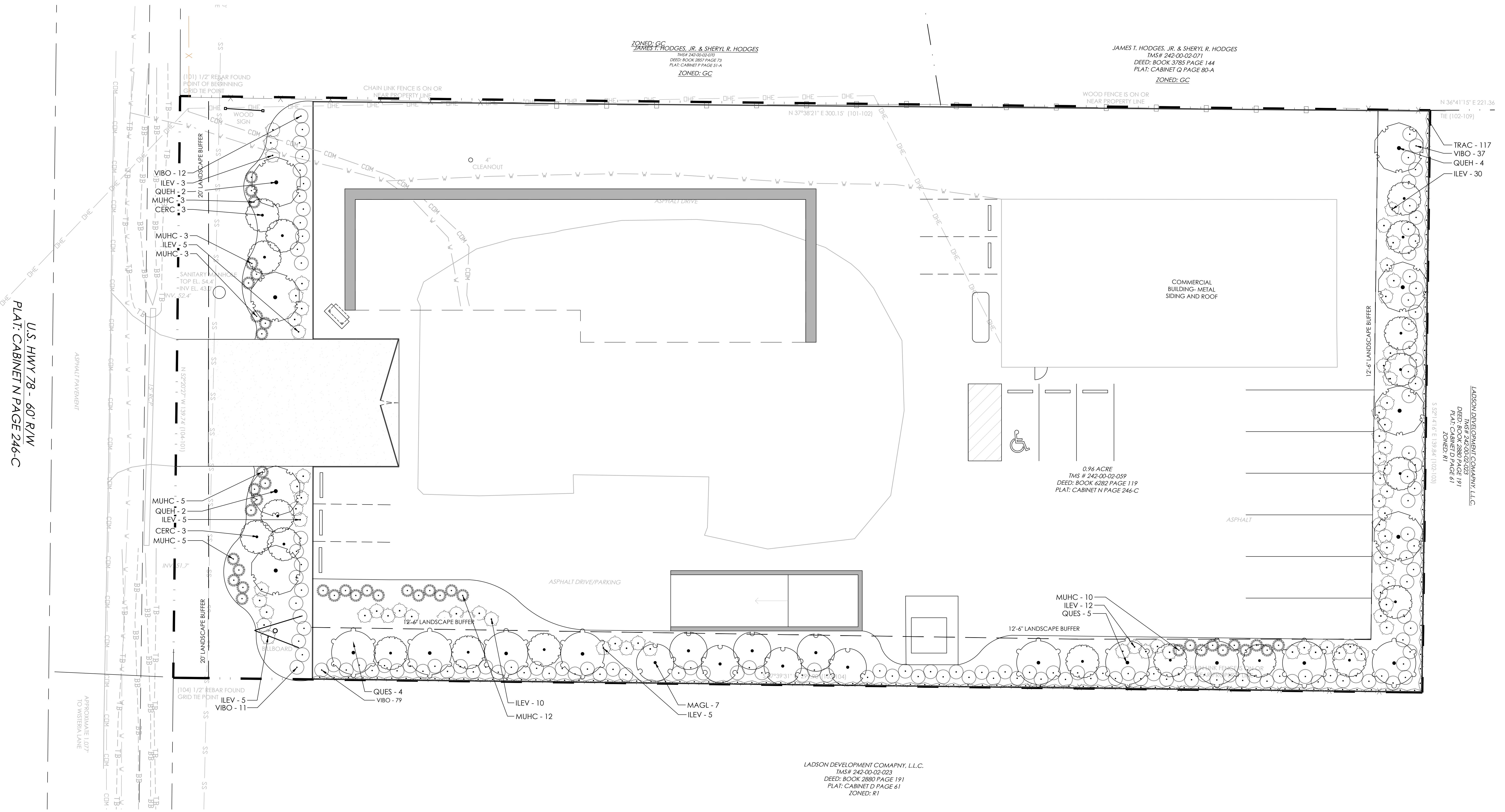
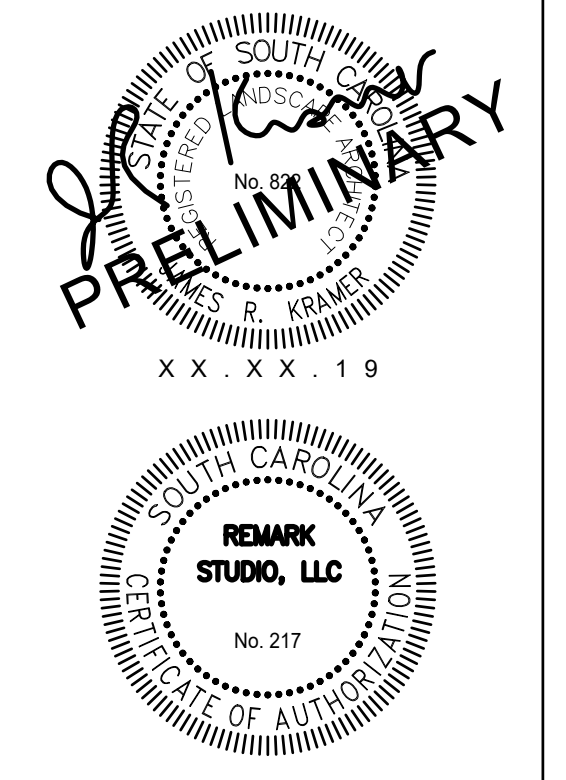
**PLANT SCHEDULE**

TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS
	CERC	CERCIS CANADENSIS	EASTERN REDBUD 'OKLAHOMA'	2" CAL.	19	6' HEIGHT
	MAGL	MAGNOLIA GRANDIFLORA 'LITTLE GEM'	LITTLE GEM DWARF SOUTHERN MAGNOLIA	6" HT	7	
	QUES	QUERCUS SHUMARDII	SHUMARD RED OAK	2" CAL.	9	8' HEIGHT MIN.
	QUEH	QUERCUS VIRGINIANA 'QVITA'	HIGHRISE LIVE OAK	2" CAL.	8	8' HT MINIMUM
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS
	ILEV	ILEX VOMITORIA	YAUPOH HOLLY	7 GAL.	76	24" HEIGHT MIN.
	MUHC	MUHLBERGIA CAPILLARIS	PINK MUHLY GRASS	1 GAL.	41	
	VIBO	VIBURNUM ODORATISSIMUM	SWEET VIBURNUM	3 GAL.	136	24" HT MIN.
VINES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS
	TRAC	TRACHELOSPERMUM JASMINOIDES 'CONFEDERATE'	CONFEDERATE JASMINE	3 GAL.	117	



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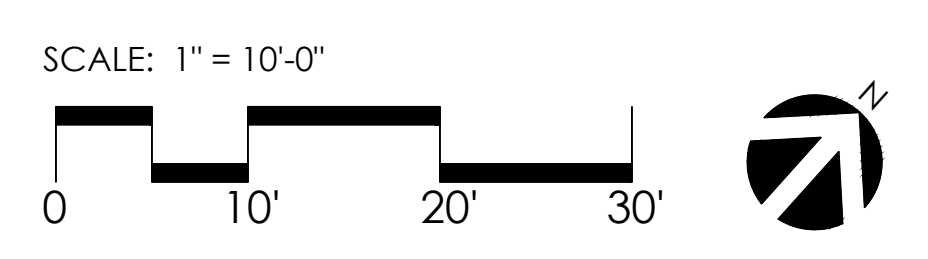


U.S. HWY 78 - 60' R/W  
 PLAT: CABINET N PAGE 246-C

1 0 0 2 8 H I G H W A Y 7 8  
 L A D S O N , S O U T H C A R O L I N A

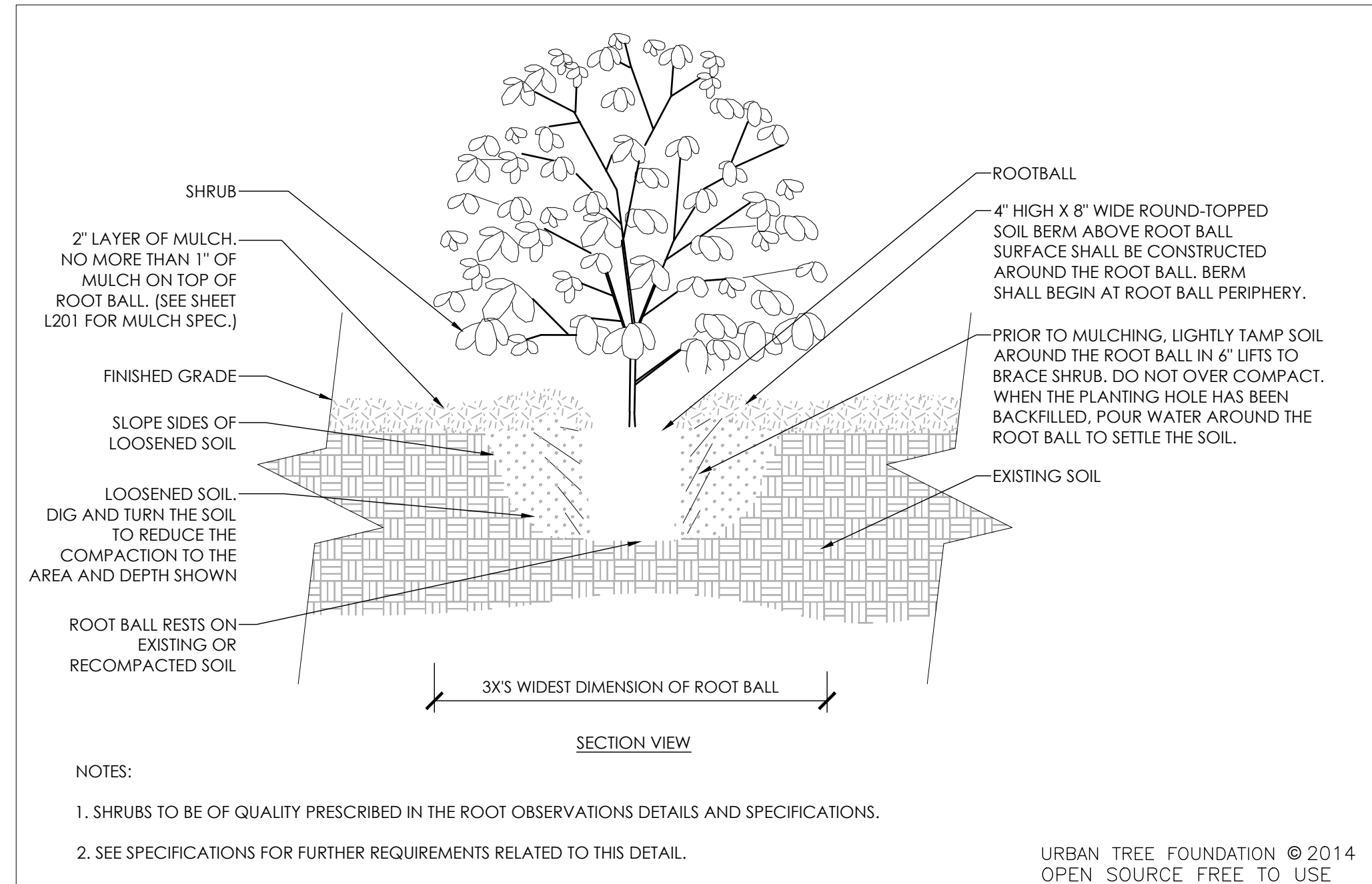
PROJECT #: 22022  
 DATE: 08.16.22  
 DRAWN BY: HCR  
 CHECKED BY: JRK  
 REVISIONS:  
 DATE: XX.XX.XX

**LANDSCAPE PLAN**

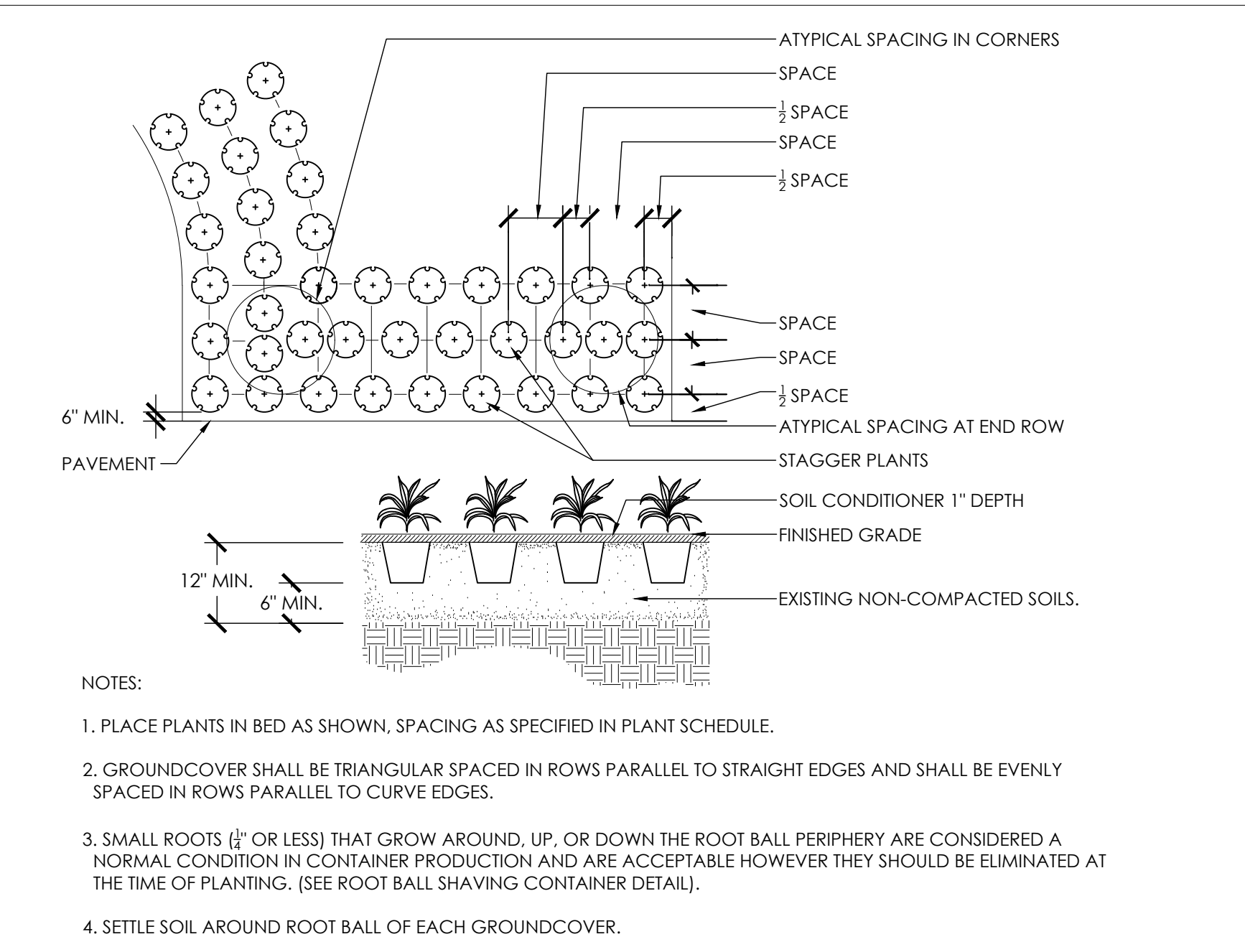


STATUS:  
 bza special exceptions

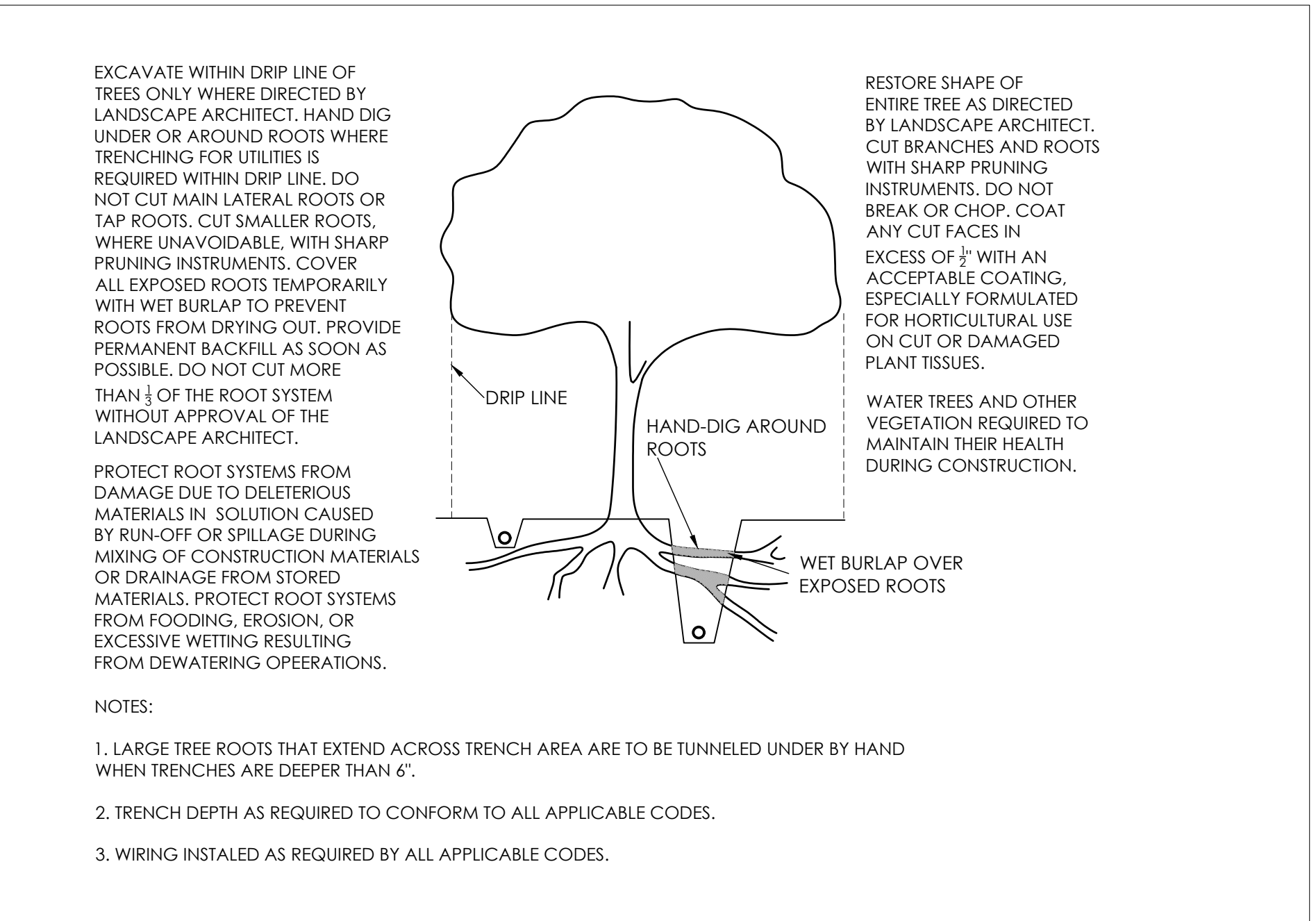




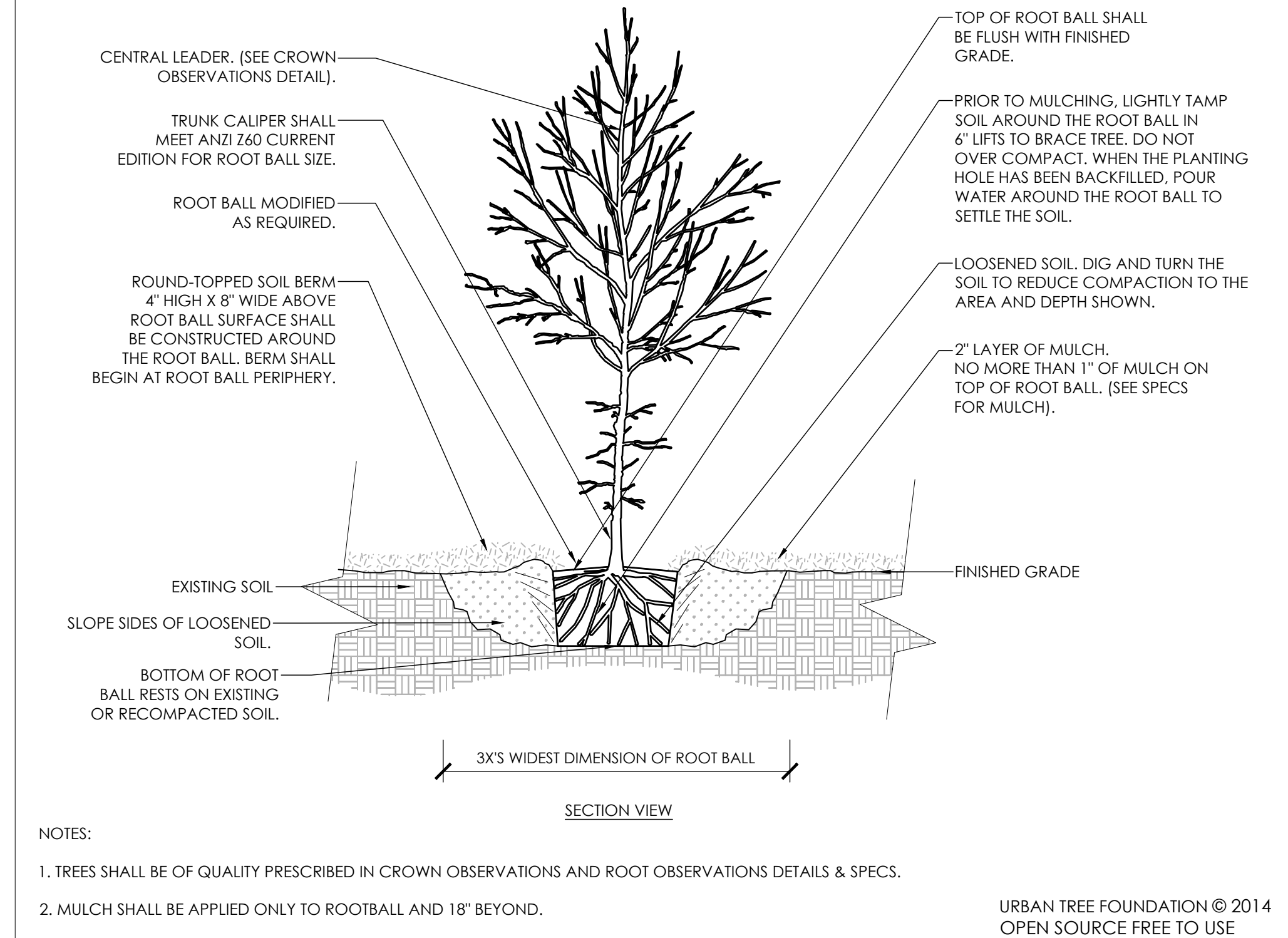
1 SHRUB PLANTING DETAIL  
N.T.S.



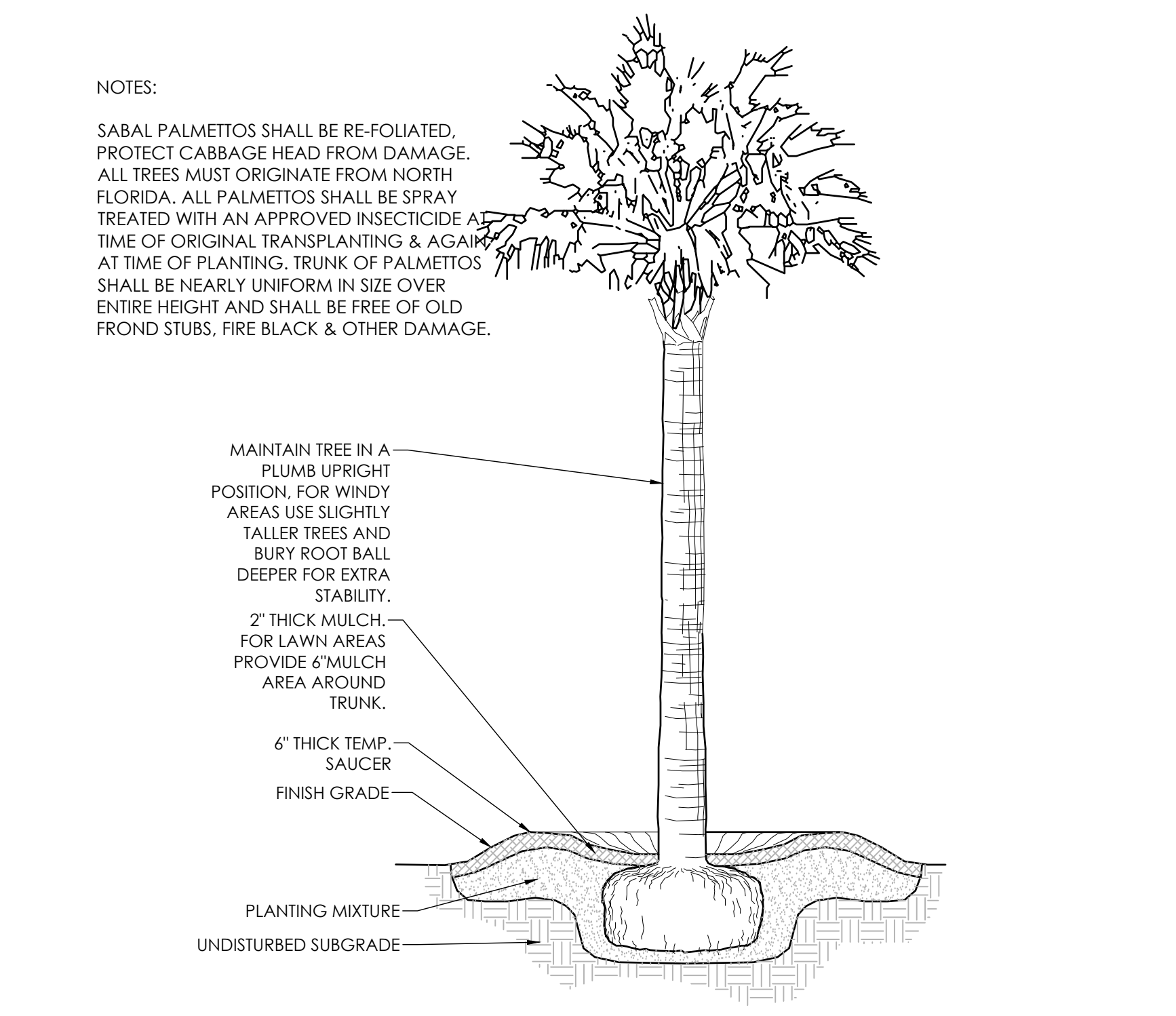
2 GROUND COVER PLANTING DETAIL  
N.T.S.



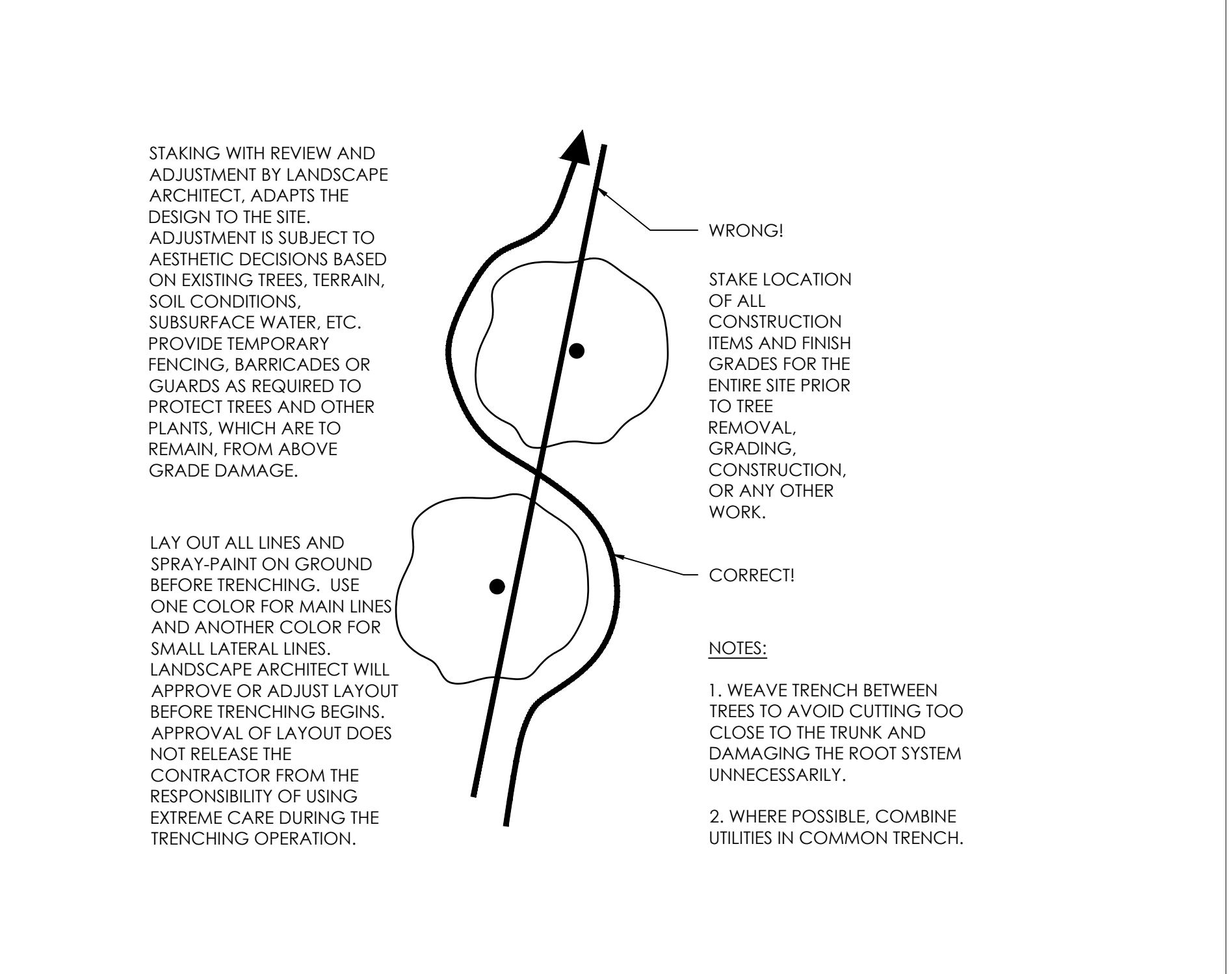
3 TRENCHING DETAIL - SECTION  
N.T.S.



4 TREE PLANTING DETAIL  
N.T.S.



5 PALM PLANTING DETAIL  
N.T.S.



6 TRENCHING DETAIL - PLAN  
N.T.S.

**REMARK**  
landscape architecture

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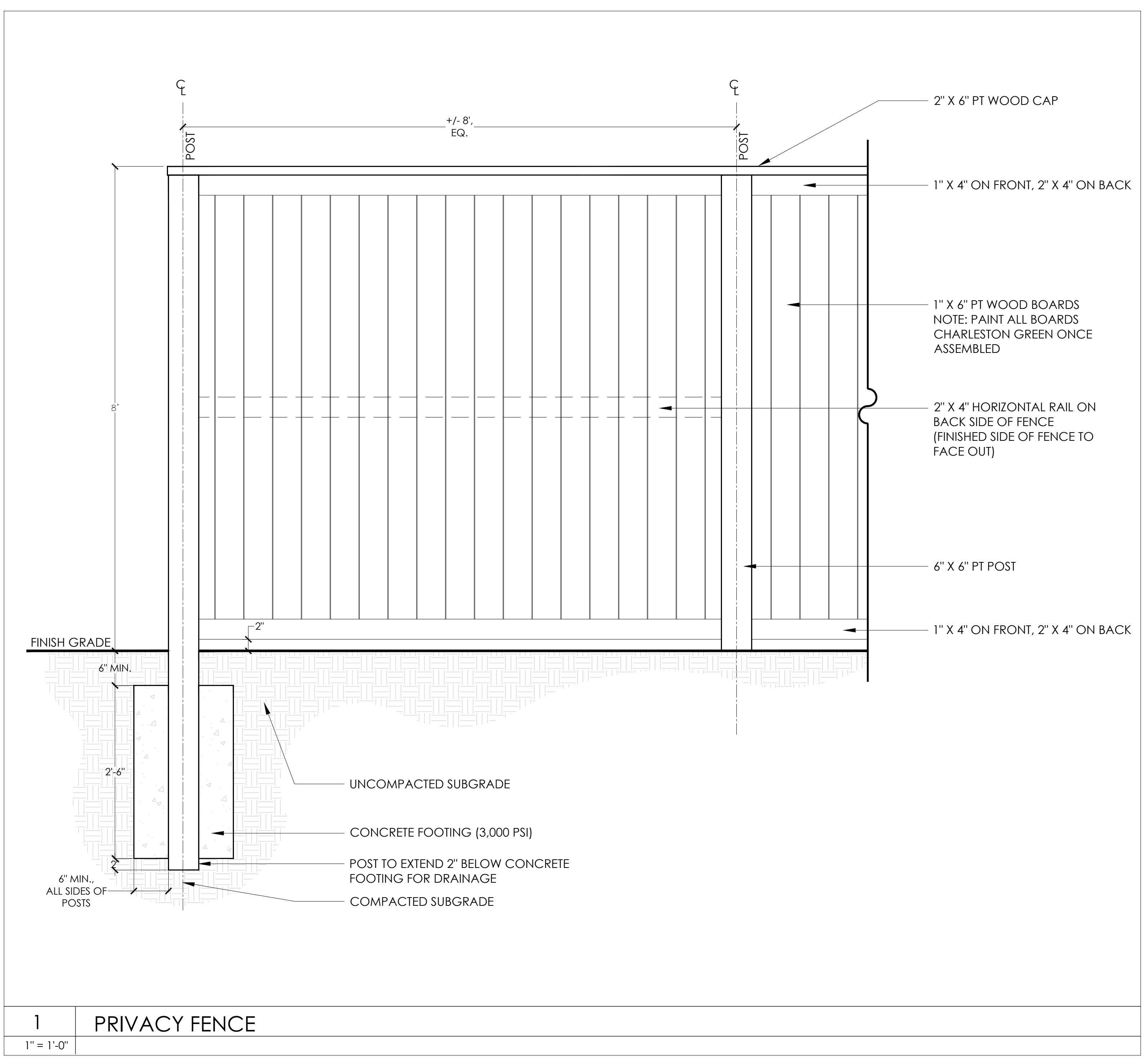
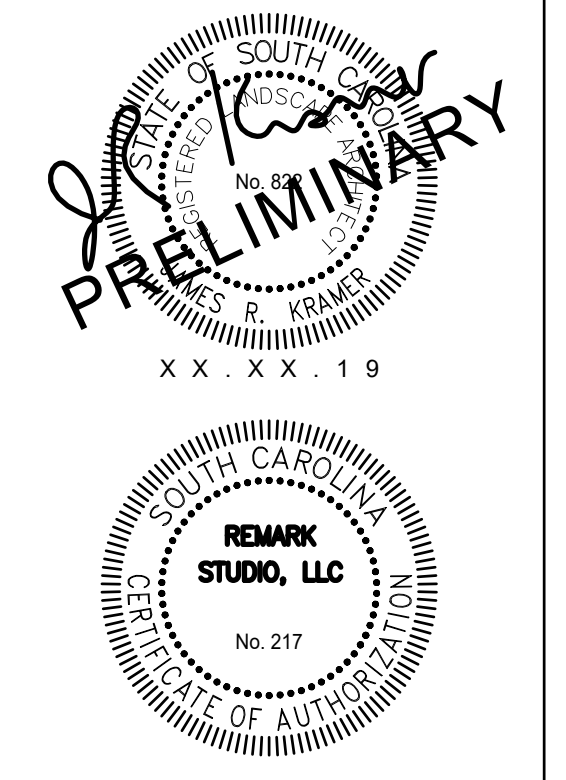
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L A D S O N , S O U T H C A R O L I N A

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STATUS:  
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L 2 0 2





1	PRIVACY FENCE
1" = 1'-0"	

1 0 0 2 8 H I G H W A Y 7 8  
L A D S O N , S O U T H C A R O L I N A

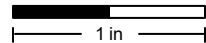
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DATE: XX. XX. XX

S T A T U S :  
bza special exceptions

242-00-02-059



1 inch = 83 feet



Date: 8/17/2022

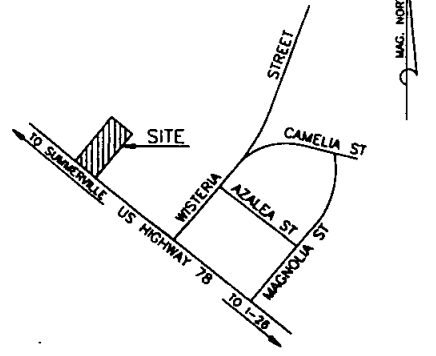
Berkeley County GIS



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T.M.S. 242-00-02-023  
LADSON DEVELOPMENT COMPANY



LOCATION MAP  
N.T.S.

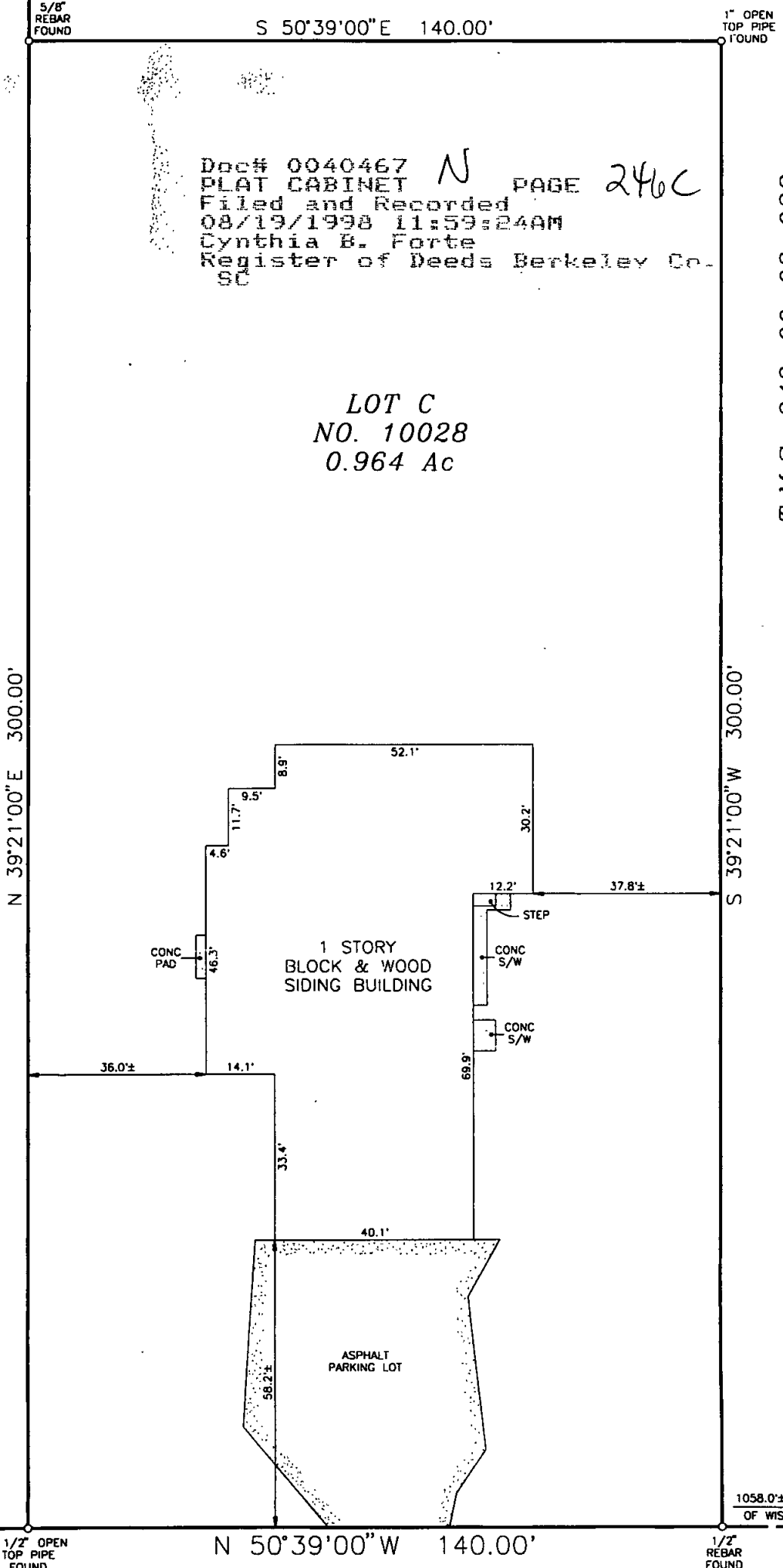
10028 HIGHWAY 78  
THIS LOT IS LOCATED IN  
FLOOD ZONE X  
(NOT A FLOOD HAZARD ZONE.)  
SEE PANEL 450029 0355 C  
MAP REVISED MAY 6, 1996  
T.M.S. 242-00-02-059  
THE SAME BEING SHOWN  
AS LOT C, ON A PLAT  
DATED MAY 2, 1982  
BY MOSES AULTON THOMAS  
(UNRECORDED)  
ALSO DESCRIBED ON A  
DEED RECORDED IN  
DEED BOOK A517, AT  
PAGE 250, & 252.

T.M.S. 242-00-02-025  
MARGARET Y. CONLEY

Doc# 0040467 N PAGE 246C  
PLAT CABINET  
Filed and Recorded  
08/19/1998 11:59:24AM  
Cynthia B. Forte  
Register of Deeds Berkeley Co.  
SC

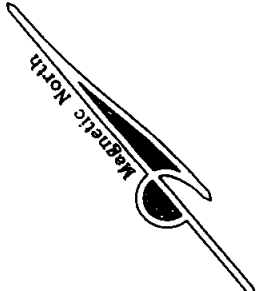
T.M.S. 242-00-02-023  
LADSON DEVELOPMENT COMPANY

LOT C  
NO. 10028  
0.964 Ac



Berkeley County Planning Commission  
Exempt

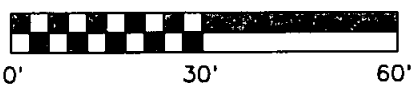
*Robert J. Mathews, Jr.*  
(Reason)  
*8-19-98*  
Date



U.S. HIGHWAY 78  
(60' R/W)

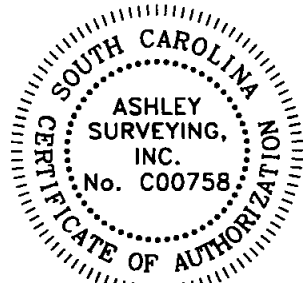
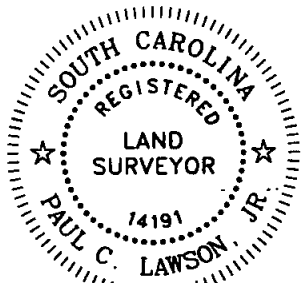
PLAT SHOWING  
LOT C, NO. 10028, 0.964 Ac  
OWNED BY  
**ROBERT J. MATHEWS, JR.**  
ABOUT TO BE CONVEYED TO  
**DOUGLAS E. CURRY**  
LOCATED NEAR LADSON  
BERKELEY COUNTY, SOUTH CAROLINA

SCALE : 1" = 30'



AUGUST 13, 1998

**ASHLEY SURVEYING, INC.**  
SURVEYING • PROJECT MANAGEMENT • PLANNERS  
306 SANGAREE PARKWAY SUMMERVILLE SC 29483  
TELEPHONE: (843) 871-4416 FAX: (843) 871-9538



"I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN HEREON."

*Paul C. Lawson, Jr.*  
PAUL C. LAWSON, JR. S.C. REG. NO. 14191  
JOB NO. 98001-026 KLN

Sep 13, 2022 at 8:38:22 AM  
10028 US-78  
Ladson SC 29456  
United States





Sep 9, 2022 at 1:16:24 PM  
10028 US-78  
Ladson SC 29456  
United States



Sep 9, 2022 at 1:14:42 PM  
10028 US-78  
Ladson SC 29456  
United States



Sep 9, 2022 at 1:15:47 PM  
10028 US-78  
Ladson SC 29456  
United States







Aug 24, 2022 at 11:51:31 AM  
10028 US-78  
Ladson SC 29456  
United States





IMAGES TAKEN JULY 7, 2022





IMAGES TAKEN JULY 7, 2022





IMAGES TAKEN JULY 7, 2022



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## STAFF SUMMARY FOR BOARD OF ZONING APPEALS

**Topic:** TMS#: 197-00-01-034. Request from Renfroe Outdoor LLC C/O Jacob Barker on behalf of North of Charleston LLC for a variance to §18.10 for relief of the locational requirements for an intended off-premises sign (Billboard) at/near 2690 Hwy 52 in near the Foxbank community. (PLVA 042662-2022)

**Prepared By:** Amanda Ellis, Planning & Zoning

**Date:** September 20, 2022

---

**Background:** This item was deferred from the July 19 BZA Meeting at the applicant's request.

The subject property is approximately 1.0 acre in size, zoned General Commercial (GC), presently undeveloped, and located along a frontage road that parallels Hwy 52 opposite Foxbank Plantation Blvd and the Foxbank Community.

The applicant is seeking to construct a billboard 40 in height and maintain a sign face of 400 square feet subject to the locational criteria established in the Ordinance.

The applicant is seeking relief certain locational requirements established within §18.10. The proposed sign is located within 1,000 feet of a \*residence and on-premises sign and within 1,500 feet of a wetland (as pursuant to the national wetland inventory dataset).

*18.10(b) No portion of any off-premises sign shall be located nearer than a 1,000-foot radius of the following structures as measured from the proposed point of placement along the public right-of-way to the nearest edge of the structure:*

*a. An existing off-premises sign;*

- b. Church;
- c. Cemetery;
- d. Public building or facility;
- e. On-premises sign;
- f. Residence (single-family or multifamily).

*\*Please note that the applicant prepared an exhibit that demonstrates that the nearest residence is 1,004' from the sign site. When staff prepared a 1,000 buffer analysis from a conceptual point of sign placement, approximately 8 residential parcels, located along Trotters Lane in the Foxbank Community, were shown to fall within it. Though in the Town of Moncks Corner, Staff understands that dwellings have been constructed on these affected lots.*

*18.10(j) No signs shall be located nearer than 1,500 feet to any location designated a scenic area or highway or wetlands or heritage preserve as defined herein and established pursuant to article 10.3.*

**Opposition:**

on August 4, a letter of opposition was received from the Town of Moncks Corner and included for reference. Since the August BZA meeting, the applicant met with the Town and shifted the intended sign location from the property's Hwy 52 frontage to the interior of the frontage road. An exhibit depicting the initial proposed sign location is included herein for reference.

**Attachment(s):**

- Binder4.pdf
- Aerial.pdf
- 1,000, 1,500 LF Buffer
- Article18.10\_Off\_Premise\_Signs.pdf
- Email from Moncks Corner 9-15-22.pdf
- Renfroe Billboard Letter.pdf
- 2688 US 52 Location Exhibit.pdf
- THIS PAGE LEFT INTENTIONALLY BLANK.docx





# BERKELEY COUNTY SC

## PLANNING AND ZONING DEPARTMENT

Alison Simmons, AICP, Director  
 P.O. Box 6122  
 1003 Highway 52 • Moncks Corner, SC 29461  
 843.719.4095

### APPLICATION FOR VARIANCE

*Of the Berkeley County Zoning Ordinance No. 01-8-35 (as amended)*

**ALL SECTIONS OF THIS APPLICATION ARE REQUIRED TO BE COMPLETED TO BE ACCEPTED**

Applications are due by COB of the previous month's meeting date. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the *Property Owner Authorization* (found on page 3) to designate the Applicant as the Authorized Agent. Application Fee is \$150.00 (Non-Refundable). Cash, Card, and Check Accepted. Checks may be made out to **BERKELEY COUNTY**

#### APPLICANT INFORMATION

PRINTED Name of Applicant: Refnroe Outdoor, LLC, c/o Jacob Barker, Esq. Relation to Property Owner (Check One):  
 I am the Owner  I am the Authorized Agent  
 Phone #: 843-408-4063 Email Address: jbarker@glvlawfirm.com  
 Mailing Address: 225 Seven Farms Drive, Suite 207, Charleston, SC 29492

#### PROPERTY OWNER'S CONTACT INFORMATION (IF NOT STATED ABOVE)

Name: North of Charleston, LLC c/o David L. Lucarelli II  
 Mailing Address: 1204 N. Main Street, Suite G, Summerville, SC 29483  
 Phone #: 843-437-7514 Email Address:

#### BZA MEETING DATE AND EXPECTATIONS

BZA Meeting Date Applied for: July 19, 2022

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If, for some reason I or a representative will not be able to attend the scheduled meeting, I must submit a written request for deferral to another date in accordance with the adopted Defeat/Deferral Policy or withdraw my application.

Applicant's Initials Here:

*ALB*

#### PROPERTY INFORMATION

TMS#: 197-00-01-034 Lot Size: 1.00 acres Zoning: GC  
 Physical Address or Location of Subject Property: 2690 Goose Creek Blvd, Hwy 52, Moncks Corner, SC 29461  
 Present Use of the Property: Raw Land

#### The following information MUST BE submitted with this application:

- 1. **SITE PLAN** This should be on a copy of the recorded plat (8"x11"), if available. Sketch showing ALL existing and proposed buildings, bufferyards, roads, driveways, parking spaces, fencing, and other physical improvements in relation to the request.
- 2. **OTHER RELEVANT EVIDENCE** The burden of proof to demonstrate a physical hardship falls on the applicant. Please enclose any documents, letters of support, surveys, pictures, or other materials deemed necessary to demonstrate the conditions of the property.

#### SUBMITTAL ENCLOSURES (PLEASE CHECK ALL THAT APPLY)

- Existing Plat of Record
- Site Plan
- Letters of Support from Neighboring Property Owners
- Owner's Notarized Written Authorization (If Owner's Signature Cannot Be Obtained)
- Other (please specify): See Attached

**RELEVANT FACTORS PERTAINING TO THE VARIANCE**

I (we) have made (or desire to make) an application for a permit to: See Attached

And the Planning and Zoning Department either denied it or stated that it does not conform on the grounds that: See Attached

I request a variance from the Berkeley County Zoning Ordinance to be/have (Be specific with measurements, feet, acreage, numbers of, ratio, etc.): See Attached

State Law and the Berkeley County Ordinance requires that the following four (4) facts are sufficiently met in order for a variance to be considered by the BZA. The applicant must prove through fact that the strict application of the ordinance will result in unnecessary hardship. Please provide a response to EACH question provided below and use additional sheets if necessary.

**THE VARIANCE IS REQUESTED BECAUSE OF THE FOLLOWING REASONS:**

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. There are issues such as size, shape, and topography that prevent compliance with the Ordinance. **NOTE: The BZA REQUESTS precise measurements, either drawn on a map or plat or prepared by a Surveyor or other qualified professional. If insufficient information is presented to the BZA, the applicant risks the Variance being denied or held for a future meeting until the Applicant can provide the necessary evidence.**

See Attached

2. These conditions do not generally apply to other property in the vicinity. The applicant should answer the question: What condition(s) that generally applies only to this property prevents compliance with the ordinance? **A simple example pertaining to lot shape: "The triangular shape makes it impossible for me to meet the requirements. All the adjacent lots around me are square."**

See Attached

3. Because of these conditions, the application of the ordinance effectively prohibits, or unreasonably restricts the utilization of the particular piece of property. The applicant should answer the question: What is the reasoning behind why the ordinance would harm the property's current or future use? **NOTE: Monetary gain or advantage is not to be considered by the board in determining hardship. A simple example pertaining to building a detached garage on a residential lot: "Because of the triangular shape of the lot, a detached garage will not fit within the boundaries of the lot and still adhere to the setback requirements. This prevents the lot from being fully utilized."**

See Attached

4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. **Affected/Interested stakeholders, either in support or in opposition, have the privilege to be heard during the Public Hearing.**

See Attached

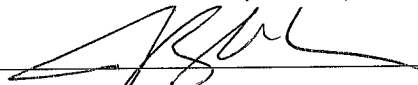
**ACKNOWLEDGMENTS:**

TERMS OF THIS APPLICATION

1. Hardship resulting from financial difficulty, and the applicant's own actions are generally not sufficient cause for the board to grant a variance.
2. Although the appeal will be advertised in the local newspaper, and the property posted with a sign concerning the details of the meeting, staff strongly recommend that all neighbors and property owners be contacted, by the applicant, before the application is submitted.
3. The applicant may present, at the discretion of the BZA Chairman, and items and/or individuals he/she believes will help his/her case.
4. Five, of the eight appointed Board members, must be present before action can be taken on the variance, and the concurring vote of majority of the Board present is necessary in order for a Variance to be approved.
5. No Variance, having been denied, shall be resubmitted to the Board for a period of one (1) year, unless conditions have changed substantially and new evidence is received, and the Board votes unanimously to rehear the matter.
6. Any person who may have a substantial interest in any decision of the Board may appeal said decision to a court of competent jurisdiction in and for the county of Berkeley, filing with the clerk of such court a petition in writing setting fourth plainly, fully and distinctly wherein such decision is contrary to the law. Such appeal shall be filed within thirty (30) days after the decision of the board is rendered.

**APPLICANT DISCLOSURES**

I, the applicant, hereby acknowledge by my signature that this application is complete and accurate to the best of my knowledge, information, and benefit, have read and understand the terms and expectations associated with this Application, hereby release, hold harmless, and indemnify forever Berkeley County, its employees, and agents, both individually and jointly, from any and all liability or responsibility for any foreseen or unforeseen damage, including, but not limited to, death, bodily injury, personal injury, and property damage, arising from the home occupation located at the above-referenced property by adjoining landowners, visitors and/or any user of the home, including, but not limited to, the public at large, am the owner of the subject property or the authorized representative of the owner, authorize the subject property to be posted and/or inspected, AND hereby certify that the tract(s) or parcel(s) of land to which this request pertains is *not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought*, as provided in the South Carolina Code of Laws, Section 6-29-1145, and are exempt per Section 59.35 of the Berkeley County Code of Ordinances.

Signature:  Date: 6/21/2022

**PROPERTY OWNER AUTHORIZATION (IF DIFFERENT FROM APPLICANT)**

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this special exception application.

Property Owner(s) Printed Name: North of Charleston, LLC

Property Owner(s) Signature: See Attached Notarized Authorization Letter Date: \_\_\_\_\_

**OFFICE USE SECTION**

AMOUNT PAID: \_\_\_\_\_  CHECK #: \_\_\_\_\_;  CASH;  ONLINE PAYMENT INTENDED  
 DATE RECEIVED: \_\_\_\_\_; RECEIPT NUMBER: \_\_\_\_\_  
 DATE FILED: \_\_\_\_\_; MEETING DATE: \_\_\_\_\_

\_\_\_\_\_  
ZONING OFFICIAL

\_\_\_\_\_  
DATE



NORTH OF CHARLESTON, LLC  
1204 N. Main Street, Suite G  
Summerville, SC 29483

June 15, 2022

Berkely County  
Planning and Zoning Department  
1003 Hwy 52  
Moncks Corner, SC 29461

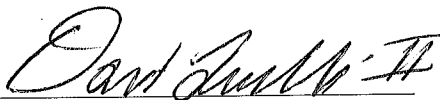
Re: Application for Variance  
TMS #1970001034

Dear Sir or Madam:

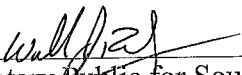
North of Charleston, LLC is the owner of the above referenced property located in Berkeley County (the "Property"). Renfroe Outdoor, LLC is hereby authorized to seek all necessary permits and licenses necessary to construct and maintain an outdoor billboard structure on the Property. Please allow this letter to act as owner's authorization for Renfroe Outdoor, LLC to apply for and obtain a variance from the Berkeley County Board of Zoning Appeals for that purpose, as well as any other actions necessary to effectuate the erection of a billboard structure on the Property.

Sincerely,

North of Charleston, LLC

  
David L. Lucarelli, II, Manager

June 16, 2022.

  
\_\_\_\_\_  
Notary Public for South Carolina (SEAL)  
My Commission Expires: 01/24/2032



**RELEVANT FACTORS PERTAINING TO THE VARIANCE**

**I (we) have made (or desire to make) an application for a permit to:**

Applicant has a lease over a portion of the subject property on which it would like to erect a dual-faced billboard, an “Off-premises sign” under 18.2(a)(20) of the Berkeley County Ordinance.

**And the Planning and Zoning Department either denied it or stated that it does not conform to the grounds that:**

- a. The proposed Billboard will lie within 1,000 feet of an existing On-premises sign, which is not allowed under 18.10(b)-e of the Berkeley County Ordinance.
- b. The proposed Billboard will lie within 1,500 feet of designated wetlands, which is not allowed under 18.10(j) of the Berkeley County Ordinance.

**I request a variance from the Berkeley County Zoning Ordinance to be/have (Be specific with measurements, fee, acreage, numbers of, ratio, etc.):**

- a. The applicant requests a variance from 18.10(b)-e of the Berkeley County Ordinance to place an Off-premises sign within 1000 feet of an existing On-premises sign on a neighboring property.
- b. The applicant requests a variance from 18.10 (j) of the Berkeley County Ordinance to place an off-premises sign within 1,500 feet of an existing designated wetlands area.

**THE VARIANCE IS REQUESTED BECAUSE OF THE FOLLOWING REASONS:**

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property. There are issues such as size, shape, and topography that prevent compliance with the Ordinance.**
  - a. The allowance of the Billboard within 1,000 feet of the existing On-premises sign is a request made because the subject property’s size would not allow for an Off-premises sign outside of the distance from an On-premises sign on a neighboring property required under 18.10(b)-e of the Berkeley County Ordinance.
  - b. The frontage and shape of the subject property would not allow for an off-premises sign outside the distance from designated wetlands required under 18.10(j) of the Berkeley County Ordinance.
2. **These conditions do not generally apply to other property in the vicinity. The application should answer the question: What condition(s) that generally applies only to this property prevents compliance with the ordinance?**

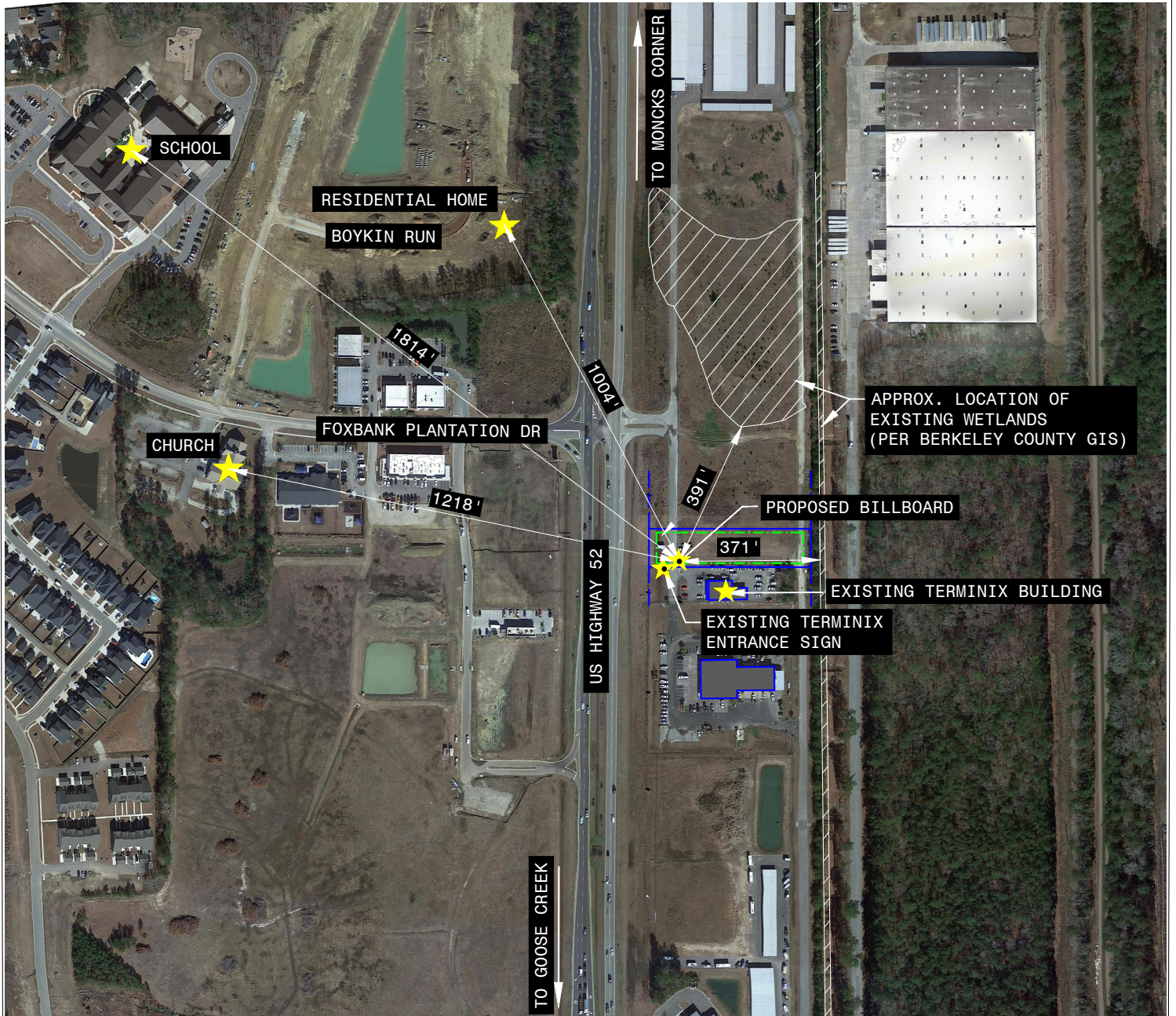
- a. As set forth in (a) in response to #1 of this section, the frontage of the subject property upon which an Off-premises sign could be erected necessitates said sign being within the required distance of a potential neighboring on-premises sign.
  - b. As set forth in (c) in response to #1 of this section, the frontage of the subject property upon which an off-premises sign could be erected necessitates said sign being within the required distance of designated wetlands.
- 3. Because of these conditions, the application of the ordinance effectively prohibits, or unreasonably restricts the utilization of the particular piece of property. The applicant should answer the question: What is the reasoning behind why the ordinance would harm the property's current or future use?**

As set forth above, application of the Ordinance without the requested variances would make it impossible to utilize the leased site for applicant's intended purpose, as the subject property's nature and configuration would not allow for an off-premises sign without the variances Applicant is requesting.

- 4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.**

Granting the variance as requested will cause no harm to the adjacent properties, which are of similar use as the subject property. The public good will not be negatively impacted by the variances, nor will the character of the district.





DISTANCE FROM PROPOSED BILLBOARD TO:  
 EXISTING TERMINIX BUILDING: 142'  
 EXISTING TERMINIX ENTRANCE SIGN: 42'  
 RESIDENTIAL HOME ON BOYKIN RUN: 1,004'  
 SCHOOL (FOX BANK ELEMENTARY): 1,814'  
 CHURCH: 1,218'  
 NEAREST WETLAND: 371'

EXHIBIT  
 PROPOSED BILLBOARD  
 2688 US HIGHWAY 52

PREPARED AT THE REQUEST OF  
 NORTH OF CHARLESTON, LLC  
 BERKELEY COUNTY, SOUTH CAROLINA

TMS NO. 197-00-01-034

DATE: SEPTEMBER 1, 2022



RP & ASSOCIATES LAND SURVEYING AND DRAFTING, LLC

PO BOX 1820 MOUNT PLEASANT  
 SOUTH CAROLINA 29465  
 VOICE: (803) 873-0482  
 WWW.RPASURVEYING.COM



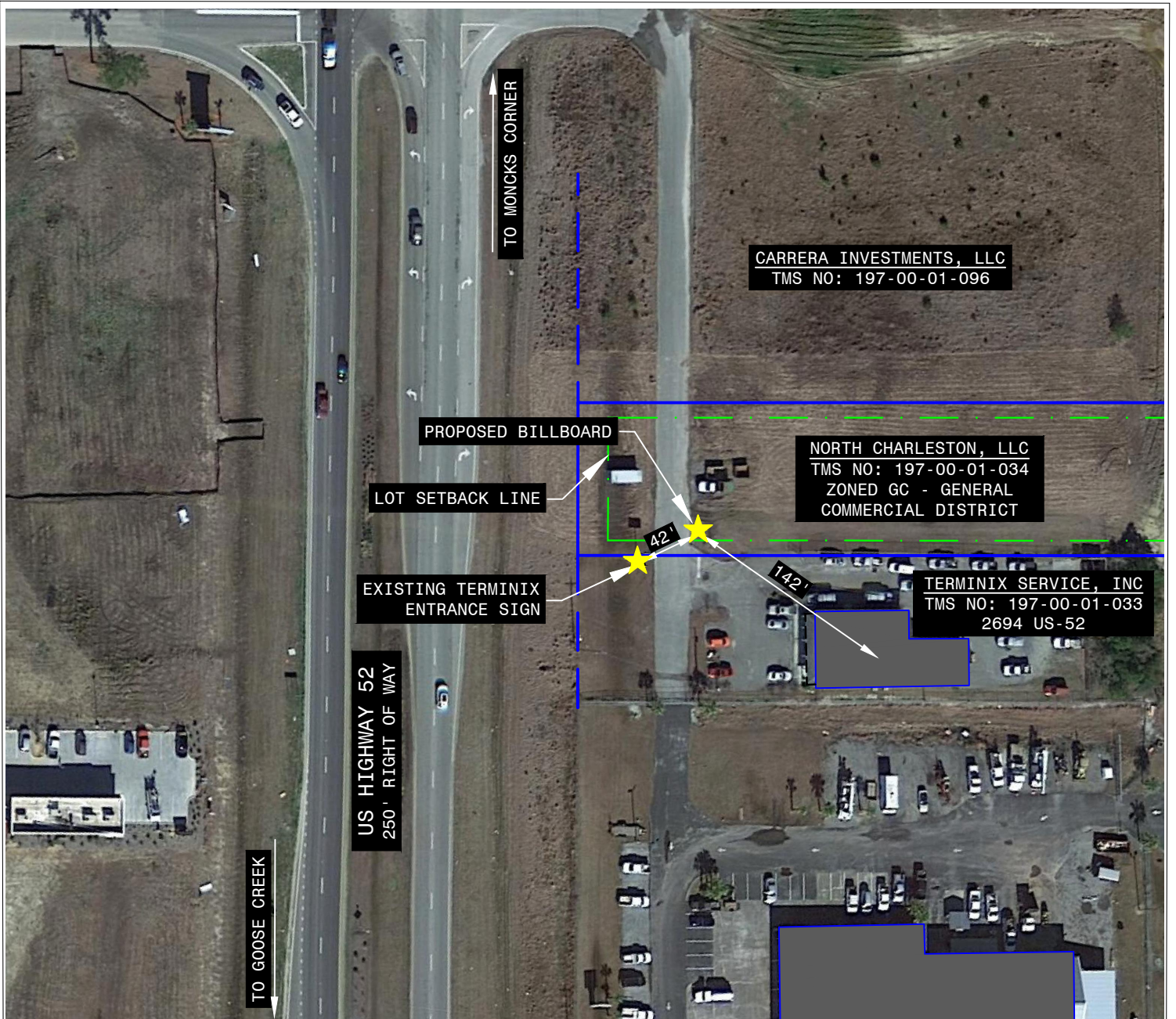


EXHIBIT  
 PROPOSED BILLBOARD  
 2688 US HIGHWAY 52

PREPARED AT THE REQUEST OF  
 NORTH OF CHARLESTON, LLC  
 BERKELEY COUNTY, SOUTH CAROLINA

TMS NO. 197-00-01-034

DATE: SEPTEMBER 1, 2022



**RPA**  
 LAND SURVEYING

RP & ASSOCIATES LAND SURVEYING AND DRAFTING, LLC

PO BOX 1820 MOUNT PLEASANT  
 SOUTH CAROLINA 29465  
 VOICE: (803) 873-0482  
 WWW.RPASURVEYING.COM







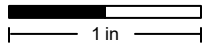
# 197-00-01-034



Berkeley County GIS



1 inch = 83 feet



Date: 6/28/2022

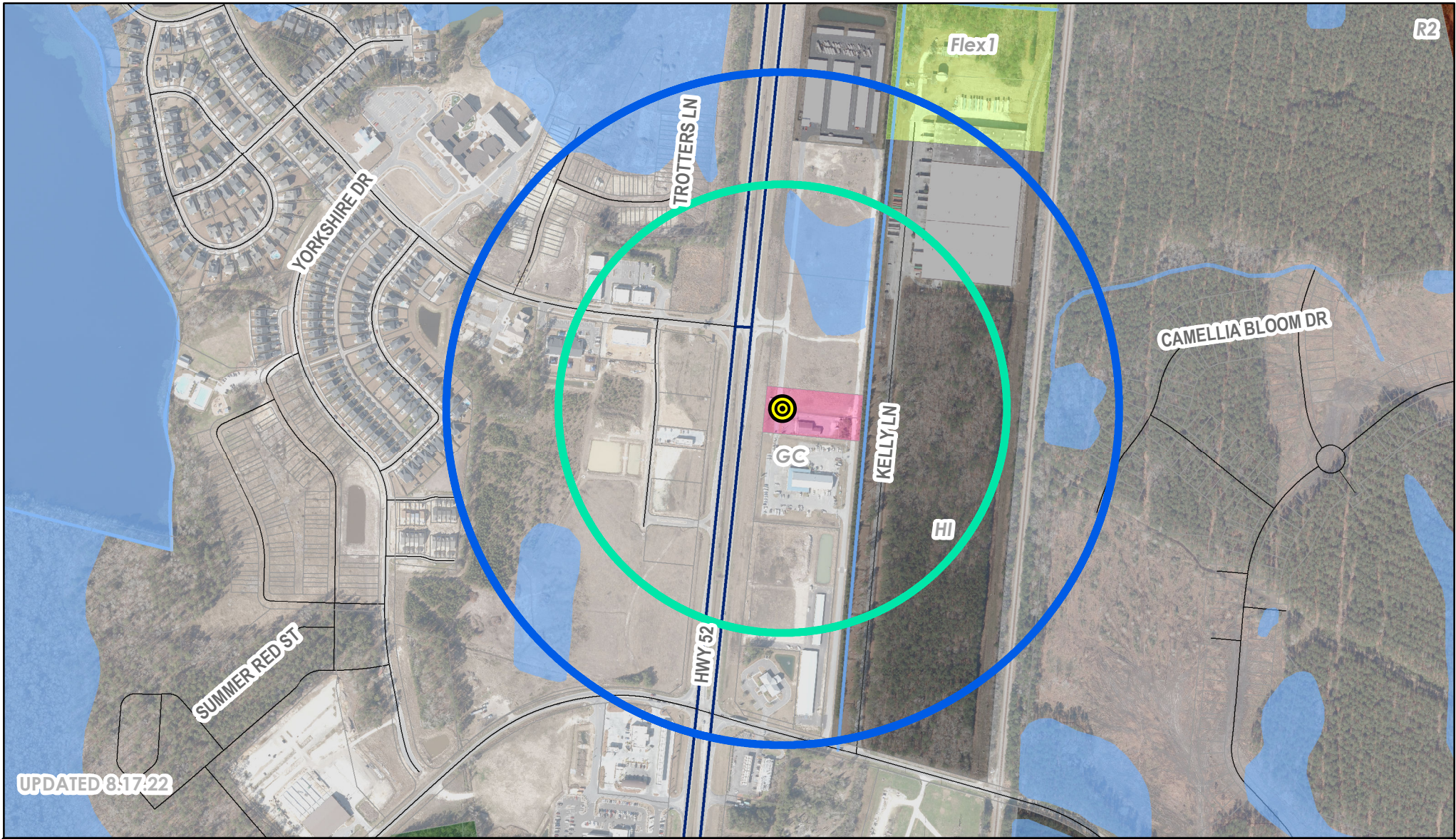
Berkeley County GIS



The county of Berkeley and its GIS Department disclaims accountability for this product and makes no warranty express or implied concerning the accuracy thereof. Responsibility for interpretation and application of this product lies with the user.



# 197-00-01-034 - Buffer Analysis



UPDATED 8.17.22

- |  |   |  |                |
|--|---|--|----------------|
|  | Conceptual Billboard Point of Placement |  | Street         |
|  | RenfroPublixBB_1500Buffer1              |  | Interstate     |
|  | RenfroPublixBB_1000Buffer               |  | US Highway     |
|  | National Wetlands Inventory             |  | State Highway  |
|  | Parcels                                 |  | Forest Road    |
|  |   |  | Municipalities |



The county of Berkeley disclaims accountability for this product and makes no warranty express or implied concerning the accuracy thereof. Responsibility for ± interpretation and application of this product lies with the user.

0 0.125 0.25 Mile 90



## 18.10. - Off-premises signs.

The following provisions shall apply to all off-premises signs:

- a) Off-premises signs may be located only within 600 feet of a commercial business or industrial operation measured from the centerline of the commercial or industrial structure and only on the same side of the highway as the commercial use.

Commercial business or industrial operation does not include:

- 1) Such activities not visible from the main traveled thoroughfare;
  - 2) Transient or temporary activities;
  - 3) Outdoor advertising structures;
  - 4) Agricultural, forestry, ranching, grazing or farming activities;
  - 5) Activities conducted in a building used principally as a residence, i.e., home occupations;
  - 6) Activities more than 660 feet from the nearest edge of right-of-way;
  - 7) Railroad tracks and sidings;
  - 8) Public buildings or activities.
- b) No portion of any off-premises sign shall be located nearer than a 1,000-foot radius of the following structures as measured from the proposed point of placement along the public right-of-way to the nearest edge of the structure:
- a. An existing off-premises sign;
  - b. Church;
  - c. Cemetery;
  - d. Public building or facility;
  - e. On-premises sign;
  - f. Residence (single-family or multifamily).
- c) The maximum permitted area of an off-premises sign shall be 400 square feet.
- d) The maximum permitted height of any off-premises sign shall not exceed 40 feet measured from the elevation of existing grade to the highest part of the sign and its supporting structure.
- e) Back-to-back signs and V-sign structures shall be considered as one sign for purposes of spacing requirements.
- f) *Off-premises directional signs.* In order to provide information and directional aid to the general public, off-premises directional signs may be erected with a building permit in Berkeley County provided the sign is not larger than 32 square feet or higher than eight feet from the finished road grade. No off-premises sign shall be located within 150 feet from any other freestanding sign. A business may utilize and/or construct a maximum of three off-premises directional signs.
- g)



*Directory listing signs.* Directory listing signs will be placed at strategic locations on major highways in order to provide pertinent Berkeley County area information to tourists and visitors. Such listings are intended to be informational and helpful for the convenience of visitors and not promotional of any particular business or type of business. Listings may be limited to local area hotels/motels, restaurants, major residential developments, major retail outlet centers and the like.

- h) The design, location and information character of off-premises directional signs and directory listing signs will be consistent with policies adopted by Berkeley County Council and, in addition, must be in compliance with the Highway Advertising Control Act of South Carolina.
- i) Administration of directory listing signs will be in accordance with regulations developed by the county supervisor.
- j) No signs shall be located nearer than 1,500 feet to any location designated a scenic area or highway or wetlands or heritage preserve as defined herein and established pursuant to article 10.3.

(Ord. No. 02-12-58, 12-16-2002; Ord. No. 04-11-68, 11-23-2004)

## Amanda Ellis

---

**From:** Alison Simmons  
**Sent:** Thursday, September 15, 2022 9:58 AM  
**To:** Amanda Ellis  
**Subject:** Fwd: Berkeley County Board of Zoning Appeals (BZA) Meeting - AUGUST 16, 2022 @ 6:00 PM

Hey! Would you mind exporting this email to a PDF and add to the renfroe request?

### Alison R. Simmons, AICP

Planning & Zoning Director

T: 843-719-4164

M: 843-291-7318

[alison.simmons@berkeleycountysc.gov](mailto:alison.simmons@berkeleycountysc.gov)

[www.berkeleycountysc.gov/dept/planning/](http://www.berkeleycountysc.gov/dept/planning/)

1003 N. US Highway 52 Moncks Corner, SC 29461



---

**From:** Doug Polen <Doug.polen@monckscornersc.gov>  
**Sent:** Thursday, September 15, 2022 9:39:52 AM  
**To:** Alison Simmons <alison.simmons@berkeleycountysc.gov>  
**Subject:** RE: Berkeley County Board of Zoning Appeals (BZA) Meeting - AUGUST 16, 2022 @ 6:00 PM

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\*\*\* This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. \*\*\*

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Good Morning, Alison,

We did meet with Renfroe, and we're still in opposition even with the move. Also, we reached out to Foxbank's HOA and I know that they were also in opposition and were planning on writing a letter. Did you ever receive one? Thanks!

From the developer:

Doug,

Hope you are well. Thanks for the email and a copy of the letter to the County. I did hear from the HOA Advisory Committee today. The HOA is opposed to the variance and the billboard. I let them know we would oppose the variance and the placement of a billboard in the vicinity of Foxbank Plantation. We would be opposed to such a distraction and eyesore.

I will copy you on the letter to the County.



Jeff



**Douglas Polen, AICP, CFM**

Community Development Director

**Phone** 843-719-7913

**Web** [www.monckscornersc.gov](http://www.monckscornersc.gov)

**Email** [doug.polen@monckscornersc.gov](mailto:doug.polen@monckscornersc.gov)

118 Carolina Avenue, Moncks Corner, SC 29461

---

**From:** Alison Simmons <[alison.simmons@berkeleycountysc.gov](mailto:alison.simmons@berkeleycountysc.gov)>

**Sent:** Wednesday, September 14, 2022 1:28 PM

**To:** Doug Polen <[Doug.polen@monckscornersc.gov](mailto:Doug.polen@monckscornersc.gov)>

**Subject:** FW: Berkeley County Board of Zoning Appeals (BZA) Meeting - AUGUST 16, 2022 @ 6:00 PM

**Importance:** High

Hey!

Did y'all meet with Renfroe Signs? Does the adjusted sign location, shifting it toward the interior of the frontage road, address the Town's concerns?



**Alison R. Simmons, AICP**

Planning & Zoning Director

T: 843-719-4164

M: 843-291-7318

[alison.simmons@berkeleycountysc.gov](mailto:alison.simmons@berkeleycountysc.gov)

[www.berkeleycountysc.gov/dept/planning/](http://www.berkeleycountysc.gov/dept/planning/)

1003 N. US Highway 52 Moncks Corner, SC 29461



---

**From:** Jake Barker <[jbarker@glvlawfirm.com](mailto:jbarker@glvlawfirm.com)>

**Sent:** Friday, September 2, 2022 9:27 AM

**To:** Alison Simmons <[alison.simmons@berkeleycountysc.gov](mailto:alison.simmons@berkeleycountysc.gov)>

**Subject:** RE: Berkeley County Board of Zoning Appeals (BZA) Meeting - AUGUST 16, 2022 @ 6:00 PM

**Importance:** High

---

**\*\*\* This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. \*\*\***

---

Hi Alison,

I hope you are ready for a good holiday. We had a meeting with the Mayor of Moncks Corner this week regarding our variance application.

My client has decided to relocate the sign to another point further South on the property, and we will therefore NOT need to seek a variance from 18.10(b)-f – Residence as we will not be within 1,000 feet of any residence.

We will still be needing variances for 18.10(j) – wetlands (as you pointed out), and for 18.10(b)-e – On premises signage.

I am happy to amend the application, or if it can just be noted on the package, or whatever is easiest to just make it clear to the Panel what we are seeking. Please let me know if you want us to amend, etc. Thanks, have a great Labor Day

Jake

Jacob S. Barker

---

**GRAYBILL LANSCH & VINZANI, LLC**  
843.408.4063

---

**From:** Jake Barker  
**Sent:** Tuesday, August 16, 2022 9:11 AM  
**To:** Alison Simmons <[alison.simmons@berkeleycountysc.gov](mailto:alison.simmons@berkeleycountysc.gov)>  
**Subject:** RE: Berkeley County Board of Zoning Appeals (BZA) Meeting - AUGUST 16, 2022 @ 6:00 PM

Thanks Alison,

We did not receive a copy of the letter from the town of Moncks Corner until I found it in the packet. I will have to try to reach out to them. I don't think we were cc'd on it so I guess it just went to the County and y'all. Honestly my research/records indicated that this property was not in the town, so this is a bit of a surprise.

See you tonight. Thanks again,

Jake

Jacob S. Barker

---

**GRAYBILL LANSCH & VINZANI, LLC**  
843.408.4063

---

**From:** Alison Simmons <[alison.simmons@berkeleycountysc.gov](mailto:alison.simmons@berkeleycountysc.gov)>  
**Sent:** Thursday, August 11, 2022 11:59 AM  
**Subject:** Berkeley County Board of Zoning Appeals (BZA) Meeting - AUGUST 16, 2022 @ 6:00 PM

Good afternoon!

I hope that this message finds you and your family well.

You have received this email because you have one or more items scheduled for consideration by the Board of Zoning Appeals on **Tuesday, AUGUST 16 at 6:00 PM** in [the Berkeley County Council Assembly Room, located at 1003 US Highway 52 in Moncks Corner](#). Please see linked below the Agenda Packet and attached the Agenda.

**[August 16 Board of Zoning Appeals Meeting:](#)**

- To begin promptly at 6:00 PM
- Location: Assembly Room



- Agenda Packet: <https://d3n9y02raazwpg.cloudfront.net/berkeleycountysc/4256ea58-1364-11ed-b1ab-0050569183fa-fe3f9fd4-c98c-4bdf-b312-d5d6a1985998-1660227438.pdf>

**\*\*APPLICANTS, OR A REPRESENTATIVE THEREOF, ARE EXPECTED TO ATTEND THE BOARD OF ZONING APPEALS MEETING IN PERSON. Unexcused absences may result in an unfavorable outcome. Please see the County's policy for requests for deferral available [here](#). Please call the Department at 843.719.4095 should you have any questions.**

**Best,**



**Alison R. Simmons, AICP**

Planning & Zoning Director

T: 843-719-4164

M: 843-291-7318

[alison.simmons@berkeleycountysc.gov](mailto:alison.simmons@berkeleycountysc.gov)

[www.berkeleycountysc.gov/dept/planning/](http://www.berkeleycountysc.gov/dept/planning/)

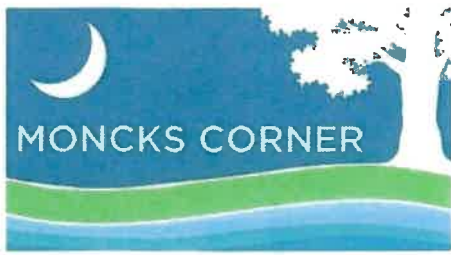
1003 N. US Highway 52 Moncks Corner, SC 29461



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August 4, 2022

Johnny Cribb, County Supervisor  
Berkeley County  
1003 U.S. Highway 52  
Moncks Corner, South Carolina 29461

RE: Board of Zoning Appeals Variance, TMS 197-00-01-034

Dear Mr. Cribb,

I am writing this letter to express the Town of Moncks Corner's opposition to the proposed variance requested by Renfro Outdoor LLC for the placement of a billboard at 2688 U.S. Highway 52, TMS 197-00-01-034.

The Town supports any landowner in their attempt to profit from the ownership of a lot, but directly across the street from a 3,500 home residential neighborhood is not the place for a four hundred square foot, forty foot tall billboard. The County Council passed a law nearly twenty years ago prohibiting such signage within one thousand feet of a residence. Per County GIS, the resident of 725 Trotters Lane lives 875 feet from the proposed billboard. Likewise, on-premises signs are to be one thousand feet from any billboards. In this case, the proposed billboard is 92 feet from the existing Terminix sign.

Per S.C. Code 6-29-800, a Board of Appeals may only grant a variance "when strict application of the provisions of the ordinance would result in an unnecessary hardship." The inability to place a billboard on a lot is not a hardship when that same property can be used for any number of other commercial uses.

Likewise, the state code states that variances should be heard when there are "extraordinary and exceptional condition pertaining to the particular piece of property," that "these conditions do not generally apply to other properties in the vicinity," that "because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance."

This particular tract of land is not extraordinary nor does it have exceptional conditions. It is just like neighboring lots that also would not be permitted a billboard. The property can be home to any number of general commercial uses, so its use is not unreasonably restricted. Lastly, we feel that a billboard at this location would be a detriment to the character of the surrounding area. There aren't any other billboards for miles in either direction, due in large part to the Town and County's vigilance in not allowing such signs under many conditions.

Ultimately, this is a major residential and commercial hub with tens of millions of dollars in investment in the past decade. This invites advertisers to want to enter the area, but it demands that we, the Town and the County, try to preserve what made this area so attractive in the first place. The Town is investing in mast arm traffic signals just 250 feet away at Foxbank Plantation Boulevard to help preserve that beauty rather than clutter the view with traditional wired traffic signals. Billboard clutter is no different.

The Town of Moncks Corner is opposed to a variance for a billboard at this location and request the Board of Zoning Appeals to deny this variance.

Thank you for your continuing efforts to work with the Town of Moncks Corner and your consideration in this matter.

Sincerely,

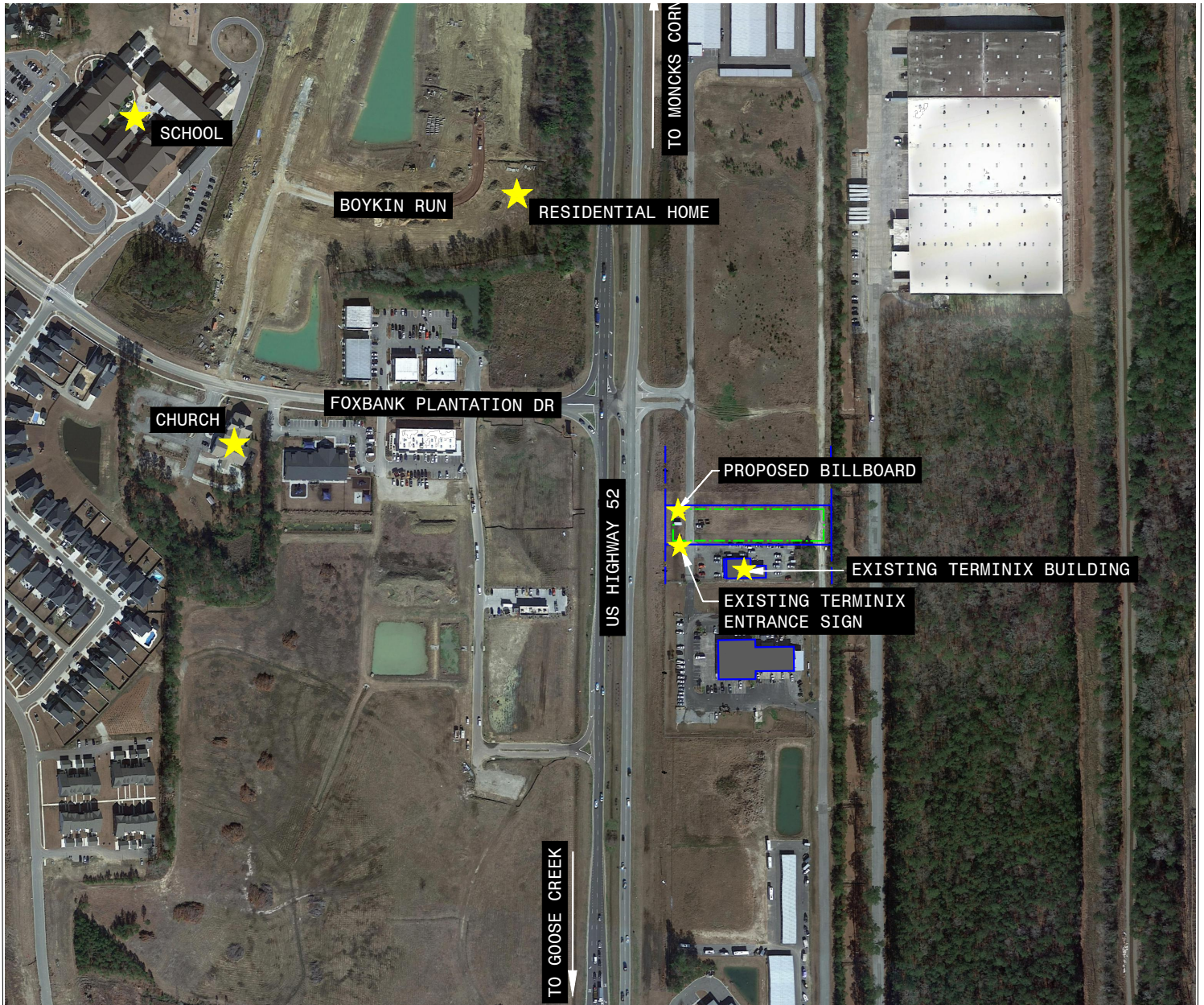


Mayor Michael A. Locklear  
Town of Moncks Corner

Cc: Alison Simmons, Berkeley County Planning Director  
Richard Smith, Chairman, Berkeley County Board of Zoning Appeals



**INITIAL PROPOSED SIGN LOCATION ALONG HWY 52 FRONTAGE FOR REFERENCE**



DISTANCE FROM PROPOSED BILLBOARD TO:  
 EXISTING TERMINIX BUILDING: 228'  
 EXISTING TERMINIX ENTRANCE SIGN: 92'  
 RESIDENTIAL HOME ON BOYKIN RUN: 919'  
 SCHOOL (FOX BANK ELEMENTARY): 1,733'  
 CHURCH: 1160'

EXHIBIT  
 PROPOSED BILLBOARD  
 2688 US HIGHWAY 52

PREPARED AT THE REQUEST OF  
 NORTH OF CHARLESTON, LLC  
 BERKELEY COUNTY, SOUTH CAROLINA

TMS NO. 197-00-01-034

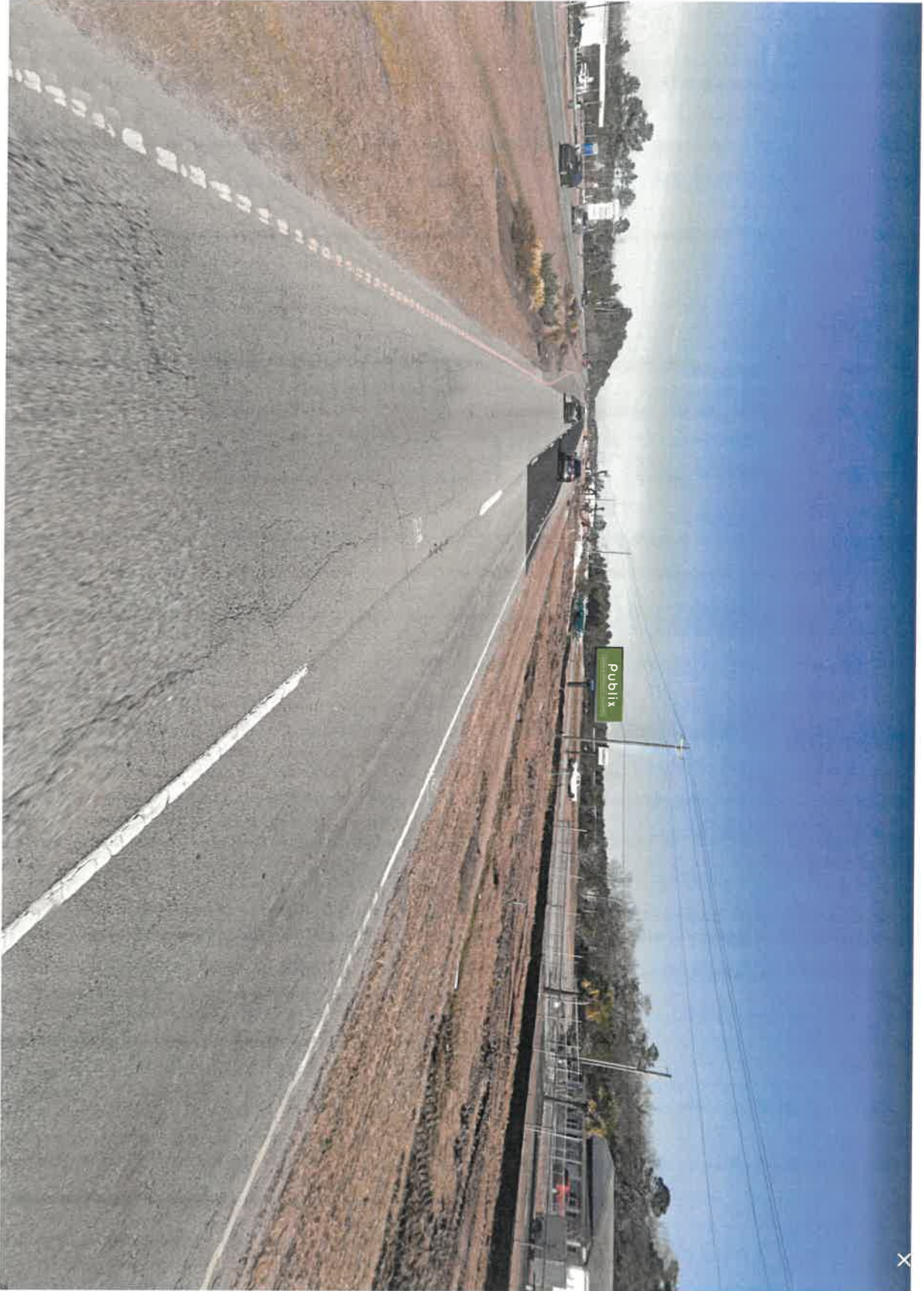
DATE: JUNE 15, 2022

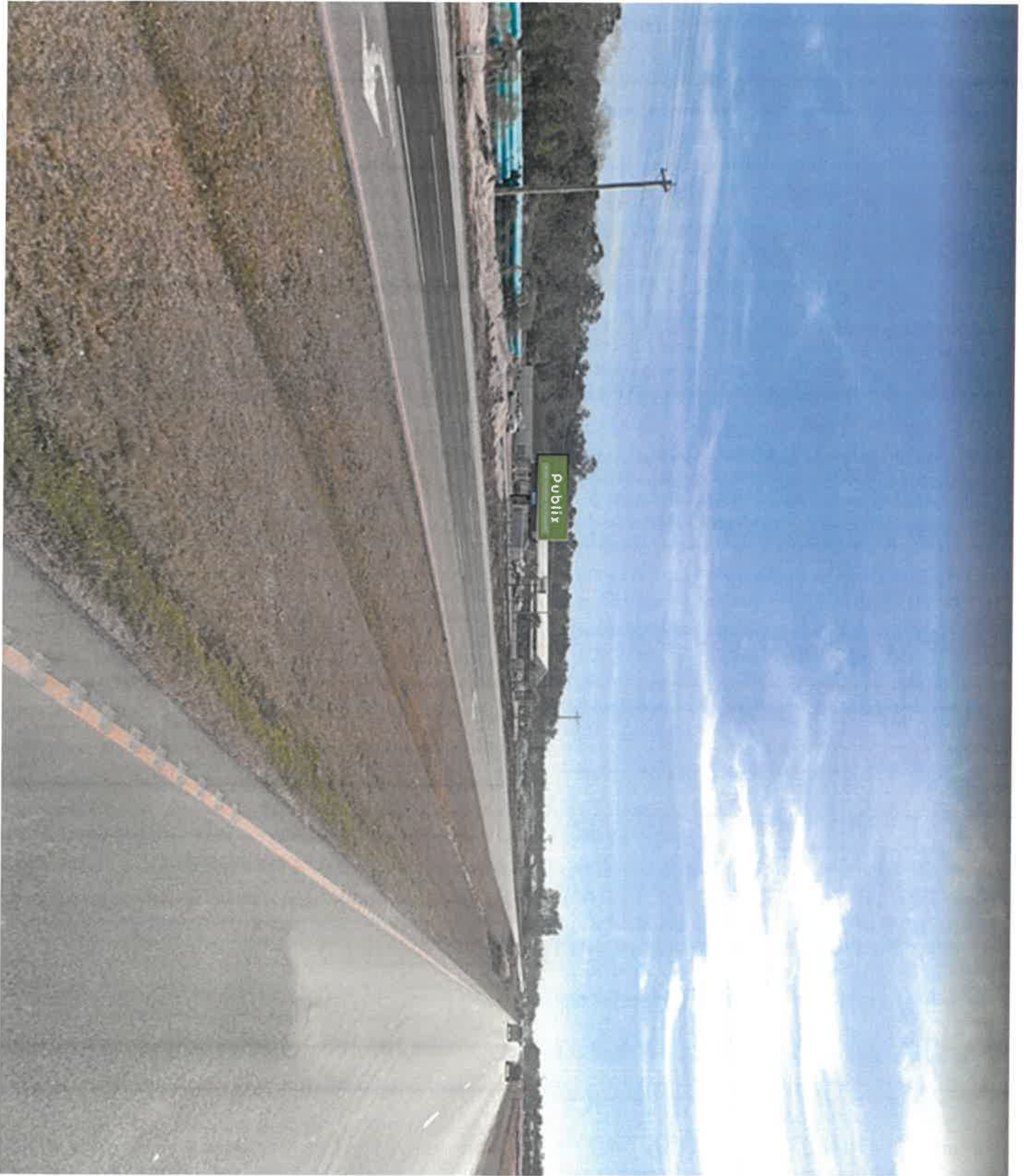


RP & ASSOCIATES LAND SURVEYING AND DRAFTING, LLC

PO BOX 1820 MOUNT PLEASANT  
 SOUTH CAROLINA 29465  
 VOICE: (803) 873-0482  
 WWW.RPASURVEYING.COM









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**STAFF SUMMARY  
FOR BOARD OF ZONING APPEALS**

**Topic:** TMS#: 161-15-00-059. Request from The Spinx Company C/O Spinks Investments for a variance to §10.3.3 for relief of the minimum frontage requirements for placement of two ground-type signs, at/near 1558 S Live Oak Dr and Gaillard Rd in Moncks Corner. (PLVA 043079-2022)

**Prepared By:** Amanda Ellis, Planning & Zoning

**Date:** September 20, 2022

---

**Background:** The subject property, which is approximately 6.14 acres, is zoned General Commercial, located at the signalized intersection of Gaillard Road/Black Tom Road and S. Live Oak Drive (Hwy 71A), and under development for a 6,188 square foot Spinx Gas Station.

The subject property boasts 528 linear feet of frontage on Gaillard Road and 422 linear feet of frontage along S. Live Oak Drive.

The applicant is seeking to construct two freestanding signs, one along each frontage, but does not conform with the dimensional standards necessary to qualify for two signs. Therefore, the applicant is seeking relief of the following requirement:

*Sec. 10.3.3(A) Permanent freestanding signs.*

*1. A property or development will be permitted only one ground-type sign, except that double frontage lots with more than 500 feet of frontage on each of two major highways will be permitted a second freestanding sign with a total message area not to exceed 50 percent of that allowed for the first sign and located a minimum of 250 feet from the adjacent sign located on the double frontage lot. Distance will be measured from the outer edge of the sign and/or supporting structure.*

Signs supporting "Minor Commercial" uses are required to conform to the following dimensional standard: sign face of 80 square feet for single-side/160 square feet for two-sided signs, base of 3', total height of 10.00 (inclusive of the base), and width of 10.5 feet.

**Attachment(s):**

[Application Spinx.pdf](#)

[Real Estate Title.pdf](#)

[Plat.pdf](#)

[Sign Plans.pdf](#)

[3d7914c2-d551-49fe-aa5e-97469fd6afc4 6.pdf](#)

[Aerial.pdf](#)

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# BERKELEY COUNTY SC

## PLANNING AND ZONING DEPARTMENT

Alison Simmons, AICP, Director  
P.O. Box 6122  
1003 Highway 52 • Moncks Corner, SC 29461  
843.719.4095

### APPLICATION FOR VARIANCE

Of the Berkeley County Zoning Ordinance No. 01-8-35 (as amended)

**ALL SECTIONS OF THIS APPLICATION ARE REQUIRED TO BE COMPLETED TO BE ACCEPTED**

Applications are due by COB of the previous month's meeting date. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the *Property Owner Authorization* (found on page 3) to designate the Applicant as the Authorized Agent. Application Fee is **\$150.00** (Non-Refundable). Cash, Card, and Check Accepted. Checks may be made out to **BERKELEY COUNTY**

#### APPLICANT INFORMATION

PRINTED Name of Applicant:

The Spinx Company

Relation to Property Owner (Check One):

I am the Owner  I am the Authorized Agent

Phone #:

864-451-6656

Email Address:

gbm@spinxco.com

Mailing Address:

1414 E Washington Street, Greenville SC 29607

#### PROPERTY OWNER'S CONTACT INFORMATION (IF NOT STATED ABOVE)

Name: Spinks Investments

Mailing Address: 1414 E Washington Street, Greenville SC 29607

Phone #: 864-233-5421

Email Address: Gbm @spinxco.com

#### BZA MEETING DATE AND EXPECTATIONS

BZA Meeting Date Applied for: September 20, 2022

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If, for some reason I or a representative will not be able to attend the scheduled meeting, I must submit a written request for deferral to another date in accordance with the adopted Defeat/Deferral Policy or withdraw my application.

**Applicant's Initials Here:**

**GBM**

#### PROPERTY INFORMATION

TMS#:

161-15-00-059

Lot Size:

6.14 ac

Zoning: GC

Physical Address or Location of Subject Property: 1558 S Live Oak Drive, Monks Corner, SC 29461

Present Use of the Property: Gasoline Convenience Store currently being constructed

#### The following information **MUST BE** submitted with this application:

**1. SITE PLAN**

This should be on a copy of the recorded plat (8"x11"), if available. Sketch showing ALL existing and proposed buildings, bufferyards, roads, driveways, parking spaces, fencing, and other physical improvements in relation to the request.

**2. OTHER RELEVANT EVIDENCE**

The burden of proof to demonstrate a physical hardship falls on the applicant. Please enclose any documents, letters of support, surveys, pictures, or other materials deemed necessary to demonstrate the conditions of the property.

#### SUBMITTAL ENCLOSURES (PLEASE CHECK ALL THAT APPLY)

- Existing Plat of Record
- Site Plan
- Letters of Support from Neighboring Property Owners
- Owner's Notarized Written Authorization (If Owner's Signature Cannot Be Obtained)
- Other (please specify):

**RELEVANT FACTORS PERTAINING TO THE VARIANCE**

I (we) have made (or desire to make) an application for a permit to:

And the Planning and Zoning Department either denied it or stated that it does not conform on the grounds that:

I request a variance from the Berkeley County Zoning Ordinance to be/have (Be specific with measurements, feet, acreage, numbers of, ratio, etc.): See Attachment

State Law and the Berkeley County Ordinance requires that the following four (4) facts are sufficiently met in order for a variance to be considered by the BZA. The applicant must prove through fact that the strict application of the ordinance will result in unnecessary hardship. Please provide a response to EACH question provided below and use additional sheets if necessary.

**THE VARIANCE IS REQUESTED BECAUSE OF THE FOLLOWING REASONS:**

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. There are issues such as size, shape, and topography that prevent compliance with the Ordinance. **NOTE: The BZA REQUESTS precise measurements, either drawn on a map or plat or prepared by a Surveyor or other qualified professional. If insufficient information is presented to the BZA, the applicant risks the Variance being denied or held for a future meeting until the Applicant can provide the necessary evidence.**

See Attachment

2. These conditions do not generally apply to other property in the vicinity. The applicant should answer the question: What condition(s) that generally applies only to this property prevents compliance with the ordinance? **A simple example pertaining to lot shape: "The triangular shape makes it impossible for me to meet the requirements. All the adjacent lots around me are square."**

See Attachment

3. Because of these conditions, the application of the ordinance effectively prohibits, or unreasonably restricts the utilization of the particular piece of property. The applicant should answer the question: What is the reasoning behind why the ordinance would harm the property's current or future use? **NOTE: Monetary gain or advantage is not to be considered by the board in determining hardship. A simple example pertaining to building a detached garage on a residential lot: "Because of the triangular shape of the lot, a detached garage will not fit within the boundaries of the lot and still adhere to the setback requirements. This prevents the lot from being fully utilized."**

See Attachment

4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. **Affected/Interested stakeholders, either in support or in opposition, have the privilege to be heard during the Public Hearing.**

The granting of this variance would not be detrimental to the surrounding properties both of business and residential use. Approval of this variance request would still support the spirit and intent of the current sign ordinance as it was written without creating any unjust advantage to the applicant.

**ACKNOWLEDGMENTS:**  
TERMS OF THIS APPLICATION

1. Hardship resulting from financial difficulty, and the applicant's own actions are generally not sufficient cause for the board to grant a variance.
2. Although the appeal will be advertised in the local newspaper, and the property posted with a sign concerning the details of the meeting, staff strongly recommend that all neighbors and property owners be contacted, by the applicant, before the application is submitted.
3. The applicant may present, at the discretion of the BZA Chairman, and items and/or individuals he/she believes will help his/her case.
4. Five, of the eight appointed Board members, must be present before action can be taken on the variance, and the concurring vote of majority of the Board present is necessary in order for a Variance to be approved.
5. No Variance, having been denied, shall be resubmitted to the Board for a period of one (1) year, unless conditions have changed substantially and new evidence is received, and the Board votes unanimously to rehear the matter.
6. Any person who may have a substantial interest in any decision of the Board may appeal said decision to a court of competent jurisdiction in and for the county of Berkeley, filing with the clerk of such court a petition in writing setting fourth plainly, fully and distinctly wherein such decision is contrary to the law. Such appeal shall be filed within thirty (30) days after the decision of the board is rendered.

**APPLICANT DISCLOSURES**

I, the applicant, hereby acknowledge by my signature that this application is complete and accurate to the best of my knowledge, information, and benefit, have read and understand the terms and expectations associated with this Application, hereby release, hold harmless, and indemnify forever Berkeley County, its employees, and agents, both individually and jointly, from any and all liability or responsibility for any foreseen or unforeseen damage, including, but not limited to, death, bodily injury, personal injury, and property damage, arising from the home occupation located at the above-referenced property by adjoining landowners, visitors and/or any user of the home, including, but not limited to, the public at large, am the owner of the subject property or the authorized representative of the owner, authorize the subject property to be posted and/or inspected, AND hereby certify that the tract(s) or parcel(s) of land to which this request pertains is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought, as provided in the South Carolina Code of Laws, Section 6-29-1145, and are exempt per Section 59.35 of the Berkeley County Code of Ordinances.

Signature: Greg Minton Date: 8/15/2022

**PROPERTY OWNER AUTHORIZATION (IF DIFFERENT FROM APPLICANT)**

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this special exception application.

Property Owner(s) Printed Name: STEPHEN C. SPINKS

Property Owner(s) Signature: [Signature] Date: 7/29/2022

**OFFICE USE SECTION**

AMOUNT PAID: \_\_\_\_\_  CHECK #: \_\_\_\_\_ ;  CASH;  ONLINE PAYMENT INTENDED  
DATE RECEIVED: \_\_\_\_\_ ; RECEIPT NUMBER: \_\_\_\_\_  
DATE FILED: \_\_\_\_\_ ; MEETING DATE: \_\_\_\_\_

\_\_\_\_\_  
ZONING OFFICIAL

\_\_\_\_\_  
DATE



Application for Variance Detail

for The Spinx Company

1588 S Live Oak Drive, Monks Corner, SC 29481

**Relevant Factors Pertaining to The Variance**

The Applicant request a variance from Berkeley County Zoning Ordinance 10.3.3 (A) 1 to allow for the installation of two road signs for their new business located on the corner of Highway 17 & Gaillard Road at 1588 S Live Oak Drive. The current ordinance states and does allow for a business with a corner lot to install two road signs with one sign placed on each of the primary roads so long as the property has 500' of road frontage on each road. The current applicants parcel which consists of 6.14 acres has a total of 528' of road frontage on Gaillard Rd, which exceeds the requirement and 422' of frontage on Highway 17. Combined this gives the applicant only 950' of the 1,000' required, or 95% of the required distance. Applicant requests a variance to the required road frontage and to be allowed to install two monument signs with one located on Gaillard Road and one on Highway 17.

The current ordinance permits a total of 80 SF for the first sign and the second sign can only be 50% of that size or 40 SF. The applicant is proposing to install a ten' tall 69.3 SF monument sign on Highway 17 with the second sign on Gaillard Rd being an eight' tall 32.66 SF monument sign should the variance be approved by the BZA. The total combined signage SF for both signs is 102 SF which is 85% of the total sign square footage allowed by the current ordinance. The spacing between the two signs exceeds the 250' minimum requirement with the actual distance being 326'.

**The Variance is Requested Because of the Following Reasons:**

1. The 6.14 ac property is an assemblage of multiple parcels by the applicant, which were reconsolidated into the larger tract that is under development. The applicant worked diligently in their design process with all governing municipalities and the neighboring business to meet all requirements to create a well-coordinated plan that will serve and enhance services to the community along this growing corridor.
2. The 6.14 ac parcel consists of 528' of road frontage on Gaillard Rd and 422' of frontage on Highway 17. The existing property of the neighboring property on Highway 17 does not allow the frontage to be expanded with an established and recorded easement with the Dollar General for a shared SCDOT drive access for the two businesses that was in place at the time the applicant assembled the property.
3. The design and layout of the new facility for the applicant has two SCDOT drives that will serve the property. One shared access drive on Highway 17 and the second on Gaillard Road. The Road signs serve as identification of our brand, but a more important safety factor is they provide communication to the public traffic that commute through the area to notify the drivers of the upcoming drive locations allowing them time to prepare to access these drives as they exit safely from the main traffic flow.

CYNTHIA B FORTE  
BERKELEY COUNTY  
REGISTER OF DEEDS

Po Box 6122 ~ Moncks Corner, SC 29461 (843) 719-4084

\*\*\* THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE \*\*\*

\*\*\* ELECTRONICALLY RECORDED DOCUMENT \*\*\*

Instrument #:	2021029748	
Receipt Number:	218438	Return To:
Recorded As:	EREC-DEED	
Recorded On:	June 24, 2021	
Recorded At:	03:29:40 PM	Received From: SIMPLIFILE
Recorded By:	SAMANTHA EVANS	Parties:
Book/Page:	RB 3862: 835 - 840	Direct- MAD DOG DEVELOPMENT LLC
Total Pages:	6	Indirect- SPINKS INVESTMENTS INC

\*\*\* EXAMINED AND CHARGED AS FOLLOWS \*\*\*

Recording Fee: \$15.00  
 Exempt  
 Tax Charge: \$0.00



RECEIVED  
 JUN 24, 2021  
 ASSESSOR  
 BERKELEY COUNTY SC  
 JANET B. JUROSKO  
 AUDITOR BERKELEY COUNTY SC

*Cynthia B. Forte*  
 Cynthia B Forte - Register of Deeds





SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

**MAD DOG DEVELOPMENT, LLC**, a  
South Carolina limited liability company

Mary L. Worth

Witness One  
Name: Mary L. Worth

Chris J. Loyden

Witness Two  
Name: Chris J. Loyden

By: [Signature] (Seal)

Name: James Wheeler

Title: Manager

STATE OF SOUTH CAROLINA )

ACKNOWLEDGEMENT

COUNTY OF BERKELEY )

I, Chris J. Loyden, Notary Public for the State of South Carolina  
do hereby certify that James Wheeler, the duly authorized Manager of Mad Dog Development,  
LLC, the above Grantor, personally appeared before me this day and acknowledged the due  
execution of the foregoing instrument on behalf of the entity

SWORN to before me this 22

day of June 2021.

[Signature] (SEAL)

Notary Public for South Carolina

Printed Name: Chris J. Loyden

My Commission Expires: 9-16-24

## Exhibit "A"

## Legal Description to Quitclaim Deed

All that certain piece, parcel of land, situate, lying and being in the State of South Carolina, County of Berkeley, lying along the right-of-way of Gaillard Road (S-8-357), containing 6.92 acres, more or less, according to a boundary survey entitled "Boundary Survey for Spinks Investments, Inc.", prepared by Daniel J. Stiles, PLS No. 17933, on behalf of EAS Professionals, Inc., dated June 17, 2021, and having according to said plat, the following metes and bounds, to-wit:

Beginning at an iron pin found 5/8" rebar on the northern right of way of Gaillard Road (S-8-357) and the common corner of now or formerly Donna M. Peeples, being the POB (Point of Beginning). Thence running along the northern right of way line of Gaillard Road (S-8-357) along a curve to the right having a chord bearing and distance of S 85°06'16" W 116.81 feet, a radius of 1330.91 feet and a length of 116.85 feet to an iron pin set 5/8" rebar, thence running along the common property line of now or formerly SC Public Service Authority and Mad Dog Development N 01°19'06" W 127.89 feet to an iron pin found 5/8" rebar, thence N 89°01'54" W 217.83 feet to an iron pin found 5/8" rebar, thence S 10°51'06" W 126.61 feet to an iron pin set 1/2" rebar, thence running along the northern right of way line of Gaillard Road (S-8-357) N 86°09'13" W 61.27 feet to an iron pin found 1/2" rebar, thence running along the common property line of now or formerly Leslie Hodges Clark N 7°00'30" E 209.16 feet to an iron pin found 1" crimp top, thence running along the common property line of Mad Dog Development N 7°04'44" E 148.41 total feet, passing an iron pin found 5/8" rebar at 98.33 feet to an iron pin found 5/8" rebar, thence N 7°11'02" E 7.22 feet to an iron pin set 1/2" rebar, thence running along the common property line of now or formerly Casual Company of Charleston LLC N 7°12'56" E 175.28 feet to an iron pin found 2" flat bar, thence N 8°29'22" E 372.19 feet to an iron pin found 2" open top, thence running along the common property line of now or formerly Justin Driggers N 87°51'19" E 293.99 feet to an iron pin set 1/2" rebar, thence running along the common property line of now or formerly Donna M. Peeples S 0°24'54" E 916.40 feet to the point and place of beginning. Said tract contains 6.92 acres or 301,438 square feet, more or less.

Tax Map No# 1611500054:

ALSO: All that certain piece, parcel of land, situate, lying and being in the State of South Carolina, County of Berkeley, lying along the right-of-way of S. Live Oak Drive (ALT. Hwy 17), containing 2.49 acres, more or less, according to a boundary survey entitled "Boundary Survey for Spinks Investments, Inc.", prepared by Daniel J. Stiles, PLS No. 17933, on behalf of EAS Professionals, Inc., dated June 17, 2021, and having according to said plat, the following metes and bounds, to-wit:

Commencing at an iron pin found 1/2" rebar on the northern right of way of Gaillard Road (S-8-357) and the common corner of now or formerly Leslie Hodges Clark, being the POC (Point of Commencement). Thence running along the common property line of Leslie Hodges Clark N 7°00'30" E 209.16 feet to an iron pin found 1" crimp top, being the POB (Point of Beginning), thence N 85°49'17" W 103.96 feet to an iron pin found 1" crimp top, thence S 7°07'17" W 107.70 feet to an iron pin found 1" crimp top, thence running along the common property line of now or formerly Edward L. Smith Trustee S 79°09'09" E 124.62 feet to an iron pin set 1/2" rebar, thence running along the common property line of now or formerly Minnie

Ruth Brenner S 09°15'08" W 32.83 feet to an iron pin found 1" rod, thence S 88°32'26" E 93.84 feet to an iron pin found 1/2" open top, thence S 88°32'23" E 170.23 feet to a nail at 1/2" rebar bent on the eastern right of way line of S. Live Oak Drive (Alt. Hwy 17), thence running along the eastern right of way line of S. Live Oak Drive (Alt. Hwy 17) N 14°03'05" E 277.49 feet to an iron pin set 1/2" rebar, thence running along the common property line of now or formerly Casual Company of Charleston LLC S 75°56'55" E 294.00 feet to an iron pin set 1/2" rebar, thence S 87°41'17" E 164.89 feet to an iron pin set 1/2" rebar, thence running along the common property line of now or formerly Mad Dog Development S 7°11'02" W 7.22 feet to an iron pin set 1/2" rebar; thence continuing along the common property line of now or formerly of Mad Dog Development S 7°04'44" W 148.41 total feet, passing an iron pin found 1/2" rebar at 98.33 feet to an iron pin found 1" crimp top. Said tract contains 2.49 acres or 108,429 square feet more or less.

Tax Map# 1611500033



AFFIDAVIT

STATE OF SOUTH CAROLINA  
COUNTY OF BERKELEY

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

- 1. I have read the information on this affidavit and I understand such information.
- 2. The property being transferred bearing TMS #161-15-00-033 and 61-15-00-054 is being transferred by Mad Dog Development, LLC TO: Spinks Investments, Inc. on June 23, 2021.
- 3. Check one of the following: The Deed is:
  - (a) \_\_\_ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b) \_\_\_ Subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is transferred to a trust or a distribution to a trust beneficiary.
  - (c) x Exempt from the deed recording fee because: (exemption #12;)  
(If exempt, skip items 4 – 6 and proceed to item 7.)
- 4. Check one of the following, which applies to this conveyance.
  - (a) \_\_\_ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ \_\_\_\_\_.
  - (b) \_\_\_ The fee is computed on the fair market value of \_\_\_\_\_.
  - (c) \_\_\_ The fee is computed on the value established for tax purposes as \_\_\_\_\_.
- 5. Check Yes \_\_\_ or No \_\_\_. A lien or encumbrance is being assumed as part of the conveyance.

If "Yes" the outstanding balance of the encumbrance is \_\_\_\_\_.  
If a recorded mortgage is assumed ( Recorded at Book \_\_\_\_\_ Page \_\_\_\_\_.)

- 6. The deed recording fee is computed as follows:
  - (a) The amount listed in item 4 above: \$ \_\_\_\_\_.
  - (b) The amount listed in item 5 above: 0 \_\_\_\_\_.
  - (Zero, if no amount is listed)
  - (c) Subtract line 6(b) from 6(a) \_\_\_\_\_ \$ \_\_\_\_\_.

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee is \$ 15.00

8. As required by Code Section 12 -24-70, I state that I am a responsible party connected with This conveyance as: GRANTOR

- 9. Check if property other than Real Property is being transferred on this Deed.
  - (A) \_\_\_ mobile home
  - (B) \_\_\_ Other

10. I understand that furnishing a false or fraudulent affidavit is a misdemeanor and upon conviction, is punishable by a fine not more than one thousand dollars or imprisonment not more than one year, or both.

SWORN to before me this 22 day of  
June, 2021.

Notary for South Carolina

Responsible person connected with transaction

JAMES WHEELER, Manager

Commission Expires 9-16-24

9-16-24



SIGN - Monument Sign  
Sq. Ft: 32.66 sq. ft.

**SPECIFICATIONS**

**Qty 1: Double Sided Monument**

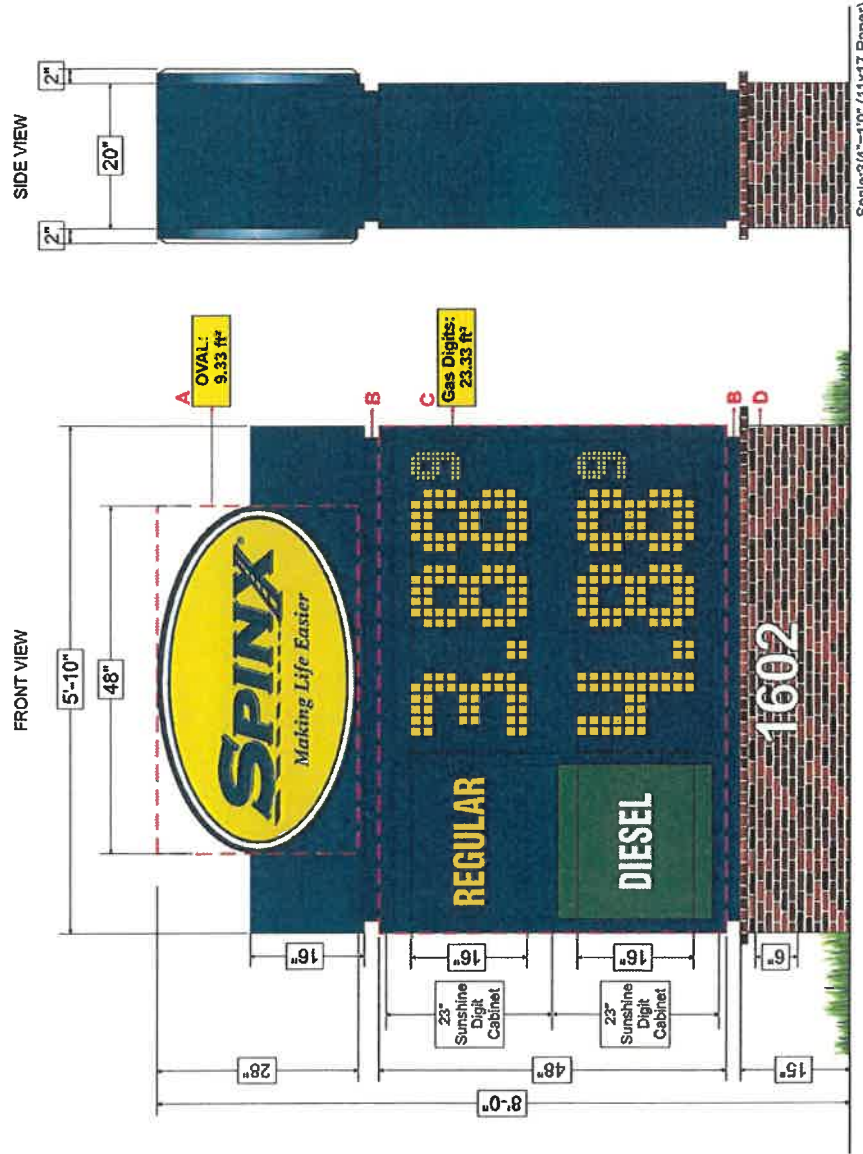
**A. Spinx Cabinet:**  
Qty (2): Single sided internally illuminated channel logo, Pan Face with custom graphics, applied second surface flush mounted to blue cabinet.

**B. Reveals**  
2" aluminum reveals painted Blue

**C. LED Gas price Signs:**  
UNL Qty (2): Internally illuminated cabinet flat acrylic headers with second surface graphics and 16" Sunshine LED petroleum digits provided by Spinx

**DIESEL Qty (2):** Internally illuminated cabinet flat acrylic headers with second surface graphics and 16" Sunshine LED petroleum digits provided by Spinx

**D. Base:**  
Custom brick structure provided by Spinx.  
6" sintra address number, flush mounted



COLOR LEGEND	
PMS/PAIN	VINYL
PMS White C/ MP White	Oracal 6500-D10 White
Lacryl 418 Lumen Yellow	Oracal 6500-D21 Yellow
MP 640 Redox Blue	N/A
PMS 374 C	Oracal 087 Emerald
ILLUMINATION	
POWER	LED COLOR
120V	White Sintra
POWER	
1. Static Signs - QTY:1 20 Amp @120 VAC	
2. Electronic Digits - QTY:2 30 Amp @120 VAC	
COMMUNICATION	
Conduit - QTY:1 Cat5 - QTY:1 Fiber Optic	

**MASSTAR SIGNS**  
11601 Anderson Road, Greenville, SC 29611  
Phone: (864) 295-2287  
Fax: (864) 269-7711  
www.masstarsigns.com

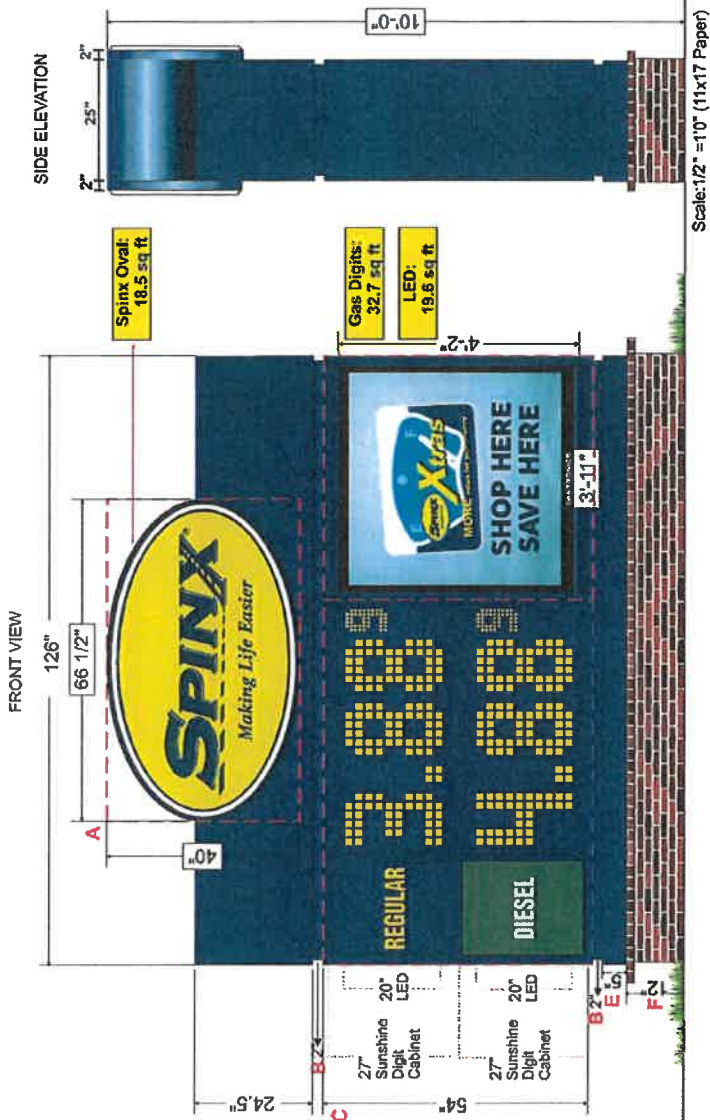
Job Number: 210152  
Client: Spinx #317  
Address: 1602 S Live Oak Dr  
Moncks Corner, SC 2946  
Salesperson: Mark Browning  
Designer: Jesse Hargrove  
Date Originated: 04-05-21  
Manufacture By:  
Install By:  
Concept: ●  
Finalist: ○  
Drawing Scale: As Noted  
Vector Artwork:  
Revision 1: 10-21-21 JH  
Revision 2: 04-01-22 JH  
Revision 3: 06-22-22 CP  
Revision 4: 06-29-22 CP  
Revision 5: 07-07-22 TH  
Revision 6:  
Revision 7:  
Customer Approved:  
Date:  
Landlord Approved:  
Date:  
UL Underwriters Laboratories, Inc.  
SSSA  
Shaw's Signs, Corp.

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**SPECIFICATIONS**  
Qty 1

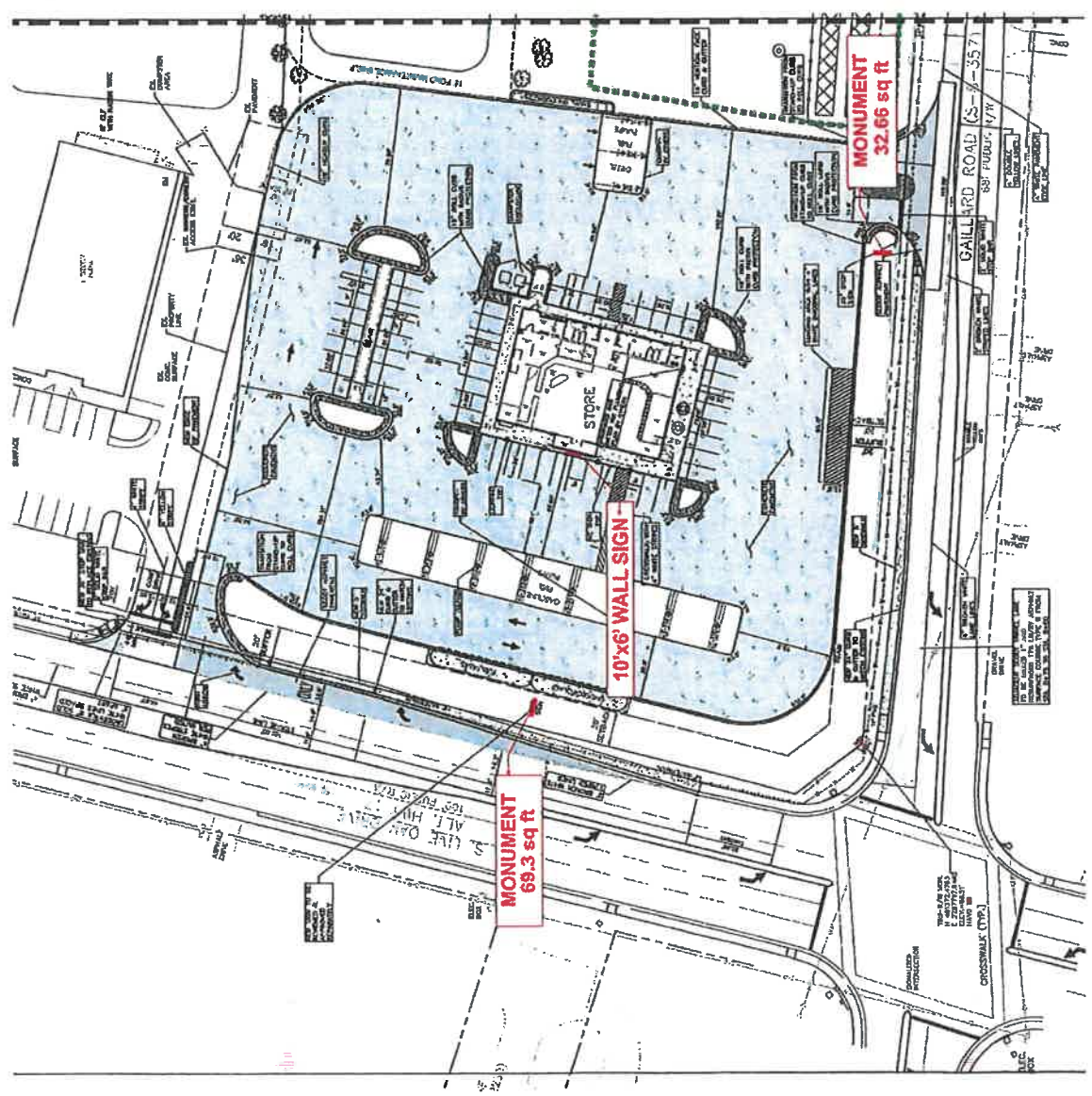
- A. Spinx Cabinet:** Qty (2); Single sided internally illuminated channel logo, Pan Face with custom graphics, applied second surface flush mounted to blue cabinet.
- B. Reveals** 2" aluminum reveals painted Blue
- C. LED Gas price Signs:** UNL Qty (2); Internally illuminated cabinet flat acrylic headers with second surface graphics and 20" Sunshine LED petroleum digits provided by Spinx  
DIESEL Qty (2); Internally illuminated cabinet flat acrylic headers with second surface graphics and 20" Sunshine LED petroleum digits provided by Spinx
- D. Spinx Xtras Cabinet:** Double sided illuminated cabinet, 1" retainers with flat acrylic clear face with 2nd surface vinyl graphics and opaque background
- E. Skirt** Aluminum skirt painted blue
- F. Base** Custom brick structure provided by Spinx.



COLOR LEGEND	
PMS/PAIN	VINYL
PMS White C/ MP White	Oracal 6500-010 White
Lacryl 416 Lemon Yellow	Oracal 8900-021 Yellow
MP 840 Reflex Blue	N/A
PMS 374 C	Oracal 007 Emerald
ILLUMINATION	
POWER	LED COLOR
120V	White Sloan
POWER	
1.Static Signs - QTY:1 20 Amp @120 VAC	
2.Electronic Digits & Daktronics - QTY:2 30 Amp @120 VAC	
COMMUNICATION	
Conduit - QTY:1 Cat5 - QTY:1 Fiber-Optic	

Job Number: 210153  
 Client: Spinx #317  
 Address: 1802 S Live Oak Dr  
 Moncks Corner, SC 2946  
 Salesperson: Mark Browning  
 Designer: Jesse Hargrove  
 Date Originated: 04-05-21  
 Manufacture By:  
 Install By:  
 Conceptual: ●  
 Finalized: ○  
 Drawing Scale: As Noted  
 Vector Artwork:  
 Revision 1: 10-21-21 TH  
 Revision 2: 04-01-22 TH  
 Revision 3: 06-23-22 CP  
 Revision 4: 06-23-22 CP  
 Revision 5:  
 Revision 6:  
 Revision 7:  
 Customer Approved:  
 Date:  
 Landlord Approved:  
 Date:  
 Underwriters Laboratories, Inc. (UL)  
 SSA  
 Shurtz, James, Corp.

Job Number: 210152  
 Client: Springs #317  
 Address: 1602 S Live Oak Dr  
 Moncks Corner, SC 29466  
 Salesperson: Mark Browning  
 Designer: Jesse Harrovez  
 Date Originated: 04-05-21  
 Manufacture By: \_\_\_\_\_  
 Install By: \_\_\_\_\_  
 Conceptual:  \_\_\_\_\_  
 Finalized:  \_\_\_\_\_  
 Drawing Scale: As Noted  
 Vector Artwork: \_\_\_\_\_  
 Revision 1: 10-21-21 TH  
 Revision 2: 04-01-22 TH  
 Revision 3: 06-15-22 TH  
 Revision 4: \_\_\_\_\_  
 Revision 5: \_\_\_\_\_  
 Revision 6: \_\_\_\_\_  
 Revision 7: \_\_\_\_\_  
 Customer Approved: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Landlord Approved: \_\_\_\_\_  
 Date: \_\_\_\_\_



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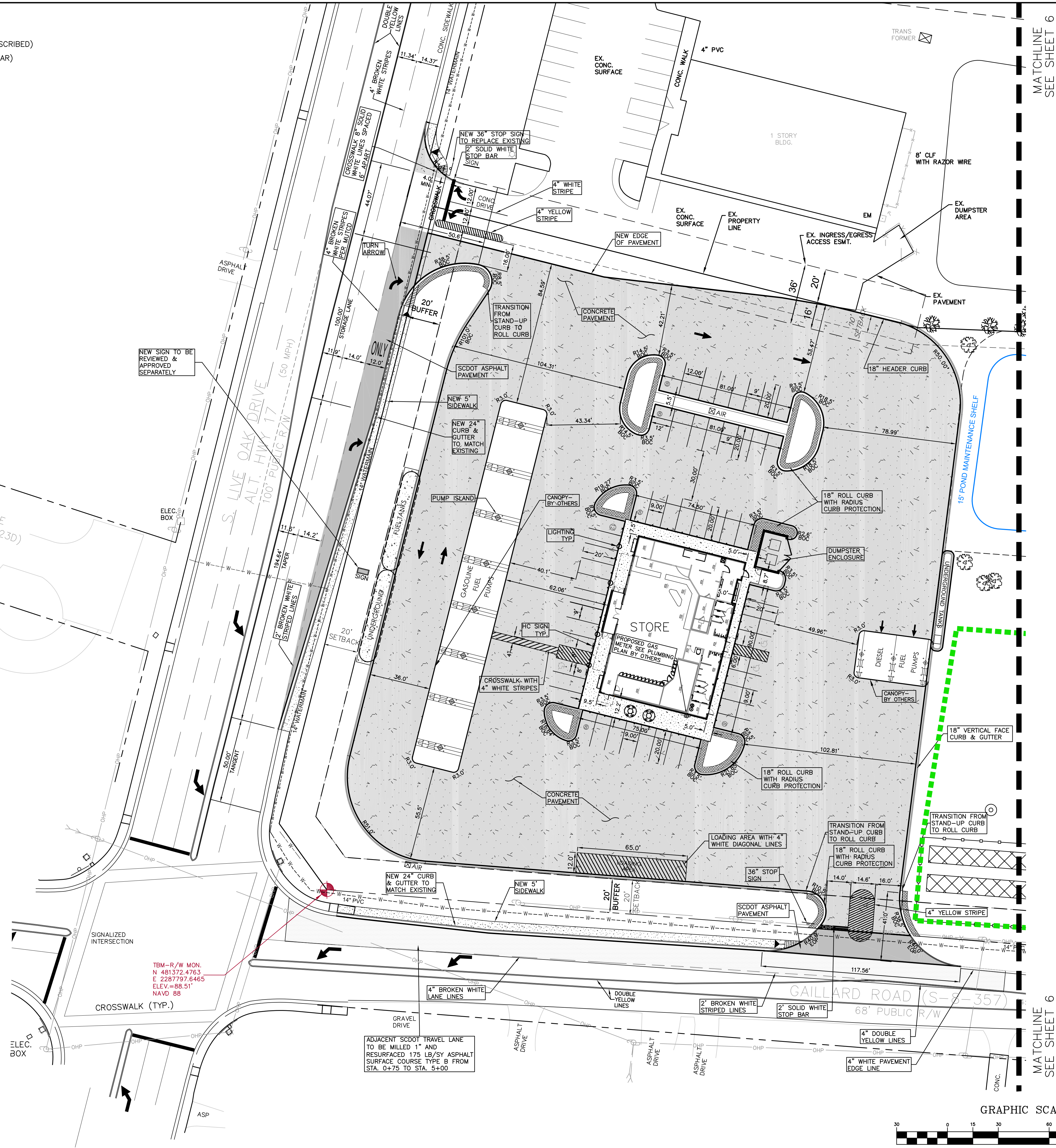


**LEGEND**

- BOUNDARY LINE & CORNER FOUND (AS DESCRIBED)
- BOUNDARY LINE & CORNER SET (5/8" REBAR)
- RIGHT OF WAY LINE
- BUFFER
- SETBACK
- EASEMENT LINE (AS DESCRIBED)
- CENTERLINE
- OVERHEAD POWER LINE
- POWER POLE
- UTILITY POLE
- GUY POLE
- SERVICE POLE
- DOWNSPOUT
- ELECTRICAL BOX
- WATER METER
- CABLE MARKER
- CABLE BOX
- BACKFLOW PREVENTOR
- WATER VALVE
- WETLANDS
- CONCRETE PAVEMENT
- STAMPED CONCRETE/RADIUS PROTECTION
- SCDOT ASPHALT PAVEMENT
- MILLING & RESURFACING AREA

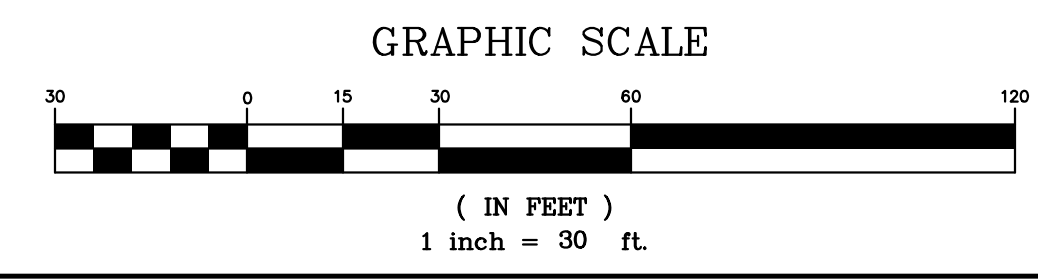
**SCDOT NOTE:**  
See SCDOT Plans for all work within SCDOT R/W.

**PAVEMENT NOTE:**  
REFER TO PAVEMENT PLANS BY EAS FOR ALL SECTIONS, DESIGNS AND JOINT PLACEMENT FOR ALL PAVEMENT ON SITE. FOR PAVEMENT DESIGN, SECTIONS AND TIE IN WITHIN SCDOT R/W REFER TO ENCROACHMENT PERMIT.



MATCHLINE  
SEE SHEET 6

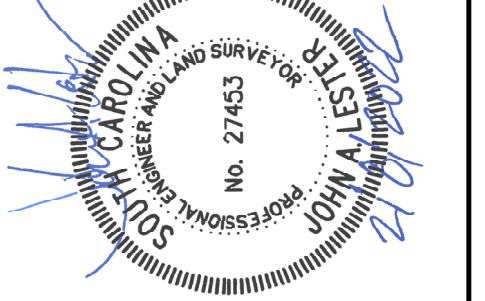
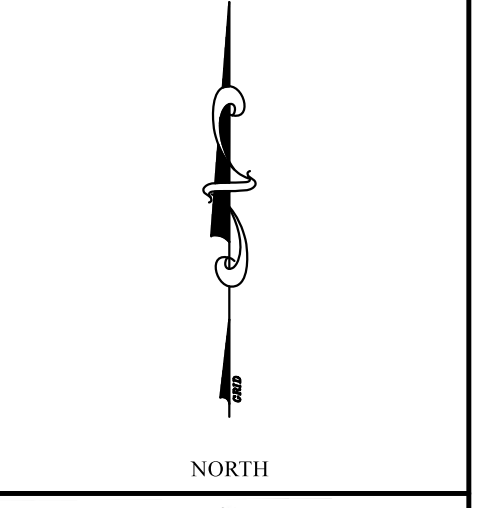
MATCHLINE  
SEE SHEET 6



**HLA**  
THE SITE EXPERTS

SURVEYING • WETLAND PERMITTING • LAND PLANNING  
CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE

28A Leinbach Dr., Charleston, SC 29407 / tel 843.763.1166 / www.hlainc.com



**SITE PLAN**

**SPINX #317 GAILLARD RD.**  
BERKELEY COUNTY, SOUTH CAROLINA

PROJECT #  
**20090.00**

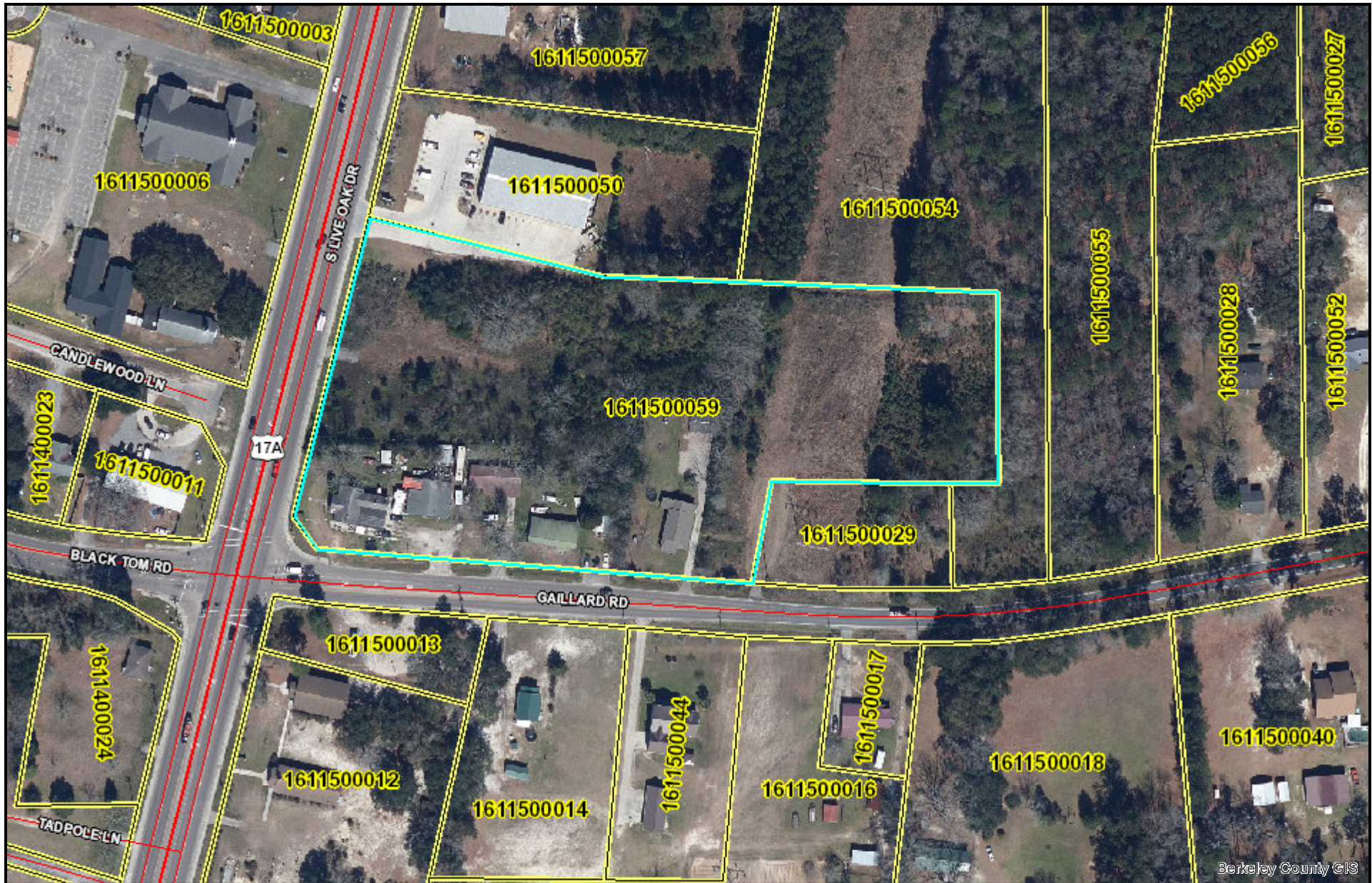
DATE: 8-11-2020  
SCALE: 1" = 30'  
DESIGN: RAF  
DRAWN: JDB/NCA  
CHECK: JAL

**REVISIONS**

▲	REVISED PER COUNTY COMMENTS	BSH	9/16/2021
▲	REVISED PER COUNTY COMMENTS	BSH	12/15/2021
▲	REVISED PER COUNTY COMMENTS	BSH	01/05/2022
▲	REVISED PER COUNTY COMMENTS	BSH	01/13/2022
▲	REVISED PER COUNTY COMMENTS	BSH	01/18/2022
▲	REVISED PER COUNTY COMMENTS	BSH	01/24/2022
▲	REVISED PER COUNTY COMMENTS	BSH	02/08/2022



# 161-15-00-059



1 inch = 167 feet  
Date: 8/16/2022  
Berkeley County GIS



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## STAFF SUMMARY FOR BOARD OF ZONING APPEALS

**Topic:** TMS#: 195-11-02-011. Request from June Miller Murphy for a variance to §6.3.9A for relief of the minimum lot size requirements for a second principal dwelling at/near 117 Winding Rd in the Creekside Acres community of Moncks Corner. (PLVA 043085-2022)

**Prepared By:** Amanda Ellis, Planning & Zoning

**Date:** September 20, 2022

---

**Background:** The subject property is approximately 1.90 acres, contains one dwelling, zoned in the Mobile Home Rural Farm Residential (R-2R(F)) District, and located along Winding Road in the Creekside Acres community.

The applicant desires to place a second dwelling on the property. The R2-R(F) zoning district supports multiple primary dwellings at a density of one dwelling per acre. Therefore, the applicant is seeking relief of the 2-acre minimum lot size requirement necessary to support a second dwelling.

Historic aerial imagery indicates that the property contained a second dwelling in 2006 and 2004. The second dwelling is not shown in 2009 aerial imagery and years since.

### *6.3.9. Density regulations.*

*A. There shall be no more than one principal dwelling unit per one acre (43,560 square feet) of platted land, lot or parcel.*

**Attachment(s):**

Application Murphy.pdf

Letter from applicant.pdf

Aerial.pdf

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# BERKELEY COUNTY SC

## PLANNING AND ZONING DEPARTMENT

Alison Simmons, AICP, Director  
P.O. Box 6122  
1003 Highway 52 • Moncks Corner, SC 29461  
843.719.4095

### APPLICATION FOR VARIANCE

Of the Berkeley County Zoning Ordinance No. 01-8-35 (as amended)

**ALL SECTIONS OF THIS APPLICATION ARE REQUIRED TO BE COMPLETED TO BE ACCEPTED**

Applications are due by COB of the previous month's meeting date. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the *Property Owner Authorization* (found on page 3) to designate the Applicant as the Authorized Agent. Application Fee is **\$150.00** (Non-Refundable). Cash, Card, and Check Accepted. Checks may be made out to **BERKELEY COUNTY**

#### APPLICANT INFORMATION

PRINTED Name of Applicant:

June Miller Murphy

Relation to Property Owner (Check One):

I am the Owner  I am the Authorized Agent

Phone #:

843 425 7497

Email Address:

JMiller242@yahoo.com

Mailing Address:

117 winding Rd Moncks Corner SC 29461

#### PROPERTY OWNER'S CONTACT INFORMATION (IF NOT STATED ABOVE)

Name:

June Miller Murphy

Mailing Address:

811 eastern white pines rd Ladson SC 29456

Phone #:

843-425-7497

Email Address:

JMiller242@yahoo.com

#### BZA MEETING DATE AND EXPECTATIONS

BZA Meeting Date Applied for:

9/20/22

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If, for some reason I or a representative will not be able to attend the scheduled meeting, I must submit a written request for deferral to another date in accordance with the adopted Defeat/Deferral Policy or withdraw my application.

**Applicant's Initials Here:**

#### PROPERTY INFORMATION

TMS#:

195-11-02-011

Lot Size:

1.90

Zoning:

R2RF

Physical Address or Location of Subject Property:

117 winding Rd. Moncks Corner SC

Present Use of the Property:

currently renting to nephew

29461

#### The following information **MUST BE** submitted with this application:

##### 1. SITE PLAN

This should be on a copy of the recorded plat (8"x11"), if available. Sketch showing ALL existing and proposed buildings, bufferyards, roads, driveways, parking spaces, fencing, and other physical improvements in relation to the request.

##### 2. OTHER RELEVANT EVIDENCE

The burden of proof to demonstrate a physical hardship falls on the applicant. Please enclose any documents, letters of support, surveys, pictures, or other materials deemed necessary to demonstrate the conditions of the property.

#### SUBMITAL ENCLOSURES (PLEASE CHECK ALL THAT APPLY)

- Existing Plat of Record
- Site Plan
- Letters of Support from Neighboring Property Owners
- Owner's Notarized Written Authorization (If Owner's Signature Cannot Be Obtained)
- Other (please specify):



RELEVANT FACTORS PERTAINING TO THE VARIANCE

I (we) have made (or desire to make) an application for a permit to:

asking for variance - does not meet acreage

And the Planning and Zoning Department either denied it or stated that it does not conform on the grounds that:

does not meet acreage for 2 Homes

I request a variance from the Berkeley County Zoning Ordinance to be/have (Be specific with measurements, feet, acreage, numbers of, ratio, etc.):

want to put <sup>new</sup> mobile home on 117 Winding Rd. along with existing MH <sup>does not meet acreage by few feet</sup>

State Law and the Berkeley County Ordinance requires that the following four (4) facts are sufficiently met in order for a variance to be considered by the BZA. The applicant must prove through fact that the strict application of the ordinance will result in unnecessary hardship. Please provide a response to EACH question provided below and use additional sheets if necessary.

THE VARIANCE IS REQUESTED BECAUSE OF THE FOLLOWING REASONS:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. There are issues such as size, shape, and topography that prevent compliance with the Ordinance. NOTE: The BZA REQUESTS precise measurements, either drawn on a map or plat or prepared by a Surveyor or other qualified professional. If insufficient information is presented to the BZA, the applicant risks the Variance being denied or held for a future meeting until the Applicant can provide the necessary evidence.

The size of property does not quite meet 2 acres only miss by not enough feet. The new mobile home will not affect neighbors on the sides front or back.

2. These conditions do not generally apply to other property in the vicinity. The applicant should answer the question: What condition(s) that generally applies only to this property prevents compliance with the ordinance? A simple example pertaining to lot shape: "The triangular shape makes it impossible for me to meet the requirements. All the adjacent lots around me are square."

The size of the lot

3. Because of these conditions, the application of the ordinance effectively prohibits, or unreasonably restricts the utilization of the particular piece of property. The applicant should answer the question: What is the reasoning behind why the ordinance would harm the property's current or future use? NOTE: Monetary gain or advantage is not to be considered by the board in determining hardship. A simple example pertaining to building a detached garage on a residential lot: "Because of the triangular shape of the lot, a detached garage will not fit within the boundaries of the lot and still adhere to the setback requirements. This prevents the lot from being fully utilized."

would not harm property future. already has 2 drive ways and would not affect neighbors on either side front or back

(4) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. Affected/Interested stakeholders, either in support or in opposition, have the privilege to be heard during the Public Hearing.

property would be well kept and would not affect neighbors on either side front or back

no harm to the public or character of the neighborhood.



**ACKNOWLEDGMENTS:**

TERMS OF THIS APPLICATION

1. Hardship resulting from financial difficulty, and the applicant's own actions are generally not sufficient cause for the board to grant a variance.
2. Although the appeal will be advertised in the local newspaper, and the property posted with a sign concerning the details of the meeting, staff strongly recommend that all neighbors and property owners be contacted, by the applicant, before the application is submitted.
3. The applicant may present, at the discretion of the BZA Chairman, and items and/or individuals he/she believes will help his/her case.
4. Five, of the eight appointed Board members, must be present before action can be taken on the variance, and the concurring vote of majority of the Board present is necessary in order for a Variance to be approved.
5. No Variance, having been denied; shall be resubmitted to the Board for a period of one (1) year, unless conditions have changed substantially and new evidence is received, and the Board votes unanimously to rehear the matter.
6. Any person who may have a substantial interest in any decision of the Board may appeal said decision to a court of competent jurisdiction in and for the county of Berkeley, filing with the clerk of such court a petition in writing setting fourth plainly, fully and distinctly wherein such decision is contrary to the law. Such appeal shall be filed within thirty (30) days after the decision of the board is rendered.

**APPLICANT DISCLOSURES**

I, the applicant, hereby acknowledge by my signature that this application is complete and accurate to the best of my knowledge, information, and benefit, **have read and understand the terms and expectations associated with this Application**, hereby release, hold harmless, and indemnify forever Berkeley County, its employees, and agents, both individually and jointly, from any and all liability or responsibility for any foreseen or unforeseen damage, including, but not limited to, death, bodily injury, personal injury, and property damage, arising from the home occupation located at the above-referenced property by adjoining landowners, visitors and/or any user of the home, including, but not limited to, the public at large, **am the owner of the subject property or the authorized representative of the owner**, authorize the subject property to be posted and/or inspected, AND hereby certify that the tract(s) or parcel(s) of land to which this request pertains is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought, as provided in the South Carolina Code of Laws, Section 6-29-1145, and are exempt per Section 59.35 of the Berkeley County Code of Ordinances.

Signature: Jane Murphy Date: 08-16-22

**PROPERTY OWNER AUTHORIZATION (IF DIFFERENT FROM APPLICANT)**

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this special exception application.

Property Owner(s) Printed Name: Jane Miller Murphy

Property Owner(s) Signature: Jane Murphy Date: 08-16-22

**OFFICE USE SECTION**

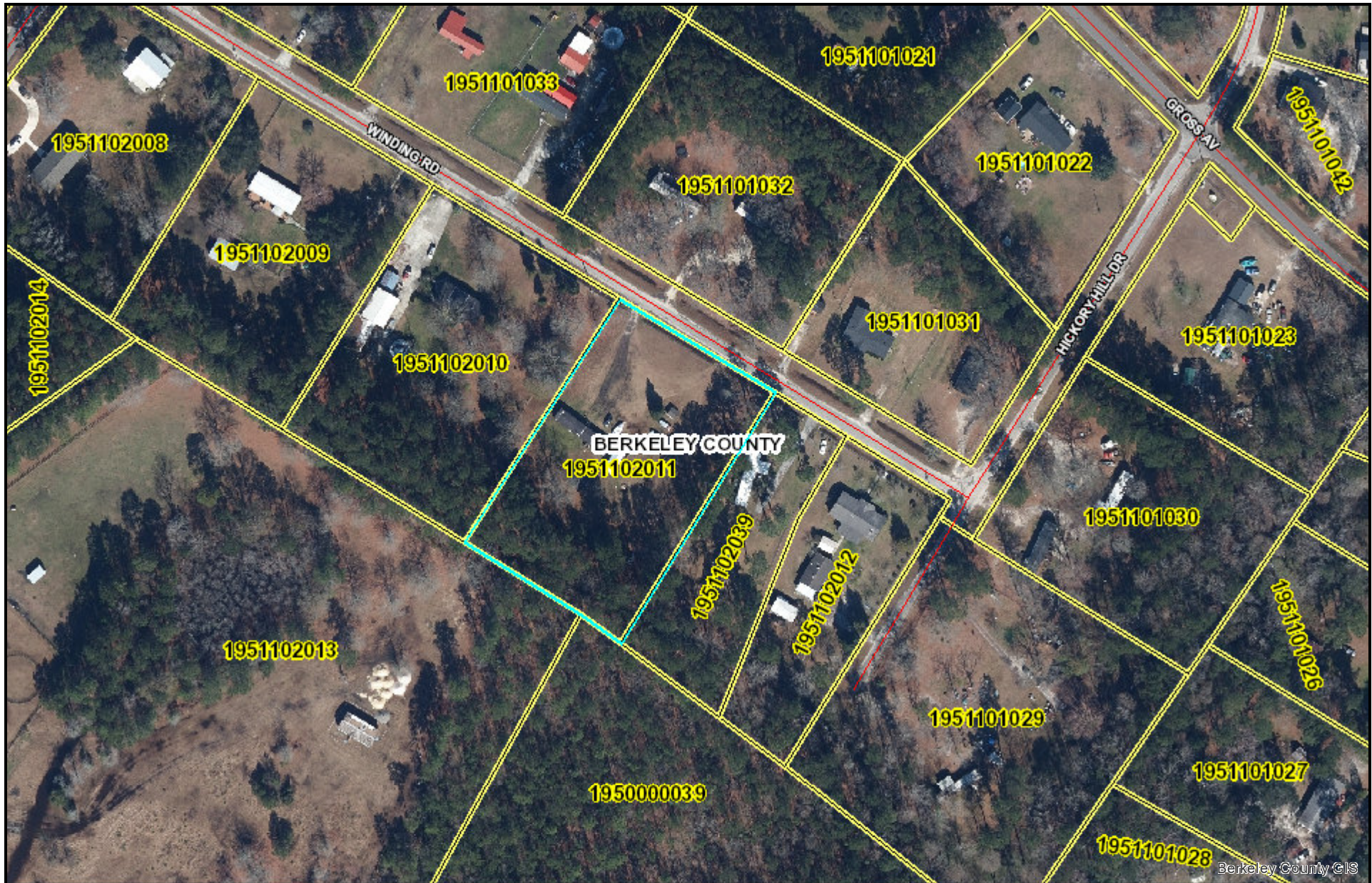
AMOUNT PAID: 8/16/22 150 ;  CHECK #: \_\_\_\_\_ ;  CASH;  ONLINE PAYMENT INTENDED 6/3/94  
 DATE RECEIVED: 8/16/22 ; RECEIPT NUMBER: 6/3/94  
 DATE FILED: 8/16/22 ; MEETING DATE: 9/20/22  
Amanda Gill 8/16/22  
 ZONING OFFICIAL DATE

I June Murphy is asking for a variance to put my home on 117 Winding rd. Moncks Corner sc and not move the existing home already on the property which ~~and~~ family member lives (more or less not put them on the street) There was 2 septic tanks, 2 water taps and 2 power meters on the property for this reason There has been 2 homes on the property numerous times. There is also 2 drive ways. The lot misses 2 acres by only a few feet. We are asking for the variance again so it wont put a hardship on 2 families My family bought the property for our family to use and have a place

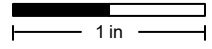
to live, now we can't because of the new zoning and cant do much with our property. Moving my home on this property will not effect the neighbors on either side front or back. The property had 2 addresses at one time with was 117 and 119 winding rd. We are asking you please give us the variance so our family will have a place to live. Thanking you in advance. also the mobile home is an 1999 and might not be able to be moved. That is the existing home at 117 Winding Rd.



# 195-11-02-011



1 inch = 167 feet



Date: 8/17/2022  
Berkeley County GIS



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