

AGENDA
TOWN OF MEGGETT BOARD OF ZONING APPEALS
November 16, 2016
7:00 P.M.
South Carolina Produce Association Building
4770 Highway 165, Meggett, SC 29449

NOTICE OF THIS MEETING WAS PUBLISHED IN THE POST AND COURIER ON **OCTOBER 29, 2016**

- I. REVIEW SUMMARY OF THE APRIL 18, 2016 MEETING
- II. BRIEF THE PUBLIC ON PROCEDURES OF THE BZA
- III. ADMINISTER THE OATH TO THOSE PRESENTING TESTIMONY
- IV. REVIEW THE FOLLOWING APPLICATIONS:

BZA-08-16-00149

TMS# 159-00-00-245

460 W. 102nd Ln

WITHDRAWN BY APPLICANT

Special Exception request for the establishment of an event house in the Agricultural General (AG) Zoning District.

BZA-10-16-00157

TMS# 061-00-00-063

4494 Highway 174

Variance request for the reduction of the required 50 ft. OCRM Critical Line setback by 36.3 ft. to 13.7 ft.

- V. ADJOURNMENT



BZA Meeting of Bcj Ya VYf`% , 2016

Case Number: BZA-08-16-00149

Attached, you will find the following packet contents:

- Staff review
- Application
- Applicant's Letter of Intent (including responses to Approval Criteria)
- Site Plan
- Public Input

Staff Review:

The applicants, Robert and Jennifer Vincelli, are requesting a Special Exception to establish an Event House in the Agricultural General (AG) Zoning District for property located at 4608 Moz Lane (TMS: 159-00-00-245).

The subject property and surrounding properties are located in the Agricultural General (AG) Zoning District. The surrounding properties contain residential and agricultural uses.

The site is currently in the Site Plan Review process approximately 3 acres in size. The site is currently vacant. The applicant's letter of intent explains, "*I am requesting a special exception to construct a barn with the ability to offer the barn for weddings, anniversaries or graduations on a part time basis...My intent is to offer a classy venue with a dressed up barn including chandeliers, and rustic décor for a memorable day. The hours would be the day of the event from 12 – 10.*" Their letter also states they would be open 24 days out of the year and the maximum number of employees would be 4. Furthermore, one of their letters of intent states the hours of operation as being from 3 – 10, not 12 – 10.

Staff conducted a site visit on September 14, 2016.

Background:

"Event House" is defined in the *Town of Meggett Zoning and Land Development Regulations Ordinance (ZLDR)* as:

"A building, structure, or grounds, or portion thereof, which is owned by or leased to individual(s), private organizations, social clubs, or non-profit associations for weddings, meetings, recreational, or social purposes."

Planning Director Review and Report regarding Approval Criteria of §10.10.5 A:

§10.10.5 A (1): Is consistent with the recommendations contained in the Town of Meggett Comprehensive Plan and the character of the underlying zoning district, as indicated in the zoning district "Description";

Applicant's Response: "The Barn event house meets the zoning criteria of the character that is currently in the area. It is currently a 3 acre parcel with meeting the 1 acre requirement. The barn is within the rural structure currently in the zoning area."

§10.10.5 A (2): Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;

Applicant's Response: "It's not only compatible with the existing uses, it will enhance the community by bringing a view of the unique scenery of the marsh and live oaks, keeping the character of the community in line with what the current character is."

§10.10.5 A (3): Adequate provision is made for such items as: setbacks, buffering

(including fences and/or landscaping to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;

Applicant's Response: "The buffering is more than adequate with approximately over 200 trees and bushes including live oaks, pine, water tupelo, holly and fan palms. The buffer is more than the required zoning regulations."

§10.10.5 A (4): Where applicable, will be developed in a way that will preserve and incorporate any important natural features;

Applicant's Response: "The land is a flat surface with borders of the above foliage and will be untouched preserving natural features that currently exist. We will also be enhancing the landscaping by adding palm trees and addition foliage."

§10.10.5 A (5): Complies with all applicable rules, regulations, laws and standards of the ZLDR, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of the ZLDR; and

Applicant's Response: "We have gone through all the necessary steps to comply with the Charleston County Planning Review board to meet standards."

§10.10.5 A (6): Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.

Applicant's Response: "Vehicular traffic will not hinder the adjacent roads or endanger pedestrians."

§10.10.5 B: In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Board of Zoning Appeals' Action:

Pursuant to §10.10.5 B, in granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. Additionally, the Board of Zoning Appeals may require additional conditions of approval including, but not limited to: event days and hours, the number of events per calendar year, limitations on outdoor activities, parking, buffers, and use and location of temporary structures.

The Board of Zoning Appeals may approve, approve with conditions, or deny Case # BZA-08-16-00149 based on the BZA's "Findings of Fact", unless additional information

is deemed necessary to make an informed decision. In the event the Board decides to approve the application, the Board should consider the following conditions recommended by Staff:

- 1. Permitted special events shall include: weddings, birthday parties, family reunions, and similar special events as approved by the Planning director. Notification of each upcoming special event shall be provided to the Zoning & Planning Department at least ten (10) days prior to commencing setup for the special event. Updated letters of coordination from the County EMS, fire service, the County Sheriff's Office, and any other applicable entity, as required by the Planning Director, must be included in the aforementioned notification packet. Failure to maintain regular coordination with public safety agencies may result in the revocation of the zoning permit.**
- 2. Any significant proposed changes to the approved special events venue such as: the addition of permanent structures or facilities, the addition of types of special events, more elaborate or labor intensive setup and/or disassembly for special events, etc. shall be subject to BZA approval.**
- 3. Use of temporary structures must be approved by the County Building Inspections Services and the St. Pauls Fire Department. Approval notification shall be provided to the Zoning & Planning Department at least ten (10) days prior to commencing setup for the special event.**
- 4. Prior to zoning permit approval, the applicant shall complete the Site Plan Review process.**
- 5. The property owner shall obtain and retain a business license in compliance with the Town of Meggett Code of Ordinances.**
- 6. Alcohol sales or service shall be allowed only in conjunction with an approved Special Event and shall comply with all required state regulations.**
- 7. Pursuant to the applicant's letter of intent, there shall be a maximum of 24 events on the site per calendar year, hours of operation for each event shall be from 3 pm to 10 pm, and a maximum of 4 employees shall be allowed.**

Town of Meggett Board of Zoning Appeals

Nov. 16, 2016
7:00 PM

BZA-08-16-00149

Applicants:	Robert and Jennifer Vincelli
Property Owners:	Bryan and Stephanie Webb
Property Location:	4608 Moz Lane (TMS 159-00-00-245)
Zoning District:	Agricultural General (AG) Zoning District
Request:	Special Exception request to establish an Event House

Requirement:

- **Town of Meggett Zoning and Land Development Regulations Ordinance (ZLDR), Art. 4.9, Table of Permitted Uses, indicates Event House, in the AG Zoning District is a use type allowed only if it complies with all other applicable regulations and is approved by the BZA as a Special Exception.**
- **An “Event House” is defined as, “A *building, structure, or grounds, or portion thereof, which is owned by or leased to individual(s), private organizations, social clubs, or non-profit associations for weddings, meetings, recreational, or social purposes.*”**

CASE # BZA-08-16-00149
TMS # 159-00-00-245

**SUBJECT
PROPERTY**

AR

COON CLUB RD

HIGHWAY-165

AG

ROZIER RD

MOZ LN

FLOUNDER LAKE DR

ETHEL POST OFFICE RD





01/30/2015

© 2015 Pictometry

Buffer Plantings for 1246

Existing Shrubs	95
Under Shrubs	23
Consp. Trees	106
Proposed Shrubs	207
Under Shrubs	36
Consp. Trees	34
Proposed Shrubs	N/A
Under Shrubs	0
Consp. Trees	0

Color
indicates
inventory

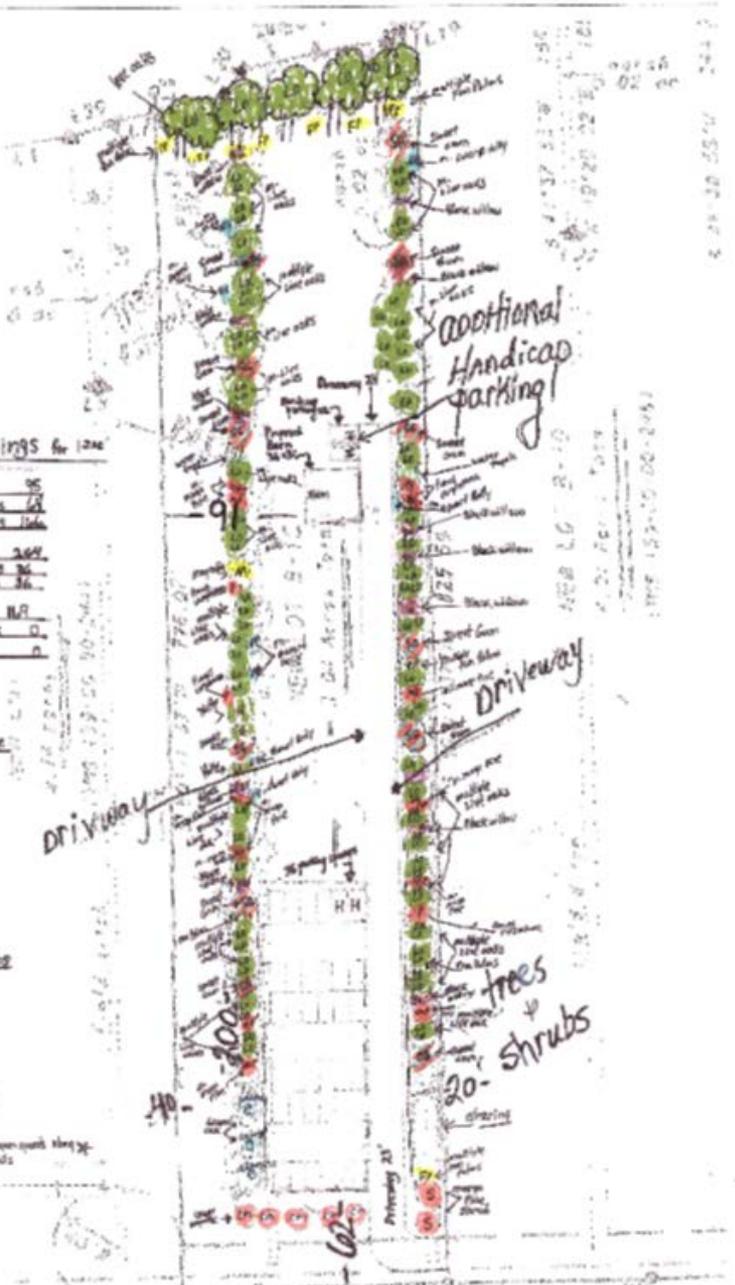
- Existing types of shrubs
- U Pink dogwood
 - C Silverado
 - U Black oak
 - M Silver maple
 - C Black willow
 - C Laurel oak
 - U Dogwood
 - U Orange maple
 - C Holly
 - U Red cedar

- Existing types of trees
- S Laurel oak
 - S Orange maple
 - S Blackwood

M = multiple

Proposed Shrubs
Consp. Trees
Non-Proposed

* Proposed - Road = between concrete strip & the inner buffer lands



DATE: 12-10-00

DATE: 12-10-00

Handicap parking

Driveway

20- trees & shrubs

CASE # BZA-08-16-00149

BZA MEETING OF NOVEMBER 16, 2016

SUBJECT PROPERTY: 4608 MOZ LANE (TMS 159-00-00-245)

Request: Special Exception to establish an Event House



SPECIAL EXCEPTION APPROVAL CRITERIA

According to Article 10.10 Special Exceptions, Section §10.10.5 Approval Criteria of the Town of Meggett Zoning and Land Development Regulations Ordinance (ZLDR), Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all of the Approval Criteria of 10.10.5. Listed below are the applicant's responses to each criterion.

- 1) Is consistent with the recommendations contained in the Town of Meggett Comprehensive Plan and the character of the underlying zoning district, as indicated in the zoning district "Description";**
Applicant's Response: "The Barn event house meets the zoning criteria of the character that is currently in the area. It is currently a 3 acre parcel with meeting the 1 acre requirement. The barn is within the rural structure currently in the zoning area."
- 2) Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;**
Applicant's Response: "It's not only compatible with the existing uses, it will enhance the community by bringing a view of the unique scenery of the marsh and live oaks, keeping the character of the community in line with what the current character is."
- 3) Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors;**
Applicant's Response: "The buffering is more than adequate with approximately over 200 trees and bushes including live oaks, pine, water tupelo, holly and fan palms. The buffer is more than the required zoning regulations."

SPECIAL EXCEPTION APPROVAL CRITERIA

According to Article 10.10 Special Exceptions, Section §10.10.5 Approval Criteria of the Town of Meggett Zoning and Land Development Regulations Ordinance (ZLDR), Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all of the Approval Criteria of 10.10.5. Listed below are the applicant's responses to each criterion

- 4) Where applicable, will be developed in a way that will preserve and incorporate any important natural features;**
Applicant's Response: "The land is a flat surface with borders of the above foliage and will be untouched preserving natural features that currently exist. We will also be enhancing the landscaping by adding palm trees and addition foliage."
- 5) Complies with all applicable rules, regulations, laws, and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and**
Applicant's Response: "We have gone through all the necessary steps to comply with the Charleston County Planning Review board to meet standards."
- 6) Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.**
Applicant's Response: "Vehicular traffic will not hinder the adjacent roads or endanger pedestrians."
- In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare (§10.10.5.B).

BOARD OF ZONING APPEALS' ACTION

- The Board of Zoning Appeals may **approve**, **approve with conditions**, or **deny** Case # BZA-08-16-00149 based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.
- A majority of members present and voting are required to approve a Special Exception pursuant to §10.10.4.C.

BOARD OF ZONING APPEALS' ACTION

- If the Board decides to approve the application, the Board should consider the following conditions recommended by Staff:
 - Permitted special events shall include: weddings, birthday parties, family reunions, and similar special events as approved by the Planning director. Notification of each upcoming special event shall be provided to the Zoning & Planning Department at least ten (10) days prior to commencing setup for the special event. Updated letters of coordination from the County EMS, fire service, the County Sheriff's Office, and any other applicable entity, as required by the Planning Director, must be included in the aforementioned notification packet. Failure to maintain regular coordination with public safety agencies may result in the revocation of the zoning permit.
 - Any significant proposed changes to the approved special events venue such as: the addition of permanent structures or facilities, the addition of types of special events, more elaborate or labor intensive setup and/or disassembly for special events, etc. shall be subject to BZA approval.

BOARD OF ZONING APPEALS' ACTION

- If the Board decides to approve the application, the Board should consider the following conditions recommended by Staff (cont'd):
 - Use of temporary structures must be approved by the County Building Inspections Services and the St. Pauls Fire Department. Approval notification shall be provided to the Zoning & Planning Department at least ten (10) days prior to commencing setup for the special event.
 - Prior to zoning permit approval, the applicant shall complete the Site Plan Review process.
 - The property owner shall obtain and retain a business license in compliance with the Town of Meggett Code of Ordinances.
 - Alcohol sales or service shall be allowed only in conjunction with an approved Special Event and shall comply with all required state regulations.
 - Pursuant to the applicant's letter of intent, there shall be a maximum of 24 events on the site per calendar year, hours of operation for each event shall be from 3 pm to 10 pm, and a maximum of 4 employees shall be allowed.

PUBLIC INPUT

Petitions in Support of Request

Below are signatures of residents of Meggett Island supporting and endorsing a wedding venue located at 4608 Moz Lane, Meggett Sc.

Print Alison Stanfield 4606 Flounder Lake Dr
Signature [Signature] Date 9-8-16 meggett

Print Michael Correll 4585 Flounder Lake Dr
Signature [Signature] Date 9/8/16 meggett

Print Helen Frasier 6591 Ethel Post office Rd
Signature [Signature] Date 9/8/16 meggett

Print Leo Germain 4835 Wilson Rd -
Signature [Signature] Date 9/11/16 meggett SC

Print Kay Germain 4835 Wilson Rd
Signature [Signature] Date 9/11/16 meggett SC

Print _____
Signature _____ Date _____

Print _____
Signature _____ Date _____

Print _____
Signature _____ Date _____

Below are signatures of residents of Meggett Island supporting and endorsing a wedding venue located at 4608 Moz Lane, Meggett Sc.

Print Jay Rogers 6775 Togoodas Rd
Signature [Signature] Date 9/10/2016 Hollywood

Print Benjie Middleton 7675 Highway 162
Signature [Signature] Date 9/10/2016 Hollywood
middleton

Print Bill Moody 6228 Berington Rd
Signature [Signature] Date 9/10/2016 Hollywood

Print Ed Baverly 6715 Togoodas Rd
Signature [Signature] Date 9-13-16 Hollywood

Print Sally Scott
Signature [Signature] Date 9-13-16

Print Matthew M. Murphy
Signature [Signature] Date 9/13/16

Print Ernest M. Deery 5484 Highway 165
Signature [Signature] Date 9/13/16 Hollywood SC

Print _____
Signature _____ Date _____

Letters in Opposition to Request

Earl Barteet
4715 Hwy 165 | Meggett, SC 29449

September 26, 2016

Town of Meggett
4776 Hwy 165
Meggett, SC 29449

RE: CASE#: BZA-08-16-00149
TMS#: 159-00-00-245
SUBJECT PARCEL: 4608 Moz Lane
ZONING DISTRICT: Agricultural General (AG) Zoning District Special Exception request for the establishment of an event house.

Chairman Jodi Crosby:

Please let this letter serve as my public comment regarding the October 11, 2016 BZA Meeting Case #: BZA-08-16-00149. My public opinion is not in favor of the approved variance request. My main concerns are the location and noise that an event house will have in this part of Meggett. Up to this point, the area is all homes and farm land that could be directly damaged as a result of event held in this location.

Thank you!



Earl Barteet

September 30, 2016

William G. Rozier (property owner)
6504 Rosier Rd
Meggett, SC 29449

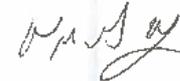
Opposition to the "Event House" - BZA Case-08-16-00149 Special Exception

I do not think this event house is appropriate for this area of residential housing. There would be a lot of traffic on Moz Ln where there is hardly any now. The noise from an event would not be in keeping with the quiet nature of our area. Any event would be at least three days from setup to event and tear down afterwards.

I did not move here to have a commercial business move in and disturb my quiet weekends which I look forward to after working at my job during the week.

There would be no promise that in the future other more intense activities might take place. Maybe scouting sleepovers, bike rally's, and other events. Once a commercial business is established it would set a precedence for this property.

Thank you for your consideration,



Letters in Opposition to Request

Elaine King and Maurice Giunt 3622 Ambor St, Johns Island, SC 29455
Property owners and future builders at 4598 Moz Ln, Meggett, SC 29449 TMS 159-00-00-246

Date: September 30, 2016

RE: Opposition to: Special Exception / "Event House" Case # BZA-08-16-00149
4608 Moz Ln, Meggett, SC 29449 TMS 159-00-00-245

I own the property immediately adjacent to the above identified property. I owned the property prior to the sale/contract the Webb's who wanted to purchase the property for their personal residence and have their children attend the Charter School in Meggett. At this time, they are trying to sell the property.

This area of Meggett (Moz Ln and Rozler Rd, Flounder Lake Rd, Ethel Post Office Rd, and Hwy 165) would all be adversely affected by this proposal. This area is being or has been developed by individuals for their personal residences, to raise their families, retire and develop a close community bond. A Commercial Business is the furthest from anyone's conception of what should be out their back door, next door or on the road they travel to get to their property.

An "Event House", in my view, would not be appropriate to this neighborhood or in keeping with Meggett's forward looking idea to "retain its desired rural residential character" per the Comprehensive Plan (adopted 2014), Chapter 3.1. I do not want this next to my property for the following reasons:

1. Noise – with upward to 100 guests, the quiet, serene nature of the area would be violated. Events have loud music and with the number of people the noise level would increase. The noise would travel across the marsh to properties on the other side on Hwy 165. A barn is not going to contain the noise. People would not be contained inside of the building. As the letter of intent states "quaintness of the setting" would entice the attendees to be outside to enjoy the beautiful views of the property.
2. Event scheduling – twice a month would be very disturbing to the quiet nature of the area where to get away from the busy, hustle and bustle of the city would be destroyed with this commercial activity. No event would end at a designated time. There are always those who linger after an event
3. Traffic – this dirt/grass ingress/egress was never intended for commercial use. Moz Ln to the property at 4608 is over 1100 feet long, not right off of Ethel Post Office Rd, and it passes six (6) property owners parcels. There would not only be guests on the day of events, but, all of those involved with the setup prior to and after the event. Families and vendors would be at the property prior to the event to see if they wanted to use this venue and how the setup would be achieved. This would not be one day of traffic, inconvenience, and noise - it would be before, during and after.
4. Lighting – I do not want lights illuminating the event property as well as mine when I want to be outside enjoying the weekend evenings with the quiet, soothing nature of my property and surrounding area.

5. The Barn – to accommodate up to 99 guests. How many others would be outside? Even fifty people or twenty five would create the same issues as identified.

6. Other – with so many people and cars on the road, there is too much opportunity for the wrong people to be checking out area properties for future wrong doings – nice home, nice properties, nice equipment, and nice vehicles. This is 2016 – check the news and police reports. And liquor – if not provided at the event, people can always bring their own whether allowed or not. There is too much violence and illegal activity and it does not need to be invited to my property (next door).
7. Property – who is going to ensure that the natural vegetation closest to the marsh is not trampled with so many people who want to "enjoy" the view? OCRM critical area – 50 feet from back property line.

I do not want any "Event House" at my expense and inconvenience. This is not the right location for a commercial business. To have a commercial "Event House" barn between the two properties of families who want the best for their own families would be a too big a price to pay for the Vincelli's dream and convenience as a money maker. What about my dream and those of the others in our rural residential area?

The Vincelli's mention children and grandchildren in their letter of intent who would enjoy the property. I have children and grandchildren also. They like the peace and quiet of the rural setting – not the noise and confusion of a commercial business next door.

This could set a precedence for future commercial activity at this location if the Vincelli's were either not able or interested in the property and current proposed activity.

Per the Comprehensive Plan, (adopted 2014), Chapter 3.1, "There are approximately forty miles of marsh frontage or waterfront land within Town limits. There are numerous real estate listings of waterfront property. Moz Ln is not the only property available.

Thank you for your consideration.

Letters in Opposition to Request

843886673

Meggett Town Hall

05:51:23 p.m. 11-06-2016

7/10

Date: October 15, 2016

Jean and Brian Barraclough
4777 Coon Club Rd
Meggett, SC 29449

RE: Opposition to Special Exception / "Event House" Case # 52A-08-16-00149

We own the property 2 lots adjacent to the above identified property. We recently purchased and built our home to reside in a quiet, country community. Meggett was the perfect choice and the surrounding lots are zoned AR which is one of the reasons we made this property choice.

Having a commercial zoned property would adversely change this peaceful neighborhood. At this time the weekends are the most important for us as they allow us to enjoy the quiet and beautiful surroundings. Almost all of the events at this type of facility would occur on the weekend days which would disturb us the most.

The surrounding Commercial Business is the reason we chose to move from our last residence. The noise, lights, and traffic all affect the community. We did our research and were assured this area would not allow commercial business.

I do not want this close to my property for the following reasons:

1. Traffic- Moz Lane is a one car lane with no room for traffic to travel both ways at the same time. This restriction will hinder traffic on the adjacent roads as only one way travel is possible making the traffic wait for its turn to move. With 100 guests this would affect the adjacent roads. The traffic is not only impacted twice a month for events, but also during set up and tear down. The trucks for caterers, flowers, music, tents and other commonly used trades for this type of business.

We would request that a traffic impact study be completed by a third party and made public prior to the decision to move forward to a vote.

2. Septic and water usage. From viewing these lots for sale, the DEHC study shows that these lots perk at the top of the lot away from the marsh. This area is listed for a parking lot. That would not be consistent with the drainage field. Also the DEHC permit for septic is for a 3 bedroom, two bath structure.

How will the septic and water be provided for a venue of more than 100 people. The public water and sewer is many lots away from this area with no direct access to the public water and sewer.

3. Noise - with upward to 100 guest, the quiet, serene nature of the area would be violated. The traffic noise, music, guests outside the barn. The end time of 10PM is way too late for this area. If it ends at 10, it will take 2 more hours for the guests to leave and the vendors to clean up and lock up the venue.
4. Lighting - I do not want lights illuminating the event property. This area is wonderful for the lack of ambient lighting especially at night. We enjoy the lack of lighting allowing us to view the stars and enjoy the quiet evenings outside in our yard.

843886673

Meggett Town Hall

05:51:24 p.m. 11-06-2016

3/10

5. The Barn would need to be elevated for the flood zone area. This area would look nothing like "barn look" that they propose. With all the flooding in the last year and the hurricane this year, this area does have some flooding that occurs. What provisions have been made for the drainage of the area as not to effect the surrounding property owners' personal houses?
6. The Vincelli's write in their proposal they would like their children and grandchildren to experience a farm. This is a commercial venue proposal for events twice a month, would this also be used for personal parties and events that do not count in the number of uses of this property.
7. If this commercial venue does not work out, what restriction would be placed on the sale of this property and how the new business will affect the surrounding residential neighbors?
8. Would liquor be allowed to be served at all these events? I do not know of many weddings or events that take place without alcohol. How will this be addressed and monitored for guests becoming disorderly and disturbing a residential area. With only 4 employees at each event, does this allow for enough monitoring?
9. Our town just had a lively discussion at about rental properties in a residential area. It was overwhelmingly against a rental situation taking place in residential areas. Isn't this the same issue disguised in a different format?

We do not want any "Event House" as our close neighbor. This is not the right location for a commercial business. There are many lots for sale in this area that are located on the main street with better access for traffic with water and sewer taps available. We believe this is just a less expensive interior parcel of residential land in place of a commercial property. Every neighboring property is residential with families and farm animals.

This property would ruin our dream of a retirement home in a quiet rural setting and we also believe it would adversely affect our property value.

Thank you for allow us to discuss our concerns with you.

Brian and Jean Barraclough

Application for Special Exception

Town of Meggett Board of Zoning Appeals

Zoning/Planning Department
Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405
Phone: 843-202-7200
Fax: 843-202-7222
www.charlestoncounty.org



This application must be complete and submitted in person to the Zoning/Planning Department in order to apply for a Special Exception. Please read the entire form prior to completing the application. The applicant shall receive a copy of this completed form at the time the application is filed. **This application will be returned to the applicant within fifteen (15) working days if these items are not submitted with the application or if any are found to be inaccurate:**

- ✓ 1. Completed Special Exception application signed by the current property owner(s).
- ✓ 2. Copy of **Current Recorded Deed** to the property (Owner's signature must match documentation). If the applicant is not the owner of the property, the **Current Property Owner(s)** must sign and print the **Designation of Agent** found below.
- ✓ 3. **Restrictive Covenants and Posted Notice Affidavit(s)** signed by the applicant or current property owner(s).
- ✓ 4. A **letter of intent** signed by the applicant or property owner(s) stating the reason for the request that explains why this request should be granted and how it meets the Approval Criteria of §10.10.5. All proposed Special Exceptions, except manufactured home placements, shall satisfy the Site Plan Review process and attend at least one Site Plan Review meeting prior to submitting this application.
5. An accurate, legible **Site Plan drawn to Engineer's Scale** must be attached. The site plan must show property dimensions, dimensions and locations of all existing and proposed structures and improvements, parking areas, Grand Trees (Live Oaks 24" DBH or greater), wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or plat), holding basins and buffers when applicable. **One 24 x 36 copy and twenty (20) 11 x 17 copies.**
6. Copy of a legible **Approved and Recorded Plat** showing present boundaries of property.
7. **Fee \$250** check made out to "Charleston County" or cash.

Applicant Name: Robert & Jennifer Vincelli
Mailing Address: 240 Gazania Way
City, State, ZIP Code: Charleston SC 29414 Daytime Phone: 330-720-0750 843-709-5640
Subject Property Address: 4608 Moz Lane Meggett SC
Present Use of Property: vacant Land
Special Exception Designation: Event House

[Applicant Signature] [Signature]

[Date] 8-25-16

Designation of Agent

(Complete only if owner is not applicant): I hereby appoint the person named as Applicant above as my(our) agent to represent me(us) in this application.

[Owner Print Name] BRYAN WEBB [Date] 8/30/16 [Owner Mailing Address] 554 Tribeca dr
[Owner Signature] [Signature] [City, State, Zip Code] Charleston SC 29414

For Office Use Only

Application #: BZA-08-16-00@149 Flood Zone: AE12
Zoning District: AG Fee Paid (\$250): \$250
Date Filed: 8.31.16 Zoning Officer: Andreatus Long
TMS #: 159-00-00-245

ROBERT AND JENNIFER VINCELLI

H: 843-709-5640 | C: 330-720-0750 | rvincelli50@yahoo.com

August 25, 2016

Town Council Of Meggett

RE: Special Exception For a Barn Event House

Dear Council

I first want to thank everyone for their consideration of my event house . I have always dreamed of having a barn to offer as a memory for someones special day. I would love the opportunity to give my children and 5 grandchildren the memories of " Grammy's farm " ! I am requesting a special exception to construct a barn with the ability to offer the barn for weddings , anniversary or graduations on a part time basis. To give the grand-kids room to run and play and create memories. My intent is to offer a classy venue with a dressed up barn including chandeliers , and rustic decor for a memorable day. I would limit the events to only twice a month typically Saturdays . The hours would be the day of the event from 12-10. I have attached a picture of a barn style I have chose. I will have a police officer present at each event for security and have made arrangements with Lt. Zalinsky from the Charleston county sheriffs office to hire officers for the events. I have letters of coordination from EMS and St. Pauls local fire dept. as well. I would like to bring business to the town of Meggett's local vendors by putting together a vendor list for the brides to choose from for services such as caterer, florist , event planner. Keep it in the family as much as possible so to say ! The barn walls will be constructed with a special material to cut down on sound . I will also maintain the shared entrance to the property to fill in the holes by putting in a construction gravel driveway. Currently it is a rough dirt entrance.

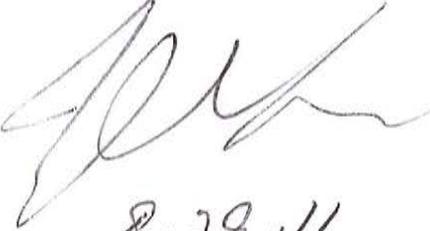
I spent much time driving around with my daughter to find the right place our little driving adventures took us to Wadamalaw Island , Edisto Island and surrounding areas then we found Meggett, I instantly fell in love with the storybook small town charm and quaintness of the setting. This prompted the name I chose which is " Bella Amore " which in Italian means Beautiful Love, fitting for a new bride and groom and a beautiful town , I will be respectful to my neighbors and and I am very thankful for this opportunity.

I have enclosed a petition of support from neighbors and Meggett residents.

Sincerely,
Robert and Jennifer Vincelli

Addendum to the attached Vincelli Letter of Intent

1. The Barn event house meets the zoning criteria of the character that is currently in the area. It is currently a 3 acre parcel with meeting the 1 acre requirement. The barn is within the rural structure currently in the zoning area.
2. It's not only compatible with the existing uses, it will enhance the community by bringing a view of the unique scenery of the marsh and live oaks, keeping the character of the community in line with what the current character is.
3. The buffering is more than adequate with approximately over 200 trees and bushes including live oaks, pine, water tupelo, holly and fan palms. The buffer is more than the required zoning regulations.
4. The land is a flat surface with borders of the above foliage and will be untouched preserving the natural features that currently exist. We will also be enhancing the landscaping by adding palm trees and addition foliage.
5. We have gone through all the necessary steps to comply with the Charleston County Planning Review board to meet standards
6. Vehicular traffic will not hinder the adjacent roads or endanger pedestrians.
7. The Barn will bring economic development to the Town of Meggett , we will add to the community facility element by participating in town events and offering Meggett residents special opportunities to use the facility at a discount, along with offering carriage rides at Holiday town events . We will use the Meggett businesses first as our vendors that can assist in an events by having a preferred vendor list given at the time of contract of future clients and vistors.



8-29-16

Public Input

Below are signatures of residents of Meggett Island supporting and endorsing a wedding venue located at 4608 Moz Lane. Meggett Sc.

Print Alison Stanfield 4606 Flounder Lake Dr
Signature *Alison Stanfield* Date 9-8-16
meggett

Print Michael Carroll 4585 Flounder Lake Dr
Signature *Michael Carroll* Date 9/8/16
meggett

Print Helen Frazer 6591 Ethel Post office Rd
Signature *Helen Frazer* Date 9/8/16
meggett

Print Leo German 4835 Wilson Rd -
Signature *Leo German* Date 9/11/16
meggett Sc

Print Kay German 4835 Wilson Rd
Signature *Kay German* Date 9/11/16
meggett Sc

Print _____
Signature _____ Date _____

Print _____
Signature _____ Date _____

Print _____
Signature _____ Date _____

Below are signatures of residents of Meggett Island supporting and endorsing a wedding venue located at 4608 Moz Lane. Meggett Sc.

Print Jan Frazier
Signature [Signature] Date 9/10/2016

6775 Toogoodoo Rd
Hollywood

Print Benjie Middleton
Signature Benjie Middleton Date 9/10/2016

7675 Highway 162
Hollywood

Print Bill Meedy
Signature Bill Meedy Date 9/10/2016

6228 Bevington Rd
Hollywood

Print Ed Baverel
Signature [Signature] Date 9-13-16

6775 Toogoodoo Rd
~~162~~ Hollywood

Print Sam Scott
Signature [Signature] Date 9-13-16

Print Matthew M. Murphy
Signature Matthew Murphy Date 9/13/16

Print Ernest M. Deery
Signature Ernest M Deery Date 9/13/16

5484 Highway 165
Hollywood Sc

Print _____

Signature _____ Date _____

September 30, 2016

William G. Rozier (property owner)

6504 Rosier Rd

Meggett, SC 29449

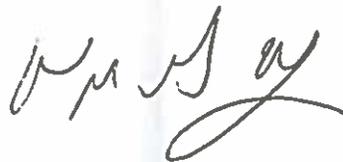
Opposition to the 'Event House" - BZA Case-08-16-00149 Special Exception

I do not think this event house is appropriate for this area of residential housing. There would be a lot of traffic on Moz Ln where there is hardly any now. The noise from an event would not be in keeping with the quite nature of our area. Any event would be at least three days from setup to event and tear down afterwards.

I did not move here to have a commercial business move in and disturb my quiet weekends which I look forward to after working at my job during the week.

There would be no promise that in the future other more intense activities might take place. Maybe scouting sleepovers, bike rally's, and other events. Once a commercial business is established it would set a precedence for this property.

Thank you for your consideration,



Earl Barteet
4715 Hwy 165 | Megget, SC 29449

September 26, 2016

Town of Meggett
4776 Hwy 165
Meggett, SC 29449

RE: CASE#: BZA-08-16-00149
TMS# 159-00-00-245
SUBJECT PARCEL: 4608 Moz Lane
ZONING DISTRICT: Agricultural General (AG) Zoning District Special Exception request for the establishment of an event house.

Chairman Jodi Crosby:

Please let this letter server as my public comment regarding the October 11, 2016 BZA Meeting Case #: BZA-08-16-00149. My public opinion is not in favor of the approved variance request. My main concerns are the location and noise that an event house will have in this part of Meggett. Up to this point, the area is all homes and farm land that could be directly damaged as a result of event held in this location.

Thank you;



Earl Barteet

Elaine King and Maurice Glunt 3622 Ambor St, Johns Island, SC 29455

Property owners and future builders at 4598 Moz Ln, Meggett, SC 29449 TMS 159-00-00-246

Date: September 30, 2016

RE: Opposition to: Special Exception / "Event House" Case # BZA-08-16-00149

4608 Moz Ln, Meggett, SC 29449 TMS 159-00-00-245

I own the property immediately adjacent to the above identified property. I owned the property prior to the sale/contract the Webb's who wanted to purchase the property for their personal residence and have their children attend the Charter School in Meggett. At this time, they are trying to sell the property.

This area of Meggett (Moz Ln and Rozier Rd, Flounder Lake Rd, Ethel Post Office Rd, and Hwy 165) would all be adversely affected by this proposal. This area is being or has been developed by individuals for their personal residences, to raise their families, retire and develop a close community bond. A Commercial Business is the furthest from anyone's conception of what should be out their back door, next door or on the road they travel to get to their property.

An "Event House", in my view, would not be appropriate to this neighborhood or in keeping with Meggett's forward looking idea to "retain its desired rural residential character" per the Comprehensive Plan (adopted 2014), Chapter 3.1. I do not want this next to my property for the following reasons:

1. Noise – with upward to 100 guest, the quiet, serene nature of the area would be violated. Events have loud music and with the number of people the noise level would increase. The noise would travel across the marsh to properties on the other side on Hwy 165. A barn is not going to contain the noise. People would not be contained inside of the building. As the letter of intent states "quaintness of the setting" would entice the attendees to be outside to enjoy the beautiful views of the property.
2. Event scheduling – twice a month would be very disturbing to the quiet nature of the area where to get away from the busy, hustle and bustle of the city would be destroyed with this commercial activity. No event would end at a designated time. There are always those who linger after an event
3. Traffic – this dirt/grass ingress/egress was never intended for commercial use. Moz Ln to the property at 4608 is over 1100 feet long, not right off of Ethel Post Office Rd, and it passes six (6) property owners parcels. There would not only be guests on the day of events, but, all of those involved with the setup prior to and after the event. Families and vendors would be at the property prior to the event to see if they wanted to use this venue and how the setup would be achieved. This would not be one day of traffic, inconvenience, and noise - it would be before, during and after.
4. Lighting – I do not want lights illuminating the event property as well as mine when I want to be outside enjoying the weekend evenings with the quite, soothing nature of my property and surrounding area.

5. The Barn – to accommodate up to 99 guests. How many others would be outside? Even fifty people or twenty five would create the same issues as identified.

6. Other – with so many people and cars on the road, there is too much opportunity for the wrong people to be checking out area properties for future wrong doings – nice home, nice properties, nice equipment, and nice vehicles. This is 2016 – check the news and police reports. And liquor – if not provided at the event, people can always bring their own whether allowed or not. There is too much violence and illegal activity and it does not need to be invited to my property (next door).
7. Property – who is going to ensure that the natural vegetation closest to the marsh is not trampled with so many people who want to “enjoy” the view? OCRM critical area – 50 feet from back property line.

I do not want any “Event House” at my expense and inconvenience. This is not the right location for a commercial business. To have a commercial “Event House” barn between the two properties of families who want the best for their own families would be a too big a price to pay for the Vincelli’s dream and convenience as a money maker. What about my dream and those of the others in our rural residential area?

The Vincelli’s mention children and grandchildren in their Letter of Intent who would enjoy the property. I have children and grandchildren also. They like the peace and quiet of the rural setting – not the noise and confusion of a commercial business next door.

This could set a precedence for future commercial activity at this location if the Vincelli’s were either not able or interested in the property and current proposed activity.

Per the Comprehensive Plan, (adopted 2014), Chapter 3.1, “There are approximately forty miles of marsh frontage or waterfront land within Town limits. There are numerous real estate listings of waterfront property. Moz Ln is not the only property available.

Thank you for your consideration.

Date: October 16, 2016

Jean and Brian Barraclough
4777 Coon Club Rd
Meggett, SC 29449

RE: Opposition to: Special Exception / "Event House" Case # BZA-08-16-00149

We own the property 2 lots adjacent to the above identified property. We recently purchased and built our home to retire in a quiet, country community. Meggett was the perfect choice and the surrounding lots are zoned AR which is one of the reasons we made this property choice.

Having a commercial zoned property would adversely change this peaceful neighborhood. At this time the weekends are the most important for us as they allow us to enjoy the quiet and beautiful surroundings. Almost all of the events at this type of facility would occur on the weekend days which would disturb us the most.

The surrounding Commercial Business is the reason we chose to move from our last residence. The noise, lights, and traffic all affect the community. We did our research and were assured this area would not allow commercial business.

I do not want this close to my property for the following reasons:

1. Traffic- Moz Lane is a one car lane with no room for traffic to travel both ways at the same time. This restriction will hinder traffic on the adjacent roads as only one way travel is possible making the traffic wait for its turn to move. With 100 guests this would affect the adjacent roads. The traffic is not only impacted twice a month for events, but also during set up and tear down. The trucks for caterers, flowers, music, tents and other commonly used trades for this type of business.

We would request that a traffic impact study be completed by a third party and made public prior to the decision to move forward to a vote.

2. Septic and water usage. From viewing these lots for sale, the DEHC study shows that these lots perk at the top of the lot away from the marsh. This area is listed for a parking lot. That would not be consistent with the drainage field. Also the DEHC permit for septic is for a 3 bedroom, two bath structure.

How will the septic and water be provided for a venue of more than 100 people. The public water and sewer is many lots away from this area with no direct access to the public water and sewer.

3. Noise – with upward to 100 guest, the quiet, serene nature of the area would be violated. The traffic noise, music, guests outside the barn. The end time of 10PM is way too late for this area. If it ends at 10, it will take 2 more hours for the guests to leave and the vendors to clean up and lock up the venue.
4. Lighting – I do not want lights illuminating the event property. This area is wonderful for the lack of ambient lighting especially at night. We enjoy the lack of lighting allowing us to view the stars and enjoy the quiet evenings outside in our yard.

5. The Barn would need to be elevated for the flood zone area. This area would look nothing like "barn look" that they propose. With all the flooding in the last year and the hurricane this year, this area does have some flooding that occurs. What provisions have been made for the drainage of the area as not to effect the surrounding property owners' personal houses?
6. The Vincelli's write in their proposal they would like their children and grandchildren to experience a farm. This is a commercial venue proposal for events twice a month, would this also be used for personal parties and events that do not count in the number of uses of this property.
7. If this commercial venue does not work out, what restriction would be placed on the sale of this property and how the new business will affect the surrounding residential neighbors?
8. Would liquor be allowed to be served at all these events? I do not know of many weddings or events that take place without alcohol. How will this be addressed and monitored for guests becoming disorderly and disturbing a residential area. With only 4 employees at each event, does this allow for enough monitoring?
9. Our town just had a lively discussion at about rental properties in a residential area. It was overwhelmingly against a rental situation taking place in residential areas. Isn't this the same issue disguised in a different format?

We do not want any "Event House" as our close neighbor. This is not the right location for a commercial business. There are many lots for sale in this area that are located on the main street with better access for traffic with water and sewer taps available. We believe this is just a less expensive interior parcel of residential land in place of a commercial property. Every neighboring property is residential with families and farm animals.

This property would ruin our dream of a retirement home in a quiet rural setting and we also believe it would adversely affect our property value.

Thank you for allow us to discuss our concerns with you.

Brian and Jean Barraclough



BZA Meeting of November 16, 2016

Case Number: BZA-10-16-00157

Attached, you will find the following packet contents:

- Staff Review
- Staff Presentation
- Application
- Applicant's Letter of Intent (including responses to Approval Criteria)
- Site Plan
- Correspondence

Staff Review:

The applicant for this variance request is Stephanie Smith, Town Administrator, acting on behalf of the Town of Meggett. The subject property is 4494 Highway 174 (TMS 061-00-00-063), owned by the Town of Meggett and more commonly known as Roxbury Park. The subject property is located in the Agricultural General (AG) Zoning District, which requires a 50' OCRM (Office of Ocean and Coastal Resource Management) Critical Line setback (*Town of Meggett Zoning and Land Development Regulations Ordinance (ZLDR), Art. 4.4 (AG) Agricultural General District, §4.4.1 Density/Intensity and Dimensional Standards*).

The Town, acting through its Council as provided by its Town Code, is requesting the following variance to build a picnic shelter within the 50-foot *OCRM Critical Line setback*:

- A reduction of the required 50-foot OCRM (Office of Ocean and Coastal Resource Management) Critical Line setback by 36.3 feet to 13.7 feet.

Background:

In December 2010, Charleston County Council approved the use of a portion of the Rural Greenbelt funds from the Transportation Sales Tax funding to be granted to the Town of Meggett for fee simple purchase of the Subject Property, as recommended by the Charleston County Greenbelt Bank Board. In May 2011, the Town of Meggett purchased the Subject Property in fee simple absolute with the Charleston County Rural Greenbelt funds and the intent to use the property for a passive public park to be permanently protected by a conservation easement.

In October 2012, the Town of Meggett was awarded funds from the Land and Water Conservation Fund Grant Program through South Carolina Department of Parks, Recreation and Tourism, to improve portions of the Subject Property to be used in perpetuity only for public outdoor recreation purposes. In December of 2014, through a Grant of Conservation Easement, the Town of Meggett, as *Grantor*, conveyed certain rights regarding the subject property to the Lowcountry Open Land Trust, Inc., as *Grantee*. As stated in the Grant of Conservation Easement, the purpose of the easement is to ensure that the Subject Property;

"...will be retained in perpetuity predominantly in its relatively natural and scenic condition for conservation purposes and to prevent any use of the Protected Property that would significantly impair or interfere with the Conservation Values of the Protected Property, while allowing for passive recreational and other open-space uses of the Protected Property that are compatible with and not destructive of those Conservation Values".

A copy of the recorded Grant of Conservation Easement, and *Figure 3 Section 6(f)(3) Boundary Map* of the Land and Water Conservation Fund Grant have been submitted as supporting documentation for this variance request. While *Section 5.B. Structural Limitations*, of the conservation easement allows for the construction of a picnic shelter (Educational/Recreational Structure), *Figure 3 Section 6(f)(3) Boundary Map* of the Land and Water Conservation Fund Grant restricts the location of the picnic shelter. The boundary map illustrates the required general location for the proposed picnic shelter and is included in this packet.

On October 25, 2016, Town Attorney Andy Gowder provided a copy of the revised site plan to Ellen Gass, Stewardship Program Manager at the Lowcountry Land Trust requesting an opinion on whether the proposed location of the picnic shelter was compliant with the conservation easement. Ms. Gass responded that the proposed picnic shelter location is consistent with the terms of the conservation easement, and Mr. Gowder concurred with this opinion. A copy of this email correspondence is included in this packet.

The specific siting of the proposed picnic shelter based on proximity to the 51" Live Oak (Grand Tree) necessitates this variance request as the proposed location minimizes the impact the structure would have on the Grand Tree. A detail of the site plan showing the proposed location of the picnic shelter in relation to the Grand Tree and OCRM Critical Line setback is included in this packet.

Planning Director Review and Report regarding Approval Criteria of §10.12.6:

§10.12.6.B(1): *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

**Applicant's
Response:**

"The Town of Meggett fulfills this condition. The Land & Water Conservation Fund Grant, awarded to the Town of Meggett, includes funds for the picnic shelter and restricts the building space for the large picnic shelter to the approved Project Area creating an extraordinary and exceptional condition. (See attached Figure 3 Section 6(f)(3) Boundary Map for reference.)"

§10.12.6.B(2): *These conditions do not generally apply to other property in the vicinity;*

**Applicant's
Response:**

"There are no other similar properties in the area; this property is owned by the Town of Meggett and is unique to Meggett, SC."

§10.12.6.B(3): *Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;*

**Applicant's
Response:**

"Yes, the conditions of the 50-foot critical line setback prevents the Town from placing a picnic shelter that would be used for recreational and educational purposes as laid out by the Grant Conservation Easement for the Town of Meggett with regard to Roxbury Park. The only other option is to request removal of one or more grand trees, with diameters of 25" - 51" and the removal of one or more grand trees is not allowed by the Grant Conservation Easement for the Town of Meggett with regard to Roxbury Park. (See attachment 1)."

§10.12.6.B(4): *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the*

zoning district will not be harmed by the granting of the variance;

**Applicant's
Response:**

“Yes, the authorization of this variance will not be of substantial detriment to adjacent property or the public good, and the character of the zoning district will not be harmed by the granting of the variance. This statement is supported by the facts that the picnic shelter will not obstruct any views of neighboring properties, its presence will benefit the public by offering shelter and an optional event location, and the zoning district will not be affected as the area is already a recreational and educational environment. It will only enhance what currently exists on the property.”

§10.12.6.B(5):

The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a Nonconforming Use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a variance is granted shall not be considered grounds for granting a Zoning Variance;

**Applicant's
Response:**

“The property is already used as a cottage rental and event location. The picnic shelter would only be an additional location as a possible event location.”

§10.12.6.B(6):

The need for the variance is not the result of the applicant's own actions;

**Applicant's
Response:**

“No, the need for the variance is a result of the restriction applied by the Land & Water Conservation Fund Grant, which was awarded to the Town of Meggett. (See Figure 3 Section 6(f)(3) Boundary Map).”

§10.12.6.B(7):

Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance;

**Applicant's
Response:**

“Yes, granting of the variance will not substantially conflict with the Comprehensive Plan or the purpose of the ordinance. The size and location of the structure and the size of the property support this statement. The picnic shelter is an open structure; there are no enclosed exterior walls in the design.”

Board of Zoning Appeals' Action:

According to Article 10.12 Zoning Variances, Section §10.12.6 Approval Criteria of the *Town of Meggett Zoning and Land Development Regulations Ordinance (ZLDR)*, the Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship (§10.12.6A). A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing their findings (§10.12.6B Approval Criteria).

In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare (§10.12.6C).

The Board of Zoning Appeals may approve, approve with conditions or deny Case # BZA-10-16-00157 [variance request for a reduction of the required 50-foot OCRM (Office of Ocean and Coastal Resource Management) Critical Line setback by 36.3 feet to 13.7 feet] based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision. At least two-thirds of the members present and voting are required to approve a Zoning Variance pursuant to §10.12.5C. In the event the Board decides to approve the application, the Board should consider the following condition recommended by Staff:

1. The owner shall engage a Certified Arborist through design and construction of the picnic shelter to make recommendations on tree protection and preservation techniques to be utilized in order to mitigate negative impacts to the overall health of all Grand Trees within 40' of any land disturbance.
2. Tree protection barricades shall be installed and inspected around all required trees before site work can begin on site. These barricades, constructed of wood or plastic fencing or other approved materials shall be placed beneath the canopy drip line or one and one-half feet times the DBH (diameter breast height) of the tree. The barricades shall remain in place until development activities are complete.

Town of Meggett Board of Zoning Appeals

Nov. 16, 2016
7:00 PM

BZA-10-16-00157

Applicant/Property Owner: Administrator Stephanie Smith, Town of Meggett

Property Location: 4494 Highway 174 (TMS 193-00-00-106)

Zoning District: Agricultural General (AG) Zoning District

Request: Variance request for reduction of 50-foot OCRM Critical Line setback by 36.3 ft to 13.7 ft

Requirement: *Town of Meggett Zoning and Land Development Regulations Ordinance (ZLDR), Art. 4.4 (AG) Agricultural General District, §4.4.1 Density/Intensity and Dimensional Standards requires a 50-foot OCRM Critical Line setback*

CASE # BZA-10-16-00157
TMS # 061-00-00-063

SUBJECT
PROPERTY

AG

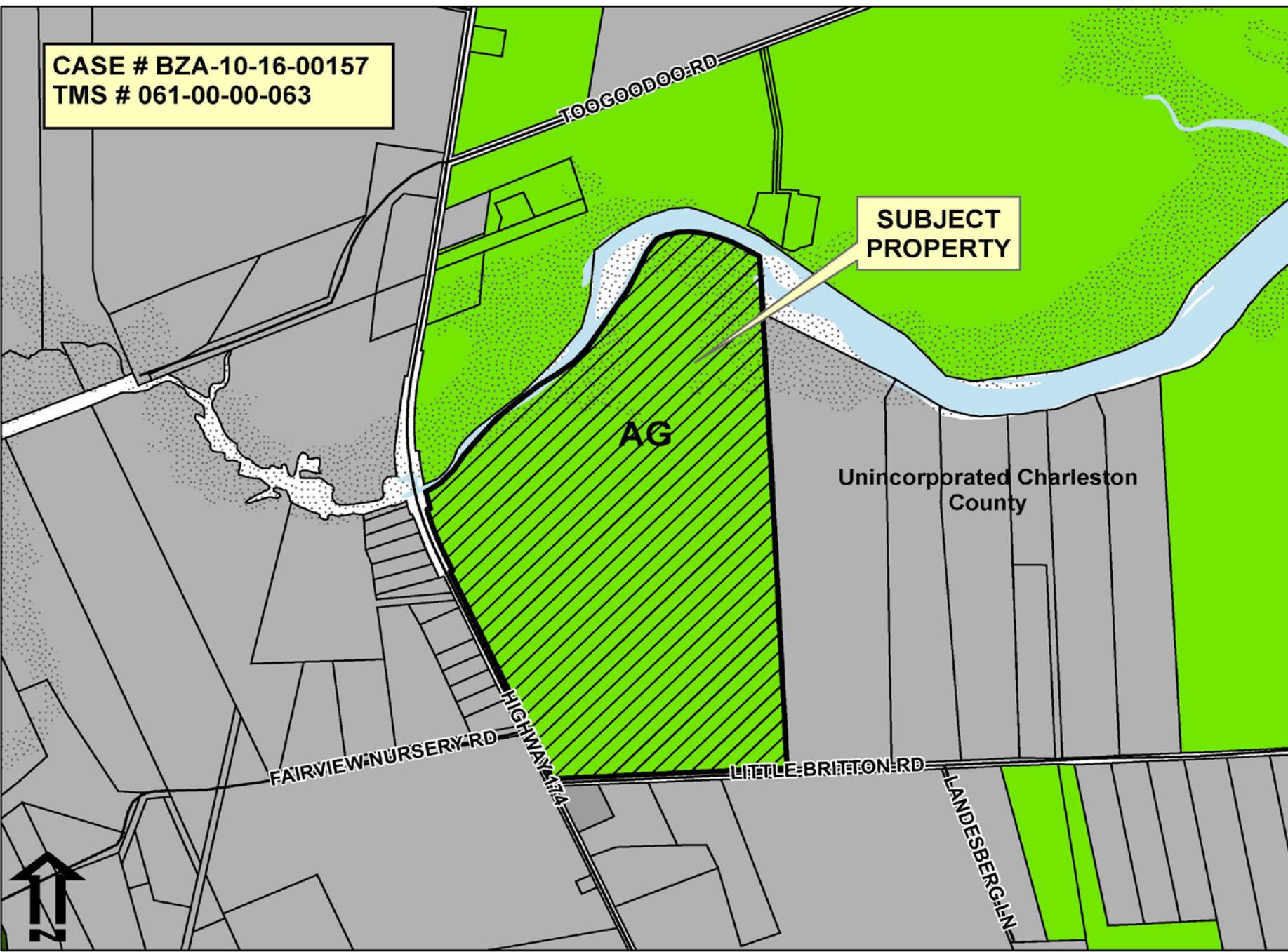
Unincorporated Charleston
County

FAIRVIEW NURSERY RD

HIGHWAY 174

LITTLE BRITTON RD

LANDESBERG LN



4.4.1 Density/Intensity and Dimensional Standards

All residential and nonresidential development in the AG district shall be subject to the following density, intensity and dimensional standards:

AG DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	1 dwelling unit per 2 acres of highland [1]
MINIMUM LOT AREA	1 acre of highland
MINIMUM LOT WIDTH	130 feet [2]
MINIMUM SETBACKS	
Front/Street Side	50 feet
Interior Side	20/30 feet [3]
Rear	20 feet
OCRM Critical Line Setback	50 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

[1] Maximum density for developments occurring along the OCRM Critical Line shall be 1 dwelling unit per highland acre.

[2] Minimum lot width for developments occurring along the OCRM Critical Line shall be 150 feet.

[3] Corner lots shall have 30' side setbacks.



Subject Property Looking East

CASE # BZA-10-16-00157

BZA MEETING OF NOVEMBER 16, 2016

SUBJECT PROPERTY: 4494 HIGHWAY 174 (TMS 061-00-00-063)

Proposal: Variance request for the reduction of the required 50-foot OCRM Critical Line setback by 36.3 ft. to 13.7 ft. for encroachment of a proposed picnic shelter.



Proposed Picnic Shelter Location

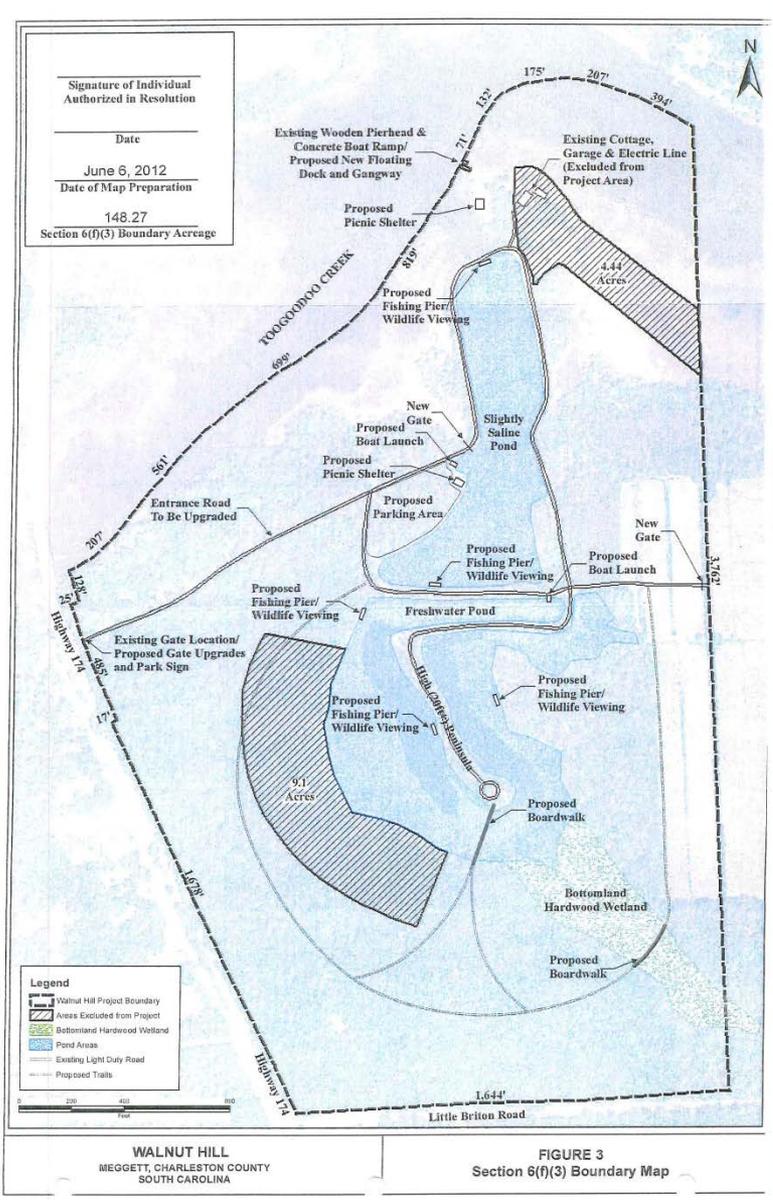
SUBJECT PROPERTY



Existing Cottage and 51" Grand Tree

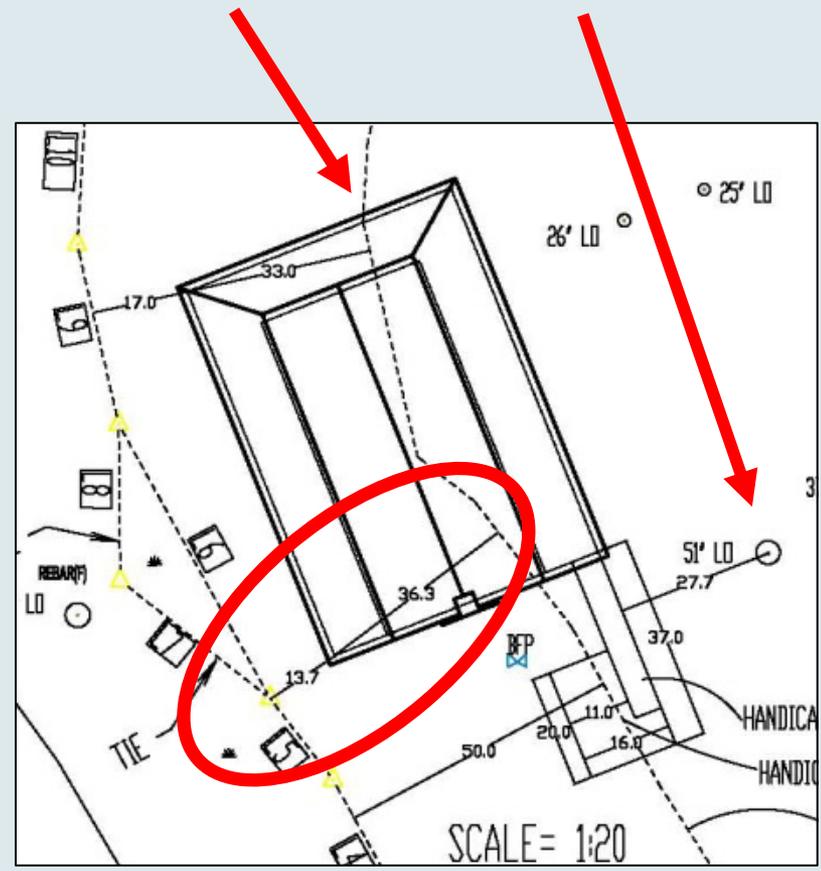


Proposed Picnic Shelter Location



**50-ft. OCRM
Critical Line Setback**

51" Grand Tree



Preliminary Site Plan (close-up)

**Figure 3 Section 6(f)(3) Boundary Map,
Land and Water Conservation Fund Grant**

VARIANCE APPROVAL CRITERIA

According to Article 10.12 Zoning Variances, Section §10.12.6 Approval Criteria of the Town of Meggett Zoning and Land Development Regulations Ordinance (ZLDR), the Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship (§10.12.6A). A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing their findings (§10.12.6B Approval Criteria).

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;**
Applicant's Response: "The Town of Meggett fulfills this condition. The Land & Water Conservation Fund Grant, awarded to the Town of Meggett, includes funds for the picnic shelter and restricts the building space for the large picnic shelter to the approved Project Area creating an extraordinary and exceptional condition."
- 2) These conditions do not generally apply to other property in the vicinity;**
Applicant's Response: "There are no other similar properties in the area; this property is owned by the Town of Meggett and is unique to Meggett, SC."
- 3) Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;**
Applicant's Response: "Yes, the conditions of the 50-foot critical line setback prevents the Town from placing a picnic shelter that would be used for recreational and educational purposes as laid out by the Grant Conservation Easement for the Town of Meggett with regard to Roxbury Park. The only other option is to request removal of one or more grand trees, with diameters of 25" - 51" and the removal of one or more grand trees is not allowed by the Grant Conservation Easement for the Town of Meggett with regard to Roxbury Park."

VARIANCE APPROVAL CRITERIA

According to Article 10.12 Zoning Variances, Section §10.12.6 Approval Criteria of the Town of Meggett Zoning and Land Development Regulations Ordinance (ZLDR), the Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship (§10.12.6A). A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing their findings (§10.12.6B Approval Criteria).

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

Applicant's Response: "Yes, the authorization of this variance will not be of substantial detriment to adjacent property or the public good, and the character of the zoning district will not be harmed by the granting of the variance. This statement is supported by the facts that the picnic shelter will not obstruct any views of neighboring properties, its presence will benefit the public by offering shelter and an optional event location, and the zoning district will not be affected as the area is already a recreational and educational environment. It will only enhance what currently exists on the property."

- 5) The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a Nonconforming Use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a variance is granted shall not be considered grounds for granting a Zoning Variance;**

Applicant's Response: "The property is already used as a cottage rental and event location. The picnic shelter would only be an additional location as a possible event location."

VARIANCE APPROVAL CRITERIA

According to Article 10.12 Zoning Variances, Section §10.12.6 Approval Criteria of the Town of Meggett Zoning and Land Development Regulations Ordinance (ZLDR), the Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship (§10.12.6A). A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing their findings (§10.12.6B Approval Criteria).

- 6) **The need for the variance is not the result of the applicant's own actions;**
Applicant's Response: "No, the need for the variance is a result of the restriction applied by the Land & Water Conservation Fund Grant, which was awarded to the Town of Meggett."

- 7) **Granting of the variance does not substantially conflict with the *Comprehensive Plan* or the purposes of this Ordinance.**
Applicant's Response: "Yes, granting of the variance will not substantially conflict with the Comprehensive Plan or the purpose of the ordinance. The size and location of the structure and the size of the property support this statement. The picnic shelter is an open structure; there are no enclosed exterior walls in the design."
 - In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

BOARD OF ZONING APPEALS' ACTION

- The Board of Zoning Appeals may approve, approve with conditions or deny Case# BZA-10-16-00157 [variance request for a reduction of the required 50-foot OCRM (Office of Ocean and Coastal Resource Management) Critical Line setback by 36.3 feet to 13.7 feet based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision. In the event the Board decides to approve the application, the Board should consider the following condition recommended by Staff:
 1. The owner shall engage a Certified Arborist through design and construction of the picnic shelter to make recommendations on tree protection and preservation techniques to be utilized in order to mitigate negative impacts to the overall health of all Grand Trees within 40' of any land disturbance.
 2. Tree protection barricades shall be installed and inspected around all required trees before site work can begin on site. These barricades, constructed of wood or plastic fencing or other approved materials shall be placed beneath the canopy drip line or one and one-half feet times the DBH (diameter breast height) of the tree. The barricades shall remain in place until development activities are complete.
- At least two-thirds of the members present and voting are required to approve a Zoning Variance pursuant to §10.12.5C.

Application for Zoning Variances

Town of Meggett Board of Zoning Appeals

Zoning/Planning Department
Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405
Phone: 843-202-7200
Fax: 843-202-7222
www.charlestoncounty.org



This application must be complete and submitted in person to the Zoning/Planning Department in order to apply for a Variance. Please read the entire form prior to completing the application. The applicant shall receive a copy of this completed form at the time the application is filed. This application will be returned to the applicant within fifteen (15) working days if these items are not submitted with the application or if any are found to be inaccurate:

- 1) Completed Zoning Variance application signed by the current property owner(s)
- 2) Copy of **Current Recorded Deed** to the property (Owner's signature must match documentation). If the applicant is not the owner of the property, the **Current Property Owner(s)** must sign and print the **Designation of Agent** found below.
- 3) **Restrictive Covenants & Posted Notice Affidavit(s)** signed by the applicant or current property owner(s).
- 4) Applicant's letter of intent explaining the requested Zoning Variance and how it meets the Approval Criteria of Section 10.12.6.
- 5) An accurate, legible **Site Plan drawn to Engineers Scale** must be attached. The site plan must show property dimensions, dimensions and locations of all existing and proposed structures and improvements, parking areas, Grand trees (Live Oaks 24" or greater), wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or plat), holding basins and buffers when applicable.
One 24 x 36 copy & twenty (20) 11 x 17 copy.
- 6) Copy of a legible **Approved and Recorded Plat** showing present boundaries of property.
- 7) **Fee \$250** check made out to "Charleston County" or cash.

Applicant Name: Stephanie Smith
 Mailing Address: 4776 Hwy 165
 City, State, Zip Code: Meggett, SC 29449 Daytime Phone: 843-889-3622
 Subject Property Address: 4494
4480 Hwy 174 Meggett, SC 29449

Variance Description: Build a picnic shelter inside the 50 foot OCRM Critical Line setback encroaching within the setback a total of 36.3 feet. S/S

Applicant Signature: Stephanie Smith Date: 09/30/16

Designation of Agent (Complete only if owner is not applicant): I hereby appoint the person named as Applicant above as my (our) agent to represent me (us) in this application.

Mayor Harry V. "Buster" Herrington, III	09/30/16	4776 Hwy 165
Owner Print Name:	[Date]	Owner Mailing Address]
[Owner Signature]		Meggett, SC 29449
		[City, State, ZIP Code]

FOR OFFICE USE ONLY	
Application #: <u>B2A-10-16-00157</u>	Flood Zone: <u>X & AE-12</u>
Zoning District: <u>ALC</u>	Fee Paid (\$250): <u>OK H 9254</u>
Date Filed: <u>10/31/2016</u>	Zoning Officer: <u>[Signature]</u>
TMS #: <u>061-00-00-063</u>	



Town of Meggett

Harry V. "Buster" Herrington III

Mayor

Stephanie Smith, Administrator
W. Andrew Gowder, Jr., Town Attorney

Tommy Butler, Mayor Pro Tem
Tom Hutto, Council Member
Keith McCarty, Council Member
Angela Watts, Council Member

September 30, 2016

Ms. Andrea Pietras
Zoning & Planning Department
Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405

Re: Town of Meggett Variance Request: TMS# 061-00-00-063

Ms. Pietras,

The Town of Meggett respectfully requests a variance to building inside the 50 foot OCRM Critical Line along the Toogoodoo Creek on TMS# 061-00-00-063. Attached you will find our seven explanations to the Approval Criteria and attached maps and documents to help illustrate and support our explanations.

The variance request is to build at 13.7 feet from the OCRM Critical Line in place of the normal 50 foot OCRM Critical Line Setback. The picnic shelter will have one handicap parking place, with a concrete base and wooden ramp and general parking is in the front lot near the park entrance. There will be no outward shining lighting on the picnic shelter.

Please feel free to contact me at the Town of Meggett Town Hall office, by email or on my mobile phone with any questions.

Thank you for your time and consideration.

Stephanie Smith
Town Administrator | Meggett, SC
Town of Meggett
(o) 843-889-3622
(m) 843-425-8592
townofmeggett@comcast.net
townofmeggettsc.org

Approval Criteria of Section 10.12.6

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

The Town of Meggett fulfills this condition. The Land & Water Conservation Fund Grant, awarded to the Town of Meggett and includes funds for the picnic shelter, restricts the building space for the large picnic shelter to the approved Project Area creating an extraordinary and exceptional condition. (See attached Figure 3 Section 6(f)(3) Boundary Map for reference.)

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

There are no other similar properties in the area; this property owned by the Town of Meggett and is unique to Meggett, SC.

3. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

Yes, the conditions of the 50 foot critical line set back prevents the Town from placing a picnic shelter that would be used for recreational and educational purposes as laid out by the Grant Conservation Easement for the Town of Meggett with regard to Roxbury Park. The only other option is to request removal of one or more grand trees, with diameters of 25" – 51" and the removal of one or more grand trees is not allowed by the Grant Conservation Easement for the Town of Meggett with regard to Roxbury Park. (see attachment 1)

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

Yes, the authorization of this variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance. This statement is supported by the facts that the picnic shelter will not obstruct any views of neighboring properties, its presence will benefit the public by offering shelter and an optional event location and the zoning district will not be affected as the area is already a recreational and educational environment. It will only enhance what currently exists on the property.

5. The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a Nonconforming Use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance.

The property already is used as a cottage rental and event location. The picnic shelter would only be an additional location as a possible event location.

6. The need for the variance is not the result of the applicant's own actions; and

No, the need for the variance is a result of the restriction applied by the Land & Water Conservation Fund Grant, which was awarded to the Town of Meggett. (see Figure 3 Section 6(f)(3) Boundary Map)

7. Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.

Yes, granting of the variance will not substantially conflict with the Comprehensive Plan or the purpose of the ordinance. The size and location of the structure and the size of the property support this statement. The picnic shelter is an open structure; there are no enclosed exterior walls in the design.

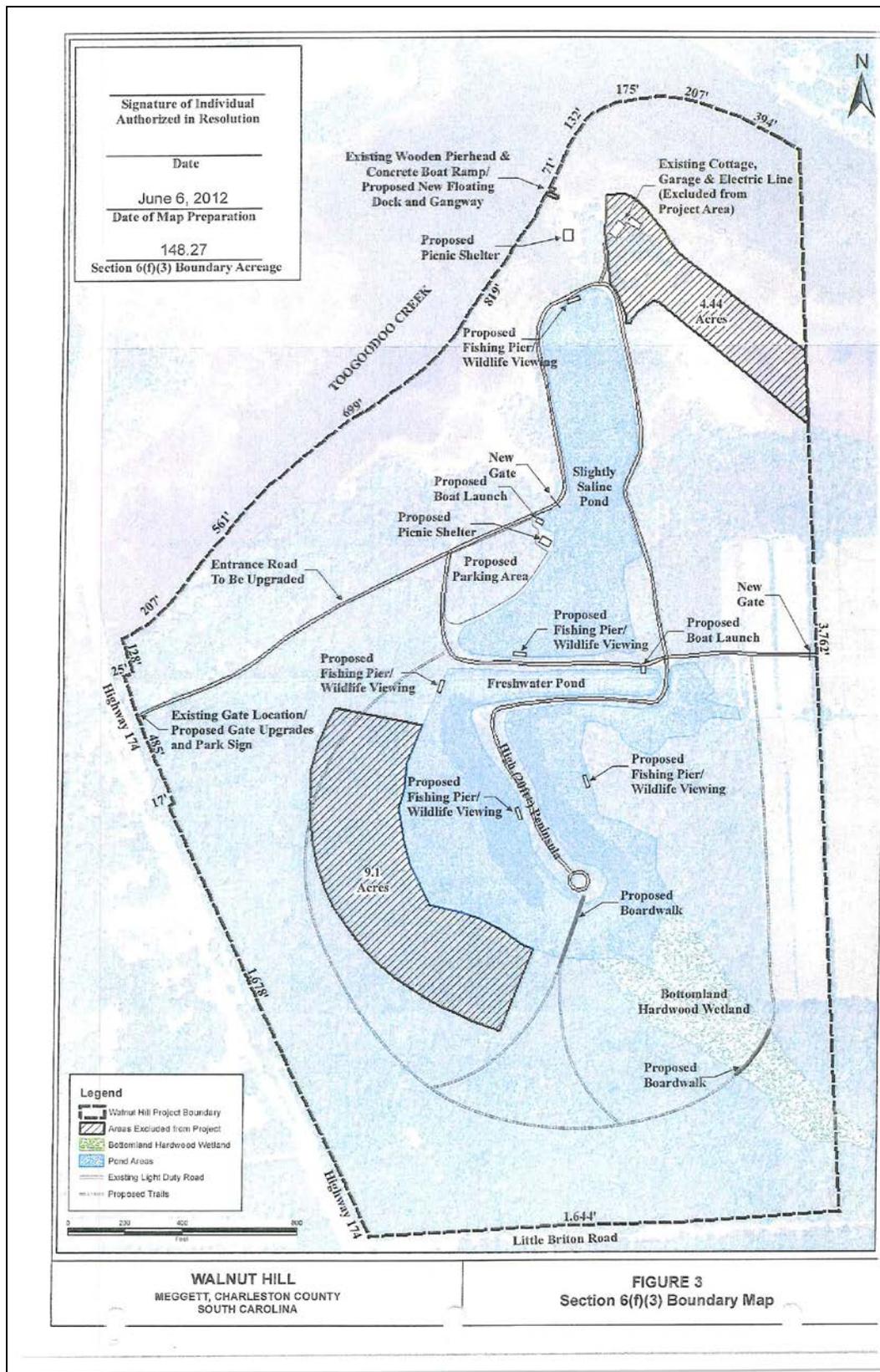
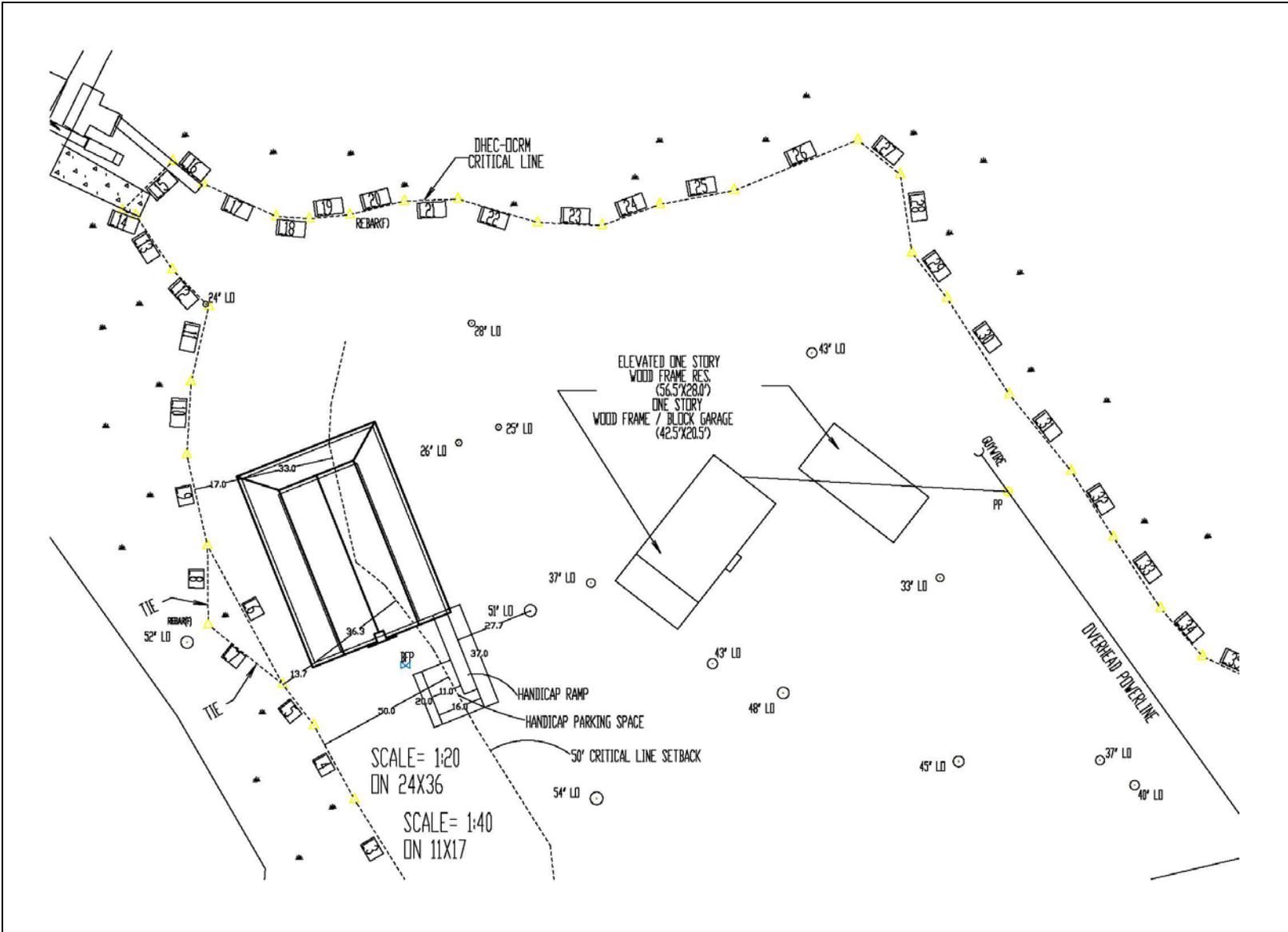


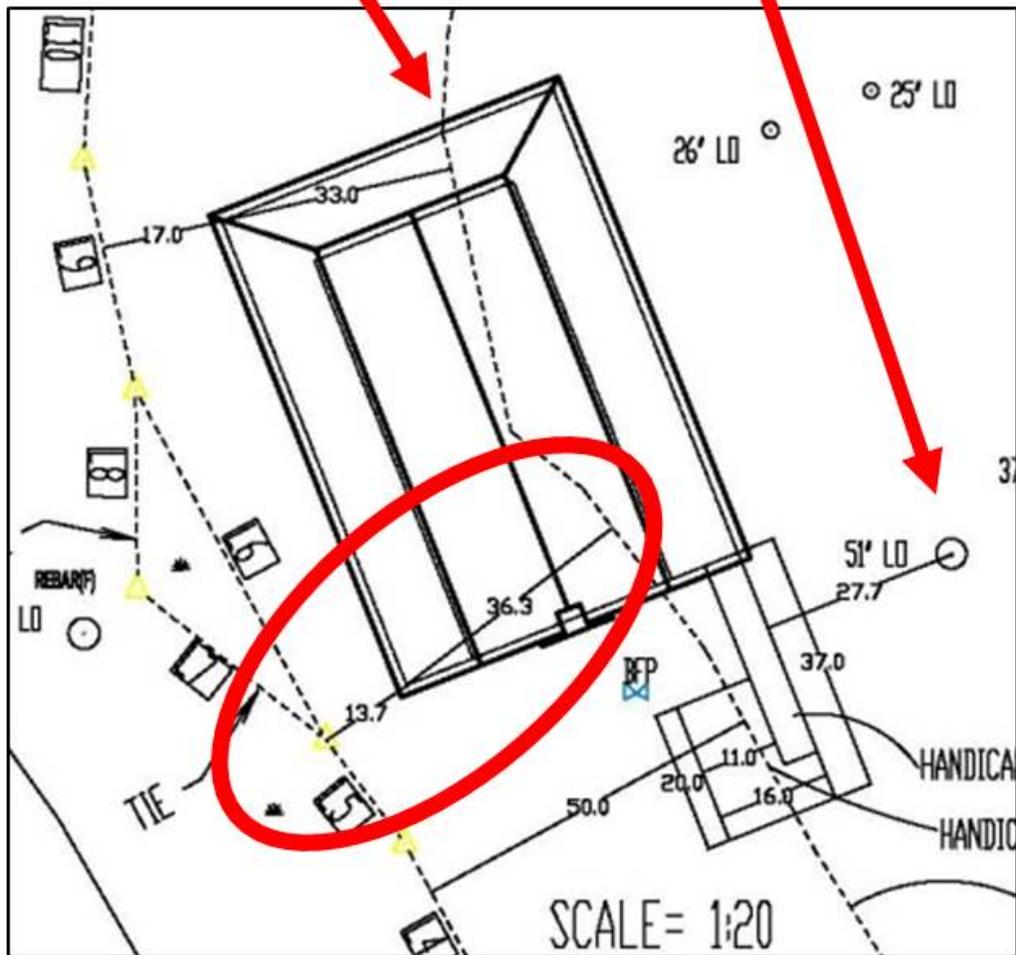
Figure 3 Section 6(f)(3) Boundary Map of the Land and Water Conservation Fund Grant



Revised Site Plan as submitted October 25, 2016

**50-ft. OCRM
Critical Line Setback**

51" Grand Tree



Preliminary Site Plan (close-up)

Correspondence

OCTOBER 25, 2016 EMAIL CORRESPONDENCE REGARDING BZA-10-16-00157 STATING:

1. ELLEN GASS, STEWARDSHIP PROGRAM MANAGER AT THE LOWCOUNTRY LAND TRUST, FINDS THAT THE PROPOSED SITING OF THE PICNIC SHELTER IS CONSISTENT WITH THE TERMS OF THE CONSERVATION EASEMENT; AND
2. ANDY GOWDER, TOWN ATTORNEY, CONCURS WITH THE OPINION OF THE LOWCOUNTRY LAND TRUST.

From: Andy Gowder [<mailto:wag@p-tw.com>]
Sent: Tuesday, October 25, 2016 1:47 PM
To: townofmeggett@comcast.net; Andrea Pietras
Cc: Tom Hutto; Helen Frances Butler
Subject: Re: Revised Site Plan for Roxbury Park Picnic Shelter

Andrea,

To be clear and for the record, **as Town Attorney, I concur with the opinion of the Land Trust,** below.

Best regards,

Andy

W. Andrew Gowder, Jr.
Pratt-Thomas Walker

From: Ellen Gass <egass@lowcountrylandtrust.org>
Sent: Tuesday, October 25, 2016 1:28:19 PM
To: Andy Gowder; Garrett Budds
Cc: townofmeggett@comcast.net; Helen Frances Butler
Subject: RE: Revised Site Plan for Roxbury Park Picnic Shelter

Andy,

The siting of the new picnic shelter on the small island at Roxbury Park as shown on the Site Plans dated 10-21-16 is consistent with the terms of the conservation easement, particularly Paragraph 5(C) which excludes the island from the Toogoodoo Creek Buffer. Thank you for sending us the plans and making sure we are all on the same page in regards to the construction. Please let us know whether the variance is granted, and good luck in your improvements of Roxbury Park.

Regards,
Ellen