

TOWN OF JAMES ISLAND  
BOARD OF ZONING APPEALS  
SUMMARY OF SEPTEMBER 25, 2018

Members present: Mr. Jim Fralix, Mr. Jason Gregorie, Vice Chair, Mr. Roy Smith, Mr. Sim Parrish, and Mrs. Brook Lyon, Chair. Also, Kristen Crane, Planning Director, Ashley Kellahan, Town Administrator, Flannery Wood, Planner I, Leonard Blank, Councilmember/Mayor Pro-tem, Bonum Wilson, Town Attorney, and Frances Simmons, Secretary to the BZA and Town Clerk.

Call to Order: Chairwoman Lyon called the Board of Zoning Appeals meeting to order at 7:00 p.m. A quorum was present to conduct business.

*\* At the start of the meeting, Chairwoman Lyon announced that the PA system was not working. She asked those who would be speaking to do so loudly. She said when the public and presenters approach the Board they may not be heard by those in the back of the room but they are supposed to address the Board. Chairwoman Lyon asked everyone to try to be quiet in order to hear what is being said. She mentioned that a sign-in sheet was at the back of the room for those who wished to address the Board in favor or opposition to any of the cases before them tonight and the attorney would swear-in everyone as a group for testimony.*

Prayer and Pledge: Chairwoman Lyon asked members of the BZA and others who wished, to join the prayer and Pledge of Allegiance.

Compliance with FOIA: Chairwoman Lyon announced that this meeting has been noticed in compliance with the South Carolina Freedom of Information Act.

Introductions: Chairwoman Lyon introduced the members of the BZA, staff, Town Attorney, Councilmembers Blank, Mullinax, Stokes, Planning Commissioner Palmer, and State Representative Peter McCoy.

Chairwoman Lyon announced for those who were unable to attend the Town Hall Dedication that the Council Chambers was named after Frances Simmons. She recognized and congratulated Frances as a long time employee, Town Clerk and the Secretary to the BZA. She recognized Frances for being such a steady hand through several towns and thanked her for her service to the BZA.

Review Summaries and Rulings from the August 21, 2018 BZA Meeting: Chairwoman Lyon asked if there were changes, if not, a motion and a second is required to approve. Motion to approve was made by Mr. Fralix, seconded by Mr. Smith and passed unanimously.

1. BZAV-7-18-017

TMS #426-08-00-079

Variance request for the reduction of the 10' required side setback by 4.1' to 5.9' for a single-family home in the Low-Density Suburban Residential (RSL) at 911 White Point Boulevard: DENIED

2. BZAV-7-18-018

TMS# 454-10-00-179

Variance request for the reduction of the 10' required side setback by 4.1 to 5.9 for a single-family home in the Low-Density Suburban Residential District (RSL) at 728 Canopy Cove: APPROVED WITH CONDITIONS

Brief the Public on the Procedures of the BZA: Chairwoman Lyon explained how the Board of Zoning Appeals Hearings would be conducted. She announced that everyone speaking would be timed to be fair and consistent. Questions from the Board would not be timed.

Administer the Oath to those persons presenting testimony: Attorney Wilson swore in the persons who wished to provide testimony in tonight's cases.

Review of the following Applications:

New Business:

BZAS-7-18-016

TMS# 425-16-00-126

Special Exception request for the placement of a Gasoline Service Station in the Community Commercial (CC) Zoning District at 1233 Camp Road:

Planning Director, Kristen Crane, presented the staff review. The applicant, Mr. Frederick Whittle of Monterey LLC, is requesting a Special Exception for the placement of a Gasoline Service Station in the Community Commercial (CC) District at 1233 Camp Road (TMS#425-16-00-126). Adjacent property to the east is zoned Low-Density Suburban Residential District (RSL) in the Town of James Island and is utilized by First Baptist Church. Adjacent property to the north and west are zoned Community Commercial (CC) and are in the Town of James Island. To the south are parcels zoned Low-Density Suburban Residential District (RSL) in the Town of James Island as well as other residential zoned parcels that are in the City of Charleston's jurisdiction. Other uses within 300' of the subject property include restaurants, retail sales, religious organizations, personal services, library, repair and maintenance services, government office, health care services and residential uses. The property is 0.65 acres and is currently being leased to All Green Landscape, Head to Tail Day Spa and Inn, and Twice the Ice.

The Town of James Island Zoning and Land Development Regulations Ordinance, §153.110 Use Table states "Service stations, gasoline (with or without convenience stores)" as a Special Exception(s) use in Community Commercial (CC) districts.

In the letter of intent, the applicant explains, "Monterey, LLC intends to remodel and slightly expand the building at this site to a convenience store with a gasoline fuel canopy. To that end, we desire variances which would enable us to improve the aesthetic appeal of the site from an architectural, landscaping and community-friendly standpoint."

Mrs. Crane stated that according to §153.045 E, Special Exceptions Approval Criteria of the Zoning and Land Use Regulations Ordinance (ZLDR), Special Exceptions may be granted only if the Board of Zoning Appeals finds that the proposed use meets the six (6) criteria as outlined in the ordinance. Mrs. Crane was able to review criteria E. (a), (b), and a portion of (c) prior to her time limit. Chairwoman Lyon asked the Board if they had a chance to review the criteria thoroughly and all agreed that they did.

Questions from the Board:

Mr. Gregorie asked if any of the letters that were provided to the Board new and Mrs. Crane answered no.

Applicant Presentation:

Eddie Buck, representing ownership

130 North Jeffords Street, James Island, SC 29412

Mr. Buck thanked everyone for the great turnout and he is glad to see so many people here that care about James Island just as he does. He said it is important to talk about the history of James Island and his family's history on James Island. His family has lived on the island for over 80 years; and he has lived here for 46

years growing up a couple of miles from here and played soccer in the fields on Fort Johnson and at the Y. He does not plan to go anywhere because this is a great place to live and to raise a family.

Mr. Buck gave an update of the history of the site. He said some people might remember that across the street in the former Town Hall office was a Big Star Grocery Store. He said the site being talked about today was developed in the 1970s as a Majik Market Gas and Convenience Store. It was a place where as a child was taken there by his parents for candy and baseball cards and there is history between his family and the site. The site served as a Gas Convenience Store from the 70s into the 80s when the Majik Market pulled out of that market and it closed. The site has served other uses during its history, in fact; he thought it was a bar at one time. Now, and over the last few years, it has been used for landscaping, a laydown yard, mulch yard, fruit cutting, ice machine, and a doggy day care. He said the building looks much the same as it did in the 1970s. It has been painted different colors and some of the glass on the front has been boarded up, but it is a property that does not reflect, in his mind, the character of James Island. He said the site has to be revitalized and it makes sense for it to be a Gas Convenience Store. He said when you talk about development; one of the first things people talk about is how traffic is going to be handled and what it would do to the surrounding area. He think this will take traffic off Fort Johnson and Camp Roads because right now there is no neighborhood convenience store. For all of the residents that live around here, (and its grown a lot in the last few years with new residents on either side of Town Hall), now if someone wants something at 8 p.m. they have to drive 1 ¼ mile up to Camp Road and get in that mess at Folly Road. He said the County has spent a lot of money to redo that intersection and it is better, but there is still congestion. He looks at this as a neighborhood store and that is what they are trying to accomplish. He said the number of gas stations on James Island are less today than in the early 1980s. The site was a former Gas Convenience store. There are two other facilities on the island and both were former Gas Stations. Mr. Buck said they are trying to take a use that was already in place, redevelop it, and bring it up to modern standards. They are one of three on the island that are the local owners: Bill Edwards Harborview Exxon Repair Shop has been there forever, Claire's Exxon, a facility focused on Gas and Repairs and his business. Everyone else is a corporation. They are not from around here and they do not care about the island and our residents. He (they) are different; they care, and are in the stores every day. Mr. Buck showed slides of the current site and described it as unwelcoming, especially for people coming to James Island or wanting to move here. When they see the new beautiful Town Hall and then this site, it is not welcoming. He showed pictures of the ice machine, the former convenience store (now the doggy daycare) where much of the glass has been removed over the years. He said it has been painted a bright yellow but the same façade exists from the 1970s. Pictures of equipment on the site, a workshop underneath the tree, and miscellaneous debris were shown.

Mr. Buck talked about how the site could look and showed a picture of his store located at the corner of Ft. Johnson @ Folly Rd. He said it is similar to the Convenience store from the 1970s that operated through 2008-2010. He said the building has good structure and there is nothing wrong with concrete steel because it lasts forever. They want to be environmentally conscientious and try to use as much as possible. He asked the Board to look at what could be done using brick and glass and that it becomes modern and inviting, something to be proud of. Mr. Buck said based upon the current zoning they meet the criteria for the Special Exception. Gas Convenience Stores are allowed and this was a former Gas and Convenience Store. The ordinance says a Gas Convenience Store cannot be more than 5,000 feet. This will be 3,000 feet; not a huge monstrous thing, a local convenience store to buy milk, bread, snacks, and be close to home. Mr. Buck said along with him is Mr. Fred Whittle, who works with him, and Mr. Giles Branch, Earthsource Engineering to answer questions. Mr. Buck summarized by stating that they want to improve the site and make something everyone is proud of and a benefit to the community. He said the New Town Hall is beautiful and the James Island First Baptist Church built a few years ago is a very nice facility. Other than those buildings, many tired places need attention. He think the Town should encourage the revitalization of property vs. new buildings.

### Questions from the Board

Mr. Fralix asked what led to the demise of the previous gas station. Mr. Buck stated to his recollection it closed in the late 80s when the Majik Market pulled out of that market. Mr. Fralix asked if he was aware of the large number of testimonials received. Mr. Buck said he is aware that some people have concerns. They has met with all of the adjacent property owners and has the support of some and others have expressed concerns.

Mr. Parrish asked what the hours of operation would be and Mr. Buck said that they are not a 24-hour Convenience Store chain. In most cases, they open at 6 a.m. and close at 10 p.m. Mr. Fralix said that his paperwork stated closing at 12 midnight; and Mr. Buck said in most cases it is 6 a.m. to 10 p.m., some stores are open until 12 midnight on Friday and Saturday nights, solely based upon needs. He said if it is quiet and nothing is going on, there is no need to be open. Chairwoman Lyon asked if typically the hours would be 6 a.m. to 10 p.m. and Mr. Buck said on a typical Sunday and Monday night they would close at 10 p.m.

Mr. Smith noted that the paperwork the Board received says 6 a.m. to midnight. Mr. Smith said that Mrs. Crane did not have a chance to go through her entire analysis of the conditions that are required for the Special Exception to be met therefore he has some questions for the applicant. Mr. Smith said one of the conditions reads:

E (c): 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. Mr. Smith read Mrs. Crane response, as she was unable to because of time limitation.

Response: A comprehensive landscaping plan is required for buffer areas and the applicant states in the letter of intent that a "6 ft. fence and non-flood directionally controlled lighting will protect neighbors privacy." However, the applicant has applied for a variance to reduce the required 25' Land Use Buffer and required 20' Right-of-Way buffer to 5'.

Mr. Smith asked Mr. Buck to comment on the reduction and how he would meet the requirement. Mr. Buck said the site has some real hardships that were imposed upon it when the County and Department of Transportation (DOT) re-worked the intersection. He said property was taken along Camp and Dills Bluff Rds. and a corner of the property was chopped off at a 45 degree angle causing a hardship and forcing the curb cuts that is seen today to be mandated to set in place. He said working off those and one of those curb cuts is Dills Bluff, which is right along the property line. They propose along the rear for the first 50-60 feet a minimum of a 6' fence in addition to the fence that is already there to run the whole length of the property. Then they will plant a Ligustrum Hedge that grows up to 6' and absorbs noise. As the site opens up to the Convenience Store, they would go to the full buffer also leaving in place any trees that are along the rear and west property lines. He said from the standpoint of noise and light, these facilities do not generate a lot of noise, deliveries are taken during the day while people are at work vs. at night and there are other things that could be done to make sure that is adhered to. From the standpoint of light, there is a photometric plan to make sure that all light is directional and drops straight down and does not interfere with the adjoining properties. Mr. Buck said they are a local company and recently did a store in the Town of Ravenel and had a letter from the Mayor of Ravenel. He said the reason for the letter is that it abuts residents there as well and the way it addresses these issues. Mr. Smith reiterated his question about the buffering and that Mr. Buck wants to reduce it and how is that adequate. Mr. Buck responded that he will have plantings and additional fencing. He said it is typical in other municipalities around Charleston how buffers are reduced by adding fence and vegetation. He showed a slide at the back of the property where a fence was added and the buffering reduced but in his opinion, the planting is weak. This is just an example

of how it is done and how it is mitigated with plantings to help eliminate noise and provide a more aesthetic and pleasing buffer.

Mr. Smith read E (d) that Ms. Crane was not able to present that read: Where applicable, will be developed in a way that will preserve and incorporate any important natural features.

Response: The applicant has applied for a variance for the removal of a grand tree (20'+26'+34" DBH Live Oak) and states that the tree "will be mitigated on site and/or by a contribution to the Town's tree bank for overall town beautification. Mr. Smith asked how mitigating preserves and incorporate natural features. Mr. Buck said in this case, the one tree in question was looked at by an arborist. It is average, a three-prong tree and it affects the health and beauty of the tree. The side facing Dills Bluff has been chopped off over the years by the power company and they are asking to remove that in another application and would like to keep that as a separate issue. Mr. Smith said that is one of the requirements of this application. Mr. Buck said every other tree on the site on the far side is being incorporated. Their goal is to revitalize the site in an environmentally friendly manner and to leave the existing building to renovate it. Unfortunately, that tree falls where the pumps will go. It certainly is a problem, if we were able to achieve some of these setbacks that possibly there is a way to look at how that the site plan could be changed to allow that tree to stay.

Mr. Gregorie asked if Mr. Buck if he was aware of any abandoned tanks in the ground from the prior gas station. Mr. Buck said they received a clean environmental from the previous owner and they purchased the property 3 ½ years ago. That owner had looked at possibly redeveloping it as a convenience store but he did not have the experience. He said that no tanks are present today. Mr. Gregorie asked how many gas pumps would exist under the site plan that was presented and Mr. Buck said four.

Chairwoman Lyon asked what would stop a future movement to a 24-hour operation. She asked Mr. Buck if any of his other businesses are open 24 hours. Mr. Buck said no. Chairwoman Lyon asked how loitering would be enforced. Mr. Buck said that would be the responsibility of management; i.e., signs posted and if necessary, law enforcement. He does not want people hanging around because it is not good for business. They want a neighborhood store focusing on the community for women and children, with everyone welcome. It is not a hangout. Chairwoman Lyon said the fuel tanks looks to be 15' from the edge of the sidewalk. Mr. Buck said that is a reference point to where they will be going. The exact distance is probably 15-20 feet. They would be placed based upon the circulation of the fuel trucks making deliveries. Chairwoman Lyon asked how the tankers would enter to fill up. Mr. Buck said they have put in turn radius. He said the site at Ft. Johnson is smaller than this and they envision building this one similar. Chairwoman Lyon talked about concern for the community and the Land Use Element. She asked about water drainage and how would water runoff. She said now there is dirt that will absorb water into the ground, and if the site were paved how would the water runoff be handled. In her opinion, this problem exists on James Island with flooding. She asked if there would be gutters or pervious pavement. Mr. Buck said all waters collected on the building would flow underground into a Stormwater system. He said his engineer could speak more about that, but everything would go into the DOT drainage system and there would be underground retention on site, but most of the water would be absorbed into the ground. Chairwoman Lyon asked about the dumpster located 7' from the residential property line. To her that would be a concern for odors for the livability of the residential areas behind it. She asked if that was correct, and if so, how this would be addressed. Mr. Buck said the dumpster would be in a brick enclosure with a gate and screened. He said they would not be preparing food and trash collected would be boxes and regular daily trash. They will have pick-up five days a week so the trash will not be hanging out long. Chairwoman Lyon asked if the dumpster would be covered to prevent trash from blowing into the neighbor's property. He said the dumpster has a lid and it could be side loaded. He said with that as an option or they would be happy to look into a better place to put it. Chairwoman Lyon addressed parking and rush hours/busy times, asking how many spaces will be allocated for parking with people buying gas and shopping and how would that work. Mr. Buck said

that there is adequate parking, this is a convenience store, it is not for people to hang out and loiter, it is for them to make their purchase and be on their way. They do not see a concern with parking on site. Chairwoman Lyon asked how many parking spaces there would be and he replied 15, probably two of those would be used for employees and people could park at the pump even if they are not getting gas.

Mr. Gregorie asked the possibility of the site as a gas station without significant reductions in the setbacks for the land use buffers. Mr. Buck explained the shape of the site caused by the DOT and without the reduction in the buffers, it would be a huge challenge. Chairwoman Lyon asked if it could be done without removing the tree. Mr. Buck said if the variance is granted they are willing to look at alternative plans; however, the variance on the buffer yards are crucial. He said the widening of the road took property they really did not need and property they needed. He said there is greenspace on the corner as much as 20' but they had the same situation at Ft. Johnson and Camp where the corner was cut off and they had some reduction in the buffer that was allowed there. The buffer to this site is crucial to make sure they can get the circulation to be able to utilize the access to Dills Bluff and those points for the curb cuts have been dictated by the DOT.

#### In Support

No one spoke.

#### In Opposition

Pastor Charlie Murray, First Baptist Church, James Island, 1110 Camp Rd: said he and the members of the Church stood in opposition and asked the Board to deny the request. They have been worshipping at this site consistently for 150 years and 75% of the members live here. The Church has made great investments to help preserve and beautify the island and worked with the Town in the building of the Town Hall. They believe the New Town Hall enhances the community and a gas station would devalue the community. It is unfitting to be in the middle of Town Center. He said the site is too small; it would increase traffic and pose a danger to pedestrians and those coming in/out at the traffic light.

Arlene Branham, 1181 Bradford Ave: said this is a community of homes, churches, schools and some small low impact businesses. Building a gas station at this intersection would be high impact and traffic. The SCDOT has deemed Camp Rd. at Dills Bluff busy enough to put a red light there for safety. A gas station would make it more congested. She passes the gas station on Ft. Johnson at Folly Rd. and it is always congested getting in/out. This would be horrible for the neighbors living behind to see a 6' fence with the noise, trash, light filtration and everything else that comes with a high impact business. She opposes any high impact businesses in this neighborhood. Other small business could come here such as a hardware store, but a gas station is the wrong answer. We need to beautify the corner because it would help the neighborhood. She asked anyone who has not driven through Farmington where the homes will be backed up to the site to do so.

Edward Greene, 1115 Seaside Ln.: has lived on the island for over 70 years and remembers when a convenience store was there. He agree that the site is not good for a gas station. Mr. Greene referenced the discrepancy in the hours of operation: 6 a.m. to 12 mid vs. 6 a.m. to 10 p.m. Mr. Greene said he would like to see the Church respected; it has been here for many years before moving to the other side. It is his understanding there is a law that a business selling alcohol and beer had to be 500' away from a church. He asked the Board to deny the request because we do not need it.

Noriko Ishibashi, 1206 Gunpowder Ct.: lives behind the proposed site and would share a fence with them. Mrs. Ishibashi was present with her husband and two children age five and seven. They feel that a gas station selling fuel, wine, beer and open late would be a safety, pollution and environmental concern for their family, especially the children. The gas station would increase traffic and encourage loitering and possibly an increase in crime. It would bring chemicals, lights, noise, smells and trash to the neighborhood.

She said the proposed use does not meet the criteria because the reduced setback buffer does not provide adequate protection for her property or for the safety of her children. She does not feel comfortable having the children play in their back yard with the proposed setbacks because of smell, litter, and bugs from the commercial dumpster. That would negatively affect their home. There would be impact to the general welfare of her children because of studies show the impact on health of those living close to gas stations. She said the gas station would be open until midnight selling alcohol and encouraging loitering, negatively affecting the community. Her children sleeps in a room closest to the gas station and they would be affected by light, traffic, odor, fumes, and music.

Susan Milliken, representing Save James Island, 762 Ft. Sumter Drive: submitted to the BZA and Town Clerk, an on-line letter signed by 378 people in opposition and it is still being signed. They urge Mr. Buck to consider another plan for the property. Mrs. Milliken said several people spoke that the criteria for the special exception was not met. She informed the Board that in 2015 when the Buck Company purchased the land, the DOT had already done the intersection. She remembers that was when the Leonard Blank intersection was done in 2014. When they purchased the land, they knew what they were looking at .57 acres. There is also a huge grand tree controversy in the Town and we know how important our beautiful live oaks are to us, but they are not incorporating the live oak into the plan. She attended the City DRB meeting a week ago and a Blue Water is being built on Savannah Highway. They are incorporating a grand live oak into that plan. It is a shame they (Buck) cannot consider doing that here with the reduction of the buffers to 5' and with the increase in traffic, the loss of the beautiful natural resources. Save James Island does not feel this request meets the criteria to grant the special exception and they stand with First Baptist Church.

Deborah Smith, 1435 Swamp Fox: said she is a commuter and drives by there every day. There are moments when she think a gas station should be closer; but then she says no, it is not that far away and she drives by 27 gas stations on the way to work. She does not want it here. She said the comment was made that we need a convenience store. We have the Dollar General and walk there. She does not need a convenience store and certainly does not need a gas station.

Andy Borgman, 1206 Gunpowder Ct.: Mr. Borgman also spoke on behalf of a neighbor. Mr. Borgman has two small children and lives next to the proposed gas station. He would share his entire back yard with the gas station if it were approved. He reviewed excerpts from the Town's Comprehensive Plan stating that it would negatively affect the surrounding community and the gas station would severely affect his family and his neighbors. His children would be playing in the yard with a commercial dumpster and 30' from the pumps. Adequate provisions are not being made. A 6' fence is not enough. They knew what the setbacks were when they purchased the property and it would have a huge impact on the neighbors. Additionally, the neighbors would be subjected to noise, light pollution, toxic fumes, possible flooding, gas leaks, crime and decreased property value.

Councilman Darren "Troy" Mullinax, 670 Port Circle: stated that the gas station would not fit the character of the community and the footprint of the business does not fit the perimeter of the property. He mentioned that his father lives near a convenience store with gas pumps in Ravenel that leaks and have negatively impacted the surrounding area. He stands in solidarity with the people.

Sharleen Johnson, 1181 Oakcrest Dr.: commented that there are zoning rules for a reason and the development is not appropriate for the space or character of the community. She spoke about the many developments in the community recently. The gas station would be a detriment to the community and is not appropriate for the space.

Nick Stewart, 415 Limbaker St. spoke on behalf of neighbors and friends. He referenced that all of the zoning regulations must be met in order for the special exception to be granted and read excerpts in Mrs.

Crane's findings that it does not meet criteria. It does not meet the general welfare of the community. He said it would be a tragedy to lose the tree and spoke of the increase in traffic both vehicles and foot as well as tankers bringing fuel.

Lauren Gellatly, 1351 Briarfield Ave., referenced the letter she sent to the Board in opposition of the request and why the gas station does not meet the criteria for the special exception. Governments' greatest power is permission and she think this is a case where that permission needs to be denied.

Mary Ann Henry, 825 W. Madison Ave., drove more than 3,000 miles this summer on secondary roads between here and Canada with her dog Rio and in the process saw many small towns and many main streets. She is shocked to understand that people consider that corner of Dills Bluff as the Town center. As much as she loves James Island, there is not a lot of charm there and much as Mr. Buck is nostalgic about gas stations and convenience stores, she does not think that would make it better. It does not give her a warm-fuzzy feeling and it is not family oriented. She encouraged the Board to realize this is a prime location and opportunity for James Island to inject charm to our lovely town.

Robin Welch, 1132 East and West Rd., appreciates everyone coming out. It makes her proud to be a part of this community to see neighbors helping neighbors by coming together. She appreciates the elected officials who managed to come tonight and wished our mayor had been one of them. She is especially proud of Councilman Mullinax for taking the time to speak and express opposition. She stated that Mr. Buck is being disingenuous when he talks about being a small business owner when he owns three hotels; a slew of gas stations, Sonic, Bojangles, carwashes; that is not is not in the same league as Claire's on Folly Rd. She said they have a real opportunity in the Town tonight to show why we are different from the City of Charleston and if we bend over to the developer, we will not be any different from them.

#### Rebuttal

Mr. Buck stated that this is a convenience store and people stop because it is convenient. There are other gas stations on the island, but this is about convenience and it is not going to draw more traffic here. He talked about pedestrian access stating that a lot of money was spent to put sidewalks in and that all you hear about is making things pedestrian friendly so we would welcome people walking in from the neighborhood. We are concerned about our neighbors. We mentioned that in Ravenel we abut residential and here on James Island and our other store; we abut residential property with young families living there. The claims of proof that it is unsafe to work at a gas station or live next to one are completely false. In regards to buffer, they plan to leave the 6' fence by the neighbors and plan to add an 8' fence in addition to that along with planting the hedge.

Giles Branch, Earthsource Engineering, 886 Johnny Dodds Blvd, Mt. Pleasant, SC: spoke regarding traffic that typically convenience stores and gas stations do not generate a lot of traffic. Businesses that generate traffic are hardware stores; they are a destination that you get into your car and drive there from wherever part of town that you live. The convenience store would be thru-traffic.

Chairwoman Lyon closed the hearing at 8:15 p.m. and asked for a motion and second from the Board to approve, approve with conditions or to deny the request.

MOTION: Mr. Fralix moved to deny case BZAS-7-18-016, Special Exception request for the placement of a Gasoline Service Station in the Community Commercial (CC) Zoning District, 1233 Camp Road. Mr. Parrish seconded for discussion.

Mr. Smith said he understands that it would be good to develop the property and it would be good to have new things. However, he cannot support the application because he does not see that it meets all of the conditions. Particularly he does not see that it meets adequate provision for setbacks and buffering. He

understands that there is another hearing later for that but he does not see it now. He does not think it is adequate to reduce the buffer to 5' because the Town has already said 25' is necessary. He does not understand why it would be reduced so the site plan for him is a downfall. Secondly, a requirement is where applicable to develop the property in a way that preserves and incorporate important natural features and he thinks the tree is very important. It is protected under the Town's ordinances and he has not seen the efforts to protect the tree. He understands that would be a different case if we moved on but he cannot support this special exception because we do not have those two pieces. Thirdly, he has severe concerns about he has heard from the immediate neighbors and others that they feel that this does adversely affect the general welfare and character of the immediate community. He said you have to meet that and he is not hearing it from the neighbors who are the immediate community. Mr. Smith said for those three reasons he cannot support the application, although he appreciates the idea of redevelopment and bettering the neighborhood.

Mr. Gregorie said there are two other applications that may come before the Board. One is for setback reductions and the other is for the removal of a grand tree. He realizes those are to be taken up separately however; there is a site plan that was presented with the application that shows grand tree removal and vast setback reductions. He said when the Board has granted a setback reduction in the past it has been for a very low impact development such as the construction of a house and for the purpose of preserving a tree, and he sees none of that happening here. He said it is quite the opposite with the site plan that was presented as an exhibit with the one application that the Board is discussing.

Mr. Gregorie said he does not believe the application meets the provision of the ordinance, specifically E (d): where applicable will be developed in a way that will preserve and incorporate any important natural features; and it does not meet provision and E (c): 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 factor.

Chairwoman Lyon said she personally echoed what others have said. While this was a convenience store and gas station in the past, it is only allowed now if it meets these criteria and as the other Board members reviewing the evidence and hearing from our community and neighbors, the application does not appear to meet A,B,C, and D and for those reasons she will vote against the request.

Mr. Parrish echoed the comments from the Board and he agrees with the reasoning they stated.

MOTION: Mr. Fralix moved to deny case BZAS-7-18-016, Special Exception request for the placement of a Gasoline Service Station in the Community Commercial (CC) Zoning District, 1233 Camp Road. Mr. Parrish seconded.

VOTE TO DENY

Mr. Fralix	aye
Mr. Gregorie	aye
Mr. Parrish	aye
Mr. Smith	aye
Chairwoman Lyon	aye

Chairwoman Lyon stated the legal reason for the denial of the variance request was it did not meet the criteria: A,B,C, and D. The final decision of the Board will be mailed to the applicant within ten working days and they may contact the Planning and Zoning staff with questions about the denial or conditions.

Chairwoman Lyon asked Mr. Buck if we wished to continue with the other cases since the first was denied and he said yes, to look to what other uses may be applicable for the setbacks and the tree.

BZAV-7-18-019  
TMS#425-16-00-126

Variance request for the removal of a grand tree (20”+26”+34” DBH Live Oak) for the placement of a Gasoline Service Station in the Community Commercial (CC) Zoning District at 1233 Camp Road:

Mr. Parrish rose to a point of order stating that the first case was not approved and the applicant is asking to continue with the two other exceptions; however, the Board does not have plans before them to draw conclusions on the reasons why he still needs the setbacks and the tree removed. Mr. Parrish moved to postpone Case BZAV-7-18-019 and Case BZAV-7-18-020 until the Board has site plans on what the applicant is proposing for the location. There was no second to the motion.

Executive Session:

Chairwoman Lyon moved to enter into an executive session to receive legal advice from the attorney on the rules and procedures; Mr. Gregorie seconded and the motion passed unanimously. The Board entered at 8:22 p.m.

Return to Regular Session:

A motion to return to regular session at 8:29 p.m. was made by Mr. Parrish, seconded by Mr. Smith and passed unanimously.

Mr. Parrish moved to table Case BZAV-7-18-019 to the October 16 meeting; seconded by Mr. Fralix. Mr. Gregorie said he would vote in favor of tabling the application because he believes there is additional information that needs to be provided. The packet that was provided to the Board includes a site plan that is no longer applicable. Mr. Parrish and Fralix agreed.

VOTE

Mr. Fralix	aye
Mr. Gregorie	aye
Mr. Parrish	aye
Mr. Smith	aye
Chairwoman Lyon	aye
Passed unanimously	

BZAV-7-18-020  
TMS# 425-16-00-126

Variance request for the reduction of the required 25’ Land Use Buffer and the required 20’ Right-of-Way Buffer to 5’ for the placement of a Gasoline Service Station in the Community Commercial (CC) Zoning District at 1233 Camp Road:

Mr. Fralix moved to table Case BZAV-7-18-020 to the October 16 meeting; seconded by Mr. Parrish. Mr. Parrish stated that the Board does not have the necessary information to make a decision on the case.

VOTE

Mr. Fralix	aye
Mr. Gregorie	aye
Mr. Parrish	aye
Mr. Smith	aye
Chairwoman Lyon	aye

Passed unanimously

Next Meeting: The next meeting of the Board of Zoning Appeals will be held on October 16, 2018.

Adjourn: There being no further business to come before the body, the meeting adjourned at 8:40 p.m.

Respectfully submitted

Frances Simmons

Town Clerk and Secretary to the BZA