



# BOARD OF ZONING APPEALS

Town Council Chambers, Moncks Corner Municipal  
Complex, 118 Carolina Avenue  
TUESDAY, OCTOBER 04, 2022 at 6:00 PM

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## AGENDA

### CALL TO ORDER

### ADOPTION OF MINUTES

1. Approval of the September 6, 2022 minutes

### NEW BUSINESS

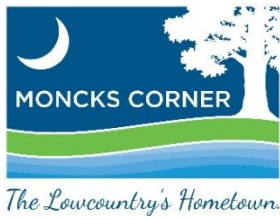
2. Consider a variance to street access at 136 Pinewood Drive, TMS 142-05-01-027

### OLD BUSINESS

### STAFF COMMENTS

### MOVE TO ADJOURN

*In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (843) 719- 7900 within 48 hours prior to the meeting in order to request such assistance.*



# BOARD OF ZONING APPEALS

Town Council Chambers, Moncks Corner Municipal  
Complex, 118 Carolina Avenue  
TUESDAY, SEPTEMBER 06, 2022 at 6:00 PM

## MINUTES

### CALL TO ORDER

Meeting called to order at 6:00 p.m.

#### PRESENT

Board Member Carolyn Haynes-Smith  
Board Member Theresa McLaughlin  
Board Member Clayton Morton  
Chairman Thurman Pllum  
Board Member Patricia Smith

#### STAFF PRESENT

Douglas Polen, Development Director

### ADOPTION OF MINUTES

1. Approval of July 5, 2022 minutes

Motion made by Board Member Haynes-Smith, Seconded by Board Member Smith.

Voting Yea: Board Member Haynes-Smith, Board Member McLaughlin, Board Member Morton, Board Member Smith

### NEW BUSINESS

2. Consider a variance to reduce minimum lot size at 411 Wall Street, TMS 142-04-01-032

Mr. Polen presented the item. He reiterated that he serves as the Board Chair for the applicant, Berkeley County Habitat for Humanity, but that he has no financial interest in the organization.

Mr. Pllum asked about the presence of water and sewer. Mr. Polen stated that, yes, the lot in question has water & sewer, and the proposed lots further down Hutchinson Lane will have water and sewer paid for by a CDBG grant.

Mr. Pllum asked about the road, and Mr. Polen stated that Hutchinson Lane is currently a dirt road and the Town is in negotiations with the County on paving the road.

Motion made to allow the variance.

Motion made by Board Member Morton, Seconded by Board Member McLaughlin.

Voting Yea: Board Member Haynes-Smith, Board Member McLaughlin, Board Member Morton, Chairman Pllum, Board Member Smith

### OLD BUSINESS

### STAFF COMMENTS

Mr. Polen stated that payment for the Board Members' services would be going out soon, as such checks only go out annually now.

**MOVE TO ADJOURN**

Meeting adjourned at 6:13 p.m.

Motion made by Board Member Haynes-Smith, Seconded by Board Member Smith.

Voting Yea: Board Member Haynes-Smith, Board Member McLaughlin, Board Member Morton, Chairman Pellum, Board Member Smith

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## Staff Report

### Variance Request

**DATE:** October 4, 2022  
**TO:** Moncks Corner Board of Zoning Appeals  
**FROM:** Douglas Polen, Community Development Director  
**SUBJECT:** Variance Request  
**STAFF RECOMMENDATION:** **APPROVAL**

| Report Summary              |   |
|-----------------------------|---|
| <i>Property Location</i>    | 136 Pine Street / End of Williams Drive   |
| <i>Property TMS</i>         | 142-05-01-027   |
| <i>Acreage</i>              | 6.44 acres  |
| <i>Zoning</i>               | R-1, Single Family Residential  |
| <i>Applicant/Owner</i>      | Mary Beatty   |
| <i>Use</i>                  | Residential   |
| <i>Request</i>              | <b>Variance to lot access</b>   |
| <i>Current Requirements</i> | Per the Land Development Regulations, "Every lot shall front or abut on a street ..." |

### Background

The applicant, Wayne Lee, in conjunction with the lot owner, Mary Beatty, is seeking to subdivide Ms. Beatty's property at 136 Pine Street. The subdivision would occur on the back of the property, near the southern terminus of S. Williams Drive.

Per the Town's Land Development Regulations, new lots may only be created abutting a street. Ms. Beatty desires for her property to continue abutting S. Williams, and instead wishes for an access easement to connect the new lot to S. Williams.

The lot to be created would be 0.698 acres in size and is over 150' wide at the building line, so it meets all requirements other than direct access to the road. The 25' wide ingress/egress easement would provide access from the lot to the road.

### **Analysis**

***1. Are there are extraordinary and exceptional conditions pertaining to the particular piece of property?***

Yes. The desired plat does not directly abut a street.

***2. Do these conditions generally apply to other property in the vicinity?***

No. Other lots abut a street, but the proposed new lot does not.

***3. Because of these conditions, does the application of the ordinance to the particular piece of property effectively prohibit or unreasonably restrict the utilization of the property?***

Yes. The property could be subdivided in such a way to allow the proposed new lot to abut Williams Drive, but then the existing home on Pinewood would lose direct access. If a second house, to be placed on Williams, is desirable to the Town, a variance will be required.

***4. Will the authorization of the variance be of substantial detriment to adjacent property or to the public good, and will the character of the district be harmed by the granting of the variance?***

No. There are existing homes on Williams, and an additional home would not change the character of the neighborhood.

***5. The board may 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, should a variance be granted, may not be grounds for a variance. Does the request accompany any of the aforementioned considerations?***

No

### **Staff Recommendation**

While the Town has a stated preference for lots to directly abut roads, a permanent access easement will give the owner safety and peace of mind that the property can be accessed. In a new subdivision the Town would see no

need for such a variance, but with an existing lot being subdivided to allow for an additional lot, such a variance seems reasonable.

Staff recommends **APPROVAL** of the variance.

**The Board may also wish to consider any specified conditions it wishes to place upon the property should it determine to grant a variance.**



**Board of Zoning Appeals | October 6, 2022**





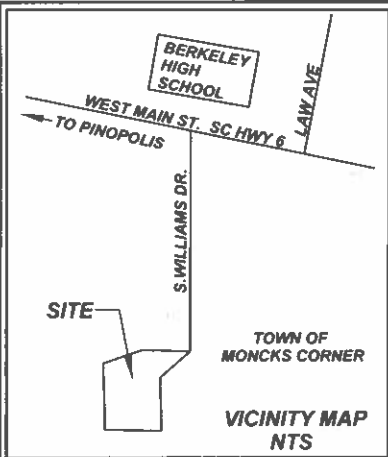
# S. Williams Street Variance

## 136 Pinewood Road, TMS 142-05-01-027

Board of Zoning Appeals | October 6, 2022







BY THE RECORDING OF THIS PLAT, I HEREBY DEDICATE THE INGRESS/EGRESS AND GENERAL UTILITY EASEMENT SHOWN HEREON TO ALL PURCHASERS AND SUCCESSORS IN INTEREST OF THIS PROPERTY AND I AM HEREBY DEDICATING THE GENERAL UTILITY EASEMENT SHOWN HEREON TO THOSE ENTITIES WHICH PROVIDE SAID UTILITIES. NOTHING IN THIS DEDICATION SHALL BE CONSTRUED TO IMPLY AN ACCEPTANCE BY BERKELEY COUNTY OF ANY ROADWAYS OR AS CREATING ANY DUTY BY BERKELEY COUNTY TO MAINTAIN ANY ROADWAYS OR RIGHTS-OF-WAYS SHOWN HEREON.

Mary W. Beaty 8/8/2022  
SIGNATURE DATE

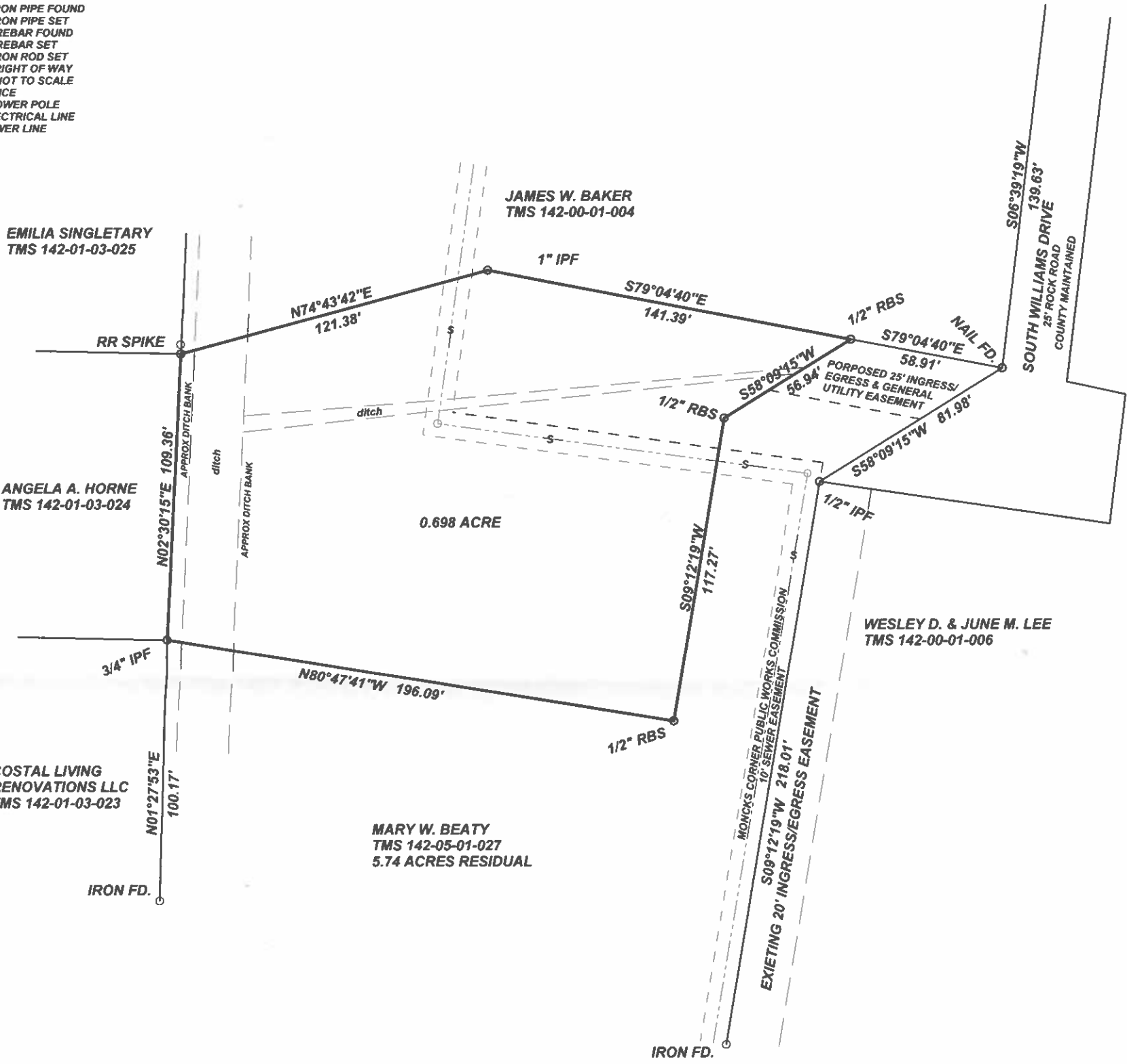
FLOOD NOTE:  
THIS TRACT APPARENTLY LIES IN FLOOD ZONE "X", AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.  
FIRM 45015C0385E EFF. 12/7/18

REFERENCE: CAB M PG 336  
CAB S PG 280-C  
CAB N PG 378-H  
NOTE: TMS 142-05-01-027  
ZONED R-1



LEGEND:

- IPF=IRON PIPE FOUND
- IPS=IRON PIPE SET
- RBF=REBAR FOUND
- RBS=REBAR SET
- IRS=IRON ROD SET
- R/W=RIGHT OF WAY
- NTS=NOT TO SCALE
- X=FENCE
- PP=POWER POLE
- E=ELECTRICAL LINE
- S=SEWER LINE



Item 2.

SUBDIVISION SURVEY

PLAT  
OF  
0.70 ACRE  
SURVEYED AT THE REQUEST OF  
MARY W. BEATY

TOWN OF MONCK'S CORNER

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

Homer P. Mason

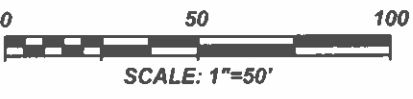
HOMER P. MASON  
P.L.S. NO. 6951  
1014 McKNIGHT FOREST ROAD  
MONCK'S CORNER, S.C. 29461  
843-509-9050

FILE: SISTER  
BOOK 90



BERKELEY COUNTY SOUTH CAROLINA  
DATE OF SURVEY AUGUST 1, 2022

MASON PROFESSIONAL LAND SURVEYOR, LLC  
1014 McKNIGHT FOREST ROAD  
MONCK'S CORNER, S.C. 29461





**VARIANCE APPLICATION**  
Moncks Corner Community Development

**MONCKS  
CORNER**  
*The Lowcountry's Hometown*

**Applicant Information**

Name: Wayne Lee Address: 111 S. Williams Dr. M.C.  
Phone: 843 830 0786 E-Mail: Bestbigpop51@GMail.com

**Property Owner Information (If Different)**

Name: Mary W Beaty Address: 136 Pinewood Dr  
Moncks Corner, SC 29461  
Phone: 843-343-2661 E-Mail: marywbeaty@hotmail.com

Property Location (Attach Plat if Available): ~~111~~ End of S. Williams Dr.

Describe the variance request, reason for request, and any supporting information:

gain access to buildable lot by way of general easement  
95 shown on plat.

Has any variance been applied for on this property previously? YES ☐ NO ☒

If Yes, Please Describe: \_\_\_\_\_

I (we) certify that I (we) are the free holder(s) of the property(s) involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this variance.

Owner's Signature: Mary W Beaty Date: 8/26/2022  
Applicant's Signature: Wayne Lee Date: 8/26/2022

*For Official Use Only*

Received: \_\_\_\_\_ Property Posted: \_\_\_\_\_  
Receipt #: \_\_\_\_\_ Hearing: \_\_\_\_\_  
Advertised: \_\_\_\_\_ Approved: \_\_\_\_\_