



*The Lowcountry's Hometown*

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## STAFF REPORT

**TO:** Board of Zoning Appeals  
**FROM:** Justin Westbrook, Community Development Director  
**SUBJECT:** Variance (VR-25-03) – Berkeley County Coroner’s Office – 102 Gulledge  
**DATE:** January 6, 2026

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**Background:** The applicant, Alison Simmons on behalf of the Berkeley County Coroner’s Office, has applied for a **Variance** (VR-25-03) to reduce the side and rear setback for a principal structure in the **General Commercial (C-2)** district, for an addition located at 102 Gulledge Street. The Town’s current Zoning Ordinance requires a principal structure to be ten (10) feet from the side and rear property lines. The Zoning Ordinance does not have an exception or provision for required setbacks within the historic downtown; therefore, Ordinance’s dimensional standards may significantly hinder the Berkeley County Coroner’s Office from expansion of the existing building to meet modern demands. Previously, the applicant sought a **Special Exception** (SE-24-04) to expand the existing building, approved by the Board of Zoning Appeals in December 2024. The expansion of the building appears to need relief from the required setbacks, which culminated in a separate request. The applicant is requesting a 2.14-foot variance from the required 10-foot side setback, as well as a 9.74-foot variance from the required 10-foot rear setback.

**Existing Zoning:** The subject parcel is currently in the **C-2 – General Commercial** zoning district. Per the Town’s Zoning Ordinance, the General Commercial zoning district is intended to:

*“...accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, office, and service establishments and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics. Certain related structures and uses are permitted outright or are permissible as special exceptions subject to the restrictions and requirements intended to best fulfill the intent of this ordinance.”*

Adjacent Zoning		Adjacent Land Use
North	C-2	Offices
South	C-2	Parking (Berkeley County)
East	C-2	Government Facility (Berkeley County School District)
West	C-2	Bank (Farmers & Merchants Bank)
		Parking (Berkeley County)

### **Existing Site Conditions:**

The subject parcel comprises approximately 8,800-square feet (0.2 acres) which is currently occupied by the Berkeley County Coroner's Office; a government facility. The parcel is currently accessible by Gulledge Street, with approximately 111-feet of frontage. The parcels to the South and East are also government facilities, owned and operated by Berkeley County and Berkeley County School Board, respectively.

**Proposed Request:** The applicant has applied for a **Variance** seeking relief from the required 10-feet side and rear setbacks so that the previously approved **Special Exception** for the building expansion may continue. The applicant has presented the case that with the increased operational need of the Coroner's Office, a larger building footprint will be needed to continue to serve the citizens of Berkeley County, one of the fastest growing counties in the state. This need appears to also be out of necessity as best practices related to industry standards suggest the need for all operational functions of a coroner's office to be under one roof, to maintain a vital accreditation from the International Association of Coroners and Medical Examiners (IACME). The applicant has demonstrated the subject parcel is one of the smallest sized parcels, with minimal width and depth, in the immediate vicinity, while also requiring ADA compliant spaces that effectively cannot be installed through a strict interpretation of the required setbacks. Granting this **Variance** request would allow the proposed use on the subject-lot to expand in a way that is not uncommon in traditional downtowns, while also impacting the area and neighbors minimally.

**Procedural Issues:** As part of any Variance request, the Board of Zoning Appeals will hear and decide appeals for variance from the requirements of the Zoning Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship. A **Variance** may be granted in an individual case of unnecessary hardship if the Board feels the applicant can prove their request and situation meets or exceeds the following:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

### **Staff Analysis:**

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.  
*The property appears to suffer in both size, depth and width compared to other parcels in the immediate area making an expansion of the building by any user prohibitive. The current user was previously approved via Special Exception, and with the required specifics indicated by the applicant to house all operations under one roof, effectively makes relocation and a re-use of the property by another tenant nearly impossible.*
2. These conditions do not generally apply to other properties in the vicinity.

*This one parcel, used by this very specific user, is not seen anywhere else throughout one of the State's largest counties. As Berkeley County's population continues to grow, the need for an increase in particular governmental services, namely a Coroner's Office, will also increase. Most parcels in the immediate vicinity already enjoy significantly reduced setbacks, albeit in a non-conforming manner. The current Zoning Ordinance did not anticipate or plan for 0-foot setbacks for dense commercial areas, however most buildings in the immediate vicinity were constructed prior to the adoption of the current dimensional standards; a continued benefit other parcels enjoy, while this parcel is limited from utilizing.*

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

*By not granting the Variance request, the current user of the property most likely would be required to move due to accreditation and professionalism standards, losing a vital and centrally located facility the public relies on. It is safe to say, should that occur, any future tenant of this particular property would more than likely face the same challenges, effectively restricting the utilization of this parcel in an unreasonable manner. Staff's assertion is that the current Zoning Ordinance does not adequately address dense commercial areas, such as downtown, which further adds credence that this particular property would be effectively prohibited from growth, or even reconstruction.*

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

*Granting this request improves the public good and existing character of the district by allowing a growing public service to expand their operations and capacity that is centrally located in the heart of Berkeley County. The applicant has made significant efforts to reach out to directly adjoining parcel owners, to ensure the planned expansion with the reduced setbacks does not cause detriment to the public good or to the character of the district. By reducing the side and rear setbacks for a building expansion in the downtown area, Staff argues this would actually add cohesion to the area that often sees 0-foot setbacks currently.*

**Staff Recommendation:** Staff recommends the Board of Zoning Appeal **approves** this request for the requested reduction in the side and rear principal structure setbacks, due to the parcel's identified hardships with the Town's current Zoning Ordinance. Staff is comfortable with the request as most parcels in the immediate area would have challenges, if not effectively prohibited from rebuilding, since most parcels in the area currently benefit from significantly reduced setbacks that are non-conforming. By granting the 2.14-foot variance from the required 10-foot side setback, as well as a 9.74-foot variance from the required 10-foot rear setback, the Board of Zoning Appeals would essentially be allowing what most other parcels in downtown already benefit from, whereas denying the Variance request would effectively prohibit the current user, and any new user of the parcel, adequate use protected by the spirit and intent of the Zoning Ordinance.