



*The Lowcountry's Hometown*

PO Box 700 | Moncks Corner, SC 29461 | 843.719.7900 | monckscornersc.gov

## Staff Report

### Special Exception Request

**DATE:** December 6, 2022  
**TO:** Moncks Corner Board of Zoning Appeals  
**FROM:** Douglas Polen, Community Development Director  
**SUBJECT:** Variance Request  
**STAFF RECOMMENDATION:** **DENIAL**

Report Summary	
<i>Property Location</i>	487 N Hwy 52
<i>Property TMS</i>	123-00-01-045
<i>Acreage</i>	1 acre
<i>Zoning</i>	C-2, General Commercial
<i>Applicant/Owner</i>	Coastal Outdoor Services
<i>Use</i>	Body Shop
<i>Request</i>	<b>Variance to setback for flagpole</b>
<i>Current Requirements</i>	Per the Zoning Ordinance, the setback for a flagpole is equal to the height of the flagpole, and the maximum height of a commercial flagpole is 25'.

### Background

A flagpole has been located at the body shop at 487 N. Hwy 52 for years. Earlier in 2022 Better Collision took over the location and hired Coastal Outdoor Services to remove the existing flagpole and put in a new, larger pole.

This new pole was placed approximately 18' off the sidewalk and the setback for flagpoles is equal to the height of the pole. Likewise, the maximum height of commercial flagpoles is 25', whereas the height of the newly erected flagpole is 39'.

Lastly, from the zoning map it appears that all land to the front of the building is in the right of way, requiring an encroachment from SCDOT for any structures in this area.

Per Town sign regulations:

#### D. Government Flags

1. Definition: means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity.
2. Permitted Zones: All
3. Requirements
  - i. Height of Flagpole: Fifteen (15) feet maximum residential; Twenty-five (25) feet maximum commercial
  - ii. Area of Flag: Per the guidelines of the U.S. General Services Administration, a flag pole should be approximately three (3) to four (4) times the length of the flag. As such, a fifteen (15) foot tall pole should utilize 3' x 5' flags, a twenty (20) foot pole should use 3' x 5' or 4' x 6' flags, and a twenty-five (25) foot pole should use 4' x 6' or 5' x 8' flags. The maximum flag sizes allowed per this ordinance are fifteen (15) square feet per flag, no more than thirty (30) square feet total (residential); Forty (40) square feet per flag, no more than one hundred twenty (120) square feet total (commercial)
  - iii. Number of Flagpoles Allowed: One (1) residential; Three (3) commercial
  - iv. Setback: Pole must be setback from all property lines an amount equal to or greater than the height of the pole
  - v. Governmental flags must be externally lit or removed at dusk.
  - vi. If the flags of the United States and the State of South Carolina are flown, a third, commercial flag may be flown on the third pole. The flag will not be included in the overall sign area total on the lot.

### **Analysis**

From Sec. 11-2 of the Zoning Ordinance:

Duties of the Board – To permit uses by special exception subject to the terms and conditions for the uses set forth below. Special exceptions may be allowed after determination by the BZA of additional controls required and after the holding of a public hearing. A listed special exception is eligible for location within the subject zoning district if all of the following conditions can be clearly demonstrated to exist:

- a. **The proposed use is consistent with the purpose and intent of the Town's Comprehensive Plan as well as the character and intent of the underlying zoning district;**

The flag is consistent with the purpose of the Plan, although it is too large and close to the road.

- b. **The proposed use is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;**

The flag does not adversely affect the general welfare or character of the area, although it is oversized.

- 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;**

There will be no adverse influence, but adequate provision for setback was not made.

- d. **Where applicable, the proposed use will be developed in a way that will preserve and incorporate and important natural features;**

There are no important natural features.

- e. **The proposed use shall not destroy, create a loss, or cause damage to natural, scenic, or historic features of significant importance;**

No.

- f. **Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered;**

No.

- g. **The proposed use complies with all applicable regulations and development standards of the Town.**

No. The flagpole is 14' taller than allowed by code and is too close to the road.

### **Staff Recommendation**

The applicant has not yet submitted required plans to the Building Department to determine if it was installed correctly and is able to withstand 140 mph winds, as per regulation. Should the pole not meet building code requirements it will need to be removed or re-installed.

Staff is not overly concerned with the setback. If the entire front of the lot is in the right of way, no setback would be sufficient. However, Staff is concerned with the height of the pole. The tallest allowable signs in Town are 20' for shopping centers with more than four businesses and 25' for commercial flagpoles. 39' for this flagpole seems unnecessarily large and well beyond the intention of the Code. That having been said, the pole is in the ground and secured with hundreds of pounds of concrete.

Staff must recommend **DENIAL** for this application.

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