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Staff Report

Special Exception Request

DATE: June 7, 2022
TO: Moncks Corner Board of Zoning Appeals
FROM: Douglas Polen, Community Development Director
SUBJECT: Special Exception Request
STAFF RECOMMENDATION: **DENIAL / CLASS D BUFFER**

Report Summary	
<i>Property Location</i>	478 N Hwy 52
<i>Property TMS</i>	123-00-01-066
<i>Acreage</i>	1.47 acres
<i>Zoning</i>	C-2, General Commercial
<i>Applicant/Owner</i>	Jonathon Best
<i>Use</i>	Body Shop Vehicle Storage
<i>Request</i>	Special Exception to allow outdoor storage of vehicles at a body shop
<i>Current Requirements</i>	Per the Zoning Ordinance, all outdoor vehicle storage requires a special exception to allow the use

Background

The applicant is seeking to purchase property adjacent to his current body shop, Better Collision, located at 478 N Hwy 52. This property is proposed to be used as storage for vehicles that have been dropped off for repair and are pre- and post-repair.

Per the Zoning ordinance, all outdoor storage of vehicles requires a special exception in order to be considered an allowable use. If approved as a use, the Board of Zoning Appeals must designate the proper landscape buffer required in this particular instance.

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;**

Yes and no. The underlying zoning is C-2, General Commercial, and vehicle repair is permitted in this district. However, this particular location is a very attractive lot located next to two financial institutions as well as a new restaurant and a new automotive service business. Staff does not find outdoor vehicle storage to be the highest and best use for this lot, and a special exception for such storage was placed in the Zoning Ordinance in the last couple of years to prevent such uses in areas that were not appropriate.

- 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;**

As stated above, Staff feels that the proposed use is not compatible with existing uses in the vicinity. While there is a mini warehouse business and a body shop adjacent to the subject property, these businesses are both over twenty years old (thirty in the case of the body shop) and the surrounding area has changed considerably in the intervening period. This particular area is now known for beautiful live oak trees and the Starbucks across the street, not the mini warehouse and the body shop.

- 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;**

Should the Board of Zoning Appeals approve the use of outdoor vehicle storage on this lot, Staff strongly recommends a Type D buffer be placed on the property, so as to shield the vehicles from view by the nearby properties and the road.

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

The property appears to be free of any natural features with the exception of the overall viewshed.

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

The importance of the view of the lot is best left to the individual, but Staff does feel that outdoor vehicle storage would cause significant damage to the scenic features of the area.

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

Staff sees no negative effect on adjacent roads.

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

Staff has not seen any plans, but would ensure that the property meets all applicable regulations, including stormwater, paving, and landscaping.

Staff Recommendation

Staff finds the proposal to place outdoor vehicle storage on the lot to be in conflict with the Town's vision for this property. With the large live oak trees and nearby new commercial investment, the Town would like to see office and/or retail development on this property. Staff has also heard from numerous members of the public that this property should be a park. That having been said, the lot is zoned commercial and proper, quality development is allowed and encouraged on the property. Staff does not find that outdoor vehicle storage is that proper, quality development and, as such, recommends **DENIAL** of the special exception.

Should the Board of Zoning Appeals choose to allow the special exception for the use of outdoor vehicle storage, Staff strongly recommends a Type D buffer, in addition to any fencing desired by the applicant, be placed around the property wherever the storage would be visible from off-site.

A type D buffer is the buffer required around mobile home parks and light industrial uses. It is 50' wide and requires 8 trees and 75 shrubs per 100 linear feet.

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.