



The Lowcountry's Hometown

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Staff Report

Variance Request

DATE: July 5, 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>	West of 309 Rembert C. Dennis Blvd
<i>Property TMS</i>	143-00-00-002
<i>Acreage</i>	+/- 1.0 acre
<i>Zoning</i>	R-2, Single Family Residential
<i>Applicant/Owner</i>	Ricky Parler
<i>Use</i>	Vacant
<i>Request</i>	Variance to design regulations
<i>Current Requirements</i>	Metal warehouse-type architecture shall not be permitted except in Industrial Zones

Background

The applicant, Ricky Parler, is seeking to build new commercial construction on Main Street Extension, right behind Marvin's. The initial design submitted for the building, which is to be a repair shop, featured metal, warehouse-style architecture on all four sides other than a brick knee wall on the front and the front quarter of the two sides.

The Town Zoning Ordinance states the following:

The following architectural design objectives are intended to apply to all nonresidential, attached and multi-family residential development within the Town. New building construction shall provide a sense of permanence and timelessness. High quality construction and materials should be used to ensure that buildings will not look dated or worn down over time, nor require excessive maintenance.

*Exterior building materials should be aesthetically pleasing and compatible with materials and colors of nearby structures. Predominant exterior building facade materials shall consist of high quality, durable products, including but not limited to cementitious siding (i.e. HardiePlank), brick, sandstone, fieldstone, decorative concrete masonry units, wood, and glass. Metal exteriors are not permitted unless used as an architectural style, such as modern steel and glass architecture, and approved by the Zoning Administrator. **Metal warehouse-type architecture shall not be permitted except in the Industrial Zones.** External Insulation Finished Systems (E.I.F.S.) material shall be utilized only on the building trim and accent areas.*

This ordinance banning warehouse-style architecture went before Planning Commission on February 22, 2022 and was passed by Council on April 19, 2022. Mr. Parler began working on this project on February 15, 2022. Prior to February, 2022, the Zoning Ordinance read as follows:

The following architectural design objectives are intended to apply to all nonresidential and multifamily residential development within the Town. New building construction shall provide a sense of permanence and timelessness. High quality construction and materials should be used to ensure that buildings will not look dated or worn down over time, nor require excessive maintenance.

Exterior building materials should be aesthetically pleasing and compatible with materials and colors of nearby structures. Predominant exterior building facade materials shall consist of high quality, durable products. Durable building materials such as brick, sandstone, fieldstone, decorative concrete masonry units, wood, and glass are recommended. External Insulation Finished Systems (E.I.F.S.) material should be utilized only on the building trim and accent areas.

The applicant's case is based on the timing of the new ordinance versus when he began working on this building.

Analysis

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

No.

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

N/A

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?

No. The applicant can build his property following the current design standards.

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 appears to be a metal and brick building across the street, and the Fastenal building, while full brick in the front, is metal for the rear two thirds. That having been said, Town Council passed this ordinance to put a stop to metal building construction in Town.

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, unless one considers that the applicant may be unable to afford construction without a variance.

Staff Recommendation

Staff understands the applicant's position, designing a project to an ordinance and then having the ordinance change during the process. However, at no point did the applicant or his designers reach out to the Town prior to submittal. Town Council passed the ordinance banning warehouse style construction for a reason, and Staff feels that a lack of ability or desire on the part of the applicant to meet that ordinance is not a hardship in the sense that variances were designed to correct. Staff recommends **DENIAL** of this 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.