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STAFF REPORT

TO: Board of Zoning Appeals

FROM: Justin Westbrook, Community Development Director

SUBJECT: Special Exception (SE-26-03) – Berkeley County – 103 S HWY 52

DATE: August 4, 2026

Background: The applicant, Dana Todd on behalf of the Berkeley County Government, has applied for a **Special Exception** (SE-26-03) to establish a “government facilities” use for one (1) parcel (TMS # 142-12-02-013) located in the **General Commercial (C-2)** district, addressed as 103 S HWY 52. The Town’s current Zoning Ordinance requires “government facilities” uses to only be permitted in the **General Commercial (C-2)** district via the Board of Zoning Appeals granting a **Special Exception**.

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	R-2	Single Family Detached Dwelling
	R-2	
South	C-2	Automotive Services
	C-2	
East	C-2	Drive-Through Restaurant
West	C-2	Government Facility

Existing Site Conditions: The subject parcel comprises approximately 48,568-square feet (~1.1 acres) which is currently occupied by a vacant drive-through restaurant building. The parcel is currently accessible by US-52, with approximately 188-feet of frontage, and accessible along Altman Street with approximately 215-feet of frontage.

Proposed Request: The applicant has applied for a **Special Exception** seeking approval from the Board of Zoning Appeals to establish a “government facilities” use on the subject-parcel. The Berkeley County Government, the applicant, intends to expand authorized personal parking for the adjacent Berkeley County Administrative Complex with this request. The applicant argues that by expanding parking facilities, they address the growing demand for essential public services. By relocating a portion of employee parking to the subject-parcel, more spaces will be available for the public, improving access, safety, and operational efficiency for the existing Administrative Complex. In connection with this request, the overall project will also remove blighted, non-conforming structures and improve the physical aesthetic of this portion of the US-52 corridor. The applicant has already obtained a demolition permit through the Town to remove the dilapidated building located on the subject-parcel (Permit ID # 26MON-DEM00003).

Transportation: The property, having previously been used as a drive-through restaurant, is already developed, with ingress and egress by both US-52 and Altman Street clearly marked, of proper size and free of visual obstacles that make entering or exiting the site challenging. Any proposed site changes will be analyzed by Staff at the appropriate time of permitting.

Environmental: Per the National Wetlands Inventory, the parcel does not appear to be subject to wetlands or any additional environmental concerns.

Consistency with Plans: As part of the new 2024 Comprehensive Plan, the Future Land Use Map identifies the subject parcel as “Highway Commercial”, which is described as,

“Intended to protect and promote the historic and economic interests of the downtown. Similar to the Neighborhood Mixed Use, higher intensity commercial-residential mixed uses are encouraged. Unique, walkable and family-oriented businesses should be the focus of this designation.”

The parcel is also within the “Mixed Use Overlay”, which is described as,

“A 250 ft mixed-use buffer (500 ft in total width) along select roadways is intended to allow for a mixture of higher density residential and low intensity service-based commercial land uses. This overlay provides flexibility for the Town to expand economic opportunities beyond the traditional downtown or strip mall type commercial corridors. Common commercial uses could include professional or medical offices, salons, corner stores, and other uses that provide daily services to local residents. Prime examples of a Neighborhood Mixed Use Corridor are along Broughton Rd and Carolina Ave. Corridors, like these, have formed naturally by the pressures and demands of a growing economy. This Overlay also encourages higher density residential units such as du-tri- or quadruplexes, townhomes, condos and multi-family apartments to be located on or adjacent to these commercial businesses.”

Procedural Issues: As part of any **Special Exception**, the Board of Zoning Appeals shall hold a Public Hearing and may impose additional terms and conditions. Prior to granting the **Special Exception**, the Board of Zoning Appeals must determine the following standards were clearly demonstrated.

1. 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;
2. 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;
3. 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;
4. Where applicable, the proposed use will be developed in a way that will preserve and incorporate and important natural features;
5. The proposed use shall not destroy, create a loss, or cause damage to natural, scenic, or historic features of significant importance;
6. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered;
7. The proposed use complies with all applicable regulations and development standards of the Town.

Staff Analysis:

1. 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.

*Staff believes that the proposed use **is consistent** with the purpose and intent of both the Highway Commercial land use designation and Mixed-Use Overlay of the 2024 Comprehensive Plan. Per the Future Land Use Map that appears within the Town's 2024 Comprehensive Plan, the subject- parcel is occupied by both the Highway Commercial future land use designation and the Mixed-Use Overlay. A commercial parking lot, the proposed use, is consistent with both the Highway Commercial land use designation and the Mixed-Use Overlay because it expands opportunities for an existing service-based use that provides daily services to residents. Service-based uses in-part depend on adequate parking to remain accessible and viable.*

2. 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.

*Staff believes the proposed use **may not be compatible** with all existing uses in the vicinity of the subject-parcel. While a commercial parking lot is not consistent with the predominantly residential land used located to the rear of the subject parcel, it is compatible with the existing development pattern along the US-52 corridor. The corridor is characterized by commercial and mixed-use development, where parking is a common accessory and incidental use associated with service-based businesses. In this case, the proposed parking lot is intended to support existing service-based use by accommodating customer and employee parking demands, thereby improving the functionality and accessibility of the business. As an accessory used for an established commercial operation, the parking lot is compatible with the commercial character of the US-52 corridor and supports the*

continued provision of services to Town residents, even though it does not reflect the residential character of the properties located to the rear.

3. 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;

*Staff believes the proposed use-type **may have adequate provisions** for adverse influence. Staff are concerned about buffering along the rear of the subject-parcel, directly adjacent to parcels with existing residential use types. The applicant may provide additional information and may be open to conditions on the request, such as additional landscaping, improved screening or other ideas Staff may feel would limit their impact on an existing neighborhood.*

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

*Staff believes that the submitted Concept Plan will **generally preserve and incorporate important natural features**. The existing property is a parking lot, and a vacant building. Staff recognizes the property is currently developed, and there are limited important natural features on a developed site with limited land to develop.*

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

*Staff believes that the proposed use **will not destroy**, create a loss or cause damage to natural, scenic, or historic features of significant importance, namely the streetscape of the US-52 corridor.*

6. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered. *Staff believe the proposed use **will not hinder** vehicular traffic or pedestrian movement on adjacent roads. Per the applicant, a new pedestrian crossing across Altman Street to the existing Berkeley County Administrative Complex is intended / proposed. This should allow all pedestrians to have an additional route to traverse the US-52 corridor. In addition, by relocating a portion of County's staff parking to the subject-parcel, vehicular ingress / egress during peak hours at the County's Administrative complex should be reduced if this application is approved.*

7. The proposed use complies with all applicable regulations and development standards of the Town.

*Staff will ensure the **required Site Plan** permit complies with all applicable regulations and development standards.*

Staff Recommendation: Staff generally supports this request based on the previous use of the subject-parcel, however, concerns not entirely addressed by the property owner does have Staff worried about directly adjacent residents and the impact they will face with a new impact on the area.

Attachments: *Location Map*
 Application (20260625)
 Applicant's Justification (20260724)
 Site Plan v1 (20260724)