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STAFF REPORT

TO: Board of Zoning Appeals

FROM: Justin Westbrook, Community Development Director

SUBJECT: Special Exception (SE-26-07) – Berkeley County – N Live Oak

DATE: October 6, 2026

Background: The applicant, Alison Simmons on behalf of the Berkeley County Government, has applied for a **Special Exception** (SE-26-07) to establish a "government facilities" use for formerly seven (7) parcels located in the **Transitional District (TD)** and **Single-family Residential (R-1)** district. Since the application, the County has combined all seven (7) of the parcels into one tract (TMS# 142-03-01-009). The parcel is currently going through the Zoning Map Amendment process (ZA-26-08), seeking **General Commercial (C-2)** with the Planning Commission recently recommending approval, and the agenda item is to be heard by Town Council on October 20 for the first reading. The Town's current Zoning Ordinance requires "government facilities" uses to only be permitted via the Board of Zoning Appeals granting a **Special Exception**.

Existing Zoning: The subject parcel is proposed to be in the **General Commercial (C-2)** zoning district. Per the Town's Zoning Ordinance, the 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	Government Facilities
	R-2	Single Family Detached Dwelling (Open Space)
South	TD	Single-family Detached Dwellings
		Various Light Commercial
East	R-2	Single Family Detached Dwelling (Open Space)
West	C-2	Government Facilities

Existing Site Conditions: The subject parcel comprises approximately 17.21 acres which is currently occupied by

several vacant single-family structures. The parcel is currently accessible by US-17A, with approximately 626-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 demolish all existing buildings and construct a new courthouse with accessory facilities such as parking and building support functions.

Transportation: Any proposed site changes will be analyzed by Staff at the appropriate time of permitting.

Environmental: Per the National Wetlands Inventory, the parcel appears to be subject to wetlands and potential additional environmental concerns, however Staff have worked closely with the County to ensure those sensitive areas are protected and within all regulations of the Town, County and State.

Consistency with Plans: As part of the new 2024 Comprehensive Plan, the Future Land Use Map identifies the subject parcel as "Rural -Town Transitional Residential", which is described as,

> "*Intended to protect the rural character of the neighborhoods while also recognizing the close proximity to commercial and transportation services. Generally, streets do not follow the common grid-like pattern although some sections do follow common suburban street patterns.*"

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 the 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 Rural-Town Transitional Residential future land use designation and the Mixed-Use Overlay. While **not consistent** with the Rural-Town Transitional Residential land use, the overlay should be considered the more pressing of the future land uses to address. The applicant argues the Mixed-Use Overlay allows for professional offices and other uses that provide daily services to local residents, which fits within the realm of a county courthouse.*

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 courthouse is not consistent with the predominantly residential land used located to the west of the subject parcel, it is compatible with the existing development pattern along the US-17A corridor, specifically the existing Sheriff's Office and support facilities for County business. In this case, the courthouse is intended to simply relocate a widely used county facility that is compatible with the commercial character of the US-17A corridor and supports the continued provision of services to Town and County residents, even though it does not reflect the residential character of the properties located to the west.*

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 west of the subject-parcel, directly adjacent to parcels with*

existing residential use types. The applicant may provide additional information that may 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 **preserve and incorporate important natural features.** Staff recognizes the property has some important and natural features that the Concept Plan and Staff believes the associated designs show the intent to preserve and protect.*

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-17A corridor.*

6. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.

   *Staff believe the proposed use **may hinder** vehicular traffic or pedestrian movement on adjacent roads. The Town and County are working together to determine what, if any, improvements are suggested by Traffic Engineers and required by SCDOT. The Town and County are diligently working towards safety and accessibly along US-17A, and Staff has no doubt that should any improvements be required in a Traffic Impact Analysis, the County will ensure they are installed to mitigate any hinderance the courthouse may see.*

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 compatibility with the Mixed-Use overlay promoting uses that offer daily services to local residents, compatibility with adjacent land uses to the east and south, as well adding to the streetscape and facilities on US-17A. Staff does have concerns about directly adjacent residents and the impact they will face with a new impact on the area, however the site layout and Concept Plan provided shows adequate protection.

Attachments:
Location Map
Application (20260625)
Applicant's Justification (20260901)
Concept Plan and Renderings (20260901)
Flood Map (20260901)
Survey (20260901)