



*The Lowcountry's Hometown*

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## STAFF REPORT

**TO:** Board of Zoning Appeals

**FROM:** Justin Westbrook, Community Development Director

**SUBJECT:** Special Exception (SE-25-01) – Brandon Tomlinson - Churches

**DATE:** March 4, 2024

**Background:** The applicant, Brandon Tomlinson, has applied for a **Special Exception** (SE-25-01) for a “church” use within the General Commercial District (C-2), owned by CJL Investments, LLC (TMS # 142-07-01-027). The applicant represents a group that hopes to establish a church within the unit addressed at 223-B Heatley Street.

**Existing Zoning:** The subject parcel is currently in the **C-2 – General Commercial** zoning district. Per the Town’s Zoning Ordinance, the Office & Institutional 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	Berkeley County Senior Center
South	R-3	Single-family Attached Dwelling
	C-1	VACANT
East	C-2	Parking Lot / VACANT
West	R-2	Single-family Detached Dwelling

**Existing Site Conditions:** The subject parcel comprises approximately 1.07 acres, which is currently occupied by a commercial style building. The building has two tenant spaces, one vacant for the proposed use, and the other occupied by an attorney. The parcel is currently accessible by Heatley Street, with approximately 242-feet of frontage, and utilizes a rear access to Gulledge Street, with approximately 174-feet of frontage. The parcels to the north and east are zoned commercial, utilized by the Berkeley County Government and private parking lots. The parcels directly to the South appear to be residential single-family attached dwelling, and vacant Office & Institutional (C-1) zoned property.

**Proposed Request:** The applicant has requested a **Special Exception** be issued for the property for a “churches” use. The applicant has provided a site plan showing the number of parking spaces for the property, as well as dimensions for the existing building (223-A & 223-B Heatley Street). All other additional elements as required by the Zoning Ordinance must be met by the business owner.

**Environmental:** Per the National Wetlands Inventory, the parcels do not appear to be subject to any wetlands.

**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.

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

*“Intended to promote and enhance smaller lot, town mixed residential type neighborhoods near the downtown, commercial corridors and transportation nodes. A mixture of densities should be promoted to include single-family houses, duplexes, triplexes, accessory dwelling units (ADUs), and small-scale apartments.”*

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.”*

**Staff Analysis:** The applicant has met with Staff concerning their proposed use. They have provided necessary documents for this application, including a Site Plan, and continue to work with Staff. Initial numbers regarding

square footage of the existing use of the building (Suite A), the attorney's office, and their proposed floor plan, indicate enough parking spaces to satisfy the Town's Zoning Ordinance for minimum parking requirements.

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;  
*With a strict interpretation of the Town's 2024 Comprehensive Plan, the proposed use is not compatible with the purpose and intent of the Future Land Use Plan. However, as the property is already developed as an office type commercial building, with previous tenants that may be considered more intensive than the proposal, Staff feels that the application **is compatible** with 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;  
*Staff feels that the proposed use **is compatible** with the existing uses in the vicinity, such as the office for Berkeley County Senior Center, Berkeley County Corner's Office, commercial parking and other downtown-centric uses. As an existing commercially developed property, Staff believes the impact of the proposed use is minimal to the adjacent residentially zoned property.*
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 existing commercially developed property **has adequate provisions** for setbacks and buffering.*
4. Where applicable, the proposed use will be developed in a way that will preserve and incorporate and important natural features;  
*Staff believes that with the existing commercially developed property, the proposed use will **generally preserve and incorporate 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. *Staff believes, the proposed use **will not destroy**, create loss, or cause damage to natural, scenic, or historic features of significant importance, particularly with the previously commercially developed property and the more-intense uses seen in this space and allowed by-right with the General Commercial (C-2) zoning.*
7. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.  
*Staff believes, the proposed use **will not hinder** vehicular traffic or pedestrian movement on adjacent roads, particularly with the volume seen on Heatley Street and the previously more-intense uses seen in this space and allowed by-right with the General Commercial (C-2) zoning.*
8. The proposed use complies with all applicable regulations and development standards of the Town.  
*During a preliminary review of the provided Site Plan, it appears all applicable regulations and parking standards **have been complied with**. During the official review and approval, Staff will ensure **the proposed building permit complies** with all applicable regulations and development standards.*

**Staff Recommendation:** Staff recommends the Board of Zoning Appeal consider the impacts of the proposal to grant a Special Exception for a “church” use, specifically the existing commercial property to which they will only be a tenant.

*Attachments:                SIGNED - Application (Brandon Tomlinson, Applicant)(20250121)*  
*Site Plan (20250121)*