



Case # BZA-05-22-00589

Charleston County BZA Meeting of July 11, 2022

Applicant/Property Owner: Vernon Krause of RECH, LLC

Representative: Ross Appel, Esq. of McCullough, Khan, Appel

Property Location: 3140 Marginal Road – St. Andrews Area

TMS#: 307-09-00-054

Zoning District: Community Commercial (CC) Zoning District

Request:

Variance request from the following required Architectural Design Guidelines for proposed vehicle sales use:

- Structures with walls of more than 1,500 sq. ft. should incorporate multidimensional design features to break up large wall surfaces on their street facing elevations. Wall surfaces shall be visually divided by such features into areas of 750 sq. ft. or less.

Requirement:

The *Charleston County Zoning and Land Development Regulations Ordinance (ZLDR)*, Chapter 9 Development Standards, Article 9.6 Architectural and Landscape Design Standards:

- *Section 9.6.3 Architectural Design Guidelines, A.1. General Design; states, "Single, large building masses shall be avoided. Structures with walls of more than 1,500 sq. ft. should incorporate fascias, canopies, arcades, building setbacks of three feet or more or other multidimensional design features to break up large wall surfaces on their street facing elevations. Wall surfaces shall be visually divided by such features into areas of 750 sq. ft. or less."*

Request:

- To allow loading areas/doors to be oriented toward and visible from Residential districts and from the Marginal Road/Savannah Highway and Ponderosa Drive rights-of-way.

Requirement:

- *Section 9.6.3 Architectural Design Guidelines, E.3. Building Orientation; states, "Structures shall be oriented so that loading areas are in no manner visible from Residential districts, from existing rights-of-way or from planned future public rights-of way. Loading areas may be oriented toward adjoining developed properties which are commercially zoned or toward adjoining properties eligible for future commercial development if and only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural scheme of the project and/or are appropriately landscaped."*

Request:

- Site Lighting: maximum foot-candles for outdoor sales lot exceeds 30 foot-candles; exceeds one-half foot-candles at rights-of-way; and light sources are visible.

Requirement:

- *Section 9.6.4 Landscaping Design Guidelines, C. Site Lighting*
- *"1. Maximum average foot-candles shall not exceed 5 foot-candles as depicted on photometric plans with a maximum not to exceed 12 foot-candles close to light sources. Maximum foot-candles under gasoline canopies and outdoor sales lots shall not exceed 30 foot-candles.*
- *2. All exterior lighting shall be arranged and installed so that the direct or reflected illumination does not exceed one-half foot-candle about the background measured at the lot line of any adjoining residential or agricultural parcel and right-of-way.*
- *6. Light sources (light bulbs) shall not be visible. They shall be shielded to reflect down onto the ground and not out onto the streets or neighboring property."*



1. Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices, including ANSI standards for Tree Care Operations and American Association of Nurserymen Standards;
2. The repair or replacement of required landscape structures (e.g., fences) to a structurally sound condition;
3. The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this Section; and
4. Continuous maintenance of the site as a whole. When replacement of trees, plant material or other landscape features is required, such replacement shall be accomplished within one growing season, one year or such time-frame as required by the Planning Director, whichever is shorter.

Effective on: 11/20/2001, as amended

ARTICLE 9.6 ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS

§9.6.1 Purpose

The purpose of these standards is to promote attractive, well-designed development that is built to human scale; to promote and protect the appearance, character and economic value of new development; to encourage creativity in new development (as opposed to homogeneity or "look-alike" projects); and to foster attractive streetscapes and pedestrian environments, while accommodating safe vehicular movement and access.

Effective on: 11/20/2001, as amended

§9.6.2 Applicability

These standards shall apply to all developments that are subject to Site Plan Review.

(See ARTICLE 3.7)

Effective on: 11/20/2001, as amended

§9.6.3 Architectural Design Guidelines

The intent of the Architectural Design Guidelines is to assure respect for the character, integrity, and quality of the built and natural environments of the county; it is not intended to stifle innovative architecture. The following criteria shall be used in evaluating applications:

A. General Design

1. Single, large building masses shall be avoided. Structures with walls of more than 1,500 square feet should incorporate fascias, canopies, arcades, building setbacks of three feet or more or other multidimensional design features to break up large wall surfaces on their street facing elevations. Wall surfaces shall be visually divided by such features into areas of 750 square feet or less.
2. All elevations of a structure shall be in harmony, one with another, in terms of scale, proportion, detail, material, color, and high design quality.
3. The side and rear elevations of buildings shall be as visually attractive as the front elevation, especially where those side or rear elevations are most often viewed by the public. Rooflines and architectural detailing shall present a consistency in quality design.
4. All structures within a proposed development, including gasoline canopies, shall utilize a uniform architectural theme and shall be designed to create a harmonious whole. It is not to be inferred that buildings must look alike to achieve a harmony of style. Harmony of style can be created through property considerations of scale, proportion, detail, materials, color, site planning, and landscaping.
5. The scale of buildings and accessory structures (including canopies) shall be appropriate to the scale of structures located in the surrounding area. Canopies designed as domineering or overpowering architectural features are strongly discouraged.



6. Long, monotonous facade design, including, but not limited to, those characterized by unrelieved repetition of shape or form, or by unbroken extension of line, shall not be permitted.
7. The architectural design and material finish of buildings, signage, gasoline pump canopies, and other necessary structures shall be compatible with one another and with adjacent and surrounding structures where such structures are substantially in compliance with these requirements.
8. Structures which are of symbolic design for reasons of advertising shall not be permitted. A symbol or symbols attached to a building shall not be allowed unless it is secondary in appearance to the structure and landscape, and is an aesthetic asset to the building and surrounding area.
9. The location and dimension of wall signs shall be indicated upon the architectural elevations of proposed structures and shall maintain compatibility with the architectural features of the structure.

B. Building Materials

1. Concrete finishes or precast concrete panels (tilt wall) that are not exposed aggregate, hammered, sandblasted or covered with a cement-based acrylic coating shall be prohibited as an exterior building material along any building elevation visible from public rights-of-way.
2. Unpainted or bare metal panels, regardless of depth or thickness, shall be prohibited as an exterior building material.
3. Corrugated or sheet metal, except stainless steel, copper, or galvanized metal shall be prohibited as an exterior building material along any building elevation visible from public rights-of-way.
4. Mirrored glass with a reflectance greater than 40 percent shall be prohibited from covering more than 40 percent of the exterior walls of any building.
5. Materials shall express their function clearly and honestly and shall not appear as materials which are foreign to the character of the rest of the building.
6. Any building exterior elevation shall consist of architectural materials which are equal in quality, appearance, and detail to all other exterior elevations of the same structure. Nothing in this Section shall preclude the use of different materials on different exterior elevations of the same structure so long as those materials maintain the architectural unity and integrity of the entire structure.
7. Shingles, metal standing seam, tile, or other roofing materials with similar appropriate texture and appearance shall be utilized. Flat roofs will not be discouraged where they are appropriate to the design theme of a structure.

C. Building Color

1. Color shades shall be used to unify the development.
2. Color combinations of paints shall be complementary. In no case shall garish colors be permitted. In general, no more than three different colors per building shall be allowed.

D. Multiple-Building Developments

Each individual building within a development shall feature predominant characteristics including, but not limited to, consistent rooflines, use of compatible proportions in building mass and outdoor spaces, complementary relationships to the street, similar window and door patterns, and the use of complementary building materials in terms of color, shades, and textures. Monotony of identically designed multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. The use of different textures, shadow lines and contrasting shapes may also be used to provide visual interest.

E. Building Orientation

1. To the maximum extent feasible, primary facades and entries should face the adjacent street. Except in industrial districts, a main entrance shall face the adjacent street or a connecting walkway with a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.
2. Where it is reasonably practical, proposed structures shall not impede scenic rural views from the main road, from existing structures, or from natural settings.
3. Structures shall be oriented so that loading areas are in no manner visible from Residential districts, from existing rights-of-way or from planned future public rights-of-way. Loading areas may be oriented toward adjoining developed properties which are commercially zoned or toward adjoining properties eligible for future commercial



development if and only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural scheme of the project and/or are appropriately landscaped.

4. All corner developments shall have buildings located close to the corner with majority of parking to the side and rear.
5. All buildings shall be sited so that a direct relationship with the primary street is established. The architecture, landscaping and building siting must work in concert to create a unified appearance.
6. Gas Stations.

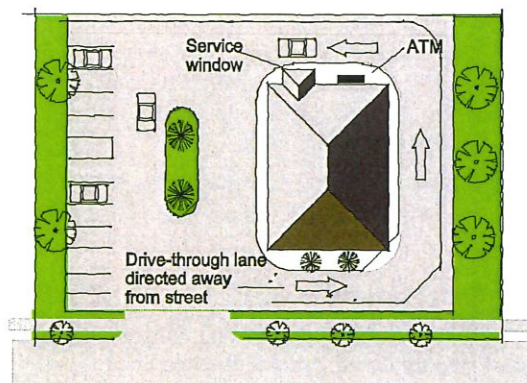
Buildings shall be sited so that gasoline pump dispensers are located to the side of the building or located behind the buildings so that the building is between the pumps and the primary street frontage. If located on a corner lot, the building would have to be situated in the corner of the lot at the intersection.

F. Mechanical Equipment and Trash Receptacle Screening

Locations of all mechanical equipment and dumpsters shall be shown on all site plans. All mechanical equipment and trash receptacles shall be shielded and screened from public view. Mechanical equipment shall be shielded with walls, fencing or landscaping that screens the equipment entirely. Dumpsters

shall be screened with a minimum 6-foot opaque fence or wall on all four sides and located toward the side or rear of the principle structure.

- G. All order boxes, menu stands, pickup windows, service/teller windows, and required vehicle stacking associated with drive thru services shall be located to the side or rear of buildings. For the purpose of this Section, the side or rear shall mean the area behind a projected line running parallel from the front (street facing) side(s) of the structure to the side property lines. This concept is depicted in the graphic below:



H. Fencing

1. Any proposed fencing that will be constructed within a Right-of-Way Buffer shall not exceed four (4) feet in height. Chain-link, wire, and barbed wire fencing are prohibited within Right-of-Way Buffers. An architectural detail and fence location plan shall be submitted to the Planning Director for review and approval for all such fencing.
2. When ten (10) or more parking spaces are located between the right-of-way and front façade of a building, an architectural wall of at least thirty (30) inches shall be required within the Right-of-Way Buffer to further screen the parking.

Effective on: 7/18/2017, as amended

§9.6.4 Landscaping Design Guidelines

The purpose and intent of Landscaping Design Guidelines is to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping will reduce the amount of stormwater runoff and provide transition between neighboring properties. The following criteria shall be used in evaluating applications:

A. General Design



1. Landscaping shall be required between buildings and sidewalks, and parking lots and driveways. The scale of the proposed landscaping shall be in proportion to the building.
2. Landscaping does not only include trees and plantings but also paving, benches, fountains, exterior lighting fixtures, fences, and any other item of exterior furniture. All items of the landscape are to be selected not only for their functional value but [also] for their aesthetic value and must compliment [complement] the whole.
3. All utility lines in the suburban areas such as electric, telephone, CATV, or other similar lines serving individual sites as well as all utility lines necessary within the property shall be placed underground. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters should be shown on the site plan. The necessity for utility connections, meter boxes, and the like, should be recognized and integrated with the architectural elements of the site plan. All properties shall comply with the County's Right-of-Way Management Ordinance where applicable.
4. Ease of pedestrian access between proposed developments and adjacent developments shall be a required consideration in the development of a proposed project's site and circulation plans.

B. Parking/Drives

1. Parking areas and driveways shall be paved with material which is appropriate to the comprehensive design scheme of the project and to the intensity of use to which parking areas and driveways will be subject.
2. Buildings shall be sited so that the majority of parking is located to the side and rear of the building. The placement of the major portion of a proposed development's parking area to the rear of a main structure's corridor facade, or within a courtyard surrounded on three sides by a proposed structure, is strongly encouraged. The rationale for this guideline is to promote good proportional spatial definition for the corridors to be accomplished through a reduction in the distance required for a building's setback.
3. Drive-through access shall be integrally designed with the building and not dominate the design. Only single lane drive-throughs are allowed. Multi-lane drive-throughs are only allowed for banks (or similar financial institutions), post offices or utilities.

C. Site Lighting

Site lighting shall be from a concealed light source fixture and shall not interfere with the vision of vehicular traffic. A lighting plan with photo-metrics shall be stamped and signed by a registered professional engineer and comply with the following criteria:

1. Maximum average foot-candles shall not exceed 5 foot candles as depicted on photometric plans with a maximum not to exceed 12 foot candles close to light sources. Maximum foot candles under gasoline canopies and outdoor sales lots shall not exceed 30 foot candles.
2. All exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed one-half foot candle above the background measured at the lot line of any adjoining residential or agricultural parcel and public right-of-way.
3. Lighting shall enhance the overall aesthetics of the site.
4. Security lighting shall be provided, particularly at pedestrian walkways.
5. Lighting shall be integrated with architectural design of the buildings.
6. Light sources (light bulbs) shall not be visible. They shall be shielded to reflect down onto the ground and not out onto the streets or neighboring property.

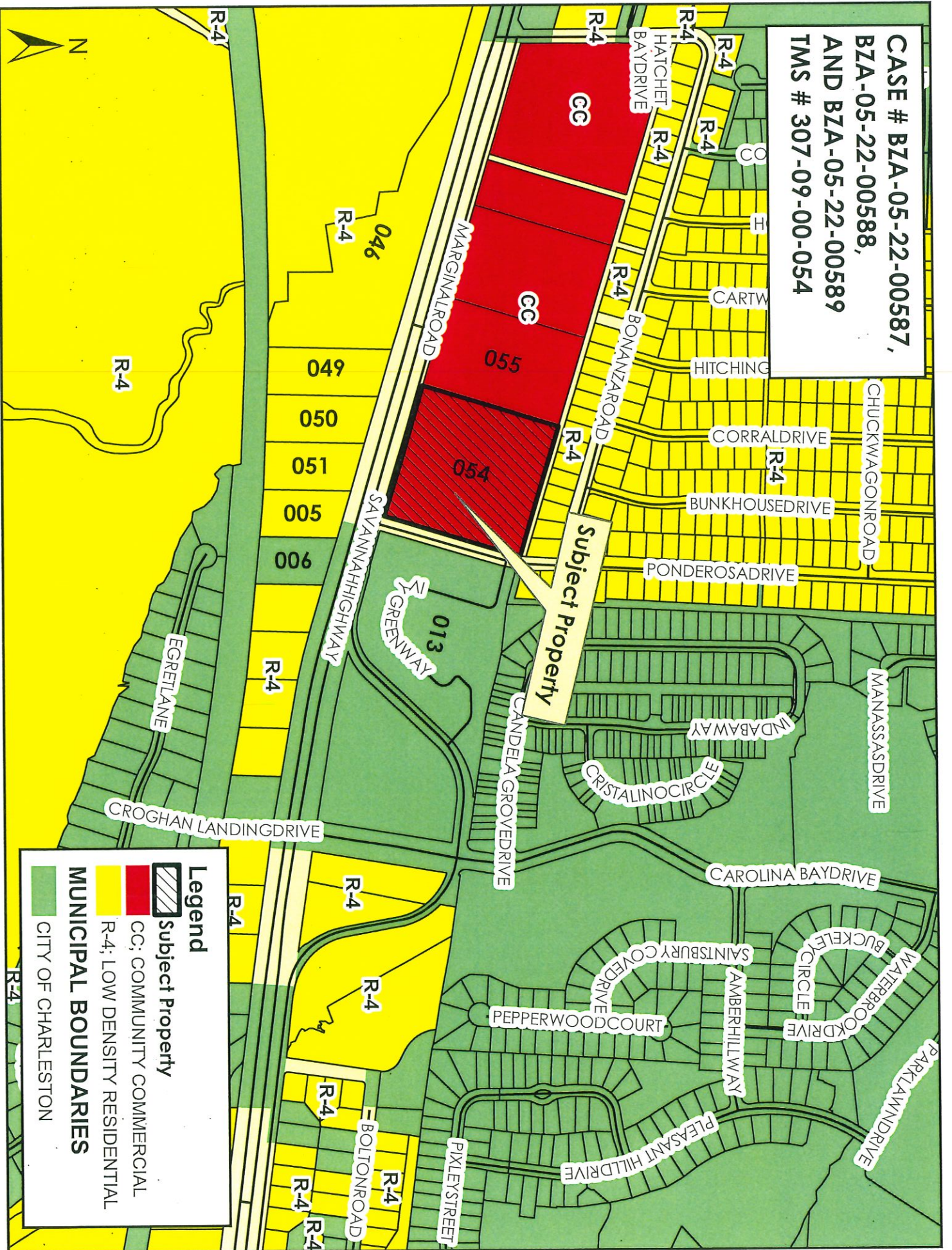
Effective on: 11/20/2001, as amended

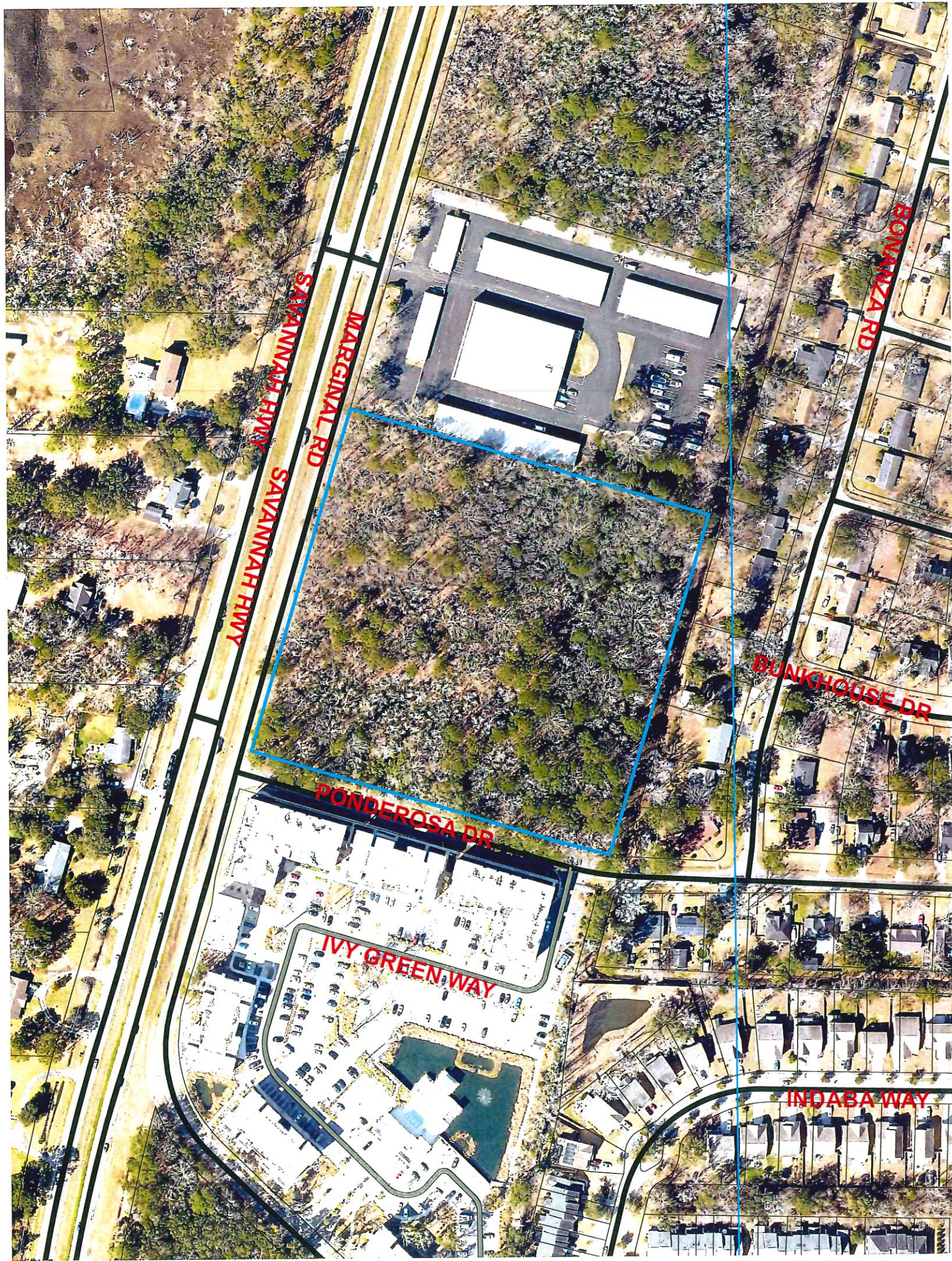
ARTICLE 9.7 WETLANDS, WATERWAYS AND OCRM CRITICAL LINE

§9.7.1 Wetland Buffers and Setbacks

A. Intent

CASE # BZA-05-22-00587,
BZA-05-22-00588,
AND BZA-05-22-00589
TMS # 307-09-00-054





SAVANNAH HWY
MARGINAL RD
SAVANNAH HWY

BONANZA RD

BUNKHOUSE DR

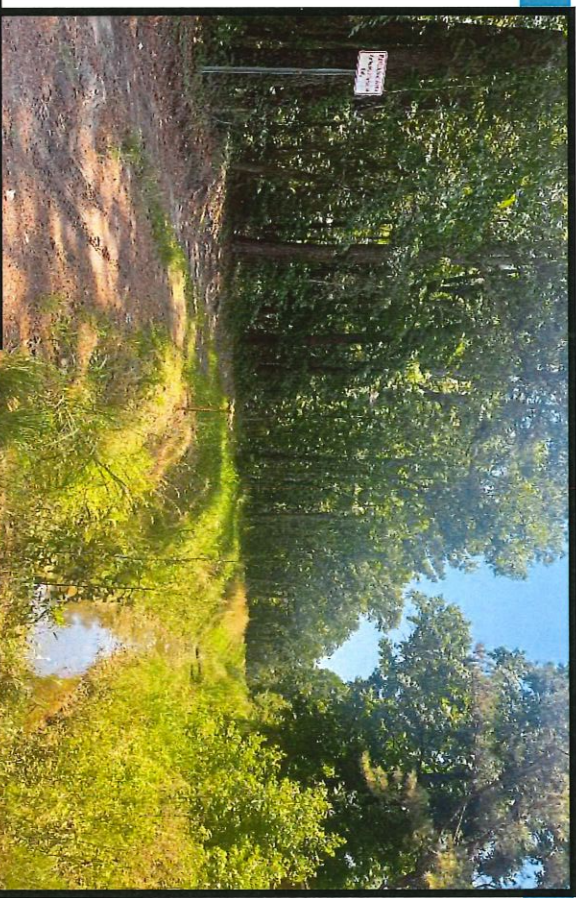
PONDEROSA DR

IVY GREEN WAY

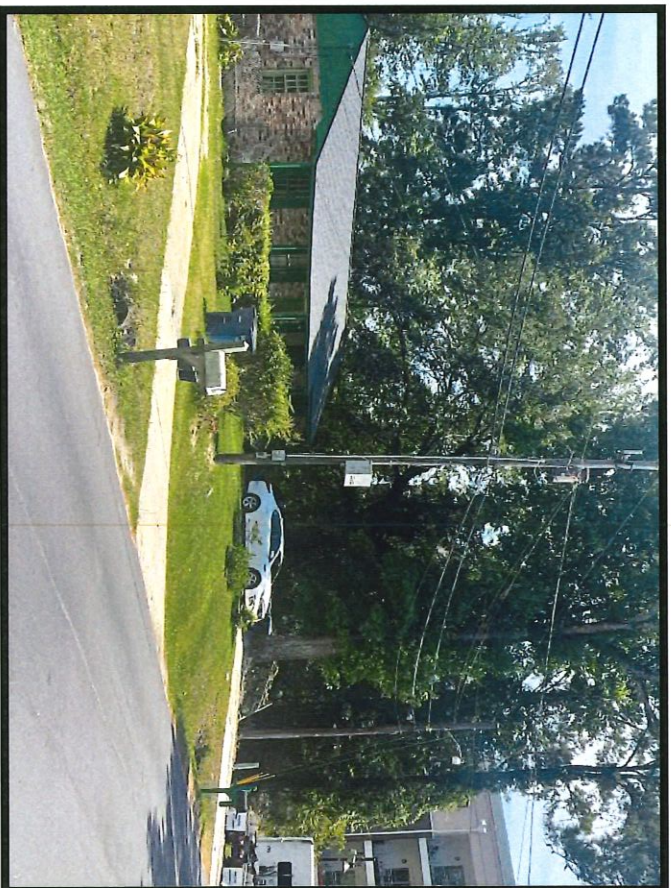
INDABA WAY



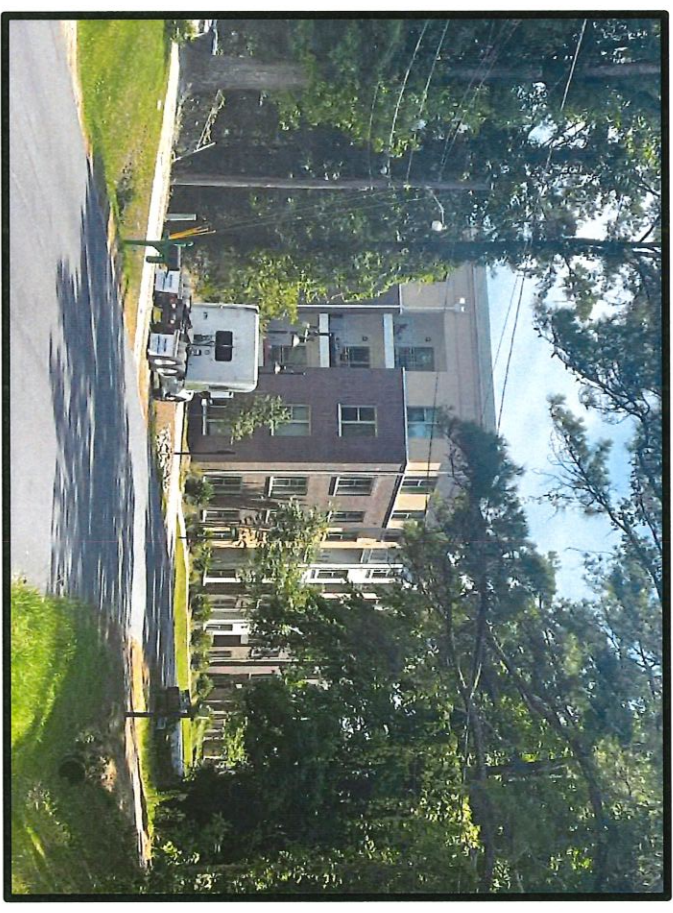
Subject Property



Adjacent Properties



Ponderosa Drive



Savannah Highway



Intersection of Ponderosa Dr & Marginal Rd



Staff Review:

The applicant and property owner, Vernon Krause of RECH, LLC, represented by Ross Appel, Esq. of McCullough, Khan, Appel, is requesting a variance from various required Architectural Design Guidelines at 3140 Marginal Road (TMS # 307-09-00-054) in the St. Andrews Area of Charleston County. The subject property is located in the Community Commercial (CC) Zoning District. The adjacent property to the west is also located in the CC Zoning District and contains a self-service storage facility. The property to the east across Ponderosa Drive is located in the City of Charleston's jurisdiction (General Business – GB zoning) and contains a multi-family apartment complex. The adjacent properties to the north are located in unincorporated Charleston County in the Low Density Residential (R-4) Zoning District and contain single-family homes (The Ponderosa Subdivision).

The proposed car dealership project is currently in the Site Plan Review process (ZSPR-10-21-00651). The site is 8.1 acres total and is currently heavily wooded and vacant. The parcel is a corner lot that borders Marginal Road and Ponderosa Drive. Marginal Road is a frontage road for Savannah Highway (Hwy 17 South). The applicant is proposing to build a 30,729 sq. ft. car dealership building and a 18,606 sq. ft. car dealership building. There are two proposed detention ponds that will be located along the northern property line. There is an existing 25' wide Charleston County drainage easement that separates the parcel from the single-family residences to the north. The total impervious surface area is 60.1%.

The applicant's letter of intent explains, *"RECH along with its engineers and architects with Buckel Design Group and Pro Building Systems have worked closely with the County staff for several months on plans for a Hyundai and Genesis automobile dealership on the Property (the "Dealership"). The automobile dealership use is allowed by-right in the Community Commercial District. RECH has developed many similar projects throughout the United States and has a proven record of high-quality projects."*

The applicant is requesting a total of three (3) variances:

1. Case # BZA-05-22-00587: Variance request to site the parking spaces in front of the principal building for proposed vehicle sales use.

2. Case # BZA-05-22-00588:

Variance request to remove seven (7) Grand Trees for proposed vehicle sales use.

3. Case # BZA-05-22-00589:

Variance request from the following required Architectural Design Guidelines for proposed vehicle sales use:

- Structures with walls of more than 1,500 sq. ft. should incorporate multidimensional design features to break up large wall surfaces on their street facing elevations. Wall surfaces shall be visually divided by such features into areas of 750 sq. ft. or less;
- To allow loading areas/doors to be oriented toward and visible from Residential districts and from the Marginal Road/Savannah Highway and Ponderosa Drive rights-of-way; and
- Site Lighting: maximum foot-candles for outdoor sales lot exceeds 30 foot-candles; exceeds one-half foot-candles at rights-of-way; and light sources are visible.

Specific requests and applicable ZLDR requirements for Case # BZA-05-22-00589:

Request:

Variance request from the following required Architectural Design Guidelines for proposed vehicle sales use:

- Structures with walls of more than 1,500 sq. ft. should incorporate multidimensional design features to break up large wall surfaces on their street facing elevations. Wall surfaces shall be visually divided by such features into areas of 750 sq. ft. or less.

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR, Chapter 9 Development Standards, Article 9.6 Architectural and Landscape Design Standards:

- Section 9.6.3 Architectural Design Guidelines, A.1. General Design; states, "Single, large building masses shall be avoided. Structures with walls of more than 1,500 sq. ft. should incorporate fascias, canopies, arcades, building setbacks of three feet or more or other multidimensional design features to break up large wall surfaces on their street facing elevations. Wall surfaces shall be visually divided by such features into areas of 750 sq. ft. or less."

Request:

- To allow loading areas/doors to be oriented toward and visible from Residential districts and from the Marginal Road/Savannah Highway and Ponderosa Drive rights-of-way.

Requirement:

- Section 9.6.3 Architectural Design Guidelines, E.3. Building Orientation; states, "Structures shall be oriented so that loading areas are in no manner visible from Residential districts, from existing rights-of-way or from planned future public rights-of-way. Loading areas may be oriented toward adjoining developed properties which are commercially zoned or toward adjoining properties eligible for future commercial development if and only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural scheme of the project and/or are appropriately landscaped."

Request:

- Site Lighting: maximum foot-candles for outdoor sales lot exceeds 30 foot-candles; exceeds one-half foot-candles at rights-of-way; and light sources are visible.

Requirement:

- Section 9.6.4 Landscaping Design Guidelines, C. Site Lighting
- "1. Maximum average foot-candles shall not exceed 5 foot-candles as depicted on photometric plans with a maximum not to exceed 12 foot-candles close to light sources. Maximum foot-candles under gasoline canopies and outdoor sales lots shall not exceed 30 foot-candles.
- 2. All exterior lighting shall be arranged and installed so that the direct or reflected illumination does not exceed one-half foot-candle about the background measured at the lot line of any adjoining residential or agricultural parcel and right-of-way.
- 6. Light sources (light bulbs) shall not be visible. They shall be shielded to reflect down onto the ground and not out onto the streets or neighboring property."

Staff conducted a site visit on the subject property on June 17, 2022. Please review the attachments for further information regarding this request.

BZA-05-22-00589: Planning Director Review and Report regarding Approval Criteria of §3.10.6:

§3.10.6(1): *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

Response: There are no extraordinary or exceptional conditions pertaining to the vacant 8.1-acre property. Therefore, the request does not meet this criterion. However, the applicant's letter of intent contends, *"The Dealership, like all automobile dealerships, must have loading doors for purposes of, among other things, vehicle service and inventory loading. The Property, unlike the Community Commercial zoned properties to the west, is bordered by two public rights of way, namely Ponderosa Drive and Marginal Road (Highway 17). Therefore, the prohibition on loading doors fronting public rights of way per Section 9.6.3(E)(3), ZLDR creates an extraordinary and exceptional condition for the Property. Simply put, the Property cannot be used for a Dealership without relief from the strict application of Section 9.6.3(E)(3), ZLDR.*

RECH and its team have worked extensively with the County on screening the loading doors fronting Highway 17. The development intends to provide for full compliance regarding landscaping within right-of-way buffers. This will mitigate the potential for adverse impacts to neighboring properties and rights of way. As well, the doors facing the main frontage of Marginal Road are primary customer service check-in and do not open to a garage that may otherwise be unsightly when open. The overhead doors contain glazing and aesthetically designed to complement the building architecture and presentation to the street.

RECH has taken all the steps it can to address as many of the County's architectural and other aesthetic regulations in Article 9.6, ZLDR ("Architectural and Landscape Design Standards"). However, when it comes to the design and layout of the Hyundai dealership buildings themselves, RECH must comply with strict corporate architectural guidelines. The plans submitted and reviewed by the County are the only plans RECH has the option of proceeding with. Put another way, RECH cannot comply with each and every one of the architectural guidelines contained in Article 9.6. This constitutes an extraordinary and exceptional condition under these circumstances.

RECH needs a variance from the lighting regulations found in Section 9.6.4(C) for the same reasons outlined above in the section on Article 9.6 architectural standards generally. RECH is under strict corporate guidelines regarding site lighting. That said, the enclosed lighting plan attempts to minimize lighting impacts to neighboring properties as much as possible."

§3.10.6(2): *These conditions do not generally apply to other property in the vicinity;*

Response: These conditions generally apply to other property in the vicinity. Therefore, the request does not meet this criterion. However, the applicant's letter of intent contends, *"The Property's natural condition and configuration relative to both Ponderosa Drive, Marginal Road, and Highway 17 constitute unique and exceptional circumstances absent from properties in the vicinity, generally, and properties zoned Community Commercial, specifically. All parcels bordering the Property are developed."*

§3.10.6(3): *Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;*

Response: **The application of this Ordinance, Chapter 9 Development Standards, Article 9.6 Architectural and Landscape Design Standards, Section 9.6.3 Architectural Design Guidelines and Section 9.6.4 Landscaping Design Guidelines, C. Site Lighting does not unreasonably restrict the utilization of the property. The Ordinance requirements may be met if the property is used for an alternative use that is allowed in the Community Commercial (CC) Zoning District. Therefore, the request does not meet this criterion. However, the applicant's letter of intent contends, "The Dealership simply cannot be located on the Property and operated in a reasonable manner without the requested variances for the reasons set forth above. The Dealership has strict operating parameters both from a corporate and pro forma perspective. As previously stated, RECH is proposing a development well below the permitted building lot coverage permitted in the Community Commercial District. Any other development of comparable size will have the same conditions and highly likely similar variances needed to develop."**

§3.10.6(4): *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;*

Response: **The authorization of the variance will be of substantial detriment to the adjacent properties and to the public good, and the character of the CC Zoning District may be harmed if the variance is granted. The site lighting requirements are intended to mitigate glare from the subject property to adjacent residential properties and streets. Therefore, the request does not meet this criterion. However, the applicant's letter of intent contends, "The proposed use is allowed by-right in the Community Commercial District. The parcel to the east is an apartment complex and the parcel to the west is a self storage business. The properties to the rear are predominantly single family residences, and the site design has been configured to minimize impacts to these homes. Also, the Property is located along Highway 17 home to a number of automobile dealerships. This request is not out of the ordinary and will not adversely impact neighboring properties."**

§3.10.6(5): *The Board of Zoning Appeals shall 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 considered grounds for a variance;*

Response: **The variance does not allow a use that is not permitted in this zoning district,**

nor does it extend physically a nonconforming use of land or change the zoning district boundaries. Therefore, the request meets this criterion.

§3.10.6(6): *The need for the variance is not the result of the applicant's own actions;*
Response: **The need for the variance may be the result of the applicant's own actions. As previously mentioned, the Ordinance requirements may be met if the property is used for an alternative use that is allowed in the Community Commercial (CC) Zoning District. The Savannah Highway corridor contains several vacant parcels that do not contain many trees, that can be redeveloped for the proposed use, and would be better suited for vehicle sales use because variances may not be required. Therefore, the request does not meet this criterion. However, the applicant's letter of intent contends, "RECH is neither responsible for the Property's natural condition nor configuration relative to both Ponderosa Drive, Marginal Road, and Highway 17. These are the unique and exceptional conditions of the Property driving the need for the first three variance requests. As for the aesthetic regulations, RECH is not in control over the corporate architectural requirements at issue here."**

§3.10.6(7): *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance;*
Response: **Granting of the variance may substantially conflict with the Comprehensive Plan or the purposes of the Ordinance. ZLDR, Chapter 9 Development Standards, Article 9.1 Purpose and Intent states, "The purpose of the regulations contained in this Chapter is to protect the public health, safety, and general welfare; to promote harmonious and orderly development; and to foster civic beauty by improving the appearance, character, and economic value of civic, commercial and industrial development within unincorporated areas. E. Implement basic architectural standards...that will promote attractive, well-designed development, foster balanced streetscapes, and reduce visual clutter along major roadways, thus enhancing safe traffic flow." Article 9.6 Architectural and Landscape Design Standards, Section 9.6.3 Architectural Design Guidelines, states, "The intent of the Architectural Design Guidelines is to assure respect for the character, integrity, and quality of the built and natural environments of the county; it is not intended to stifle innovative architecture." Therefore, the request does not meet this criterion. However, the applicant's letter of intent contends, "The proposed use along with the requested variances do not conflict with the Comprehensive Plan. The Property is zoned Community Commercial and the proposed use is in line with the Future Land Use Map and commercial policies for this area."**

Board of Zoning Appeals' Action:

According to Article 3.10 Zoning Variances, Section §3.10.6 Approval Criteria of the *Charleston County Zoning and Land Development Regulations Ordinance (ZLDR)*, (adopted July 18, 2006), The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship (§3.10.6A). A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing their findings (§3.10.6B Approval Criteria).


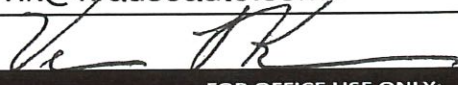
In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare (§3.10.6C).

The Board of Zoning Appeals may approve, approve with conditions or deny Case BZA-05-22-00589 [Variance request from various required Architectural Design Guidelines at 3140 Marginal Road (TMS # 307-09-00-054) in the St. Andrews Area of Charleston County] based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision. In the event the BZA decides to approve the application, Staff recommends the following conditions:

- 1. Prior to zoning permit approval, the applicant shall complete the Site Plan Review process.**
- 2. In no case shall foot-candles from site lighting sources, measured individually or in aggregate, exceed 0.5 at the right-of-ways and at property lines adjacent to residential uses. The applicant shall provide additional documentation that ensures the properties are in compliance with this condition as determined by Planning Staff.**



ZONING VARIANCE APPLICATION
Charleston County Board of Zoning Appeals (BZA)

Property Information			
Subject Property Address: 3140 Savannah Highway.			
Tax Map Number(s): 307-09-00-054			
Current Use of Property: Undeveloped Land			
Proposed Use of Property: Hyundai/Genesis Automobile Dealership			
Applicant Information (Required)			
Applicant Name (please print): Vernon Krause			
Name of Company (if applicable): RECH, LLC			
Mailing Address: 3900 Clemson Blvd.			
City: Anderson	State: SC	Zip Code: 29621	
Email Address: vlk@krauseauto.com		Phone #:	
Applicant Signature: 		Date: 4-14-22	
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company: Ross Appel, Esq.			
Mailing Address: 2036 eWall Street			
City: Mt. Pleasant	State: South Carolina	Zip Code: 29464	
Email Address: ross@mklawsc.com		Phone #: 843-937-9798	
Designation of Agent (Complete only if the Applicant listed above is not the Property Owner.)			
I hereby appoint the person named as Applicant and/or Representative as my (our) agent to represent me (us) in this application.			
Property Owner(s) Name(s) (please print): RECH, LLC			
Name of Company (if applicable, LLC etc.): RECH, LLC			
Property Owner(s) Mailing Address: 3900 Clemson Blvd.			
City: Anderson	State: SC	Zip Code: 29621	Phone #:
Property Owner(s) Email Address: vlk@krauseauto.com			
Property Owner(s) Signature: 		Date: 4-14-22	
FOR OFFICE USE ONLY:			
Zoning District: CC	Flood Zone: AE-91 shaded X	Date Filed: 5/25/2022	Fee Paid: \$1250 check # 7921
Application #: BZA-05-22-00589	TMS #: 307-07-00-054	Staff Initials: jpi	

Description of Request

Please describe your proposal in detail. You may attach a separate sheet if necessary. Additionally, you may provide any supporting materials that are applicable to your request (photographs, letter of support, etc.)

RECH, LLC seeks a variance from Article 9.6, specifically:

- o Section 9.6.3(A)(1) - Architectural Standards
- o Section 9.6.3(E)(3) - Loading areas facing the right of way
- o Section 9.6.4(C) - Lighting Standards

Applicant's response to Article 3.10 Zoning Variances, §3.10.6 Approval Criteria

Zoning Variances may be approved only if the Board of Zoning Appeals finds that the proposed use meets all 7 of the approval criteria. In evaluating your request, the members of the board will review the answers below as a part of the case record. You may attach a separate sheet if necessary.

1. Are there extraordinary and exceptional conditions pertaining to the subject property? Explain:

See Letter of Support Attached

2. Do these conditions generally apply to other property in the vicinity or are they unique to the subject property? Explain:

See Letter of Support Attached

3. Because of these extraordinary and exceptional conditions, does the application of this Ordinance to the subject property effectively prohibit or unreasonably restrict the utilization of the property? Explain:

See Letter of Support Attached

4. Will the authorization of a variance be a substantial detriment to adjacent property or to the public good? Will the character of the zoning district be harmed if this variance is granted? Explain:

See Letter of Support Attached

5. The BZA shall 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 if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance. Does the variance request meet this criterion?

See Letter of Support Attached

6. Is the need for the variance the result of applicant's own actions? Explain:

See Letter of Support Attached

7. Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain:

See Letter of Support Attached

In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.



Ross A. Appel
Direct: (843) 937-9798
Fax: (843) 937-0706
ross@mklawsc.com

May 23, 2022

VIA E-MAIL ONLY

Charleston County Planning and Zoning Department
c/o Jenny J. Werking, AICP
4045 Bridge View Drive
N. Charleston, SC 29405
bza@charlestoncounty.org

Re: RECH, LLC / Variance Letter of Support

Dear Ms. Werking,

I hope this finds you well. Our firm represents RECH, LLC ("RECH"). RECH owns certain real property located at 3140 Savannah Highway, Charleston, SC 29414 and bearing TMS No. 307-09-00-054 (the "Property"). The Property is base zoned CC (Community Commercial). The Property is undeveloped.

RECH along with its engineers and architects with Buckel Design Group and Pro Building Systems have worked closely with the County staff for several months on plans for a Hyundai and Genesis automobile dealership on the Property (the "Dealership"). The automobile dealership use is allowed by-right in the Community Commercial District. RECH has developed many similar projects throughout the United States and has a proven record of high-quality projects.

The initial site plan review application was submitted on October 8, 2021,¹ and a resubmittal, incorporating the County's comments, was submitted on February 24, 2022. The County provided comments to the latest site plan review submission on March 17, 2022. On May 3, 2022, representatives from the County and RECH met on the Property to further review trees. County staff has confirmed² the need for the following variances:

- **Variance Application # 1: Article 9.3, Section 9.3.4(A)(2) - Majority of parking in front**

¹ RECH's site plan application was submitted under the prior version of the ZLDR.

² County staff confirmed the variances needed via e-mails dated May 12, 2022; May 19, 2022; and May 20, 2022.

- **Variance Application # 2: Article 9.4, Section 9.4.5(B) - Grand Tree removal**
- **Variance Application # 3: Article 9.6**
 - **Section 9.6.3(A)(1) - Architectural Standards**
 - **Section 9.6.3(E)(3) - Loading areas facing the right of way**
 - **Section 9.6.4(C) - Lighting Standards**

RECH intends to move forward with the above variance requests. This letter shall serve as RECH's letter in support of these variances.

Variance Criteria

1. Are there extraordinary and exceptional conditions pertaining to the subject property? Explain:

a. Grand Tree Removal - Section 9.4.5(B)

The Property is undeveloped, raw land. All adjacent properties, however, are developed. The property to the east is an apartment complex, single family residential neighborhoods are to the north, and a storage facility is located to the west. Therefore, the natural character of the Property is extraordinary and exceptional when compared to its developed neighbors, especially given the Property's proximity to Highway 17.

Great care has been taken by RECH and its team, including Mike Russell with Natural Directions, to avoid removal of and impacts to grand trees. However, it is impossible to develop this site, in its natural state, in a reasonable manner and pursuant to its Community Commercial zoning without impacting some trees, including grand trees. Great care has been taken to eliminate grand tree encroachment issues. RECH and its team have revised its plan on several occasions, in close coordination with the County, to eliminate all previous encroachment issues around the access points to the property and the stormwater retention ponds to the rear. There are no grand tree encroachment variances being sought at this time, as confirmed by the County on May 19, 2022.

While there are no longer any grand tree encroachment issues, due to careful engineering and design changes incorporated by RECH, unfortunately there are seven (7) grand trees graded "B" or better that must be removed in order to develop the Property.

Development of this site includes two proposed buildings that represent 13.9% lot coverage, significantly less than the allowable 35% building coverage permitted in the Community Commercial District zone. Placement of the buildings on the property consider the county design guidelines desiring to have buildings placed close to the frontage road with parking located to the rear or sides of the building. Other design elements also considered for the location of buildings include placing fill for drainage, vehicular and pedestrian access, utility entrances, and sidewalks. The building placement is the most critical aspect and dictates other elements of the site layout and drainage design.

Considering the county development guidelines, the buildings were placed to the front of the site (Marginal Road) side as close as possible respecting the required 20' right-of-way buffers and providing minimal parking spaces in the front of the buildings that will service customers and provide a nice presentation to the street. All of the requested grand tree variances are directly associated with the building placements and design elements in closest proximity to the buildings to facilitate their construction and business operations. Where the site design has more flexibility outside the building pad, the design was tailored to preserve all remaining grand trees located on the site. This includes the design of the parking lot, storm drainage and detention systems, driveways and utilities. Specifically, seven grand trees are saved in the northern (back) half of the site are preserved by designing around them.

There are in addition areas of construction within drip lines of trees to remain around the site. The construction of some elements to support the project encroach within drip lines of larger protected trees to remain within the site and buffer areas. These primarily include new pedestrian sidewalks along the property frontages and the storm water management system. The applicant has proposed alternative sidewalk details to include pervious concrete and placement on existing grade to avoid excavation within root zones. This project lies within a Special Protection Area as defined by Charleston County Public Works that places much more stringent stormwater storage requirements than other areas not located in such an area. The effect of these requirements is a significant increase in the size of stormwater management facilities to comply with the requirements. The main stormwater pond on the norther portion of the site is configured to preserve existing trees to the largest extent possible, including grand trees, but require construction within drip lines. The applicant proposes to work with the county arborist to develop a tree care plan to best ensure the long term health of these protected trees in lieu of requesting a variance to remove the trees for these required site elements.

b. Majority of Parking Towards the Front of the Property - Section 9.3.4(A)(2)

As previously mentioned, the Property – unlike those other commercially zoned properties in the vicinity – is bordered by two public rights of way, namely Ponderosa Drive and Marginal Road, which runs parallel to Highway 17. The Property, unlike those in the vicinity, is a corner lot.

Therefore, the requirement to locate all vehicle parking to the side and behind the principal structure, pursuant to Section 9.3.4(A)(2), ZLDR, is extremely complicated. The Dealership, like all automobile dealerships, has considerable on-site parking needs both for customers and, of course, inventory. The Dealership can supply all required parking – the location is the only issue. To mitigate A knee wall is proposed in areas where parking is situated between the building and right-of-way buffers to create a courtyard effect, similar to other developments with similar parking arrangements, and as suggested by the ordinance. The majority of the parking is located to the rear/sides of the principal structures. As the building has functions on all 4 sides, the front façade areas are primarily intended for customers and the general public. Having available parking spaces as shown provides the dealership a distinct area for customer parking when they arrive on-site and separated from service and inventory parking areas on the sides and rear of the buildings.

The Dealership will simply not be able to be operated in a reasonable manner without relief from the strict application of Section 9.3.4(A)(2), ZLDR. Moving the parking to the front of the Property will mitigate perceived adverse impacts to the neighborhoods to the north of the Property.

c. Loading Areas Facing Right of Way - Section 9.6.3(E)(3)

The Dealership, like all automobile dealerships, must have loading doors for purposes of, among other things, vehicle service and inventory loading. The Property, unlike the Community Commercial zoned properties to the west, is bordered by two public rights of way, namely Ponderosa Drive and Marginal Road (Highway 17). Therefore, the prohibition on loading doors fronting public rights of way per Section 9.6.3(E)(3), ZLDR creates an extraordinary and exceptional condition for the Property. Simply put, the Property cannot be used for a Dealership without relief from the strict application of Section 9.6.3(E)(3), ZLDR.

RECH and its team have worked extensively with the County on screening the loading doors fronting Highway 17. The development intends to provide for full compliance regarding landscaping within right-of-way buffers. This will mitigate the potential for adverse impacts to neighboring properties and rights of way. As well, the doors facing the main frontage of Marginal Road are primary customer service check-in and do not open to a garage that may otherwise be unsightly when open. The overhead doors contain glazing and aesthetically designed to complement the building architecture and presentation to the street.

d. Other Architectural Standards - Section 9.6.3(A)(1)

RECH has taken all the steps it can to address as many of the County's architectural and other aesthetic regulations in Article 9.6, ZLDR ("Architectural and Landscape Design Standards"). However, when it comes to the design and layout of the Hyundai dealership buildings themselves, RECH must comply with strict corporate architectural guidelines. The plans submitted and reviewed by the County are the only plans RECH has the option of proceeding with. Put another way, RECH cannot comply with each and every one of the architectural guidelines contained in Article 9.6. This constitutes an extraordinary and exceptional condition under these circumstances.

e. Lighting - Section 9.6.4(C)

RECH needs a variance from the lighting regulations found in Section 9.6.4(C) for the same reasons outlined above in the section on Article 9.6 architectural standards generally. RECH is under strict corporate guidelines regarding site lighting. That said, the enclosed lighting plan attempts to minimize lighting impacts to neighboring properties as much as possible.

2. Do these conditions generally apply to other property in the vicinity or are they unique to the subject property?

The Property's natural condition and configuration relative to both Ponderosa Drive, Marginal Road, and Highway 17 constitute unique and exceptional circumstances absent from

properties in the vicinity, generally, and properties zoned Community Commercial, specifically. All parcels bordering the Property are developed.

3. Because of these extraordinary and exceptional conditions, does the application of this Ordinance to the subject property effectively prohibit or unreasonably restrict the utilization of the property?

The Dealership simply cannot be located on the Property and operated in a reasonable manner without the requested variances for the reasons set forth above. The Dealership has strict operating parameters both from a corporate and *pro forma* perspective. As previously stated, RECH is proposing a development well below the permitted building lot coverage permitted in the Community Commercial District. Any other development of comparable size will have the same conditions and highly likely similar variances needed to develop.

4. Will the authorization of a variance be a substantial detriment to adjacent property or to the public good? Will the character of the zoning district be harmed if this variance is granted? Explain:

The answer to both questions is “no.” The proposed use is allowed by-right in the Community Commercial District. The parcel to the east is an apartment complex and the parcel to the west is a self storage business. The properties to the rear are predominantly single family residences, and the site design has been configured to minimize impacts to these homes. Also, the Property is located along Highway 17 home to a number of automobile dealerships. This request is not out of the ordinary and will not adversely impact neighboring properties.

5. The BZA shall 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 if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance. Does the variance request meet this criterion?

The requested variances do not seek an extension of any nonconformity or change to a zoning district map boundary. The proposed variances are not being sought to utilize the Property “more profitably.” Rather, for the reasons outlined above, but for the granting of these variances the Property cannot be used for the Dealership – at all.

6. Is the need for the variance the result of applicant’s own actions? Explain:

RECH is neither responsible for the Property’s natural condition nor configuration relative to both Ponderosa Drive, Marginal Road, and Highway 17. These are the unique and exceptional conditions of the Property driving the need for the first three variance requests. As for the aesthetic regulations, RECH is not in control over the corporate architectural requirements at issue here.

7. Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain:

The proposed use along with the requested variances do not conflict with the Comprehensive Plan. The Property is zoned Community Commercial and the proposed use is in line with the Future Land Use Map and commercial policies for this area.

Given the foregoing, we respectfully request staff's support and BZA approval. We are happy to provide additional information and answer any questions the County may have. RECH reserves all rights. If you have any questions, please do not hesitate to contact me.

With kind regards,

MCCULLOUGH ▪ KHAN ▪ APPEL

A handwritten signature in blue ink, appearing to read 'R Appel', with a long horizontal flourish extending to the right.

Ross A. Appel

Enclosures – as stated

cc: Client (*via e-mail only*)

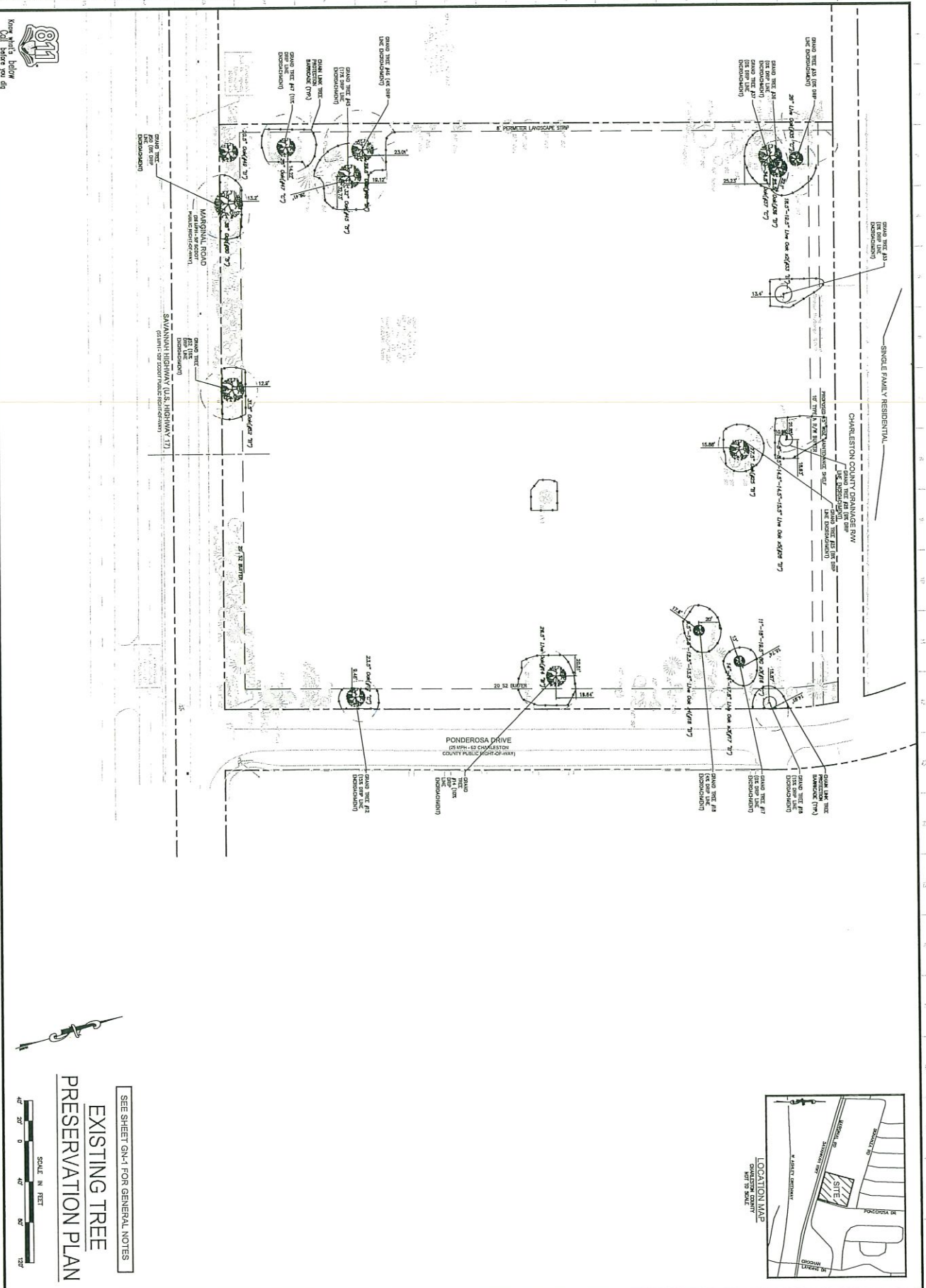
Existing Tree Preservation Plan
Site Plan
Grading Plan
Photometric (Lighting) Plan
Plat

BZA-05-22-00587

BZA-05-22-00588

and

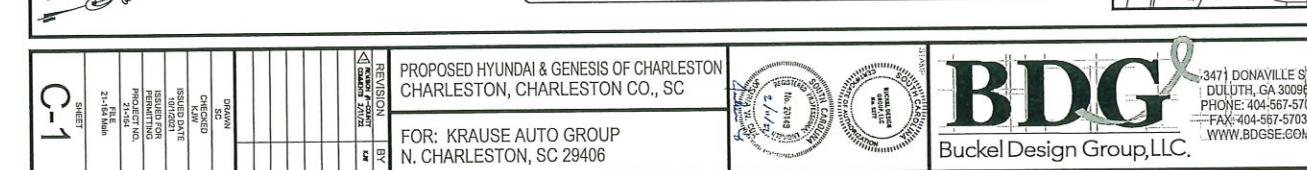
BZA-05-22-00589



SEE SHEET GN-1 FOR GENERAL NOTES
**EXISTING TREE
 PRESERVATION PLAN**



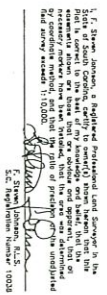
DE-3	DRAWN: SC CHECKED: SC ISSUED DATE: 10/2021 PREPARED BY: BDG PROJECT NO.: 21-04 SHEET: 21-04-1000 STREET:	PROPOSED HYUNDAI & GENESIS OF CHARLESTON CHARLESTON, CHARLESTON CO., SC FOR: KRAUSE AUTO GROUP N. CHARLESTON, SC 29406			3471 DONAVILLE ST DULUTH, GA 30096 PHONE: 404-567-5701 FAX: 404-567-5703 WWW.BDGSE.COM
	Buckel Design Group, LLC.				



1. PLAT BY E.M. STEARNOOK, JR.
DATED JANUARY 25, 1964,
RECORDED IN P.R. 5 PG. 83.
2. PLAT BY GEORGE A. JOHNSON, JR., INC.
DATED AUGUST 27, 1963,
DEED RECORDED IN 58 XIOS PG. 158.
3. PLAT BY E.M. STEARNOOK, JR. DATED
DECEMBER 12, 1964, RECORDED IN
P.R. W PAGE 7.
4. PLAT BY E.M. STEARNOOK, JR. DATED
DECEMBER 16, 1966, RECORDED IN
P.R. W PG. 156.
5. PLAT BY GEORGE A. JOHNSON, JR. INC. DATED
NOVEMBER 23, 1968, PLAT BOOK 87, PAGE 203.

NO.	STAINING	LENGTH
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2	N 15° 03' 37" E	31.76'
3	S 44° 02' 52" E	08.83'
4	S 70° 30' 31" E	4.02'
5	S 70° 50' 31" E	49.91'
6	N 71° 24' 08" E	72.01'
7	S 68° 16' 50" E	24.23'
8	S 51° 25' 00" E	07.81'
9	S 51° 25' 34" W	05.84'
10	S 44° 14' 51" W	124.83'
11	S 55° 21' 32" W	22.80'
12	S 65° 51' 32" W	84.82'
13	N 03° 18' 06" W	105.20'

2:41 7 Br - Appl. 87
5 Planning, 11/12/87



120' R/W

TRACT B-1 FOR AGRICULTURAL USE ONLY; NOT TO BE USED FOR BUILDING PURPOSES.

Scale 1 = 100

NOVEMBER 15, 1977

GEORGE A.Z. JOHNSON, JR., INC.
ENGINEERS • PLANNERS • LAND SURVEYORS
207 CALHOUN ST. CHARLESTON, S.C.

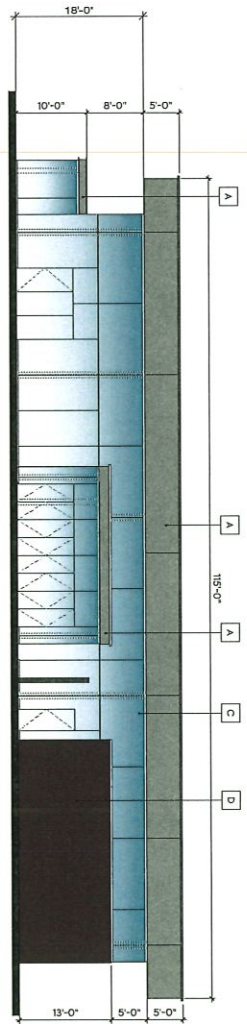
J.N. 0308 5DR2 DHF 4674 & 7040 F.B. 562

Elevations
Renderings
Photometric (Lighting) Plan

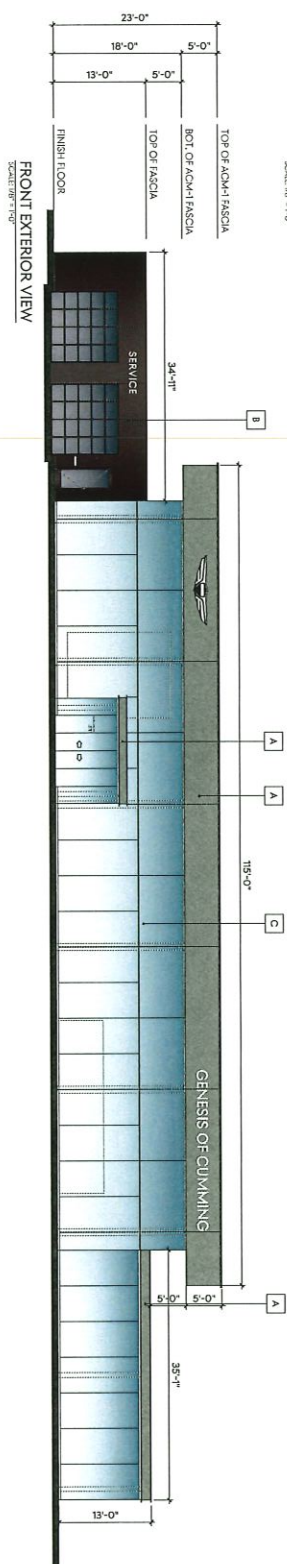
BZA-05-22-00589



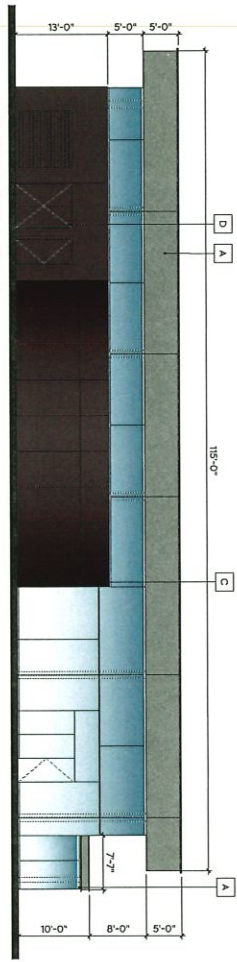
EXTERIOR VIEW KEYNOTES	
A	ACM-1, ALUMINUM COMPOSITE MATERIAL, M/S BASALT GREY
B	ACM-2, ALUMINUM COMPOSITE MATERIAL, INCON BLACK
C	GL-2, EXTERIOR GLAZING, T' CLEAR INSULATED GLASS
D	P-1, SHERWIN WILLIAMS, SW7076 CYBERSPACE



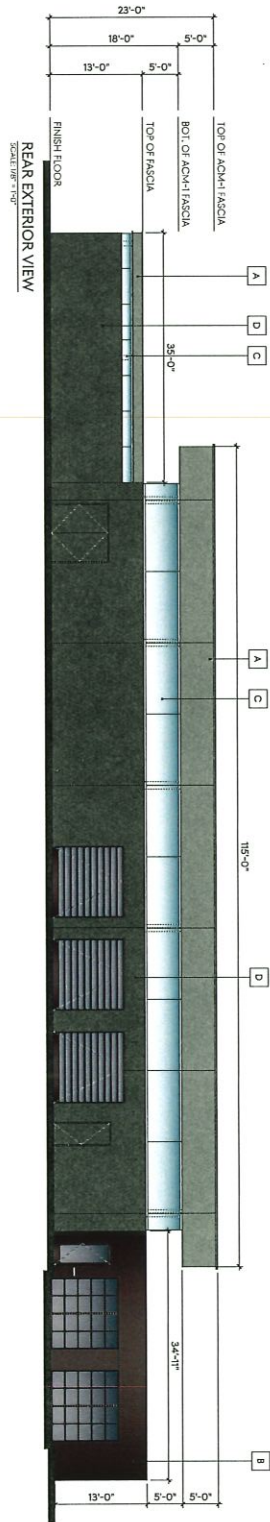
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SCALE: 1/8" = 1'-0"



FRONT EXTERIOR VIEW
SCALE: 1/8" = 1'-0"



LEFT SIDE EXTERIOR VIEW
SCALE: 1/8" = 1'-0"



REAR EXTERIOR VIEW
SCALE: 1/8" = 1'-0"

Dealer Code: _____

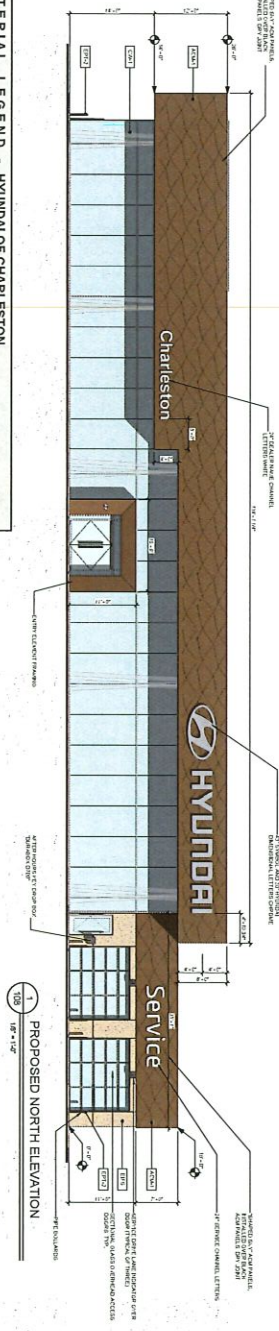
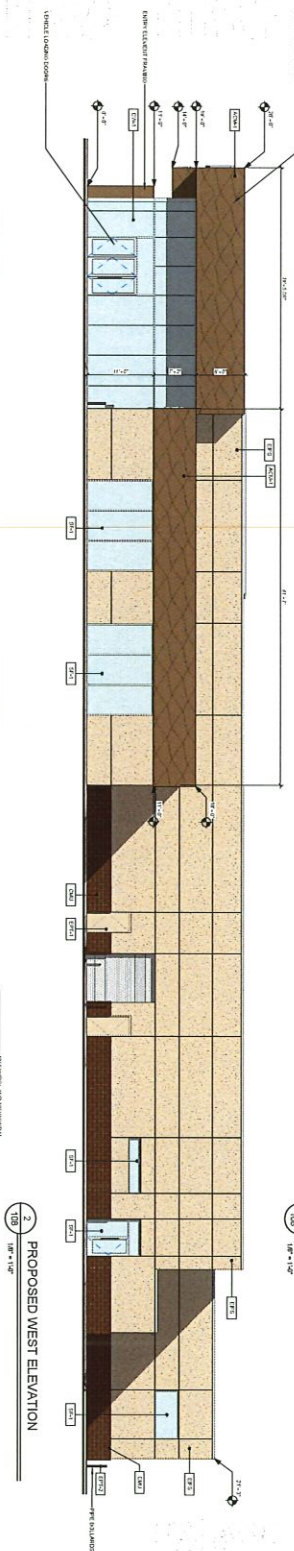
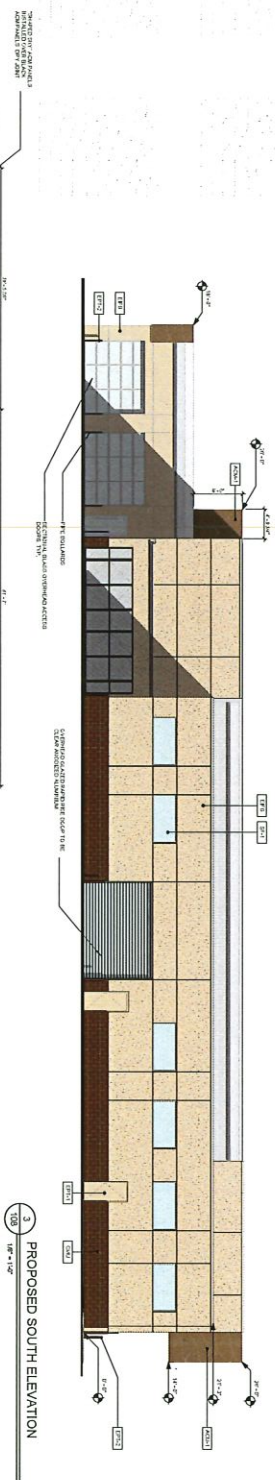
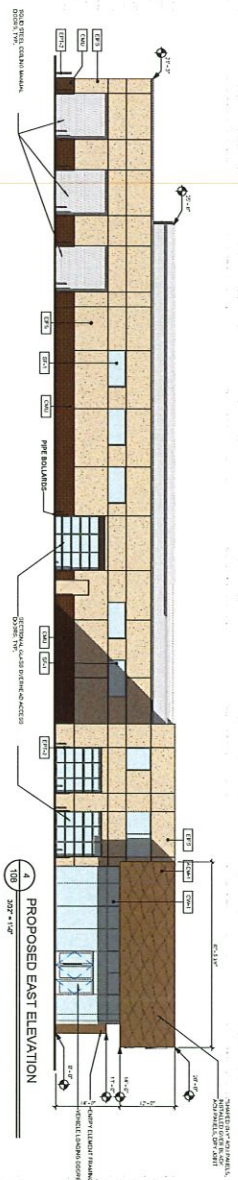


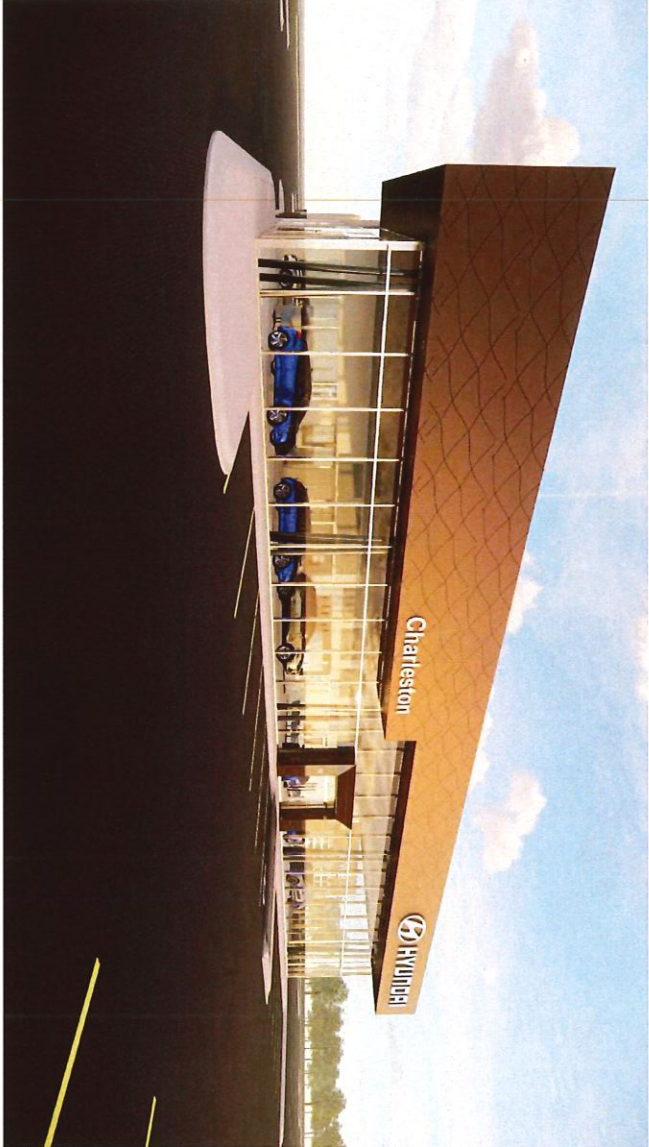
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3. The information is based on the information provided by the client and is not to be used for construction or permitting purposes. It is for informational purposes only.

Issue Date: 9/2/2021
Drawn By: JFA

Revisions:	
1	2/02/2021 JFA
2	2/02/2021 JFA
3	2/02/2021 JFA
4	2/02/2021 JFA
5	2/02/2021 JFA

PROPOSED
EXTERIOR
VIEWS

[illegible]



ysm
DESIGN
1120 Bryant Street, Suite 100
Atlanta, GA 30318
404-525-0338
305 N. Court Hwy
Lakeland, FL 33801
www.ysm.com



PROGRESS PRINTS/4/2021 5:39:01 PM

NOT RELEASED FOR CONSTRUCTION

Signed & Sealed:

Author: J. L. [Name]
Checked By: [Name]
Approved By: [Name]
Sheet Title:

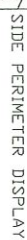
Rev: 1 Date: 3/4/2021 Comments:

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PRO
BUILDING
SYSTEMS
CORPORATION

Client:	KRAUSE AUTO GROUP
Address:	1405 River Run, North Charleston, SC 29405
Project:	CHARLESTON HYUNDAI
Location:	JOHN ISLAND, SC 29405
Project Number:	2020
Checked By:	Author
Approved By:	Checker
Sheet Title:	EXTERIOR VIEWS
Sheet Number:	110

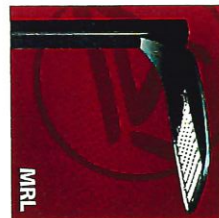


SIDE INVENTORY

REAR PERIMETER DOUBLE ROWS

This ongoing plan represents Lincoln's best estimate of how long it will take to complete the project. The plan is based on the information provided, all decisions and schedule decisions based on engineering, construction, and regulatory requirements. The project schedule is subject to change. The project schedule is subject to change. The project schedule is subject to change.

		Total Project Value: \$2700.00 Total Value: \$2700.00	
LOADING PROGRAM LD-155205 QUALITY MANAGEMENT CONSULTING, LLC			
Project:	M26222	Rev:	1
Scale: 1/4" = 1'-0"	SHEET	OF	1



Case # 8, 9, and 10

**Public Comments
Received before
6/29**

BZA-05-22-00587

BZA-05-22-00588

And

BZA-05-22-00589

Jennifer Werking

From: Charlie Smith <csmith@csarealestate.com>
Sent: Tuesday, June 28, 2022 4:30 PM
To: Jennifer Werking; Joel Evans
Subject: July 11, 2022 BZA meeting: Cases BZA-05-22-00587, BZA-05-22-00588, BZA-05-22-00589

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Dear Chairman and Members of the Board of Zoning Appeals:

The expansion of automobile dealership uses along Savannah Highway from Markfield Road to Main Road has long been opposed by residents of the adjoining neighborhoods. The clear cutting acres of land for what amounts to a surface parking lot with the requisite sales office at 3140 Marginal Road removes the natural buffering between the adjoining neighborhoods and US Highway 17. Buffering the neighborhoods from road noise, light pollution and vehicle fumes is essential to the health of those who live there.

For those members of the board who have not had the experience of living adjacent to an automobile dealership, I'd like to share some of my 27 years of experience with you. When an automobile dealership is imposed on an adjoining neighborhood, that neighborhood becomes the test driving track for the dealership. Before each car is sold by the dealership it is test-driven multiple times by people unfamiliar with the car and more importantly, unfamiliar with the roads and road patterns of the adjacent neighborhoods. The test drivers are generally oblivious to speed limits, the locations of schools, the existence (or non-existence) of sidewalks or stop signs or even whether they are speeding into a cul-de-sac. The test-driver is paying attention only to the performance of the vehicle. Add to this scenario neighborhood children, pets, other pedestrians and bicycles and anyone can clearly see the problem. Of the dozens of streets, circles and cul-de-sacs in the neighborhoods adjacent to this site, not a single street provides a direct route between Marginal Road and any other collector street of its scale. Not one. This leaves only one logical place to test drive these cars...and it's dangerous.

The waiving of any architectural standard designed to protect adjacent residents from having to look at the back end of an 8 acres car dealership, rather than at a natural vegetative buffer complete with seven existing grand trees, would be detrimental to the health and livability of those neighborhoods and to the value of the homes there. The granting of any variance that in any way would facilitate an automobile dealership in this location would be contrary to the many years of effort that the County, as well as the City, have invested in properly developing this area. Both Plan West Ashley and the DuPont Wappoo Plan were citizen-driven collaborative efforts between the County and City that in part sought to stop the proliferation of automobile dealerships beyond the "Savannah Highway Auto Mile". If further steps need to be taken to require a BZA Special Exception for proposed automobile dealerships that adjoin residentially zoned areas, or to remove them from the list of allowable uses in CC, I would ask that you give the matter consideration. In the meantime I urge you to vote against these three variance requests.

Sincerely,
Charlie Smith
333 Wappoo Road
Charleston, SC 29407
843-813-0352

Jennifer Werking

From: Lauren Daley <laurenambrosia@gmail.com>
Sent: Tuesday, June 28, 2022 6:23 PM
To: BZA
Subject: West Ashely car dealership

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Dear councilman,
I am writing in objection to the proposed car dealerships that are planned to be built on marginal Road in West Ashley. I live in Carolina Bay and I do not want this to happen. Please listen to your constituents Lauren Daley Sent from my iPhone

Savannah D. Murray

From: Liz Tate <liztate.rn@gmail.com>
Sent: Tuesday, June 28, 2022 7:27 PM
To: BZA
Subject: Marginal Rd

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Hi,

I have heard there is an auto dealership proposed to go in at Marginal Rd in West Ashley. With so many car dealerships close by, this does not seem like an ideal location for this. Also, as it is centered in the Carolina Bay/Ponderosa/Croghan Landing, it would be nice to have something more useful to residents out this way. A car dealership wouldn't bring any appeal to this area. Please reconsider an auto dealership for this location.

Thanks,

Jon & Liz Tate
2649 Doubletree Ct
Charleston, SC 29414

Savannah D. Murray

From: Brian Gottlieb <bgottlieb@sfxvisions.com>
Sent: Tuesday, June 28, 2022 8:15 PM
To: BZA
Subject: Marginal road zoning opposition

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To whom it may concern,

As a home and business owner in Charleston I am directly opposed to zoning that would allow car dealerships on Marginal Road.

As a homeowner in the Carolina Bay neighborhood I am apposed to this idea as it will most certainly have multiple negative effects to our community.

Allowing these dealerships would also go against the "Plan West Ashley"

I strongly oppose allowing the zoning to be changed to allow these dealerships.

Sincerely,

Brian D Gottlieb

Savannah D. Murray

From: arthur klein <ajklein31@gmail.com>
Sent: Tuesday, June 28, 2022 8:34 PM
To: BZA
Cc: bradyk@charleston-sc.gov
Subject: Car Dealerships on Marginal Road/ West Ashley

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Dear County Council Members,

It has come to my attention that one or more car dealers would like to locate a sales facility on Marginal Road, near the Carolina Bay development in West Ashley (and along Savannah Hwy). This would not be an appropriate location for a car dealership, and I believe would be in contradiction to some sort of West Ashley "master plan" that was written quite awhile ago. Marginal Road, near Carolina Bay, is a residential area which is much more suitable to businesses such as a self-storage facility, or a carpet & tile store, which is already there. These are "quiet" businesses which do not draw as much in and out traffic as a car dealership would, nor do they require auto transport trucks to be parked along the side of the road. Also, it would not be appropriate to put a large lighted car lot in a residential neighborhood, which would draw traffic and customers after dark. How would you like it if suddenly a large, lighted lot was built next to your house, and the lights were on after dark for much of the year? It seems that it would make a lot more sense for a new auto dealership to locate along Savannah Hwy. where there are already multiple dealerships, like from near Hendrick Chevrolet to Dobbin Road. There is certainly plenty of space for one or more new car dealerships in this area.

Also, any new car dealership should be required to have a driveway and lot area large enough so that auto transport trucks can load and unload on the dealership property, and not be parked in the "death lane" on Savannah Hwy. A serious safety hazard is created whenever an auto transport truck is parked either in the "death lane," or on the side of Savannah Hwy. This practice should be outlawed.

At any rate, we know the growth rate here in Charleston is rapid, and we need to make a concerted effort to keep residential neighborhoods RESIDENTIAL. That's the way it should be along Marginal Road.

Regards,

—Art Klein
1937 Gammon St.
Charleston, SC 29414
843.872.6167
ajklein31@gmail.com

Savannah D. Murray

From: dan8434755410@gmail.com
Sent: Tuesday, June 28, 2022 8:40 PM
To: BZA
Cc: My Love
Subject: Marginal Rd

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To whom it may concern;

I would like to object to the rezoning of Marginal Rd to allow for an auto dealership.

Such a business would negatively impact the Carolina Bay property values and cause increased traffic in an already congested intersection.

My neighbors and I purchased our homes knowing that small business, that would benefit our neighborhood, would eventually be occupying that space. We consider these beneficial business to be childcare centers, medical offices, food vendors, coffee shops, etc.

If this rezoning is allowed, I will be starting a petition.

Thank you.

Dan Miller
2924 Amberhill Way
Charleston, SC 29414
843-475-5410

Savannah D. Murray

From: Amanda M <amanda71010@gmail.com>
Sent: Tuesday, June 28, 2022 8:52 PM
To: BZA
Subject: Opposition to car dealership on Marginal Road

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To whom it may concern;

I would like to object to the rezoning of Marginal Rd to allow for an auto dealership.

Such a business would negatively impact the Carolina Bay property values and cause increased traffic in an already congested intersection.

My neighbors and I purchased our homes knowing that small business, that would benefit our neighborhood, would eventually be occupying that space.

Thank you.

Amanda Miller
2924 Amberhill Way
Charleston, SC 29414
732-673-7879

Savannah D. Murray

From: MICHELLE T KERR <kerr42603@bellsouth.net>
Sent: Tuesday, June 28, 2022 9:36 PM
To: BZA
Subject: Opposition to Case No.: BZA-05-22-00589

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In regards to the above-referenced request for omitting the architectural guidelines for 3140 Marginal Road, I respectfully ask this change be absolutely denied to allow for an auto dealership anywhere in or near this area. As a long-time resident in this area, since 2008, this is absolutely not in the Plan West Ashley (which proscribes that this location should be used for a more low intensive use like medical offices or a service oriented business that would benefit being close to a residential area and auto dealers should be located on the Auto Mile on Savannah Highway. Changing this zoning in this area would greatly impact our beautiful West Ashley in such a negative way and these kind of horrible decisions need to be absolutely squashed so that West Ashley can be a beautiful area for people entering our City. I am really tired of these decisions adversely effecting our neighbors and neighborhood, West Ashley deserves better.

Please ensure that this zoning change is defeated.

Michelle Kerr
1812 Luna Court
Charleston, SC 29414

-Michelle Kerr
Sent from my iPhone

Savannah D. Murray

From: jessica gordon <jessica.l.gordon@hotmail.com>
Sent: Tuesday, June 28, 2022 11:34 PM
To: BZA
Subject: Rezoning Marginal Road

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Regarding the zoning on Marginal Road, City residents (namely those of us in Carolina Bay) will be adversely impacted by this type of business being in close proximity to our neighborhood. It should also be noted that having an auto dealer in this location goes against Plan West Ashley (which proscribes that this location should be used for a more low intensive use like medical offices or a service oriented business that would benefit being close to a residential area and that auto dealers should be located on the Auto Mile on Savannah Highway). No dealership! This is not what I want.

Thank you,
Jessica Gordon
2171 Gammon St
Charleston SC 29414