

Case # BZA-11-22-00622

Charleston County BZA Meeting of December 5, 2022

Applicant/Property Owner: Angela Barnette of Charleston County School District

Representative: Margie Longshore of SMHa, Inc.

Property Location: 3321 Ladson Road – North Area

TMS#: 390-00-00-079

Zoning District: General Office (GO) Zoning District

Request: Variance request to exceed the maximum height

requirement in the General Office (GO) Zoning District. The maximum height is 35 feet or 2.5 stories, whichever is less. The proposed height of the new Ladson Elementary School is approximately 41 feet.

### Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.18 GO, General Office District, Sec. 4.18.3 Density/Intensity and Dimensional Standards states that the maximum height is 35 feet/2.5 stories, whichever is less.

### Chapter 12 Definitions, Article 12.1 Terms and Uses Defined:

**Building Height** The vertical distance between the base flood elevation, or ground level if the Structure is not in a Flood Hazard Area as defined by the Federal Emergency Management Agency (FEMA), and:

- 1. The average height level between the eaves and the ridge line of a gable, hip or gambrel roof; or
- 2. The highest point of a mansard roof; or
- 3. The highest point of the coping of a flat roof.



Table 4.17.3, CI Density/Intensity and Dimensional Standards				
	Non-Waterfront Development Standards	Waterfront Development Standards		
MAXIMUM BUILDING COVER	30% o	30% of Lot		
MAXIMUM HEIGHT	35 feet/2.5 stories,	35 feet/2.5 stories, whichever is less		

### Sec. 4.17.4 Other Regulations

Development in the CI District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, Development Standards.

### **ARTICLE 4.18 GO, GENERAL OFFICE DISTRICT**

### Sec. 4.18.1 Purpose and intent

The GO, General Office Zoning District implements the Urban/Suburban Mixed Use and Office policies of the *Comprehensive Plan*.

### Sec. 4.18.2 Use Regulations

Uses are allowed in the GO District in accordance with the Use Regulations of CHAPTER 6, Use Regulations.

### Sec. 4.18.3 Density/Intensity and Dimensional Standards

All Development in the GO District shall be subject to the following Density/Intensity and Dimensional Standards:

Tab4.18.3, GO Density/Intensit	y and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards	
MINIMUM LOT AREA	2,000 square feet		
MINIMUM LOT WIDTH	50 feet		
MINIMUM SETBACKS	Minimum Setbacks shall be the vegetated buffers as required in CHAPTER 9, Development Standards of this Ordinance.		
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	50 feet	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet	
MAXIMUM BUILDING COVER	40% of Lot		
MAXIMUM HEI <mark>GHT</mark>	35 feet/2.5 stories, whichever is less		

Effective on: 9/10/2017, as amended

### Sec. 4.18.4 Other Regulations

Development in the GO District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, Development Standards.

#### Sec. 4.18.5 Residential Uses

Single-Family Detached Dwellings in the GO District shall be subject to Sec. 6.4.25, Single-Family Detached Dwelling Units, of this Ordinance.

### ARTICLE 4.19 NC, NEIGHBORHOOD COMMERCIAL DISTRICT



**Boat Slip** A docking space alongside a pier, wharf, or mooring dolphins in which a waterborne boat may be moored. For purposes of this Ordinance and in the absence of an authorized quantity of Boat Slips by state or federal regulating agencies, a Boat Slip shall be considered a minimum length of 25 feet for side mooring and 15 feet for stern moorings.

**Boat Yard** A land-based operation primarily for the repair and service of boats, including any incidental storage of boats in the process of being repaired.

Bona Fide Forestry Operation The property is eligible for, and actually used for forestry or timber operations, and written application has been approved by the County Assessor for the special assessment for agricultural use for the property in question pursuant to SC Code Sec. 12-43-220, SC Department of Revenue Regulation 117-1780.1., and other applicable statutes, rules and regulations.

**Botanical Garden** A place, generally open to the public for a fee, where a wide variety of Plants are cultivated for scientific, educational, or ornamental purposes.

**Brewbar** A Bar, Lounge, or Restaurant which produces on the permitted premises a maximum of 2,000 barrels a year of beer for sale on the premises as allowed by SC Code Title 61, Chapter 4, as amended.

**Bridge** A Structure, including supports, erected over a depression or an obstruction, as water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads.

**Buffer, Landscape** A vegetated area of varying width designed exclusively to provide screening between adjoining properties, Rights-of-Way, Parking Lots and Structures, as described in Article 9.4, *Landscaping, Screening, and Buffers*, of this Ordinance.

**Buffer, Wetland** An area of varying width , providing a visual, spatial, and ecological transition zone between the OCRM Critical Line and land Development. The Wetland Buffer is designed to protect water quality and wildlife habitat.

**Building** Any Structure having a roof supported by columns or Walls and intended for the shelter, housing, or enclosure of any individual, Animal, Plant, process, equipment, goods, or materials of any kind. When a portion thereof is completely separated from every other portion by a dividing Wall (or firewall when applicable) without openings, then each such portion shall be deemed to be a separate Building.

Building Code The Building Code of Charleston County.

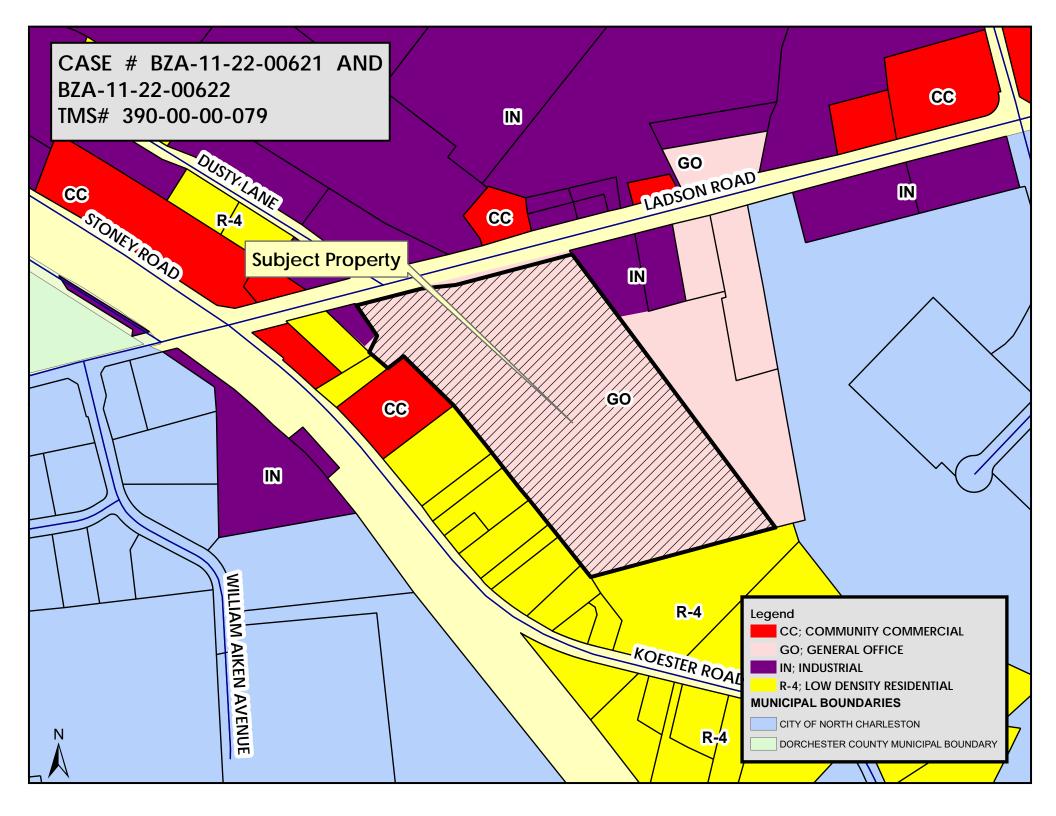
**Building Coverage** The proportion, expressed as a percentage, of the area of a Lot covered by Buildings (Principal and Accessory) or roofed areas, as measured along the outside Wall at ground level, and including all projections, other than fire escapes, canopies, and the first two feet of a roof overhang. Swimming Pools (excluding the pool decking) shall be included in Building Coverage.

Building Height The vertical distance between the base flood elevation, or ground level if the Structure is not in a Flood Hazard Area as defined by the Federal Emergency Management Agency (FEMA), and:

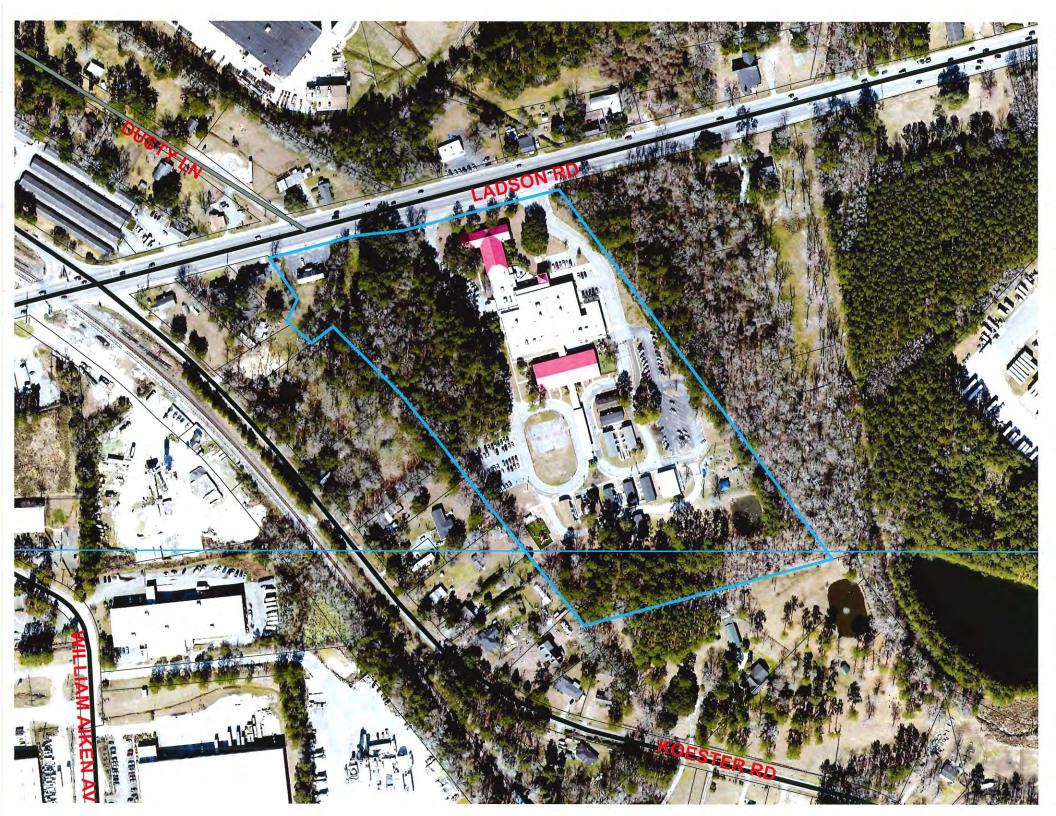
- 1. The average height level between the eaves and ridge line of a gable, hip or gambrel roof; or
- 2. The highest point of a mansard roof; or
- 3. The highest point of the coping of a flat roof.

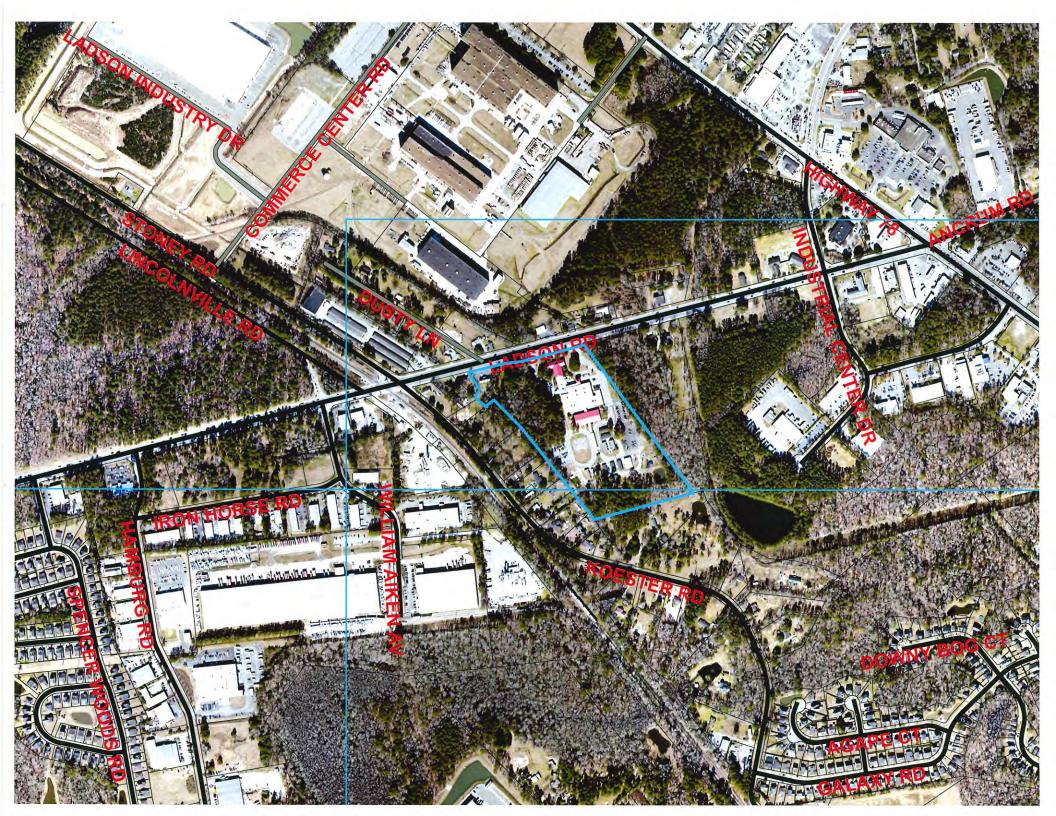
# Building Height

Gable, Hip, or Gambrel Roof Mansard Roof Flat Roof









Case # BZA-11-22-00622
BZA Meeting of December 5, 2022
Subject Property: 3321 Ladson Road — North Area

Proposal: Variance request to exceed the maximum height requirement for the new Ladson Elementary School.



# Subject Property



# Subject Property





### Ladson Road





### **Staff Review:**

The applicant and property owner, Angela Barnette of Charleston County School District, represented by Margie Longshore of SMHa, Inc., is requesting a variance to exceed the maximum height requirement in the General Office (GO) Zoning District for the new Ladson Elementary School at 3321 Ladson Road (TMS # 390-00-00-079) in the North Area of Charleston County. The maximum height in the GO Zoning District is 35 feet or 2.5 stories, whichever is less. The proposed height of the new Ladson Elementary School is approximately 41 feet.

The 19.13-acre subject property is located in the General Office (GO) Zoning District. Adjacent properties to the east are located in the GO Zoning District and the Industrial (IN) Zoning District. Adjacent properties to the south are located in the Low Density Residential (R-4) Zoning District. Adjacent properties to the west are located in the R-4, IN, and Community Commercial (CC) Zoning Districts.

The proposed school project is currently in the Site Plan Review process (ZSPR-06-22-00740). The site contains the existing Ladson Elementary School building. The proposed plan is to add a new school building. The existing building will remain. Staff parking will be added to the north and west of the existing building, in an area that is heavily wooded.

The applicant's letter of intent explains, "Request for Variance to Charleston County Zoning Ordinance Article 4.18 GO Maximum Height limit. For construction of a New Ladson Elementary School, the majority of the new structure falls under the 35' height limit. A small portion of the new 2-story school would exceed the allowable height of 35' (13% of the building footprint area exceeds the 35' height limit). The majority of the new building that exceeds the height limit is 37'-3" high, and a small portion (highest point of a sloped roof) is 41'-4" high. The new building is set to the rear of the existing school (which will remain in place) and will be over 570' off of Ladson Road. Exhibit drawings are attached (sheets A302.1 and A302.2)."

The applicant is requesting a total of two (2) variances:

- 1. Case # BZA-11-22-00621: Variance request to remove four (4) Grand Trees and to encroach more than twenty-five percent (25%) of the protected area of two (2) Grand Trees.
- 2. Case # BZA-11-22-00622: Variance request to exceed the maximum height requirement in the General Office (GO) Zoning District. The maximum height is 35 feet or 2.5 stories, whichever is less. The proposed height of the new Ladson Elementary School is approximately 41 feet.

### Applicable ZLDR requirement Case # BZA-11-22-00622:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.18 GO, General Office District, Sec. 4.18.3 Density/Intensity and Dimensional Standards states that the maximum height is 35 feet/2.5 stories, whichever is less.

### **Applicable** ZLDR Chapter 12 Definitions, Article 12.1 Terms and Uses Defined:

**Building Height** The vertical distance between the base flood elevation, or ground level if the Structure is not in a Flood Hazard Area as defined by the Federal Emergency Management Agency (FEMA), and:

- 1. The average height level between the eaves and the ridge line of a gable, hip or gambrel roof; or
- 2. The highest point of a mansard roof; or
- 3. The highest point of the coping of a flat roof.

Staff conducted a site visit on the subject property on November 14, 2022. Please review the attachments for further information regarding this request.

### <u>BZA-11-22-00622: Planning Director Review and Report regarding Approval Criteria of</u> §3.10.6:

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

Response:

There may be extraordinary and exceptional conditions pertaining to the 19.13-acre property. The applicant's letter of intent states, "The Ladson school parcels are zoned GO, which includes a 35' height limit, or 2.5 stories (whichever is less). Surrounding parcels along Ladson Road are primarily zoned CC or IN, which allow a 55' height limit. For the school use, the 35' height limit creates coordination issues with the building's structural, mechanical, electrical, and fire protection systems in certain areas of the building." Therefore, the request may meet this criterion.

§3.10.6(2): **Response:** 

These conditions do not generally apply to other property in the vicinity;

These conditions may not generally apply to other property in the vicinity. The applicant's letter of intent states, "The conditions are unique to this property due to its educational use. Designing school buildings to meet current building codes increases the size of structural & mechanical systems (due to seismic/wind structural design & fresh air/ductwork requirements) and vertical clearance is required above ceilings for these systems to be installed in a coordinated manner." Therefore, the request may meet this criterion.

§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 4 Base Zoning Districts, Article 4.18 GO, General Office District, Sec. 4.18.3 Density/Intensity and Dimensional Standards, may unreasonably restrict the utilization of the property. The applicant's letter of intent states, "For the school use, the 35' height limit creates coordination issues with the building's structural, mechanical, electrical, and fire protection systems for a new 2-story building. The school district is committed to providing equitable facilities for schools around the district, and the additional building height is needed to meet that goal." Therefore, the request may meet this criterion.

§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 this variance request may not be of substantial detriment to the adjacent properties and to the public good, and the character of the OG Zoning District may not be harmed if the variance is granted. The applicant's letter of intent states, "The new 2-story building will be of significant benefit to the public good, by providing a new elementary school building for the Ladson community and will be designed to an equitable level with other new elementary schools throughout the district. The additional height requested provides additional height and space for building systems in the Media Center and along a central corridor - both areas will be utilized by the students on a daily basis and are integral to the performance of the school. The new building is set to the rear of the existing school (which will remain in place) and over 570' off Ladson Road." Therefore, the request may meet this criterion.

§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 <u>meets</u> this criterion.

§3.10.6(6): The need for the variance is not the result of the applicant's own actions; The need for the variance may be the result of the applicant's own actions. However, the applicant's letter of intent contends, "The variance request

will allow for adequate vertical space within the building for coordination and installation of the new school building's structural, mechanical, electrical, and fire protection systems. Designing school buildings to meet current codes increases the size of structural & mechanical systems (due to seismic/wind structural design & fresh air/ductwork requirements) and vertical clearance is required above ceilings for these systems to be installed in a coordinated manner." Therefore, the request <a href="may meet">may meet</a> this criterion.

§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 not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance if the Board finds that the strict application of the provisions of the Ordinance results in an unnecessary hardship. In addition, the applicant's letter of intent states, "The area of the building for which the height increase requested is minimal, and the variance request does not conflict with other zoning requirements."

Therefore, the request  $\underline{may\ meet}$  this criterion.

#### **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-11-22-00622 [Variance request to exceed the maximum height requirement in the General Office (GO) Zoning District for the new Ladson Elementary School at 3321 Ladson Road (TMS # 390-00-00-079) in the North 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 condition:

1. Prior to zoning permit approval, the applicant shall complete the Site Plan Review process.



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

Property Information						
Subject Property Address: 3321 Ladson Road, Ladson, SC 29456						
Tax Map Number(s): 390-00-079.						
Current Use of Property: Educational (Elementary School)						
Proposed Use of Property: Educational (Elementary School)						
Applicant Information (Required)						
Applicant Name (please print): Angela Barnette						
Name of Company (if applicable): Charleston County School District						
Mailing Address: 3999 Bridge View Drive						
City: Charleston	State: SC		Zip Code: 29405			
Email Address: angela_barnette@charleston.k12.sc.us Phone #: 843-566-1995						
Applicant Signature:	Applicant Signature:					
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)						
Print Representative Name and Name of Company: Margie Longshore, SMHa, Inc.						
Mailing Address: 400 Hibben Street						
City: Mount Pleasant	State: SC		ip Code: 29464			
Email Address: m.longshore@smha.com		Phone #: <b>{</b>	#: 843-972-6070			
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):						
Name of Company (if applicable, LLC etc.):						
Property Owner(s) Mailing Address:						
City:	State: Zip	Code:	Phone #:			
Property Owner(s) Email Address:						
Property Owner(s) Signature:			Date:			
FOR OFFICE USE ONLY:						
Zoning District: 60 Flood Zor	ne: X (280 k)	Date Filed: 1	Charlet			
Application #: BZA-11-22-00622 TMS #: 390-00-00-079 Staff Initials: Card						
			00			

#### **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.)

Request for Variance to Charleston County Zoning Ordinance Article 4.18 GO Maximum Height limit. For construction of a New Ladson Elementary School, the majority of the new structure falls under the 35' height limit. A small portion of the new 2-story school would exceed the allowable height of 35' (13% of the building footprint area exceeds the 35' height limit). The majority of the new building that exceeds the height limit is 37'-3" high, and a small portion (highest point of a sloped roof) is 41'-4" high. The new building is set to the rear of the existing school (which will remain in place) and will be over 570' off of Ladson Road. Exhibit drawings are attached (sheets A302.1 and A302.2).

### 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:

The Ladson school parcels are zoned GO, which includes a 35' height limit, or 2.5 stories (whichever is less). Surrounding parcels along Ladson road are primarily zoned CC or IN, which allow a 55' height limit. For the school use, the 35' height limit creates coordination issues with the building's structural, mechanical, electrical, and fire protection systems in certain areas of the building.

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

The conditions are unique to this property due to its educational use. Designing school buildings to meet current building codes increases the size of structural & mechanical systems (due to seismic/wind structural design & fresh air / ductwork requirements) and vertical clearance is required above ceilings for these systems to be installed in a coordinated manner.

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:

For the school use, the 35' height limit creates coordination issues with the building's structural, mechanical, electrical, and fire protection systems for a new 2-story building. The school district is committed to providing equitable facilities for schools around the district, and the additional building height is needed to meet that goal.

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 new 2-story building will be of significant benefit to the public good, by providing a new elementary school building for the Ladson community, and will be designed to an equitable level with other new elementary schools throughout the district. The additional height requested provides additional height and space for building systems in the Media Center and along a central corridor -- both areas will be utilized by the students on a daily basis and are integral to the performance of the school. The new building is set to the rear of the existing school (which will remain in place) and over 570' off Ladson Road.

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?

Yes. The property use will remain the same - Institutional / Educational, does not extend a Nonconforming Use, and does not change the zoning district boundaries.

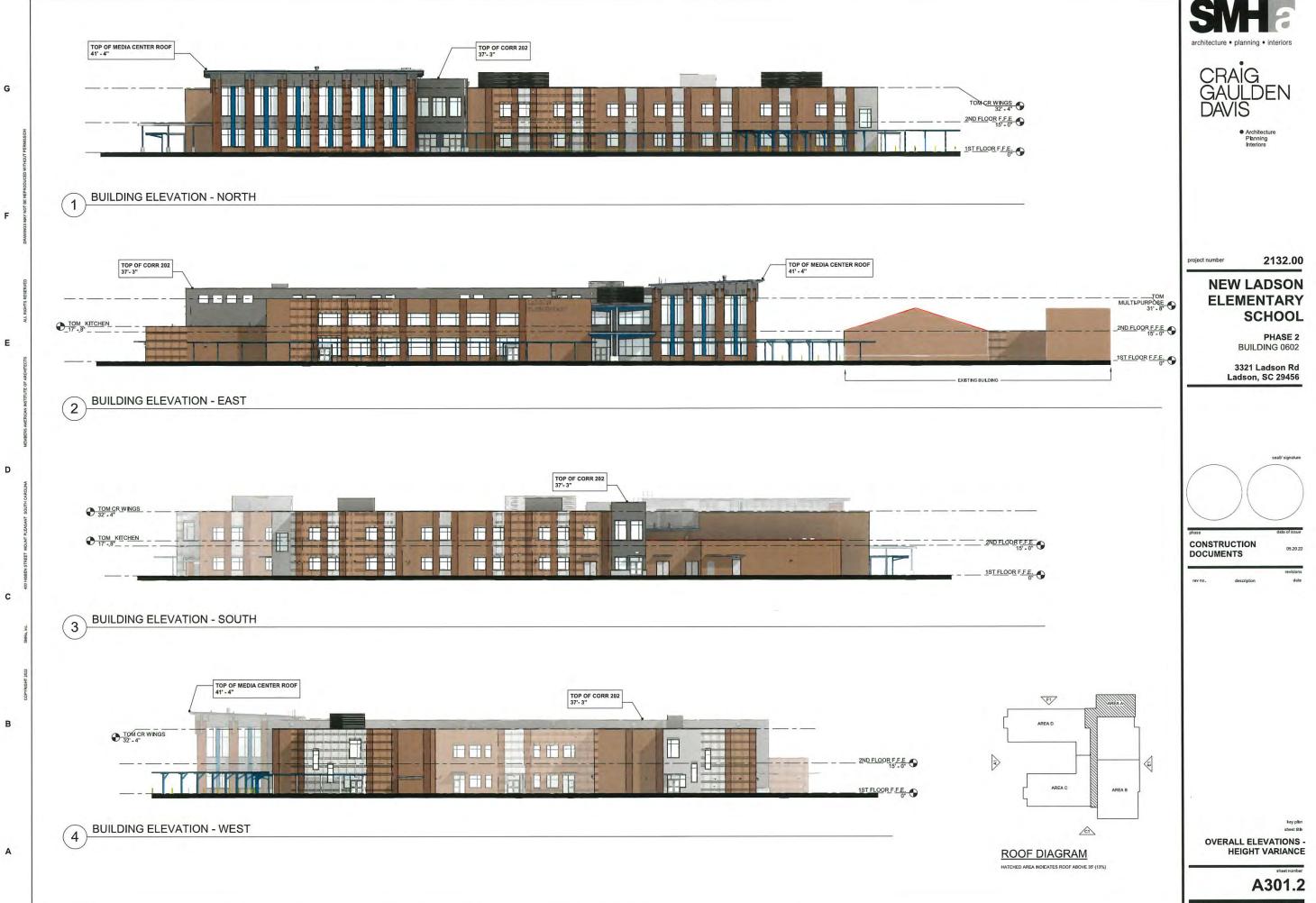
6. Is the need for the variance the result of applicant's own actions? Explain:

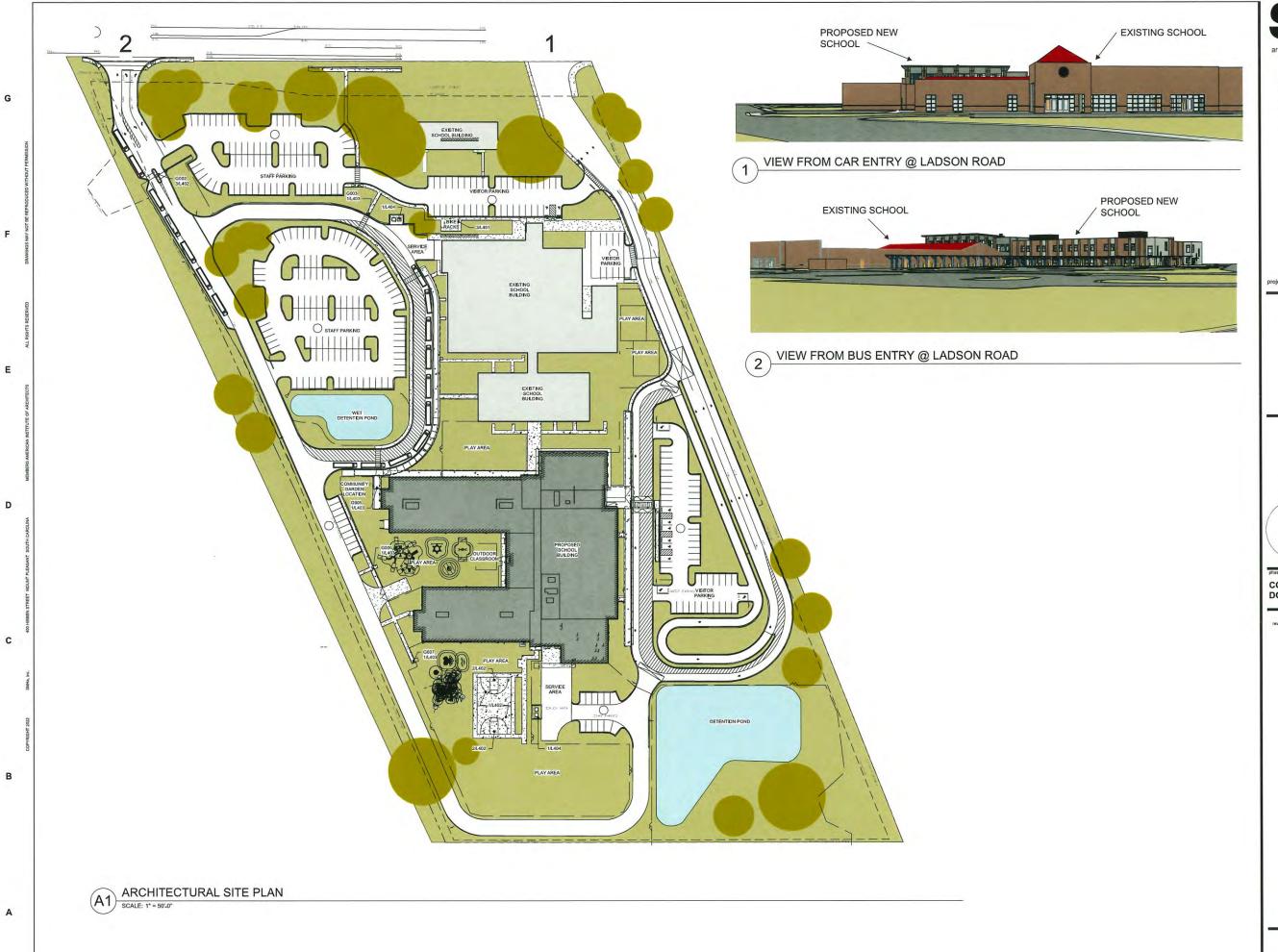
The variance request will allow for adequate vertical space within the building for coordination and installation of the new school building's structural, mechanical, electrical, and fire protection systems. Designing school buildings to meet current codes increases the size of structural & mechanical systems (due to seismic/wind structural design & fresh air / ductwork requirements) and vertical clearance is required above ceilings for these systems to be installed in a coordinated manner.

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

No. The area of the building for which the height increase requested is minimal, and the variance request does not conflict with other zoning requirements.

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.







CRAİG GAULDEN DAVIS

> Architecture Planning Interiors

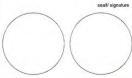
project numbe

2132.00

### NEW LADSON ELEMENTARY SCHOOL

PHASE 2 BUILDING 0602

3321 Ladson Rd Ladson, SC 29456



CONSTRUCTION

DOCUMENTS

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key pl

3D VIEWS - HEIGHT VARIANCE

A302.2

print date: 9/22/20

