



Case # BZA-03-24-00762

Charleston County BZA Meeting of May 6, 2024

Applicant: Joseph Bayless, EIT, of Earthsource Engineering

Property Owner: Dora Brazelton of Southern Image Landscape, LLC

Property Location: 3252 Benchmark Drive – North Area

TMS#: 390-00-00-456

Zoning District: Industrial (IN) Zoning District

Request: Variance request to waive the pedestrian way (sidewalk) installation requirement for a proposed warehouse.

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 9 Development Standards, Article 9.3 Off-Street Parking and Loading, Sec. 9.3.11 Pedestrian Ways

A. Where Required. Pedestrian ways shall:

- 1. Be provided in all non-residential Development and Major Subdivisions within the Urban and Suburban Areas of the County; and*
- 2. Link surrounding Roadways with Building entrances and between the proposed Development and uses on adjoining Lots.*

B. Placement. Pedestrian ways within public Rights-of-Way shall conform to the construction details for sidewalks contained in Appendix A, Charleston County Road and Drainage Construction Standards.

C. Pervious and low-impact surfaces are encouraged. Alternative-surface walkways may be used when deemed appropriate to surrounding development characteristics by the Zoning and Planning Director: All pedestrian ways must comply with ADA requirements.

Sec. 9.3.11 Pedestrian Ways

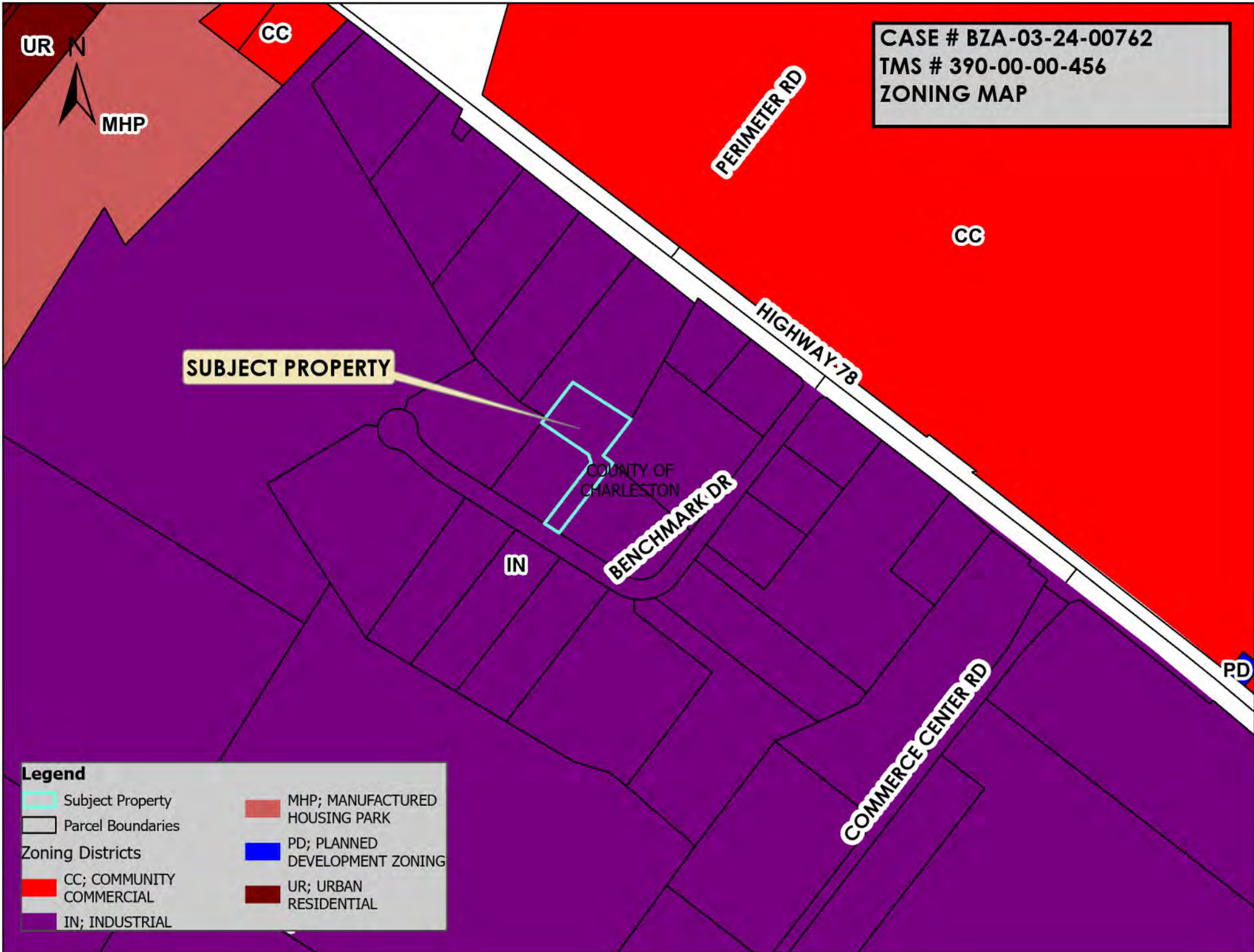
A. **Where Required.** Pedestrian ways shall:

1. Be provided in all non-residential Development and Major Subdivisions within the Urban and Suburban Areas of the County; and
2. Link surrounding Roadways with Building entrances and between the proposed Development and uses on adjoining Lots.

B. **Placement.** Pedestrian ways within public Rights-of-Way shall conform to the construction details for sidewalks contained in Appendix A, *Charleston County Road and Drainage Construction Standards*.

C. Pervious and low-impact surfaces are encouraged. Alternative-surface walkways may be used when deemed appropriate to surrounding development characteristics by the Zoning and Planning Director. All pedestrian ways must comply with ADA requirements.

CASE # BZA-03-24-00762
TMS # 390-00-00-456
ZONING MAP



Legend

Subject Property	MHP; MANUFACTURED HOUSING PARK
Parcel Boundaries	PD; PLANNED DEVELOPMENT ZONING
Zoning Districts	
CC; COMMUNITY COMMERCIAL	UR; URBAN RESIDENTIAL
IN; INDUSTRIAL	

MASON
POND PL

CASE # BZA-03-24-00762
TMS # 390-00-00-456
300' RADIUS MAP

PERIMETER

SUBJECT PROPERTY

HIGHWAY-7

BENCHMARK DR

COMMERCE CENTER RD

001

159

219

215

197

198

208

456

192

194

207

193

203

212

202

199

217



CASE # BZA-03-24-00762
TMS # 390-00-00-456
AERIAL VIEW

PERIMETER RD

HIGHWAY 78

BENCHMARK DR

SUBJECT PROPERTY



CASE # BZA-03-24-00762
TMS # 390-00-00-456
AERIAL VIEW

PERIMETER RD

SUBJECT PROPERTY

HIGHWAY 78

PERIMETER RD

BENCHMARK DR

COMMERCE CENTER RD

LADSON INDUSTRY DR



Case # BZA-03-24-00762

BZA Meeting of May 6, 2024

Subject Property: 3252 Benchmark Drive – North Area

Proposal: Variance request to waive the pedestrian way (sidewalk) installation requirement for a proposed warehouse.



Subject Property



Subject Property Flag Shape



Benchmark Drive



Staff Review:

The applicant, Joseph Bayless of Earthsource Engineering, on behalf of the property owner, Dora Brazelton of Southern Image Landscape, LLC, is requesting a variance to waive the pedestrian way (sidewalk) installation requirement for a proposed warehouse at 3252 Benchmark Drive, (TMS # 390-00-00-456) in the North Area of Charleston County. The subject property is currently vacant and is approximately 1.03 acres. The subject property and surrounding properties are located in the Industrial (IN) Zoning District.

The project is currently in the Site Plan Review process (ZSPR-07-23-00914) for a proposed warehouse. **The applicant's letter of intent explains, "Owner requests relief from Article 9.3.11 of the ZLDR requiring a pedestrian path from the proposed building to the right-of-way where no roadside sidewalk currently exists."**

Applicable ZLDR requirement

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 9 Development Standards, Article 9.3 Off-Street Parking and Loading, Sec. 9.3.11 Pedestrian Ways, states:

- A. Where Required. Pedestrian ways shall:
 - 1. Be provided in all non-residential Development and Major Subdivisions within the Urban and Suburban Areas of the County; and
 - 2. Link surrounding Roadways with Building entrances and between the proposed Development and uses on adjoining Lots.
- B. Placement. Pedestrian ways within public Rights-of-Way shall conform to the construction details for sidewalks contained in Appendix A, Charleston County Road and Drainage Construction Standards.
- C. Pervious and low-impact surfaces are encouraged. Alternative-surface walkways may be used when deemed appropriate to surrounding development characteristics by the Zoning and Planning Director: All pedestrian ways must comply with ADA requirements.

Staff conducted a site visit on April 17, 2024. Please review the attachments for further details regarding this request.

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 extraordinary and exceptional conditions pertaining to the 1.03-acre property because it is a flag shaped lot. **The applicant's letter of intent states, "The extraordinary condition for this property is that it is a flag lot with over 260 LF flag pole access to a small buildable area set back from the right-of-way. This parcel is also in an industrial park with no other right-of-way sidewalks or pedestrian access."** Therefore, the request meets this criterion.

§3.10.6(2): *These conditions do not generally apply to other property in the vicinity;*
Response: These conditions do not generally apply to other properties in the vicinity. The **applicant's** letter of intent states, **"The property is unique in its shape compared to other properties in the area with greater frontage, however no surrounding properties have pedestrian sidewalk access."** Therefore, the request meets 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 9 Development Standards, Article 9.3 Off-Street Parking and Loading, Sec. 9.3.11 Pedestrian Ways to 3252 Benchmark Drive may unreasonably restrict the utilization of the **property. The applicant's letter of intent states, "The application of this ordinance would unreasonably restrict the utilization of the property by further encumbering a narrow 50-foot flag access portion of the property already being used for access drive, County drainage ditch and 40' easement as well as sewer easement. Also, this would prevent the owner from keeping the site secure from access with fencing."** Therefore, the request meets 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 or to the public good, and the character of the Industrial (IN) Zoning District may not be harmed if the variance is granted. In addition, **applicant's letter of intent states, "The granting of the variance will not be of detriment to adjacent properties or negatively impact the character of the district since no other sites in the area have sidewalks or pedestrian access. Granting this variance would be in keeping with neighbors."** Therefore, the request meets 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 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 not be the result of the **applicant's own** actions. **The applicant's letter of intent states, "No. The applicant is seeking the variance due to the nature of the proposed building type (warehouse) and the surrounding industrial buildings that lack sidewalk connectivity or pedestrian access."** Therefore, the request meets 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, "No, the variance will not conflict with the goals of the Charleston County Comprehensive Plan. The variance will not affect the unique character of Charleston County and will not hinder development along Benchmark Drive."** Therefore, the request meets 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-03-24-00762 [Variance request to waive the pedestrian way (sidewalk) installation requirement for a proposed warehouse at 3252 Benchmark Drive, (TMS # 390-00-00-456) 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: 3252 Benchmark Drive Ladson, SC 29456			
Tax Map Number(s): 390-00-00-456			
Current Use of Property: vacant			
Proposed Use of Property: Proposed metal building to store landscape vehicles and equipment.			
Zoning Variance Description: Relief from Article 9.3.11 of the ZLDR (Required pedestrian path).			
Applicant Information (Required)			
Applicant Name (please print): Joseph Bayless, EIT			
Name of Company (if applicable): Earthsource Engineering			
Mailing Address: 962 Houston Northcutt Blvd, Suite 200			
City: Mount Pleasant	State: SC	Zip Code: 29464	
Email Address: baylessj@earthsourceeng.com		Phone #: 843-881-0525	
Applicant Signature: <i>Joseph Bayless</i>		Date: 11/15/2023	
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company: See above			
Mailing Address:			
City:	State:	Zip Code:	
Email Address:		Phone #:	
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): Dora Brazelton			
Name of Company (if applicable, LLC etc.): Southern Image Landscape, LLC			
Property Owner(s) Mailing Address: PO Box 1803			
City: Summerville	State: SC	Zip Code: 29484	Phone #: 843-514-4629
Property Owner(s) Email Address: dora@southernimagelandscape.com			
Property Owner(s) Signature: <i>Dora Brazelton</i>		Date: 11-15-23	
FOR OFFICE USE ONLY:			
Zoning District: 1N	Flood Zone: X (2801K)	Date Filed: 03-25-2024	Fee Paid: \$250.00
Application #: BZA-03-24 00762	TMS #: 390-00-00-456	Staff Initials: <i>YAC</i>	

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.)

Owner requests relief from Article 9.3.11 of the ZLDR requiring a pedestrian path from the proposed building to the right-of-way where no roadside sidewalk currently exists.

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 extraordinary condition for this property is that it is a flag lot with over 260 LF flag pole access to a small buildable area set back from the right-of-way. This parcel is also in an industrial park with no other right-of-way sidewalks or pedestrian access.

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

The property is unique in its shape compared to other properties in the area with greater frontage, however no surrounding properties have pedestrian sidewalk access.

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

The application of this ordinance would unreasonably restrict the utilization of the property by further encumbering a narrow 50 foot flag access portion of the property already being used for access drive, County drainage ditch and 40' easement as well as sewer easement. Also, this would prevent the owner from keeping the site secure from access with fencing.

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 granting of the variance will not be of detriment to adjacent properties or negatively impact the character of the district since no other sites in the area have sidewalks or pedestrian access. Granting this variance would be in keeping with neighbors.

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 granting of the variance does not make the property more profitable nor does it have anything to do with the use of the site.

6. Is the need for the variance the result of your own actions? Explain:

No. The applicant is seeking the variance due to the nature of the proposed building type (warehouse) and the surrounding industrial buildings that lack sidewalk connectivity or pedestrian access.

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

No, the variance will not conflict with the goals of the Charleston County Comprehensive Plan. The variance will not affect the unique character of Charleston County and will not hinder development along Benchmark Drive.

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.



INSET A

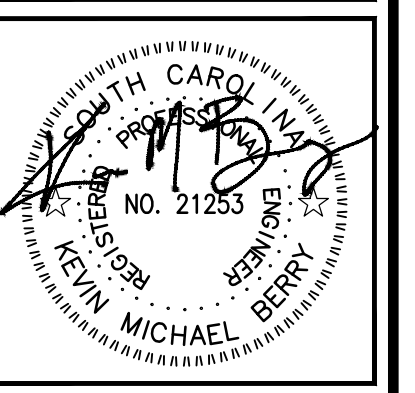
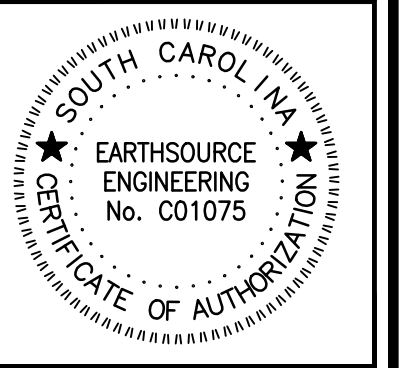
COLOR LEGEND:

- PROPOSED BUILDING
- PROPOSED POND/EXISTING DITCH
- PEDESTRIAN WAY
- GREEN SPACE

PARCEL INFORMATION CHART	
PARCEL TMS#:	390-00-00-456
PARCEL ADDRESS	3252 BENCHMARK DR.
PARCEL ZONING:	(IN) INDUSTRIAL
PARCEL AREA	44,879.27 SQ.FT.
PROPOSED BUILDING FOOTPRINT	3,776 SQ.FT.

LEGEND:

- PROPERTY LINE
- ADJACENT PROPERTY
- EDGE OF PAVEMENT
- BUFFER LINE
- IRON PIPE FOUND
- IRON PIPE SET 5/8" REBAR
- EXISTING 6" WOOD FENCE
- EXISTING POWER POLE
- EXISTING LIGHT POLE
- EXISTING ASPHALT
- EXISTING CONCRETE
- PROPOSED ASPHALT PARKING
- PROPOSED CONCRETE
- PROPOSED ASPHALT IN R/W



SOUTHERN IMAGE LANDSCAPE
3252 BENCHMARK DRIVE
LADSON, SC 29456
BZA EXHIBIT

PRELIMINARY PERMIT DOCUMENTS
SHEET NUMBER
C-BZA

RECORDED

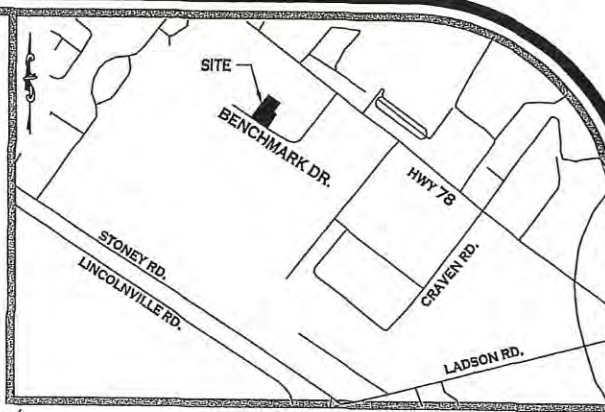
DATE: 10/26/2019 TIME: 3:24:52 PM
 Book-Page: S19 0247 DocType: Small Plat
 Michael Miller, Register, Charleston County, SC

Record Fee: \$25.00
 Postage: \$0.00
 TOTAL: \$25.00
 Filed By: CHARLESTON COUNTY PLANNING
 Date: 10/25/2019
 Location: BENCHMARK DR

APPROVED PLAT

Jamasa Henry Del Egan
 Director of Planning
 Charleston County Planning Commission

SBA 10230 10 25 2019



REFERENCES:

1. PLAT ENTITLED, "HIGHWAY 78 INDUSTRIAL PARK NORTH AREA (NEAR LADSON) CHARLESTON COUNTY, S.C. FINAL PLAT OF THE SUBDIVISION OF A 11.40 ACRE TRACT INTO A 1.59 ACRE TRACT...", RECORDED IN THE CHARLESTON COUNTY ROD OFFICE ON DECEMBER 19, 1996 IN PLAT BOOK EB PAGE 498.

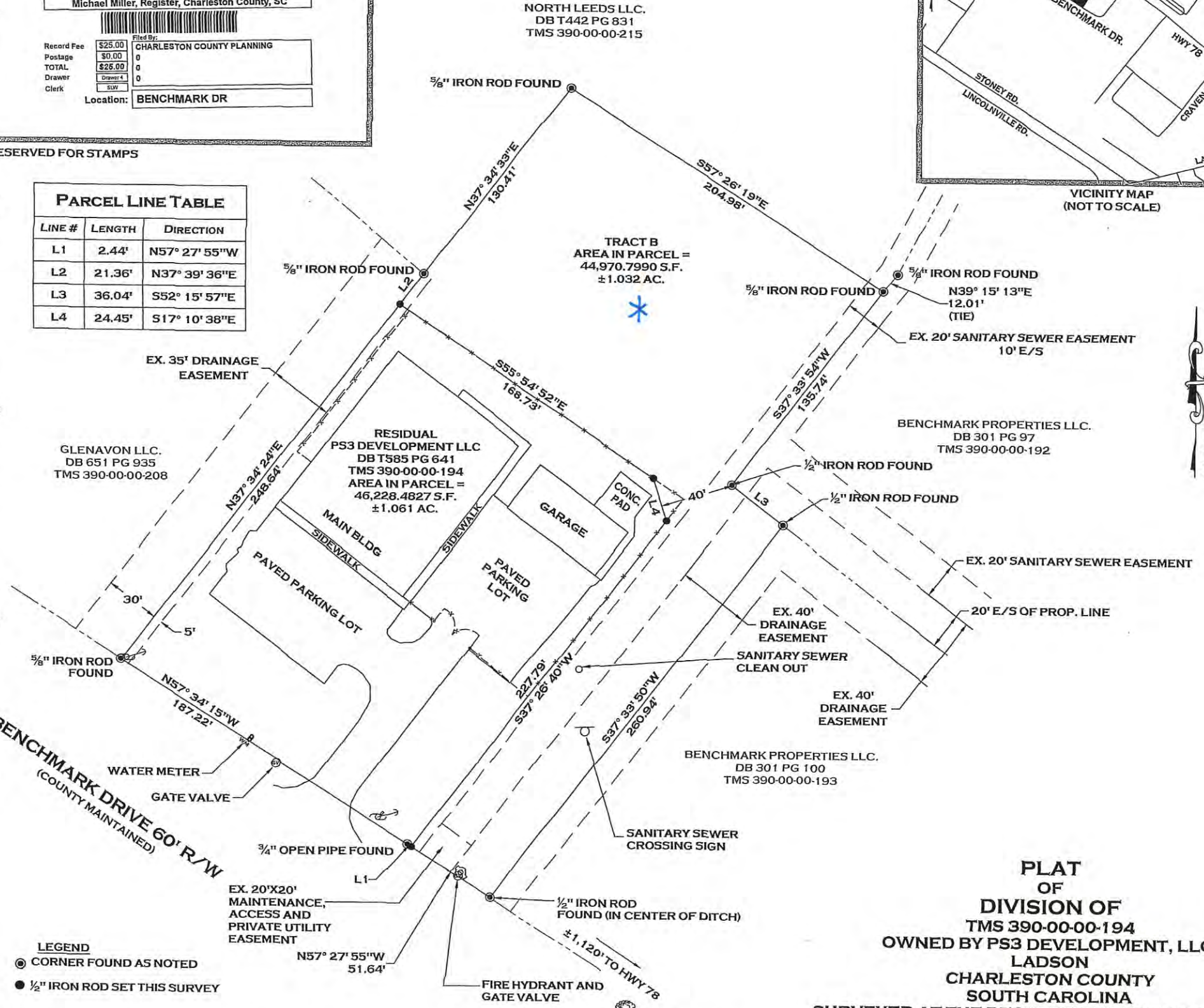
RESERVED FOR STAMPS

PARCEL LINE TABLE

LINE #	LENGTH	DIRECTION
L1	2.44'	N57° 27' 55"W
L2	21.36'	N37° 39' 36"E
L3	36.04'	S52° 15' 57"E
L4	24.45'	S17° 10' 38"E

NOTES:

1. AREA DETERMINED BY COORDINATE METHOD.
2. DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.
3. ANYTHING OUTSIDE THE DEFINED BOUNDARY IS FOR DESCRIPTIVE PURPOSES ONLY.
4. NO INVESTIGATION OR INDEPENDENT SEARCH HAS BEEN MADE FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
5. THIS SURVEY DOES NOT INTEND TO SHOW THE EXISTENCE OR NONEXISTENCE OF U.S. ARMY CORPS OF ENGINEERS "JURISDICTIONAL FRESHWATER WETLANDS".
6. THIS PLAT OR SURVEY SHOWS ALL UTILITIES EVIDENT AT THE TIME OF THE SURVEY. NO INVESTIGATION TO UNDERGROUND UTILITIES WAS PERFORMED.
7. THE PUBLIC RECORDS REFERENCED ON THIS PLAT OR SURVEY, ARE ONLY THOSE USED AND/OR NECESSARY FOR THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
8. THIS PROPERTY IS LOCATED IN ZONE "X" AND IS LOCATED ON FEMA MAP PANEL 45019C0280J, EFFECTIVE DATE NOVEMBER 17, 2004, COMMUNITY NUMBER 455413.
9. THIS PROPERTY IS ZONED - I (INDUSTRIAL)
10. THE UNITED STATES ARMY CORPS OF ENGINEERS HAS NOT MADE A DETERMINATION OF THE PRESENCE OR ABSENCE OF WETLANDS AND/OR WATER OF THE UNITED STATES ON THIS PROPERTY/THESE PROPERTIES AS OF THE DATE OF APPROVAL/RECORDING OF THIS PLAT.
11. CHARLESTON COUNTY MAY REQUIRE A JURISDICTIONAL DETERMINATION BY THE UNITED STATES ARMY CORP OF ENGINEERS ON THIS PROPERTY/ THESE PROPERTIES PRIOR TO THE ISSUANCE OF ZONING PERMITS FOR LAND DEVELOPMENT ACTIVITIES.
12. NO GRAND TREES ARE WITHIN ACCESS EASEMENTS, DRAINAGE EASEMENTS, OR RIGHTS-OF-WAYS.
13. TRACT B WILL BE SERVED BY CHARLESTON WATER SYSTEM FOR WATER SERVICE AND NORTH CHARLESTON SEWER DISTRICT FOR SANITARY SEWER.



LEGEND

● CORNER FOUND AS NOTED

● 1/2" IRON ROD SET THIS SURVEY

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN.

Matthew L. Blackwell #36197
 MATTHEW L. BLACKWELL S.C.P.L.S. #36197
 THIS PLAT IS INVALID UNLESS IT CONTAINS THE ORIGINAL SIGNATURE AND EMBOSSED SEAL OF THE ABOVE STATED SURVEYOR



PLAT OF DIVISION OF TMS 390-00-00-194 OWNED BY PS3 DEVELOPMENT, LLC. LADSON CHARLESTON COUNTY SOUTH CAROLINA SURVEYED AT THE REQUEST OF PATRICK SULLIVAN DATE OF SURVEY: JUNE 26, 2019

WOODLAND LAND SURVEYING, LLC

4837 GILPEN CT., SUMMERVILLE, SC, 29485 • PHONE: (O) 276-492-6914
 woodlandsurveying@gmail.com (C) 843-754-8977
 www.woodlandlandsurveying.com
 Licensed in South Carolina, Virginia, and Tennessee

