



THE CITY OF  
**GOOSE CREEK**

BERKELEY CO. EST. 1961 SO. CAROLINA

**ZONING BOARD OF APPEALS  
MONDAY, FEBRUARY 1, 2021  
6:30 PM**

**MARGUERITE BROWN MUNICIPAL CENTER  
CITY HALL COUNCIL CHAMBERS  
519 N. GOOSE CREEK BLVD.  
GOOSE CREEK, SOUTH CAROLINA**

# MEMORANDUM

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**TO:** MEMBERS OF THE ARCHITECTURAL REVIEW BOARD

**FROM:** LILI ORTIZ-LUDLUM, ADMINISTRATIVE ASSISTANT

**DATE:** JANUARY 29, 2021

**SUBJECT:** MEETING NOTIFICATION

**WHERE:** CITY HALL COUNCIL CHAMBERS

This is to remind everyone that the next meeting of the Zoning Board of Appeals is scheduled for Monday, February 1, 2021 at 6:30 p.m. at City Hall.

Please review the enclosed packet. Should you have any questions or comments prior to Monday's meeting, please do not hesitate to contact Brenda Moneer, Planning and Zoning Technician (x1116) or Mark Brodeur, Planning and Zoning Director(x.1118) at 843-797-6220.

You will be hearing two requests for Conditional Use Permits. Please see the enclosed staff reports for the details and ordinance criteria for granting a conditional use as outlined below.

## **CONDITIONAL USE PERMIT CRITERIA**

(C) To permit conditional uses subject to the terms and conditions for the uses as set forth below. (See **CONDITIONAL USE**.) Conditional uses may be allowed after determination by the ZBA of additional controls required, and after the holding of a public hearing. A listed conditional use ([Appendix B](#)) is eligible for location within the subject zoning district, if all of the following conditions can be clearly demonstrated to exist:

- (1) Setbacks, buffers, fences or planting strips protect adjacent properties from adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;
- (2) Vehicular traffic flow would not increase, and pedestrian movement would not be diminished or endangered;
- (3) Off-street parking and loading, and ingress/egress points of proposed uses will be adequate as to location, capacity and design;
- (4) Property values, general character and welfare of nearby areas will not be deteriorated;
- (5) The proposed use shall be in accordance with the purpose and intent of the city's Comprehensive Plan, this chapter and other rules and regulations;
- (6) The proposed use shall be compatible with the existing neighborhood character and be consistent with the character and purpose of the applicable zoning district;
- (7) The proposed use shall not adversely affect surrounding land use, as measured in terms of its physical size, intensity of use, visual impact and proximity to other structures;
- (8) The proposed use complies with all applicable development standards of the city;
- (9) The proposed use is not detrimental to the public health, safety or general welfare of the city and its citizens;
- (10) The proposed use shall not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, of the vehicular movement, of noise or fumes or of the type of physical activity;
- (11) The proposed use shall not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site;
- (12) The proposed use shall not create glare from vehicular and stationary lights and the extent to which the lights will be visible from the adjacent zoning districts;

(13) The proposed use shall not destroy, create a loss or cause damage to natural, scenic or historic features of significant importance;

(14) In the consideration of a conditional use, the ZBA shall not grant permission based on the circumstances of the applicant, or on unnecessary hardship;

(15) The ZBA reserves the right to revoke any conditional use permit that it has issued if it determines that the applicant or operator has failed to maintain and conduct the use in accordance with the conditions imposed on the conditional use. The ZBA shall give the applicant written notice of its intent to revoke the conditional use permit, and, if within ten calendar days of receipt of the notice the applicant submits a request for a hearing to the Secretary, the ZBA shall schedule a public hearing and provide the applicant with the opportunity to be heard prior to deciding whether to revoke the permit;

(16) The provisions for revocation of conditional use permits shall not be deemed to preclude any other legal remedy with respect to violation of the provision of this chapter or other rules and regulations of the city; and

(17) In approving a conditional use, the ZBA may impose the conditions and restrictions as in its opinion will accomplish the intent of this chapter.

(D) In exercising the above powers, the ZBA may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. The ZBA, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify the fact to the circuit court having jurisdiction.

(1985 Code, Art. IX, § 902) (Ord. 99-006, passed 4-13-1999; Ord. 99-013, passed 8-10-1999)



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MINUTES

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**MINUTES  
CITY OF GOOSE CREEK  
ZONING BOARD OF APPEALS MEETING  
SEPTEMBER 3, 2020 5:30 P.M.  
VIA VIDEO CONFERENCE (ZOOM)**

**I. CALL TO ORDER**

Chairman Clift called the meeting to order at 5:30 p.m.

**II. ROLL CALL**

Chairman Clift defined the duties and powers of the Zoning Board of Appeals (ZBA) per the City's Code of Ordinance. Mrs. Moneer initiated roll call.

**Present:** Butch Clift, Larry Monheit, Thomas Volkmar, James Fisk, Gerald Stinson  
**Absent:** Bakari Jackson; Jason Dillard  
**Staff Present:** Mark Brodeur; Brenda Moneer  
**City Council Present:** Christopher Harmon

**III. REVIEW OF MINUTES FROM JULY 30, 2020 (*Note: Review of Minutes was done after the Public Hearing*)**

**MOTION:** A motion was made to approve the July 30, 2020 minutes as written. **MOVED BY** Board Member Volkmar. **SECONDED BY** Board Member Fisk.  
**DISCUSSION:** None  
**VOTE:** All in favor (5-0). Motion carried.

**IV. PUBLIC HEARING**

**REQUEST FOR VARIANCE FOR RELIEF FROM THE REQUIRED LOT SETBACK FOR PROPERTY DESIGNATED AS TMS# 243-00-00-072.**

Chairman Clift read the public hearing request, gave the testimony of oath to those parties to speak for or against the request, and opened the public hearing.

Mr. Brodeur presented Staff Report. He stated the applicant is seeking a relief for a side set back from ten feet to three feet. He stated the parcel is a narrow, infilled lot located between two developed properties with two street frontages. Mr. Brodeur stated an unusual aspect of this property is underground utilities are located on the site; due to this, the applicant cannot build on top of the utilities.

The applicant presented his request for a variance. He stated this project went before the Architectural Review Board (ARB) and the approval is contingent upon the ZBA's approval.

He stated the site is currently wooded with pine trees, undergrowth, and trash. He stated he is asking for a variance to the side setback located on the South of the property. The applicant stated he is asking for a variance in the area of the building. He presented an exhibit showing lines that are labeled UGE. He stated UGE is an abbreviation for the underground utilities. He stated the underground utilities located North on the property are called express lines and are impossible to relocate. He stated the underground utilities located closest to the building are able to be relocated, which is his intention.

The applicant presented the concept of Take 5. He stated it is perfect for this climate as the customer does not have to leave their cars for an oil change and it is typically done in 15 minutes. The applicant stated he is excited to bring it to Goose Creek.

The applicant listed three reasons he considered to be a hardship:

1. Width of the property.
2. Underground powerlines take up 30% of the property.
3. Vehicular circulation.

The applicant worked through different orientations for the building on the property, however he believes the only way to make this project work is the proposal that is in the application due to vehicular traffic. Board Member Volkmar stated the applicant listed in detail the hardship criteria's in the supporting documents. A board member inquired if drainage will be an issue. The applicant stated an underground retention system will reduce the amount of storm water on the site. A board member inquired if traffic will be safe when it exits onto St. James Ave. The applicant stated it will be a right in and right out and there will be stop signs.

Mr. Clift inquired if anyone from the public is for or against this request. Mrs. Moneer stated no one from the public submitted any comments for or against this proposal. Discussion regarding stacking cars at the Bridgetown exit ensued.

Mr. Brodeur summarized the project stating it meets the requirements for the variance request.

**BOARD MEMBER MONHEITT MADE A MOTIONED TO CLOSE THE PUBLIC HEARING. BOARD MEMBER STINSON SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.**

Board Member Monheit stated he would like to see a guarantee that the drainage is met.

**MOTION:** A motion was made to approve the application for a variance for TMS 243-00-00-072 for a resulting three foot set back on the Southern boarder seeing that it has met the criteria set forth for a variance outlined in section 151.171C of the Zoning Ordinance; there are extraordinary and exceptional conditions pertaining to the particular piece of property; and as long as this property meets the drainage and other city requirements.  
**MOVED BY** Board Member Volkmar. **SECONDED BY** Board Member Monheit.

**DISCUSSION:** None

**VOTE:** All in favor (5-0). Motion carried.

**BOARD MEMBER STINSON MADE A MOTION TO GO BACK INTO PUBLIC HEARING. BOARD MEMBER MONHEIT SECONDED. ALL IN FAVOR, NONE OPPOSED. MOTION CARRIED.**

**V. COMMENTS FROM THE BOARD**

No comments from the board

**VI. COMMENTS FROM STAFF**

No comments from staff.

**VII. ADJOURNMENT**

Board Member Fisk made a motion to adjourn. Board Member Monheit seconded. All voted in favor (5-0). The meeting ended at 6:02 p.m.

\_\_\_\_\_ **Date:** \_\_\_\_\_, 2020  
**Butch Clift, Chairman**



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**PUBLIC HEARING:**

CUP REQUEST FOR OLD BACK RIVER ROAD

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**STAFF REPORT FOR THE  
CITY OF GOOSE CREEK ZONING BOARD OF APPEALS**



For reference, the City of Goose Creek Code of Ordinances are available online at <https://www.cityofgoosecreek.com/government/code-ordinances>

Agenda Item	
<b>Request #:</b>	Conditional Use Permit
<b>Applicant:</b>	Scott Hebebrand
<b>Location/Address:</b>	Old Back River Rd.
<b>Property Owner:</b>	Hebe Land LLC
<b>Tax Map Number:</b>	244-00-00-033/244-14-05-047/048
<b>Current Zoning:</b>	Residential Medium Density (R2)
<b>Proposed Site:</b>	Development of a 63-lot single family subdivision
<b>Parcels combined:</b>	13.37 acres

**TO: ZONING BOARD OF APPEALS**  
**FROM: MARK BRODEUR, PLANNING DIRECTOR**  
**DATE: January 29, 2021**  
**RE: Staff Recommendation:**

The City Planning Staff has reviewed the subject proposal and does not have a suggested “conditional of approval” to add to this project.

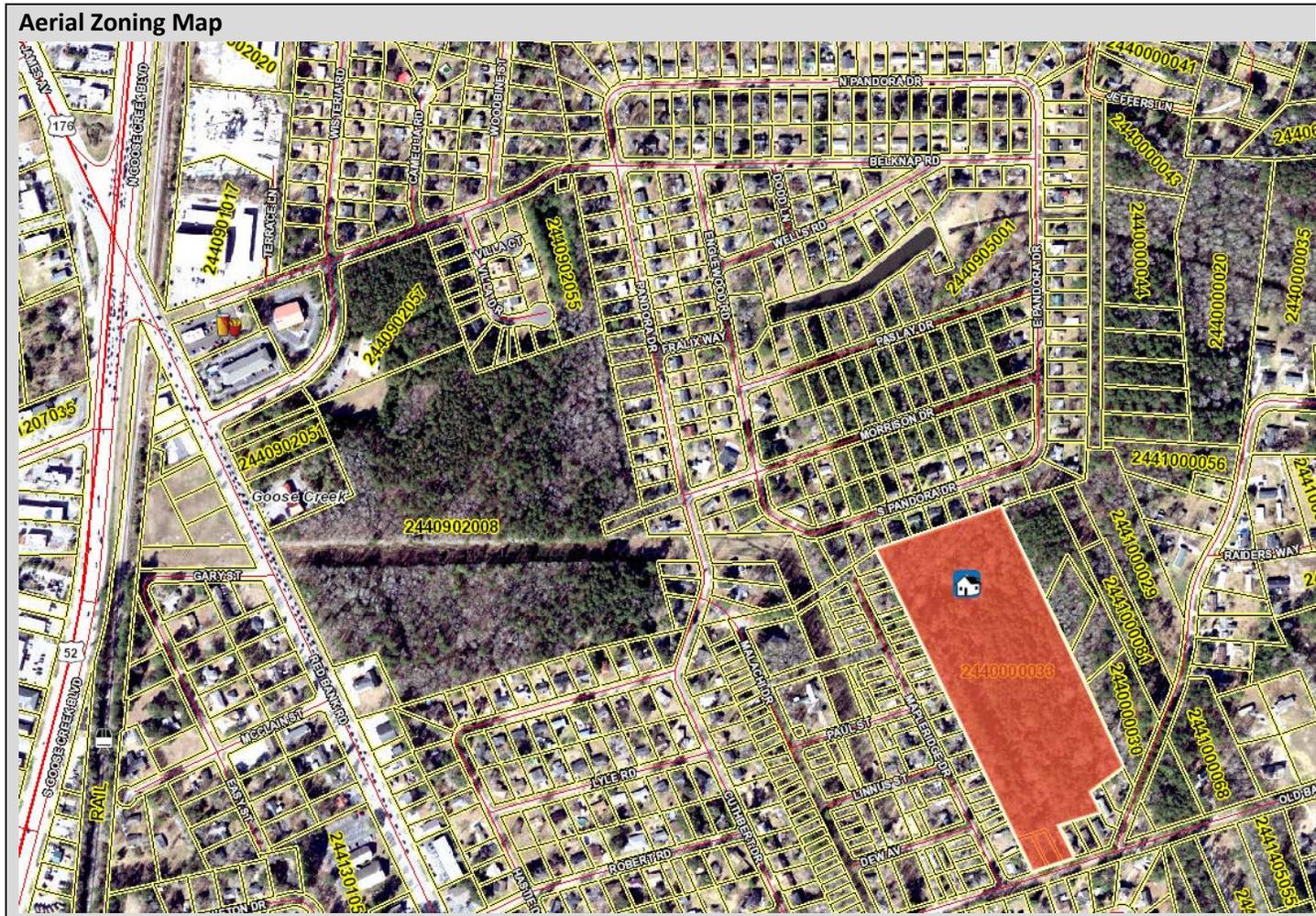
Staff believes this project will be a welcome residential enclave in this part of the City.

**PROPOSED SITE PLAN**

**CSE from the beginning of this project after reviewing the site and meeting with City of Goose Creek Planning Department, we felt it was necessary to create an exhibit that would aid in the Re-Zoning of site and receiving a Conditional Use Permit request for R-3 patio homes for 63 single family detached units, sheet 06.**



Property Zoning to the:		Property Uses to the:	
North:	General Commercial (GC)	North:	Undeveloped & Apartments
South:	General Commercial (GC)	South:	Undeveloped
East:	General Commercial (GC)	East:	Commercial Businesses
West:	Residential Medium Density (R2)	West:	Residential Single-Family Neighborhood
Description			



**LEGEND**

- R1 – Low Density Residential
- R2 – Medium Density Residential
- RC – Restricted Commercial
- GC – General Commercial
- LI – Light Industrial
- Subject Property – Condition Use Permit Application





**Street view of Subject Property from Old Back River looking East**



**Street View of Subject Property from Riverside Circle looking West (wooded area beyond)**



CONDITIONAL USE PERMIT	Applicant comments are shown in red.
<p><b>According to § 151.171 DUTIES AND POWERS of the Zoning Board of Appeals as contained in the City of Goose Creek Zoning Ordinance:</b></p>	
<p>To permit conditional uses subject to the terms and conditions for the uses as set forth below. (See CONDITIONAL USE.) Conditional uses may be allowed after determination by the ZBA of additional controls required, and after the holding of a public hearing. A listed conditional use (Appendix B) is eligible for location within the subject zoning district, if all of the following conditions can be clearly demonstrated to exist:</p>	
<input type="checkbox"/> (1) Setbacks, buffers, fences or planting strips protect adjacent properties from adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;	
<p><i>It is our opinion that the construction of 63 single family detached patio homes, sheet 06, located on this site that has all necessary infrastructure and access with existing development ordinances will not have any negative impact to surrounding areas.</i></p>	
<input type="checkbox"/> (2) Vehicular traffic flow would not increase, and pedestrian movement would not be diminished or endangered;	
<input type="checkbox"/> (3) Off-street parking and loading, and ingress/egress points of proposed uses will be adequate as to location, capacity and design;	
<p><i>151.171 (C)(2)(3) These are addressed by the existing access roads around the project which are adequate to support development of this project. A traffic study will be required to assure the project will not have impact to existing road. The new roadway and infrastructure design and construction shall meet both City of Goose Creek and Berkeley County requirements. Parking for each single-family unit will have a minimum of two (2) parking spaces per dwelling unit.</i></p>	
<input type="checkbox"/> (4) Property values, general character and welfare of nearby areas will not be deteriorated;	
<p><i>Please see Sheet 1, total development cost per lot for the single-family detached patio homes, sheet 06, is \$188,068 per lot and home. Now go to sheet 07 which shows surrounding and home sales, and you will see the value of these patio homes are equal to or above existing sales. We believe that this will improve value and hopefully other properties market upgraded in area.</i></p>	
<input type="checkbox"/> (5) The proposed use shall be in accordance with the purpose and intent of the city's Comprehensive Plan, this chapter and other rules and regulations;	
<p><i>This project is in accordance with the purpose of intent Comprehensive Plan. It is an infill project that uses existing infrastructure in order to adequately support designated and compact growth.</i></p>	

<input type="checkbox"/>	(6) The proposed use shall be compatible with the existing neighborhood character and be consistent with the character and purpose of the applicable zoning district;
	<i>Using the preexisting single family detached zoning allows, makes the project compatible as single-family homes as well as cost compatible also.</i>
<input type="checkbox"/>	(7) The proposed use shall not adversely affect surrounding land use, as measured in terms of its physical size, intensity of use, visual impact and proximity to other structures;
	<i>Actually, we envision this project to enhance the surrounding areas to upgrade. The home sizes will be approximately the same to other single-family homes adjacent to the project.</i>
<input type="checkbox"/>	(8) The proposed use complies with all applicable development standards of the city;
	<i>The proposed use will comply with all applicable development standards of the City of Goose Creek.</i>
<input type="checkbox"/>	(9) The proposed use is not detrimental to the public health, safety or general welfare of the city and its citizens;
	<i>This project will not be detrimental to the safety or general welfare. Hopefully, by being an infill project, it will be an asset to the City.</i>
<input type="checkbox"/>	(10) The proposed use shall not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, of the vehicular movement, of noise or fumes or of the type of physical activity;
	<i>The patio detached single family homes, sheet 06, will not constitute or be a nuisance. All existing surrounding homes are detached single family units.</i>
<input type="checkbox"/>	(11) The proposed use shall not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site;
	<i>We are constructing within this project sidewalks to separate vehicular and pedestrian traffic where possible.</i>
<input type="checkbox"/>	(12) The proposed use shall not create glare from vehicular and stationary lights and the extent to which the lights will be visible from the adjacent zoning districts;
	<i>This proposed use is single family detached homes as the surrounding area is and being no impact on adjacent zoning districts.</i>
<input type="checkbox"/>	(13) The proposed use shall not destroy, create a loss or cause damage to natural, scenic or historic features of significant importance;
	<i>This will have minimal impact on natural features which will be mitigated and no impact on historic features of significant importance.</i>
<input type="checkbox"/>	(14) In the consideration of a conditional use, the ZBA shall not grant permission based on the circumstances of the applicant, or on unnecessary hardship;
	<i>We understand that the ZBA shall not grant permission based on the circumstances of the applicant or unnecessary hardships.</i>
<input type="checkbox"/>	(15) The ZBA reserves the right to revoke any conditional use permit that it has issued if it determines that the applicant or operator has failed to maintain and conduct the use in accordance with the conditions imposed on the conditional use. The ZBA shall give the applicant written notice of its intent to revoke the conditional use permit, and, if within ten calendar days of receipt of the notice the applicant submits a request for a hearing to the Secretary, the ZBA shall schedule a public hearing and provide the applicant with the opportunity to be heard prior to deciding whether to revoke the permit;
	<i>We understand ZBA has the right to revoke any Conditional Use Permit based on information in 151.171 (C)(15).</i>
<input type="checkbox"/>	(16) The provisions for revocation of conditional use permits shall not be deemed to preclude any other legal remedy with respect to violation of the provision of this chapter or other rules and regulations of the city; and
	<i>We understand the revocation of Conditional Use Permit as listed in 151.171 (C)(16).</i>
<input type="checkbox"/>	(17) In approving a conditional use, the ZBA may impose the conditions and restrictions as in its opinion will accomplish the intent of this chapter.
	<i>We understand that in approving a conditional use, the Commission may impose such conditions and restrictions as in its opinion will accomplish the intent of this Ordinance.</i>



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**PUBLIC HEARING:**

CUP REQUEST FOR MARILYN STREET

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# STAFF REPORT FOR THE CITY OF GOOSE CREEK ZONING BOARD OF APPEALS

For reference, the City of Goose Creek Code of Ordinances are available online at  
<https://www.cityofgoosecreek.com/government/code-ordinances>



Agenda Item	
<b>Request #:</b>	Conditional Use Permit
<b>Applicant:</b>	Matthew Sotiropoulos
<b>Location/Address:</b>	Marilyn Street, Goose Creek, SC 29445
<b>Property Owner:</b>	Gloucore LLC
<b>Tax Map Number:</b>	243-08-06-001/002/003/004/005
<b>Current Zoning:</b>	Residential Medium Density (R2)
<b>Proposed Site:</b>	Development of a 48-unit, single building apartment complex
<b>Parcels combined:</b>	2.77 acres

**TO: ZONING BOARD MEMBERS**

**FROM: MARK BRODEUR, PLANNING DIRECTOR**

**DATE: January 29, 2021**

**RE: Staff Recommendation:**

While staff believes the use of multi-family is an appropriate one for this location, we are reminded that this is a request for a conditional use permit. A conditional use permit allows the Board to attach certain “conditions” to the approval that must be followed or the Board can revoke the permit for non-compliance.

Developers who build affordable housing face a lot of hurdles: complex subsidy programs, expensive labor and materials, local land use [regulations](#), and, of course, community opposition. Neighboring residents often worry that low-cost housing will be ugly and comprised of hulking, boxy structures with cheap-looking facades. But while affordable housing developers do have tight budget constraints, there are strategies that allow them to build apartments that are visually appealing and help improve the conditions of the neighborhood.

Staff has reviewed the proposal and remains unimpressed by the exterior design of the building and the site. With this in mind, we recommend the following conditions of approval.

1. Use a durable brick or stone waterboard around the base of the building ( all sides). A water board is the lowest portion of an exterior wall from the ground upwards to a maximum height of 42 inches.
2. Require the use of a very durable exterior wall surface that is low in maintenance such as a horizontal fiber cement siding or better. The use of T-111 or vinyl is specifically prohibited.
3. The use of hip and gable roof forms shall be expressed on the building. A single hip roof is unacceptable.
4. Require the use of covered porch entries that extend outward from the façade to the perimeter sidewalk to add architectural interest and to provide weather protection.

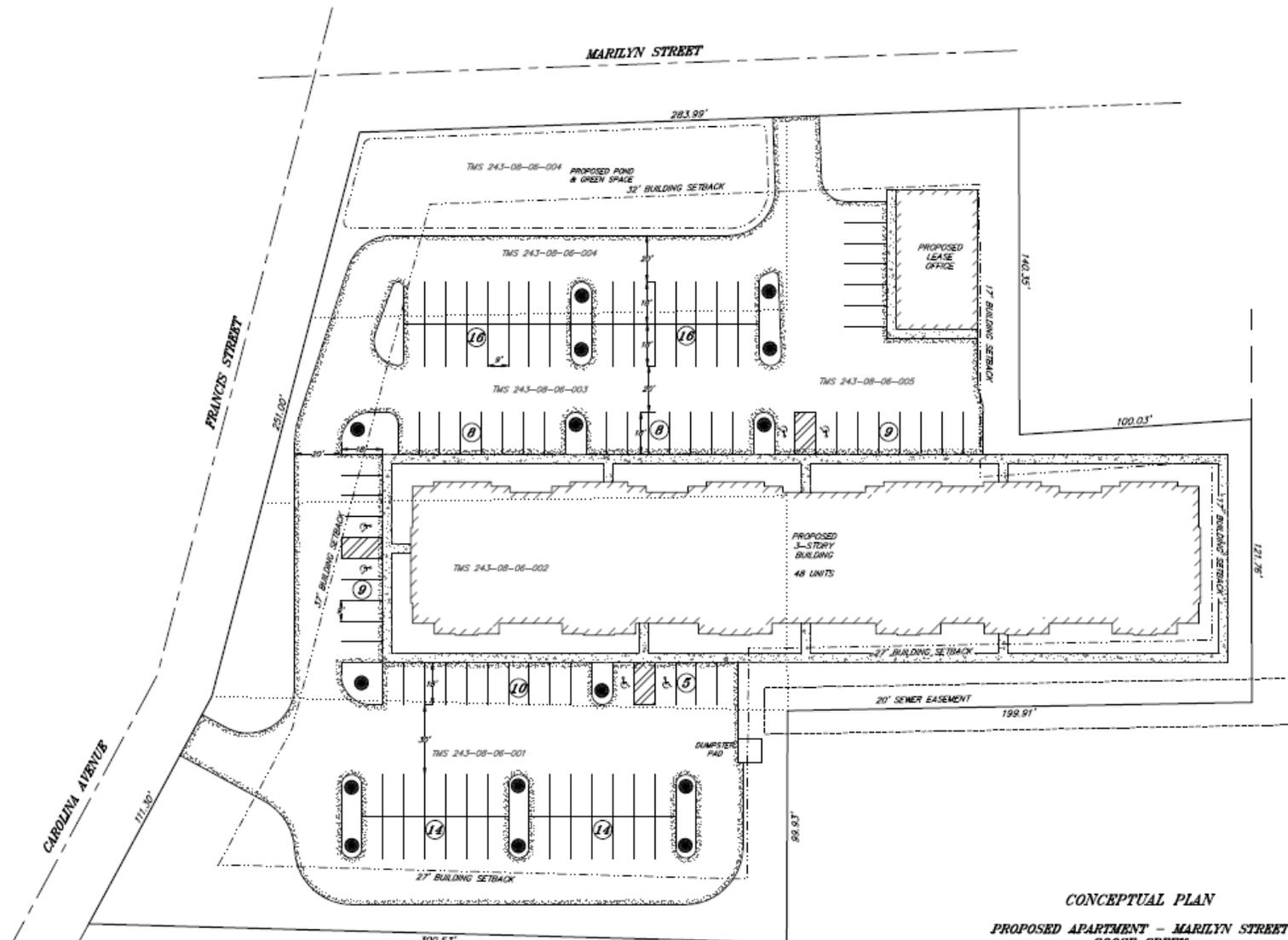
5. Require the submittal of a landscape plan to City staff for review and approval by the Director.
6. Provide covered parking for all of the spaces (60) away from the building island/Lease Office.
7. Provide a six foot high masonry fence along the property lines at rear of project (100.3, 121.76, 199.91).
8. Provide a five-foot wide concrete sidewalk along Francis and Marilyn Street.
9. Enclose dumpster with six foot masonry walls to match the perimeter wall.

## PROPOSED SITE PLAN



PARKING REQUIRED - 108  
 PARKING PLANNED - 109 (OFFICE PARKING NOT INCLUDED)  
 LAND COVERAGE ALLOWED - 48,264  
 LAND COVERAGE PLANNED = 24,540  
 UNITS ALLOWED = 48  
 UNITS PLANNED = 48

BERKELEY COUNTY TMS:  
 243-08-06-001  
 243-08-06-002  
 243-08-06-003  
 243-08-06-004  
 243-08-06-005



**TIM  
 ELMER  
 RLS,  
 LLC**  
 523 MAN O'WAR LANE  
 MONCIE CORNER, SC 29461  
 Phone: (843) 482-0795  
 CEImer.TERLS@gmail.com

- LEGEND**
- PROPERTY LINE
  - ..... PROPOSED ABANDONED PROPERTY LINE
  - ADJACENT PROPERTY LINE
  - - - - - RIGHT OF WAY LINE
  - - - - - CENTERLINE OF RIGHT OF WAY
  - - - - - EASEMENT LINE

**CONCEPTUAL PLAN**  
**PROPOSED APARTMENT - MARILYN STREET**  
**GOOSE CREEK**  
**BERKELEY COUNTY**  
**SOUTH CAROLINA**  
 NOVEMBER 18, 2020 SCALE: 1" = 30'  
 30 0 15 30 60 120  
 ( IN FEET )  
 1 inch = 30 ft.

Property Zoning to the:		Property Uses to the:	
North:	General Commercial (GC)	North:	Undeveloped & Apartments
South:	General Commercial (GC)	South:	Undeveloped
East:	General Commercial (GC)	East:	Commercial Businesses
West:	Residential Medium Density (R2)	West:	Residential Single-Family Neighborhood
Description			

**Aerial Zoning Map**



**LEGEND**

- R1 – Low Density Residential
- R2 – Medium Density Residential
- RC – Restricted Commercial
- GC – General Commercial
- LI – Light Industrial
- Subject Property – Condition Use Permit Application

Satellite Imagery of Subject Property located at the corner of Marilyn and Carolina Ave.



Street View of Subject Property from Marilyn Street looking east.



Street view of Subject Property from Carolina Avenue looking South



Street View of Subject Property from Marilyn Street looking West.



**CONDITIONAL USE PERMIT**

**Applicant comments are shown in red.**

**According to § 151.171 DUTIES AND POWERS of the Zoning Board of Appeals as contained in the City of Goose Creek Zoning Ordinance:**

To permit conditional uses subject to the terms and conditions for the uses as set forth below. (See CONDITIONAL USE.) Conditional uses may be allowed after determination by the ZBA of additional controls required, and after the holding of a public hearing. A listed conditional use (Appendix B) is eligible for location within the subject zoning district, if all of the following conditions can be clearly demonstrated to exist:

- (1) Setbacks, buffers, fences or planting strips protect adjacent properties from adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;

*Structure will have greater setbacks than the bare minimum where applicable to protect adjacent properties from adverse influence of the items listed above. Initial plan to leave minimum of 10ft vegetation buffer on southern and eastern lot lines.*

- (2) Vehicular traffic flow would not increase, and pedestrian movement would not be diminished or endangered;

*Ingress and egress roads placed away from the intersection of Carolina Ave/Marilyn street to reduce potential impact of additional traffic flow.*

- (3) Off-street parking and loading, and ingress/egress points of proposed uses will be adequate as to location, capacity and design;

*Parking will adhere to city ordinance guidelines, 9'x18' parking stalls. 109 stalls planned.*

- (4) Property values, general character and welfare of nearby areas will not be deteriorated;

*Multifamily new construction in this area will greatly increase the value of the surrounding properties. Marilyn street has not seen much improvement in the past 20 years, and this would make appropriate use of undeveloped land that now is subject to litter, loitering, and trespassers.*

- (5) The proposed use shall be in accordance with the purpose and intent of the city's Comprehensive Plan, this chapter and other rules and regulations;

*A comment from a resident on the 2021 Comprehensive Plan Proposal suggested, "If the residential component isn't affordable and/or for 55+, then we don't need any more housing included."  
The project plans to offer rental rates to residents that meet 80% of Area Median Income established by HUD for Berkeley county. A comparable project would be Etiwan Place Apartments finished in 2019. This site was pre-leased and has a waitlist into 2022. Located behind Shannon Park Apartments in Goose Creek.*

- (6) The proposed use shall be compatible with the existing neighborhood character and be consistent with the character and purpose of the applicable zoning district;

*The parcels are currently zoned General Commercial with a potential conditional use for multifamily. The project would support the City's plan as this area is being considered for redevelopment. A recently completed project off of Carolina Avenue is a large commercial warehouse.*

- (7) The proposed use shall not adversely affect surrounding land use, as measured in terms of its physical size, intensity of use, visual impact and proximity to other structures;

*Proposed use is in line with surrounding buildings. Off of Marilyn Street/Carolina Avenue there is a broad mix of structure type to include: commercial retail, multifamily apartments, commercial buildings for local small businesses, and even a plot of mobile homes.*

- (8) The proposed use complies with all applicable development standards of the city;

*Yes*

- (9) The proposed use is not detrimental to the public health, safety or general welfare of the city and its citizens;

*1. The site-plan offers emergency personnel two routes of ingress/egress to the property.  
2. By offering affordable rates and to 80% AMI residents, the use will cater to those that have been affected by the pandemic of 2020 and have had their wages lowered and financial situations upended.  
3. \*\*\*We are also looking into a Covid-specific air filtration system to add to our HVAC systems throughout the structure\*\*\**

<input type="checkbox"/> (10) The proposed use shall not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, of the vehicular movement, of noise or fumes or of the type of physical activity;
<i>The site plan parking lot size and position accounts for the space needed to mitigate the above factors.</i>
<input type="checkbox"/> (11) The proposed use shall not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site;
<i>The parking and foot traffic is all contained within the parking area. Concrete curb and sidewalks added around the entire building to allow access 360 degrees for residents and emergency response personnel.</i>
<input type="checkbox"/> (12) The proposed use shall not create glare from vehicular and stationary lights and the extent to which the lights will be visible from the adjacent zoning districts;
<i>Leaving a minimum 10' vegetation buffer will create a barrier between parcels and mitigate factors above. Only required lighting will be installed on the exterior of the structure to light walkways/stairwells.</i>
<input type="checkbox"/> (13) The proposed use shall not destroy, create a loss or cause damage to natural, scenic or historic features of significant importance;
<i>No such features identified on site.</i>
<input type="checkbox"/> (14) In the consideration of a conditional use, the ZBA shall not grant permission based on the circumstances of the applicant, or on unnecessary hardship;
<input type="checkbox"/> (15) The ZBA reserves the right to revoke any conditional use permit that it has issued if it determines that the applicant or operator has failed to maintain and conduct the use in accordance with the conditions imposed on the conditional use. The ZBA shall give the applicant written notice of its intent to revoke the conditional use permit, and, if within ten calendar days of receipt of the notice the applicant submits a request for a hearing to the Secretary, the ZBA shall schedule a public hearing and provide the applicant with the opportunity to be heard prior to deciding whether to revoke the permit;
<input type="checkbox"/> (16) The provisions for revocation of conditional use permits shall not be deemed to preclude any other legal remedy with respect to violation of the provision of this chapter or other rules and regulations of the city; and
<input type="checkbox"/> (17) In approving a conditional use, the ZBA may impose the conditions and restrictions as in its opinion will accomplish the intent of this chapter.
<i>We agree to all stipulations listed above. Matthew N Sotirolou Owner/Operator Service-disabled Veteran</i>