



## Jasper County Planning Department

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### Jasper County Board of Zoning Appeals December 15, 2022 MINUTES

**Jasper County Board of Zoning Appeals Members Present:** Chairman, Jeff Richardson; Vice Chairwoman, Carmen Malphrus; Ms. Barbara Bartoldus; and Mr. Scott Cuff.

**Staff Present:** Ms. Lisa Wagner, Director of Planning and Building Services, and Ms. Bonnie Lawson, Planning & Zoning Coordinator and Secretary of the Board of Zoning Appeals.

**Call to Order:** Chairman Jeff Richardson brought the meeting to order at approximately 10:00 A.M.

**Invocation and the Pledge of Allegiance:** Invocation was given by Chairman Richardson. The Pledge of Allegiance was said in unison.

**Approval of Agenda:** Ms. Malphrus moved, and Ms. Bartoldus seconded the motion to amend the Agenda. The motion passed unanimously.

**Approval of Minutes:** Ms. Malphrus moved, and Mr. Cuff seconded the motion to approve the Meeting Minutes of June 23, 2022. The motion passed unanimously.

**Variance Request: Hussey Gay Bell – Article 12:1, Off-Street Parking Requirements:** Ms. Wagner said the applicant is seeking a variance from Article 12:1, Off-Street Parking Requirements to reduce the parking space requirements by 25% for the purpose of developing a large warehouse/industrial facility. The property is comprised of three (3) parcels totaling 29.96 acres and is located along Speedway Boulevard (Highway 17), south of the intersection of Highway 315. The properties are zoned General Commercial (GC) and lie with the Highway Corridor Overlay District (HCOD). The Developer proposes to construct two (2) large speculative warehouse/industrial buildings, totaling approximately 340,000 – 350,000 square feet. The developer proposes to construct two (2) large speculative warehouse/industrial buildings, totaling approximately 340,000 – 350,000 square feet. In accordance with Article 12:1 of the Jasper County Zoning Ordinance, required parking spaces for warehouse and storage are 1 space per 1,000 square feet (s.f.) of gross floor area (GFA). Based on 340,000 s.f., 340 parking spaces would be required, so a 25% reduction would reduce the parking space requirements by 85 parking spaces, requiring 255 spaces. Pursuant to Article 12:1#7 of the Jasper County Zoning Ordinance, the Board of Zoning Appeals may authorize up to a 25% reduction in the total

number of parking spaces required on site in the event that the minimum number of parking spaces required in Table 12.1, cannot be placed on the site without the demolition of an existing structure or damage of significant trees on the site or in the public right-of-way to accommodate a parking area, or if written documentation that demonstrates that fewer spaces than required are needed because of the nature of the business, hours of operation, or availability of adjacent parking.

Ms. Wagner said in accordance with the Local Comprehensive Planning Enabling Act of 1994, the Board of Zoning Appeals has the power to hear and decide appeals (requests) for variances when strict application of the zoning ordinance would result in “unnecessary hardship.” S.C. Code 6-29-800(A)(2). A variance allows the board to modify an otherwise legitimate zoning restriction when, due to unusual conditions, the restrictions may be more burdensome than was intended. The variance must not impair the public purpose. To obtain a variance on the ground of “unnecessary hardship,” there must at least be proof that a particular property suffers a singular disadvantage through the operation of a zoning regulation. A claim of unnecessary hardship cannot be based on conditions created by the owner nor can one who purchases the property after the enactment of a zoning regulation complain that the nonconforming use would work a hardship upon him. The board may grant a variance in an individual case of unnecessary hardship if the board makes and explains in writing when finding there are **extraordinary conditions** pertaining to the particular piece of property, which make it difficult or impossible to make an economically feasible use of the property, these conditions do not generally apply to **other property** in the vicinity, because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the **utilization** of the property, and the authorization of a variance will not be of substantial **detriment** to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Ms. Wagner said in accordance with the Institute of Traffic Engineers Manual, the average parking space for warehousing is 0.6 spaces per 1,000 s.f. of GFA, which equates to 3 spaces per 5,000 s.f. of GFA. She said for warehousing use, Beaufort County requires 1 parking space per 2,000 s.f. of GFA; Bryan County requires 1 parking space per 5,000 s.f. of GFA; Chatham County requires 1 parking space per 1,000 s.f. of GFA up to 20,000 s.f. and the second 20,000 s.f. is 1 parking space per 4,000 s.f. of GFA and over 40,000 s.f. of GFA requires 1 more parking space for each vehicle used in the day to day operation; Colleton County requires 1 parking space per 4,000 s.f. of GFA; and the City of Savannah requires 1 parking space per 1,000 s.f. of GFA for the first 20,000 s.f. plus 1 parking space per 4,000 s.f.

Ms. Wagner said as far as **extraordinary conditions**, the property is located at the intersection of two major highways, which makes the property a prime location for the proposed transformation from its current condition, as vacant and underutilized, into a productive asset and much higher use and better use that will enable the County to capitalize on the heavy market demand for new Class A industrial space, and attract the highly sought-after users who ultimately occupy these facilities and their accompanying jobs and economic impact. At the same time, the Property’s location also renders it subject to the additional landscape and buffer

requirements of the Highway Corridor Overlay District, in addition to building setbacks and other Code requirements, of the Jasper County Zoning Code. The additional buffer and setback requirements coupled with the property's irregular long and narrow shape, significantly limits the portions thereof that can be developed, which is further exacerbated by any additional parking, pavement and the associated increase of impervious and required detention areas. The combination of these factors also drives down the amount of building square footage that can be achieved on site, such that the property is not feasibly developable if made subject to the current parking requirement of 1.0 space per 1,000 s.f. of GFA.

Ms. Wagner said as far as **other property**, these conditions are specific to this property and use, and do not apply generally to other property in the vicinity, in that (i) the property's elongated and narrow shape is unique to the specific site in question, and (ii) its location at the intersection of two major highways makes the property a prime location for warehousing and storage uses, but cannot feasibly be developed into this highest and best use if additional parking (and potentially detention) areas are required and thereby further reduce the amount of square footage that can be accommodated on site.

Ms. Wagner said as far as **utilization**, strict application of the ordinance would create an overabundance of parking spaces that would not be utilized and/or needed. The parking spaces create impervious surfaces, which in turn creates additional stormwater runoff, and requires larger stormwater facilities, effectively reducing the ability of the site to be developed with a modern Class A industrial building.

Ms. Wagner said as far as **detriment**, a variance will not be a substantial detriment to adjacent properties or to the public good, and the character of the district will not be harmed. In fact, the variance will allow for the site to be developed in a manner that provides off-street parking without having additional parking space that will not be utilized, it will reduce the amount of impervious surface that is created by this development and will benefit the community.

Ms. Wagner said staff recommends granting the requested variance to reduce the parking requirement for warehousing use by 25% based on the gross square feet.

Mr. Evan Bennett with Hussey Gay Bell addressed the Board. He said this project has been in the works for 6-8 years. He said they do not know the tenants' needs at this time, but a parking variance will provide some flexibility of what can be offered to the tenants. He said they would like to provide the spaces needed, rather than providing the required amount and end up with a significant number of unused parking spaces, which is not good for the environment. He said the Institute of Traffic Engineers recommends .6 parking spaces per 1,000 square feet of GFA for warehousing use and there are other nearby municipalities that require fewer parking spaces than Jasper County based on warehousing use. He said the developers have a good indication of what they are going to need because they have been doing this all over the country. He said as an engineer, when he develops a concept plan for warehousing, he typically sees parking requirements about half of what Jasper County requires.

There was a question about the loading dock and what side of the building it would be located on. Mr. Bennett said the loading docks will be on the back side of the building, away from Highway 17. Trucks will be parked in the back behind buildings and personal vehicles will park in the front of the building. Ms. Wagner said a parking space for a truck is required at each loading dock, which is in addition to the required parking spaces. There was some discussion about the buffer along Highway 17. Mr. Bennett said there is a fifty-foot buffer required, but because Dominion Energy's natural gas line is located within the fifty-foot buffer, they have discussed waivers with Jasper County. Ms. Wagner said a waiver may be granted, but the applicant will need to demonstrate that they have done all they can to achieve the requirements of the Highway Corridor Overlay District. There was a question about the trees located at the southern end of the site and if they will be retained since it is the only portion of the site that has significant trees on it. Mr. Bennett said the site is long and not deep and a large area will be needed for stormwater retention, making the site tight, but they will work with Jasper County to retain the trees in the buffer area. There was some discussion about the size of the buffer requirement along the southern property line. Ms. Wagner said if SCAD is considered a commercial use, a buffer would not be required, but if SCAD is considered to be agricultural, a ten-foot buffer would be required. Chairman Richardson said the adjoining parcel has a tree buffer in addition to the ten-foot required. Chairman Richardson asked for clarification that the reduction of parking is based solely on warehousing and storage, and if the use changes to retail or a different use, the parking requirements change completely. Ms. Wagner said that is correct. Mr. Bennett said while they don't know who the tenants will be, the businesses will be a spin off from the port consisting of logistical, distribution, and storage.

**Ms. Malphrus moved to grant a variance from Article 12:1, Off-street Parking Requirements, reducing the parking space requirements by 25% for warehousing and storage use. Mr. Cuff seconded the motion. The motion passed unanimously.**

**Open Discussion:** Ms. Wagner said the Election of Officers will be held at the next called meeting.

**Adjourn:** Chairman Richardson moved and Ms. Bartoldus seconded the motion to adjourn. The motion passed unanimously. The Meeting adjourned at approximately 10:45 A.M.

Submitted by:

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Bonnie W. Lawson, Secretary  
Planning & Zoning Coordinator