



AGENDA
Regular Board of Zoning Appeals Meeting
Tuesday, August 18, 2026 at 6:00PM
Municipal Court - 519 N Goose Creek Boulevard, Bldg. D

BOARD MEMBERS: LISA ANAGNOSTOPOULOS, DAN GUZMAN, DON MASON, ROBERT SMITH, JEN WISE

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I. CALL TO ORDER & ROLL CALL

II. APPROVAL OF MINUTES

- a. BOARD OF ZONING APPEALS MEETING JUNE 16, 2026

III. NEW BUSINESS

- a. 2026-004-AP (TMS # 244-09-02-002) - ADMINISTRATIVE APPEAL REGARDING NONCONFORMING USE STATUS AT 129 RED BANK ROAD

IV. CLOSING REMARKS & ADJOURNMENT



Request for Board of Zoning Appeals Agenda Item

To: BOARD OF ZONING APPEALS MEMBERS

From: LILI ORTIZ-LUDLUM

Please check one box

☐ Regular Meeting

☐ Special Meeting

☐ Work Session

Please check one box, if applicable

☐ Ordinance

☐ Resolution

☐ Proclamation

☐ Request to Purchase

Ordinance/Resolution Title

BOARD OF ZONING APPEALS MEETING JUNE 16, 2026

Background Summary

Financial Impact

Impact if denied

Impact if approved

Department Head:

City Administrator:

Signature & Date

Signature & Date

**MINUTES
CITY OF GOOSE CREEK
BOARD OF ZONING APPEALS
TUESDAY, JUNE 16, 2026, 6:00 PM
MARGUERITE H. BROWN MUNICIPAL CENTER**

I. CALL TO ORDER

Action: Chairperson Wise called the meeting to order at 6:00 p.m.

Present: Lisa Anagnostopoulos; Robert Smith; Jen Wise

Absent: Dan Guzman; Don Mason

Staff Present: Kendra Wise, Planning and Zoning Director; Emma Hall, Planner II; John Farrell, Planner II; Lili Ortiz-Ludlum, Administrative Assistant

II. APPROVAL OF MINUTES

a. BOARD OF ZONING APPEALS MEETING MAY 19, 2026

Motion: A motion was made to approve the minutes as submitted. **Moved by** Board Member Smith; **Seconded by** Board Member Anagnostopoulos.

Discussion: None.

Vote: All voted in favor (3-0).

III. NEW BUSINESS

Chairperson Wise administered the Oath to applicants and the public who wished to speak.

a. 2026-001-VAR (TMS # 234-06-04-042) - REQUEST FROM JASON MATTHEWES FOR A VARIANCE TO INCREASE THE MAXIMUM AREA ALLOWED FOR AN ACCESSORY STRUCTURE LOCATED AT 408 INDIGO ROAD

Director Wise provided the staff report. She stated this is a request from Jason Matthewes for a variance to increase the maximum area allowed for an accessory structure located at 408 Indigo Road. She stated the zoning district is Residential Mixed (RM); the requested action is a variance to increase the maximum area allowed for an accessory structure and the applicable Sections of Zoning Ordinance are § 151-4.3(E)(1) Maximum Area for Accessory Structures and § 151-2.3(B)(2) Standard criteria for variance.

Director Wise stated the applicant is requesting a variance to increase the maximum area of the accessory structure to exceed the area allowed. The ordinance states that “the total floor area of all residential accessory structures on a lot shall be no greater than 1,000 square feet or 50 percent of the floor area of the principal dwelling unit, whichever is lesser.” The area of the principal structure is 1,641 square feet. The total area permitted for an accessory structure at this location would be a maximum of 820.5 square feet. The total proposed area for the accessory structure is 929 square feet. The applicant is seeking a variance of 108.5 square feet for this request.

The applicant, Jason Matthewes, testified that construction commenced without the necessary permits due to a mistaken assumption that permits were not required in the absence of a Homeowners Association (HOA). Mr. Matthewes noted that the current variance request encompasses an attached porch, which causes the project to exceed the maximum allowable square footage for accessory structures. He requested that the Board exclude the porch from the overall square footage calculation since it remains an unenclosed space.

No one from the public spoke for or against this request.

Motion: A motion was made to deny the request for a variance to increase the maximum area allowed for an accessory structure located at 408 Indigo Road as the applicant did not prove that it meets the following conditions for a variance as stated in Chapter 151, Section 2.3 of the Unified Development Ordinance sections (a) There are extraordinary and exceptional conditions pertaining to this particular piece of property; section (b) These conditions do not apply to other property in the vicinity; and section (d) 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. **Moved by** Board Member Smith; **Seconded by** Board Member Anagnostopoulos.

Discussion: None.

Vote: Motion passed (3-0).

b. 2026-002-VAR (TMS # 234-06-04-042) - REQUEST FROM JASON MATTHEWES FOR A VARIANCE TO INCREASE THE MAXIMUM HEIGHT ALLOWED FOR AN ACCESSORY STRUCTURE LOCATED AT 408 INDIGO ROAD

Director Wise provided staff report. She stated this request is from Jason Matthewes for a variance to increase the maximum height allowed for an accessory structure located at 408 Indigo Road. The applicable sections of the Zoning Ordinance are § 151-4.3(C) General Provisions of Accessory and Temporary Uses and § 151-2.3(B)(2) Standard criteria for variance.

Director Wise stated the applicant is requesting a variance to increase the maximum height of the accessory structure to exceed the height of the principal structure. The ordinance states that “buildings and structures shall maintain the general height and character of the principal dwelling and/or design standards.” The height of the accessory structure is 17 feet three (3) inches, and the height of the principal structure is 16 feet five (5) inches. The applicant is seeking a variance of 10 inches for this request.

The applicant, Jason Matthewes, testified in support of this variance requesting a 10 inch increase in the accessory structure's roof height relative to the primary dwelling. The accessory structure is a pre-engineered building. He stated the wall structure and roof pitch were specifically chosen to accommodate a four-post car lift, allowing for general vehicle maintenance. When the car lift is idle, it will double as vertical storage for a boat, maintaining clear ground-floor space for an additional vehicle. The proposed accessory structure stands at 17.3 feet, which is only 10 inches taller than the primary residence (16.5 feet). Furthermore, the structure remains lower than both adjacent properties. The neighboring

home to the left stands at 18 feet seven (7) inches (1 foot 2 inches taller than the proposed structure), while the home to the right stands at 24.7 feet (7.4 feet taller). Consequently, the structure does not present a drastic visual departure from surrounding properties.

No one from the public spoke for or against the request. Chairperson Wise clarified the applicant's reasons for this accessory structure.

Motion: A motion was made to deny the request for a variance to increase the maximum height allowed for an accessory structure located at 408 Indigo Road as the applicant did not prove that it meets the following conditions for a variance as stated in Chapter 151, Section 2.3 of the Unified Development Ordinance sections (a) There are extraordinary and exceptional conditions pertaining to this particular piece of property; and section (b) These conditions do not apply to other property in the vicinity. **Moved by** Board Member Smith; **Seconded by** Board Member Anagnostopoulos.

Discussion: None.

Vote: Motion passed (3-0).

c. 2026-003-VAR (TMS # 234-06-04-042) - REQUEST FROM JASON MATTHEWES FOR A VARIANCE TO REDUCE THE MINIMUM SIDE YARD SETBACK FOR AN ACCESSORY STRUCTURE LOCATED AT 408 INDIGO ROAD

Director Wise presented staff report. She stated this request is from Jason Matthewes for a variance to reduce the minimum side yard setback for an accessory structure located at 408 Indigo Road. She stated the applicable sections of the zoning ordinance are § 151-4.3(D) Location of Accessory and Temporary Uses; § 151-3(A) RM: Residential Mixed District Standards and § 151-2.3(B)(2) Standard criteria for variance.

Director Wise stated the applicant is requesting a variance to reduce the minimum side yard setback for an accessory structure. The ordinance states that "accessory structures shall comply with all required front, corner, and side building setbacks but may encroach into a required rear setback up to within 5 feet of the rear lot line." Under the zoning district standards for lots zoned Residential Mixed (RM), the minimum side yard setback is 5 feet from the property line. The proposed side setback for this accessory structure is 3 feet and 6 inches or 3.5 feet from the side of the property line. The applicant is seeking a variance of 1 foot and 6 inches or 1.5 feet.

The applicant, Jason Matthewes, testified in support of a 1.5 foot side setback variance to accommodate the current placement of the accessory structure. Mr. Matthewes explained that the structure's positioning is critical for maneuvering a boat into the building from the front yard. This path requires backing his vehicle and trailer past the corner of the existing garage and navigating around an exterior air conditioning unit. The current placement ensures clearance without encroaching onto the adjacent neighbor's property. Furthermore, the applicant cited unique site constraints, noting that the property is a corner lot with a pie-shaped rear yard. To maintain architectural symmetry by keeping the accessory structure square with the primary residence and the rear fence line, the building had to encroach 1.5 feet into the side setback. The applicant presented photographs documenting the site conditions. Following the presentation, the applicant answered questions from the Board.

The applicant stated that his alternative plan to move forward is to omit the front porch entirely and lower the overall height of the accessory structure to achieve full compliance with the codes. However, Mr. Matthews stated he would still require approval for the 1.5 feet side yard setback variance to ensure the structure remains functionally usable for vehicle and boat maneuvers.

No one from the public spoke for or against the request.

Motion: A motion was made to approve the request for a variance to reduce the minimum side yard setback for an accessory structure located at 408 Indigo Road. **Moved by** Board Member Anagnostopoulos. **Seconded by** None.

Motion: A motion was made to deny the request for a variance to reduce the minimum side yard setback for an accessory structure located at 408 Indigo Road as the applicant did not prove that it meets the following conditions for a variance as stated in Chapter 151, Section 2.3 of the Unified Development Ordinance sections (a) There are extraordinary and exceptional conditions pertaining to this particular piece of property. **Moved by** Board Member Smith; **Seconded by** Chairperson Wise.

Discussion: None.

Vote: Board Member Smith, Chairperson Wise voted in favor; Board Member Anagnostopoulos opposed. Motion passed (2-1).

IV. CLOSING REMARKS & ADJOURNMENT

No closing remarks were made.

Motion: A motion was made to adjourn. **Moved by** Board member Smith; **Seconded by** Board Member Anagnostopoulos.

Vote: All in favor. The motion carried (3-0).

Chairperson Wise adjourned the meeting at approximately 6:33 p.m.

_____ Date: _____
Jen Wise, Chair



Request for Board of Zoning Appeals Agenda Item

To: BOARD OF ZONING APPEALS

From: KENDRA WISE, PLANNING DIRECTOR

Please check one box

☐ Regular Meeting

☐ Special Meeting

☐ Work Session

Please check one box, if applicable

☐ Ordinance

☐ Resolution

☐ Proclamation

☐ Request to Purchase

Ordinance/Resolution Title

2026-004-AP (TMS # 244-09-02-002) - ADMINISTRATIVE APPEAL REGARDING NONCONFORMING USE STATUS AT 129 RED BANK ROAD

Background Summary

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Impact if approved

Department Head:

City Administrator:

Signature & Date

Signature & Date



BOARD OF ZONING APPEALS

August 18, 2026, at 6:00 PM

City of Goose Creek Municipal Court, 519 N. Goose Creek Boulevard, Building D

Case Number: 2026-004-AP

Subject Property:	129 Red Bank Road (TMS# 244-09-02-002)	
Zoning District:	General Commercial (GC) and Red Bank District Overlay (RBD)	
Applicant:	Jenise Scott	
Property Owner:	Jenise Scott	
Requested Action:	Review for Administrative Appeal	
Applicable Sections	§ 151-2.3(B)(1)	Powers and Duties for an Administrative Appeal
Zoning Ordinance:	§ 151-8.1(C)	Determination of Nonconformity Status
	§ 151-8.1(F)(2)	Nonconforming Uses
Case History:	N/A	
Staff Summary:		

The applicant does allege in the application for administrative appeal that the Zoning Administrator did err by the following determination:

The administrative decision by city zoning staff to deny a business license and revoke the grandfathered, nonconforming "Service Garage" status of the property.

The applicant does allege that the decision was in error:

The zoning department erred by strictly applying a mechanical 12-month vacancy timeline without accounting for South Carolina state law regarding involuntary cessation. The operational gap from late February 2025 to mid-2026 was entirely involuntary, mandated by a protracted legal eviction process against a destructive tenant, immediately followed by an intense site remediation where the owners cleared in excess of 69,000 pounds of debris and over 80 vehicles. Under the binding South Carolina Supreme Court precedent established in Conway v. City of Greenville (254 S.C. 96, 173 S.E. 2d 648), a grandfathered nonconforming use cannot be legally abandoned or discontinued through an involuntary disruption beyond the owner's control. Furthermore, during the public city council meeting, the administrative justification was compromised by statements confirming a pre-determined aesthetic bias against automotive uses on this corridor, rather than an objective evaluation of vested property rights.

S.C. State Code authorizes a Board of Appeals to:

- Hear and decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance. South Carolina Code of Laws § 6-29-800(A)(1)

S.C State Code states:

- Nonconformities. The regulations may provide that land, buildings, and structures and the uses of them which are lawful at the time of the enactment or amendment of zoning regulations may be continued although not in conformity with the regulations or amendments, which is called a nonconformity. The governing authority of a municipality or county may provide in the zoning ordinance or resolution for the continuance, restoration, reconstruction, extension, or substitution of nonconformities. The governing authority also may provide for the termination of a nonconformity by specifying the period or periods in which the nonconformity is required to cease or be brought into conformance, or by providing a formula where the compulsory termination of nonconformities may also be so fixed as to allow for the recovery or amortization of the investment in the nonconformity. *SC Code of Laws § 6-29-730 (History: 1994 Act No. 355, Section 1)*

The City of Goose Creek Unified Development Ordinance states:

- The Board of Zoning Appeals shall have the following powers and duties under this Ordinance: Administrative Appeal. To hear and decide appeals where it is alleged there is an error in an order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance. *Goose Creek Code § 151-2.3(B)(1)*
- Determination of Nonconformity Status. In all cases, the burden of establishing that a nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located. The Zoning Administrator may issue a Certificate of Zoning Compliance upon acceptance of reasonable proof that the nonconformity was lawfully in existence at the time of the effective date of this Ordinance and has not been vacant, abandoned, or discontinued for 12 consecutive months. *Goose Creek Code § 151-8.1(C)*
- Nonconforming Uses. A nonconforming use shall not be reestablished after vacancy, abandonment, or discontinuance for any period of 12 consecutive months, not including time during which the structure where the use was located is reconstructed, provided, the timing requirements for re-establishment of a nonconforming structure after demolition, damage, or destruction, shall apply. *Goose Creek Code § 151-8.1(F)(2)*

On July 1, 2026, Willian da Silva Santos submitted a business license application to operate a business at 129 Red Bank Road that he described as automotive repair and maintenance. This property is owned by Jenise Scott. The Zoning Administrator determined that the proposed use was not nonconforming, but was allowed subject to conditions under both the General Commercial (GC) zoning district and the Red Bank District Overlay (RBD). However, the property at 129 Red Bank Road did not meet the conditions required for such use. As a result, the request was denied. The applicant and property owner were advised as to what was needed to meet the use conditions, which generally included adding a buffer, abandoning a lot line, and making parking improvements.

Historical records indicate that in November of 2024, Code Enforcement contacted the property owner with violations for maintenance of the building exterior, excessive trash, junk, improper storage, and obstructing the sidewalk, and in January of 2025, regarding trash. Permit records only indicate maintenance - a new fence, replacement of shingles, removal of debris/trash, and exterior paint. (February-March of 2025)

- Permit for removal and replacement of roofing material was issued (ROOF-25-25).
- Permits for temporary dumpsters were issued (TMPU-25-3 & TMPU-25-4).
- Architectural design approval was given for exterior work (ARCH-25-7). The scope of work listed by the owner on the application stated, "touchup/freshen paint on building and paint new wood replaced with roof to match existing paint. All work to be completed after pressure washing entire building and driveway."
- Fence permit was approved (ARCH-25-8).

The application for automobile repair use was received on July 1, 2026. The prior nonconforming use, an automobile repair business, is no longer nonconforming. There was not a business license for use of an automobile repair use since 2023, the building/grounds were not maintained in 2024 and prior, and a photograph in March 2025 further confirms the vacancy and discontinuance of use. Records indicate no permits for major repairs or reconstruction. As such, the use shall not be reestablished after vacancy, abandonment, or discontinuance for any period of 12 consecutive months.

The Zoning Administrator respectfully requests that this determination be upheld.

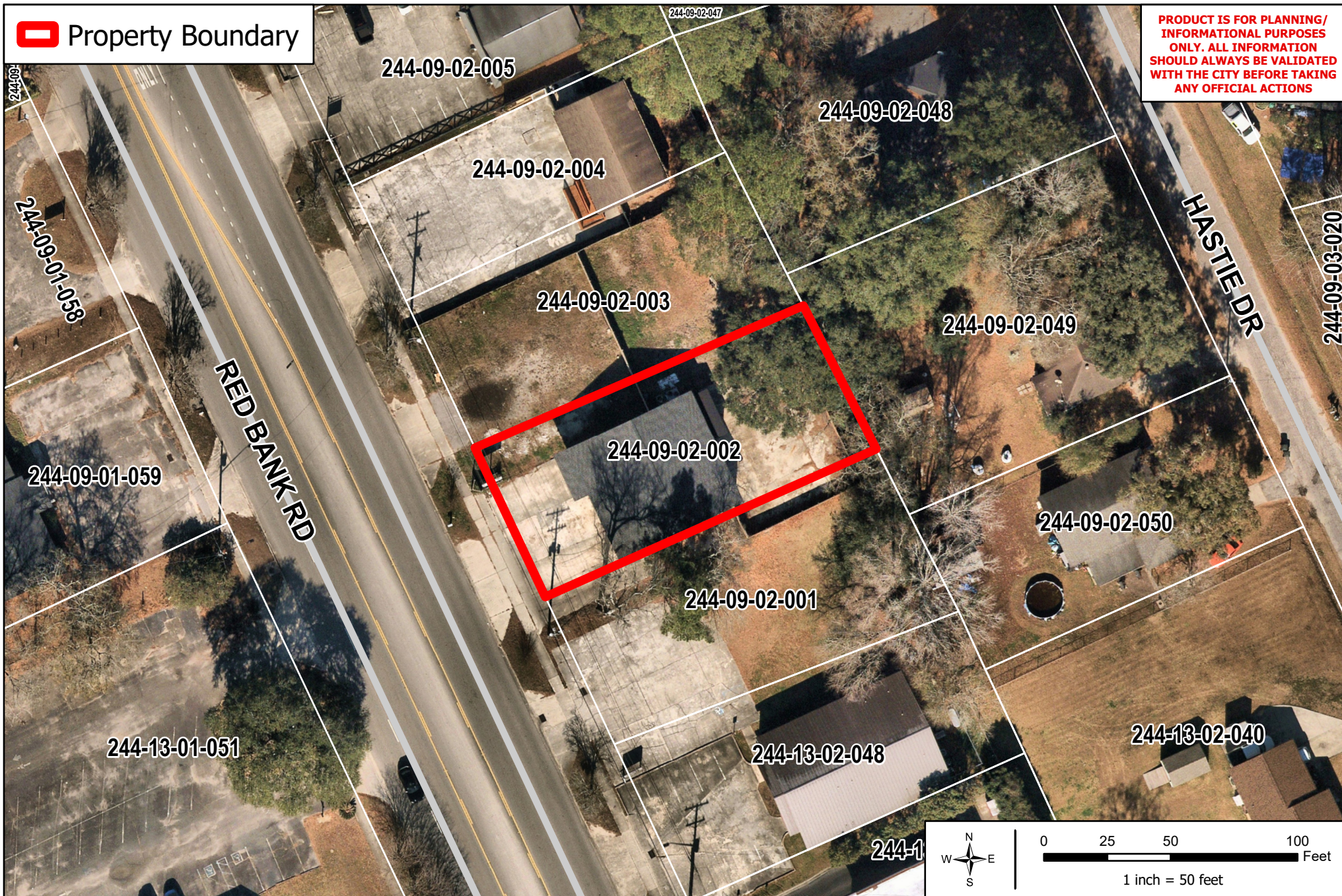


Photo provided by applicant on March 18, 2025



Property Boundary

PRODUCT IS FOR PLANNING/
INFORMATIONAL PURPOSES
ONLY. ALL INFORMATION
SHOULD ALWAYS BE VALIDATED
WITH THE CITY BEFORE TAKING
ANY OFFICIAL ACTIONS



**CREEK
COMPASS**
City of Goose Creek

City of Goose Creek GIS Division
519 N. Goose Creek Boulevard
Goose Creek, SC 29445
(843) 797 - 6220 Ext. 1132

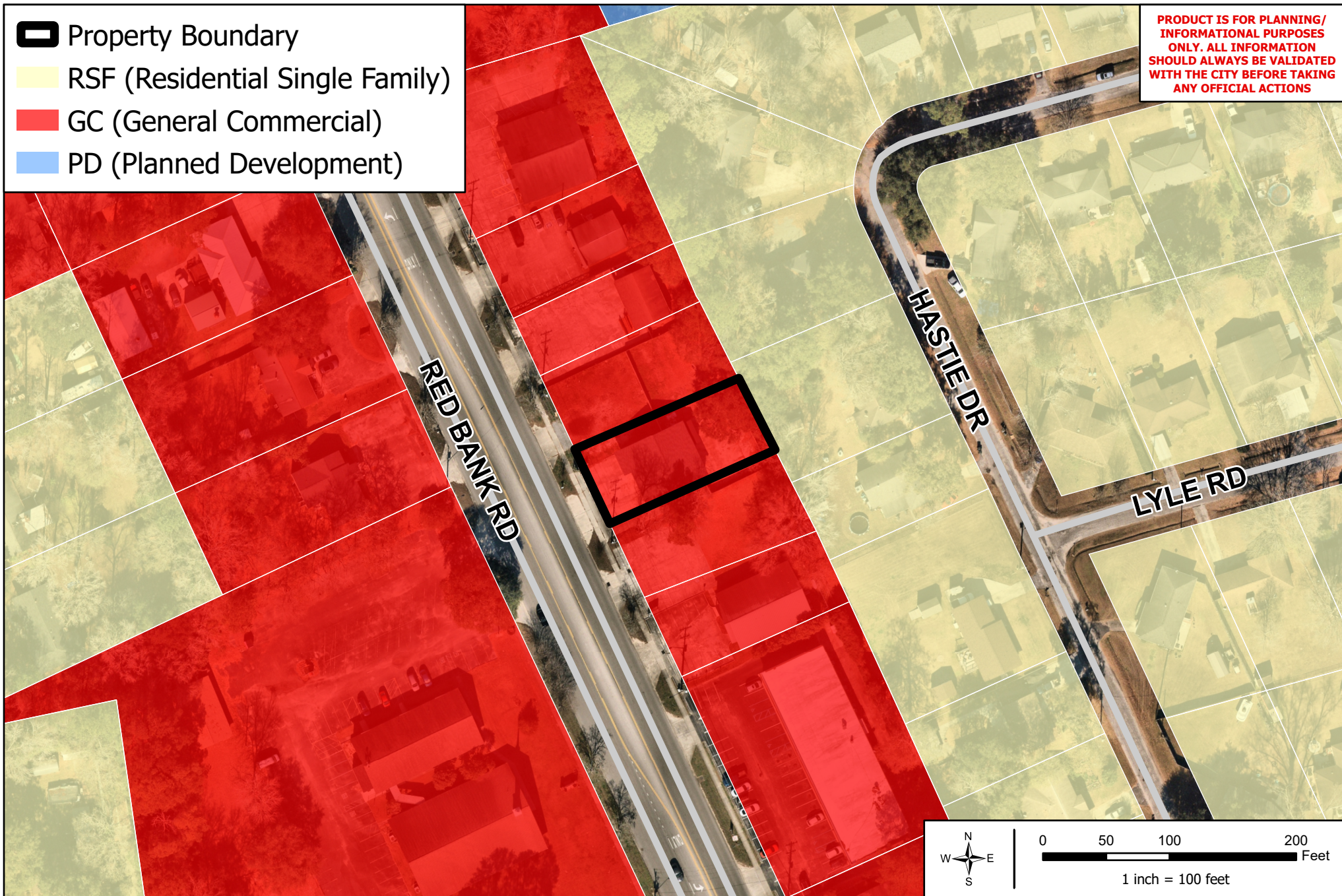
129 Red Bank Road

Vicinity Map

12

-  Property Boundary
-  RSF (Residential Single Family)
-  GC (General Commercial)
-  PD (Planned Development)

PRODUCT IS FOR PLANNING/
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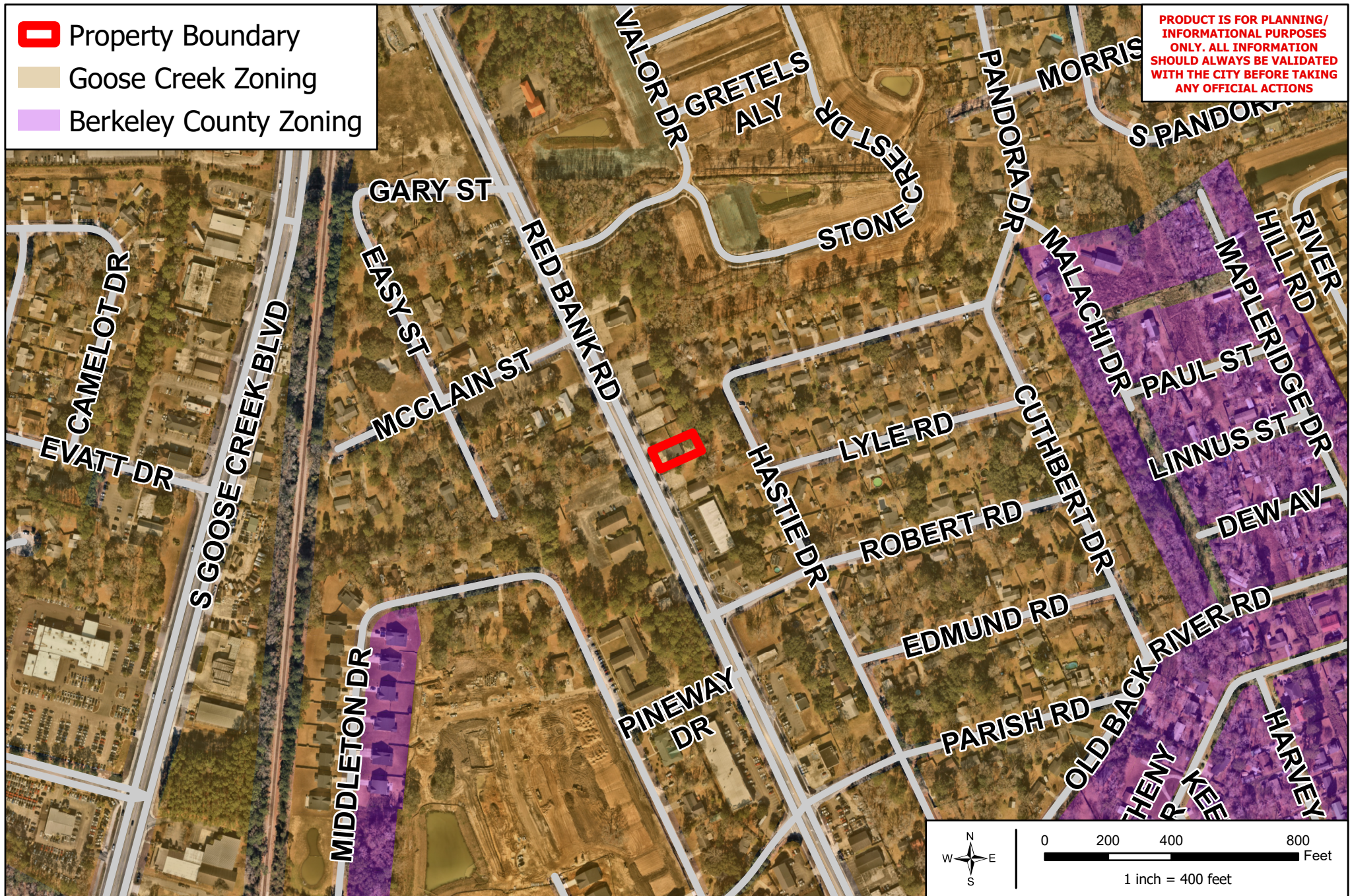
City of Goose Creek GIS Division
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129 Red Bank Road

Goose Creek Zoning

-  Property Boundary
-  Goose Creek Zoning
-  Berkeley County Zoning

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129 Red Bank Road

Zoning Map

The Planning Commission shall adopt rules for the conduct of business. The Planning Commission shall meet at the call of the Chair and at such regular times as the Commission may determine. Public notice of meetings of the Planning Commission shall be provided in accordance with state law and this Ordinance. A majority of the Planning Commission shall constitute a quorum for the conduct of business. The Chair shall preside over all Commission meetings. The Vice-Chair shall serve as acting chair and preside over Commission meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Planning Commission shall vote to determine who shall serve as acting Chair for the meeting. The Chair, or, in the Chair's absence, the acting Chair, may administer oaths and compel the attendance of witnesses by subpoena. The Planning Commission shall keep minutes of its proceedings in accordance with state law, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep a record of its resolutions, findings, and determinations, which shall be a public record.

2.3 Board of Zoning Appeals

(A) Establishment. The Board of Zoning Appeals is hereby established in accordance with state law under this Ordinance.

(B) Powers and Duties. The Board of Zoning Appeals shall have the following powers and duties under this Ordinance.

(1) Administrative Appeal. To hear and decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance;

(2) Variance. To hear and decide appeals for variance from the requirements of this Ordinance when strict application of the provisions of this Ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

- (a)** There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (b)** These conditions do not generally apply to other property in the vicinity;
- (c)** 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; and
- (d)** 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.

(1) The Board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted

Section Eight: Nonconformities and Enforcement

8.1 Nonconformities

(A) Intent. Within the districts established by this Ordinance, there exist lots of record, structures, uses of land and structures, and signs, and other site features that were lawfully established before this Ordinance was adopted or amended, that now do not conform to the terms and requirements of this Ordinance. The purpose and intent of this Section is to regulate and limit the continued existence of those lots of record, structures, uses of land and structures, signs, and other site features that do not conform to the provisions of this Ordinance or any amendments thereto. It is the intent of this Section to permit these nonconformities to continue until they are removed, but not to encourage their survival except under the limited circumstances established in this Section. It is the further intent of this article that nonconformities shall not be enlarged upon, expanded or extended, reconstructed to continue nonconformity after major damage, or used as grounds for adding other structures or uses prohibited elsewhere in the same district. The provisions of this Section are designed to curtail substantial investment in nonconformities to preserve the integrity of this Ordinance.

(B) Authority to Continue. Nonconformities are allowed to continue in accordance with the requirements of this Article, and Sec. 6-29-730, S.C. Code, 1976, as amended.

(C) Determination of Nonconformity Status. In all cases, the burden of establishing that a nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located. The Zoning Administrator may issue a Certificate of Zoning Compliance upon acceptance of reasonable proof that the nonconformity was lawfully in existence at the time of the effective date of this Ordinance and has not been vacant, abandoned, or discontinued for 12 consecutive months.

(D) Minor Repairs and Normal Maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part of a building declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, signs, and other site features in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot of record, or sign. For the purposes of this Section, "minor repair or normal maintenance" shall mean:

- (1)** Repairs that are necessary to maintain a nonconforming use, structure, lot of record, sign, or other site feature in a safe condition;
- (2)** Repairs that are necessary to correct any damage or deterioration to the structural soundness or interior appearance of a structure without altering the structure;

- (3) Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses; and
- (4) Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, whose costs do not exceed 25 percent of the replacement cost of the sign.
- (5) Ordinary repairs, including repair or replacement of nonbearing walls, fixtures, wiring, and plumbing, may be done on any building devoted in whole or in part to a nonconforming use, if:
 - (a) The cubic content of the building as it existed at the time the nonconformity was created by this Ordinance, or any amendment thereto, is not increased; and
 - (b) A declaration of nonconforming use is filed with the Zoning Administrator prior to any work beginning.
- (E) **Change of Tenancy or Ownership.** Changes of tenancy, ownership, or management of an existing nonconformity are permitted, and in such cases the nonconforming situation shall continue to be subject to the requirements of this Section.
- (F) **Nonconforming Uses.**
 - (1) Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this Section.
 - (2) A nonconforming use shall not be reestablished after vacancy, abandonment, or discontinuance for any period of 12 consecutive months, not including time during which the structure where the use was located is reconstructed, provided, the timing requirements for re-establishment of a nonconforming structure after demolition, damage, or destruction, shall apply.
 - (3) Where a nonconforming use has been replaced by a conforming use, the nonconforming use may not be reestablished at any time.
 - (4) A nonconforming use shall not be enlarged, expanded in area occupied, or intensified, except a nonconforming use may be enlarged into any area of the same structure in which it is located which was manifestly arranged or designed for such use prior to the date the use became a nonconformity, provided the use shall not be extended to occupy land outside the structure.
 - (5) A structure devoted to a nonconforming use shall not be enlarged, extended, constructed, moved, or structurally altered except to change the use of the structure to a use permitted in the zoning district in which the structure is located.
 - (6) A Temporary Use Permit may be issued by the Zoning Administrator for an appropriate period of time not to exceed 12-month increments for nonconforming buildings, structures, or uses incidental to building construction or land development or deemed to be generally beneficial,

provided that the owner of that temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the Temporary Use Permit.

(G) Nonconforming Structures.

- (1) A nonconforming structure shall not be enlarged or expanded in a way that increases the degree of nonconformity. (For example, a structure that has a five-foot side setback where this Ordinance requires a ten-foot side setback cannot be enlarged so as to further encroach into the side setback.) Expansion of the structure in a way that complies with applicable dimensional standards or that decreases the degree of nonconformity is permitted.
- (2) A nonconforming structure shall not be reestablished as a nonconforming structure after demolition, damage, or destruction, except in accordance with subsection (3) below.
- (3) A nonconforming structure, with the exception of signage, that sustains damage exceeding 75 percent of the replacement cost of the structure at the time of damage shall not be rebuilt, altered, or repaired.
- (4) A nonconforming structure, with the exception of signage, that sustains damage 75 percent or less of the replacement cost of the structure at the time of damage may be rebuilt, altered, or repaired, provided the rebuilding, alteration, or repair shall:
 - (a) Begin within six (6) months from the time of damage; and
 - (b) Be completed within 12 months after the issuance of a building permit.
- (5) The use of a structure which is nonconforming due to its failure to comply with intensity and dimensional standards (e.g., height, setbacks, lot area, etc.) may be changed to a use that is permitted in the district in which the structure is located, if no further encroachment is made as defined by the intensity and dimensional standards relative to the particular zoning district (e.g., into required yards).

(H) Nonconforming Lots of Record.

- (1) In any zoning district in which single-family detached dwellings are permitted, notwithstanding limitations imposed by other provisions of this Article, a single-family detached dwelling and customary accessory buildings may be erected on any single lot of record. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zoning district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
- (2) Conforming lots of record that are subject to governmental acquisition of part of the lot for a public purpose that results in the lot becoming nonconforming as to the dimensional standards of the zoning district in which it is located shall be determined conforming and must comply with all other standards and requirements of this Ordinance.

4.2 Table of Permitted Uses

USE BY ZONING DISTRICT	C	RSF	RM	VN	GC	EC	LI	HI		SPECIFIC STANDARD
Agricultural										
Plant Agricultural	P					P	P	P		
Community Garden	C	C	C	C	C	C	C	C		
Indoor Food Production				S	P	P	P	P		
Civic, Institutional & Public										
Cemetery	S	S	S		S		P	P		
College/University				P	P	P				
Community Center		S	P	P	P	P				
Government Office				P	P	P	P			
Hospital				P	P	P				
Library/Museum/Cultural Facility		C	C	P	P	P	S			
Medical or Dental Clinic			S	P	P	P	P			
Membership Organization Facility			S	P	P	P	P			
Nursing Care Facility				P	P					
Parking Lot				C	C	C	C	C		
Parks & Open Space	C	C	C	C	C	C	C	C		
Park & Ride				P	P	P	P	P		
Public Safety Facility	P	P	P	P	P	P	P	P		
Religious Institutions		S	S	P	P	P	P			
School, Business or Trade				P	P	P	P	P		
School, Pre-K – 5th	S	S	S	P	P	P				
School, 6th- 12th		S	S	P	P	P				
Social Service Facility				P	P	P	P			
Utilities, Major		S	S	S	S	S	P	P		
Utilities, Minor	P	P	P	P	P	P	P	P		
Wireless Communication	S			S	S	S	S	S		
Wireless Communication (Small Cell)	C	C	C	C	C	C	C	C		See §152
Wireless Communication (Stealth)	S	S	S	S	S	S	S	S		
Industrial, Manufacturing, Processing	C	RSF	RM	VN	GC	EC	LI	HI		
Industrial, Artisan				C	C	C	C			
Industrial, Heavy								S		
Industrial, Light						P	P	P		
Research/Laboratory Facility				P	P	P	P	P		
Warehouse/Distribution					S	P	P	P		
Refuse Processing/Recycling Facility							S	C		

Residential & Group Living	C	RSF	RM	VN	GC	EC	LI	HI		
Continuing Care Retirement			S	C	C					
Cottage Neighborhood		C	C							
Dwelling, Accessory		C	C							
Dwelling, 1 Unit, detached		P	P							
Dwelling, 1 Unit, attached			P							
Dwelling, 2 Unit			P							
Dwelling, 3-4 Units			P							
Dwelling, 5-8 Units			S							
Dwelling, Mixed Use				P		S				
Dwelling, Townhouse			C	C		S				
Group Residence				S	S					
Residential Care Facility				S	S					
Retail, Service & Office	C	RSF	RM	VN	GC	EC	LI	HI		
Adult Business					S		S	S		
Animal Care				S	C	C	C	C		
Banquet Hall				S	S	S				
Beer/Wine/Liquor Sales				P	P					
Day Care Center				C	C	C				
Drinking Establishment				S	S	S				
Drive-Through Facility					C	C	C			
Drive-Through Facility, Micro				C						
Entertainment Facility, Indoor				S	P	S				
Entertainment Facility, Outdoor				S	S	S	S			
Funeral Services					P		P			
Gas Station/Convenience Store				S	C	S	S			
Home Occupation		C	C	C	C	C				
Hotel				C	C	C				
Non-Depository Credit Institution					C		C	C		
Pawn Shop				S	S					
Performing Arts Center				P	P	P				
Personal Care & Services				P	P	P				
Private Club/Lodge				S	P	P	P			
Professional Offices				P	P	P	P			
Restaurant				P	P	P	P			
Retail, General				P	P	P	P			
Retail, Intermediate				S	P	P	P			
Retail, Heavy					P	P	P			
Self-Storage Facility					S		C	C		
Staple Food Store			C	C	C	C	C	C		
Tattoo/Piercing				P	P		P			

Retail, Service & Office	C	RSF	RM	VN	GC	EC	LI	HI		
Tobacco/Hookah/Vaping				C	C		C			
Vehicle Sales or Rental					C		C			
Vehicle Rental, Truck					C		C	C		
Vehicle Service, Major					S		C	C		
Vehicle Service, Minor					C		C	C		
Vehicle Service, Commercial							P	P		

* It is recognized that this Ordinance may require interpretation to assign all possible uses to individual districts. Therefore, any use which is not specifically set forth in this Ordinance shall be reviewed by the Zoning Administrator for consistency with the intent set forth in each district and for compatibility with use characteristics typical of uses permitted or not permitted within those districts. Based upon this review, the Zoning Administrator shall determine the appropriate district for any use which is not specifically set forth herein.



Administrative Appeal Application

Today's Date July 21, 2026

Please complete and return to planning-zoning@cityofgoosecreek.com

1. Appellant Information

Name Jenise Scott	
Company (if applicable)	
Address (Street, City, State, Zip) 427 McLaurin Ave Summerville, SC 29486	
Phone 843-200-3168	Email LadyOglass@gmail.com

2. Property Ownership

Does the appellant own the property? ☒ Yes ☐ No

If the applicant does not own the property, complete the **Agent Waiver** for each property owner that authorizes the applicant to submit this application on the property owner's behalf.

3. Action Being Appealed

Permit or file number of action being appealed, if applicable N/A — Verbal/Written Administrative Denial of Business License	Date of action being appealed, if applicable
Address (including Suite/Unit/Space number), if applicable 129 Red Bank Road, Goose Creek, SC 29445	
Tax Map Reference Number(s), if applicable 2440902002	

4. Standard of Review

The board has the exclusive power to hear and decide appeals where it is alleged the zoning administrator, in the enforcement of the zoning ordinance, erred in an order, requirement, decision or determination. In such cases, the board may reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination of the zoning administrator. The board has all the powers of the zoning administrator in such cases and may issue or direct the issuance of a permit.

Date Received (MM/DD/YYYY): <u>07 / 21 / 2026</u>	For staff use only By: <u>Kendra C. Williams</u>
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519 N. Goose Creek Blvd. P.O. Drawer 1768 Goose Creek, S.C. 29445 843-797-6220
www.cityofgoosecreek.com

Effective Date: 4/3/2024



Administrative Appeal Application

5. Statement of Appeal

Provide a statement of the error or improper decision and the grounds for the appeal. Attach all related support materials and use additional sheets of paper if necessary. Describe:

- The decision being appealed
- The sections of the zoning ordinance that were relevant to the action or the appeal
- How the decision was in error
- How the appellant was adversely affected by the decision
- How the Zoning Administrator should have reached its decision
- The relief requested

The Decision Being Appealed: The administrative decision by city zoning staff to deny a business license and revoke the grandfathered, nonconforming "Service Garage" status of the property.

Relevant Sections of the Zoning Ordinance: City of Goose Creek Zoning Ordinance, including the Red Bank District (RBD) Overlay regulations, and sections governing the discontinuance/abandonment of nonconforming uses.

How the Decision Was in Error: The zoning department erred by strictly applying a mechanical 12-month vacancy timeline without accounting for South Carolina state law regarding involuntary cessation. The operational gap from late February 2025 to mid-2026 was entirely involuntary, mandated by a protracted legal eviction process against a destructive tenant, immediately followed by an intense site remediation where the owner cleared in excess of 69,000 pounds of debris and over 80 vehicles. Under the binding South Carolina Supreme Court precedent established in Conway v. City of Greenville (254 S.C. 96, 173 S.E.2d 648), a grandfathered nonconforming use cannot be legally abandoned or discontinued through an involuntary disruption beyond the owner's control. Furthermore, during the public city council meeting, the administrative justification was compromised by statements confirming a pre-determined aesthetic bias against automotive uses on this corridor, rather than an objective evaluation of vested property rights.

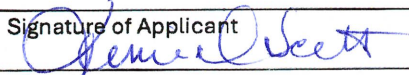
How the Appellant Was Adversely Affected: The decision effectively destroys the primary economic utility of a purpose-built 1977 commercial structure. Furthermore, forcing the strict application of the RBD Overlay's 15-foot landscape perimeter buffers would strip away 8,056.95 square feet—representing a devastating 45.8% total loss of usable property footprint, rendering the existing service bays physically inaccessible and unviable.

How the Zoning Administrator Should Have Reached a Decision: The Zoning Administrator should have recognized the documented 50-year continuous history of the site, acknowledged the involuntary nature of the eviction/remediation timeline under SC Supreme Court case law, preserved the grandfathered status, and approved the business license application.

The Relief Requested: The Appellant respectfully requests that the Zoning Board of Appeals overturn the administrative denial, legally recognize the active grandfathered status of the automotive service garage use, and direct staff to issue the requested business license.

5. Signature

I affirm that the information submitted is correct and complete. I understand that any inconsistencies may cause a delay in the review of the application.

Signature of Applicant 	
Print Name Jenise D Scott	Date 7-21-26

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www.cityofgoosecreek.com

Effective Date: 4/3/2024



Administrative Appeal Application

Agent Waiver

If the appellant is not the property owner, complete the Agent Waiver for **each property owner of each parcel included in this application**. Use multiple sheets if necessary.

Agent Waiver

In filing this plan as the property owner, I do hereby agree and firmly bind myself, my heirs, executors, administrators, successors and assignees jointly and severally to construct all improvements and make all dedications as shown on this proposed site plan as approved by the City of Goose Creek, South Carolina.

I hereby designate Stephanie Sinko to serve as my agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf, and to represent me in any public meetings regarding this application.

Print Name: Jenise D Scott

Signature: _____

Person Completing this Application: Jenise D Scott

Signature of Person Completing this Application: *Jenise D Scott*

Agent Waiver

In filing this plan as the property owner, I do hereby agree and firmly bind myself, my heirs, executors, administrators, successors and assignees jointly and severally to construct all improvements and make all dedications as shown on this proposed site plan as approved by the City of Goose Creek, South Carolina.

I hereby designate Darcie Prusak to serve as my agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf, and to represent me in any public meetings regarding this application.

Print Name: Jenise D Scott

Signature: _____

Person Completing this Application: Jenise D Scott

Signature of Person Completing this Application: *Jenise D Scott*

Jenise D Scott/Stephanie Sinko
 Telephone: 803-375-6779 Email: StephanieDScott143@gmail.com
 (843)290-3168 / (803)759-6779

January 15, 2025

Edward Keith Leggett
 AAA Transmission
 129 Redbank Rd
 Goose Creek, SC 29445

Dear Mr. Leggett:

As per my voice message today, due to your negligent outstanding balance of late rent of \$2,000.00 and late fees exceeding \$2,000.00, we are hereby notifying you that you have 5 days to vacate the property.

Also, be advised that, as per our lease agreement, all damages to the building i.e. the totally damaged bathroom, the soffit & fascia, the excessive amount of grease/oil on the floor of the shop area, the missing carpet from the office, etc. is YOUR responsibility. Along with the removal of the vehicles and debris on the property.

Additionally, as per the aforementioned lease agreement, anything that has been affixed to the building is not to be removed.

For any questions regarding this, please reach out to Stephanie at (803)759-6779.

Jenise D. Scott
 Jenise D. Scott

AAA
 TRAN

SION

AUTO REPAIR

