

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF JULY 21, 2020

The Board of Zoning Appeals held its regularly scheduled meeting on Tuesday, July 21, 2020 by Zoom Virtual Platform, 1122 Dills Bluff Road, James Island. Commissioners present: Jason Gregorie, Chair, Brook Lyon, Sim Parrish, David Savage, and Roy Smith, Vice Chair. Also, Kristen Crane, Planning Director, Flannery Wood, Planner I, Ashley Kellahan, Town Administrator, Mark Johnson, Public Works Director, Bonum S. Wilson, BZA Attorney, and Frances Simmons, Town Clerk and Secretary to the BZA. A quorum was present to conduct business.

Elected Officials: Garrett Milliken, James Island Town Council, Carol Jackson, City of Charleston Council.

Call to Order: Chairman Gregorie called the BZA meeting to order at 7:03 p.m. He announced that this is the first virtual BZA meeting and Town Administrator, Ashley Kellahan would serve as the moderator.

Compliance with the Freedom of Information Act: In compliance with the Freedom of Information Act and the requirements of the Town of James Island, members of the public were provided a link for participation.

Introduction: Chairman Gregorie introduced the members of the BZA, new member David Savage, staff, BZA Attorney, and elected officials.

Review Summaries and Rulings from the November 19, 2019 BZA Meeting:
BZAV-10-19-024
Disapproved

Chairman Gregorie asked for a motion to approve the November 19, 2019 meeting minutes. Commissioner Lyon moved; Commissioner Parrish seconded. Commissioner Savage made a correction on page 6, 3rd paragraph, *to add the word "meet" to the sentence. Sentence to read: applicant did not meet the requirements ...* Motion passed unanimously with the correction.

Brief the Public on the Procedures of the BZA: Chairman Gregorie explained how the Board of Zoning Appeals Hearing would be conducted.

Administer the Oath to those Presenting Testimony: Chairman Gregorie said each person who wish to address the Board would be sworn in. In order to expedite the process those speaking in person at the Town Hall were sworn in by Attorney Wilson. Each person speaking via the Zoom chat feature would be sworn in individually before giving testimony.

Review of the Following Applications:

New Business:

BZAV-6-20-025

TMS# 425-04-00-062: Variance request for the reduction of the 10' required interior side setback by 5.2' to 4.8' for an addition of living space onto an existing residence in the Low-Density Suburban Residential District (RSL) at 1514 Patterson Avenue

Planning Director, Kristen Crane presented the staff review of applicant Dr. Ellen Friedrich for a variance request for the reduction of the 10' required interior side setback by 5.2' to 4.8' for an addition of living space onto an existing residence in the Low-Density Suburban Residential District (RSL) at 1514 Patterson

Avenue. Mrs. Crane reviewed the adjacent properties to the north, south and west in the RSL Zoning District in the Town of James Island's jurisdiction. Properties to the east is single family and is in the City of Charleston. The Town of James Island Zoning and Land Development Regulations, §153.070 states that all development in the RSL District shall be subject to the following density, intensity, and dimensional standards: Minimum Setbacks, Interior Side of 10 feet.

Mrs. Crane said the subject property is 0.17 acres in size and contains one single-family home that was constructed in 1973 according to Charleston County records. The current property owner purchased the property in November 1978. According to the applicant's letter of intent, she requests "a variance for the construction of a small, approximately 170 square feet (16 feet by 10 feet 9 inches), addition to her home. The addition would be a few feet over the setback on the west side of the house where there is already constructed a part of the house, dating around 1973." "The present available living area is approximately 10 feet by 7 ½ feet; the dining area is 4 feet by 7 feet. The addition would serve as a living room of decent small proportion, and the present tiny living room would become a proper dining room."

Mrs. Crane's presentation included a radius map, site plan of the proposed improvements and pictures of the subject and adjacent properties.

Mrs. Crane reviewed the Findings of Facts according to §153.049 F, Zoning Variance Approval Criteria of the Town of James Island Zoning and Land Development Regulations (ZLDR). She said the Board has authority to approve, approve with conditions, or to deny the case based upon the findings of facts unless additional information is required to make an informed decision. Mrs. Crane read the six (6) approval criteria and the two (2) conditions recommended by staff:

1. The applicant/owner shall install tree barricades around the grand trees on the property, as described in the Ordinance throughout the duration of construction.
2. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall provide documentation that the grand trees on the subject parcel have been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate potential damage to the tree caused by construction.

Questions for the Board

Commissioner Savage said one of the recommendations is for the Grand Trees to be pruned. He is cognizant of the fact that the applicant is 70 years of age. He asked how many Grand Trees are on the property and if the Board is inclined to approve this request with conditions, is there something less onerous should there be 5-6 trees making this cost prohibitive. Mrs. Crane said she did not know the number of trees; however, if the request is approved, the applicant would submit a more detailed site plan. If the construction is only going to be on the left side during the site plan review process, she would not be asked to put in tree protection or mitigate the ones on the right side of the property that is not affected.

Commissioner Savage said he saw support letters from the neighbors and asked if he missed any that were in opposition. Mrs. Crane said no letters of opposition were received.

Applicant Presentation

Dr. Ellen Lorraine Friedrich (sworn in by Town Attorney) stated she is a Retired Professor Emerita of Modern and Classical Languages. She thanked the Board for hearing her request for a variance to build a small addition to her home at 1514 Patterson Avenue in Bayfront, one of the older neighborhoods on James Island.

Dr. Friedrich said she is 70 years old and building a small addition of 10 ft. by 16 ft. (or 160 square feet) is not a good option for her; nor would it fit the neighborhood. All the houses on her long block are one story, with the exception of one house with a portion built as a partial second story. There are a few elevated houses recently built across from the marsh in another block at the end of the street. Dr. Friedrich purchased the home in 1978 and it was one of the smallest, on about 1/6 of an acre. Since then she has had to make do with a small living area and a mini dining room with a table pushed against the wall for access to the kitchen. She has six nieces that would like to visit but she needs more space. Dr. Friedrich showed a layout to the Board.

Dr. Friedrich said Mr. Bruce Emery, a neighbor to the east, has a similar house. Mr. Emery supports her request and has written an email in favor; although she is unsure if the Board received it. About a year ago, she came up with the idea of a small addition and began to talk to the neighbors about it. Dr. Sarah Stender (lives caddy corner) wrote a letter of support as well as Mr. Dan Valoppi (neighbor in front of her). The neighbor to the west; where the addition would be placed, is very private but supports it. In the last months Dr. Friedrich said she talked with the neighbors up and down Patterson, on Inland, and on Bermuda, and they all support her request. As mentioned in the application, the house was built in the '70s and she purchased it in '78. She said when the house was purchased the area was already five feet into the setback so she would be bringing it forward and the façade would be continuous, making it more appealing. She said the house was uncentered on the east when it was built. There is some space on the lot to the east but on that side are two bedrooms and the only bathroom making it impossible to build additional living space in that area. Dr. Friedrich said she would like to increase the livability and the look of her home which is why the variance is being requested.

Questions from the Board

Commissioner Smith asked if most of the houses in the neighborhood are centered on the lot? Dr. Friedrich said absolutely. There are a few that might be little off-centered, and it is sometimes hard to tell because it looks like they were originally centered and may have been added on. She said Bayfront is one of the oldest neighborhoods on James Island and while going through the neighborhood it is more obvious than an overhead view; but they are centered.

Commissioner Smith asked if the property is different than most of the others. Dr. Friedrich said the house sits back 5-6 ft. more than the other houses. People coming to see her often comment that they miss her house because it is different.

In Support: Council Chambers: No one present

Zoom Chat: Dr. Sarah Stender (sworn in by Town Attorney) Dr. Stender spoke in support of Dr. Friedrich's request to construct a small addition to her home. She said the house is almost unlivable; she is also getting ready to put on a roof, a good improvement to the neighborhood. She appreciates the fact that Dr. Friedrich went through the proper channels and told neighbors what she wanted to do. She mentioned concerns about a property in the City where there are three houses crammed on one lot and this was done without any input from the neighborhood. Dr. Stender said she does not believe any of the trees would be harmed because Dr. Friedrich is a naturalist and would care for the trees. (email in support provided).

City Councilwoman Carol Jackson (sworn in by Town Attorney). As a neighbor, living at 1461 Patterson Avenue, she is in full support of Dr. Friedrich's application for a west side lot variance. She agrees with her responses to the criteria the Board would use to determine the reasons the variance is appropriate and is the right thing to do for this small lot and off-centered footprint that would simply fill out the small footprint built by an earlier owner. (email in support provided).

In Opposition: Council Chambers: No one present

Zoom Chat: No one present

Chairman Gregorie announced that the Board received three (3) letters in support and none in opposition to the request.

Applicant Rebuttal:

Dr. Friedrich added that she had an elevation and a survey done a year ago. There is one tree that may qualify as a grand tree between the house and the easement and it would be protected.

Chairman Gregorie closed the hearing at 7:43 p.m. and asked for a motion from the Board, to approve, approve with conditions, or to deny Case BZAV-6-20-025.

Commissioner Lyon moved to approve the request with the conditions set forth by staff; Commissioner Savage seconded.

1. The applicant/owner shall install tree barricades around the grand trees on the property, as described in of the Ordinance, throughout the duration of construction.
2. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall provide documentation that the grand trees on the subject parcel have been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate potential damage to the tree caused by construction.

Commissioner Lyon stated that the applicant met all the criteria set forth in the Ordinance. She drove by the property today and said it would be a huge improvement for the applicant and to the neighborhood, but most importantly, the application meets all of the criteria. All members of the Board agreed.

Vote

Commissioner Lyon	Aye
Commissioner Parrish	Aye
Commissioner Savage	Aye
Commissioner Smith	Aye
Chairman Gregorie	Aye
Passed Unanimously	

Chairman Gregorie reiterated the vote and legal reasons for approval of the application. A final decision will be mailed within ten (10) business days to the applicant and they may contact the Planning staff with questions regarding the approval or the conditions.

BZAS-6-20-019: TMS#s 427-01-00-012, -013: Special Exception request for the placement of an express service automatic carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) District in the South Village Area on property located at 1312 and 1316 Folly Road:

Planning Director Kristen Crane presented the staff review of applicant, Mr. Giles Branch of Earthsource Engineering representing Mike Roper, Owner of Time to Shine Car Wash. The applicant is requesting a Special Exception for the placement of an express service automatic carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay Zoning District (FRC-O) in the South Village Area at 1312 and 1316 Folly Road. The FRC-O has future land use recommendations for the subject properties as Neighborhood Commercial. Adjacent property to the north/northwest is also in the Community Commercial Zoning District and is in the Town of James Island's jurisdiction. Adjacent

property to the south and west are zoned General Business (GB) and are in the City of Charleston's jurisdiction. To the east are residential properties in the Town of James Island and in the City of Charleston. The adjacent GB zoned property to the south is residential in nature while the adjacent GB-zoned parcels to the west consist of a convenience store/gas station and financial services. Other uses within 300' of the subject properties include religious assembly, vehicle repair and residential uses.

The Town of James Island Zoning and Land Development Regulations, Folly Road Corridor Overlay Zoning District, South Village §153.093 (I)(2) states, "Uses Requiring Special Exception: Vehicle storage, boat/RV storage, bar or lounge, consumer vehicle repair, fast-food restaurant, gasoline service stations (with or without convenience stores), indoor recreation and entertainment, and vehicle service." *Radius and Aerial maps and site plans reviewed with the Board.*

In the letter of intent, the applicant explains. "the intent for this project is to offer a viable commercial development plan to the Town of James Island while limiting impacts to the natural features of the site while also maximizing screening to the two (2) rear residential neighbors." *Photos of subject property and adjacent properties shown.*

Mrs. Crane reviewed the findings of facts according to §153.045 E, Special Exceptions Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR). She said the Board has authority to approve, approve with conditions, or to deny the case based upon the findings of facts unless additional information is required to make an informed decision. Mrs. Crane then read the six (6) approval criteria and eight (8) conditions recommended by staff:

1. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall install tree barricades around the grand and protected trees on the property, as described in §153.334 of the Ordinance.
2. The width of the 8' multi-use path on submitted site plan shall be increased as much as possible while maintaining landscaped separation from the road and maintaining at least one row of vegetative buffering between the building and path.
3. A plan to expand stacking spaces in the event of traffic, parking and stacking congestion, shall be submitted, and approved by the Town prior to obtaining a Zoning Permit for the proposed site improvements.
4. An 8' wooden privacy fence shall be installed along the entire rear perimeter and anywhere "fence" is labeled on the submitted site plan.
5. Architectural plans shall be subject to the discretion of the Town as to whether architectural guidelines and development standards have been followed.
6. The site plan is subject to all Supplemental Stormwater Design Standards adopted by the Town of James Island.
7. Special Exception for vehicle service use of automatic express carwash is contingent on submittal and approval of lot line abandonment by Planning Department Staff.
8. Commercial uses shall be limited to the hours between 6:00 a.m. and 11:00 p.m.

Questions from the Board

Commissioner Parrish asked what the LID design is mentioned in Section E(d). Mrs. Crane explained that it is low impact development. There is a manual for that type of development that includes pervious pavement and other guidelines.

Commissioner Savage referenced the Rethink Folly Road Management Plan Guidepost to green for large tree preservation and wants to make sure his understanding of the applicants' submission matches that of the Town. Mrs. Crane was asked to show slide #24, that depicts the photo on the left appearing to be a row of various trees traversing both lots on Folly Road; Mrs. Crane answered yes. Commissioner Savage asked to display the applicants' site plan and asked what, if any trees would be saved, or impacted. He asked if the line of trees shown in slide #24 would be removed and could not tell if they are small bushes or shrubbery bordering Folly Road. Mrs. Crane said it is probably a canopy tree because several are required in the buffer and the others could be shrubs. Mrs. Crane said a comprehensive landscape plan has not been done but would be during the full site plan review. She said they do not appear to be grand trees although the applicants will need to have a minimum number of trees per acre. All of this would be done during the landscape plan process.

Commissioner Parrish asked what the setback on Folly Road to the front of the building is. He said the building looked close to him compared to other establishments on Folly. Mrs. Crane said the minimum is 15 feet but with the Rethink Folly Road Complete Streets Plan and the Folly Road Overlay Plan the goal is to have all the buildings close to the street to slowdown of traffic. It would be like a "downtown feel" with parking in the back. The buildings are required to be close to the street. Commissioner Smith responded that it is 14 feet and over half of it is concrete.

Commissioner Savage asked if there is only one point of entrance and exit on the Site Plan and Mrs. Crane answered yes.

Chairman Gregorie asked the approximate bounds in the South Village of the Folly Road Overlay District where the carwash would be, and Mrs. Crane showed the location on the Future Land Use of the Overlay District map. Chairman Gregorie said some of the emails received mentioned other carwashes approved by municipalities in the vicinity. He asked if any had been approved; and if so, how many. Mrs. Crane said two in the City of Charleston are in the approval process. The Auto Bell Carwash at 1285 Folly Road, is the furthest in the process, having gone through the City's Technical Review Committee (TRC) process. FINS, a triple A car wash, has not gone through the TRC process, but they have submitted a permit for construction activity.

Commissioner Lyon asked if FINS location is next to Blue Water and Mrs. Crane said no, it is between the SC Federal Credit Union and the new entrance to Publix.

Chairman Gregorie said not being fully educated with the City's process, is it Mrs. Crane's understanding that these carwashes are either going through the TRC process or have permits submitted if a Special Exception or a Variance is not required by the City. Mrs. Crane said that side of the road is mostly commercial and did have to go through a BZA or a public process in the City.

Commissioner Lyon asked on the Site Plan what the stormwater basin would be; a ditch, pond, or lake to contain water or soap suds. Mrs. Crane asked to defer this question to the applicant. She is unsure what the plan is because the applicants would be required to go through the stormwater review process since the site is over an acre and that would be a more stringent review. Commissioner Smith said he would like to caution the applicant to be extremely honest about what they plan to do with that portion of the site because the Board's decision may be dependent upon what they say they would do and if they do not, there may be a problem.

Commissioner Savage asked Mrs. Crane to display slide #15. He said that he sees the two subject properties and the location of Bluewater and FINS. He asked if the application is approved and the two that are in the City area approved there would be three (3) carwashes in a 300-foot radius in close proximity of the

intersection. Mrs. Crane noted the radius is almost 300 ft. Commissioner Savage further commented that 1.2 miles up Folly Road at the intersection of Camp and Folly there are presently two (2) operating carwashes. Mrs. Crane said there are three carwashes in the Town: one (1) at Bluewater gas station and two (2) at Folly and Camp.

Commissioner Lyon asked Mrs. Crane pulled up slide #16 to show where the FINS carwash would be located.

Commissioner Smith stated for the record that the City of Charleston may or may not approve another car wash across the street but that does not matter with our rules because we need to make our own decision. Commissioner Lyon agreed that it has nothing to do with the BZA's criteria. Chairman Gregorie reminded the Board that this time is for questions to staff and discussion would be held later.

Applicant Presentation

Kevin Berry and Jereme Tarr (sworn in by Town Attorney)

Mr. Berry said he is with Jereme Tarr (representing Time to Shine) and Edward Oswald (on-line). He complimented staff on their presentation and for working with them. An aerial of the property at 1312 and 1316 Folly Road was shared with the Board. He pointed out that sometimes carwashes get a negative connotation. Mr. Berry said he would talk first about the site and would also show pictures of Time to Shine, recently constructed in West Ashley on Sam Rittenberg Blvd. to give the Board a general idea. On the site to the north is Tire Choice Auto; to the south is Folly Road Auto Repair. He said they are very respectful to the intent that the Town has for the South Village area and feel the carwash would be a good use to complement the existing uses in the area. They are also mindful of the residents at the rear of the site. A picture of the Sam Rittenberg carwash was shown that James Island site would be similar to. He said the Savannah Highway location had many grand trees that were preserved so they are sensitive to that.

Mr. Berry said these types of washes are not the typical carwashes where there is a manual bay to wash a car, boat, or truck. The tunnel washes are very contained and efficient and people often purchase a membership and love it. The carwash would be a service to residents in the area. As he discussed, earlier people are not driving from the City of Charleston to wash their cars here, it is for the people that live in the area. The carwash is not a traffic generator; it would provide a service in this area. He said Town staff said architecturally they would have to comply with the desired material etc. A picture of the West Ashley site showed pervious pavers and the pay station. He addressed the question of how far the building is from the road. He said there is a 15 foot buffer along the front, and they propose an 8 ft. activity path on the front of the buffer leaving 7 feet for plantings; the property line is about 6 ft. off the basic curb of Folly Road. There is about 21-22 ft. off the basic curb of Folly Road. The trees along Folly Road were depicted on the Conceptual Plan with dark green circles near the northern portion of the property. There are a few trees that fall on the building line which are too close to the buffer that they would not be able to maintain those but propose to add additional plantings in a nice vegetative buffer along the frontage (perhaps understory trees and shrubs to accent the building). He discussed the pond on the Conceptual Plan that showed a stormwater basin and a bioswale at the rear of the site. He said those two systems work in tandem and would only accept water coming from offsite or from the runoff from parking spaces and drive outs. He said the water pushes back out through the sewer system and the reclamation they use recycles the water, so they do not have as much water dependence; it is filtered and 1/3 of the water is used than a standard carwash. He said no water or pollutants would go into the detention basins. He said with the building being pushed to the front, they are about 300 ft. to the closest residence behind them and it also provides a noise buffer for the residence from the street serving as a screening factor. Activities are kept to the front and middle for sensitivity to the neighborhood, which is important. There are two grand trees and the red hashed areas (on

Conceptual Plan) are pervious. There are pervious pavers in the parking lot and adjacent to each of the trees. There are also a few employee spaces at the back of the site that is pervious pavers also. He said the low impact design standards that they use maintains as much green space on the site as possible and to preserve as many existing trees as possible. He said the site was developed to work around the trees and to keep them healthy. They have an arborist contracted for the site and would take concern in preserving the trees, and with the fence in the rear there is a 20ft. buffer that is 40 ft. where the bioswale is off the back-property line. They agree with staff and would put in an 8ft. fence along the back and landscape on both sides. He said it is not shown at this level on the Site Plan, that they have been successful with is putting in Cedars and Wax Myrtles in the buffer because they grow fast and for noise. They plan to line the buffer in the rear with heavy vegetation along with the 8ft. privacy fence to maintain a separation from them and the neighbors. He said the only area that generates noise is contained internally and there are two vacuum stations (one at dumpster screening and the other at top of the site enclosed in fenced areas). The vacuum pipes noise underground to the booms so any noise would come through there and would emit up; the area would be heavily vegetated along with the fence.

Mr. Berry said the traffic they are targeting would be coming from Folly Road headed north. They feel the carwash is in a great location and would not increase traffic; it would be a service type business for the residents on the island and not draw people off the island. He said the reclaimed system is an expensive system referencing comments from some residents about pollutants. Mr. Berry assured that the reclaimed system would go under the parking lot and filter the water out to the sewer system. The storm drain system will outfall and pipe out to Folly Road and no stormwater would be pushed onto the neighbors.

Jereme Tarr spoke regarding noise stating they install mufflers on vacuum producing systems encasing them to keep noise levels as low as possible. He said everything from a noise standpoint, as well as soap and water runoff from vehicles, is captured inside of the building. He said they typically put in drain cutouts outside the building so any runoff from a vehicle as it leaves the tunnel gets collected in the drain and sent back to the tunnel to be treated in the reclamation system and then it goes into the sewer.

Questions from the Board

Commissioner Smith questioned Mr. Tarr saying, "typically do that" and asked him if they always do that; because he did not say "always". Mr. Tarr said there are sites in other states that do not have drain cutouts, but he believes all sites in South Carolina do. Mr. Berry said that would be done on this site because it required by stormwater.

Commissioner Smith referred to Section E (c) and asked if adequate provision were made.... to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor traffic congestion and similar factors, asking these be addressed.

Dust: Mr. Tarr said they have a filtration system in the vacuum separators to ensure that none goes into the environment; it is a cloth separator, and anything sucked into the vacuum system is caught there and emptied on a daily basis.

Light: Mr. Tarr said that they use a combination of timers and photocells to create redundancy to make sure the lights shut off at the appropriate time. Once the business closes for the day, the lights shut off to make sure there is no unnecessary impacts on the environment. Commissioner Smith asked what time the lights shut off and Mr. Tarr responded that the store closes at 9:00 p.m. in summer so it is usually by 9:30 p.m. that they shut off.

Glare: Mr. Berry said for noise and glare they will utilize heavy vegetation screening and with the required 8 ft. fence in the back, their intent is to plant sizeable Cedar Trees and Wax Myrtles to reduce any impact. The existing fences on either side of them and the businesses and the fencing would address noise and glare that may come from a vehicle. When questioned about odor, Mr. Tarr said he had not gotten any complains about odor. He said a typical carwash does not have a smell per se because the vacuum system is self-contained and does not produce odors.

Commissioner Lyon said her questions about noise and lights were addressed. She said the plan is beautiful and it sounds as if the applicants have done their homework on the site plan.

Commissioner Parrish asked the hours of operation and Mr. Tarr replied that it varies depending on the season. During summer, the hours are 7:00 a.m. – 9:00 p.m. and during the winter they close at 8:00 p.m. They open on Sundays at 12 Noon in order to provide minimal impact on anyone wishing to go to church.

Commissioner Savage asked Mr. Berry how many cars needs to go through the carwash to make a profit; in the summer; what is the estimated number of vehicles coming into the business. Mr. Tarr said on a typical day in the summer, a carwash runs 200-300 depending on the site. Commissioner Savage asked if this estimate is based upon traffic at the Savannah Highway site and Mr. Tarr answered yes.

Commissioner Savage asked how many employees it takes to staff the business on a normal workday and Mr. Tarr said 3-4 up to closing.

Commissioner Savage asked and was given information on the visitor pay stations and membership holders. Mr. Berry said the gates at the pay stations are sequenced to allow patrons to come through one at a time and go into the tunnel. Commissioner Savage asked the length of time it takes for a car to go through from entering the site to exiting; Mr. Tarr said it is quicker if the person has a membership because as soon as they pull up to the pay station, their tags are read and they can go through.

Commissioner Savage asked about the noise decibel on the vacuum and Mr. Tarr said he did not know this off the top of his head and would have to Google it.

Commissioner Savage asked about security lights on the property because on the schematic there are four (4) employee parking spaces off Folly Road in a dark corner. He wants to know what would stop 5-6 kids from meeting at the Time to Shine Carwash and smoke dope because no one would be able to see them in a corner. He asked what type of security lights would be provided for protection against vandalism to the property, loud music, and safety to the residents. He asked how would glare and malfeasance be addressed because the business is one of the first and closest to the road. Mr. Tarr said the curb cut is on Folly Road and is both the entrance and exit. It would be blocked off at 9:00 p.m. with cones, chain, or something with high visibility so people do not run through it as they leave. As vehicles leave the site, those things will be replaced to block off the site. He also said they put up somewhere around 36 cameras with day/night capability and run an alarm system on the building and the pay station. That way if anything is tampered with, they can remotely check the cameras, deploy the police if necessary or report a false alarm. Commissioner Savage asked if there would be streetlights or a flood light to keep the area illuminated that might impact the residents at the rear of the business. Mr. Berry said they may submit a photometric plan as they typically have site lightings. The photometric would adhere to all Town standards and would be a downcast light for security measures. They would be very sensitive to where they would be placed on the site and would broadcast in for security. He said employees monitors the site and vagrancy and loitering are not allowed on the site.

Chairman Gregorie stated that if the request is approved, the staff has recommended eight (8) conditions. He asked the applicants if they are aware of them or have objections to any. Mr. Berry said they fully intend to meet all of the conditions. Chairman Gregorie asked if a 9th condition is added for a right turn in/right turn out on Folly Road if that were a critical condition for BZA acceptance, would the applicants adhere to that. Mr. Berry said the curb cut is a DOT ROW and that approval would be needed from them. Mr. Tarr said after seeing the traffic flow on Folly Road, operationally he would not be opposed to it.

Commissioner Parrish asked if the carwash would service passenger vehicles only, or are boats and RVs allowed. Mr. Tarr said it is for passenger vehicles; the business is for people in the area to wash their vehicles.

Support: Council Chambers: No one present

Zoom Chat: Jim Bobo (*sworn in by Town Attorney*) Mr. Bobo is representing his mother who owns the property and converted it to commercial use in 2005. He was impressed with Mr. Berry's presentation and supports the request.

Edward Oswald: (*sworn in by Town Attorney*) Mr. Oswald pointed out to the Board that the Town is not the City of Charleston and its purpose is to determine businesses along the corridor that is financially or economically viable. He said the carwash is a great use for the property; it is sandwiched directly between two automobile uses and currently has two dilapidated houses on the site. He believes that Mr. Bobo would agree that these two houses are like a number of houses in the Folly Road Corridor that are no longer residential and are stuck in a no-man's land. They are prime examples of that and has created commercial property that is hard to rent. He thinks the carwash is a great use for the property being between two auto uses already there and that would continue to be because they are doing great. The carwash would be a great compliment to those businesses and to the intersection.

Opposition: Council Chambers: No one present

Zoom Chat: Sonia Chiaruttini (*sworn in by Town Attorney*) property owner at the rear, left corner facing the carwash. Ms. Chiaruttini prefaced by stating that she is a commercial real estate broker and is absolutely for commercial development. She thinks Mr. Berry's plan is very nice, but she has a problem on her property on Jeffords Street concerning water. She stated that everyone knows when concrete is put over dirt it causes water misplacement. It is very serious, and she doesn't know if the Tire Shop that is 4-5 ft. higher than her property, maintains their water drainage. There is a severe water problem when it rains. Her concern is a carwash with additional water and the concrete would cause additional drainage onto her property. She thinks the plan is beautiful and she is for development, but her concern is about drainage onto her property.

City Councilwoman Carol Jackson: resident at 1461 Patterson Avenue said she is honored to serve on Charleston City Council, representing District #12 primarily along the east side of Folly Road and is close to Town properties. She also represents a portion of District #6 with City Councilman Dudley Gregorie and serves on the Rethink Folly Road Steering Committee. She is speaking on behalf of herself as a resident as well as her position as Councilmember for the City. She complimented the Town for requiring a Special Exception for this use and plans to work hard on the City's 2020 Comp Plan to look individually at uses that are not necessarily a master plan for this part of James Island. She asked the Board to deny the request. She said Time to Shine is a state-of- the art operation and is well run. She has no problems with the company or the way they would represent themselves but feel this use is no longer desired on James Island. She asked the Board to look closely at the traffic impacts and the nearby uses that are residential. She said the eastside

of James Island is designed to retain residential properties that are one lot behind Folly Road and that is not the case with the two lots where the carwash would go.

Chairman Gregorie asked the record to reflect that one (1) email in support was received and sixteen (16) were received in opposition to the application.

Applicant Rebuttal: Mr. Berry addressed Ms. Chiarutti's concern about stormwater that they would take an all-inclusive look at stormwater in the area. He has talked with Mr. Bobo and has gotten some additional offsite contributions. He told the BZA and staff that they would absolutely control all stormwater on their site. They will control it, detain it, and release it to the front; no water would be pushed onto the neighbors. They will also try to help Ms. Chiarutti to see if they can mitigate some of her concerns.

In addressing Councilwoman Jackson's concern, Mr. Berry said the type of use they are requesting is not a traffic generator. They will be a service to the residents in the area. He said as Chairman Gregorie mentioned a right in/right/out would further limit potential traffic issues and they are willing to do that. He feels the carwash is a good use for the site and they would be good neighbors. He said they are over 300 ft. from the back of the building to the closest residential structure behind them.

Chairman Gregorie closed the Hearing at 9:03 p.m. and called for a motion to approve, approve with conditions, or to deny the application in order to have discussion.

Commissioner Parrish moved to approve the application with the eight (8) conditions recommended by staff; Commissioner Lyon seconded for discussion.

Commissioner Smith said he would vote against the application because his questions about noise, vibration, dust, glare, odor, and traffic congestion were not discussed; Commissioner Parrish commented that the applicant did address those issues in detail.

Commissioner Lyon stated that while the plan is beautiful and a service for the residents of James Island, there were some good comments made about vehicle services on either side, and she hesitates to call the properties derelict, but they can stand a lot of improvement. She said the Board needs to look at the criteria set forth and after reviewing them, she does not believe the applicant meets Criteria A. She does not believe the applicant is consistent with the Town's Comprehensive Plan as implemented through the Community Commercial District and the Folly Road Corridor Overlay District. She also has concerns about Criteria B, the subject property being bordered by residential properties to the east. She commented that a resident spoke regarding that. She said the Board has had many cases over the years with businesses that backs up to residential properties along Folly Road and sometimes we can put conditions if the criteria are met. She noted that the applicant has done a lot of work and preparation and she is super impressed with both applicants' enthusiasm and their business model; but the Board has to look at criteria because it is a quasi-judicial body, through legal eyes and for her, the application does not meet A and B. She has concerns about C, but they could probably meet C by adopting staff recommendations. She said all criteria must be met and for those reasons she plans to vote against the request.

Commissioner Savage stated that the presentation and site plan is excellent, and the applicants have a good design plan, and in the back of my mind, I am thinking after this meeting to get with you and figure out how to get one in Hollywood, SC! He said the presentation could not have been presented better but as Commissioner Lyon indicated, this is an application for a special exception to the zoning and growth plan of the Town; a plan that other businesses have relied on, invested in, and residents make purchasing decisions based upon it. He said when someone requests a special exception the burden is on them to make sure each requirement is met. At the present time he is tied up on Criteria A and the character of Rethink

Folly, and the safety aspects of it. He spoke about the anticipated traffic on a given day, in the range of 300 cars, and assuming each car is 10 linear feet, that is 3,000 linear feet of vehicles. He said when a carwash opens there is not a big rush at 7 a.m. in the morning because that is not when people wash their cars. There tends to be two busy times of the day when there will be 3,000 linear feet of cars trying to get on Folly Road into the carwash as others are trying to get out. He said it takes about 3.5 minutes for a car to go through the carwash, looking at 1,050 minutes, assuming at the peak times for a total of 7 hours. You would be looking at 25 cars per hour at dense times trying to get in and out of the site and that volume far exceeds any volume of the contemplated residential business nature by the plan. He said the plan had five guideposts, one of which was safety. He complimented Chairman Gregorie for doing a nice job in trying to see if there is a way to work around it by having a right turn in/right turn out only. He said if the Board decides to approve the request, he will not vote for it unless there is a right turn in/right turn out. In addition to the safety guidepost, there was a guidepost of sync and the Board should consider how prior decisions by other jurisdictions have already impacted the corridor. He noted that whether the City approves or disapproves of something is no business of ours, but under our plan we are required to look at syncing and if we have one carwash here, with two others across the street, it is reminiscent to the intersection of Camp and Folly where there is a gas station on each side of the street. He said we have two car washes at Camp and Folly which is 1.2 miles away, and the applicant's proposal if granted is a potential for three others. He thinks there is a problem with the syncing component of the plan. Commissioner Savage discussed interconnectivity and that we want the buildings to be interconnected on the inside because the purpose is to reduce the flow of traffic on Folly Road. He asked when do people wash their cars or go to the beach, it is in the summertime and for those reasons he does not believe the applicant has met all of the criteria of the Comprehensive Plan. He said if the Board grants the Special Exception, he does not see any other situation where we can deny a special exception.

Commissioner Smith said there will be other opportunities to deny a special exception depending upon the circumstances and we should not do away with that.

Chairman Gregorie said his thoughts are similar to most of the points that were made and there are six (6) criteria that has to be met. He has concerns with one, and that being the Comprehensive Plan. He is looking at this not only from a carwash standpoint but from a vehicle service standpoint. In this area, he is looking at a saturation of vehicle services. The two immediate neighboring parcels are auto uses and just down the road, also in the South Village is the new John Harris Body Shop. He said that is contrary to varied development (professional offices, retail space) that the Comprehensive Plan promotes and is worried that vehicle services will dominate the area. He stated that the applicant does not meet Criteria A, but there may be ways the other five could be met. As of now he intends to vote against the motion and if it is approved, he would like a ninth condition added. Criteria A is not consistent with the Comprehensive Plan and would lead to an over saturation of vehicle use. He said we also need to be cognizant of what the City is doing on Folly Road on Janes Island,

Commissioner Parrish said he cannot see how we can deny the request based on the possibility that the City may allow two additional carwashes on the other side of the street and did not see anything wrong with the staff recommendations. He would like to see a ninth condition added for a right tur in/right turn out only and to amend one of the other conditions.

Commissioner Lyon said personally she does not see what the City does has anything to do with this case. She thinks that discussion surfaced from emails received from residents about other carwashes in the City; but it has nothing to do with this Board's criteria and syncing is important.

Commissioner Smith agreed that the Board's decision has nothing to do with the City. What this Board does is its own decision and judged on the requirements that we have for our Town.

After discussion, Commissioner Parrish moved to amend condition #8 to amend the hours of operation to open at 7:00 a.m. and close at 9:30 p.m., Commissioner Savage seconded.

Vote

Commissioner Lyon	Aye
Commissioner Parrish	Aye
Commissioner Savage	Aye
Commissioner Smith	Aye
Chairman Gregorie	Aye

Passed unanimously

Commissioner Parrish moved to add a ninth (9th) condition to add a right turn in/right turn out on Folly Road; Commissioner Smith seconded.

Vote

Commissioner Lyon	Aye
Commissioner Parrish	Aye
Commissioner Savage	Aye
Commissioner Smith	Aye
Chairman Gregorie	Aye

Passed unanimously

Chairman Gregorie called for the vote on the main motion for the approval of BZAS-6-20-019, TMS#s 427-01-00-012,013: Special Exception request for the placement of an express service automatic carwash in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) District in the South Village Area on Property located at 1312 and 1316 Folly Road.

Vote

Commissioner Lyon	Nay
Commissioner Parrish	Aye
Commissioner Savage	Nay
Commissioner Smith	Aye
Chairman Gregorie	Nay

Motion failed 3-2

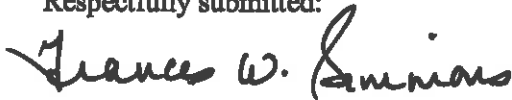
Chairman Gregorie announced the legal reasons for denying the request is that the applicant did not meet all six (6) of the criteria of the Town of James Island Ordinance. A final decision will be mailed within ten (10) business days and the applicant may contact the Planning and Zoning staff with questions regarding the denial of the application.

Additional Business:

Next Meeting: The next meeting is scheduled for August 18. Mrs. Crane announced that no applications were received by the deadline and no meeting would be held.

Adjournment: There being no further business to come before the Board, the meeting adjourned at 9:28 p.m.

Respectfully submitted:

A handwritten signature in cursive script that reads "Frances W. Simmons". The signature is written in black ink and is positioned to the right of the typed name.

Frances Simmons
Town Clerk and Secretary to the BZA