

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF JULY 17, 2018

Members present: Mr. Jim Fralix, Mr. Jason Gregorie, Vice Chairman, Mr. Roy Smith, and Mrs. Brook Lyon, Chairman. **Also,** Kristen Crane, Planning Director, Bo Wilson, BZA Attorney, Mark Johnson, Public Works Director and Robin Flood (substituting for Frances Simmons, Secretary to the BZA and Town Clerk).

Call to Order: Chairwoman Lyon called the Board of Zoning Appeals meeting to order at 7:04 p.m. A quorum was present to conduct business.

Prayer and Pledge: Chairman Lyon asked members of the BZA and others who wished, to join the prayer and Pledge of Allegiance.

Compliance with FOIA: Chairwoman Lyon announced that this meeting has been noticed in compliance with the South Carolina Freedom of Information Act.

Introductions: Chairwoman Lyon introduced the members of the BZA, BZA Attorney and staff.

Review Summary and Rulings from the June 19, 2018 BZA Meeting: Chairwoman Lyon asked if there were changes, if not, a motion and second is required to approve. Motion to approve was made by Mr. Fralix, seconded by Mr. Gregorie and passed unanimously.

OLD BUSINESS (Resumed)

1. BZAV-4-18-015

TMS # 425-02-00-046

Variance request for the reduction of the 5' required accessory structure setback by 1.6' to 3.4' for the placement of a pavilion accessory structure on existing slab in the Low-Density Suburban Residential District (RSL) at 1792 Enoree Lane.

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

Administer the Oath to Persons Presenting Testimony: Attorney Wilson swore in the persons who wished to provide testimony in tonight's cases.

Chairwoman Lyon asked for a motion to resume the meeting (bring back to the table) to continue discussion. Motion made by Mr. Smith, seconded by Mr. Fralix. All were in favor and the motion carried. Chairwoman Lyon asked for a motion to enter into an Executive Session to review information requested from Mr. Wilson, BZA Attorney. Motion was made by Mr. Smith, seconded by Mr. Fralix. All were in favor and the motion carried.

The Board returned from Executive Session at 7:20 p.m. upon a motion by Mr. Fralix and a second by Mr. Smith. All were in favor to return to regular session.

Chairwoman Lyon continued the meeting that was held on June 19 and asked for a motion to approve, approve with conditions or deny the variance in order to have discussion. Mr. Smith

moved to approve the variance and Mr. Gregorie seconded. Chairwoman Lyon asked for discussion. Mr. Gregorie acknowledged covenants exists but he will base his vote on the case criteria. Chairwoman Lyon asked for additional comments or further discussion. Mr. Smith acknowledged that this case was difficult for him because he understands the applicants concerns. However, he expects people to follow the proper procedures. Mr. Smith said he will not hold honest mistakes against them and they tried to fulfill the requirements regarding the property. He said conditions do not apply to other properties in that neighborhood, as the slab was existing. If the original building was not in good shape, it had to be torn down. Chairwoman Lyon thanked Mr. Smith for his comments.

Mr. Fralix echoed Mr. Gregorie's comments. Mr. Smith also mentioned that he is in agreement with Mr. Gregorie and Mr. Fralix regarding the covenants and we are here for a zoning ordinance.

Chairwoman Lyon spoke of concern regarding the applicant's action. While there was an existing slab, they needed to get a permit for construction. She also expressed concern about the applicant meeting all of the criteria, i.e., "C and F". She noted for approval, all criteria must be met. Chairwoman Lyon also noted concern about the overhang of the roof being only a foot from the property line and water runoff. However, that is not part of her concern for meeting all of the criteria. Chairwoman Lyon felt the applicants did not meet "F" which states the need for a variance is not the result of the applicants own action. After discussion, the vote was called and recorded as follows:

Mr. Fralix	nay
Mr. Gregorie	aye
Mr. Smith	aye
Chairwoman Lyon	nay

Vote tied 2-2; and failed

Chairwoman Lyon explained that the request was not approved as the majority of the Board felt the applicant did not meet all criteria. She said the final decision of the Board would be mailed to the applicant regarding the denial and they should contact the Planning Director if they have questions.

Next Meeting: The next BZA will be held on August 21 at the New Town Hall, 1122 Dills Bluff Road.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:36 p.m.

Respectfully submitted:

Robin Flood, Revenue Collection Specialist

