

**TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
Town Hall
1122 Dills Bluff Road, James Island, SC 29412
BZA AGENDA
April 19, 2022
7:00 PM**

NOTICE OF THIS MEETING WAS POSTED IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT

**(PLEASE SEE ZOOM LINK AND CALL-IN NUMBERS BELOW TO VIEW VIRTUALLY, OR VISIT THE TOWN'S
YouTube CHANNEL)**

Members of the public addressing the Board in support or opposition of this case at Town Hall must sign in. Social distancing will be in place. The Town invites the public to submit comments on this case prior to the meeting via email to kcrane@jamesislandsc.us referencing the Case #.

- I. CALL TO ORDER**
- II. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT**
- III. INTRODUCTIONS**
- IV. REVIEW SUMMARY (MINUTES) FROM THE MARCH 15, 2022 BZA MEETING**
- V. BRIEF THE PUBLIC ON THE PROCEDURES OF THE BZA**
- VI. ADMINISTER THE OATH TO THOSE PRESENTING TESTIMONY**
- VII. REVIEW OF THE FOLLOWING APPLICATIONS:**
 - 1. Case # BZAS-3-22-028**
TMS # 425-02-00-172
Variance Request for the removal of a grand tree for site improvements at an existing Chick-Fil-A restaurant in the Community Commercial (CC) District at 849 Folly Road.
 - 2. Case # BZAV-3-22-029**
TMS # 425-02-00-172
Variance Request for construction of a double-drive thru at an existing Chick-Fil-A restaurant in the Community Commercial (CC) District at 849 Folly Road.
- VIII. ADDITIONAL BUSINESS:**
 - 1. Next Meeting Date: May 17, 2022**
- IX. ADJOURN**

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81728471507?pwd=YzZ5WUUVUzB1QlVam5PNFB3bzNOdz09>

Passcode: 595181

Or One tap mobile :

US: +13126266799,,81728471507#,,,,*595181# or +19292056099,,81728471507#,,,,*595181#

Webinar ID: 817 2847 1507

Passcode: 595181

***Full packet available for public review Monday through Friday during normal business hours.**

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF MARCH 15, 2022

The Board of Zoning Appeals held its regularly scheduled meeting on Tuesday, March 15, 2022 in person at the James Island Town Hall, 1122 Dills Bluff Road, James Island, and by virtual platform on Zoom.

Commissioners present: Amy Fabri, Corie Hipp, David Savage, Vice Chair, Roy Smith, and Brook Lyon, Chairwoman, who presided. Also, Kristen Crane, Planning Director, Flannery Wood, Planner II, Bonum S. Wilson, BZA Attorney, Councilwoman Cynthia Mignano, and Frances Simmons, Town Clerk and Secretary to the BZA. A quorum was present to conduct business.

Call to Order: Chairwoman Lyon called the BZA meeting to order at 7:00 p.m. Chairwoman Lyon asked the Board and others who wished, to join in the prayer which was followed by the Pledge of Allegiance.

Compliance with the Freedom of Information Act: This meeting was held in compliance with the SC Freedom of Information Act. The public was duly informed of the meeting and notified that it would be live-streamed on the Town's YouTube Channel.

Introduction: Chairwoman Lyon introduced herself, the members of the BZA, Attorney, Staff and Councilwoman Cynthia Mignano.

Review Summary from the February 15, 2022 BZA Meeting: Motion to approve the meeting minutes from the February 15, 2022 BZA meeting was made by Commissioner Hipp, seconded by Commissioner Fabri, and passed unanimously. Chairwoman Lyon announced that case rulings and minutes from this and any BZA meetings are available for public review and inspection during normal business hours at the Town Hall.

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 those Presenting Testimony: Chairwoman Lyon asked Attorney Wilson to swear in persons at the Town Hall and those on Zoom who wished to provide testimony.

Review of the Following Application:

Case #BZAS-2-22-024

TMS# 425-08-00-023

Special Exception request for Beverage or Related Products Manufacturing in the Community Commercial (CC) District at 798 Folly Road, Unit B.

Chairwoman Lyon gave an overview of how the case would be conducted with the allotted times. She stated that those speaking in support at the Town Hall should stand one by one and state their name and address for the record. Those speaking in support on Zoom will be asked to wait until their name is called upon to speak and those speaking in opposition would follow the same procedure.

Planning Director, Kristen Crane, presented the staff review for Case #BZAS-2-22-024 and stated that the applicant, Mr. Roman Rozek, is seeking a Special Exception for beverage or related products manufacturing in the Commercial Core Area of the Folly Road Corridor Overlay Zoning District (FRC-O), at 798-B Folly Road having TMS #425-08-00-023) is 2.00 acres in size, zoned Community Commercial (CC) and hosts a variety of uses including a Beauty Salon, Personal Improvement Studio, Tattoo Parlor, Administrative Offices, Bar/Restaurant, and General Restaurant. Adjacent property to the north is a mixed-use shopping

center zoned Community Commercial (CC) and Low-density Suburban Residential (RSL) property under the same ownership. Property to the east is zoned RSL and is owned by the subject property owner, and property to the southeast is in the City of Charleston and zoned Diverse Residential. Property. To the west is zoned General Business and is in the City of Charleston. The remaining surrounding area includes parcels in the City zoned General Business and Single Family Residential, as well as parcels in the Town of James Island zoned CC and RSL.

The applicant is seeking to utilize the property for his existing homebrew supply store, "Beer Engineer Supply." His letter of intent states: "Beer Engineer Supply (BES) is looking to expand its homebrew supply store operations in North Charleston to bring a production brewery, taproom, and restaurant to James Island. Our supply store will also be in our new location for the Charleston area for the beer and wine making hobbyists." Cecil Morgan, LLC is the current owner of the subject parcel, and the lot is considered legal and conforming.

Mrs. Crane reviewed the six (6) Findings of Fact and the staff's recommendation with the following condition:

1. The applicant shall follow all applicable laws and regulations concerning alcohol sales, consumption, and manufacturing.

The Board of Zoning Appeals may approve, approve with conditions, or deny Case #BZAS-2-22-024 based upon the Findings of Facts unless additional information is deemed necessary to make an informed decision.

Questions for Staff:

Commissioner Hipp asked if Hurricane Boxing is closing. She went by there the other day and it looked active. Mrs. Crane replied that she did not know the status at this time.

Commissioner Hipp referred to the email she sent to Mrs. Crane earlier today about the Roost and how they had obtained their license liquor and that Mrs. Crane stated they (BES) are not using it as a restaurant, but for manufacturing. Mrs. Crane explained that she was trying to relay that the request tonight is only for manufacturing. She said the Roost, Charleston Sports Pub and the former White Duck Taco were there and were allowed to serve alcohol as a bar/restaurant because the Special Exception stays with the property. Commissioner Hipp thanked Mrs. Crane for the clarification.

Commissioner Fabri asked how parking spaces are allocated because it was stated there are 98 parking spots and there are several businesses. Does each business have an allocation, (i.e., x amount of square footage per business)? She commented that the Roost is probably also counting 98 spots and if BES counts 98 spots for their restaurant, how is that done? Mrs. Crane replied that the Town has a parking table in the Ordinance. She explained, for example, if it were a restaurant or a bar, they would have a specific number per square footage of seating area. Because there are so many uses on this parcel, there is a line item for a Shopping Center/Mixed Use Shopping Center that calculates the square footage of the buildings, not counting any storage of all the buildings, and then it would be one space per 300 square feet. She believes the parking requirement came out to about 50 something parking spaces and with their new parking in the back they have a total of 98.

Commissioner Fabri asked for clarification of Section E (e) that states the applicant complies with all applicable rules, regulations, laws, and standards of the Ordinance, including, but not limited to any use conditions, zoning district standards, or Site Plan Review Requirements of this Ordinance. Is there something the applicants need to do, or is it a staff review? Mrs. Crane answered there is nothing the applicants need to do except to go through either a full site plan review or a limited site plan review, based on if their use changes or not since there is already a restaurant/bar there.

Mrs. Crane said BES site plan review would be considered a limited site plan review so basically its going through what has already been done. She stated that this process is done before coming before the BZA to make sure it is an acceptable use that would be approved. This section is about going through site plan review, whether buffering is needed, parking, signage, business licensing etc. and these are items done by the staff.

Commissioner Smith asked about Section E (c) whether adequate provision is made for setback and buffering (including fences), noise, vibration, glare, and odor if it is sufficient or needs to be enhanced. Mrs. Crane stated it is sufficient for what the Town requires. There is a clause in our Ordinance that states if there is existing vegetative buffering on the neighboring site, the new business would not need to install more buffering if that was sufficient.

Applicant Presentation

Roman Rozek, the applicant introduced the members of this group that were on Zoom. He stated that after them appearing at the January 18th, 2022, BZA meeting he was approached by Mr. Joe Walters for a location for his beverage manufacturing business. Mr. Rozek stated that he has knocked on every surrounding door and has obtained signatures in support of the business as well as emails. He expressed excitement about bringing the business to James Island.

Kevin Drinkwater voiced excitement about having a brewery on James Island. He said as far as manufacturing goes, it has little opportunity for being a nuisance and this would bring business to James Island.

Esse Elskamp commented that the brewery would be a great opportunity to bring the community together and to teach about craft beer.

Justin Holsonback thanked the Board for their time in listening to their request and hope they have the opportunity to bring this business to James Island.

Questions for the Applicant:

Commissioner Hipp asked if Hurricane Boxing was closing and is BES taking that space if it works out. Mr. Rozek said yes. He was told they are retiring and have a month-to-month lease. They are working with them and there is a bit of an open timeline. Commissioner Hipp asked if they will have a restaurant and Mr. Rozek stated yes, that it is a goal that is lacking with other breweries that they want to have. Commissioner Hipp asked if he had an idea of what the hours would be. Mr. Rozek said they would comply with their neighbors; however, chances are their hours will be shorter because the nature of their business is a little different.

Support @ Town Hall

Joe Walters and David Walters, 792 Folly Road, own the property at 792 Folly Road where the applicants are applying for a brewery. Mr. Joe Walters thanked the BZA for hearing the case and availed himself to answer questions about the property.

Opposition

There was no one present to speak in opposition at the Town Hall or on Zoom.

Rebuttal

None required.

Chairwoman Lyon closed the Public Hearing at 7:32 p.m. and moved to approve Case #BZAS-2-22-024,

a Special Exception Request for Beverage or Related Products Manufacturing in the Community Commercial (CC) District at 798 Folly Road, Unit B with the condition set forth by staff. Vice Chair Savage seconded the motion.

During discussion Commissioner Hipp stated that the applicants did all that the Board asked them to do two months ago. They polled the neighborhood and have gotten positive results and that made her happy.

Chairwoman Lyon stated that she would be voting in favor of her motion because the request met all of the criteria set forth in the Ordinance. She commented for the record that we received 12 letters of support which included an adjoining business, Baguette Magic, as well as from an attorney with an office nearby. There was also a petition with 12 names. Three of those on the petition also sent letters and there were nine additional names on the petition which totaled 21 people from the community that took the time to put their name down or send a letter in support. Chairwoman Lyon said it is great that the applicants went out to the surrounding community to talk to people and that probably helped to support them. Vice Chairman Savage stated that he is inclined to approve the request because they did a good job on the application. He also appreciated them speaking up during their presentation as he is a little hard of hearing. The presentation was clearer this time and he thanked the applicants for that.

After discussion, Chairwoman Lyon reiterated the motion to approve Case #BZAS-2-22-024, TMS# 425-08-00-023, a Special Exception request for Beverage or Related Products Manufacturing in the Community Commercial (CC) District at 798 Folly Road, Unit B with the following condition:

The applicant shall follow all applicable laws and regulations concerning alcohol sales, consumption, and manufacturing.

Vote:

Commissioner Fabri	aye
Commissioner Hipp	aye
Vice Chairman Savage	aye
Commissioner Smith	aye
Chairwoman Lyon	aye

Chairwoman Lyon announced that the application for the Special Exception passed unanimously. She informed the applicant that the final decision would be mailed to him within ten (10) business days and he may contact the Planning and Zoning staff with questions.

Additional Business:

Next Meeting Date: April 19, 2022: Chairwoman Lyon announced that the deadline to receive applications is Friday, March 18, and a meeting will be dependent upon whether an application is received by then.

The Board congratulated the applicants and welcomed them to James Island. Chairwoman Lyon thanked the staff for the work they do and for sending a reminder link for tonight's meeting.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:38 p.m.

Respectfully submitted:

Frances Simmons
Town Clerk and Secretary to the BZA

Variance Application

Town of James Island Board of Zoning Appeals

Town of James Island
Zoning/Planning Department
1122 Dills Bluff Road
James Island, SC 29412
Phone 843-795-4141
Fax 843-795-4878
www.jamesislandsc.us



This application must be complete and submitted in person to the Town of James Island Zoning/Planning Department in order to apply for a Variance. Please read the entire form prior to completing the application. The applicant shall receive a copy of this completed form at the time the application is filed. **This application will be returned to the applicant within fifteen (15) working days if these items are not submitted with the application or if any are found to be inaccurate:**

- 1) Completed Variance application signed by the current property owner(s).
- 2) Copy of **Current Recorded Deed** to the property (Owner's signature must match documentation). If the applicant is not the owner of the property, the **Current Property Owner(s)** must sign and print the **Designation of Agent** found below.
- 3) **Restrictive Covenants & Posted Notice Affidavit(s)** signed by the applicant or current property owner(s).
- 4) A **letter of intent** signed by the applicant or property owner(s) stating the reason for the request that explains why this request should be granted and how it meets the Approval Criteria of §153.049 F. All proposed Variances, except single family, shall satisfy the Site Plan Review process and attend at least one Site Plan Review meeting prior to submitting this application.
- 5) An accurate, legible **Site Plan drawn to Engineers Scale** must be attached. The site plan must show property dimensions, dimensions and locations of all existing and proposed structures and improvements, parking areas, Grand trees(24" DBH or greater, Pine, Sweetgum, SC Invasive Pest Trees are exempt), wetlands(properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on site plan or plat), holding basins and buffers when applicable.
One 24 x 36 copy & fifteen (15) 11 x 17 copies.
- 6) Copy of a legible **Approved and Recorded Plat** showing present boundaries of property.
- 7) **Fee \$250** check made out to "Town of James Island". Grand tree variances add \$50 each additional tree

Applicant Name: Chick-fil-A, Inc. (Chad Ross - Project Manager)

Mailing Address: 5200 Buffington Road

City, State, Zip Code: Atlanta, GA 30349-2998 Daytime Phone: 678-836-8524

Email Address: chad.ross@cfacorp.com

Subject Property Address: 849 Folly Road, Charleston, SC 29412-3434

Present Use of Property: Chick-fil-A Restaurant

Variance Description: Removal of one (1) Grand Tree

Chad Ross March 22, 2022
Applicant Signature Date

Designation of Agent (Complete only if owner is not applicant): I hereby appoint the person named as Applicant above as my (our) agent to represent me (us) in this application.

Harris N. Cohen Family Trust 2435 The Haul Over
Owner Print Name Date Owner Mailing Address

Seabrook Island, SC 29455
Owner Signature City, State, Zip Code

FOR OFFICE USE ONLY:

Application #: BZAV-3-22-028 Flood Zone: X
Zoning District: CC-FRCO Commercial Core Fee Paid (\$250): CK #
Date Filed: 3/23/2022 Zoning Officer: FHW
TMS#: 425-02-00-172



Town of James Island
South Carolina

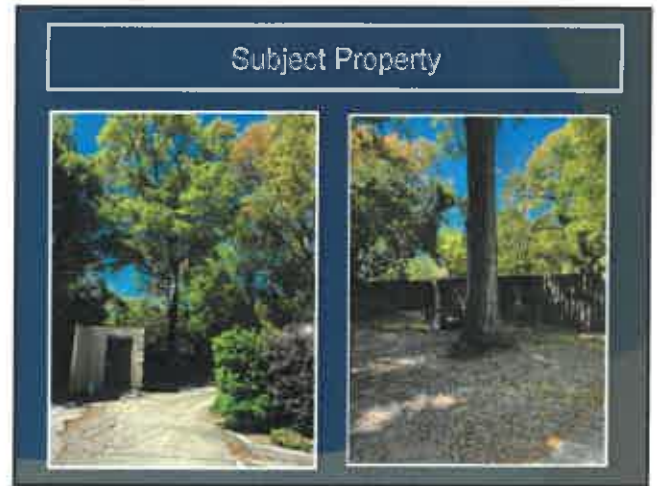


849 Folly Road

Radius Map
03/28/2022



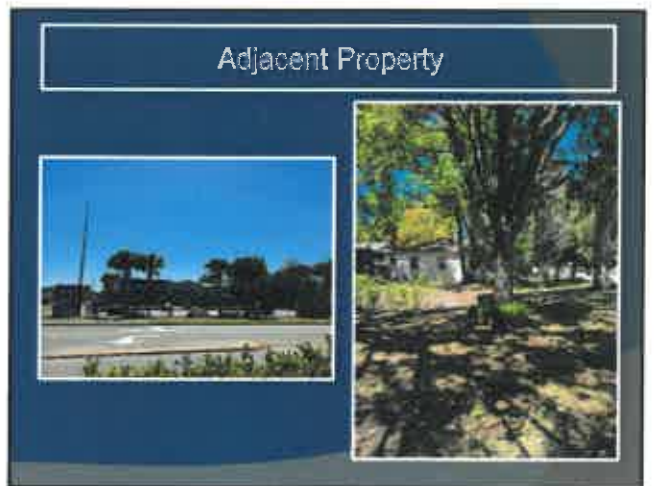
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Adjacent Property



10

Folly Road



11

Staff Review:

The applicant, Mr. Michael White of G. Robert George & Associates representing Chick-Fil-A Inc, is requesting a Variance for the removal of one 28" DBH Laurel Oak tree for site improvements in the Community Commercial (CC) Zoning District and in the Commercial Core of the Folly Road Corridor Overlay (FRC-O) District at 849 Folly Road (TMS #425-02-00-172). The property currently has 2 buildings on it including the Chick-Fil-A restaurant and one accessory building utilized for training and storage. The parcel is 1.48 acres in size and is considered a legal conforming lot. Adjacent property to the west is zoned Low-Density Suburban Residential (RSL) in the Town of James Island. Adjacent property to the south is zoned CC (Forsberg's, Domino's, Verizon) in the Town of James Island. To the east is property zoned General Business (Taco Bell, Mattress Firm, Holy City Dentistry, Starbucks) in the City of Charleston. Other uses within 300' of the subject property include retail sales (True Value, Picture This Framing, Sherwin Williams), repair service (James Island Watch & Jewelry), restaurants (Martin's Barbeque, Yous Guys Sandwich Shop), retail/personal service (Brazilian Was & Spa, Centerville Cleaners, Diana's Alterations, Hair du Jour), vehicle service (Take 5 Oil Change) recreation & entertainment outdoor (Wild Blue Ropes Adventure Park) and parcels in the Town of James Island zoned RSL.

Town of James Island Zoning and Land Development Regulations Ordinance, §153.334 (A) (4) Tree Protection and Preservation defines "Grand Tree: Any species of tree measuring 24 inches or greater diameter breast height (DBH) except pine and sweet gum. All GRAND TREES are prohibited from removal unless a grand tree removal permit is issued."

The applicant's letter of intent states that "Chick-fil-A intends to make site improvements to the existing site located at 849 Folly Road and will expand the site to include an adjacent parcel of land located at 831 Folly Road (north of the existing CFA site). The purpose of these improvements will be to increase the stacking capacity of the drive thru operation and improved traffic flow. The proposed site improvements will require a variance to remove one (1) grand tree." The subject property is currently owned by Harris N. Cohen and is leased and utilized by Chick-Fil-A, Inc. The subject tree has a "C" rating by a Certified Arborist, who listed the tree in "Fair" condition.

Findings of Fact:

According to §153.049 F, Zoning Variance Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR), The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Appeals makes and explains in writing the following findings:

F. (a): *There are extraordinary and exceptional conditions pertaining to the particular*

piece of property;

Response: There may be extraordinary and exceptional conditions pertaining to this piece of property due to the existing layout and the number of grand trees that are currently on the site. As the letter of intent states “existing grand trees are located, positioned, and distributed throughout the site in a manner that makes its exceptionally difficult to preserve all grand trees” and “the depth of the property is dimensional small which contributes to this difficulty, especially when the available width for development is further reduced by setbacks and landscape buffer requirements.”

F (b): *These conditions do not generally apply to other property in the vicinity;*

Response: These conditions may not generally apply to other properties in the vicinity as most commercial properties nearby do not have the number of grand trees that the subject property has, or the existing configuration and layout of the subject property.

F (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;*

Response: The application of this Ordinance, specifically section §153.334, Required Tree Protection, may not restrict the utilization of the property as it is currently being used; however, it will effectively prohibit the implementation of the site improvements to increase the stacking capacity of the drive-thru operation and improve traffic flow.

F (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 zoning district will not be harmed by the granting of the variance;*

Response: The authorization of this variance may not be a detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance. As the applicant’s letter of intent states, “granting of the variance will improve traffic circulation, reduce overflow onto surrounding streets, and lessen the impact to surrounding properties.”

F (e): *The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning*

district, to extend physically a non-conforming use of land or to change the zoning district boundaries shown on the Official Zoning Map;

Response: The variance does not allow a use that is not permitted in this zoning district, nor does it extend physically a nonconforming use of land or change the zoning district boundaries.

F (f): *The need for the variance is not the result of the applicant's own actions; and*

Response: The need for the variance may not be the result of the applicant's own actions because the size and location of grand trees are existing site conditions, as previously stated. Additionally, the need for the variance, as the letter of intent explains, is to improve traffic flow due to an increase in patronage.

F (g): *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.*

Response: The variance may not conflict with the *Comprehensive Plan*, specifically the Transportation Element needs of *"Mitigating the impacts of a changing population on the existing transportation system"*. Additionally, the proposed site plan shows a new multi-use path, which satisfies another Transportation Element need of *"Providing safe, convenient, pedestrian and bicycle systems in appropriate locations"* while an Economic Development strategy is to *"Continue to encourage positive redevelopment/development by offering incentives such as nonconforming signage reimbursements and buffer reductions for multi-use path placement, transit facilities, etc."*

In granting a Variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare (§153.045 E 2).

Action:

The Board of Zoning Appeals may approve, approve with conditions, or deny Case # BZAV-3- 22-028 (Variance Request for the removal of a grand tree for site improvements at an existing Chick-Fil-A restaurant) based on the "Findings of Fact" listed above, unless additional information is deemed necessary to make an informed decision. In the event the Board decides to approve the application, the Board should consider the following conditions:

1. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall install tree barricades around the protected trees on the

property, as described in §153.334 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 protected trees in the project area have been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate potential damage to the trees caused by construction.
3. The applicant/owner shall mitigate the removal of the grand tree by submitting a mitigation plan to the Zoning Administrator, as described in 153.334 (E) (2) of the *Ordinance*.

March 22, 2022

Town of James Island
Board of Zoning Appeals
1122 Dills Bluff Road
James Island, SC 29412

**Re: Letter of Intent – Variance Request – Grand Tree Removal
Proposed Chick-fil-A Restaurant Site Improvements
849 Folly Road, James Island, SC**

To Members of the Board of Zoning Appeals:

Chick-fil-A intends to make site improvements to the existing site located at 849 Folly Road and will expand the site to include an adjacent parcel of land located at 831 Folly Road (north of the existing CFA site). The purpose of these improvements will be to increase the stacking capacity of the drive thru operation and improved traffic flow. The proposed site improvements will require a variance to remove one (1) grand tree as delineated in Section 153.334 (E)(2) of the ordinance. The following findings will apply to this variance request:

- A. The location of numerous grand trees makes it exceptionally difficult to design parking lot improvements and provide adequate separation from selected trees to limit encroachment into the root zone, unless selected trees are allowed to be removed as indicated on the BZA Site Plan.
- B. These conditions are unique to the property because the existing grand trees are located, positioned, and distributed throughout the site in a manner that makes it exceptionally difficult to preserve all grand trees. Also, the depth of the property is dimensionally small which contributes to this difficulty, especially when the available width for development is further reduced by setbacks and landscape buffer requirements.
- C. Because of the above state conditions, application of the ordinance would effectively prohibit construction of the proposed improvements.
- 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 zoning district will not be harmed or affected by the granting of the variance. Granting of the variance will improve traffic circulation, reduce overflow onto surrounding roads, and lessen the impact to surrounding properties.
- E. This requested variance will not create a condition which would allow the establishment of a use not otherwise permitted in the underlying CC zoning district, nor will it extend physically a non-conforming use of land, or change the zoning district boundaries shown on the Official Zoning Map;

F. The need for the variance is not the result of the applicant's own actions, the applicant has no control over the location and distribution of the existing Grand Trees throughout the site.

G. This request for variance will not substantially conflict with the *Comprehensive Plan* or the purposes of this Ordinance.

If you have any questions or need additional information, please let us know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chad Ross". The signature is fluid and cursive, with the first name "Chad" being more prominent than the last name "Ross".

Chad Ross
Chick-fil-A, Inc.

Grga project #2097
msw

LEGAL DESCRIPTION

CFA Parcel
All that parcel of land lying and being in James Island, County of Charleston, State of South Carolina and being more particularly described as follows;

Beginning at the intersection of the western right-of-way of Folly Road and the northern right-of-way of Eugene Gibbs Street; thence with said right-of-way of Eugene Gibbs Street the following calls: thence S 81°24'41" W a distance of 54.12' to a SC DOT R/W Disc found; thence N 65°56'41" W a distance of 138.39' to a point; thence leaving said right-of-way N 24°50'42" E a distance of 74.20' to point; thence N 20°09'44" E a distance of 86.68' to point; thence N 15°34'58" E a distance of 85.80' to point; thence N 11°58'55" E a distance of 87.21' to point; thence S 79°41'39" E a distance of 187.50' to a 1/2" rebar found along the western right-of-way of Folly Road; thence with said right-of-way the following calls: along a curve turning to the right with an arc length of 255.70', with a radius of 1394.89', with a chord bearing of S 15°13'31" W, with a chord length of 255.34' to a point; thence N 70°05'04" W a distance of 4.04' to a SC DOT R/W Disc found; thence with a curve turning to the right with an arc length of 93.61', with a radius of 1394.89', with a chord bearing of S 22°34'27" W, with a chord length of 93.61' to a point, said point being The True Point of Beginning.

Said Parcel having an area of 65669.66 square feet, 1.508 acres

Folly Parcel
All that parcel of land lying and being in James Island, County of Charleston, State of South Carolina and being more particularly described as follows;

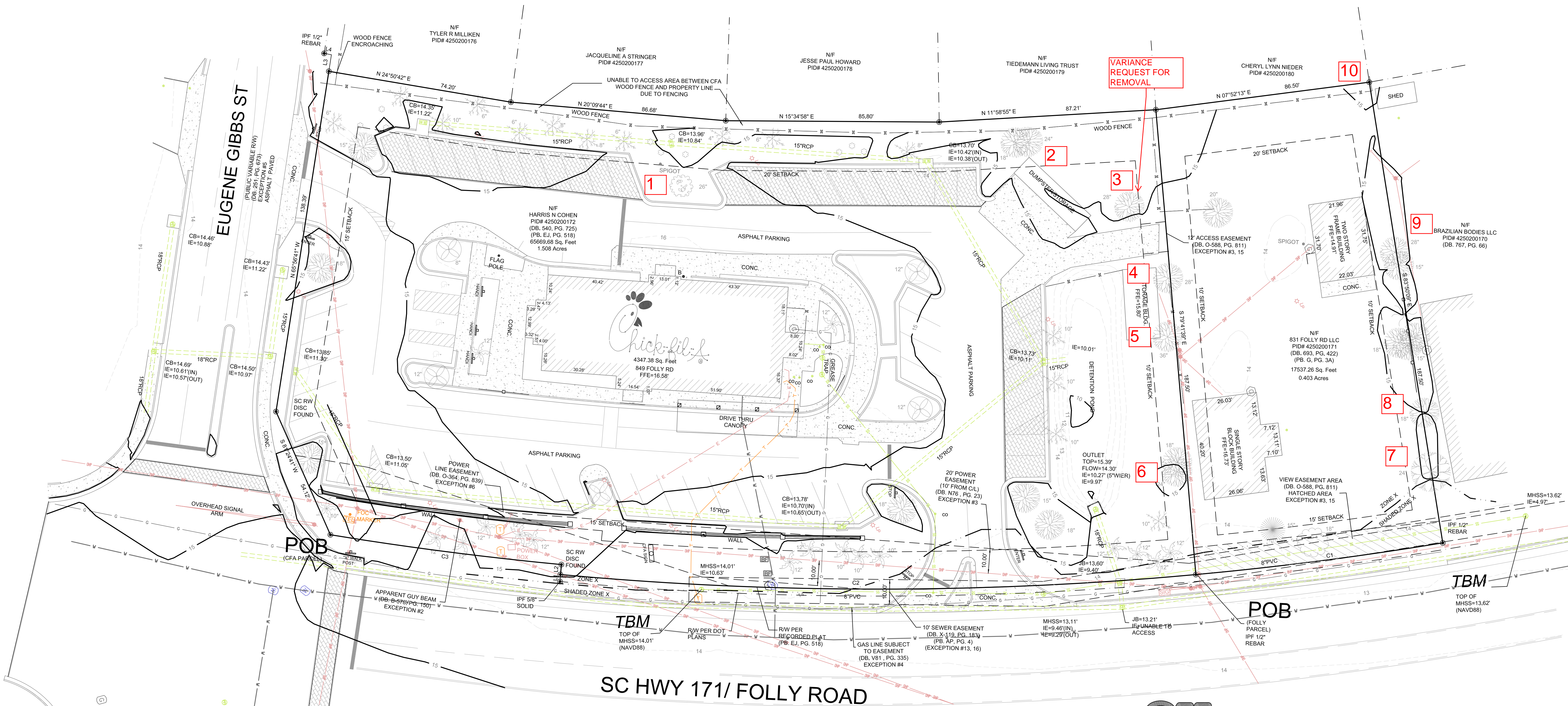
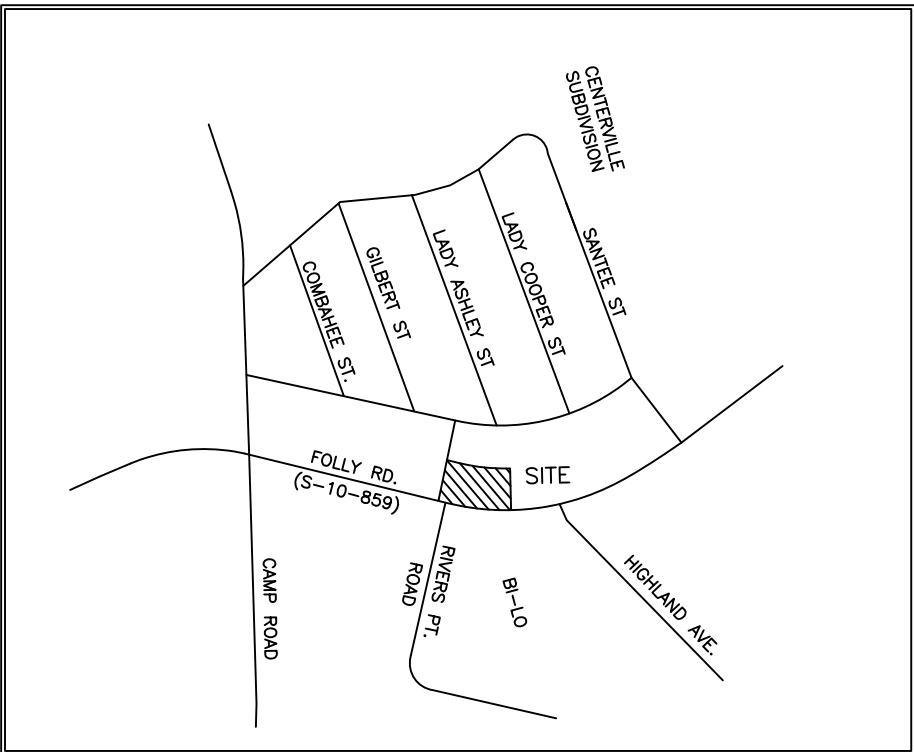
Commencing from the intersection of the western right-of-way of Folly Road and the northern right-of-way of Eugene Gibbs Street; thence with said right-of-way of Folly Road the following calls: along a curve turning to the left with an arc length of 93.63', with a radius of 1394.89', with a chord bearing of N 22°34'27" E, with a chord length of 93.61' to a point; thence S 70°05'04" E a distance of 4.04' to a point; thence with a curve turning to the left with an arc length of 255.70', with a radius of 1394.89', with a chord bearing of N 15°13'31" E, with a chord length of 255.34' to a 1/2" rebar found, said pin being The True Point of Beginning; thence leaving said right-of-way N 79°41'39" W a distance of 187.50' to a point; thence N 07°52'13" E a distance of 86.50' to a point; thence S 83°50'09" E a distance of 187.50' to a 1/2" rebar found along the western right-of-way of Folly Road; thence with said right-of-way along a curve turning to the right with an arc length of 100.07', with a radius of 1394.89', with a chord bearing of S 07°55'11" W, with a chord length of 100.05' to a 1/2" rebar found, said pin being The True Point of Beginning.

Said Parcel having an area of 17537.26 square feet, 0.403 acres

LEGEND

- | | | | |
|-----|--------------------------|------|------------------------|
| CB | CATCH BASIN | —G— | GUY WIRE |
| CT | CORRUGATED PLASTIC PIPE | —W— | GAS LINE |
| DI | CRIMPED TOP PIPE | —OH— | WATER LINE |
| IE | DROP INLET | —E— | POWER LINE |
| JH | INVERT ELEVATION | —T— | UNDERGROUND POWER LINE |
| MH | JUNCTION BOX | —FO— | UNDERGROUND PHONE LINE |
| OT | MANHOLE | | FIBER OPTIC |
| POB | OPEN TOP PIPE | | POWER POLE |
| POC | POINT OF BEGINNING | | SANITARY SEWER MANHOLE |
| TBM | POINT OF COMMENCEMENT | | STORM SEWER MANHOLE |
| RCP | TEMPORARY BENCHMARK | | CATCH BASIN |
| SS | REINFORCED CONCRETE PIPE | | LIGHT POLE |
| OH | SANITARY SEWER | | FIRE HYDRANT |
| EIP | OVERHEAD POWER | | CREPE MYRTLE |
| NIP | IRON PIN FOUND | | MAPLE TREE |
| W | WATER VALVE | | BIRCH TREE |
| W | WATER METER | | OAK TREE |
| G | GAS VALVE | | PECAN TREE |
| M | GAS METER | | HOLLY |
| P | TELEPHONE PEDESTAL | | |
| B | BACKFLOW VALVE | | |
| E | ELECTRICAL BOX | | |
| C | CEDAR TREE | | |
| P | PALMETO TREE | | |
| G | GUM TREE | | |

VICINITY MAP



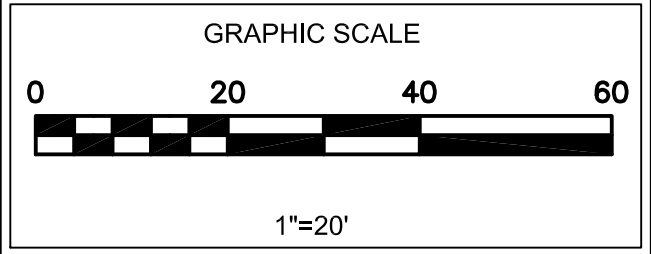
(PUBLIC VARIABLE R/W)
(DB. 261, PG. 673)
EXCEPTION #6
ASPHALT PAVED

LINE	BEARING	DISTANCE
L1	N 70°05'04\"	W 12.81'
L2	N 70°05'04\"	W 14.04'
L3	N 65°56'41\"	W 6.74'
L4	S 25°54'21\"	W 12.97'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	1394.89'	100.07'	100.05'	S 07°55'11\"	W 4°06'38\"	50.06'
C2	1394.89'	255.70'	255.34'	S 15°13'31\"	W 10°30'11\"	128.21'
C3	1394.89'	93.63'	93.61'	S 22°34'27\"	W 3°50'42\"	48.63'

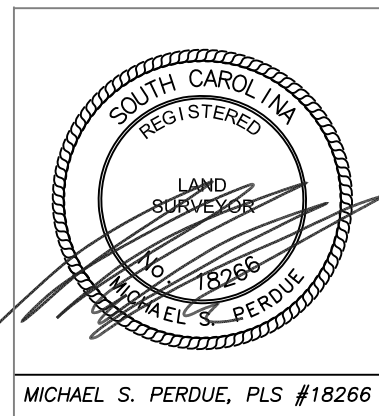


Know what's below
Call before you dig.
Dial 811
Or Call 800-282-7411



Chick-fil-A

Chick-fil-A
5200 Buffington Road
Atlanta, Georgia 30349-2998



CHICK-FIL-A
FOLLY ROAD FSU
CITY: JAMES ISLAND
COUNTY: CHARLESTON
STATE: SOUTH CAROLINA

FSU# 01954

REVISION SCHEDULE
DATE DESCRIPTION

MSP JOB # 211577

PRINTED FOR

8/23/2021

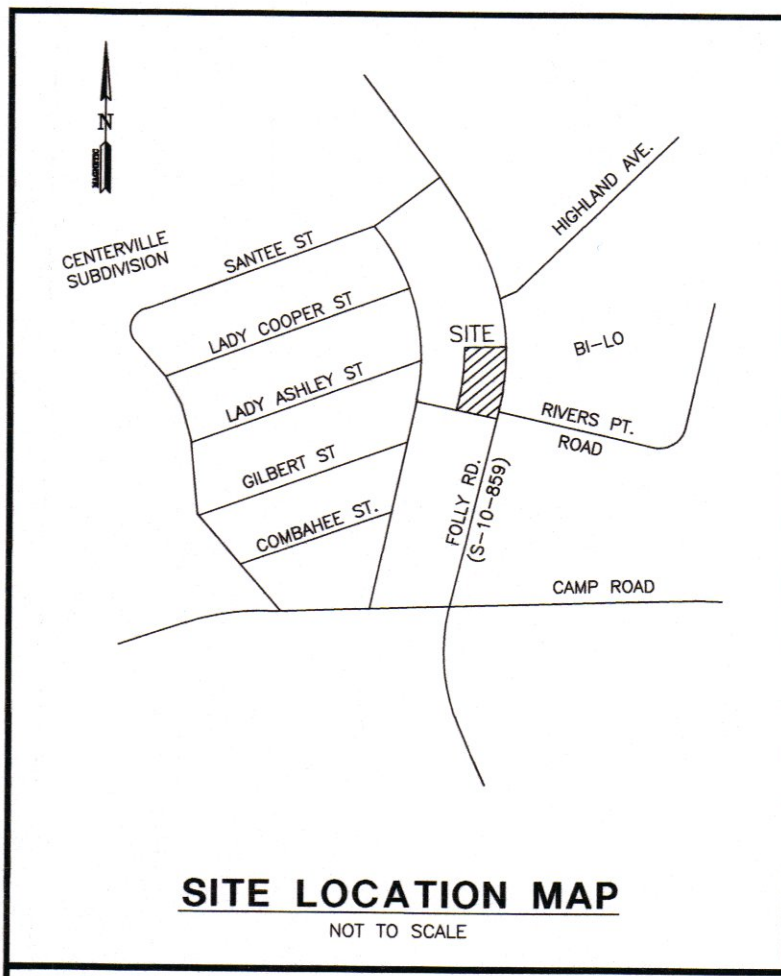
DRAWN BY MSP

Information contained on this drawing and in all digital files produced for above named project may not be reproduced in any manner without express written or verbal consent from authorized project representatives.

ALT/NSPS
SURVEY

SHEET NUMBER

C-1.1



SITE LOCATION MAP
NOT TO SCALE

UTILITY CONTACTS:

WATER
CHARLESTON WATER SYSTEMS
P.O. BOX 8
103 ST. PHILLIPS STREET
CHARLESTON, SC 29402-0017
CONTACT: MS. LYDIA OWENS
PHONE: 843-727-6800

SANITARY SEWER
JAMES ISLAND PUBLIC SERVICE DISTRICT
1739 SIGNAL POINT RD.
NORTH CHARLESTON, SC 29422
CONTACT: DAVID HOFFMAN
PHONE: 843-762-5258

STORM DRAINAGE (MS4)
CHARLESTON COUNTY PUBLIC WORKS
4045 BRIDGE VIEW DRIVE
NORTH CHARLESTON, SC 29405
CONTACT: MR. CHRIS WANNAMAKER
PHONE: 843-202-7600
email: cwannamaker@charlestoncounty.org

STORM DRAINAGE
TOWN OF JAMES ISLAND
PUBLIC WORKS DEPARTMENT
1122 DILLS BLUFF ROAD
JAMES ISLAND, SC 29422
CONTACT: MR. MARK JOHNSON
PHONE: 843-795-4141

GAS UTILITY
SOUTH CAROLINA ELECTRIC & GAS CO.
3680 LEEDS AVE
CHARLESTON, SC 29405
CONTACT: BERNICE RUMPH
PHONE: 843-709-5834
email: bernice.rumph@dominionenergy.com

ELECTRIC
DOMINION ENERGY
300 SAVAGE ROAD (MC 109)
CHARLESTON, SC 29414
CONTACT: ANTONIO GIBBS/DAVID FLYNN
PHONE: 843-576-8835/576-8735
email: david.flynn@dominionenergy.com

TELEPHONE
AT&T
2600 MEETING ST.
N. CHARLESTON, SC 29405
CONTACT: MR. HENRY DAMINGO
PHONE: 843-814-0865
email: HD1646@att.com

TRAFFIC/DEPT. OF TRANSPORTATION (DOT)
SOUTH CAROLINA DEPT. OF TRANSPORTATION
SCDOT District 6
6353 Fain Blvd., Building A
North Charleston, SC 29406
MS. JULEIGH FLEMING
843-746-6722 (main desk)
email: flemingj@scdot.org

STORM DRAINAGE
OFFICE OF COASTAL RESOURCE MANAGEMENT
1362 MCILLIAN AVE.
NORTH CHARLESTON, SC 29405
CONTACT: PAM WINKLER
PHONE: 843-953-5324

PLANNING DEPT. (PLANNING DIRECTOR)
TOWN OF JAMES ISLAND
PUBLIC WORKS DEPARTMENT
1122 DILLS BLUFF ROAD
JAMES ISLAND, SC 29422
CONTACT: MS. KRISTEN A. CRANE
PHONE: 843-795-4141

FLOOD ZONE NOTE

This property is in Zone X and shaded Zone X is not located in a 100 year flood plain based on Flood Insurance Rate Map 45019C0677K, dated Jan. 29, 2021. This determination was made by graphically determining the position of said site on said FIRM Map.

Vertical datum for site based on GPS observation using CORS Stations "FORT JOHNSON CORS", "COLUMBIA CORS", and "SHALLOTTE CORS". (NAVD 88)

SURVEY REFERENCE:

ALTA/NSPS Survey, Chick-fil-A Folly Road FSU #01954 located in the Town of James Island, Charleston County, SC by MSP & Associates Land Surveying, Inc. Dated 8-23-21 (NAVD 88)

REGULAR DUTY PAVEMENT SECTION	(ALL PARKING STALLS/BAYS) 1.5" AC SURFACE, 2.5" AC BASE, 6" ABC
HEAVY DUTY PAVEMENT SECTION	(ALL DRIVE AISLES) 1.5" AC SURFACE, 2.5" AC BASE, 8" ABC

EXISTING AREA TABULATION

IMPERVIOUS AREA	CFA PARCEL	EXPANSION PARCEL
BUILDINGS	4,347	1,970
ASPHALT PAVEMENT	22,466	0
CONCRETE	8,202	0
SUBTOTAL	35,015 SF (53.32%)	1,970 SF (11.23%)
PERVIOUS AREA		
LANDSCAPE/PLANTING	26,480	5,075
WOODED	0	6,800
GRAVEL	0	3,695
PERVIOUS PAVERS	4,175	0
SUBTOTAL	30,655 SF (46.68%)	15,567 SF (88.77%)
TOTAL AREA	65,670 SF (1.508 AC)	17,537 SF (0.403 AC)

NEW DEVELOPMENT AREA TABULATION

IMPERVIOUS AREA	CFA PARCEL	EXPANSION PARCEL
BUILDINGS	4,878	0
ASPHALT PAVEMENT	23,130	5,040
CONCRETE	16,022	3,517
SUBTOTAL	44,030 SF (67.05%)	8,557 SF (48.79%)
PERVIOUS AREA		
LANDSCAPE/PLANTING	19,046	7,127
WOODED	2,594	1,853
PERVIOUS PAVERS	21,640 SF (32.95%)	8,980 SF (51.21%)
SUBTOTAL		
TOTAL AREA	65,670 SF (1.508 AC)	17,537 SF (0.403 AC)

DEVELOPMENT INFORMATION:

NAME OF DEVELOPMENT: CHICK-FIL-A RESTAURANT
OWNER/APPLICANT: CHICK-FIL-A, INC.
5200 BUFFINGTON ROAD
ATLANTA, GA 30349-2998
PHONE No. (404) 765-8000 (SU) 770-363-2863
P.O.C. - NATE THOMPSON
e-mail - nate.thompson@cfacorp.com

ENGINEER: G. ROBERT GEORGE AND ASSOCIATES, INC.
P.O. BOX 32158
CHARLESTON, SC 29417
PHONE No. 843-556-4261
P.O.C. - MICHAEL S. WHITE, P.E.
e-mail - grgassoc@comcast.net

PROPERTY ADDRESS: 849 FOLLY ROAD
JAMES ISLAND, SC

TAX MAP #: PARCEL: 425-02-00-172
DEED BOOK: H540, PAGE: 725
PLAT BOOK: EJ 518

TOTAL PARCEL SIZE: 1.508 ACRES

ZONING INFORMATION:
EXISTING ZONING: COMMUNITY COMMERCIAL (CC)
EXISTING LAND USE: CHICK-FIL-A
PROPOSED LAND USE: CHICK-FIL-A
HEIGHT DISTRICT: 35 FT
EXISTING OVERLAY: FOLLY ROAD CORRIDOR OVERLAY (COMMERCIAL AREA)

ADJACENT ZONING & LAND USE:
FRONT - (E)
LEFTSIDE - (S)
RIGHTSIDE - (N)
REAR - (W)

REQUIRED MINIMUM SETBACKS:
FRONT - (E)
LEFTSIDE - (S)
RIGHTSIDE - (E)
REAR - (N)

BUILDING DIMENSIONS:
SQUARE FOOTAGE AREA:
NUMBER OF SEATS (BLDG)
NUMBER OF SEATS (PATIO)
ACTUAL BUILDING HEIGHT:
BUILDING OCCUPANCY TYPE
TYPE OF CONSTRUCTION
NUMBER OF STORES

PARKING SUMMARY: FASTFOOD LAND USE (USING 20 EMPLOYEES MAX SHFT)
REQUIREMENT: 1 SEAT/75 SF + 1/300SF (PATIO)
4878 x 50X = 2439/75-33 + 4 = 37 SPACES

PROVIDED: REGULAR SPACES 65
HC SPACES 3
TOTAL 68

STACKING SPACES: REQUIRED - 6 AT ORDER POINT (BACK), PLUS 4 TO PICKUP
PROVIDED: 39

LAND USE:
FOLLY ROAD (CITY ACROSS)
COMMERCIAL
COMMERCIAL
RESIDENTIAL

BLDG LANDSCAPE YARDS
15 FT
8 FT
15 FT
20 FT
25 FT/ 12.5 W/FENCE

SEE SITE LAYOUT PLAN
4266 SF (EXISTING) + 612 SF ADDITION
134
20
19'-6" (PARRAPET), 25'-0" TOWER
A2
5 V6 (UNSPRINKLED)
SINGLE/ONE (1)

PRIMARY CONTACT
G. ROBERT GEORGE AND ASSOCIATES, INC.
P.O. BOX 32158
CHARLESTON, SC 29417
PHONE No. 843-556-4261
P.O.C. - MICHAEL S. WHITE, P.E.
e-mail - grgassoc@comcast.net

CURRENT PROPERTY OWNER
TMS 425-02-00-172
HARRIS N. COHEN, FAMILY TRUST
2435 THE HAIL OVER ROAD
SEABROOK ISLAND, SC 29455
PHONE No. 843-442-4900
P.O.C. - BRUCE COHEN
e-mail - brucecohen55@gmail.com

DEVELOPER/APPLICANT
CHICK-FIL-A, INC.
5200 BUFFINGTON ROAD
ATLANTA, GA 30349-2998
PHONE No. 843-556-4261
P.O.C. - CHAD ROSS
e-mail - chad.ross@cfacorp.com

ARCHITECT
INTERPLAN, LLC
604 COURTLAND STREET
ORLANDO, FL 32804
PHONE No. 407-645-5008
P.O.C. - TRAVIS REYNOLDS
e-mail - treynolds@interplanllc.com

ENGINEER
G. ROBERT GEORGE AND ASSOCIATES, INC.
P.O. BOX 32158
CHARLESTON, SC 29417
PHONE No. 843-556-4261
P.O.C. - MICHAEL S. WHITE, P.E.
e-mail - grgassoc@comcast.net

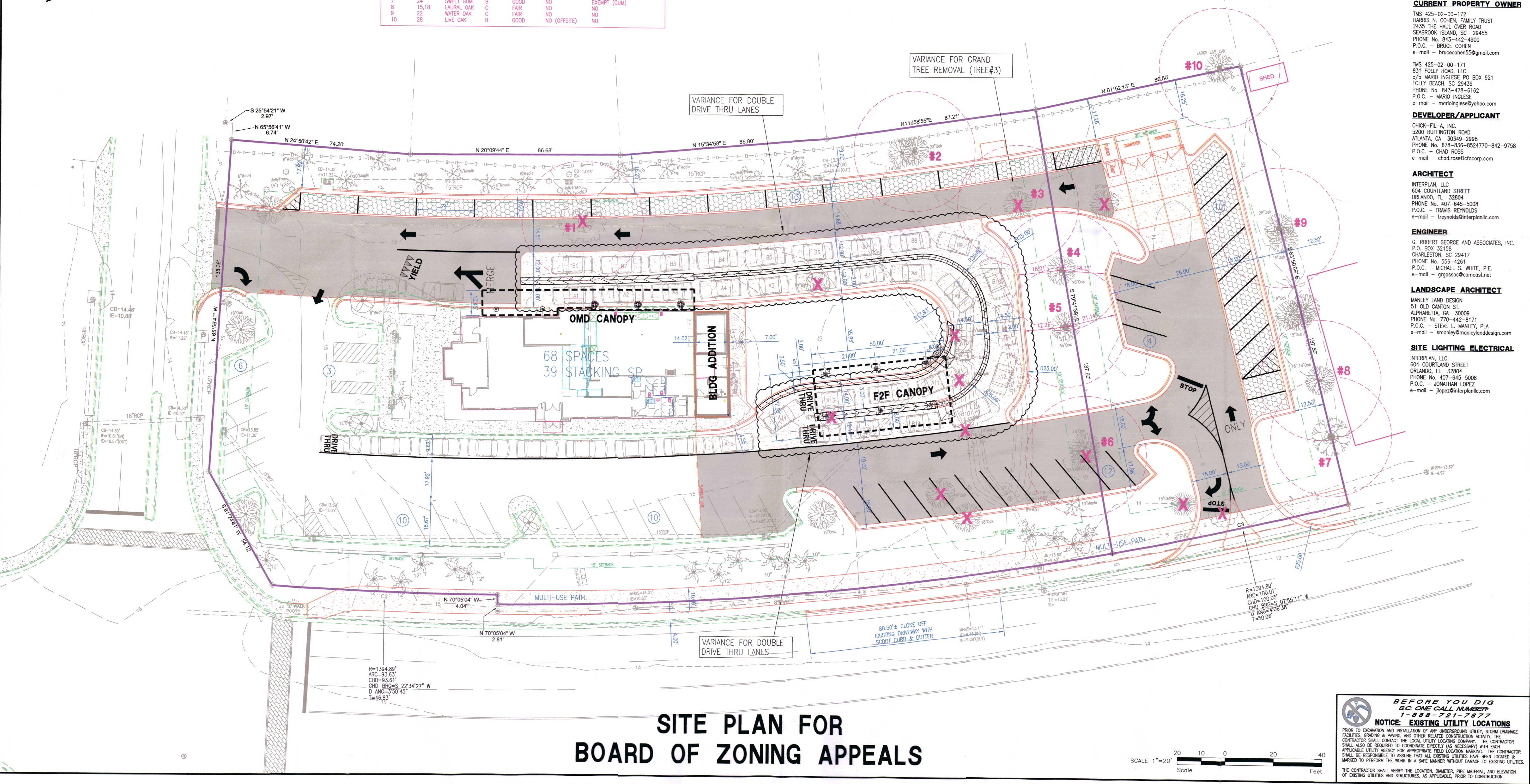
LANDSCAPE ARCHITECT
MANLEY LAND DESIGN
51 OLD CANTON ST.
ALPHARETTA, GA 30009
PHONE No. 770-442-8171
P.O.C. - STODIE L. MANLEY, PLA
e-mail - smanley@manleylanddesign.com

SITE LIGHTING ELECTRICAL
INTERPLAN, LLC
604 COURTLAND STREET
ORLANDO, FL 32804
PHONE No. 407-645-5008
P.O.C. - JONATHAN LOPEZ
e-mail - jlopez@interplanllc.com

GRAND TREE SUMMARY

NUMBER	DBH	SPECIES	GRADE	CONDITION	REMOVE (Y/N)	VARIANCE REQUIRED (Y/N)
1	26	PECAN	D	POOR	YES	NO (GRADE D)
2	23	LAURAL OAK	D	POOR	NO	NO
3	28	LAURAL OAK	C	FAIR	YES	YES
4	11.16	LAURAL OAK	C	FAIR	NO	NO
5	36	LAURAL OAK	B	GOOD	NO	NO
6	17.23	LAURAL OAK	D	POOR	YES	NO (GRADE D)
7	24	SWEET GUM	B	GOOD	NO	EXCEPT (GUM)
8	15.18	LAURAL OAK	C	FAIR	NO	NO
9	22	WATER OAK	C	FAIR	NO	NO
10	28	LIVE OAK	B	GOOD	NO (OFFSITE)	NO

25 FT RADIUS ROOT ZONE, TYPICAL.
ACTUAL ROOT ZONE SIZE VARIES WITH
TREE SIZE AND CANOPY EXTENT.



SITE PLAN FOR
BOARD OF ZONING APPEALS

**BEFORE YOU DIG
CALL 811**
NOTICE: EXISTING UTILITY LOCATIONS
PRIOR TO EXCAVATION AND INSTALLATION OF ANY UNDERGROUND UTILITY, STORM DRAINAGE
FACILITIES, GRADING & PAVING, AND OTHER RELATED CONSTRUCTION ACTIVITY, THE
CONTRACTOR SHALL CONTACT THE LOCAL UTILITY LOCATING COMPANY. THE CONTRACTOR
SHALL ALSO BE REQUIRED TO COORDINATE DIRECTLY (AS NECESSARY) WITH EACH
APPLICABLE UTILITY AGENCY FOR APPROPRIATE FIELD LOCATION MARKING. THE CONTRACTOR
SHALL BE RESPONSIBLE TO ASSURE THAT ALL EXISTING UTILITIES HAVE BEEN LOCATED &
MARKED TO PERFORM THE WORK IN A SAFE MANNER WITHOUT DAMAGE TO EXISTING UTILITIES.
THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH, PIPE MATERIAL, AND ELEVATION
OF EXISTING UTILITIES AND STRUCTURES, AS APPLICABLE, PRIOR TO CONSTRUCTION.

Seal
G. ROBERT GEORGE AND ASSOCIATES, INC.
CONSULTING ENGINEERS, PLANNERS
AND LAND SURVEYORS
P.O. BOX 32158
CHARLESTON, SOUTH CAROLINA 29417-2158
email: grgassoc@comcast.net

Seal
MICHAEL S. WHITE, P.E.
REGISTERED PROFESSIONAL ENGINEER
SOUTH CAROLINA
No. C050750

Seal
STODIE L. MANLEY, PLA
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
SOUTH CAROLINA
No. 15000

Seal
JONATHAN LOPEZ
REGISTERED PROFESSIONAL ELECTRICAL ENGINEER
FLORIDA
No. 12000

STORE
SERIES S06C
FSU 01954

849 FOLLY ROAD
(TOWN OF JAMES ISLAND)
CHARLESTON, SC

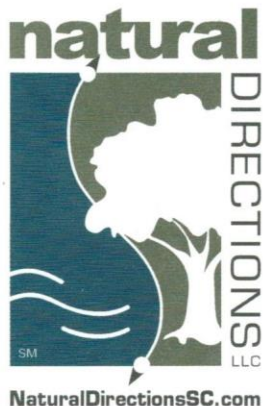
SHEET TITLE
SITE
LAYOUT
PLAN
DWG EDITION 03.1

☐ Preliminary
☒ 80% Submittal
☐ For Construction

Job No. : 2097
Store : 01954
Date : 3-16-2022
Drawn By : MSW
Checked By : MSW
Sheet

BZA-1

Tree #	D.B.H.	SPECIES	GRADE	CONDITION	COMMENT	COMMENT	COMMENT	NORTH	EAST	SOUTH	WEST
1	26	Pecan	D	Poor	Dead Top			30	27	21	OFF
2	23	Laurel Oak	D	Poor	Poor Form	Multiple Codominants	7' to dumpster foundation	21	27	15	OFF
3	28	Laurel Oak	C	Fair	Poor Form	8' to concrete drive	13' to dumpmster foundation	24	19	19	26
4	11,16	Laurel Oak	C	Fair	V-shaped Crotch	Included Bark	4' from house	20	18	21	17
5	36	Laurel Oak	B	Good	1' from house			25	34	32	29
6	17,23	Water Oak	D	Poor	1 leader is a hazard	Cavity	7.5' from house	16	21	29	23
7	24	Sweet Gum	B	Good				OFF	27	28	20
8	15/18	Laurel Oak	C	Fair	V-shaped Crotch	Included Bark		OFF	12	20	15
9	22	Water Oak	C	Fair	Poor Form	Fence In Trunk	9' from house	OFF	20	24	23
10		Live Oak	B	Good	OFF Property	Canopy Low					



February 9, 2022

Chick-Fil-A, Inc.
Chad Ross
5200 Buffington Road
Atlanta, Ga. 30349

Dear Mr. Ross,

As requested, this is my evaluation of the grand trees on the Folly Road Property. This property is located in the Town of James Island. This evaluation included a site visit to determine the current condition of each grand tree on the property with a report.

I collected information including D.B.H., Species, Grade, Condition, and any comments pertaining to each tree's condition. Trees were given a grade of A-F. A graded trees are the best and F graded trees are dead or dying. D and F graded trees are recommended for removal. I also collected canopy measurements using cardinal points of the compass. A site map has been provided with tree numbers that will correlate with the tree numbers in my report.

Tree #10 is off of the property, but it appears you will have some canopy issues to address. The canopy is over the proposed dumpster location.

Trees inherently pose hazards, and I cannot guarantee the structural integrity of any tree. Although I am confident in the accuracy of this report, no tree removal should be performed without permission from the Town of James Island. Please give me a call with any questions at (843) 296-1581.

Sincerely,

Donald E. Skinner, Jr.

Donald E. Skinner, Jr.
Certified Arborist SO-5166A
S.C. Registered Forester #1707



March 14, 2022

G. Robert George and Associates, Inc.
Mike White
2411 Savannah Highway
Charleston, SC 29414

Dear Mr. White,

It was a pleasure meeting with you yesterday. As requested, these are my recommendations for treatment of the trees we discussed on site. This property is located in the Town of James Island.

Tree #2 is a 23" Laurel Oak with a D grade in poor condition, but at this time it is being saved. I recommend air spading and root pruning to protect the integrity of the root system.

Trees #4 and #5 will have demo performed within the protected root zone. Care should be taken not to damage any roots under the foundation of the buildings being removed. Tree #4 has some limbs growing toward the ground and will need to be pruned for clearance of the roadway.

Tree #8 is a 15/18" Laurel Oak with a C grade in fair condition. The proposed parking lot will be approximately 12 feet from the base of this tree. I recommend air spading and root pruning to protect the integrity of the root system.

Tree #9 is a 22" Water Oak with a C grade in fair condition. The building adjacent to this tree has to be torn down. Care should be taken to make sure the work remains in the foundation of the building and not extend into the protected root zone. The proposed parking lot will be approximately 12' from the base of this tree. I recommend air spading and root pruning to protect the integrity of the root system.

Tree #10 is a Live Oak that is located on the neighboring property. This tree has canopy hanging over the parking lot that will need to be pruned to raise the canopy for clearance. Minimal impacts to the root zone are expected based on the location of the parking lot.

In addition to these above recommendations, all trees on site should be treated as noted below to promote health throughout the development process.

1. Air spading and root pruning as recommended above should be complete before any ground work is performed near these trees.
2. Install and maintain a tree protection zone that protects the root system throughout construction. This tree protection should be installed 1' outside of the building line. This will be approximately 19' from the base of the tree at its closest point.
3. At all times during construction, work within the tree protection zone should be performed by hand only with no vehicles of any type entering the protection zone.
4. The tree protection zone should not be used for storage of any material of any type.
5. Apply 100 gallons of pre and post construction fertilizer to stimulate root growth and provide soil amendments. This will help the trees deal with stress from any root loss that may occur.
6. Apply a 3" layer of untreated wood mulch to the protected root zone. The protected root zone should be maintained with a natural ground cover. No sod should be installed in this area.
7. Prune less than 10% of the canopy for clearance where needed. Dead wood greater than 2" and vine removal should also be completed.

This is a treatment plan and not a guarantee of survival, but it does provide a high probability that each tree will survive. Trees inherently pose hazards and I cannot guarantee the structural integrity of any tree. Please give me a call with any questions at (843) 296-1581.

Sincerely,

Donald E. Skinner, Jr.

Donald E. Skinner, Jr.
Certified Arborist SO-5166A

Variance Application

Town of James Island Board of Zoning Appeals

Town of James Island
Zoning/Planning Department
1122 Dills Bluff Road
James Island, SC 29412
Phone 843-795-4141
Fax 843-795-4878
www.jamesislandsc.us



This application must be complete and submitted in person to the Town of James Island Zoning/Planning Department in order to apply for a Variance. Please read the entire form prior to completing the application. The applicant shall receive a copy of this completed form at the time the application is filed. **This application will be returned to the applicant within fifteen (15) working days if these items are not submitted with the application or if any are found to be inaccurate:**

- 1) Completed Variance application signed by the current property owner(s).
- 2) Copy of **Current Recorded Deed** to the property (Owner's signature must match documentation). If the applicant is not the owner of the property, the **Current Property Owner(s)** must sign and print the **Designation of Agent** found below.
- 3) **Restrictive Covenants & Posted Notice Affidavit(s)** signed by the applicant or current property owner(s).
- 4) A **letter of intent** signed by the applicant or property owner(s) stating the reason for the request that explains why this request should be granted and how it meets the Approval Criteria of §153.049 F. All proposed Variances, except single family, shall satisfy the Site Plan Review process and attend at least one Site Plan Review meeting prior to submitting this application.
- 5) An accurate, legible **Site Plan drawn to Engineers Scale** must be attached. The site plan must show property dimensions, dimensions and locations of all existing and proposed structures and improvements, parking areas, Grand trees(24" DBH or greater, Pine, Sweetgum, SC Invasive Pest Trees are exempt), wetlands(properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on site plan or plat), holding basins and buffers when applicable.
One 24 x 36 copy & fifteen (15) 11 x 17 copies.
- 6) Copy of a legible **Approved and Recorded Plat** showing present boundaries of property.
- 7) **Fee \$250** check made out to "Town of James Island". Grand tree variances add \$50 each additional tree

Applicant Name: Chick-fil-A, Inc. (Chad Ross - Project Manager)

Mailing Address: 5200 Buffington Road

City, State, Zip Code: Atlanta, GA 30349-2998 Daytime Phone: 678-836-8524

Email Address: chad.ross@cfacorp.com

Subject Property Address: 849 Folly Road, Charleston, SC 29412-3434

Present Use of Property: Chick-fil-A Restaurant

Variance Description: Allow construction of Double Drive Thru Lanes

Chad Ross March 22, 2022
Applicant Signature Date

Designation of Agent (Complete only if owner is not applicant): I hereby appoint the person named as Applicant above as my (our) agent to represent me (us) in this application.

Harris N. Cohen Family Trust 2435 The Haul Over
Owner Print Name Date Owner Mailing Address

Seabrook Island, SC 29455
Owner Signature City, State, Zip Code

FOR OFFICE USE ONLY:

Application #: BZAV-3-22-029 Flood Zone: X
Zoning District: CC FRCO- Commercial Core Fee Paid (\$250): CK #
Date Filed: 3/23/2022 Zoning Officer: FHW
TMS#: 425-02-00-172

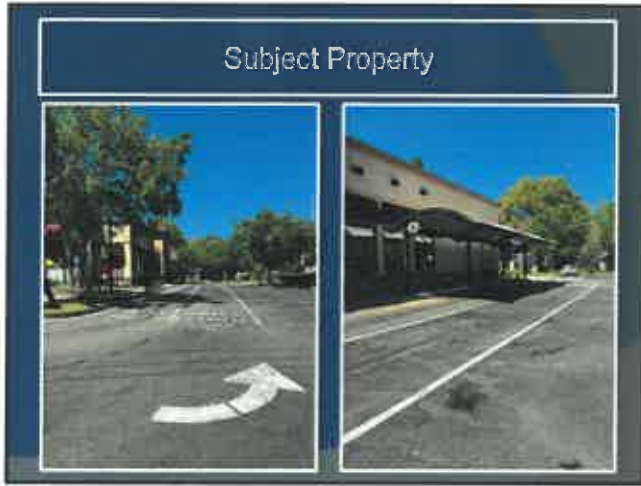


Town of James Island
South Carolina

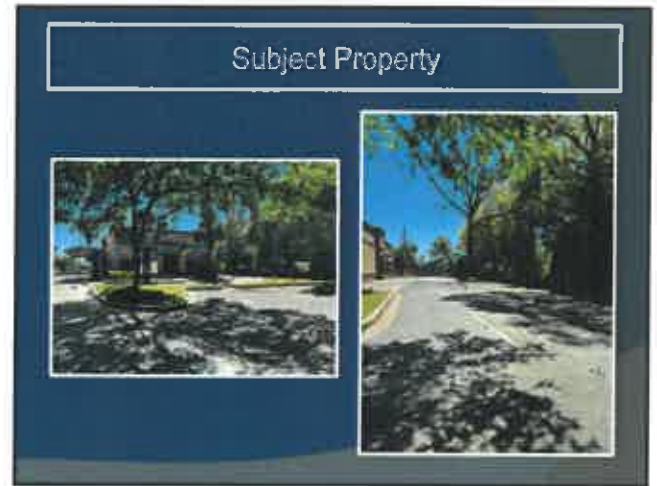


849 Folly Road

Radius Map
03/28/2022



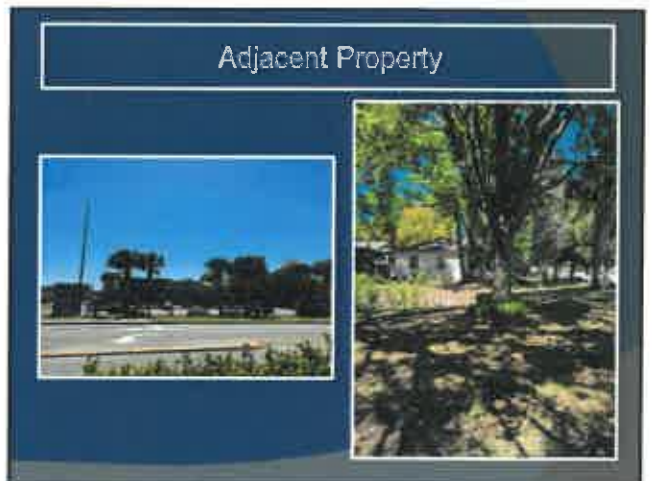
20



21



22



23

Adjacent Property



24

Folly Road



25

Staff Review:

The applicant, Mr. Michael White of G. Robert George & Associates representing Chick-Fil-A Inc, is requesting a Variance for the construction of a double drive-thru at an existing Chick-Fil-A restaurant in the in the Community Commercial (CC) Zoning District and in the Commercial Core of the Folly Road Corridor Overlay (FRC-O) District at 849 Folly Road (TMS #425-02-00-172). The property currently has 2 buildings including a Chick-Fil-A restaurant built in 2006 and an accessory building utilized for training and storage. The parcel is 1.48 acres in size and is considered a legal conforming lot. Adjacent property to the west is zoned Low-Density Suburban Residential (RSL) in the Town of James Island. Adjacent property to the south is zoned CC (Forsberg's, Domino's, Verizon) in the Town of James Island. To the east is property zoned General Business (Taco Bell, Mattress Firm, Holy City Dentistry, Starbucks) in the City of Charleston. Other uses within 300' of the subject property include retail sales (True Value, Picture This Framing, Sherwin Williams), repair service (James Island Watch & Jewelry), restaurants (Martin's Barbeque, Yous Guys Sandwich Shop), retail/personal service (Brazilian Wax & Spa, Centerville Cleaners, Diana's Alterations, Hair du Jour), vehicle service (Take 5 Oil Change) recreation & entertainment outdoor (Wild Blue Ropes Adventure Park) and parcels in the Town of James Island zoned RSL.

Town of James Island Zoning and Land Development Regulations Ordinance, § 153.336 D(2)(c) ARCHITECTURAL AND LANDSCAPE DESIGN GUIDELINES. " Only single lane drive-throughs are allowed. Multi-lane drive-throughs are only allowed for banks (or similar financial institutions), post office, or utilities."

The applicant's letter of intent states that "Chick-fil-A intends to make site improvements to the existing site located at 849 Folly Road and will expand the site to include an adjacent parcel of land located at 831 Folly Road (north of the existing CFA site). The purpose of these improvements will be to increase the stacking capacity of the drive thru operation and improved traffic flow. The proposed site improvements will require a variance to allow construction of double stacking lanes for the drive thru operation. The subject property is currently owned by Harris N. Cohen and is leased and utilized by Chick-Fil-A, Inc.

Findings of Fact:

According to §153.049 F, Zoning Variance Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR), The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Appeals makes and explains in writing the following findings:

F. (a): *There are extraordinary and exceptional conditions pertaining to the particular*

piece of property;

Response: There may be extraordinary and exceptional conditions pertaining to this piece of property due to the existing layout and configuration of the site including grand trees, corner setbacks, landscaping buffers and dimensions. As the letter of intent states, the current configuration makes it “exceptionally difficult to provide adequate capacity for vehicle stacking for the drive thru without designing double lanes to increase the capacity.”

F (b): *These conditions do not generally apply to other property in the vicinity;*

Response: These conditions may not generally apply to other properties in the vicinity as commercial properties nearby do not have the existing configuration and layout of the subject property. Additionally, any restaurants in the vicinity that have drive-thrus are single lane drive-thrus.

F (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;*

Response: The application of this Ordinance, specifically section §153.336, Architectural and Landscape Design Guidelines, may not restrict the utilization of the property as it is currently being used; however, it will effectively prohibit the implementation of the site improvements to increase the stacking capacity of the drive-thru operation and improve traffic flow.

F (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 zoning district will not be harmed by the granting of the variance;*

Response: The authorization of this variance may not be a detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance. As the applicant’s letter of intent states, “granting of the variance will improve traffic circulation, reduce overflow onto surrounding streets, and lessen the impact to surrounding properties.”

F (e): *The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land or to change the zoning*

district boundaries shown on the Official Zoning Map;

Response: The variance does not allow a use that is not permitted in this zoning district, nor does it extend physically a nonconforming use of land or change the zoning district boundaries.

F (f): *The need for the variance is not the result of the applicant's own actions; and*

Response: The need for the variance may not be the result of the applicant's own actions because the size and configuration of the lot are existing site conditions. Additionally, the need for the variance, as the letter of intent explains, it to improve traffic flow due to an increase in patronage.

F (g): *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.*

Response: The variance may not conflict with the *Comprehensive Plan*, specifically the Transportation Element needs of "*Mitigating the impacts of a changing population on the existing transportation system*". Additionally, the proposed site plan shows a new multi-use path, which satisfies another Transportation Element need of "*Providing safe, convenient, pedestrian and bicycle systems in appropriate locations*" while an Economic Development strategy is to "*Continue to encourage positive redevelopment/development by offering incentives such as nonconforming signage reimbursements and buffer reductions for multi-use path placement, transit facilities, etc.*"

In granting a Variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare (§153.045 E 2).

Action:

The Board of Zoning Appeals may approve, approve with conditions, or deny Case # BZAV-3- 22-029 (Variance Request for the construction of a double drive-thru at an existing Chick-Fil-A restaurant) based on the "Findings of Fact" listed above, unless additional information is deemed necessary to make an informed decision.

March 22, 2022

Town of James Island
Board of Zoning Appeals
1122 Dills Bluff Road
James Island, SC 29412

**Re: Letter of Intent – Variance Request – Double Stacking Lanes
Proposed Chick-fil-A Restaurant Site Improvements
849 Folly Road, James Island, SC**

To Members of the Board of Zoning Appeals:

Chick-fil-A intends to make site improvements to the existing site located at 849 Folly Road and will expand the site to include an adjacent parcel of land located at 831 Folly Road (north of the existing CFA site). The purpose of these improvements will be to increase the stacking capacity of the drive thru operation and improved traffic flow. The proposed site improvements will require a variance to allow construction of double stacking lanes for the drive thru operation. Double stacking lanes are only allowed for banks as delineated in Section 153.334 (D)(2)(c) of the ordinance. The following findings will apply to this variance request:

- A. The configuration (size and length) of the property in conjunction with the reduction in developable area caused by setbacks and landscape buffers make it exceptionally difficult to provide adequate capacity for vehicle stacking for the drive thru without designing double lanes to increase the capacity.
- B. These conditions are unique to the property since the configuration (size and length) of the property contributes to this difficulty of providing adequate stacking capacity and separation distance from existing driveway access points.
- C. Because of the above state conditions, application of the ordinance would effectively prohibit construction of the proposed improvements to address stacking capacity issues.
- 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 zoning district will not be harmed or affected by the granting of the variance. Granting of the variance will improve traffic circulation, reduce overflow onto surrounding streets, and lessen the impact to surrounding properties.
- E. This requested variance will not create a condition which would allow the establishment of a use not otherwise permitted in the underlying CC zoning district, nor will it extend physically a non-conforming use of land, or change the zoning district boundaries shown on the Official Zoning Map;

F. The need for the variance is not the result of the applicant's own actions, the applicant has no control over the configuration (size and length) of the property, or the number of patrons using the drive thru.

G. This request for variance will not substantially conflict with the *Comprehensive Plan* or the purposes of this Ordinance.

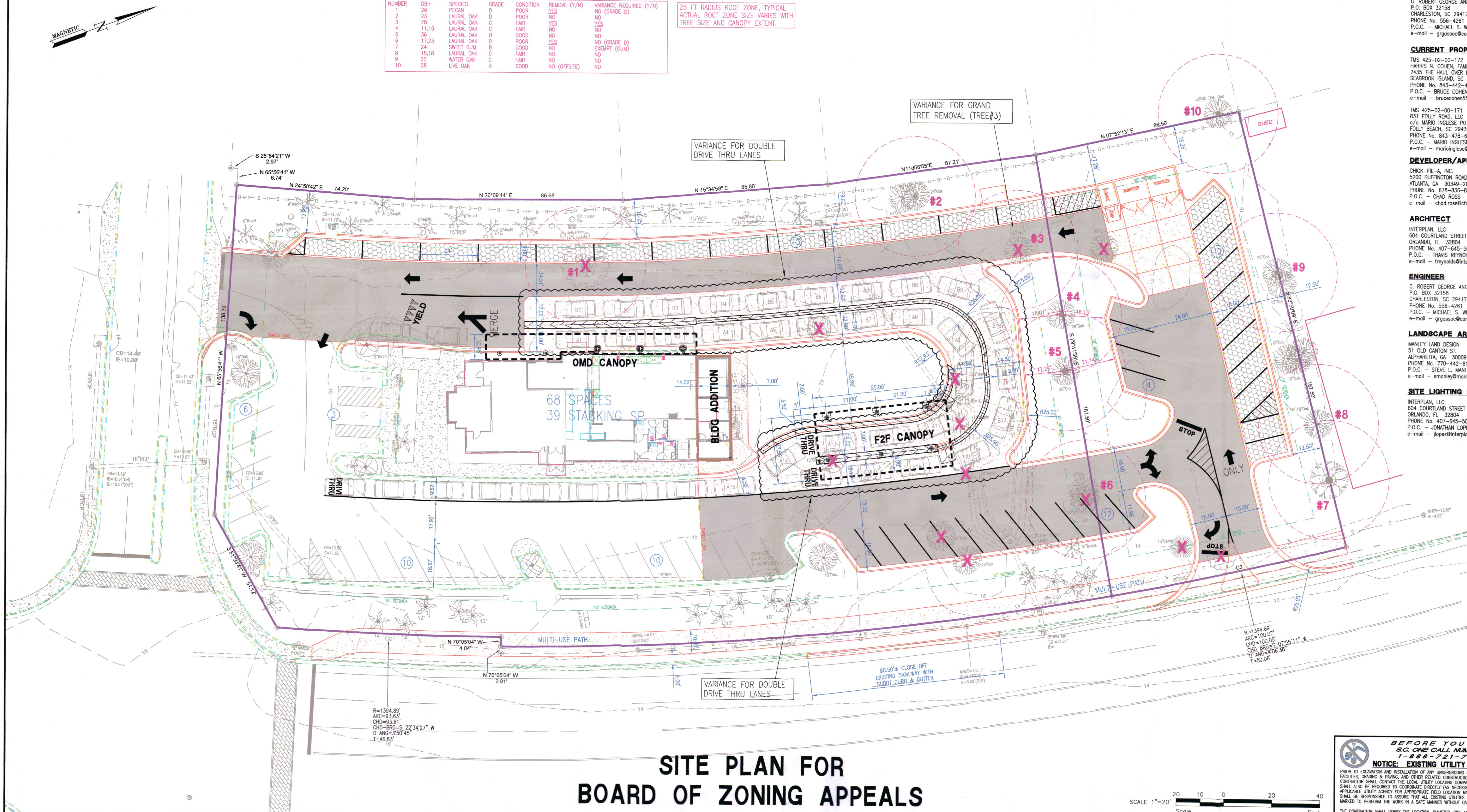
If you have any questions or need additional information, please let us know.

Sincerely,


A handwritten signature in blue ink that reads "Chad Ross". The signature is fluid and cursive, with the first name "Chad" and last name "Ross" clearly distinguishable.

Chad Ross
Chick-fil-A, Inc.

Grga project #2097
msw



SITE PLAN FOR BOARD OF ZONING APPEALS

 **BEFORE YOU DIG
S.C. ONE CALL NUMBER
1-888-721-7877**

NOTICE: EXISTING UTILITY LOCATIONS

PRIOR TO EXCAVATION AND INSTALLATION OF ANY UNDERGROUND UTILITY, STORM DRAINAGE FACILITIES, GROWING & PLANTING, AND OTHER RELATED CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL CONTACT THE LOCAL UTILITY LOCATING COMPANY. THE CONTRACTOR SHALL ALSO BE REQUIRED TO COORDINATE DIRECTLY (AS NECESSARY) WITH EACH APPLICABLE UTILITY AGENCY FOR APPROPRIATE FIELD LOCATION MARKING. THE CONTRACTOR SHALL BE RESPONSIBLE TO ASSURE THAT ALL EXISTING UTILITIES ARE LOCATED & MARKED TO PERFORM THE WORK IN A SAFE MANNER WITHOUT DAMAGE TO EXISTING UTILITIES.

THE CONTRACTOR SHALL VERIFY THE LOCATION, DIAMETER, PIPE MATERIAL, AND ELEVATION OF EXISTING UTILITIES AND STRUCTURES, AS APPLICABLE, PRIOR TO CONSTRUCTION.