

**TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
Town Hall
1122 Dills Bluff Road, James Island, SC 29412
BZA AGENDA
July 21, 2020
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 these cases at Town Hall must sign in. Social distancing will be in place, and face coverings are required. BZA Members will not be present and will be hosting the meeting virtually. The Town invites the public to submit comments on these cases prior to the meeting via email to planning@jamesislandsc.us referencing the Case #. Public Comment may also be submitted virtually on the Zoom platform though the Public is encouraged to do so in writing in advance of the meeting.

- I. CALL TO ORDER
- II. PRAYER AND PLEDGE
- III. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT
- IV. INTRODUCTIONS (New BZA Member: Mr. David Savage)
- V. REVIEW SUMMARIES AND RULINGS FROM THE NOVEMBER 19, 2019 BZA MEETING
 1. BZAV-10-19-024
DISAPPROVED
- VI. BRIEF THE PUBLIC ON THE PROCEDURES OF THE BZA
- VII. ADMINISTER THE OATH TO THOSE PRESENTING TESTIMONY
- VIII. REVIEW OF THE FOLLOWING APPLICATIONS:
NEW BUSINESS:
 1. 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.
 2. BZAS-6-20-019
TMS #s427-01-00-012, -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.

(continued on next page)

IX. ADDITIONAL BUSINESS:

1. Next Meeting: August 18, 2020

X. ADJOURN

*Full packet available for public review Monday through Friday during normal business hours which is currently 10 am to 2 pm.

ZOOM INFO:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84433209610?pwd=aGFQYTVSd0Jic3pGVzdkSjF1UWxWQT09>

Password: 285998

Webinar ID: 844 3320 9610

Or iPhone one-tap :

US: +19292056099,,84433209610#,,,,0#,,285998# or +13017158592,,84433209610#,,,,0#,,285998#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)

Webinar ID: 844 3320 9610

Password: 285998

International numbers available: <https://us02web.zoom.us/j/kcYuHloGr5>

You may also watch the meeting via the Town's YouTube Channel:

https://www.youtube.com/channel/UCm9sFR-ivmaAT3wyHdAYZqw?view_as=subscriber

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF NOVEMBER 19, 2019

Members present: Mrs. Brook Lyon, Chair, Mr. Jason Gregorie, Vice Chair, Mr. Roy Smith, and Mr. Sim Parrish. Absent: Mr. Jim Fralix. Also, Kristen Crane, Planning Director, Flannery Wood, Planner I (standing in for Frances Simmons, Secretary to the BZA and Town Clerk), Cynthia Mignano, Town Councilmember and Bonum Wilson, BZA Attorney.

Call to Order: Chairwoman Lyon called the Board of Zoning Appeals meeting to order at 7:01 p.m. A quorum was present to conduct business.

Prayer and Pledge: Chairwoman 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, staff, Councilmember Mignano, and Attorney Wilson. She thanked Flannery Wood for standing in for Frances Simmons, Secretary to the BZA and Town Clerk. She also thanked Jason Gregorie for chairing August's meeting in her absence.

Review Summaries and Rulings from the August 20, 2019 BZA Meeting: Chairwoman Lyon asked if there were changes to the August 20, 2019 meeting minutes. If not, a motion and a second is required to approve. Motion to approve was made by Mr. Parrish, seconded by Mr. Smith. Chairwoman Lyon abstained from the vote due to her absence at the previous meeting. The motion passed unanimously.

BZAS-7-19-018

TMS# 425-13-00-082

Special Exception request for the placement of a Child Day Care Facility in the Low-Density Suburban Residential (RSL) District at 1238 Pauline Avenue.

APPROVED WITH CONDITIONS

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: Attorney Wilson swore in the persons who wished to provide testimony in tonight's case.

Review of the Following Application:

NEW BUSINESS

BZAV-10-19-024

TMS #454-05-00-032: Planning Director, Kristen Crane, presented the staff review. The applicant, Mr. Adam Ridgeway, is requesting a Variance for the reduction of the 5' required accessory

structure side setback by 1.9' to 3.1' for the placement of a detached shed in the Low-Density Suburban Residential District (RSL) at 750 London Drive. Mrs. Crane noted an error in the review and stated that adjacent properties to the west are Low-Density Suburban Residential (RSL) and are in the Town of James Island while properties to the east and south are in the City of Charleston but are also single family residential in nature. Property to the north is a freshwater lake owned by the Stiles Point Plantation Homeowners Association.

Town of James Island Zoning and Land Development Regulations, §153.207 states accessory structures in residential zoning districts that are over 120 square feet, shall be at least five feet from any interior lot line in a residential district.

Mrs. Crane reviewed the Findings of Facts according to 153.049 F Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR), She stated that The Board of Zoning Appeals 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 approval criteria and two (2) conditions being recommended by staff:

1. The applicant/owner shall install tree barricades around the grand and protected trees on the property in the construction area, as described in §153.334 of the Ordinance, throughout the duration of construction.
2. Prior to obtaining a Zoning Permit for the construction of the shed, the applicant/owner shall provide documentation that the grand trees on the subject parcel in the construction area have been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate potential damage to the trees caused by construction.

Questions from the Board: Mr. Smith stated that while a 5' setback was required for structures over 120 sq. ft., he wanted to know what was required for structures under that. Mrs. Crane explained that it was 3' setback was required and that 5' was a change made in 2016. Mr. Smith asked why that change was made. Mrs. Crane responded that the change was implemented due to an influx of applications for large accessory buildings and complaints from neighbors that buildings were too close. Mr. Smith then asked if the tree that he was viewing in the photographs was the one to the right of the home, and if the structure moved to the west only one limb would have to be removed. Mrs. Crane agreed that the limb would probably have to be removed and mentioned that Town ordinances only allow 25% encroachment into the tree canopy. She noted that a canopy survey would have to be done to determine that. Mr. Smith asked if such a survey had been completed. Mrs. Crane responded that it had not, and she could not tell if it was over the 25% encroachment from the photos. Mr. Smith stated that he reads the requirement that conditions do not generally apply to properties in the area, but he found the properties are very much alike in that they have grand trees and accessory structures. Mr. Smith then stated that he had no further questions.

Applicant Presentation: Mr. Adam Ridgeway thanked the board for allowing him to request this variance for the shed. He stated that there was no space on other side of lot as a satellite shot shows other grand trees on other side. He would be unable to access the yard with any vehicles if they

tried to do a garage or ancillary structure on that side. Mr. Ridgeway explained that in 2016 when he checked the zoning requirement was 3 feet. He stated that there were large camellias beside the building. The house was built in 1964 for the Gilberts and they owned it until he bought it in 2007. The camellias are now trees and shifting anything to the west would take out the camellias and a reasonable sized branch. He stated he would not speculate on the canopy but adding all three trunks together probably wouldn't reach 25 percent. He explained that the oak trees that can be seen from street are 3 or 4 more live oaks on the right side of his property or the adjacent lot next door. If you look at picture to right, you see another branch to right part of 2 or three more trees rooted there. Mr. Ridgeway stated that he would like to believe that granting the variance doesn't change the nature or culture of neighborhood. Most of the homes have ancillary structures in a similar proximity. As far as adjacent property owners being affected, he stated that he had a letter for the Board. He stated that the letter was from the people on either side and across the street from him. Mr. Ridgeway explained that preferably they would be granted the variance and finish the structure. Ideally no tree trimming and moving stuff. He stated that he hasn't argued his fault with the town and has paid the fine and that he hoped they would approve variance and he can move forward. He would like to keep it where it is and finish it and is more than happy to protect the trees.

Questions from the Board:

Chairwoman Lyon addressed the Board and offered them several minutes to look over the letters provided by the applicant. Chairwoman Lyon stated that she would like to read the letter into the record. She stated that what the applicant has produced is a statement signed by different residents: To whom it may concern, in regards to the variance request for parcel 454-05-00-032 case # BZAV-10-19-024, I am familiar with the property and the nature of the variance request. I do not have any issue with this project and would encourage the Board of Zoning Appeals for the Town of James Island to grant the variance and allow the shed to be located 3.1 feet from the side property line. Chairwoman Lyon then stated that the signature is David WM Owens at 745 London Drive. The next one is some initials at 756 London Drive which is to the left if facing the house. 744 London Drive is Stephen Martina, to the right of the home, and Rebecca Langley who she is assuming is a neighbor at 744 Norfolk drive.

Mr. Parrish noted the size and layout and asked if a workshop and large equipment would be stored in the shed. Mr. Ridgeway explained that table saw, drill press, and chop saw would be in one room and tool storage in the other. There is a semi attic upstairs where his wife will put her Christmas decorations instead of in the main house. Mr. Parrish then asked how the applicant would provide power. Mr. Ridgeway explained that he would use a sub panel off the main house. Chairwoman Lyon asked the applicant why he didn't get a permit to start? She explained that if he had, he would have known about the new setback laws. She stated that she hated he had started something and was so close to being finished and now there was a problem with the zoning laws. Mr. Ridgeway stated that he doubted he could provide a truly acceptable answer. It was an idea and then he saw an opening in his schedule and jumped in and started for lack of a better term. Chairwoman Lyon then asked how hard it would be to move as it looks like it is on piers and not a slab and they will be tearing down the other shed anyway. She asked if they could move away from camellia and live oak more toward water and away from property line, and if there was no way to fix it. Mr. Ridgeway responded that is was America, we can do a lot of stuff, but that it would be a challenge. Mr. Smith asked the applicant if he was a contractor. Mr. Ridgeway

responded he had a residential builders license. Mr. Smith then stated that he wanted to echo some things that Mrs. Lyon said. He said that while it looks like a wonderful shed and plan and he could see why the applicant would want it, his heart goes out to him. Mr. Ridgeway interrupted stating that he had a question and asked how big the shed needed to be to be 3' from the property line. Mrs. Crane said that it would have to be 120 sq. ft. Mr. Smith responded that his shed was 16' by 40'. Mr. Ridgeway then asked if he could go in and cut one-foot sections out and make it comply. Chairwoman Lyon asked if he would consider cutting it down the middle and making it 2 and if that would be an option. Mr. Ridgeway stated that while this wasn't a reasonable absurd option for utilization if he moved over and cut several inches out and moved over and made it comply with 120 sq. ft then the build would still be three and be 3 feet but it would fit the zoning ordinance and not be an effective structure. Chairwoman Lyon asked how big it is now. Mr. Smith responded that it 640 sq. feet on the first floor. Chairwoman Lyon stated that she thought 10; x 12' was the legal size because she was thinking of doing one similar. She said it would have to be cut into almost 3 small sheds and she wouldn't know how that would work. Chairwoman Lyon expressed that she wanted to help the applicant, but she has to uphold the Zoning of the Town. Mr. Smith stated that it was terrible the way his mind was working right now, but he was not seeing that the applicant met the requirements and he would like to find a way for him to meet those requirements. But he must meet all 9 requirements and it is not just held up on one but several. Mr. Smith explained that it is awful but unless he hears something in the next few minutes, he will have to vote against allowing the variance because he doesn't think the applicant complies with the ordinance and that is his job to follow the ordinance. Mr. Smith stated that if there was anything else the applicant can explain to him about why he complies he would really like to hear it because he wants to help him but so far, he hasn't heard anything that would allow him to do so.

Mr. Ridgeway explained that he was not sure of any support that he can offer that will help Mr. Smith other than that he doesn't think granting this variance goes against the intentions necessarily of where James Island wants to be with its zoning. He stated that he does understand the 5-foot setback and can appreciate protecting the adjacent property owner, he didn't speak to the Town but did speak to them. He stated the shed is not visible from London Drive. It is only visible from where he is. He stated that numerous structures do exist, and he isn't sure if they were built in 2016 or not. He doesn't think the variance negates what the town is trying to do. It does allow him to maintain as much line of sight as he can to the water. He explained that he and his wife do have young kids, 5,6,7 & 8-year-olds fishing and kayaking and stuff. He and his wife would love to be with them, but they don't not have the time or the energy to always be right next to them. It is easier for them to be in the house and see the children. He stated that while this is not a zoning concern it is part of their concern. Their goal was to make the shed disappear as best they could. Its not a small structure, but he did not go and chop any trees down. He tucked it in where 90% of the shed disappeared between the trees and bushes and stuff like that. He stated that again this is not necessarily a zoning specific issue, but he was trying to do what is best for the property and conform. Ideally, he would not like to not be imposing on neighbors.

In Support: No one spoke.

In Opposition: No one spoke.

Chairwoman Lyon closed the Hearing to the public at 7:41 p.m. and asked for a motion and second for discussion. Mr. Parrish moved to accept the application for discussion purposes; Mr. Smith seconded for discussion.

Discussion:

Mr. Gregorie stated that he did not see anything in the application that rose to the individual case of unnecessary hardship which is one of the things that requires a variance. He explained he also agreed with the point that said there are 9 criteria the ordinance, He thought it was actually 7 criteria, a-e, but that he doesn't think it meets all 7. Mr. Gregorie explained that he thought the application struggled with criteria B, conditions do not generally apply to other property in the vicinity and that he did not think it met that. He stated he didn't think the application met C, Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property, and F, the need for the variance is not the result of the applicant's own actions, and that he thinks it is as construction started without permits. Chairwoman Lyon stated that she agreed with Mr. Gregorie. She explained that D also concerns her, that it may be a detriment. While current property owners may be okay with it, it could still affect the neighborhood and future owners. She noted that while that is not while we are here tonight, she must look at all aspects of it. She stated that D states that the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and certainly F, because of it being the applicant's own actions when he started without the permit. Mr. Parrish stated that he is mainly concerned what would happen if we denied this. He stated he thought an executive session was needed so the board could ask their Attorney what the consequences would be of denying this or accepting this. Chairwoman Lyon stated that she had no problem with that, but she did know if there was a denial the applicant would appeal it to circuit court just like a prior case they have had. Mr. Parrish moved that they adjourn for executive session. NO SECOND MOTION FAILS.

Chairwoman Lyon asked for a motion to amend the previous motion to include conditions. Mr. Parrish moved to amend to add conditions; Mr. Gregorie seconded.

MOTION TO AMMEND ORIGINAL MOTION:

Motion to accept the application and amend to add conditions recommended by staff:

1. The applicant/owner shall install tree barricades around the grand and protected trees on the property in the construction area, as described in §153.334 of the Ordinance, throughout the duration of construction.
2. Prior to obtaining a Zoning Permit for the construction of the shed, the applicant/owner shall provide documentation that the grand trees on the subject parcel in the construction area have been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate potential damage to the trees caused by construction.

Chairwoman Lyon called for the vote: Chairwoman Lyon (aye); Mr. Smith (aye); Mr. Parrish (aye); Vice Chair Gregorie (aye) PASSED UNANIMOUSLY.

ORIGINAL MOTION:

Motion to approve the variance request for the reduction of the 5' required accessory structure side setback by 1.9' to 3.1' for the placement of a detached shed in the Low-Density Suburban Residential District (RSL) at 750 London Drive with conditions set forth by staff: Mr. Parrish moved to accept the application; Mr. Smith seconded.

Chairwoman Lyon called for the vote: Chairwoman Lyon (nay); Mr. Smith (nay); Vice Chair Gregorie (nay); Mr. Parrish (aye) MOTION FAILED 3-1. Chairwoman Lyon announced the legal reasons for denying the request is that the applicant did not the requirements of the Town of James Island Ordinances. 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 approval or the conditions.

Vote for Chair/Vice Chair:

Chairwoman Lyon stated that another order of business before the board is to vote for Chair and Vice Chair. She explained the procedure to vote for Chair and Vice Chair and their terms.

Mr. Smith nominated Jason Gregorie. Mr. Gregorie accepted the nomination.

Chairwoman Lyon called for the vote: Chairwoman Lyon (aye); Mr. Smith (aye); Mr. Parrish (aye); Vice Chair Gregorie (aye) CARRIES UNANIMOUSLY.

Chairwoman Lyon nominated Mr. Smith for Vice Chair. Mr. Smith accepted the nomination.

Chairwoman Lyon called for the vote: Chairwoman Lyon (aye); Mr. Smith (aye); Mr. Parrish (aye); Vice Chair Gregorie (aye) CARRIES UNANIMOUSLY.

Additional Business:

Next Meeting: December 17, 2019, 7 p.m.

Chairwoman Lyon thanked the board and staff for allowing her to serve as chairperson for the last two years.

Adjournment: There being no further business to come before the Board, the meeting adjourned at 7:53 p.m. upon motion by Mr. Smith, and second by Mr. Parrish.

Respectfully submitted:

Flannery Wood
Planner I

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: Ellen Lorraine Friedrich

Mailing Address: 1514 Patterson Ave.

City, State, Zip Code: Charleston, SC 29412 Daytime Phone: (843) 327-5484

Email Address: elfried@valdosta.edu

Subject Property Address: 1514 Patterson Ave.

Present Use of Property: single family residence

Variance Description: add front/side living space to match rear non-conforming already existing structure / part of house

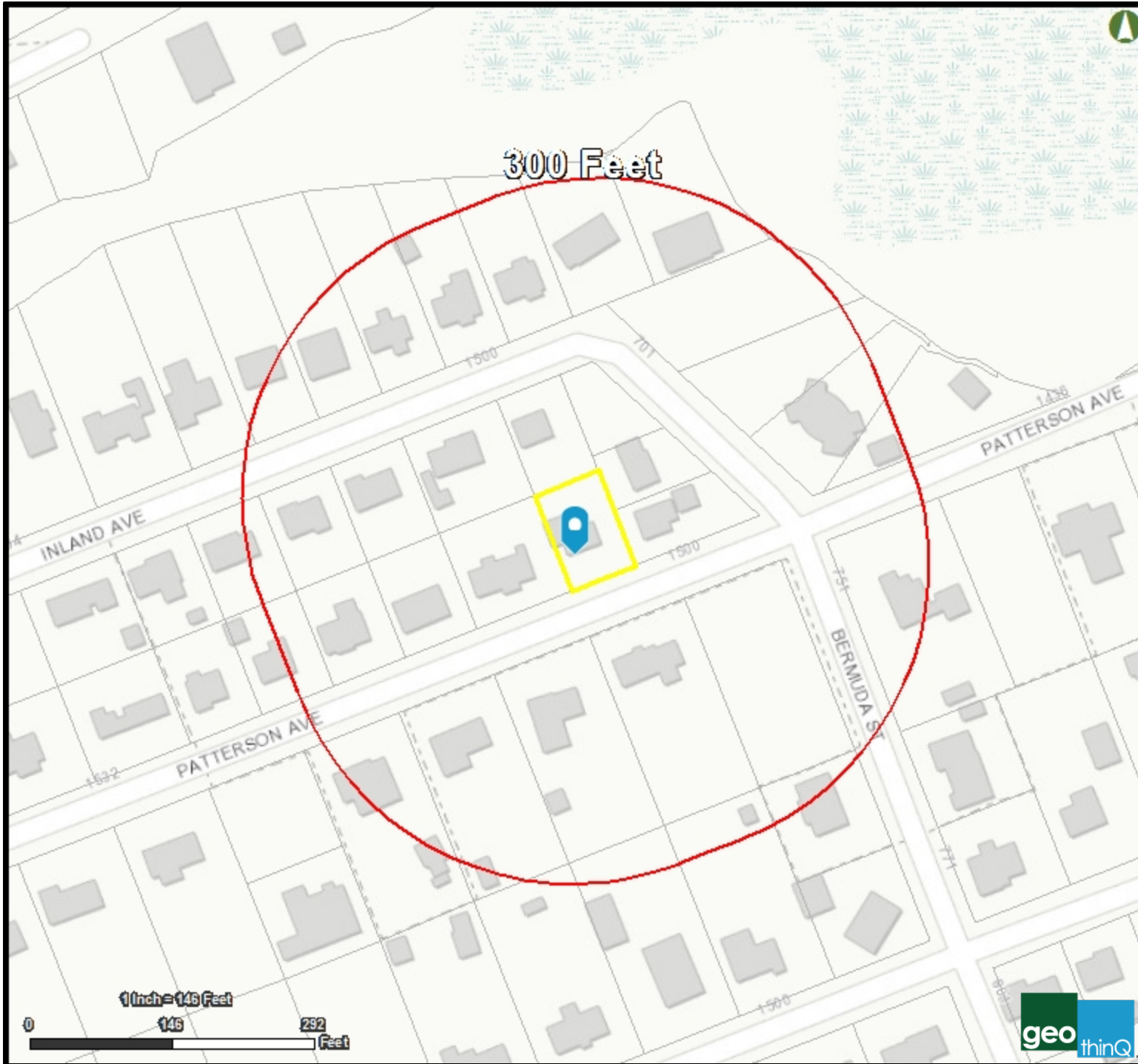
Applicant Signature: *Ellen Friedrich* Date: 18 June 2020

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.

Owner Print Name _____ Date _____ Owner Mailing Address _____

Owner Signature _____ City, State, Zip Code _____

FOR OFFICE USE ONLY:	
Application #: <u>BZAV-6-20-025</u>	Flood Zone: <u>AE-11</u>
Zoning District: <u>R5L</u>	Fee Paid (\$250): <u>CHECK # 2104</u>
Date Filed: <u>June 18th 2020</u>	Zoning Officer: <u>ANNEMOOD</u>
TMS#: <u>425-04-00-062</u>	<u>Planner I</u>



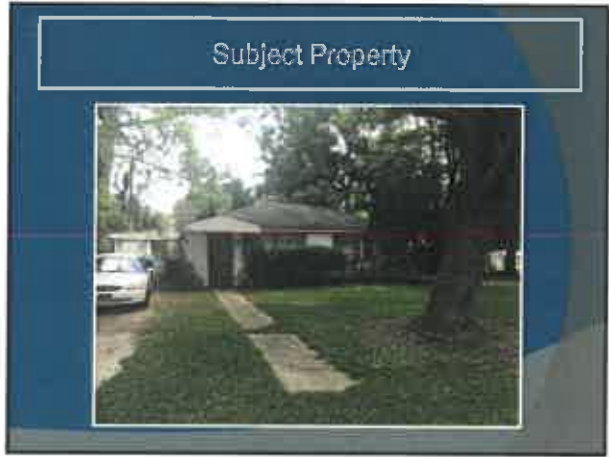
Town of James Island
South Carolina



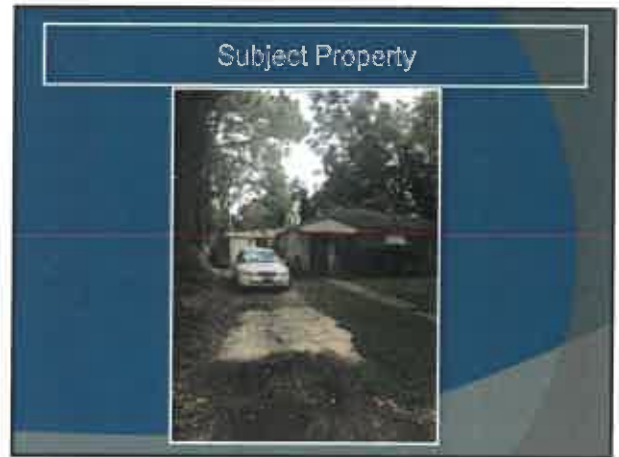
1514 Patterson Avenue

Radius Map
07/01/2020





6



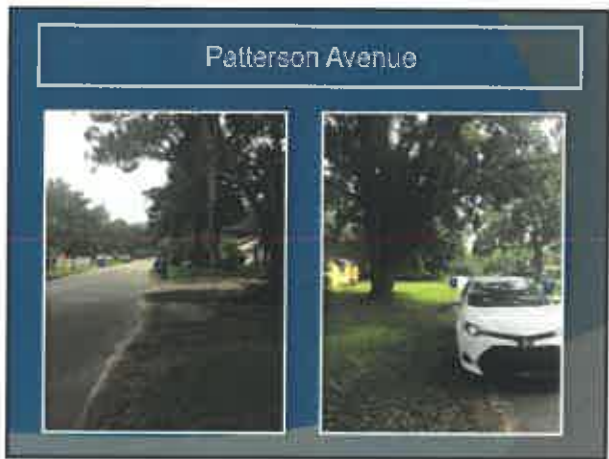
7



8



9



10

Staff Review:

The applicant, Mrs. Ellen Friedrich is requesting a Variance for the reduction of the 10' required interior side setback by 5.2' to 4.8' for the addition of living space onto an existing residence in the Low-Density Suburban Residential (RSL) Zoning District at 1514 Patterson Avenue (TMS #425-04-00-062). Adjacent properties to the north, south, and west are also in the RSL Zoning District and are in the Town of James Island's jurisdiction. Property to the east is single-family in nature, and is in the City of Charleston.

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: 10 feet.

The subject property is 0.17 acres in size and contains one single-family home that was constructed in 1973 per Charleston County records. The current property owner purchased the property in November of 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 my home. The addition will go a few feet over the setback on the west side of my house where there is already constructed a part of the house, dating from around 1973" ... "The present available living area is approximately 10 feet by 7 and 1/2 feet; the dining area is 4 feet by 7 feet. The addition will serve as a living room of decent, if small, proportions, and the present tiny living room will become a proper dining room." Please review the attached documents for further information regarding this request.

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 including the uncentered positioning of the home on the lot and the small size of the lot.**

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

Response: **These conditions may not generally apply to other property in the vicinity. Of the 29 homes in a 300' radius of the subject property, only four are of equal or**

lesser size in square footage. Additionally, in the letter of intent the applicant states that “The other houses on the block are centered—or very nearly centered—on their lots, so they have no need to go over a setback.”

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 Section 153.070 of the Ordinance to the subject property may unreasonably restrict future improvements to the property due to the existing layout of the current home. The applicant mentions in her letter of intent that “It is impossible to build on the east side of the house, as there are two bedrooms and the bathroom that obstruct any possible access to a living room; positioning on the west allows a small living room.”

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 character of the zoning district should not be harmed and the authorization of the variance should not be of substantial detriment to adjacent property. The rear portion of the home already sits 4.8’ from the interior side property line. The letter of intent states the applicant has “mentioned it to others in my neighborhood—on my street and the street behind me, Inland. No one has objected in any way; indeed, they encourage me to undertake the addition.”

F (e): *The Board of Zoning Appeals shall not grant a variance to 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 due to the pre-existing location and configuration of the home. The letter of intent states that the applicant “did not build the house that close to the setback. That part of the house is non-conforming but I neither built it that way, nor caused the reason for the variance”.

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

Response: The granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.

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-6-20-025 (Variance request for the reduction of the 10' required accessory structure setback by 5.2' to 4.8' for the construction of a new single-family home) 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. The applicant/owner shall install tree barricades around the grand 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 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.

Request for Variance - 1514 Patterson Ave., Bayfront, James Island, Charleston, SC 29412

Ellen Lorraine Friedrich, owner of Lot D of Lot 25, Bayfront Subdivision

I, Ellen Lorraine Friedrich, owner of the single family residential property at 1514 Patterson Ave., Bayfront (Lot D of Lot 25) Subdivision, James Island, Charleston, SC 29412, do respectfully request a variance for the construction of a small—approximately 170 square feet (16 feet by 10 feet 9 inches)— addition to my home. The addition will go a few feet over the setback on the west side of my house where there is already constructed a part of the house, dating from around 1973, years before I bought my property.

Although normally one would expect me to “build up,” I am 70 years old, and while in good health for my age and with good mobility, I am aware that that could change at any moment, making it impossible or impractical for me to ascend and descend stairs, especially as I live alone. The house is my permanent residence.

The circumstances / reasons for which I am requesting permission for the addition:

1. The original house, of approximately 900 square feet (3 bedrooms [one of which is 7 feet 6 inches by 10 feet 6 inches], 1 bath), when built, was not centered on the property; it was constructed to the left / west side. Had the builder centered the house properly on the lot, as are other houses in the neighborhood, there would be no need for an addition that goes a bit over the setback to match the existing footprint of the house, which also goes a bit over the setback. Thus, I did not build the house that close to the setback. That part of the house is non-conforming but I neither built it that way, nor caused the reason for the variance.
2. It is impossible to build on the east side of the house, as there are two bedrooms and the bathroom that obstruct any possible access to a living room; positioning on the west allows a small living room.
3. The other houses on the block are centered—or very nearly centered—on their lots, so they have no need to go over a setback. That said, in Bayfront, there are lots that have up to three dwellings on them, as well as houses that have structures and or additions that go to the property line. There are also duplexes and ‘quadraplexes [quadruplex/quadrplex]’ in Bayfront so that we have a variety of residences. In my case, a very small addition to a single family dwelling only makes the house truly livable, and therefore maintains—and certainly does not negatively impact—the neighborhood and the goals of the Town of James Island.
4. The present available living area is approximately 10 feet by 7 and ½ feet; the dining area is 4 feet by 7 feet. The addition will serve as a living room of decent, if small, proportions, and the present tiny living room will become a proper dining room (the present 4 x 7 dining area will become the entrance to the house, and to both the dining room and living room).

I am taking advantage of the project to put a new roof over all, i.e. obviously over the addition, as well as over the original house, and over the slightly altered porch.

The authorization of this variance will not be detrimental to Bayfront, nor will granting the variance harm the character of the area. Bayfront is mainly and traditionally one-story homes and duplexes, although in recent years some three-story high homes have been built, altering the time-honored look of the neighborhood that I maintain. In fact, the small addition and the new roof will add some property value to my property and accordingly protect the value of the homes of my neighbors who have no concerns about my proposed addition.

Other considerations include:

My neighbor immediately to the west, the side of the house to which the small addition will be added, Ms. Yvette Doster, owner of the duplex in which she resides, has repeatedly said over the past year as I have discussed the project with her that she does not mind the small addition; that it affects her in no way. She has encouraged me in this endeavor.

I shall not change the character of the house, which is concrete block, as are almost every single house on this / my side of the street. Hence, the addition will also be of concrete block and so shall present a continuous façade of my house to the street, as well as being one in a long row of charming concrete block houses.

There is a fence between mine and Ms. Doster's property which we have both damaged a bit by our mutual decisions to take smallish trees down gradually on our property lines. The fence is integral but again, slightly damaged, and will be repaired and or replaced once my addition is finished.

My neighbor to the east, Mr. Bruce Emery, who owns the house in which he resides, although he will not even have line of sight to the addition to the house, knows and approves of the project.

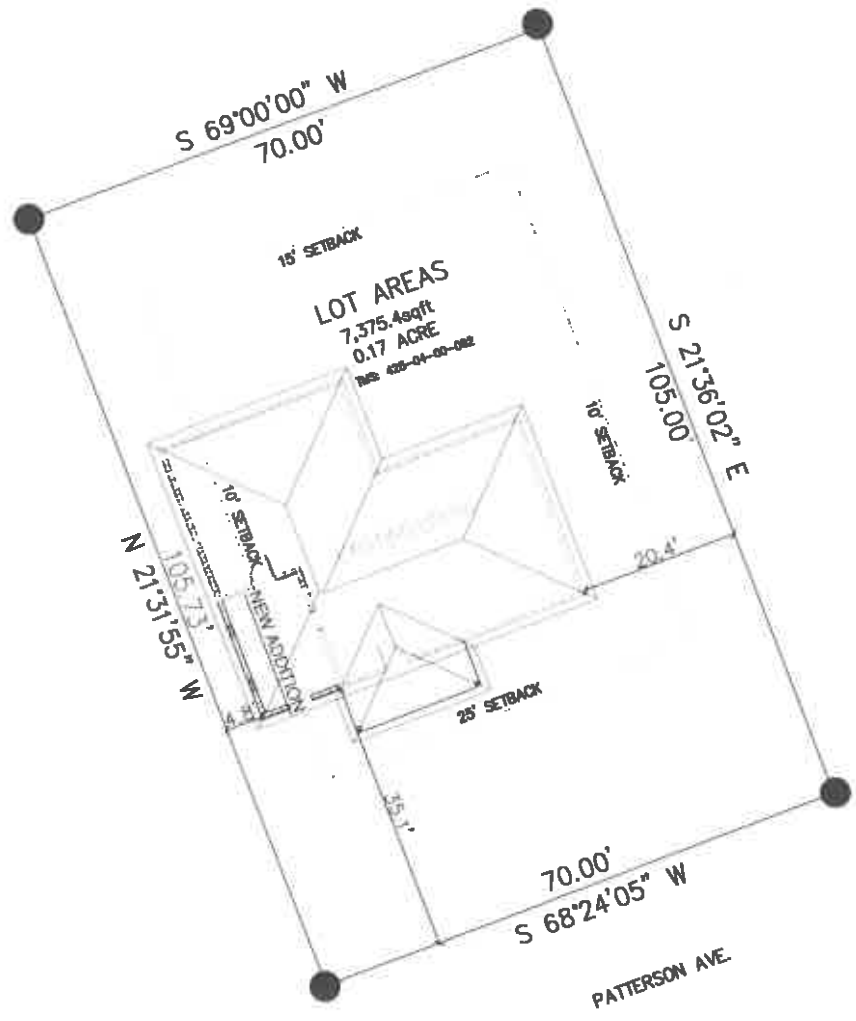
My neighbor across the street (Daniel Valoppi) is also in agreement with my small addition, as is my 'catty-corner' neighbor, Dr. Sarah Stender. I have mentioned it to others in my neighborhood—on my street and the street behind me, Inland. No one has objected in any way; indeed, they encourage me to undertake the addition.

I thank the Board of Zoning Appeals and other interested parties for allowing me to present this request for a variance for a small addition I am planning, as well as a slightly reinforced and reconstructed porch, and a new roof over the entire house.

Very sincerely,



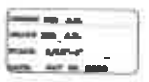
Ellen Lorraine Friedrich, Ph.D.
Professor Emerita
1514 Patterson Ave.
[Bayfront Subdivision
Lot D of Lot 25]
Charleston, SC 29412



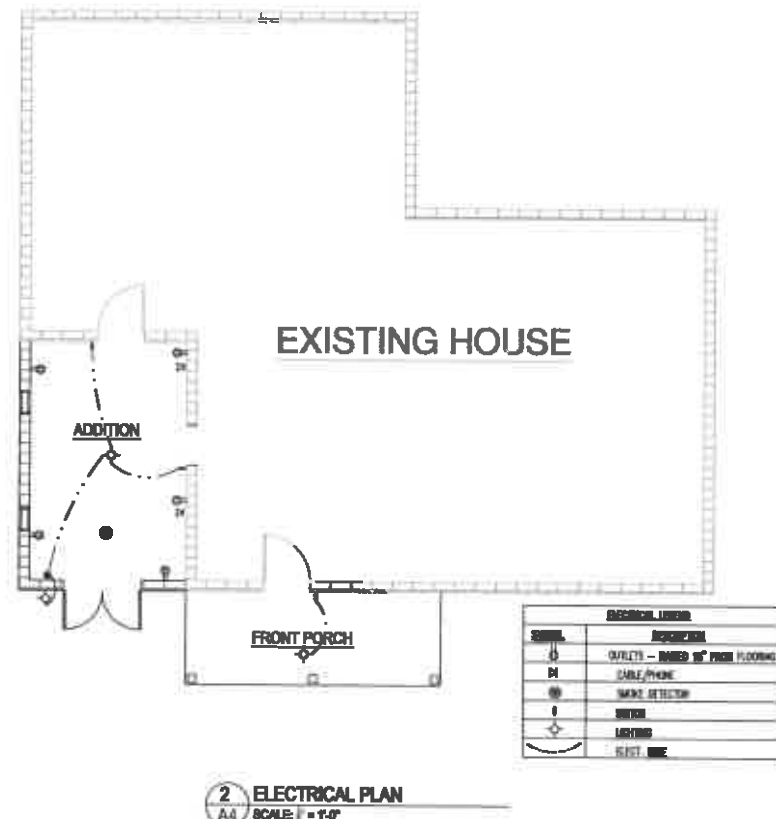
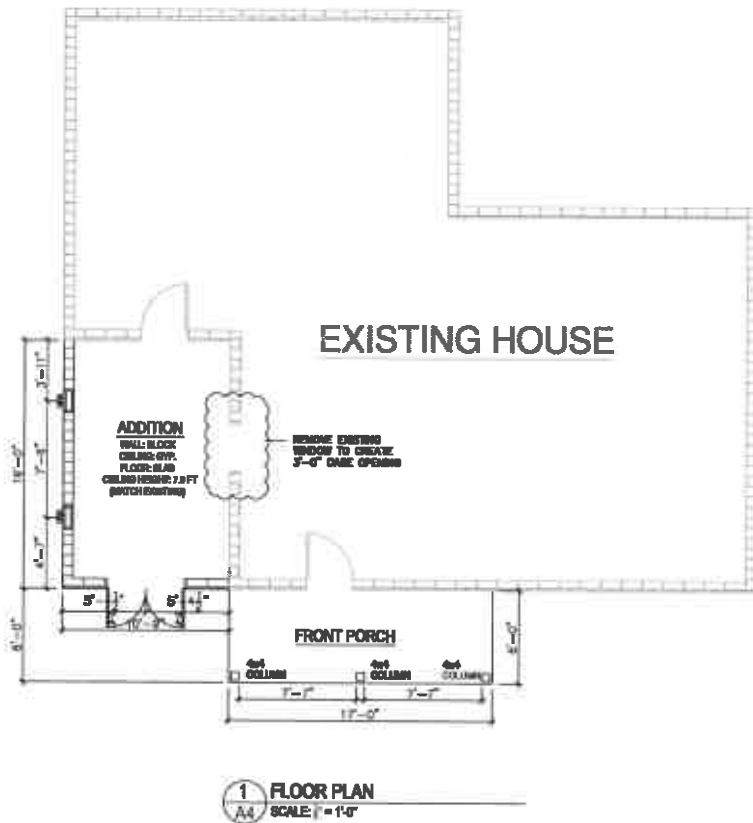
This document is an instrument of
 service and remains the property of
 Unlimited Drawings. This document
 may not be copied or reproduced in any
 manner without written permission.
 Copyright
 Unlimited Drawings

ELLEN ROOM / ROOF ADDITION
 1514 PATTERSON AVE.
 CHARLESTON, SC 29412
 PLOT PLAN

Unlimited Drawings
 1000 W. 10th Street
 Charleston, SC 29401
 TEL: 843.725.0078 FAX: 843.725.0079



A2



DOOR SCHEDULE		
NO.	SIZE	FINISH
2	3000	EXTERIOR FRENCH DOUBLE DOOR

WINDOW SCHEDULE		
NO.	SIZE	FINISH
2	1000	

HEATED/UNHEATED AREA

HEATED SPACE 172 SQFT
FRONT PORCH 102 SQFT

TOTAL 274 SQFT

GENERAL NOTES:

- EXTERIOR WALLS TO BE CMU BLOCK WALL (8X16) (UNO)
- SEE ENGINEERING OR TRUSS LAYOUT FOR ALL FLOOR AND CEILING JOIST SIZES AND SPACING, HEADER & BEAM SIZES
- WINDOWS & DOOR GLASS U-FACTOR TO BE A MAX. OF .30
- CEILING INSULATION TO BE R20
- WALL INSULATION TO BE R13
- ALL DOORS THAT ARE NOT DIMENSIONED TO THE CENTER LINE ARE EITHER CENTERED OR 4" OFF NEAREST WALL
- CONTRACTOR TO VERIFY ALL DIMENSIONS.
- DO NOT SCALE DIMENSIONS FROM PRINTS. USE DIMENSIONS GIVEN OR CONSULT DESIGNER FOR FURTHER CLARIFICATION.
- GRADE ELEVATIONS MAY VARY DUE TO THE TYPE OF FOUNDATION AND OTHER ON SITE FACTORS
- SEE FIRST FLOOR FRAMING AND / OR ROOF FRAMING SHEETS FOR BEAM SIZE / LOCATION AND HEADER SCHEDULE.



This document is an instrument of service and remains the property of Unlimited Drawings. This document may not be copied or reproduced in any manner without written permission. Copyright Unlimited Drawings

ELLEN ROOM / ROOF ADDITION
1514 PATTERSON AVE.
CHARLESTON, SC 29412
FLOOR / ELECT. PLAN

Unlimited Drawings
UNLIMITED DRAWINGS
1514 PATTERSON AVE. CHARLESTON, SC 29412
TEL: 843.739.0707 EMAIL: info@unlimited-drawings.com

DATE: 08-14-2018
TIME: 10:21 AM
SCALE: 1/8" = 1'-0"
PROJECT: 1808-001

A4

ELECTRICAL NOTES

- UNLESS OTHERWISE SPECIFICALLY STATED HEREIN, THE ELECTRICAL PLANS ARE ONLY FOR GENERAL DESIGN GUIDANCE AND HAVE BEEN COMPILED TO MEET PERMIT REQUIREMENTS OF THE JURISDICTION. VERIFY ALL ELECTRICAL SYMBOLS, SIZES, TYPES, AND PLACEMENTS OF DEVICES, SWITCHES, PULLBOXES, AND ALL OTHER RELATED ELECTRICAL EQUIPMENT SHALL BE DETERMINED BY THE CONTRACTOR AND CHECK. INSTALLATION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES.
- CONTRACTOR SHALL VERIFY WITH POWER COMPANY THE LOCATION OF SERVICE AND SHALL LOCATE, MARK AND LABEL AS REQUIRED.
- ALL WIRING SHALL BE TWO COPPER, UNLESS NOTED OTHERWISE.
- WHERE REQUIRED BY OTHER CODES, SERVICE AND FEEDER CONDUITS SHALL BE COVERED BY SIGNAL ARMORING.
- ALL BRANCH CIRCUITS IN RADIANT OR NON-METALLIC HEATED CABLE.
- COORDINATE RADIANT INSTALLATION WITH OTHER TRADES PRIOR TO CONSTRUCTION.
- VERIFY ALL CONDUITS AND BENDERS WITH EQUIPMENT MANUFACTURERS SPECIFICATIONS.
- PROVIDE GROUNDING SWITCH SIZE AS REQUIRED BY LOAD AND CODE.
- PROVIDE NON-FUSIBLE GENERAL DUTY SAFETY SWITCHES AT A/O EQUIPMENT AND AT PANELS NOT VISIBLE FROM EQUIPMENT PANEL, AND AS PER MANUFACTURER'S RECOMMENDATIONS.

Application for Special Exception

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 Special Exception. 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 Special Exception 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 §153.045 E. All proposed Special Exceptions, 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".

Applicant Name: Grimball Farm LLC

Mailing Address: 1759 Grimball Farm Lane

City, State, Zip Code: Charleston SC 29412 Daytime Phone: 843-795-4994

Email Address: mbobo381@gmail.com

Subject Property Address: 1312 & 1316 Folly Road

Present Use of Property: Commercial retail and office

Special Exception Description: Special Exception request for car wash use.

Margaret Bobo, member of 6.19.20
Applicant Signature Grimball Farm LLC 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.

Margaret Bobo, Member of Grimball Farm LLC 6.19.20 1759 Grimball Farm Lane

Owner Print Name Date Owner Mailing Address

Owner Signature City, State, Zip Code

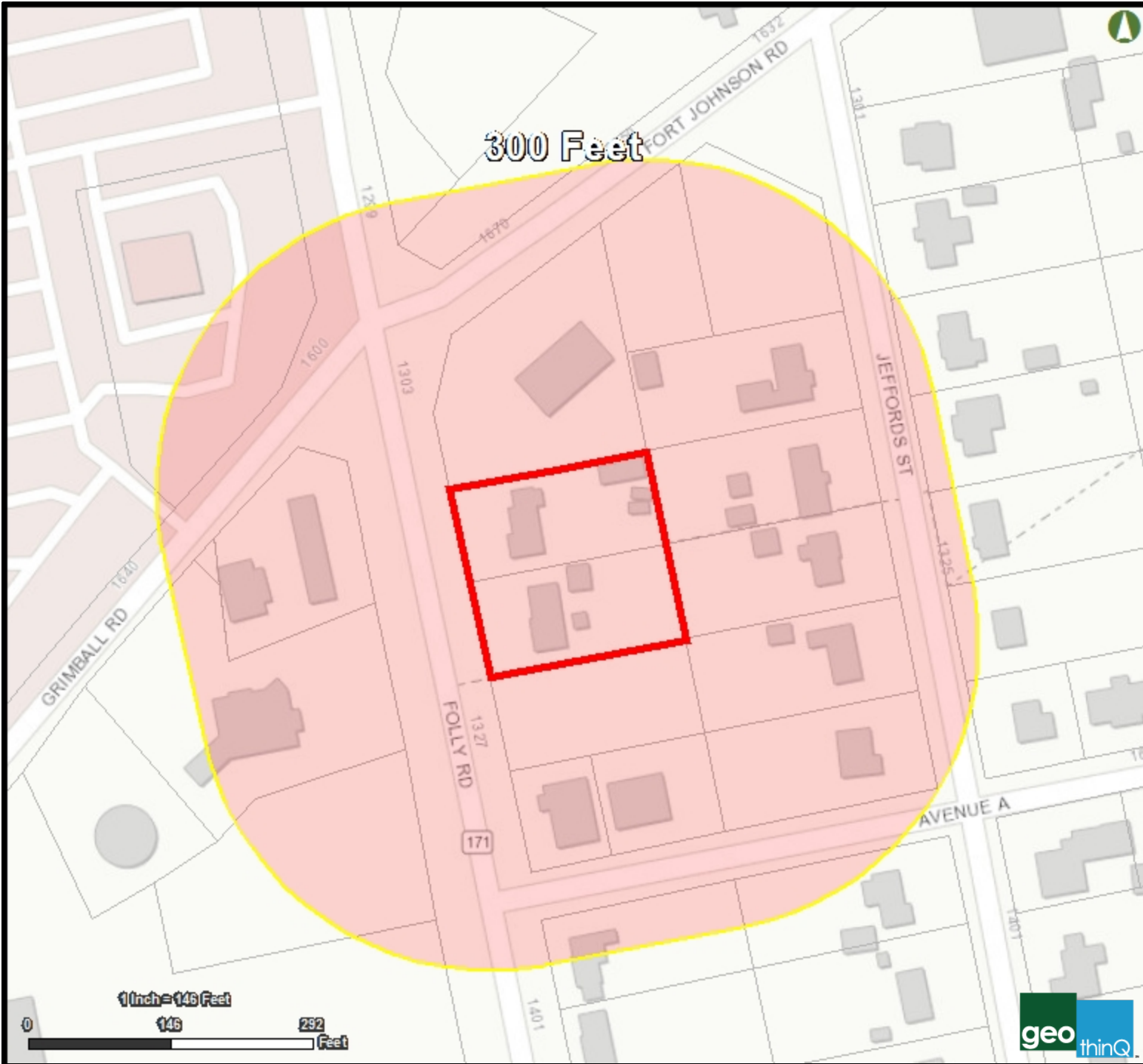
FOR OFFICE USE ONLY:

Application #: BLAS-6-20-019 Flood Zone: X

Zoning District: CG, South Village FRGO Fee Paid (\$250): Card 6/19/20

Date Filed: June 24, 2020 Zoning Officer: Manney Wood

TMS#: 427-01-00-012, - 013 planner I



Town of James Island
South Carolina



1312 & 1316 Folly Road

Radius Map
07/01/2020





18



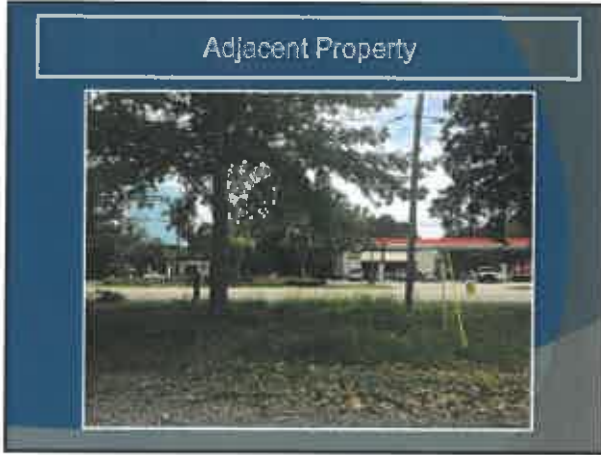
19



20



21



22



23

Staff Review:

The applicant, Mr. Giles Branch of Earthsource Engineering representing Mike Roper, Owner of Time to Shine Car Wash, 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 Folly Road (TMS #427-01-00-012) and 1316 Folly Road (TMS #427-01-00-013). 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 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. 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 (Blue Water) and financial services (South Carolina Federal Credit Union). Other uses within 300' of the subject properties include religious assembly (James Island Presbyterian Church), vehicle repair (Tire Choice, Folly Road Auto 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, **vehicle service.**"*

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."* Staff conducted a site visit of the subject property on July 6, 2020. Please review the attached documents for further information regarding this request.

Findings of Fact:

According to §153.045 E, Special Exceptions Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR), Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use:

- E. (a): *Is consistent with the recommendations contained in the Town of James Island Comprehensive Plan and the character of the underlying zoning district "Purpose and Intent";*

Response: **The Town of James Island *Comprehensive Plan*, Future Land Use Categories states *"The Neighborhood Commercial Future Land Use Category is intended to allow office uses and neighborhood oriented commercial uses that serve the residential population of the Town, and that do not negatively impact the***

surrounding community". However, a Land Use Strategy listed in the *Comprehensive Plan* is to "Encourage commercial structures that are in character with the suburban nature of the area" while a Land Use Element Need is listed as "Encouraging sensitive and sustainable development practices." Additionally, the South Village Area of the FRC-O states that the area is "intended to be developed with less intense commercial development than the Commercial Core Area" with "low intensive development on the east side of Folly Road". Therefore, this application may not be consistent with the Town of James Island *Comprehensive Plan* as implemented through the CC District and the Folly Road Corridor Overlay Zoning District.

E (b): *Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;*

Response: The proposed use may be compatible with other uses within 300' of the subject property to the north, south and west including a gas station/convenience store and two vehicle repair shops, but the subject property is bordered by residential property to the east.

E (c): *Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) 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;*

Response: A comprehensive landscaping plan is required for buffer areas. Additionally, the applicant's representative states that there will be "Installation of a 6 foot opaque screening fence offset from the property line with plant material between the fence and the neighboring residential lots to provide an esthetic appeal to the fence which will serve as a visual screen." However, the proposed site plan does not show protection from the possible adverse influence of the proposed use, such as noise, for the residential properties to the east.

E (d): *Where applicable, will be developed in a way that will preserve and incorporate any important natural features;*

Response: The applicant is working with a certified arborist to preserve grand trees on the property, which the letter of intent addresses: "All Grand trees to be saved onsite along with all other significant trees where possible. Any encroachment into drip lines of trees to be reviewed and managed and mitigated by a certified arborist who will be hired to ensure the health of the trees before, during, and after construction." The applicant also states that "development has been thoughtfully laid out with strategic building placement and utilization of LID design features which will be fully engineered including

pervious/permeable parking and use of native landscape, among other methods”.

E (e): *Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and*

Response: The applicant is in the process to ensure compliance with the applicable regulations.

E (f): *Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.*

Response: The applicant states in their letter of intent that “site design to ensure no impact to traffic along Folly road. Site as shown on the exhibit is designed to ensure maximum onsite staging to ensure cars will never back up into the Right of Way.” In addition, the applicant also states an “8-foot activity path to be installed along Folly Road to provide a start to the new Folly road pedestrian corridor improvements.”

In granting a Special Exception, 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 # BZAS-6-20-019 (Special Exception request 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 Folly Road (TMS #427-01-00-012) and 1316 Folly Road (TMS #427-01-00-013), 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 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 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 6am and 11pm.

Special Exception for Commercial Site Use

DATE: June 2020

TO:

Town of James Island
Board of Zoning Appeals Members

RE:

1312 & 1316 Folly Road
James Island SC
TMS: 427-01-00-012 & 013
Charleston County

Dear Board:

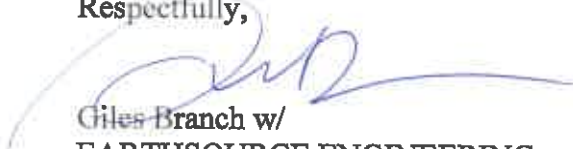
Please accept this formal request for the review for the redevelopment of two residential home sites on Folly road (1.01-acre site) for a commercial use required to receive special exception based on an express service automatic carwash use. The site is on a prime commercial redevelopment site which is neighbored by two automotive uses on either side. The North side fronts an existing tire service center and the south side fronts the Folly Road Auto Repair shop. The proposed use for a carwash use will complement the two existing commercial development in the area while also meeting the criteria required for Special Exception in the Town of James Island.

To ensure the site meets and exceeds development requirements and special exception requirements, the applicant proposes strategic design methods using limit impact design (LID) principles. The following items are proposed by the applicant as obtainable conditions for the approved use:

- A. Site be designed with the carwash building fronting Folly Road as shown on the conceptual plan. Architectural design of the building to be in keeping with Town standards to ensure appropriate building materials used.
- B. All Grand trees to be saved onsite along with all other significant trees where possible. Any encroachment into drip lines of trees to be reviewed and managed and mitigated by a certified arborist who will be hired to ensure the health of the trees before, during, and after construction.
- C. LID methods be used to maintain the character and appeal of the Town by use of sustainable materials and design features (ex. Bio swales, pervious surface materials, native landscape materials, etc)
- D. Installation of a 6 foot opaque screening fence offset from the property line with plant material between the fence and the neighboring residential lots to provide an esthetic appeal to the fence which will serve as a visual screen.
- E. Site design to ensure no impact to traffic along Folly road. Site as shown on the exhibit is designed to ensure maximum onsite staging to ensure cars will never back up into the Right of Way.
- F. Design to maintain natural features of the site including site layout and storm drainage design to mitigate runoff onsite.
- G. 8 foot activity path to be installed along Folly Road to provide a start to the new Folly road pedestrian corridor improvements.
- H. Any other conditions thought to be appropriate by the Board.

In Summary, 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. The development has been thoughtfully laid out with strategic building placement and utilization of LID design features which will be fully engineered including pervious/permeable parking and use of native landscape, among other methods. Please accept this letter as explanation for the needs for the applied use for an automatic carwash site. We look forward to receiving a favorable response to this application.

Respectfully,



Giles Branch w/
EARTHSOURCE ENGINEERING
Representing
Mike Roper
Owner
Time To Shine Carwash

