

**TOWN OF JAMES ISLAND**  
**BOARD OF ZONING APPEALS**  
Town Hall  
1122 Dills Bluff Road, James Island, SC 29412  
**BZA AGENDA**  
**August 20, 2019**  
**7:00 PM**

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

- I. CALL TO ORDER
- II. PRAYER AND PLEDGE
- III. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT
- IV. INTRODUCTIONS
- V. REVIEW SUMMARIES AND RULINGS FROM THE February 19, 2019 BZA MEETING
  1. BZAS-1-19-017  
TMS #425-08-00-022  
Special Exception request for the placement of a One-Bay Consumer Vehicle Repair Facility in an existing garage in the Community Commercial (CC) District and the Folly Road Corridor Overlay Zoning District (FRC-O) at 808 Folly Road.  
**APPROVED**
- VI. BRIEF THE PUBLIC ON THE PROCEDURES OF THE BZA
- VII. ADMINISTER THE OATH TO THOSE PRESENTING TESTIMONY
- VIII. REVIEW OF THE FOLLOWING APPLICATION:  
**NEW BUSINESS:**
  1. 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.
- IX. **ADDITIONAL BUSINESS:**
  1. Next Meeting: September 17, 2019
- X. ADJOURN

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

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

Members present: Mr. Jim Fralix, Mr. Jason Gregorie, Vice Chair, Mr. Roy Smith, Mr. Sim Parrish, and Mrs. Brook Lyon, Chair. Also, Kristen Crane, Planning Director, Flannery Wood, Planner I, Leonard Blank, Councilmember and Mayor Pro-tem, Bonum S. Wilson, BZA Attorney, and Frances Simmons, Secretary to the BZA and Town Clerk.

Call to Order: Chairwoman Lyon called the Board of Zoning Appeals meeting to order at 7:00 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/Mayor Pro-tem Blank, and Attorney Wilson.

Review Summaries and Rulings from the December 18, 2018 BZA Meeting: Chairwoman Lyon asked if there were changes to the December 18, 2018 meeting minutes. If not, a motion and a second is required to approve. Motion to approve was made by Mr. Parrish, seconded by Mr. Gregorie and passed unanimously.

BZAS-11-18-022

TMS #428-08-00-059

Variance request for the construction of an 8' privacy fence in the front setback of a corner lot in the Low-Density Suburban (RSL) District at 1164 Seaside Lane

APPROVED

BZAV-11-18-023

TMS #425-16-00-126

Variance request for the reduction of the required 20' Right-of-Way Buffer to 5' for the placement of a leasable retail center in the Community Commercial (CC) Zoning District at 1233 Camp Road

APPROVED

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

Review of the Following Application:

NEW BUSINESS

BZAS-1-19-017

TMS #425-08-00-022

Special Exception request for the placement of a One-Bay Consumer Vehicle Repair Facility in an existing garage in the Community Commercial (CC) District and the Folly Road Corridor Overlay Zoning District (FRC-O) at 808 Folly Road: Planning Director, Kristen Crane, presented the staff review. The applicant, Mr. James Patrick is requesting a Special Exception for the placement of a one-bay Consumer Vehicle Repair Facility in an existing garage in the Community Commercial (CC) District and the Folly Road Corridor Overlay Zoning District at 808 Folly Road, Suite C (TMS# 425-08-00-022). The location previously operated as a garage and currently shares a mixed-use shopping center with La Hacienda, Mike's Bikes, Island Tobacco, and Auto Money Title Loans. Adjacent properties to the north, west, and south are zoned Community Commercial (CC) and are in the Town of James Island. To the east are residential zoned parcels that are in the City of Charleston's jurisdiction as well as other parcels in the Low Density Suburban Residential District (RSL) in the Town of James Island. Other uses within 300' of the subject property include restaurants (Sweetwater Café, Gillie's, Baguette Magic), retail sales (Mike's Bikes, Moneyman Pawn, O'Reilly auto Parts, Badd Kitty, Purple Haze), Bar or Lounge (The Break, Charleston Sports Pub), retail or personal services (JI Driving School, Top of the Line Barber Shop, Charleston Tattoo Company, Holy City Nail Spa, Hair duJour), animal services (Susan's VIP Grooming), repair and maintenance services (911 Appliance Repair, Scooter Stop), vehicle service (Take 5 Oil Exchange), offices (Petigru Properties, Mario S. Inglese Attorney, J. Brooks Davis Attorney), utility substation (SCEG) and residential uses.

The Town of James Island Zoning and Land Development Regulations Ordinance Chapter 153, Folly Road Corridor Overlay Zoning District §153.093(H)(2) states, "*Uses Requiring Special Exception: Liquor, Beer or Wine Sales, 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 applicant's letter of intent, he explains, "As my home business (Xtreme Auto Works, LLC) has grown through word of mouth, I find I must provide my services in a more formal locale. As a James Island resident and small business owner with my wife and two children, I am committed to providing honest, expert, and affordable automobile repair services to our community."

Mrs. Crane reviewed the Findings of Facts according to §153.045 E, Special Exceptions Criteria of the Town of James Island Zoning and Land Development Regulations (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 necessary to make an informed decision. Mrs. Crane read the six approval criteria along with two conditions recommended by staff:

1. An 8-foot high, opaque, wooden privacy fence shall be installed along the eastern perimeter adjacent to any residential use or property.
2. Heavy repairs are to be conducted within the enclosed bay or enclosed work area. These include any activity that generates noise, vibration, dust or odor, and that would adversely affect adjacent residential properties.

### Questions from the Board

Mr. Parrish asked if the facility was used as a repair shop before and Mrs. Crane answered yes. He asked if the business was already zoned for that use. Mrs. Crane explained that in 2015, the regulations changed for businesses in the Folly Road Corridor (FRC-O) and the facility was vacant since then.

### Applicant Presentation:

James Patrick, 635 Majestic Oaks Dr. Mr. Patrick stated that he started his business in May 2018 and obtained the proper licenses: retail, business, and home occupancy licenses because at that time he was operating out of his garage. As he stated on his application, the business has grown over the last ten months and he wants to operate from a formal location to handle volume and the clients that he has. Mr. Patrick noted that he found the location at 808 Folly Road and it had operated twice as a repair/garage facility. He informed the Board that he wants to go through the proper channels. Since submitting his application, he has agreed to install an 8-foot privacy fence. He has had no complaints when he operated from his home. There was not a lot of noise and he has received support from the neighbors. He has two small children to support and this is his way of life. Pictures submitted to the Board and attached for the record.

### Questions from the Board:

Mr. Fralix asked Mr. Patrick if he owned the property at 808 Folly Road, to which he answered no, that he leased it in January.

Chairwoman Lyon asked Mr. Patrick if he was currently operating the business and he said no, he is in the process of preparing. He said his signage was already in motion.

### In Support:

Michael Simeone, 1486 Springwater Court: Mr. Simeone spoke in favor of the request. He is a registered nurse and often works the night shift. He described, Mr. Patrick as honest and hard working. He shared an experience of lending his lawnmower to Mr. Patrick who also cut his yard. He has no financial interest in this request, and when Mr. Patrick worked out of his garage, he was respectful and there was not a lot of noise.

Carol Linville, 1230 Tabby Dr., Folly Beach: Mrs. Linville stated that she and her husband (now deceased) owns the property at 808 Folly Rd. She said the building was empty for years and had been rented out as storage space. She said a new roof had been put on the building and that Mr. Patrick keeps the property neat and clean. She said James Island could do nothing but gain by having this business here.

Nicole Zujovic, 635 Majestic Oaks Dr., spoke that her family moved to James Island from Baltimore. They have two small children and enjoy their time here. They are looking to make James Island their home for good.

B.J. Schott, 721 Stonefield Ave., stated that he has never had a problem when Mr. Patrick worked from his garage. Mr. Patrick has been very helpful and kept his place nice.

In Opposition: No one spoke

Rebuttal: Not needed

Chairwoman Lyon closed the hearing to the public at 7:29 p.m. and asked for a motion and a second from the Board in order to have discussion, to approve, approve with conditions or to deny the Special Exception request.

MOTION

Mr. Parrish moved to approve BZAS-1-19-017, Special Exception request for the placement of a One-Bay Consumer Vehicle Repair Facility in an existing garage in the Community Commercial (CC) District and the Folly Road Corridor Overlay Zoning District (FRC-O) at 808 Folly Road with the two conditions recommended by staff:

1. An 8-foot high, opaque, wooden privacy fence shall be installed along the eastern perimeter adjacent to any residential use or property.
2. Heavy repairs are to be conducted within the enclosed bay or enclosed work area. These include any activity that generates noise, vibration, dust or odor, and that would adversely affect adjacent residential properties.

Mr. Smith seconded. Mr. Gregorie announced for the record that four (4) letters of support was received on behalf of the applicant and no letters of opposition were received.

Mr. Smith asked about the fence and if the fence is already in place. Ms. Crane stated that the fence was across the other side of the property and the applicant would continue the fence behind the property.

After discussion, Chairwoman Lyon called for the vote.

VOTE

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

Motion passed unanimously. Chairwoman Lyon announced that the applicant met all of the criteria and conditions and would receive the final decision within ten (10) business days. The applicant was instructed to contact the Planning Department if there are questions about the approval requirements or the conditions.

Additional Business

Next Meeting: The next meeting of the Board of Zoning Appeals will be held on March 19, 2019 if applications are received.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:33 p.m.

Respectfully submitted:

Frances Simmons  
Town Clerk and Secretary to the BZA

DRAFT

# Application for Special Exception

## Town of James Island Board of Zoning Appeals

Town of James Island  
Zoning/Planning Department  
1122 Dilla Bluff Road  
James Island, SC 29412  
Phone 843-795-4141  
Fax 843-795-4878  
[www.jamesislandsc.us](http://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: James Island Presbyterian Church

Mailing Address: 1632 Ft. Johnson Rd.

City, State, Zip Code: Charleston, SC 29412 Daytime Phone: 843.795.3111

Email Address: hwnoland@gmail.com 843.200.3389

Subject Property Address: 1238 Pauline Ave. 4251300082

Present Use of Property: Vacant lot

Special Exception Description: JIPC would like to build up to a 6,000 sq. ft. child care building on this site.

Applicant Signature: *David W. Roland* Date: 7/25/19

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.  
James Island Presbyterian Church 7/25/2019 1632 Ft. Johnson Rd.

Owner Print Name: *James Island Presbyterian Church* Date: 7/25/2019 Owner Mailing Address: 1632 Ft. Johnson Rd.  
Owner Signature: *[Signature]* City, State, Zip Code: Charleston, SC 29412

### FOR OFFICE USE ONLY:

Application #: BZAS-7-19-018

Flood Zone: X

Zoning District: ESL

Fee Paid (\$250): ck # 23694

Date Filed: 7/26/2019

Zoning Officer: KP

TMS#: 425-13-00-082

**TOWN OF JAMES ISLAND**  
**Case # BZAS-7-19-018**  
**TMS # 425-13-00-082**  
**1238 Pauline Avenue**  
**300' RADIUS**

CITY OF CHARLESTON

FOLLY RD

PAULINE AV

SUBJECT PROPERTY

RIVERLAND WOODS PL

FORT JOHNSON RD

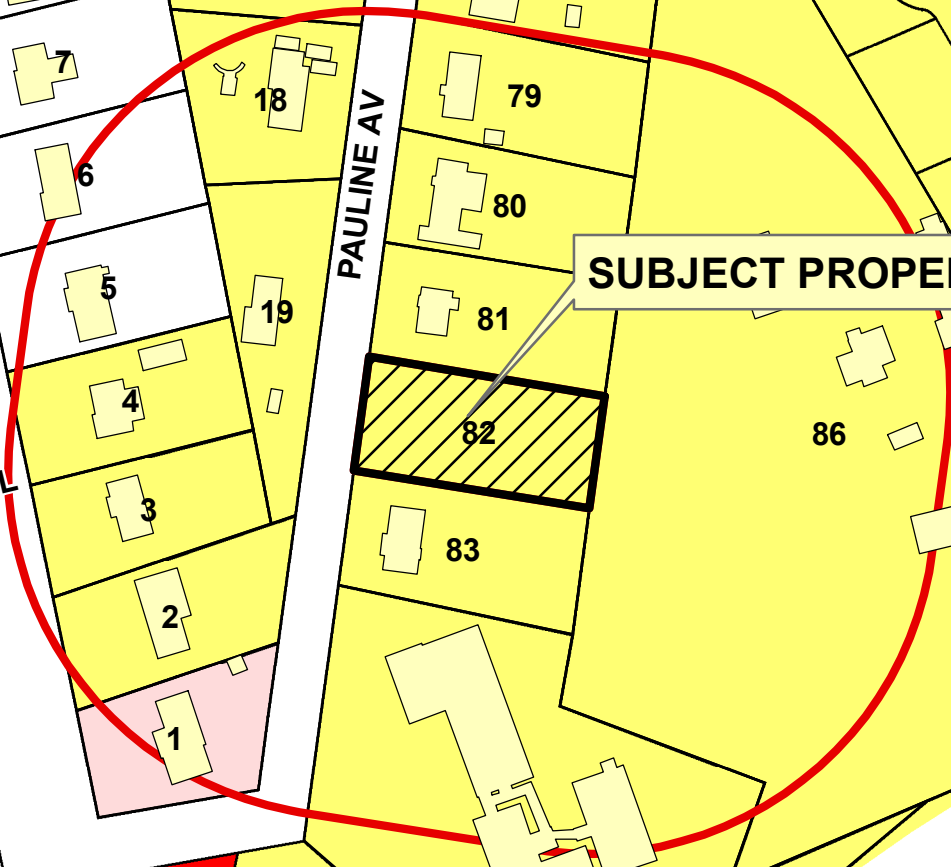
MITTER ST

**LEGEND**

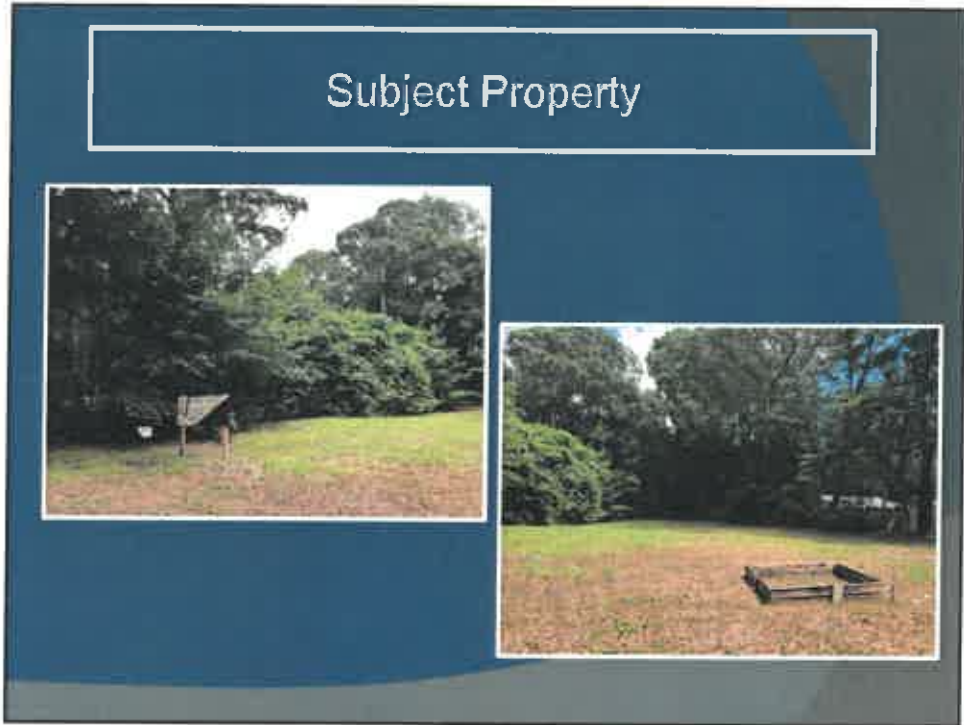
- 2017 BUILDING OUTLINES
- Case
- Buffer\_of\_Case
- Parcel Boundaries
- City of Charleston

**Town of James Is Zoning**  
**ZONING DISTRICTS**


- RSL
- RSM
- OG
- CC








Adjacent Property




This slide features two photographs of adjacent properties. The left photograph shows a white, single-story house with a brown roof, partially obscured by a large tree and a mulched area in the foreground. The right photograph shows a long, white, single-story building, possibly a garage or shed, with a large tree in the foreground and a white van parked nearby.

Adjacent Property




This slide features a single photograph of an adjacent property. The image shows a white, single-story building, possibly a garage or shed, partially obscured by several large trees. The foreground is covered with dry, brown leaves and some green grass.

### Adjacent Property



The 'Adjacent Property' section contains two photographs. The left photograph shows a wide, green lawn in the foreground, with a dense line of tall, dark green trees in the background. The right photograph shows a paved road or driveway in the foreground, with a thick layer of red mulch and various green shrubs and trees behind it.

### Pauline Avenue



The 'Pauline Avenue' section contains two photographs of a residential street. The left photograph shows a view looking down a paved road with double yellow lines, lined with mature trees on both sides. A white car is partially visible on the right shoulder. The right photograph shows a similar view down the same road, with fallen leaves scattered on the ground and a utility pole visible on the right.

**Staff Review:**

The applicant, James Island Presbyterian Church (JIPC), is requesting a Special Exception for the placement of a Child Day Care Facility in the Low-Density Suburban Residential (RSL) District at 1238 Pauline Avenue – Town of James Island (TMS #425-13-00-082). The parcel is currently vacant. The adjacent properties to the north, east and west are zoned Low-Density Suburban Residential (RSL) and are in the Town of James Island. The two properties to the south are also owned by JIPC, with the adjacent southern parcel housing a Counseling Center and the next parcel housing the church and related uses including an existing daycare and cemetery. Other uses within 300' of the subject property include professional office (MHC Law, LLC.), the JIPC Mission House (1260 Folly Road), residential/office uses in the Town of James Island and Commercial Transitional property currently for sale in the City of Charleston.

The *Town of James Island Zoning and Land Development Regulations Ordinance*, Use Table §153.110 allows child day care facilities, including group day care homes or child care centers, with a Special Exception in RSL districts.

In the letter of intent the applicant explains, “James Island Presbyterian Church is exploring the feasibility of building a new building on the above referenced site that would replace the current facility located on the JIPC property at 1632 Fort Johnson Road and also currently accessed from Pauline Avenue ... we will be able to offer the community additional services if we are able to receive a Special Exception and develop the site accordingly.”

**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, Population Element states, in reference to data available from both the 2000 and 2010 Census that “The Island, as a whole, increased in population by more than twelve percent...Children aged five and younger increased by over eleven percent” with a significant increase of the number of young adults. Additionally, the Comprehensive Plan explains, “the purpose of the following land use information, goals, and strategies is to encourage sustainable development practices to allow for growth.” Therefore, this application may be consistent with the Town of James Island Comprehensive Plan as implemented through sustainable development for population growth.*

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 south and west including the existing James Island Presbyterian Church and Day Care Facility, the JIPC Counseling Center, and other office uses in the South Village of the Folly Road Corridor Overlay. However, the subject property is closely bordered by residential property to the north.**

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:** **The adjacent property to the east currently contains an existing heavily wooded buffer. In the letter of intent, the applicant states, "along the north and east property lines, screening and fencing would be placed so that any neighboring property would be properly buffered".**

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

**Response:** **The current site is vacant and is mostly clear, with trees and vegetation on the perimeter. Additionally, the applicant states in their letter of intent "The site has several grand live oak trees. These trees would be incorporated into any request for permitting for development of the site."**

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:** **As the applicant's letter of intent explains, "Currently Pauline Avenue is used to access the adjacent parking of James Island Presbyterian Church which services the existing daycare facility. JIPC also has parking along Fort Johnson Road where parents park while dropping off the children. While we expect a modest increase of traffic on Pauline Avenue, the Fort Johnson parking lot will**

**remain available for parents.” Therefore, vehicular traffic and pedestrian movement may not be hindered or endangered.**

*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-7-19-018 (Special Exception request for the placement of a Child Day Care Facility in the Low-Density Suburban Residential (RSL) District ), 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 on the subject parcel 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 shall provide a pedestrian walkway that connects the existing parking lots of the James Island Presbyterian Church currently accessible from Fort Johnson Road, to the main entrance of the proposed daycare in order to provide a continual link access from the adjacent parcels belonging to JIPC.



James Island Presbyterian Church  
*A light to the nations, a beacon to the island*

July 25, 2019

Ms. Kristen A. Crane  
Planning Director  
Town of James Island  
1122 Dills Bluff Rd.  
James Island, SC 29412

Re: 1238 Pauline Ave. 4251300082

Dear Kristen:

Please accept this letter in satisfaction of your item number four (4) for the Town of James Island Application for Special Exception.

As we discussed in our meeting last week, James Island Presbyterian Church (JIPC) is exploring the feasibility of building a new building on the above referenced site that would replace the current facility located on the JIPC property at 1632 Ft. Johnson Rd. and also currently accessed from Pauline Ave.

We have reviewed the Town of James Island Comprehensive Plan and believe that a Special Exception allowing JIPC to expand its child care facility meets the following requirements:

- a. As outlined in the Comprehensive Plan, a Special Exception meets the requirements of Chapters 3.1, 3.3 and 3.8.
- b. A daycare facility would be compatible with existing uses in the vicinity and any development of the site would be done such that the residential character of Pauline Ave. would be preserved.
- c. In the enclosed site plan, the placeholder building meets all setbacks. Along the North and East property lines, screening and fencing would be placed so that any neighboring property would be properly buffered.
- d. The site has several grand live oak trees. These trees would be incorporated into any request for permitting for development of the site.
- e. We believe that the Special Exception complies with the rules, regulations, laws and standards of the Town of James Island.
- f. Currently Pauline Ave. is used to access the adjacent parking of JIPC which services the existing daycare facility. JIPC also has parking along Ft. Johnson Rd. where parents park while dropping off the children. While we expect a modest increase in traffic on Pauline Ave., the Ft. Johnson parking lot will remain available for parents.

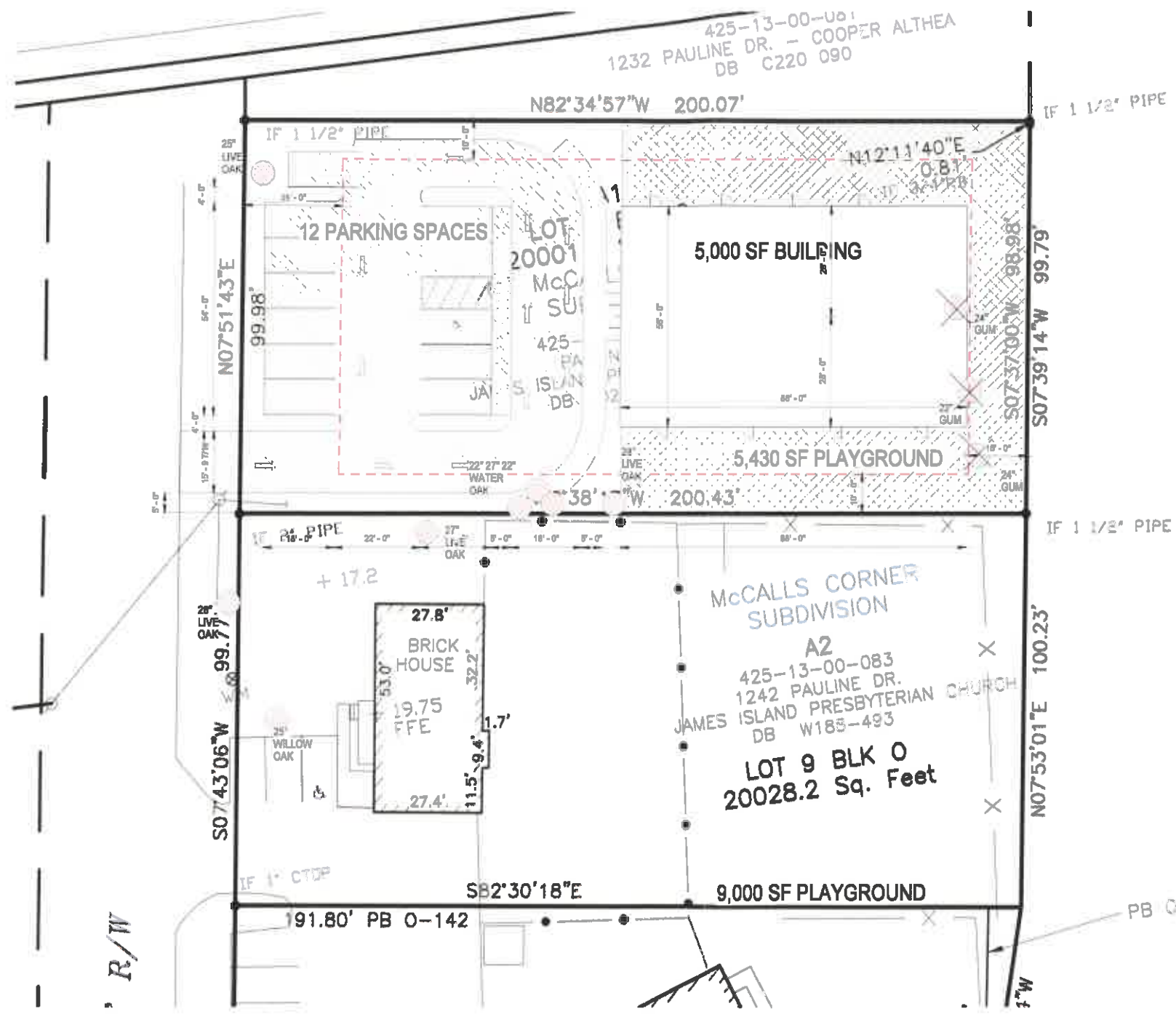
Affordable daycare on James Island is in short supply. We currently have a waiting list of over 50 children needing daycare. JIPC will be able to offer the community additional services if we are able to receive a Special Exception and develop the site accordingly.

Sincerely,

  
Harold W. Noland, Elder

Chairman Buildings & Grounds Committee

1632 Fort Johnson Road • Charleston, South Carolina 29412  
(843) 795-3111 • (843) 795-1508 (Facsimile)  
[www.JamesIslandPC.org](http://www.JamesIslandPC.org) • e-mail: [jipc@JamesIslandPC.org](mailto:jipc@JamesIslandPC.org)



1 Site Level  
1/16" = 1'-0"

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PROJECT	James Island Presbyterian
SHEET TITLE	Site

REVISION	DESCRIPTION
07/26/11	

DRAWN BY: [Blank]  
DATE: 7/26/2016 8:48:47 AM

DRAWING NO:  
**A-1.00**