

**TOWN OF JAMES ISLAND  
BOARD OF ZONING APPEALS  
Town Hall  
1122 Dills Bluff Road, James Island, SC 29412  
BZA AGENDA  
December 18, 2018  
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 NOVEMBER 20, 2018 BZA MEETING
  1. BZAV-11-18-021  
TMS #452-01-00-184  
Variance request for the removal of two grand trees (26" + 28" DBH Live Oak and 25" DBH Live Oak) for drainage and sidewalk improvements on Lighthouse Boulevard in the Low-Density Suburban Residential District (RSL) at 849 Fort Johnson Road.  
**APPROVED WITH CONDITIONS**
- 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. BZAV-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 Residential (RSL) District at 1164 Seaside Lane.
  2. 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 District at 1233 Camp Road.
- IX. **ADDITIONAL BUSINESS:**
  1. Next Meeting: January 15, 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 NOVEMBER 20, 2018

Members present: Mr. Jim Fralix, Mr. Jason Gregorie, Vice Chair, Mr. Roy Smith, and Mrs. Brook Lyon, Chair. Also, Kristen Crane, Planning Director, Ashley Kellahan, Town Administrator, Flannery Wood, Planner I, Leonard Blank, Councilmember/Mayor Pro-tem, Bonum Wilson, Town Attorney, Bill Woolsey, Mayor, Bill Lyon, Planning Commission Member and Mark Johnson, Public Works Director  
Absent: Mr. Sim Parrish, 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 members, Kristen Crane, Planning Director, Ashley Kellahan, Town Administrator, Mark Johnson, Public Works Director, and Flannery Wood, Planner I, Town Attorney, Bo Wilson, Councilmember and Mayor Pro-tem, Leonard Blank, Planning Commissioner Bill Lyon, and Mayor Bill Woolsey.

Chairwoman Lyon noted that Flannery Wood would be filling in as Secretary to the BZA for Frances Simmons who is absent due to a death in the family. She asked those present to please keep her and her family in their thoughts and prayers.

Review Summaries and Rulings from the September 25, 2018 BZA Meeting: Chairwoman Lyon asked if there were changes, if not, a motion and a second is required to approve. Motion to approve was made by Mr. Fralix, seconded by Mr. Smith and passed unanimously.

1. BZAS-7-18-016

TMS #425-16-00-126

Special Exception request for the placement of a Gasoline Service Station in the Community Commercial (CC) Zoning District at 1233 Camp Road: DENIED

2. BZAV-7-18-019

TMS #425-16-00-126

Variance request for the removal of a grand tree (20"+26"+34" DBH Live Oak) for the placement of a Gasoline Service Station in the Community Commercial (CC) Zoning District at 1233 Camp Road: WITHDRAWN

3. BZAV-7-18-020

TMS #425-16-00-126

Variance request for the reduction of the required 25' Land Use Buffer and the required 20' Right-of-Way Buffer to 5' for the placement of a Gasoline Service Station in the Community Commercial (CC) Zoning District at 1233 Camp Road: WITHDRAWN

Chairwoman Lyon asked the Board members to consider a possible change to the agenda. Under additional business there was an item to discuss a change to the Rules and Procedures. She stated that the time limit in question was for staff. Chairwoman Lyon noted that it was important for staff to have enough time for their review and currently our rules allow 5 minutes. She indicated that she would need a motion to approve a change to the agenda for the purpose of discussion. Mr. Fralix made a motion to approve an amendment to the agenda and it was seconded by Mr. Smith. Chairwoman Lyon then asked for discussion on the change to the time limit. Chairwoman Lyon recalled that Mrs. Crane ran out of time to finish her staff review at the last meeting but the Board had read the case carefully and asked questions that allowed her to finish. Chairwoman Lyon then mentioned that she looked at the time limit for staff at other municipalities. Folly Beach had a 10 minute limit, the City of Charleston has unlimited time for staff, and the County had a five (5) minute limit like us but it was not enforced. Chairwoman Lyon stated that while she recognized that we are not those municipalities, it is good to consider what those around us are doing. She mentioned that staff would not run the time off the clock, as it has happened on previous occasions. Mr. Gregorie asked if we had discussed time limits before and if we changed the time limit for the applicant. Chairwoman Lyon responded yes we changed the time for the applicant to 10 minutes from five and figured that that would be ample time. Mr. Gregorie asked if we were only discussing time for staff. Chairwoman Lyon responded yes. She then expressed the need for a vote, second and then motion. Chairwoman Lyon asked for all in favor to amend the agenda and the motion passed unanimously.

She then asked for a motion to change the rules and procedures to extend the time limit for staff.

Mr. Fralix moved to allot staff the same amount of time given to the applicant (10 minutes). Mr. Smith seconded for the purpose of discussion. Mr. Smith stated that he thought that a 10-minute limit was too short. He said that staff would not abuse extended or unlimited time and it is important for public to hear and understand the answers that have been given to the board. He noted that he did not think this could be done with a strict time limit. Mr. Smith said he thought it hurt the Board at the last meeting to not hear the entire staff review and it did not allow the public to understand.

MOTION: Mr. Smith made a motion to amend the previous motion allowing from 10 minutes for the staff review to unlimited time and then approve the amended motion. Seconded by Chairwoman Lyon.

VOTE TO APPROVE:

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

Chairwoman Lyon announced the motion carried and the board approved changing the time limit for staff to unlimited time.

Brief the Public on the Procedures of the BZA: Chairwoman Lyon explained how the Board of Zoning Appeals Hearings would be conducted. She announced that Staff would have unlimited time.

Administer the Oath to those persons presenting testimony: Attorney Wilson swore in the persons who wished to provide testimony in tonight's cases.

Review of the following Applications:

New Business:

BZAV-11-18-021

TMS #452-01-00-184

Variance request for the removal of two grand trees (26" + 28" DBH Live Oak and 25" DBH Live Oak) for drainage and sidewalk improvements on Lighthouse Boulevard in the Low-Density Suburban Residential District (RSL) at 849 Fort Johnson Road.

Planning Director, Kristen Crane, presented the staff review. The applicant, The Town of James Island is requesting a Variance for the removal of two grand trees (26" + 28" DBH Live Oak) for drainage and sidewalk improvements on Lighthouse Boulevard in the Low-Density Suburban Residential District (RSL) at 849 Fort Johnson Road.(TMS#452-01-00-184). Adjacent property to the east is zoned RSL in the Town of James Island. Adjacent property to the north, east and south is also zoned RSL and is in the Town of James Island (with the exception of one parcel). To the west is a Planned Development that is currently being utilized by the James Island Youth Soccer Club, in the Town of James Island. The subject property is owned and occupied by New Beginnings Community Church. The subject property is 8.31 acres in size and currently has several buildings, including a sanctuary, Family Life Center, office, fellowship hall and shed. The requested trees are to be removed to accommodate the proposed drainage improvements as part of the Lighthouse Road Sidewalk Project undertaken by Charleston County.

Town of James Island Zoning and Land Development Regulations Ordinance § 153.334 (A) (4) on tree protection and preservation defines a "Grand Tree as: Any species of tree measuring 24 inches or greater diameter breast height (DBH) except pine and sweet gum. It states that grand trees are prohibited from removal unless a grand tree removal permit is issued.

In the letter of intent, the applicant explains, "The design team evaluated three alternatives in order to develop a design that provides for the best pedestrian access, properly addresses the flooding potential, and minimizes impacts to the existing trees along Lighthouse Road. The preferred design consists of placing approximately 600 linear feet of both 30" and 36" diameter drainage pipe along the east side of Lighthouse Road and 990 linear feet of a variable width asphalt path along the west side."

Mrs. Crane stated that according to §153.049 F Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance the Board of Zoning Appeals has the authority to hear and decide appeals Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship. Mrs. Crane reviewed seven (7) criteria in the Findings of Facts. The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZAV-11-18-021, based on the Findings of Facts unless additional information is necessary for the Board to make an informed decision.

Questions from the Board:

None.

Applicant Presentation:

Ashley Kellahan, representing the Town of James Island  
1122 Dills Bluff Road:

Mrs. Kellahan stated that it was very unfortunate that the Town of James Island had to come before the Board tonight to request a variance for the removal of two grand trees – however, the Town alongside its engineers, Charleston County and County Engineers have looked at every possible scenario for drainage improvements and sidewalk improvements along Lighthouse Blvd and this alternative was the one that had the least impact to trees yet still managed to serve the project goals. This alternative not only allows us to alleviate flooding concerns, provide safe pedestrian access in and out of Lighthouse Point Blvd, but it also saves 56 grand and significant trees, in addition to 49 various small diameter trees. The Town feels very strongly it has done its due diligence to weigh the needs of its residents, protect the property and wellbeing of its citizens and protect the natural resources entrusted to it.

Mrs. Kellahan talked about how this project began in 2015 when the Town asked County engineers to look into pedestrian improvements to help tie in a new sidewalk along Lighthouse Point to tie into the newly installed sidewalk along Ft. Johnson Rd. We then had the 1,000 year flood – dangerous conditions – were able to alleviate some flooding at that intersection but subsequent storm events – Matthew and Irma – proved it wasn't enough. The Town was awarded TST funding in 2016 and the Town hired Forsberg Engineering to do a preliminary study – LIDAR – utilities – made this project extremely challenging. It was fully funded in 2017, and County engineers using Reveer Engineering took over the design and after many meetings and discussion with New Beginning Church and The James Island Youth Soccer Club (JIYSC); this is the alternative that served the project best. The sidewalk meanders behind the trees and the drainage would run under Ft. Johnson Road piped in to the outlet at Brigantine.

Mrs. Kellahan indicated that she included letters of support from residents who have suffered from the flooding at this intersection, as well as letters of support from the two entities willing to provide gratis easements to the Town of James Island for this project, the Soccer Club and New Beginnings Church. She deferred the rest of her time to Eric Adams, Charleston County Transportation, for more specific information about the project design.

Eric Adams  
Charleston County Transportation Department:

Mr. Adams stated that he has worked with this project since the beginning and they have looked at all alternatives. He described the project as exciting and a good opportunity for the placement of a meandering sidewalk while trying to address the two issues associated with this site, pedestrian safety and flooding. He said many alternatives were examined and this was the option that impacted the least amount of trees. They looked at drainage closer to and further from the road. Mr. Adams indicated that moving further onto the church property ran into conflicts and more trees would have been affected. Options closer to the road conflicted with the underground utilities such as a fiber optic cable and the water line. Ultimately, trees and utility lines have caused many constraints in this corridor. He indicated that this option impacted the least amount of trees possible. He found that the option decided by the Town and County engineers was a unique way to alleviate both problems with the least impact.

#### Questions from the Board

Mr. Fralix asked where the drainage line would take the water and indicated he was trying to understand how taking two trees down would improve standing water on Fort Johnson Road. Mr. Adams described that a pipe with an inlet at the top of the system would flow under Fort Johnson Road and along Lighthouse Boulevard to the bend in road before emptying into Parrot Creek. Mr. Fralix asked if Parrot Creek flooded during high tide, and expressed concern that it could handle an increased volume of water from this project. He compared it to the flooding during high tide at Folly and Fort Johnson Roads. Mr. Adams expressed confidence that it would drain properly and indicated that they had not had any reports of property damage from flooding in that area. He said the area that Mr. Fralix was thinking of that flooded during the tide goes more toward Signal Point. He described Fort Johnson acting as a dam preventing natural flow of water towards Parrot Creek- going around an arm to get to an elbow type of situation where the water goes in circles. This drainage plan provides a more direct route. Mr. Adams stated that a slight elevation made this situation unique in that it has both a good outfall point and a change in elevation to help the water.

Chairwoman Lyon asked why these trees had to be taken out. She said that to the naked eye some other trees looked closer to the ditch than the ones in question. Chairwoman Lyon asked why they could not be saved and asked if the current underground utilities were affecting them. Mr. Adams explained that in order to facilitate drainage an underground pipe system must be installed. The 36" concrete pipe would eventually taper down to 30 inches but burying it would require a dug out trench wider than the pipe bed underground. He said a trench that large was needed to compact around the pipe to prevent any future sediment issues. Mr.

Adams explained that while they were not going directly near the trees, this trench would be close enough to the tree that the root system would be severely damaged. Mr. Adams stated that their arborist indicated that this would ultimately kill the tree. Even if it managed to stand after the construction was complete it would eventually become a hazard to passing automobiles because the trench was so close to the base of the tree. Mr. Adams also noted that one Gum Tree, several smaller trees and one tree that was diseased or dying and did not require removal permits would also be lost to the trench. Chairwoman Lyon asked where the utility lines that limited the project were. Mr. Adams indicated that these lines ran under the current ditch and that a water line owned by Charleston Water Systems had a required clear distance. Chairwoman Lyon asked what the clear distance was and Mr. Adams said a minimum clear distance of three feet. He said that they do not want conflicting systems between the current utility lines and the drainage project and it has become a balancing act to get the pipe in without much impact.

Mr. Gregorie noted that most of the letters of support came from individuals who lived across Fort Johnson Road into Harborwoods beyond the aerial photo provided to the Board. He asked if this project will help with flooding beyond what is in the photo and how large the drainage basin is that will be helped by this improvement. Mr. Adams replied the drainage basin does extend back into the woods this direction and that the natural lay of the land is to flow toward Parrot Creek with Fort Johnson Road being the highpoint. He stated that the roadside ditches near Mikell Drive flow down toward Lighthouse Boulevard along with sheet flow drainage from adjacent properties.

#### In Support

Mayor Bill Woolsey, 961 Mooring Drive: said James Island was once a farming community entirely clear cut for cotton eventually ended by the boll weevil. The extensive drainage system at this time was private with no public easement and was eventually abandoned. Over the years the system was abandoned and trees grew and it is now covered by suburban neighborhoods. He said that we need to establish new drainage. He would love to save all of the trees but it just is not possible. Mayor Woolsey described this project as a first step. He described the need to be prepared for heavy storms as we have seen over the last several years. The Town operates a drainage program based on complaints where we try to deal with it and suddenly we have days of rain and massive flooding and no one looked at where water was supposed to go. On the soccer side between soccer side and road there are trees that have been there since this was a small farm road surrounded by cotton. He pointed out here there are the truly historic oaks on the soccer club side of Lighthouse Boulevard, one of which actually overshadows one of the trees slated to be removed. He noted that not one of these trees is going to be touched. He said he was sorry they have to take down any trees but he thought it was the least bad option. He asked the Board to please support their application.

Barbara Atwater, 834 Fort Johnson Road: has lived in her home on James Island for 52 years. In past years, she said she has had flooding but in the past few years the storms have been so bad she has not been able to get out of her yard. She came to plead for the drainage project to go forward. She noted that recently, (in the last few years), her yard has flooded badly in storms like Irma and the thousand-year flood. She provided photos of flooding on her property to the Board. She said that she needed this project to move forward. She has flood insurance, but has had nearly \$30,000 in property damage over the last several years. Mrs. Atwater stated that she gets very anxious every time storms come now, which is no way to live. She said if it is necessary to take trees out to resolve this, then it has to happen.

Terry Benton, 1000 Benton bend Road: said he used to live around the corner at 842 Fort Johnson Road and Mayor Woolsey gave a great description of the older drainage systems. He described that to left in photo is a half-acre irrigation pond that belonged to the old Rogers Nursery. He described this low point is in effect the center of the problem and the only engineered system to help with the water at this low point is an old 4 inch clay duck tile pipe that goes diagonally across the soccer fields and empties into Parrot Creek. He stated that when it floods the outskirts are what you see in photos of staling water on Fort Johnson

Road. He said we need this project the Town and others have come up with. He stated that he is in favor of this variance and that we need this project and thanked the Board.

Paulette Mikell, 880 Fort Johnson Road: said she is in full agreement with Mayor Woolsey and what he has done. She stated that the drainage issue going to Parrot Creek and the proposed solution seemed like a real simple issue; flooding on a sharp curve of a main thoroughfare needs to be fixed.

#### In Opposition

Robert Schurmeier, 706 Creekside Drive: stated he was glad to see people here attending this meeting. Mr. Schurmeier described how he actively participates in the PSD, would like to see more people at that, and said that people do not realize that 95 percent of the services they receive comes from the PSD. He said that if you take down trees down, God is not going to give you another one. He then stated that we are working to destroy the environment that we moved here to enjoy. He said that you are not putting a pipe into drainage ditch, that it is a creek. He described boats that use the creek, said that people use the creek, and said we are going to pollute it by putting a pipe into the creek. He described when they installed a sidewalk on Harborview Road and how it caused more problems and polluted runoff. He asked the Board to reconsider and not to approve the project.

Laney Mills, 565 Schooner Road: said he found it hard to gather words to express how scandalized he was that we would consider removing trees that define the atmosphere in which we lived. He stated that he drives in and out of Lighthouse Point all the time and has never had a problem with flooding there. He said he wished that the Town kept statistics of how many days a year there was not a flooding issue here. He can remember one or two times but not an everyday thing like is being described here. Mr. Mills expressed concern that we were going to turn Parrot Creek into a sewage creek and asked if anyone had anyone done studies about what will happen. Mr. Mills said he came here a long time ago and now we are trying to do everything we can to destroy it, it just knocks him over and he cannot believe we are not smart enough to come up with something else. Instead, we dump water in the creek and want to cut down trees that are one of the best parts of living here. He said that we are going to turn Parrot Creek into some sort of drainage ditch and finds it hard to believe that we are going to cut down trees that were here long before us. He stated he could not believe that we cannot find another way to alleviate the problem.

Pat Becker, 710 Creekside Drive: had questions and asked the Board if anyone has done studies on how this would affect Parrot Creek. She expressed fear that fresh water flowing from Fort Johnson Road would have pollutants and contaminates flowing into the creek. She said she had a horrible vision of marsh life and fish and crabs being effected. Mrs. Becker also asked how confident the engineers were of the drainage working even during a high tide. She also asked who was responsible for the other trees on the site to ensure they are protected during this project.

#### Rebuttal

Mr. Adams stated that he would address the three main concerns that residents seem to have. He addressed concerns about pollution and the quality of water flowing into creek. Water currently flows to Parrot Creek naturally just slowly through clogged system. He indicated that the drainage improvements would bring the water there in better a capacity. Mr. Adams said that the quality of water would be monitored during construction, and increased runoff from cars such as engine oil, would not be significant. He indicated that those involved with the project were not concerned with increasing pollutants. He stated that water quality would have to adhere to OCRM, Stormwater and DHEC standards and that they were working with DHEC on project permits. He also addressed concerns about flooding during high tide saying that a tide flux gate could be installed if necessary but that there would not be a large enough increase in water volume to cause flooding. Lastly, he said that all trees within the project limits would be closely monitored and protected during construction.

Chairwoman Lyon closed the public hearing and asked for a motion and second from the Board to approve, approve with conditions or to deny the request.

MOTION: Mr. Fralix made a motion to approve the Town’s project. He stated that he had the same concerns about trees and an ultimate solution to the problem as the public. While this may not be the ultimate solution, he agreed that it was probably the best we have available right now. Mr. Fralix moved to approve Case BZAS-11-18-021, Variance Request for the Removal of two Grand Trees (26”+ 28” DBH Live Oak and 25” DBH Live Oak) for drainage and sidewalk improvements on Lighthouse Boulevard in the Low-Density Suburban Residential District (RSL) at 849 Fort Johnson Road. Mr. Smith seconded for discussion.

Mr. Gregorie said he was inclined to vote in favor of the motion but wanted to amend the motion to include the conditions set by staff. He noted that was it important to realize that the outfall was near Lighthouse Point, but not for residents of Lighthouse Point. This project was for the folks across street from Fort Johnson Road. He stated that flood mitigation needed to be taken seriously and this is in the best interest of all residents.

MOTION: Mr. Gregorie moved to approve with the conditions set by staff Case BZAS-11-18-021, Variance Request for the Removal of two Grand Trees (26”+ 28” DBH Live Oak and 25” DBH Live Oak) for drainage and sidewalk improvements on Lighthouse Boulevard in the Low-Density Suburban Residential District (RSL) at 849 Fort Johnson Road. Mr. Smith seconded.

VOTE TO APPROVE WITH CONDITIONS:

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

The motion passed unanimously. Chairwoman Lyon stated the legal reason for the approval of the variance request was that it met all the criteria. It appears that the concerns of public have been address and can leave happy tonight having their concerns addressed. The final decision of the Board will be mailed to the applicant within ten working days and they may contact the Planning and Zoning staff with questions about the approval or conditions.

Next Meeting: The next meeting of the Board of Zoning Appeals will be held on December 18, 2018.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:58 p.m.

Respectfully submitted

Flannery Wood, Planner I for 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: MATTHEW W TRAINUM  
 Mailing Address: 814 Mikell Dr  
 City, State, Zip Code: Chas SC 29412 Daytime Phone: 843-330-1879  
 Email Address: Matt@tbsvc.com  
 Subject Property Address: 1164 Seaside Ln  
 Present Use of Property: Residential  
 Variance Description: To Build an 8' Privacy Fence along Seaside Ln

Applicant Signature: Matthe W Trainum Date: 11/15/18

**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: Matt W Trainum Date: \_\_\_\_\_ Owner Mailing Address: 814 Mikell Dr Chas SC 29412

Owner Signature: \_\_\_\_\_ City, State, Zip Code: \_\_\_\_\_

### FOR OFFICE USE ONLY:

Application #: BZAV-11-18-022

Flood Zone: \_\_\_\_\_

Zoning District: P5L

Fee Paid (\$250): \$250 ck #2651

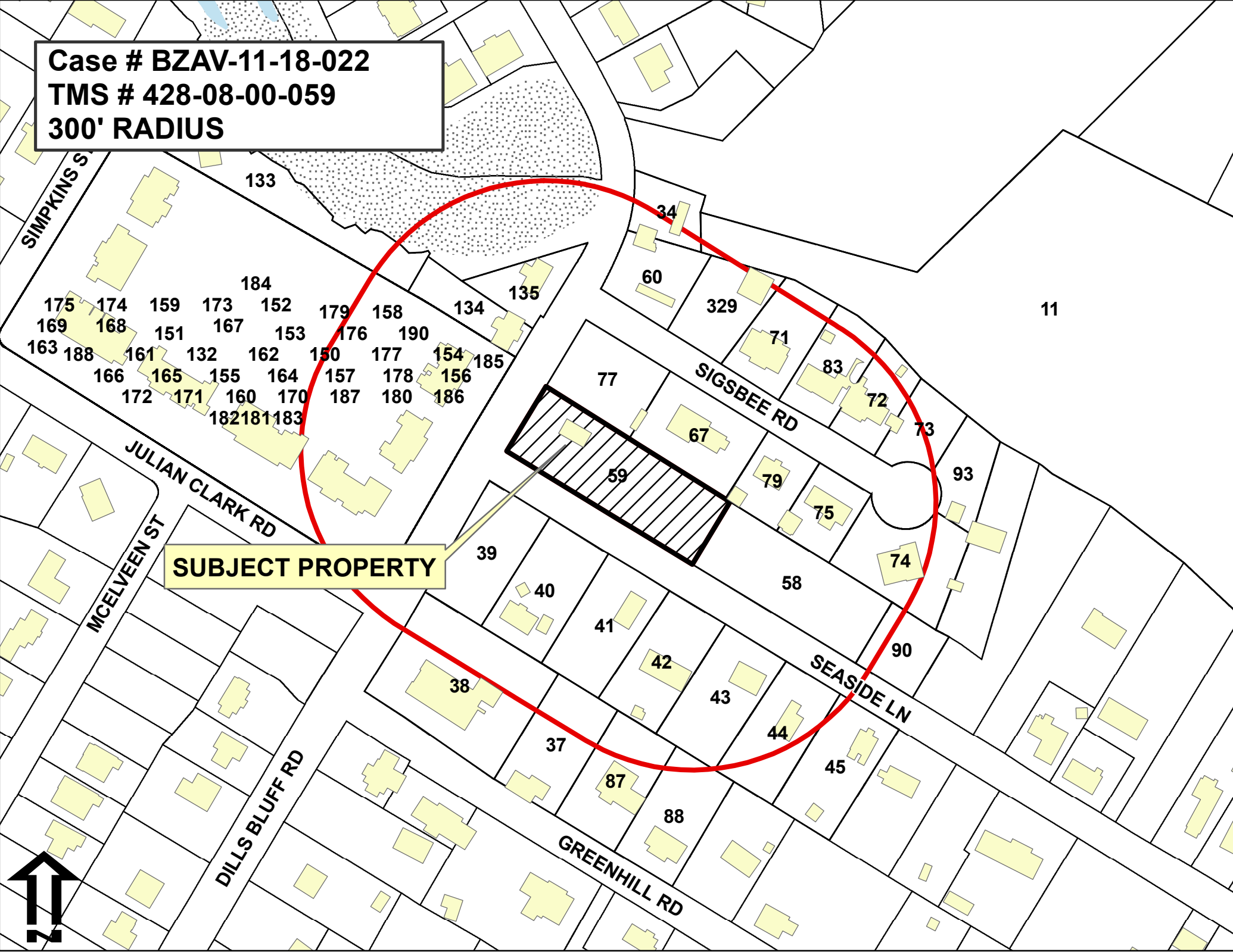
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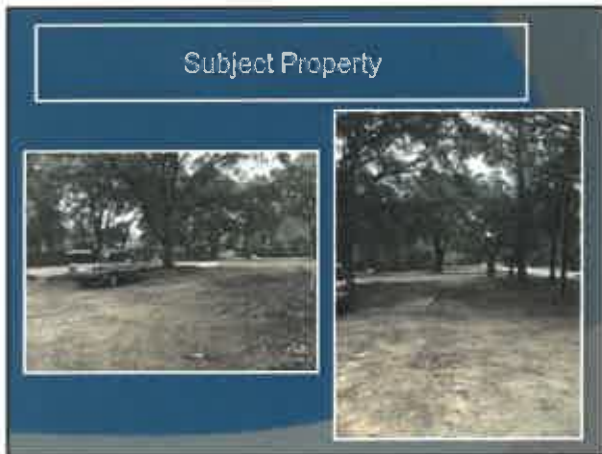
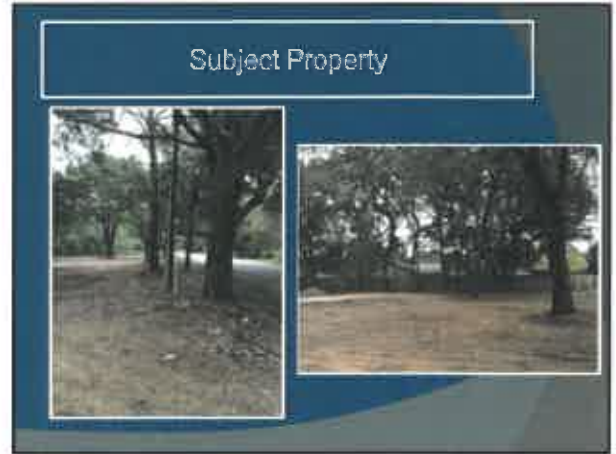
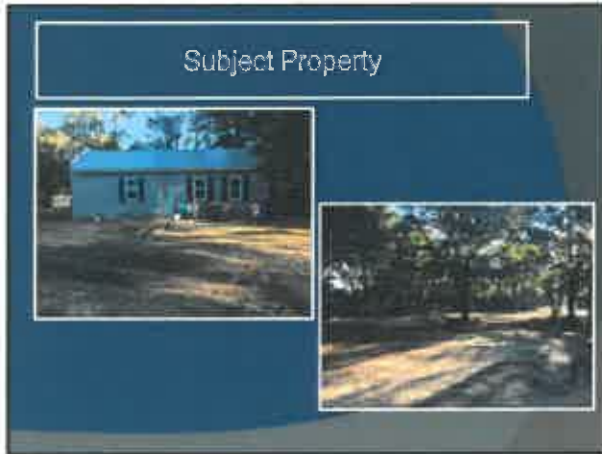
Zoning Officer: LAC

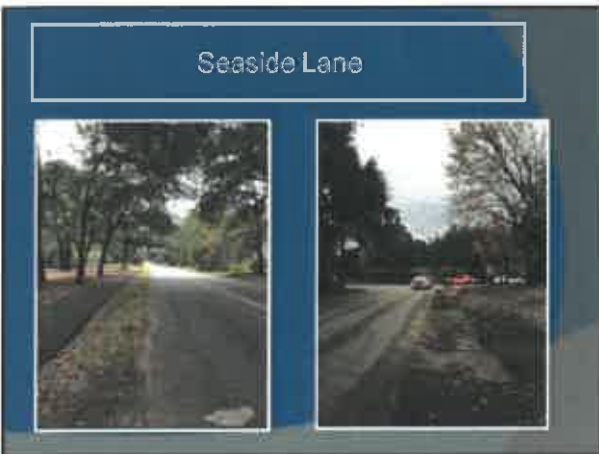
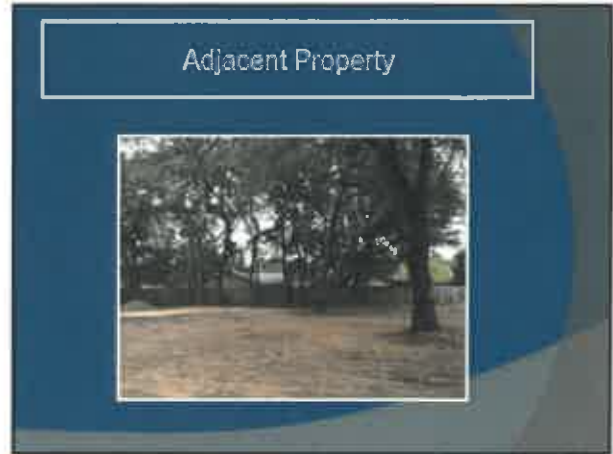
TMS#: 428-08-00-059

**Case # BZAV-11-18-022**  
**TMS # 428-08-00-059**  
**300' RADIUS**

**SUBJECT PROPERTY**







**Staff Review:**

The applicant, Mr. Matthew Trainum, is requesting a Variance for the construction of an 8' privacy fence in the front setback of a corner lot in the Low-Density Suburban Residential (RSL) District at 1164 Seaside Lane (TMS # 428-08-00-059). Adjacent property to the north, east, and south is zoned RSL in the Town of James Island. Adjacent property to the west is zoned Moderate-Density Suburban Residential (RSM) and is also in the Town of James Island's jurisdiction.

*Town of James Island Zoning and Land Development Regulations Ordinance § 153.066 C(1)(b)(1)(a)* states that fences and walls may be located within any required setback, provided that in residential, office, and commercial districts no fence, wall, or hedge shall exceed four feet in height when located within any front or street side setback with the exception of chain link fences, which can be six feet in height.

The subject property is a 0.76-acre corner lot and currently has one concrete building built in 1950 per Charleston County records, formerly owned by the Seaside Farmers Union #5. The current property owner purchased the property in October 2018 and is converting the existing structure into a single-family residence, and currently has approved permits to add a 30' x 30' metal accessory structure to the rear of the property. The applicant requests the 8' fence on the southwestern portion of the lot along Seaside Lane "to prevent robbery and theft and to protect our privacy and children". 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 due to the two front setbacks on the parcel, the large size of the parcel with the primary structure being closer to Dills Bluff Road, and the frequent instances of crime in the surrounding area according to a crime report submitted by the applicant.**

- F (b): *These conditions do not generally apply to other property in the vicinity;*  
**Response:** **Some of the conditions may generally apply to other property in the vicinity. A variance for a 6' fence in the front setback was granted in June due to repeated burglaries at a residence a quarter of a mile away. However, the frequency and targeted areas of theft varies, and the location of the structure on the large lot is a condition that does not generally apply to other property in the vicinity.**
- 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 §153.066 to the subject property would prohibit the construction of the fence at the requested height in the street side setback.**
- 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 proposed location of the fence will not obstruct the view for vehicular access to Dills Bluff Road or Seaside Lane.**
- 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 amount of crime in the area is by no fault of the applicant. The applicant's letter of intent explains, "This need is not for my own actions, but I have studied police reports showing a need for this fence".**
- 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-11-18-022 (Variance request for the construction of an 8' privacy fence in the front setback of a corner lot 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. The privacy fence shall be constructed as depicted on the submitted site plan, with the fence ending at the back southern corner of the house.
2. The applicant shall obtain the required zoning and building permits before fence construction.

Matthew W Trainum  
1164 Seaside Lane  
Charleston, SC 29412

11/15/2018

Dear Town of James Island Zoning and Land Development:

I believe there are exceptional conditions pertaining to 1164 Seaside Lane Charleston, SC 29412 that do not apply to other property in the vicinity. I have a road on each side of my home. My address is Seaside Lane; however, the front door of the home is on Dill's Bluff. I am asking to build a fence on Seaside Lane to prevent robbery and theft and to protect our privacy and children. The character of the zoning district will not be harmed by this fence. This fence will not prohibit any view unless it is placed at the stop sign at normal set back allowance of thirty feet off of the road. I am asking to place the fence only twelve to fifteen feet off the road. This need is not for my own actions, but I have studied police reports showing a need for this fence. This fence will not in any way conflict with the Comprehensive Plan of the ordinance.

Sincerely,

Matthew W Trainum



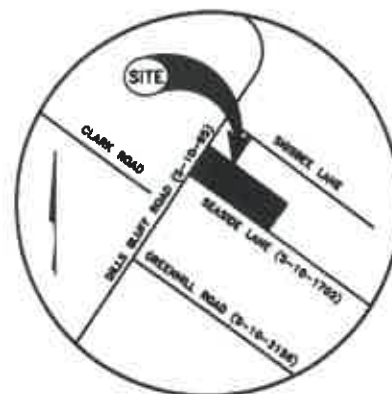


REFERENCES:

1. TMS NO. 428-08-00-059
2. DEED BOOK J88 PAGE 43
3. DEED BOOK A89 PAGE 397
4. SOUTHERN BELL EASEMENT - DEED BOOK B179 PAGE 294
5. PLAT ENTITLED, "MAP OF SEASIDE PARK ...." RECORDED IN CHARLESTON COUNTY R.M.C. OFFICE IN PLAT BOOK J PAGE 82.
6. PLAT ENTITLED, "PLAT OF A RESUBDIVISION OF LOT 2, SEASIDE PARK ...." RECORDED IN CHARLESTON COUNTY R.M.C. OFFICE IN PLAT BOOK P PAGE 145.
7. PLAT ENTITLED, "PLAT SHOWING A 50' RIGHT-OF-WAY ...." RECORDED IN CHARLESTON COUNTY R.M.C. OFFICE IN PLAT BOOK Q PAGE 27.
8. PLAT ENTITLED, "PLAT OF A SUBDIVISION OF LOT 7 ... SIGSBEE M. TUCKER ...." RECORDED IN CHARLESTON COUNTY R.M.C. OFFICE IN PLAT BOOK AX PAGE 148.
9. PLAT ENTITLED, "PLAT OF THE RESUBDIVISION OF LOTS 7A & 7B ...." RECORDED IN CHARLESTON COUNTY R.M.C. OFFICE IN PLAT BOOK BV PAGE 129.
10. PLAT ENTITLED, "THE SUBDIVISION OF LOT 8 ON SIGSBEE LANE ...." RECORDED IN CHARLESTON COUNTY R.M.C. OFFICE IN PLAT BOOK BC PAGE 39.
11. PLAT ENTITLED, "PLAT OF 5' SANITARY SEWER EASEMENT ...." RECORDED IN CHARLESTON COUNTY R.M.C. OFFICE IN PLAT BOOK AW PAGE 120.

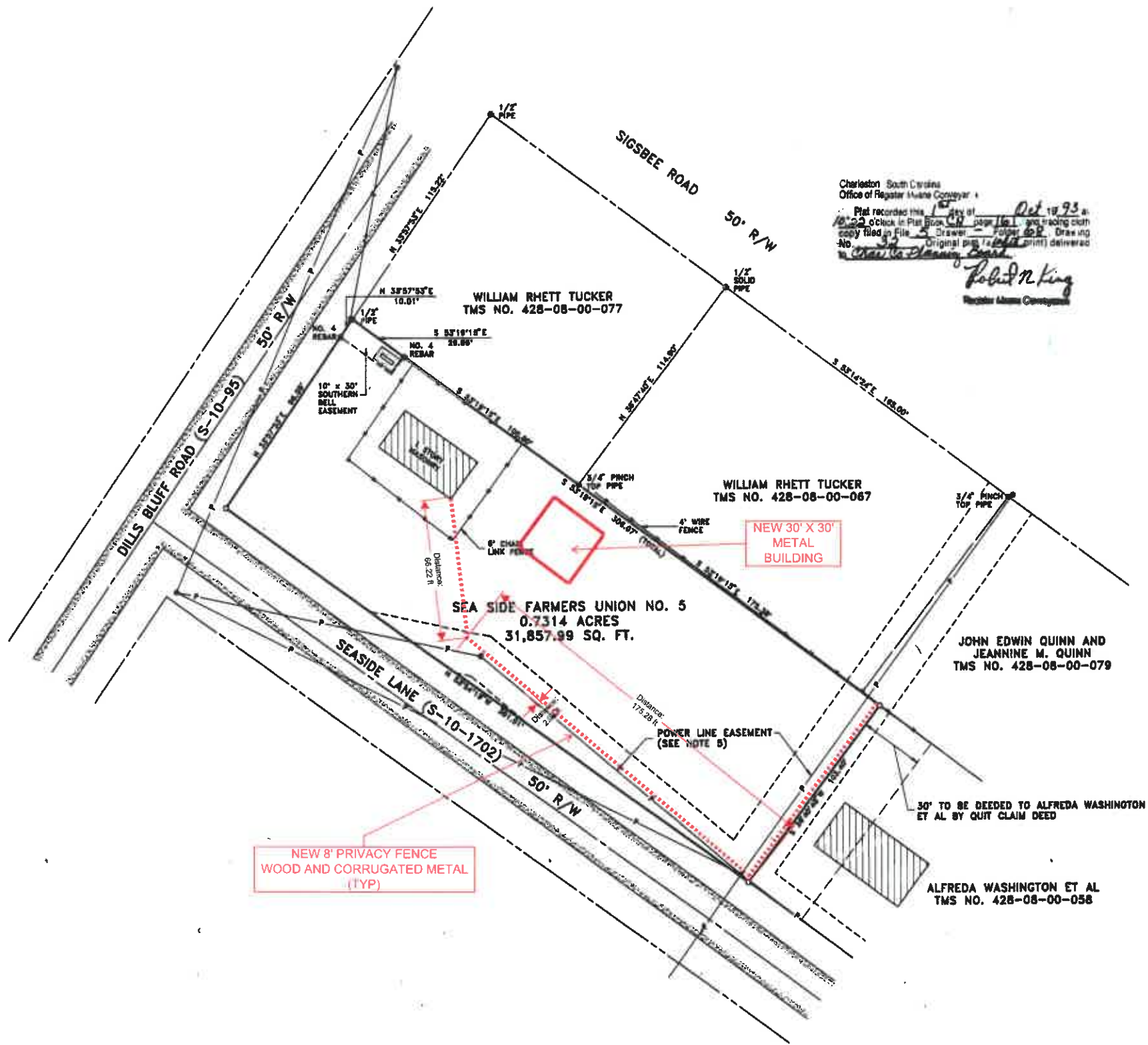
NOTES:

1. THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION.
2. THIS PROPERTY IS LOCATED IN FLOOD ZONE A7 (EL. 12) AS INTERPRETED BY SCALING PER FIRM PANEL NO. 458413 03877 DATED 4/17/87.
3. THE CENTER OF THE PAVEMENT IS NOT LOCATED IN THE EXACT CENTER OF THE RIGHT-OF-WAY. CENTER LINE SHOWN IS CENTER OF THE RIGHT-OF-WAY.
4. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
5. SOUTH CAROLINA ELECTRIC AND GAS COMPANY NORMALLY CLAIMS AN EASEMENT BY PRESCRIPTIVE RIGHTS EQUAL TO ONE HALF THE LENGTH OF THE CROSS ARM PLUS TEN FEET ON EACH SIDE OF THE POWER POLES.



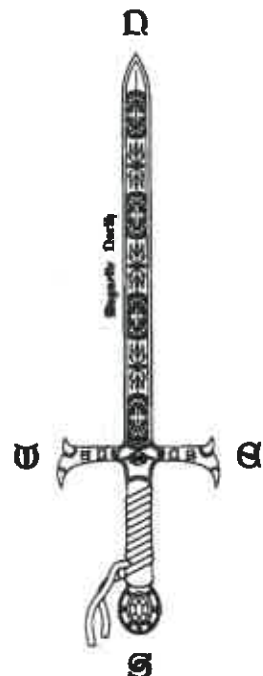
LOCATION MAP  
N.T.S.

Charleston South Carolina  
Office of Register & Notary  
Plat recorded this 1st day of Oct 1993 at  
10:23 o'clock in Plat Book S-10-1702 page 161 and tracing cloth  
copy filed in File 5 Drawer - 1099 428 Drawing  
No. 152 Original plat (1 sheet) delivered  
to Charleston Planning Board  
*Robert N. King*  
Register & Notary



LEGEND

IRON FOUND	
NO. 4 REBAR SET	
CALCULATED POINT	
PROPERTY LINE	
EASEMENT LINE	
CENTERLINE R/W	
REFERENCE LINE	
RIGHT-OF-WAY LINE	
POWER LINE W/ POWER POLE	
EDGE OF PAVEMENT	



NEW 8' PRIVACY FENCE  
WOOD AND CORRUGATED METAL  
(TYP)

NEW 30' X 30'  
METAL  
BUILDING

APPROVED PLAT

*Robert N. King*  
REGISTER & NOTARY  
15296 2-30-93  
APL-5

I, Charlene S. Matthews, a Registered Professional Land Surveyor in the State of South Carolina, hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a class 'A' survey as specified therein.

*Charlene S. Matthews*  
Charlene S. Matthews  
South Carolina Registration Number 2558



This is not a valid survey unless the original survey plat is filed in the office of the Register & Notary in Charleston, South Carolina.

PLAT SHOWING A 0.7313 ACRE TRACT OF LAND KNOWN AS LOT 1 OF TRACT A2 SEASIDE PARK OWNED BY SEA SIDE FARMERS UNION NO. 5 LOCATED IN THE TOWN OF JAMES ISLAND, CHARLESTON COUNTY, S.C.

- Drawn: WGM
  - Design: CSB
  - Checked: CSB
  - Approved: CSB
- Dated 28 SEPTEMBER 1993  
CAD File: 9310A.001  
F.S. & Pg. 00  
P.S. & Pg. 00  
PL Board Appl. #

Date	Revision No.

Job No.: 93103-001  
Sheet 1 of 1





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## 1164 Seaside Lane

1 message

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**FLYNN, DAVID L JR** <DLFLYNN@scana.com>  
To: kcrane@jamesislandsc.us  
Cc: matt@tbsvc.com

Thu, 8 Nov 2018 at 3:47 pm

Good afternoon,

SCE&G is in agreement to allow the fence at 1164 Seaside Lane, Charleston, SC 29412. The fence does not prevent access to either pole on this property. We do require access inside the fenced area due to a section overhead line along the side of the property. The customer has agreed to install a double gate that will allow our trucks access. If for some reason we cannot get the through the gate, the customer would need to remove a portion of the fence to allow access. If you have any questions, please feel free to contact me.

Thanks

David Flynn Jr

 bb\_tagged\_SCEG

Technical Specialist

843-576-8735 Office

843-834-2527 Cell

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Image001.jpg  
2 KB

To the Town of James Island,

My name is LERoy LAWTON my  
address is 1159 SEASIDE LANE.

I lived next to 1164 Seaside Lane James Island, SC 29412. We are not opposed of Matt & Travis Trainum building an 8ft privacy fence on their own property 12-15ft from the center of the sidewalk on Seaside Lane for privacy and safety purposes.

Sincerely,



To the Town of James Island,

My name is Josephine C. Deas my  
address is 1151 Seaside Lane JISC 29412.

I lived next to 1164 Seaside Lane James Island, SC  
29412. We are not opposed of Matt & Travis  
Trainum building an 8ft privacy fence on their own  
property 12-15ft from the center of the sidewalk  
on Seaside Lane for privacy and safety purposes.

Sincerely,

*Josephine C. Deas*





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## Seaside Lane area crimes from January 2017 to present date

1 message

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Jennifer Holden <jholden@charlestoncounty.org>  
To: matt@tbsvc.com

Tue, 13 Nov 2018 at 3:46 pm

Mr. Matt Trainum,

I pulled data from our dispatch system regarding crimes occurring in the area of Seaside Lane (including Seaside Lane, Watson Lane, Greenhill Road, Sigsbee Road, area of Dills Bluff Road from Sigsbee Road to Williams Road and the front part of Clarks Point subdivision) from January 1<sup>st</sup>, 2017 to November 13<sup>th</sup>, 2018.

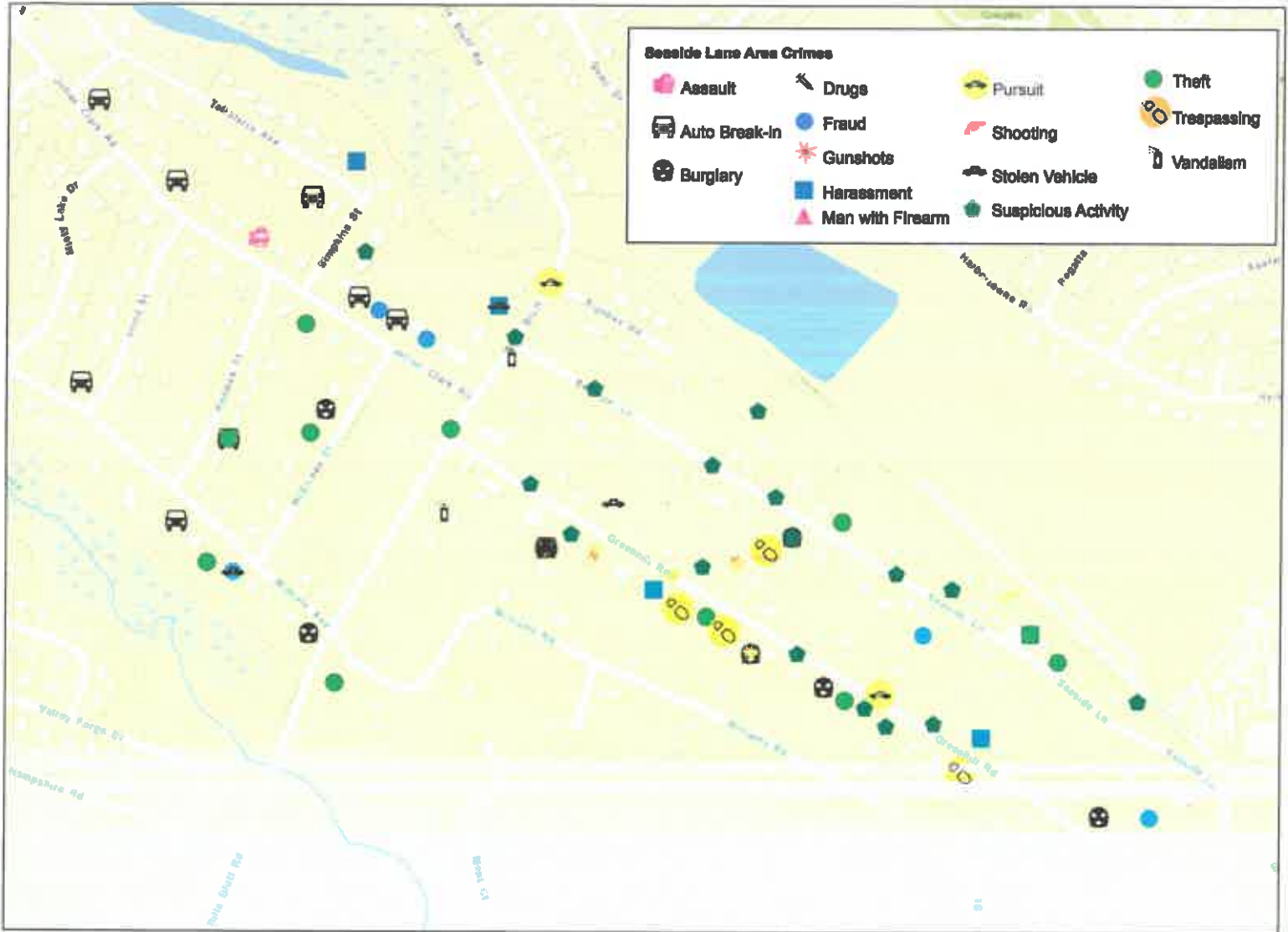
The breakdown of crimes called in were as followed:

- 10 assaults
- 10 auto break-ins
- 15 burglaries
- 3 drug related calls
- 6 frauds
- 6 gunshots heard/seen
- 6 harassments
- 1 person with a firearm
- 2 traffic pursuits
- 2 shootings
- 5 stolen vehicles
- 19 suspicious activities
- 14 general larcenies
- 5 trespassers
- 2 vandalisms

For further information, please check out our crime data website at [www.raidsonline.com](http://www.raidsonline.com) If you have any requests for clarification regarding this request, please contact me using the below information.

Thank you,

# Seaside Lane Area Crimes January 1st, 2017 to November 13th, 2018



# Jennifer Holden

*Certified Crime and Intelligence Analyst (CCIA)*

*Notary Public*

*Crime Analysis Unit*

*Security Threat Analysis Division*

Charleston County Sheriff Office

3691 Leeds Ave.

North Charleston, SC 29406

843-554-2206 (Office Phone)

[jholden@charlestoncounty.org](mailto:jholden@charlestoncounty.org)



**Seaside Area Crime Calls generating reports 2017 to 2018.pdf**  
1.2 MB

# Variance Application

## Town of James Island Board of Zoning Appeals

Town of James Island  
Zoning/Planning Department  
1238-B Camp 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 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 plot), 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: Monterey, LLC (Frederick J. Whittle)  
Mailing Address: 78 Ashley Pointe Dr, Suite 300  
City, State, Zip Code: Charleston, SC 29407 Daytime Phone: 843-834-6623

Email Address: fwhittle@jupiterhd.com

Subject Property Address: 1233 Camp Road

Present Use of Property: dog grooming, landscaper, ice machine

Variance Description: reduce 20' ROW buffer to 5' varied as shown

Frederick J. Whittle  
Applicant Signature

11/17/18  
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.

Edgar A. Buck Jr 11/17/18  
Owner Print Name Date

78 Ashley Pointe Dr Ste 300  
Owner Mailing Address

[Signature]  
Owner Signature

Charleston, SC 29407  
City, State, Zip Code

### FOR OFFICE USE ONLY:

Application #: BZAV-11-18 023

Flood Zone: \_\_\_\_\_

Zoning District: CC

Fee Paid (\$250): \$250

Date Filed: 11/15/2018

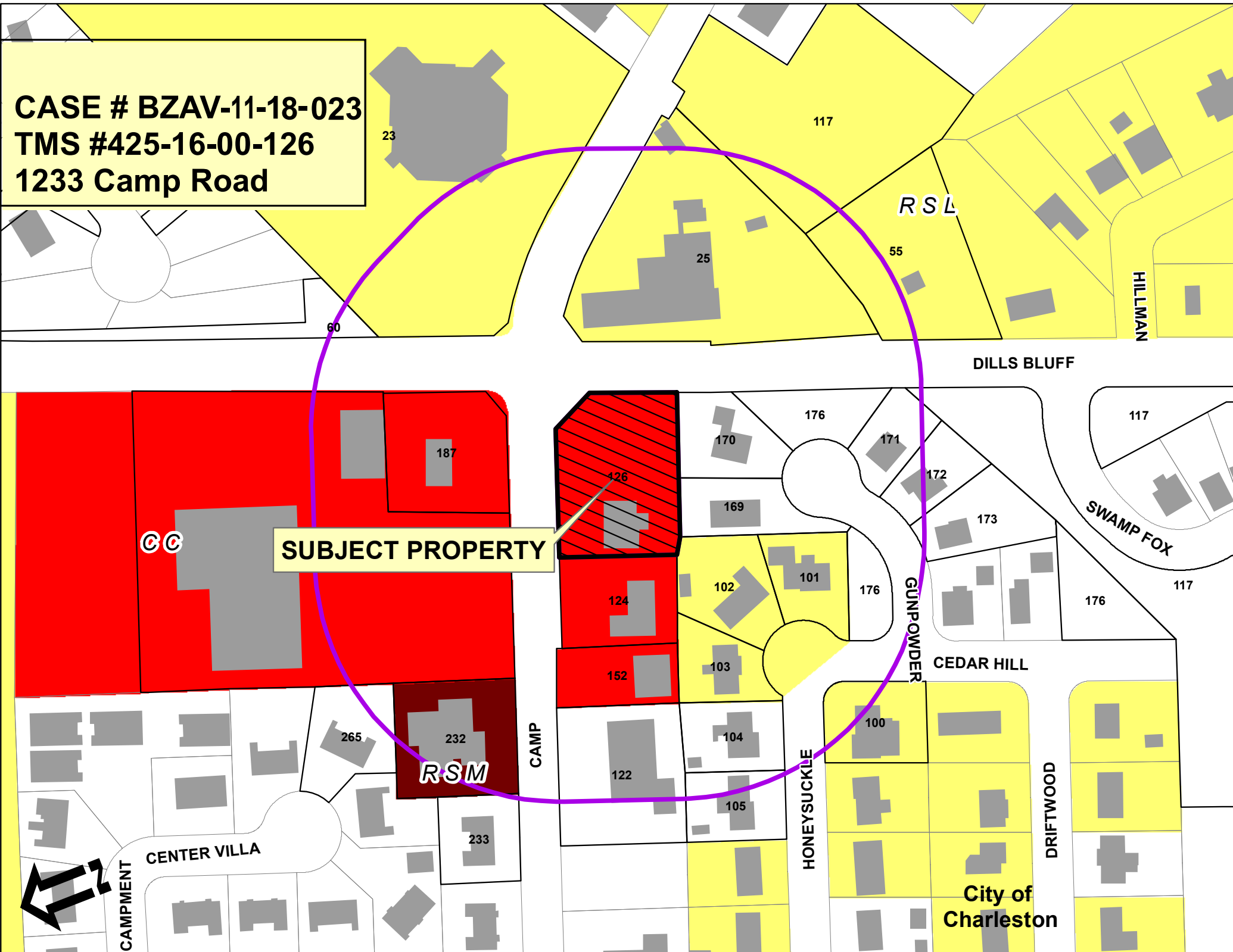
Zoning Officer: KAE

TMS#: 425-16-00-126

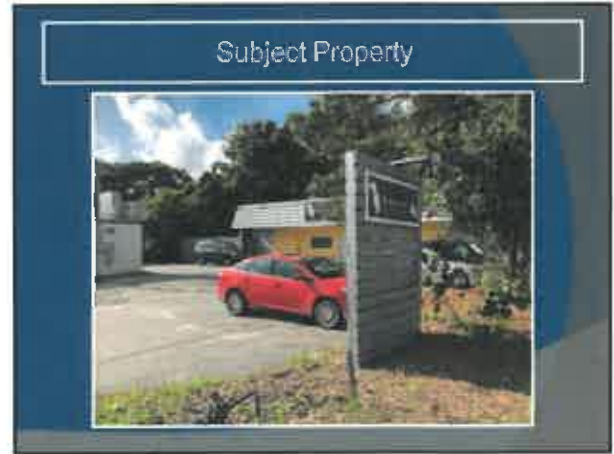
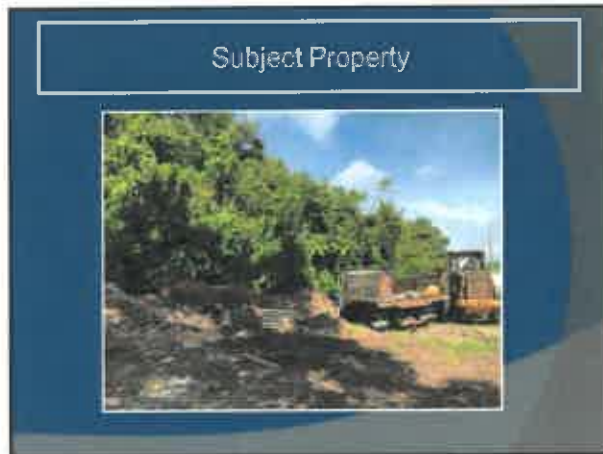
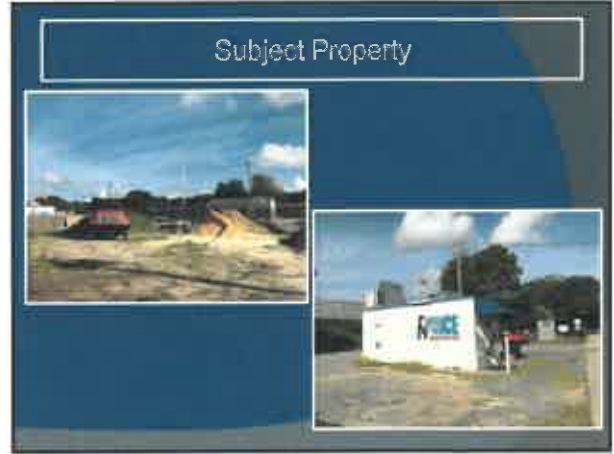
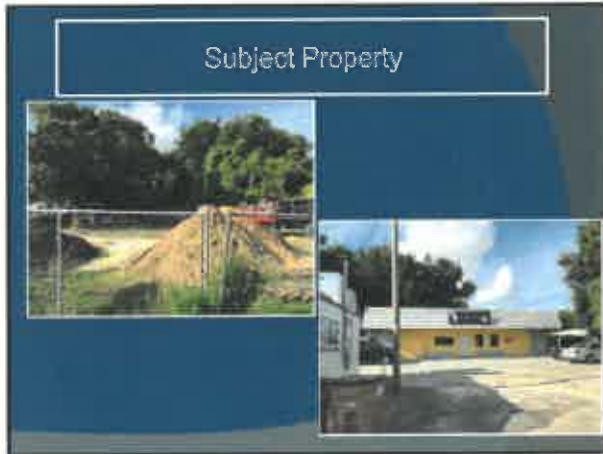


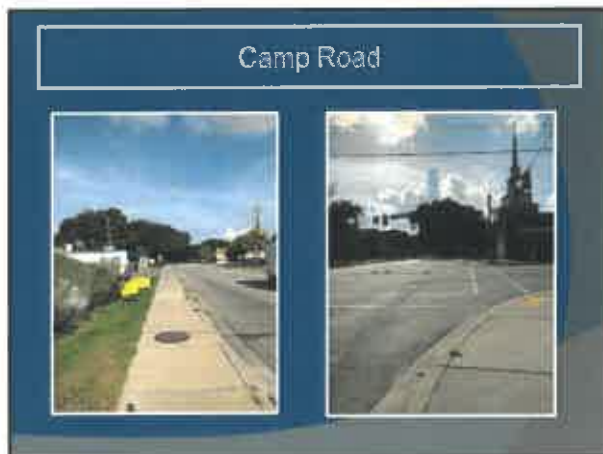
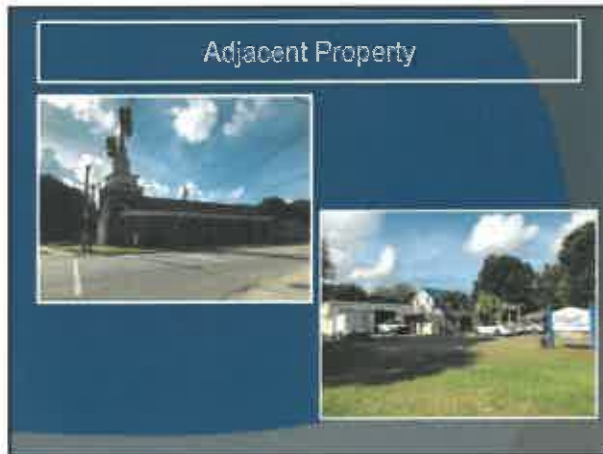
**CASE # BZAV-11-18-023**  
**TMS #425-16-00-126**  
**1233 Camp Road**

**SUBJECT PROPERTY**



City of  
Charleston





**Staff Review:**

The applicant, Mr. Frederick Whittle of Monterey LLC, is requesting a Variance 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) District at 1233 Camp Road (TMS #425-16-00-126). Adjacent property to the east is zoned Low Density Suburban Residential district (RSL) in the Town of James Island and is utilized by First Baptist Church. Adjacent property to the north and west are zoned Community Commercial (CC) and are in the Town of James Island. To the south are parcels zoned Low Density Suburban Residential district (RSL) in the Town of James Island as well as other residential zoned parcels that are in the City of Charleston's jurisdiction. Currently, the property is being leased to All Green Landscape, Head to Tail Day Spa and Inn, and Twice the Ice.

*Town of James Island Zoning and Land Development Regulations Ordinance § 153.335 (D) (1) (c) Right-of-Way Buffers states that "Streets and roads not indicated in the table shall comply with S2 buffer requirements (S2 buffer requirements: 20' minimum buffer depth from right-of-way)."*

The subject property is 0.65 acres in size and currently has one concrete building, an ice machine and shed. In the letter of intent the applicant explains, "We desire a variance from the code which would preserve the grand live oak tree, utilize the existing curb cuts to Camp and Dills Bluff Roads, and improve the aesthetic appeal of the site from an architectural, landscaping, and community-friendly standpoint. We will clean up the site considerably and improve the corner." 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 due to the lot being on a corner with SCDOT required site distances, an 80" DBH grand Live Oak tree, and Town buffer requirements.**

- F (b): *These conditions do not generally apply to other property in the vicinity;*  
**Response:** **These conditions may not generally apply to most property in the vicinity because most properties are fully developed, not located on a corner, and the location and size of grand trees is site specific. There is a commercial property on the adjacent corner that may have the same conditions/issues when ready for redevelopment.**
- 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 §153.335, Landscaping Screening and Buffers, does not prohibit or restrict utilization of the property in its current state. However, these standards may restrict or prohibit any future development or redevelopment of the site, as in the submitted application.**
- 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 the buffer variance may not be a detriment to adjacent property, as the applicant states that “more than adequate noise abatement and directional light controls will be in place, such as a high fence, substantial vegetation, and distance.” Additionally, the letter of intent states, “we propose planting within the right-of-way but on the inside of the sidewalks, which would add more apparent bufferyard effect.”**
- 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 applicant’s letter of intent explains the need for the variance by stating, “Our need for variance is caused by the position of the existing grand oak tree needing preservation on the site and the inordinate DOT takings.” Additionally the letter explains, “SCDOT takings for road widening have affected the**

**existing shape of the site and the existence of a grand live oak tree leaves added challenges for any owner”.**

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

**Response: This variance may not conflict with the *Comprehensive Plan*, due to the preservation of the existing grand live oak, specifically the Land Use Element Need to “Encourage sensitive and sustainable development practices”. Additionally, the Community Commercial Land Use Category is “intended to allow retail and service uses that serve the residential population of the Island, and that do not negatively impact the surrounding community.”**

*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-11-18-023 (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 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. Any proposed encroachment into the canopy of the 80” DBH grand Live Oak on the property shall consist of permeable pavers or some other specific construction technique, approved the Zoning Administrator and a Certified Arborist, to ensure the preservation of the health of the tree.

4. An 8-foot high, opaque, wooden privacy fence shall be installed along the southern perimeter adjacent to any residential use or property.
5. Buffer plantings adjacent to any residential use shall be of a taller nature to ensure maximum screening, subject to the discretion of the Zoning Administrator during Site Plan Review.
6. Lighting shall be directionally controlled away from residential uses, and shall conform to the requirements described in §153.336 of the *Ordinance*, as submitted on a lighting plan with photo-metrics.
7. Architectural plans shall be subject to the discretion of the Town as to whether architectural guidelines and development standards have been followed.
8. Rear land-use buffer adjacent to residential uses shall remain at a minimum of 12 ½ feet and shall contain emergency exits only, with no gathering space or employee break areas.

Monterey, LLC  
78 Ashley Pointe Drive, STE 300  
Charleston, SC 29407

November 15, 2018

Ms. Kristen Crane  
Planning Department, Town of James Island  
1238-B Camp Road  
James Island, SC 29412

Dear Ms. Crane,

The is a letter of intent for variance of code related to a planned leasable building in Community Commercial zoning at 1233 Camp Road, James Island.

Monterey, LLC intends to remodel and expand the existing building at this site to establish a retail leasable space allowed in strict compliance with CC zoning. To that end, we desire variance from the code which would preserve the grand live oak tree, utilize the existing curb cuts to Camp and Dills Bluff Roads, and improve the aesthetic appeal of the site from an architectural, landscaping, and community-friendly standpoint. We will clean up the site considerably and improve the corner.

SCDOT takings for road widening have affected the existing shape of the site and the existence of a grand live oak tree leaves added challenges for any owner. The Board of Zoning Appeals should grant the variance to code, because:

- a. The SCDOT has taken considerable land from the site to expand the road system and provide an inordinate amount of traffic view corridor for the light. These are extraordinary and exceptional conditions impacting this already small site, shrinking the site's design potential, which, prior to the taking, had a bustling retail sales business on this corner thirty plus years ago.
- b. The above conditions do not generally apply to properties adjacent or even across the streets, as the size of those lots allow for these DOT expansion impacts without these deleterious effects.
- c. Based upon preserving and protecting the grand live oak tree, we face unreasonable restrictions to our utilization of the site while providing adequate and safe horizontal vehicular distances and circulation flow. We intend to reuse as much of the existing building as possible,
- d. Adjacent properties will not be harmed by our buffer reduction variance, as more than adequate noise abatement and directional light controls will be in place, such as the high fence, substantial vegetation, and distance. The requested reduced bufferyard along Camp Road and Dills Bluff Road would be consistent with existing conditions. At our site, both along Dills Bluff Road and Camp Road, we propose planting within the right of way but on the inside of the sidewalks, which would add more apparent bufferyard effect.
- e. The uses we plan through leases are within the Community Commercial zoning allowed by right.



f. Our need for variance is caused by the position of the existing grand oak tree needing preservation on the site and the inordinate DOT takings.

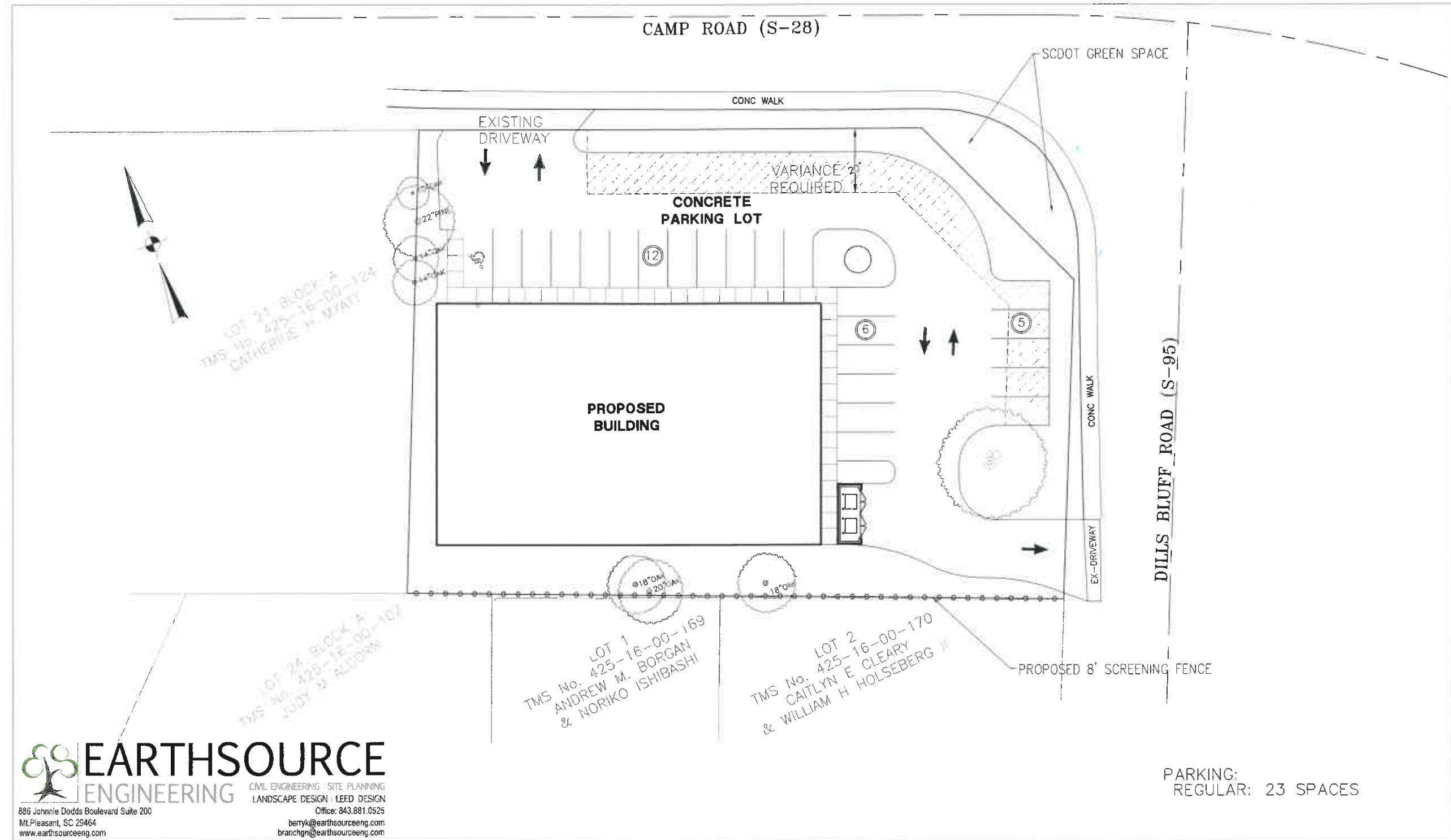
g. We meet the purposes of the ZLDR and comply with the Town's Comprehensive Plan.

Sincerely,



**Frederick J. Whittle**  
Vice President and Chief Operating Officer

# CAMP ROAD COMMERCIAL VARIANCE EXHIBIT



**EARTHSOURCE**  
ENGINEERING  
CIVIL ENGINEERING · SITE PLANNING  
LANDSCAPE DESIGN · LEED DESIGN  
Office: 843.881.0525  
berryk@earthsourceeng.com  
branchng@earthsourceeng.com  
886 Johnnie Dodds Boulevard Suite 200  
Mt. Pleasant, SC 29464  
www.earthsourceeng.com

PARKING:  
REGULAR: 23 SPACES

SCALE: 1"=30' (12x18)  
SCALE: 1"=15' (24x36)

**Neighboring Property Sidewalks and Buffer Widths Along Camp Road and Dills Bluff Road**



**1233 Camp Road Property from North Side of Dills Bluff Road and Landscaper Equipment in Lot**