

**TOWN OF JAMES ISLAND  
BOARD OF ZONING APPEALS  
Town Hall  
1122 Dills Bluff Road, James Island, SC 29412  
BZA AGENDA  
May 17, 2022  
7:00 PM**

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

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

**Members of the public speaking during Public Comment at Town Hall must sign in. Social distancing will be in place. The Town invites the public to submit comments on this case prior to the meeting via email to [kcrane@jamesislandsc.us](mailto:kcrane@jamesislandsc.us) referencing the Case #. Your name and address must be included in the email for the record.**

- I. CALL TO ORDER**
- II. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT**
- III. INTRODUCTIONS**
- IV. EXECUTIVE SESSION: THE BZA MAY/WILL ENTER INTO AN EXECUTIVE SESSION IN ACCORDANCE WITH 30-4-70(a) CODE OF LAWS OF SOUTH CAROLINA**
- V. PUBLIC COMMENT**
- VI. ADMINISTER THE OATH TO THOSE PRESENTING TESTIMONY**
- VII. REVIEW OF THE FOLLOWING APPLICATION  
(RESUMED)**
  - 1. Case # BZAS-3-22-029**  
TMS # 425-02-00-172  
Variance Request for construction of a double-drive thru at an existing Chick-Fil-A restaurant in the Community Commercial (CC) District at 849 Folly Road.
- VIII. ADDITIONAL BUSINESS:**
  - 1. Next Meeting Date: June 21, 2022**
- IX. ADJOURN**

**Please click the link below to join the webinar:**

**<https://us02web.zoom.us/j/86887814122?pwd=SzFJNllvSTJPZlpEOVYzYlgwaXFqdz09>**

**Or One tap mobile :**

**US: +19292056099,,86887814122#,,,,\*548875# or +13017158592,,86887814122#,,,,\*548875#**

**Webinar ID: 868 8781 4122**

**Passcode: 548875**

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







**Staff Review:**

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

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

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

**Findings of Fact:**

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

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

*piece of property;*

**Response:** There may be extraordinary and exceptional conditions pertaining to this piece of property due to the existing layout and configuration of the site including preservation of all healthy grand trees, corner setbacks, landscaping buffers, dimensions, and stormwater detention areas. As the letter of intent states, the current configuration makes it “exceptionally difficult to provide adequate capacity for vehicle stacking for the drive thru without designing double lanes to increase the capacity.” Additionally, the enforcement of the current zoning regulation of only single-lane drive thrus (except for banks and utilities) creates an exceptional condition for the specific property. Other notable extraordinary and exceptional conditions are the extreme popularity of the restaurant with high demand, coupled with the unusually close proximity to Folly Road creating the potential to cause traffic stoppages and snarls.

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

**Response:** These conditions may not generally apply to other properties in the vicinity as commercial properties nearby do not have the existing configuration and layout of the subject property. Additionally, any restaurants in the vicinity that have drive-thrus are single lane drive-thrus. Within 300’ of the subject parcel, there are no properties with the conditions listed above (no corner properties that have existing stormwater detention areas, grand trees, large landscape buffers, or existing configuration.) Furthermore, there are no properties in the vicinity that have a need for a double-drive thru, that spatially have the ability to create one, yet the enforcement of the zoning code would not allow it without a variance.

**F (c):** *Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;*

**Response:** The application of this Ordinance, specifically section §153.336, Architectural and Landscape Design Guidelines, may not restrict the utilization of the property when it is being used in single-drive thru mode; however, it will effectively prohibit and unreasonably restrict the implementation of the site improvements aimed to increase the stacking capacity of the drive-thru operation and improve traffic flow by preventing stoppages and snarls on adjacent roads, due to the previously mentioned existing conditions.

**F (d):** *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;*

**Response:** The authorization of this variance may not be a detriment to adjacent property or to the public good, since there has been no enforcement of, and more remarkably, no complaint, of the current use of a double-drive thru. As the applicant's letter of intent states, "granting of the variance will improve traffic circulation, reduce overflow onto surrounding streets, and lessen the impact to surrounding properties." The character of the zoning district will not be harmed by the granting of the variance.

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

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

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

**Response:** The need for the variance may not be the result of the applicant's own actions because the size and configuration of the lot are existing site conditions. Existing site conditions also include the location and number of grand trees on the site. Additionally, the need for the variance, as the letter of intent explains, is to improve traffic flow due to an increase in patronage, which was a need that did not exist when the current layout was configured, at no fault of the applicant.

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

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

***as nonconforming signage reimbursements and buffer reductions for multi-use path placement, transit facilities, etc.”***

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

**Action:**

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