

**TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
Town Hall
1122 Dills Bluff Road, James Island, SC 29412
BZA AGENDA
September 15, 2020
7:00 PM**

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

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

Members of the public addressing the Board in support or opposition of these cases at Town Hall must sign in. Social distancing will be in place, and face coverings are required. BZA Members will not be present and will be hosting the meeting virtually. The Town invites the public to submit comments on these cases prior to the meeting via email to planning@jamesislandsc.us referencing the Case #. Public Comment may also be submitted virtually on the Zoom platform though the Public is encouraged to do so in writing in advance of the meeting.

- I. CALL TO ORDER
- II. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT
- III. INTRODUCTIONS
- IV. REVIEW SUMMARY (MINUTES) FROM THE AUGUST 18, 2020 BZA MEETING
- V. BRIEF THE PUBLIC ON THE PROCEDURES OF THE BZA
- VI. ADMINISTER THE OATH TO THOSE PRESENTING TESTIMONY
- VII. REVIEW OF THE FOLLOWING APPLICATIONS:
 1. **Case #BZAS-8-20-020**
TMS #428-08-00-056
Special Exception request for the placement of a manufactured housing unit on a vacant lot in the Low-Density Suburban Residential District (RSL) at 1108 Seaside Lane
 2. **Case #BZAV-8-20-026**
TMS #428-02-00-016
Variance Request for the reduction of the 5' accessory structure setback by 2.2' to 2.8' for an extension/remodel of an existing accessory structure in the Low-Density Suburban Residential District (RSL) on property located at 1225 Teal Avenue,
- VIII. ADDITIONAL BUSINESS:
 1. Next Meeting Date: October 20, 2020

(continued next page)

IX. ADJOURN

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

ZOOM INFO:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85729415667?pwd=b1dLYSt5b2w4NIBPcVZBTEVoMEtjQT09>

Passcode: 351399

Or iPhone one-tap :

US: +13017158592,,85729415667#,,,,,0#,,351399# or +13126266799,,85729415667#,,,,,0#,,351399#

Or Telephone:

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

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

Webinar ID: 857 2941 5667

Passcode: 351399

International numbers available: <https://us02web.zoom.us/j/kpx78awSL>

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF AUGUST 18, 2020

The Board of Zoning Appeals held its regularly scheduled meeting in conjunction with a training session on Tuesday, August 18, 2020 at 7:01 p.m. by Zoom Virtual Platform, 1122 Dills Bluff Road, James Island. This meeting was also broadcast on the Town's YouTube Channel.

Commissioners present: Jason Gregorie, Chair, Brook Lyon, Sim Parrish, David Savage, and Roy Smith, Vice Chair. Also, Kristen Crane, Planning Director, Flannery Wood, Planner I, Ashley Kellahan, Town Administrator, Bonum S. Wilson, BZA Attorney, Bill Woolsey, Mayor, and Frances Simmons, Town Clerk and Secretary to the BZA. A quorum was present to conduct business.

Call to Order: Chairman Gregorie called the BZA meeting to order at 7:01 p.m.

Compliance with the Freedom of Information Act: In compliance with the Freedom of Information Act and the requirements of the Town of James Island, members of the public were provided information and a link for participation in this meeting.

Introduction: Chairman Gregorie introduced members of the BZA, staff, BZA Attorney, and Mayor Woolsey.

Review Summaries and Rulings from the July 18, 2020 BZA Meeting:

BZAV-6-20-025

APPROVED

BZAS-6-20-019

DISAPPROVED

Chairman Gregorie called for a motion to approve the July 18, 2020 meeting minutes. Commissioner Parrish moved; Commissioner Lyon seconded, and passed unanimously.

Training Exercises/Discussion: (no votes taken)

Chairman Gregorie welcomed Mayor Woolsey and thanked him for presenting the information on Parliamentary Procedures.

Parliamentary Procedures: Mayor Woolsey discussed the following with participation from the BZA:

- Key role in running a meeting is with the Chair
- Members should be recognized before speaking
- Important that everyone has a chance to speak once before speaking a second time
- Meetings are well run if members are polite and work together
- According to Roberts Rules discussion takes place after a motion and a second is made. If a second is not brought forth, there is no discussion on the matter.
- For some groups under 12 a member may speak to a motion before bringing it forth. This does not apply to the BZA.
- There is no "friendly" amendment. Once an amendment is made and seconded, it belongs to the body to approve, reject, or change. An amendment can be amended, but that is as far as it goes.

- Explained “*call for the question*” that is often used because a member wants to end discussion on a matter. This is appropriate but it requires 2/3 vote of the members. For the BZA it would require 4 members to agree. At Town Council, the Mayor asks if there is further discussion on a matter and afterwards calls for the vote.
- Voting in the affirmative was clarified. Mayor Woolsey stressed that voting this way is clear and straight forward as opposed to voting in the negative which could lead to confusion as to whether a member(s) voted for or against an issue.
- Mr. Wilson explained that if a vote on a main motion fails; it does not mean that a new motion cannot be brought forth. The motion could be amended and voted up or down.
- Without objection: Mayor Woolsey explained it is asking the body to approve something by unanimous consent.

Town of James Island Comprehensive Plan and Rethink Folly Road: Kristen Crane, Planning Director, gave a brief overview of the Comprehensive Plan. The Planning Commission last approved the Comp Plan in 2015 and it is now time for the Five Year review. She noted that many aspects of the Plan have changed since 2015 including the addition of stormwater issues and regulations. The Planning Commission will review another round of edits at its September meeting. Plans are to have a first reading, in November by Town Council and final approval by the end of the year. Mrs. Crane said the public is encouraged to view the document on-line and make comments. Members of the BZA will receive a copy of the Plan once it is finalized.

Mrs. Crane answered questions from Commissioner Savage regarding the Comp Plan and Rethink Folly Road Plan and the priority of these documents. She also addressed his question about the Comp Plan; what the Town is doing for types of “liked” businesses, and where it is located in the Comp Plan to know what to rely on when making decisions.

There was brief discussion that the updated Flood Maps should be approved in January. Commissioner Parrish asked the reason why the Veterinarian Services is included under Health Care Facility and Mrs. Crane answered his question indicating it was added there instead of a separate heading.

BZA Terms and Expirations: Mrs. Crane presented the BZA terms and expirations. Chairman Gregorie informed the Board that he has served on the Board for eight years and will not seek reappointment. All Board Members expressed their gratitude to Chairman Gregorie for his service as Chair and Commissioner and that he will be missed. Mrs. Crane said Town Councilman Boles would make the appointment to replace Chairman Gregorie.

BZA Rules of Order: Mrs. Crane presented the BZA Rules of Order approved November 2018 as information. Commissioner Savage asked a question under Article IV, Hearing Procedure, Section 2, Witnesses, *that witnesses may be compelled to attend by subpoena....* Commissioner Parrish stated that as long as he has served on the BZA, he does not recall the BZA ever having to subpoena anyone. Commissioner Savage also asked how last minute information is disseminated to BZA members. When an applicant provides information to a Board Member or staff shortly before a hearing, are all BZA members given the information. There was discussion that often times applicants present additional information at a hearing for the Board to consider. When additional information is presented, (i.e., an email), BZA members are to make it known and provide the information to the Planning Director to distribute to all members of the Board. Town Clerk/BZA Secretary Simmons stated the importance that the Secretary receives all information because it is a public record. If an email is presented to a Board Member at the last minute, it should be forwarded to all and introduced for consideration at the meeting.

There was some discussion regarding Rehearing, Section 10 and Mr. Wilson gave an overview and timeframe for reconsideration of a denied case. He will present more information later.

Vote for Chair and Vice-Chair:

Vote for Chair: Chairman Gregorie opened the floor for nominations. Vice Chair Smith moved to nominate Commissioner Lyon, seconded by Commissioner Parrish. Chairman Gregorie supported the nomination and spoke that Commissioner Lyon served as Chair before and has good experience in conducting meetings. There were no other nominations. Commissioner Lyon accepted the nomination and it passed unanimously.

Vice Chair: Chairman Gregorie opened the floor for nominations for Vice-Chair. Vice Chair Smith moved to nominate Commissioner Savage, seconded by Commissioner Lyon. There were no other nominations. Commissioner Savage accepted the nomination and it passed unanimously.

Additional Business:

Next Meeting: September 15, 2020: Mrs. Crane announced that two cases would be heard at the September 15 meeting, 1) setback reduction, and 2) a mobile home.

Commissioner Lyon asked the status of an appeal for an accessory structure on London Drive and Attorney Wilson said the case was dismissed in April.

Adjourn: There being no further business to come before the body, the meeting adjourned at 8:29 p.m.

Respectfully submitted:

Frances Simmons
Town Clerk and Secretary to the BZA

Application for Special Exception

Town of James Island Board of Zoning Appeals

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



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

- 1) Completed Special Exception application signed by the current property owner(s).
- 2) Copy of Current Recorded Deed to the property (Owner's signature must match documentation). If the applicant is not the owner of the property, the Current Property Owner(s) must sign and print the Designation of Agent found below.
- 3) Restrictive Covenants & Posted Notice Affidavit(s) signed by the applicant or current property owner(s).
- 4) A letter of Intent signed by the applicant or property owner(s) stating the reason for the request that explains why this request should be granted and how it meets the Approval Criteria of §153.045 E. All proposed Special Exceptions, except single family, shall satisfy the Site Plan Review process and attend at least one Site Plan Review meeting prior to submitting this application.
- 5) An accurate, legible Site Plan drawn to Engineers Scale must be attached. The site plan must show property dimensions, dimensions and locations of all existing and proposed structures and improvements, parking areas, Grand trees (24" DBH or greater, Pine, Sweetgum, SC Invasive Pest Trees are exempt), wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on site plan or plat), holding basins and buffers when applicable.
One 24 x 36 copy & fifteen (15) 11 x 17 copies.
- 6) Copy of a legible Approved and Recorded Plat showing present boundaries of property.
- 7) Fee \$250 check made out to "Town of James Island".

Applicant Name: Steven Lewis

Mailing Address: PO Box 490

City, State, Zip Code: Charleston, SC 29402 Daytime Phone: 2039707870

Email Address: mrslewisq@icloud.com

Subject Property Address: 1108 Seaside Lane, James Island, SC 29412

Present Use of Property: residential vacant land

Special Exception Description: Exception for upscale manufactured home, deck and fencing

Steven Lewis 8.13.2020
Applicant Signature Date

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

Owner Print Name _____ Date _____ Owner Mailing Address _____
Owner Signature _____ City, State, Zip Code _____

FOR OFFICE USE ONLY:

Application #: BZAS-8-20-020 Flood Zone: X/AE-1A
Zoning District: R5L Fee Paid (\$250): WU19-131657694
Date Filed: 8.14.20 Zoning Officer: AW
TMS#: 428-08-00-056



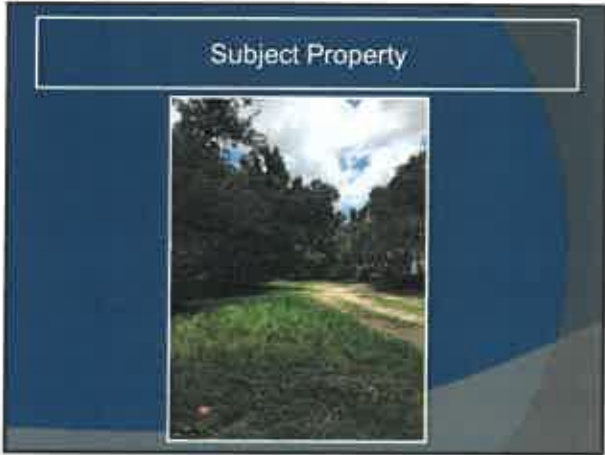
Town of James Island
South Carolina



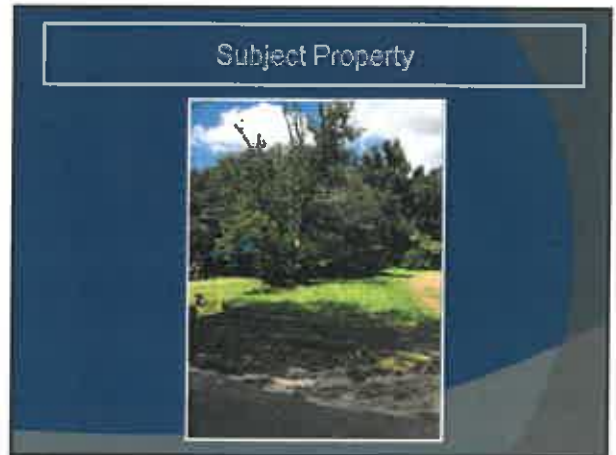
1108 Seaside Lane

300' Radius
08/27/2020

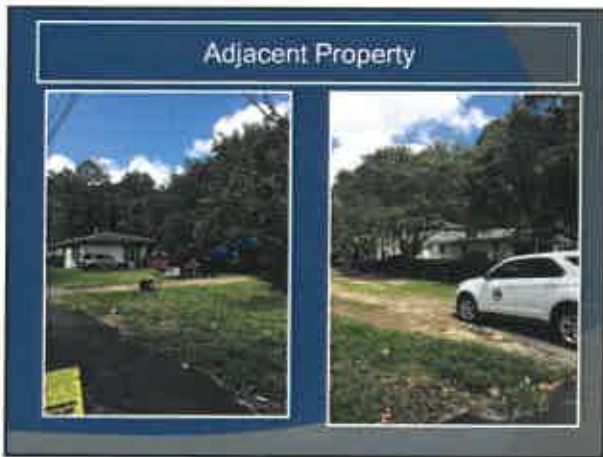




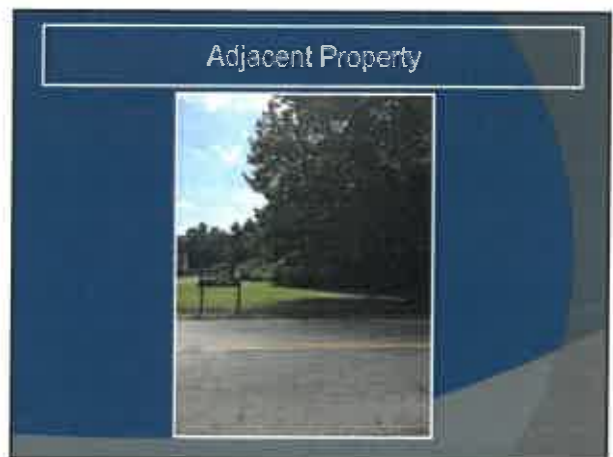
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Staff Review:

The applicant, Mr. Steven Lewis, is requesting a Special Exception for the placement of manufactured housing unit in the Low-Density Suburban Residential (RSL) District at 1108 Seaside Lane – Town of James Island (TMS #428-08-00-056). The parcel is currently vacant. The adjacent properties to the south, east and west are also zoned RSL and are in the Town of James Island. The property to the south is owned by Charleston County School District and houses the athletic fields of James Island Charter High School. Other uses within 300’ of the subject property include residential uses in the Town of James Island and several residential properties in the City of Charleston.

The Town of James Island Zoning and Land Development Regulations Ordinance, Section §153.144 (C) allows manufactured housing units in an RSL Zoning District if “the area within 300 feet of the parcel proposed for manufactured home placement is characterized either entirely of manufactured homes or a mix of site built and manufactured homes. (The mix shall contain a minimum number of manufactured homes equivalent to 25% of the number of existing principal residences located on parcels within 300 feet of the subject property); and (2) If the Zoning Administrator determines that the area is not characterized either entirely of manufactured homes or by a mix of site built and manufactured homes, the use shall fall under the special exception procedures of this chapter.”

In the letter of intent, the applicant explains, “I am requesting a Special Exception for an upscale, modern manufactured home, 4-foot privacy fence, landscape around the home and pea gravel driveway at 1108 Seaside Lane.”

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, Housing Element states a need of “Promoting a diverse housing stock with access to facilities and services and encouraging the provision of high quality, affordable homes in keeping with the single-family residential character of the Town” with a goal of “encouraging high quality, affordable housing for people of all ages, incomes, and physical abilities.” Therefore, this application may be consistent with the Town of James Island Comprehensive Plan as implemented through the RSL Zoning District.*

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

Response: **Within 300' of the subject parcel, there are currently 4 existing manufactured homes, with several more located closely outside of the 300' radius, therefore the use may be compatible with existing uses in the vicinity. Additionally, the applicant's letter of intent states that granting the exception "will improve it based on the aesthetics of the home, fencing, yard, landscaping and back deck/porch".**

E (c): *Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;*

Response: **A 25' front/street side setback, 10' interior side setbacks and a 15' rear setback are required, and the manufactured home meets the required setbacks as depicted on the proposed site plan. The east of the property currently contains an existing heavily wooded buffer. In the letter of intent, the applicant states, "landscape, fencing of grass yard and pea gravel driveway and parking area of the home will also protect the adjacent properties from noise, dust, traffic, and parking issues, etc."**

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 clear where the home will be placed, with trees and vegetation on the perimeter. Additionally, the applicant states in their letter of intent "the existing natural vegetation/shrubbery and trees on the property will remain untouched."**

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: **Placing a manufactured housing unit at the subject address should not hinder or endanger vehicular traffic or pedestrian movement along Seaside Lane.**

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-8-20-020 (Special Exception request for the placement of a manufactured housing unit in the Low-Density Suburban Residential (RSL) District at 1108 Seaside Lane), 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 manufactured housing unit shall comply with *Section 153.144 Manufactured Housing Units*, of the *Town of James Island Zoning and Land Development Regulations Ordinance*, including all skirting and ventilation requirements in the *Ordinance*, as well as any additional requirements mandated by the Federal Emergency Management Agency (FEMA).
2. Prior to obtaining a Zoning Permit for the proposed site improvements and placement of the manufactured home, 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.
3. 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 that may be affected due to construction, have been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate potential damage to the trees caused by construction.

LETTER OF INTENT

From: Steven Lewis, Owner of 1108 Seaside Lane
To: Flannery Wood/Town of James Island Board of Zoning Appeals
Subject: Application for Special Exemption for 1108 Seaside Lane
Date: August 13, 2020
Attachments: Completed Application for Special Exemption
Recorded Deed
Site Plan and Copies 1-24x36; 15-11x17
Rendering of Proposed Home
Recorded Plat
Check for Application Fee

To the Town of James Island Board of Zoning Appeals:

I am requesting a Special Exception for an upscale, modern manufactured home, 4-foot privacy fence, landscape around the home and pea gravel driveway at 1108 Seaside Lane.

The proposed rendering shows that the home will be consistent with the character of Seaside Lane and the neighboring properties and is compatible with the existing vicinity. Please note—the required 25% would have been 5 manufactured homes within a 300 ft radius; whereas the result of the review was currently 4 homes in that radius. As such, granting thus this exception will not adversely affect the general welfare or character of the neighborhood and community and in fact will improve it based on the aesthetics of the home, fencing, yard, landscaping and back deck/porch.

The proper setbacks as well as landscape, fencing of grass yard and pea gravel driveway and parking area of the home will also protect the adjacent properties from noise, dust, traffic and parking issues, etc. and the vehicle and pedestrian traffic will not be affected.

Similarly, the existing natural vegetation/shrubbery and trees on the property will remain untouched and offer a buffer and privacy to the home and existing adjacent properties.

I want to thank you for the Board's time and consideration.

Kindest regards-

Steven Lewis

Steven Lewis

Attachments



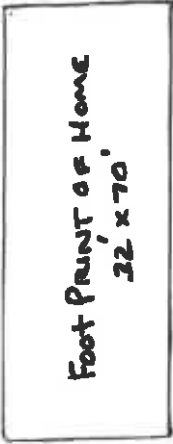
TMS 428-08-00-056

341' 32" OFF MAIN/PAGE

341' 32"

338' 25"

10' FOOT SETBACK



SCALE
1 in = 30 feet

SEASIDE LANE

89' 48"

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: Sara Grimsaw + Ian Grimsaw
Mailing Address: 1225 Teal Avenue
City, State, Zip Code: Charleston, SC 29412 Daytime Phone: 843-270-6772
Email Address: Sara.grimsaw@mac.com
Subject Property Address: 1225 Teal Avenue Charleston, SC 29412
Present Use of Property: Primary Residence
Variance Description: Extend Shop 10' towards back of property

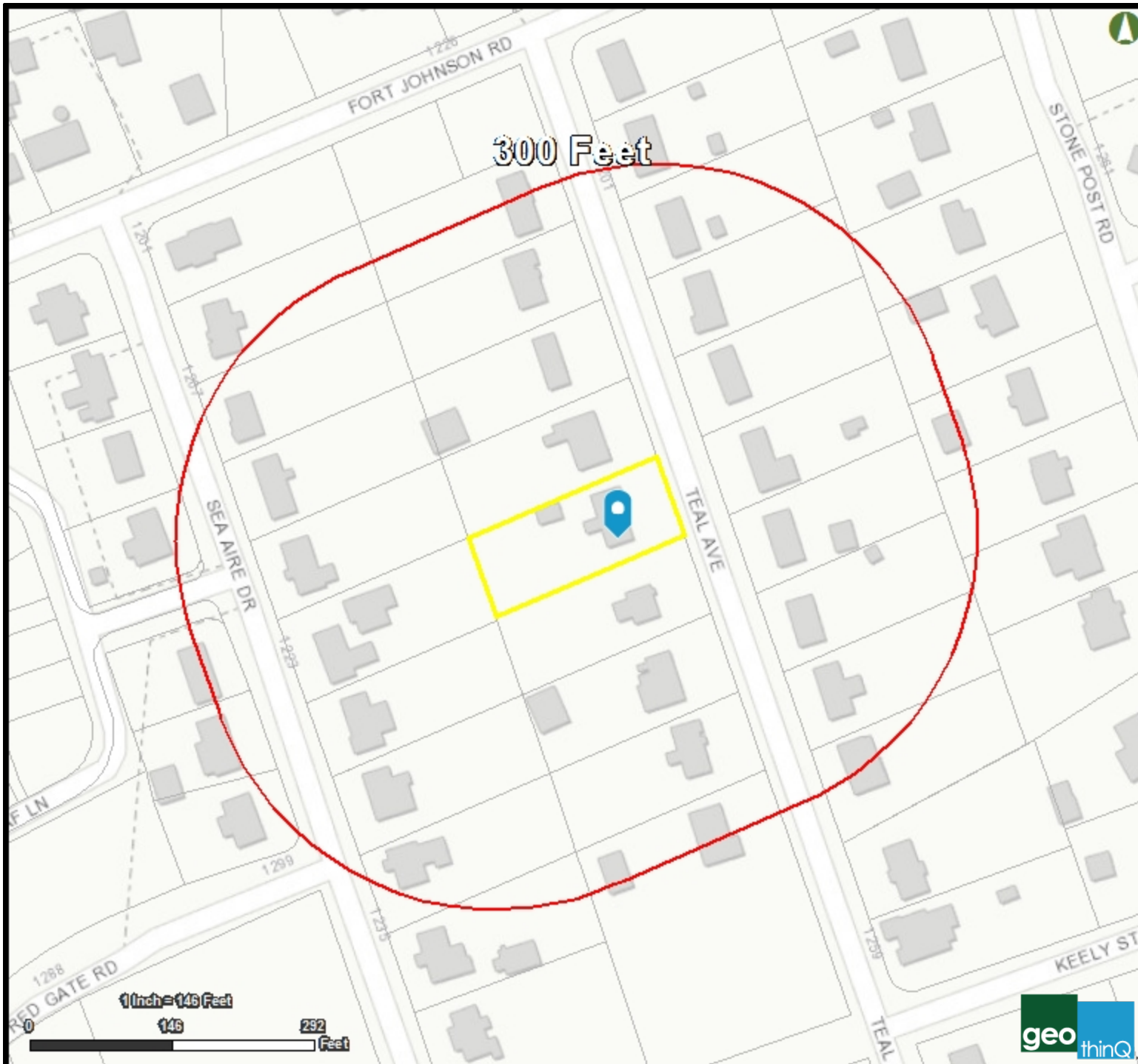
[Signature]
Applicant Signature

08/14/20
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.

Owner Print Name _____ Date _____ Owner Mailing Address _____
Owner Signature _____ City, State, Zip Code _____

FOR OFFICE USE ONLY:	
Application #: <u>BZAV-8-20-026</u>	Flood Zone: <u>X</u>
Zoning District: <u>RSL</u>	Fee Paid (\$250): <u>CK # 2632</u>
Date Filed: <u>8.14.20</u>	Zoning Officer: <u>FW</u>
TMS#: <u>428-02-00-0116</u>	



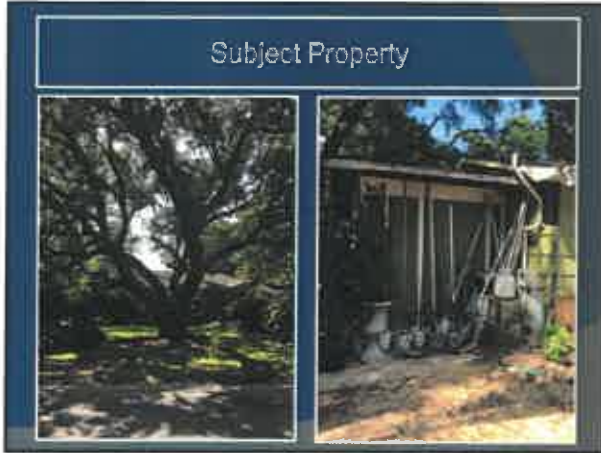
Town of James Island
South Carolina



1225 Teal Avenue

300' Radius
08/27/2020

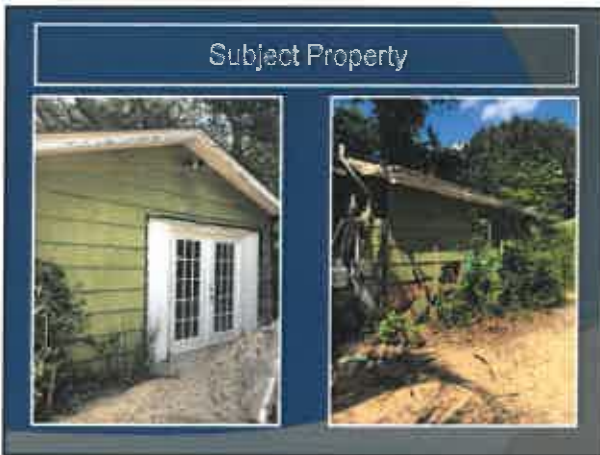




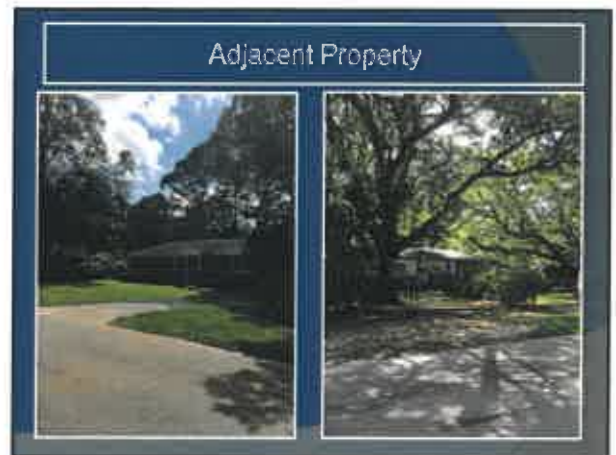
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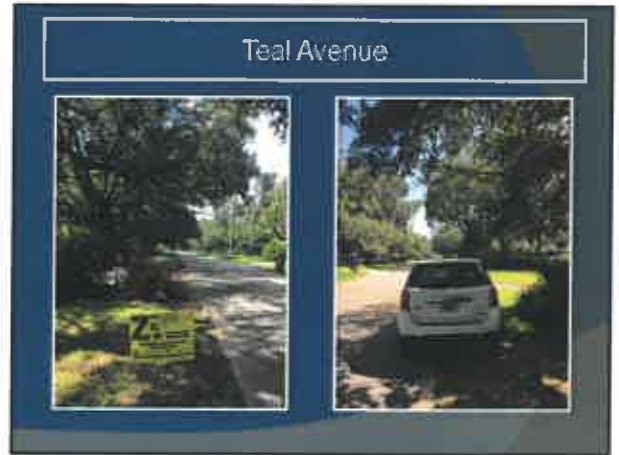
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Staff Review:

The applicants, Sara and Ian Grimshaw, are requesting a variance for the reduction of the 5' required accessory structure side setback by 2.2' to 2.8' for an extension/remodel of an existing accessory structure in the Low-Density Suburban Residential (RSL) Zoning District at 1225 Teal Avenue (TMS #428-02-00-016). Adjacent properties to the north, east, south, and west are also in the Low-Density Suburban Residential Zoning District and are in the Town of James Island's jurisdiction. Other uses within 300' of the subject property include residential uses in the Town of James Island.

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

The subject property contains one single-family home that was constructed in 1958 per Charleston County records. The current property owners purchased the property in January of 2005. Records indicate several outbuildings on the property, including a shed, miscellaneous structure from the 1980's, and another utility shed from the 1990's. A current survey reflects a greenhouse, and two sheds. The property owners explain in the letter of intent that their "intention is to tear down and rebuild the accessory structure, as it is in need of major repairs. The current footprint of the building encroaches into the 5' setback at the rear of the building at a distance of 1.2'. The current structure is 24' long and the proposed new building would increase the total length of the building to 34' long, encroaching into the 5' setback a total of 2.2'."

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. The current house was built in 1958 while the two sheds on the property were built in 1988 and 1991, prior to the current accessory structure setback requirement of 5'. Additionally, the accessory structure in the application was not built aligned with the property line, causing the western corner and associated cement slab to encroach into the setback.

F (b): *These conditions do not generally apply to other property in the vicinity;*
Response: **These conditions may generally apply to several properties in the Teal Acres Neighborhood because the subdivision was platted in the 1950s. Many of the accessory structures were constructed prior to 2016. However, it is not known how many other accessory structures in the vicinity are encroaching into setbacks or not built parallel with property lines.**

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, §153.207, to the subject property would prohibit increasing the non-conformity and extending the shed further into the setback. However, rebuilding the shed exactly as it exists would be permitted.**

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 a variance should not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district should not be harmed as the expansion of the shed will extend to the edge of the existing slab. Additionally, an opaque, wooden privacy fence acts as a buffer between this structure and the neighbor to the north.**

F (e): *The Board of Zoning Appeals shall not grant a variance to the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land or to change the zoning district boundaries shown on the Official Zoning Map;*
Response: **The variance does not allow a use that is not permitted in this zoning district, nor does it extend physically a nonconforming use of land or change the zoning district boundaries.**

F (f): *The need for the variance is not the result of the applicant's own actions; and*
Response: **The need for the variance may not be the result of the applicant's own actions due to the pre-existing location and configuration of the structure, prior to the purchase of the property by the applicants.**

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-8-20-026 (for the reduction of the 5' required accessory structure side setback by 2.2' to 2.8' for an extension/remodel of an existing accessory structure in the Low-Density Suburban Residential (RSL) Zoning District at 1225 Teal Avenue) based on the "Findings of Fact" listed above, unless additional information is deemed necessary to make an informed decision

August 14th 2020
Letter of Intent
In Support of Request for Variance
1225 Teal Avenue, Charleston, SC 29412

This Letter of Intent is in support of our request for a variance to the side yard setback requirement for an accessory structure. The intention is to tear down and rebuild this accessory structure, as it is in need of major repairs. The current footprint of the building encroaches into the 5' setback at the rear of the building at a distance of 1.2'. The current structure is 24' long and the proposed new building would increase the total length of the building to 34' long, encroaching into the 5' setback a total of 2.2'. It is my belief that the authorization of a variance would not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district would not be harmed by the granting of the variance.

I would humbly ask the board to consider our application for a variance as the proposed project would be an improvement to the neighborhood and result in an overall increase in property value and tax base created by improvement.

Thank you for your consideration.

Sincerely,



Sara York Grimshaw (home owner 1225 Teal Avenue)



Ian M Grimshaw (home owner 1225 Teal Avenue)

