### TOWN OF JAMES ISLAND BOARD OF ZONING APPEALS Town Hall 1122 Dills Bluff Road, James Island, SC 29412 BZA AGENDA March 15, 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 addressing the Board in support or opposition of this case 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 <u>kcrane@jamesislandsc.us</u> referencing the Case #.

- I. CALL TO ORDER
- II. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT
- III. INTRODUCTIONS
- IV. REVIEW SUMMARY (MINUTES) FROM THE FEBRUARY 15, 2022, 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-2-22-024

TMS # 425-08-00-023 Special Exception request for Beverage or Related Products Manufacturing in the Community Commercial (CC) District at 798 Folly Road Unit B.

- VIII. ADDITIONAL BUSINESS:
  - **1.** Next Meeting Date: April 19, 2022
- IX. ADJOURN

Please click the link below to join the webinar:

https://us02web.zoom.us/j/87055813672?pwd=a0xDTVdIRU5JS0RGUml4Z1VYdWlJQT09 Passcode: 897444

Or One tap mobile :

US: +19292056099,,87055813672#,,,,\*897444# or +13017158592,,87055813672#,,,,\*897444# Or Telephone:

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

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) Webinar ID: 870 5581 3672 Passcode: 897444

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

### TOWN OF JAMES ISLAND

### BOARD OF ZONING APPEALS

#### SUMMARY OF FEBRUARY 15, 2022

The Board of Zoning Appeals held its regularly scheduled meeting on Tuesday, February 15, 2022 in person at the James Island Town Hall, 1122 Dills Bluff Road, James Island, and by virtual platform on Zoom.

<u>Commissioners present</u>: Amy Fabri, Corie Hipp, David Savage, Vice Chair, Roy Smith, and Brook Lyon, Chairwoman, who presided. <u>Also</u>, Kristen Crane, Planning Director, Flannery Wood, Planner II, Bonum S. Wilson, BZA Attorney, Councilwoman Cynthia Mignano, and Frances Simmons, Town Clerk and Secretary to the BZA. A quorum was present to conduct business.

<u>Call to Order</u>: Chairwoman Lyon called the BZA meeting to order at 7:02 p.m. Chairwoman Lyon asked the Board and others who wished, to join in the prayer and the Pledge of Allegiance.

<u>Compliance with the Freedom of Information Act</u>: This meeting was held in compliance with the SC Freedom of Information Act. The public was duly informed of the meeting and notified that it would be live-streamed on the Town's YouTube Channel.

Introduction: Chairwoman Lyon introduced herself, Members of the BZA, Attorney, Staff, and Councilwoman Cynthia Mignano.

<u>Review Summary from the January 18, 2022 BZA Meeting</u>: Motion to approve the meeting minutes from the January 18, 2022 BZA meeting was made by Commissioner Smith, seconded by Commissioner Hipp, and passed unanimously. Chairwoman Lyon announced that case rulings and minutes from this and any BZA meetings are available for public review and inspection during normal business hours at the Town Hall.

<u>Brief the Public on the Procedures of the BZA</u>: Chairwoman Lyon explained how the Board of Zoning Appeals Hearing would be conducted.

<u>Administer the Oath to those Presenting Testimony</u>: Chairwoman Lyon asked Attorney Wilson to swear in persons at the Town Hall and on Zoom who wished to provide testimony. There was no one at Town Hall to swear in. The applicant, Kyle Robbins, and Councilwoman Cynthia Mignano were sworn in.

Review of the Following Application: Case #BZAS-1-22-023 TMS# 425-06-00-008 Special Exception Request for six (6) barber chairs in a barber shop in the General Office (OG) District at 914 Folly Road, Unit A

Chairwoman Lyon gave an overview of how the case would be conducted with the allotted times. She stated that those speaking in support at the Town Hall should stand one by one and state their name and address for the record. Those speaking in support on Zoom will be asked to wait until their name is called upon to speak and those speaking in opposition would follow the same procedure.

Planning Director, Kristen Crane, presented the staff review for Case BZAS-1-22-023 stating that the applicant, Mr. Kyle Robbins is requesting a Special Exception for the placement of Barber Shop with six (6) chairs in an existing office space in the General Office (OG) District and the Folly Road Corridor

Overlay Zoning District at 914 Folly Road, Suite A, having the tax map number 425-06-00-008. The suite previously operated as a dental lab and currently shares a mixed-use office complex with chiropractors and attorneys. The adjacent properties to the North and West are zoned Community Commercial (CC). To the East are parcels in the Low Density Suburban Residential District (RSL), and the adjacent parcel to the South is also in the OG Zoning District. Other uses within 300' of the subject property include Chase Bank, service stations with gasoline, (two Circle K's), drug store (Walgreen's) professional offices (Wilson Heyward Reeser Attorneys), social club (VFW), mixed-use shopping center (Shoppes at Folly), fast food and general restaurants, (Sonic, Huddle House) communication services (AT&T), recovery center (Sanctuary), retail/donation center (Goodwill Industries) and single-family residential uses.

The Town of James Island Zoning and Land Development Regulations Ordinance, Use Table 153.110 states that "Hair, nail, or skin care services, including barber shops or beauty salons" as a use are subject to conditions in an OG zoned area. Conditions in Section 153.123 include "(A) Hair, nail, or skin care services shall be limited to a maximum of one (1) chair in those districts in which they are allowed as a use subject to conditions, otherwise this use shall fall under the Special Exception (S) provisions of this chapter."

After the completion of the staff's review, Mrs. Crane reviewed the Findings of Fact and the staff's recommendation that: The Board of Zoning Appeals may approve, approve with conditions, or deny case #BZAS-1-22-023, the Special Exception for the placement of a Barber Shop with six (6) chairs in an existing office space in the General Office (OG) District and the Folly Road Corridor Overlay Zoning District based upon the Findings of facts unless additional information is deemed necessary to make an informed decision.

### Questions to Staff: None

<u>Applicant Presentation</u> Applicant Kyle Robbins, 1006 River Haven Circle, Apt. J, Charleston, SC 29412.

Mr. Robbins stated that they submitted the Special Exception for a gentleman's salon and lounge (waiting area). He noted that traditional nail salons have a lot of chairs to fill and there are multiple customers and vehicles coming and going throughout the day. Mr. Robbins said their concept is not geared towards female hair, nails, or salons. It is geared towards a gentleman's salon and lounge with six (6) chairs. He said some of the other offices do serve more than six within the hour. He has talked with Dr. Mignano and Dr. Sal in the Chiropractors Office and is uncertain if this has been done yet, but they are in the process of moving their office to the back of the building. He said an additional entrance/ exit in the back of the parking lot at the VFW would allow a third entrance/exit. People coming from Folly Beach can turn right and some people come through the Gas Station. He said with the other criteria listed, there would be no interference with neighbors or the residents. He received a letter late today from Attorney Culver Kidd who has no objections to the opening of the shop as well as a letter from Dr. Mignano, but he was unable to get letters from the other tenants in the back. Mr. Robbins addressed the outside and exterior landscaping. The POA takes care of the entire lot so individually he cannot change or do anything to impact the exterior of the property. However, he is looking to improve the exterior of the property by adding some things to it once they change some of the tenants. He reiterated that the maximum number of chairs in shop would be six (6) but right now they are planning to do four (4) so they don't have two (2) empty chairs. In the future if they get busy enough they would like the option to have six (6) chairs.

<u>Questions to the Applicant:</u> Chairwoman Lyon asked Mr. Robbins if he is a barber somewhere else now. Mr. Robbins said no, but his sister and her co-worker are. He said the business would be with his sister who was cutting hair at Gents downtown before they closed. She is now at Broad Street Barber Shop but wants to bring the concept from Gents to James Island. He described the atmosphere of the barber shop is to have comfortable leather chairs and a pool table; (not the old metal or plastic chairs) and pamper their guests while waiting to get their hair cut. He said this type of barber shop already exists in Mt. Pleasant, downtown, and on Daniel Island.

Commissioner Hipp asked Mr. Robbins what he envisioned the hours for the barber shop to be and he replied Sunday and Mondays off; Tuesday – Friday, 9-6 and Saturday 8-11 or 12:00 noon, nothing too late in the evening. Commissioner Hipp asked if alcohol would be available and Mr. Robbins said there would be one complimentary beverage for someone while having their hair cut. No alcohol license is required. He said the refreshments would not all be alcohol choices. There will be hot and cold coffee, tea, and a local beer, but they have not gotten that far in the process.

In Support Dr. Cynthia Mignano 963 Foxcroft Road James Island, 29412

Dr. Mignano stated that she and her husband own the Chiropractic Office currently in Unit C in the 914 Folly Road Complex and are in the process of moving to the back of the building in Units B and E. She stated that they have the most traffic in the complex and do not think the barber shop would have a big impact on traffic as there is plenty of parking. She looks forward to having a new business in the complex that would bring more diversity as far as types of services that are available and believes it would be a great fit.

### In Opposition: None

Rebuttal: None

Chairwoman Lyon closed the hearing at 7:26 p.m. and asked for a motion to approve, approve with conditions or to deny Case BZAS-1-22-023. Motion to approve was made by Commissioner Fabri, seconded by Commissioner Hipp citing that the request met all criteria.

During the discussion Commissioner Fabri stated the barber shop was a great idea. She had nothing to add and agrees the request should move forward with no conditions. Commissioner Hipp also stated that all the criteria was met. Commissioner Smith agreed with everything that was said. He complimented the staff on the analysis of the request and the criteria that were put forth. Both Vice Chairman Savage and Chairwoman Lyon stated that all criteria were met. Chairwoman Lyon called for a roll call vote.

### Case #BZAS-1-22-023 TMS# 425-06-00-008 Special Exception Request for six (6) barber chairs in a barber shop in the General Office (OG) District at 914 Folly Road, Unit A

Vote	
Commissioner Fabri	aye
Commissioner Hipp	aye
Vice Chairman Savage	aye
Commissioner Smith	aye
Chairwoman Lyon	aye

Chairwoman Lyon announced that the application for the Special Exception passed unanimously. She informed the applicant that the final decision would be mailed to him within ten (10) business days and he may contact the Planning and Zoning staff with questions.

Additional Business

<u>Next Meeting Date: March 15, 2022</u>: Chairwoman Lyon announced the next meeting will be on March 15. She said a decision will be made prior to that date whether the meeting will be on Zoom or in person.

Chairwoman Lyon thanked the Board for its diligence and patience and for doing their homework on the cases that they hear. She thanked Kristen Crane and Flannery Wood for their hard work and technical expertise in conducting Zoom in the absence of Ashley Kellahan. She thanked Frances Simmons for preparing detailed minutes like the one from the January BZA meeting and Attorney Wilson for his faithfulness to the Board.

Vice Chairman Savage asked Mr. Rollins when he planned to open the barber shop and he replied around June 1. All Board members congratulated him and said that the barber shop will be a great addition for the community of James Island.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:31 p.m.

Respectfully submitted:

Frances Simmons Town Clerk and Secretary to the BZA

### **Application for Special Exception**

Town	of James I	sland
Board	of Zoning	Appeals

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



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

- 1) Completed Special Exception application signed by the current property owner(s).
- 2) Copy of Current Recorded Deed to the property (Owner's signature must match documentation). If the applicant is not the owner of the property, the Current Property Owner(s) must sign and print the Designation of Agent found below.
- 3) Restrictive Covenants & Posted Notice Affidavit(s) signed by the applicant or current property owner(s).
- 4) A letter of intent signed by the applicant or property owner(s) stating the reason for the request that explains why this request should be granted and how it meets the Approval Criteria of §153.045 E. <u>All proposed Special Exceptions, except single family, shall satisfy the Site Plan</u> 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.

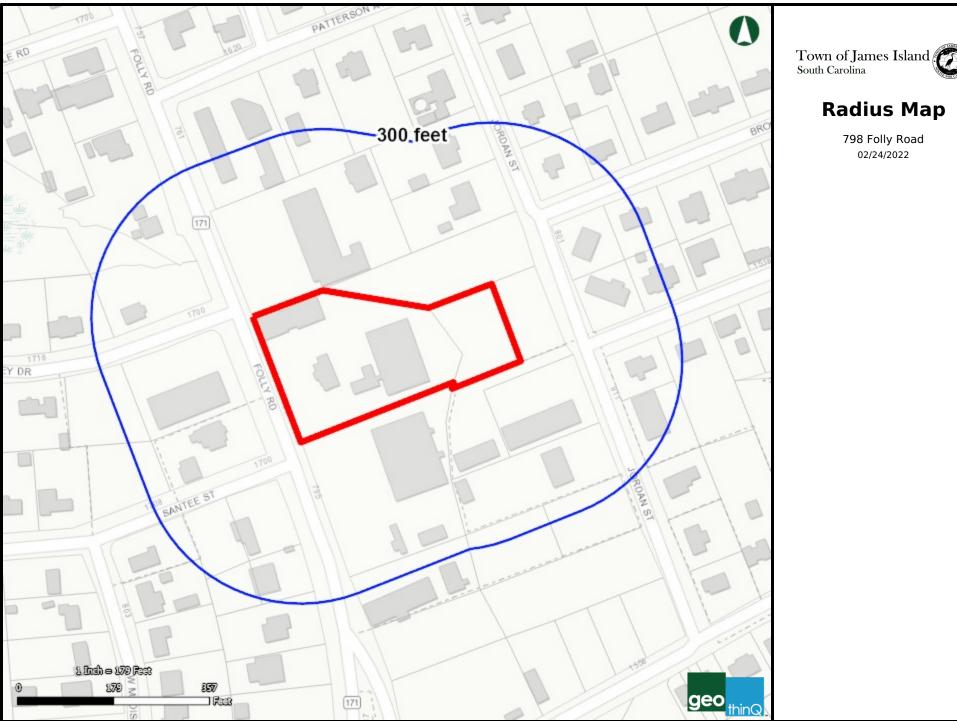
One 24 x 36 copy & fifteen (15) 11 x 17 copies.

- 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:	Roman Rozek- Beer Engineer Supply		
Mailing Address:	46 Rivers Point Row		
City, State, Zip Coo	de: Charleston, SC 29412	Daytime Phone:	215-601-9852
Email Address:	RJ.Rozek@gmail.com		
Subject Property A	ddress: 792 Folly Rd (798 B) Charle	ston, SC 29412	
Present Use of Pro	perty: <u>CC zoning.</u>		
Special Exception I	Description: CC zoning: To be us	ed as a microbrewery,	taproom, restaurant, and retail space.
Applicant Signature	Digitally signed by Roman Rozek	02/09/22 Date	

Designation of Agent (Complete only if owner is not applicant): I hereby appoint the person

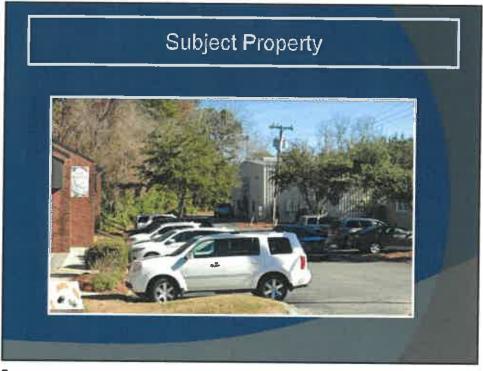
Owner Print Name	Date Owner Mailing Address Charleston, SC 29412		
Owner Signature	City, State, Žip Code		
FOR OFFICE USE ONLY:			
Application #:	Flood Zone:		
Zoning District:	Fee Paid (\$250):		
Date Filed:	Zoning Officer:		
TMS#:			



**Radius Map** 

798 Folly Road 02/24/2022

This map was created using geothinQ | www.geothinQ.com | Mapping Smart Land Decisions





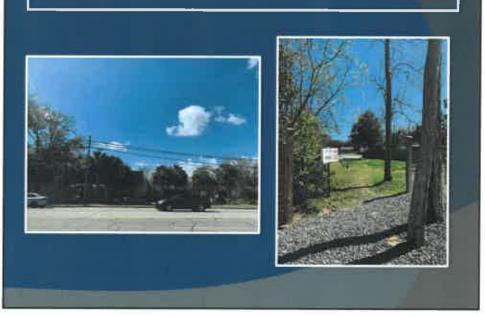
# Adjacent Property



7



## Adjacent Property



9



### **Staff Review:**

The applicant, Mr. Roman Rozek, is seeking a Special Exception for beverage or related products manufacturing in the Commercial Core Area of the Folly Road Corridor Overlay Zoning District (FRC-O). 798 B Folly Road (TMS #425-08-00-023) is 2.00 acres in size, zoned Community Commercial (CC) and hosts a variety of uses including a Beauty Salon (The View Salon & Spa), Personal Improvement Studio (Hurricane Boxing), Tattoo Parlor (Charleston Tattoo Company), Administrative Offices (David Walters Consultants, David Walters Real Estate, Bennett Construction and Realty), Bar/Restaurant (The Roost) and General Restaurant (Baguette Magic). Adjacent property to the north is a mixed-use shopping center zoned CC (The Break, JI Driving School, DBA 911, Scooter Stop, Purple Haze, Badd Kitty) and an RSL property under the same ownership. Property to the east is zoned RSL and is owned by the subject property owner. Property to the south is a mixed-use shopping center zoned CC (Mike's Bikes, Island Tobacco, Casa Fiesta, & Ocean Auto Imports), and property to the southeast is in the City of Charleston and zoned Diverse Residential. Property to the west is zoned General Business (O'Reilly Auto Parts) and is in the City's jurisdiction and CC (Holy Nails & Spa) in the Town. The remaining surrounding area includes parcels in the City zoned General Business & Single Family Residential, as well as parcels in the Town zoned CC and RSL.

Beverage or related products manufacturing, including alcoholic beverages, shall comply with the special exception procedures on a parcel zoned CC, according to Use Table 153.110.

The applicant is seeking to utilize the property for his existing homebrew supply store, "Beer Engineer Supply". His letter of intent states: "Beer Engineer Supply (BES) is looking to expand its homebrew supply store operations in North Charleston to bring a production brewery, taproom, and restaurant to James Island. Our supply store will also be in our new location for the Charleston area beer and wine making hobbyists." Cecil Morgan, LLC is the current owner of the subject parcel and the lot is considered legal and conforming.

### **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*, Economic Development Element states a strategy as "*encouraging a variety of diverse commercial uses that will benefit the Town as a whole*". The applicant states in his letter of intent that "BES is passionate about education for our homebrewers and our expanded

location on James Island will allow us to provide classes, competitions, and other outreach programs for the local Charleston community". Additionally, §153.093(H) states that, in the Commercial Core Area, "Future development in this area is intended for higher intensity commercial uses than those found in the other areas of the corridor." Therefore, this request may be consistent with the Comprehensive Plan and the stated purposes of this Ordinance.

- E (b): Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
- Response: The parcel included in the application and nearby properties have a wide range of existing uses (restaurant, bar/lounge, tattoo parlor, administrative offices, hair/nail services, tobacconist, vehicle parts store, repair service, driving school, single-family and multi-family residential) and zoning (commercial, general business, and residential). The use may be compatible with most of the existing uses in the vicinity and should not adversely affect the general welfare or character of the immediate community.
- E (c): Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;
- Response: The proposed business is to occupy a suite within an existing building on a parcel that has been fully developed. In addition, there is an existing dense vegetative buffer to the north and northeast, and existing privacy fencing along the property to the east and south.
- E (d): Where applicable, will be developed in a way that will preserve and incorporate any important natural features;

Response: The parcel is fully developed with no changes being proposed to existing building footprints or existing vegetation; therefore, any natural features will be preserved.

- 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: Vehicular traffic and pedestrian movement should not be hindered or endangered since the mixed-use center is existing. The present layout of the site shows approximately 98 parking spots, which more than exceeds ZLDR requirements. The applicant's letter of intent states that they "are a family friendly operation that will have easy access, ample parking, and sidewalks for our neighbors nearby (as the Rethink Folly Rd redevelopment plan comes to fruition)."

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-02-22-024 (Special Exception Request for Beverage or Related Products Manufacturing in the Community Commercial (CC) 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 applicant shall follow all applicable laws and regulations concerning alcohol sales, consumption, and manufacturing.

# BEER ENGINEER- Brewery & Supply

RE: 792 Folly Rd Brewery, Store, Restaurant.

### Roman Rozek

1923 East Montague Ave North Charleston, SC 29405 215.601.9852 Rj.rozek@gmail.com

02/09/22

To the JI BZA,

Beer Engineer Supply (BES) is looking to expand its homebrew supply store operations in North Charleston to bring a production brewery, taproom, and restaurant to James Island. Our supply store will also be in our new location for the Charleston area beer and wine making hobbyists.

BES will provide an inviting atmosphere for family, friends, and community to gather and share experiences over a few pints and great food. With our extensive knowledge in the beverage industry, we promise to provide drinks to satisfy everyone's different pallets. BES is passionate about education for our homebrewers and our expanded location on James Island will allow us to provide classes, competitions, and other outreach programs for the local Charleston community.

Most importantly, BES at the 792 Folly Rd location will bring a much-desired environment to the James Island community. We are a family friendly operation that will have easy access, ample parking, and sidewalks for our neighbors nearby (as the Rethink Folly Rd redevelopment plan comes to fruition). It will be a place to safely unwind and celebrate a productive day, or a lazy day with your loved ones and new friends you will meet here.

We hope you will accept our request to bring our business to James Island at 792 Folly Rd and we look forward to being a part of the JI community.

Sincerely,

Roman J. Rozek



