

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF NOVEMBER 18, 2025

The Board of Zoning Appeals (BZA) held its regularly scheduled meeting on Tuesday, November 18, 2025, at 5:04 p.m. at the James Island Town Hall, 1122 Dills Bluff Road, James Island SC.

Commir present: Vice Chair Roy Smith, Commirs Joshua Hayes, Massey Yannitelli, and Chair David Savage who presided. Absent: Commir Schuyler Blair (gave notice). Also, Planning Director, Kristen Crane, Town Attorney, Brian Quisenberry, Mayor Brook Lyon, and Town Clerk and Secretary to the BZA, Frances Simmons.

**Chair Savage asked the audience to please silence their phones.*

Call to Order: Chair Savage called the meeting to order. Commir Hayes led the Pledge of Allegiance.

Compliance with the Freedom of Information Act: Chair Savage announced that this meeting was being held in compliance with the SC Freedom of Information Act. Fifteen (15) days prior to this hearing, a public notice was posted in the Post and Courier, a sign was posted on the designated property, and a notice was mailed to the applicant or representative of the property, the property owner, and property owners within 300 feet of the application, and to parties of interest. Persons, organizations, and the news media that have requested declaration of our meetings were also notified. The Freedom of Information Act does not require notification to anyone other than the applicant and parties of interest.

Introductions: Chair Savage introduced himself as Chair, members of the BZA, staff, and Town Attorney.

Review Summary (Minutes) from the October 21, 2025, BZA Meeting: Motion to approve was made by Commir Hayes, seconded by Commir Yannitelli. Passed unanimously.

Brief the Public on the Procedures of the Board of Zoning Appeals (BZA): Chair Savage explained that the BZA is a quasi-judicial Board that is empowered to approve, approve with conditions, or to deny requests. The BZA is authorized to defer a case should there be a need to obtain additional information.

Administer the Oath to those Presenting Testimony: Town/BZA Attorney Brian Quisenberry swore in the persons wishing to provide testimony.

Chair Savage announced the first Case #BZAV-10-25-044: Variance Request for an increase in maximum accessory structure height allowance (maximum is 25') of 5' to 30' for a detached accessory structure (tree house) in the Low-Density Suburban Residential (RSL) Zoning District at 1038 Windward Road (TMS# 452-01-00-137).

Review of Case #BZAV-10-25-044: Planning Director, Kristen Crane, provided the staff review:

Staff Review:

The applicant, Mr. John Gricunas, is requesting a Variance for an increase in the maximum accessory structure height allowance (maximum allowed is 25') of 5' in the Low-Density Suburban Residential (RSL) Zoning District at 1038 Windward Road. All adjacent properties are zoned RSL in the Town of James Island.

Town of James Island Zoning and Land Development Regulations Ordinance § 153.207 E states that accessory buildings shall not exceed 25' in height as measured from ground level.

The subject property is a 0.30-acre lot and currently has one single-family home, built in 1966 per Charleston County records. The applicant is requesting an additional 5' of height for an existing accessory structure (treehouse), with a finished height of 30' from ground level. The applicant states, *"In May 2020 I received material from a church downtown that was being remodeled so I built my kids a treehouse. This was a labor of love during an unprecedented world lockdown because of the coronavirus."*

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 particular piece of property due to the existing tree canopy and the large grand live oaks located in the backyard. Previous storm damage to the live oak trees and their resulting structural support system created a vertical opening for the subject structure as the applicant explains "mature trees were preserved and incorporated into the design with the advice from multiple arborists. Supports were placed in the tree at the breakage point during Hurricane Hugo, strengthening the trees and influencing the finished elevation."**

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

Response: **There does not appear to be many properties in the vicinity with a similar amount of canopy coverage, from an aerial perspective. In addition, the location and number of grand trees on surrounding lots vary; storm damage also varies and there is no way to know of any corresponding corrective actions.**

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 to the subject property would prohibit the retainment of the accessory structure at its current height and may unreasonably restrict the utilization of the property's accessory use as the letter of intent explains, "a 5-foot variance is the minimum required to preserve safety and functionality".**

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 or to the**

public good. The applicant states that “the treehouse is well within property lines, does not obstruct views and is aesthetically designed.”

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: In the letter of intent, the applicant explains that the “design was created to comply with zoning as best as possible, but upon further evaluation, and after construction began, it became clear that the safe and stable installation required the current height. Lowering the structure would compromise, structural safety, and disturb the integrity of the trees.” Therefore, the need for the variance may not be the result of the applicant’s own actions.

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-10-25-044 (Variance request for an increase in maximum accessory structure height allowance to 30’ in the Low-Density Suburban Residential 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 condition:

1. The applicant shall obtain all required retroactive and current zoning, stormwater, and building permits for the detached accessory structure.
2. The applicant shall maintain annual inspections with a certified arborist and provide a tree care plan for the grand trees, as recommended in the submitted arborist letter dated 10/16/2025.

Questions to Staff: Ms. Crane answered Chair Savage’s question about accessory structures and tree houses in that category.

Applicant Presentation:

John Gricunas, 1038 Windward Rd: Mr. Gricunas spoke that he built a tree house for his children in 2020 during the coronavirus which was an unprecedented time in the world during the lockdown.

Questions to the Applicant from the Board: None.

In Support:

Jen Tyrrell, 1043 Windward Road spoke in support of the request.

In Opposition:

Richard Endress, 824 Robert E. Lee Blvd spoke in opposition to the request.

Chair Savage called for a motion to close the Public Hearing and a second in order to have discussion. The Public Hearing closed at 5:24 p.m. upon a motion by Vice Chair Smith, and a second by Commir Hayes. Passed unanimously.

During discussion, Vice Chair Smith spoke of the times during COVID, but what matters is does the request meet all of the criteria; and it does. Chair Savage agreed and commented on criteria F (f) that it is not the result of the applicant's own action. He believes all criteria are met. There were no additional comments about the staff's recommendation.

Chair Savage called for a motion to approve Case BZAV-10-25-044: Variance Request for an increase in maximum accessory structure height allowance (maximum is 25') of 5' to 30' for a detached accessory structure (tree house) in the Low-Density Suburban Residential (RSL) Zoning District at 1038 Windward Road (TMS# 452-01-00-137). The motion was made by Vice Chair Smith, seconded by Commir Hayes based on the staff's conditions.

Vote:

Vice Chair Smith	Aye
Commir Hayes	Aye
Commir Yannitelli	Aye
Chair Savage	Aye
Unanimous	

Chair Savage restated the approval of the case and that the final decision of the Board would be mailed to the applicant within ten (10) working days. The applicant may contact the Planning and Zoning staff with questions regarding the request.

Case #BZAV-9-25-043: Chair Savage announced the Variance Request for the placement of an existing accessory structure in front of the principal structure in the Low-Density Suburban Residential (RSL) Zoning District at 1353 Harbor View Road (TMS# 424-07-00-025):

Review of Case #BZAV-9-25-043: Planning Director, Kristen Crane, provided the following staff review:

Staff Review:

The applicant, Mr. Christopher Lyon is requesting a Variance for the placement of an existing accessory structure in front of the principal structure in the Low-Density Suburban Residential (RSL) Zoning District at 1353 Harbor View Rd. (TMS #424-07-00-025). Adjacent properties to the north are residential in nature and are in the City of Charleston and the Town of James Island. The remaining surrounding properties are considered undevelopable marshland.

Town of James Island Zoning and Land Development Regulations, § 153.207(B) (1) states that a detached accessory structure shall be located on the rear of the lot, behind the principal structure.

The subject property contains one single-family home that was constructed in 1951 per Charleston County records, as well as a utility shed and detached carport. According to the applicant, *“the shed was constructed to the side of my home rather than to the rear, due to extraordinary and exceptional conditions that directly affect the usability and safety of my backyard.”* 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 its location with surrounding marsh and critical area on three sides. The applicant’s letter of intent states “my property backs up to marshland and is uniquely situated with no direct neighboring homes on either side. Because of this geographic configuration, the rear portion of my lot is subject to severe and frequent flooding.”**

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

Response: **There are several properties in the surrounding area that have marsh in the adjacent rear yard. However, marsh and critical area on three sides, along with undevelopable land with no direct neighboring homes on either side are conditions that do not generally apply. The letter of intent states that “after periods of heavy rain or high tides, the backyard becomes inaccessible for days at a time. These conditions are not present on nearby properties and do not generally apply to other lots 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 to the subject property would prohibit the retainment of the accessory structure in its current location. The applicant states that “strict application of the Ordinance requiring the shed to be placed behind the house would effectively prohibit or unreasonable restrict the use of my property. Placement in the rear would expose the shed to conditions that would almost certainly lead to deterioration, potential collapse, and ongoing risk of damage to stored items. Standing water accumulates in depths that make the area hazardous to access, structurally unstable for storage buildings, and susceptible to damage from flooding and moisture intrusion.”**

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 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 by the granting of the variance. In the letter of intent, the applicant explains that *“the property borders marshland and open space, and there are no immediate neighbors who enjoyment, view, or property value would be negatively affected.”* In addition, the accessory structure does not hinder any sight lines for vehicles.

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. The applicant explains that *“it is a practical necessity driven by the physical conditions of the property that are beyond my control. The need for this variance is not the result of my own actions, but of circumstances inherent of the land itself.”*

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-9-25-043 (variance request for the placement of an existing accessory structure in front of the principal structure in the RSL Zoning District at 1353 Harbor View Rd) 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 condition:

1. The applicant shall obtain all required retroactive and current zoning, stormwater, and building permits for the detached accessory structure.

Questions to Staff: Chair Savage asked Ms. Crane to post the photos depicting the structure for the benefit of those viewing online.

Chair Savage asked Ms. Crane if she had established that the applicant, (Christopher Lyon), is not related to Mayor Brook Lyon and he was informed that to the best of her knowledge, the applicant is not related to the Mayor.

Chair Savage asked Ms. Crane if she walked the property and she replied that she did not walk the back but spoke to a neighbor who also talked of the flooding on her property and had no objection to the applicant's request.

Applicant Presentation:

Christopher Lyon, 1353 Harbor View Road: Chair Savage asked the applicant if he is related to Mayor Lyon and he stated that he is not. Mr. Lyon made his request before the Board and stated that he has a two-year daughter and would like her to have a place to play where it doesn't flood.

Questions to the Applicant: Comm'r Yannitelli said looking at the photos he cannot tell the depth of the water and for those watching online, he asked Mr. Lyon how deep does the water get. Mr. Lyon replied about knee deep, roughly 2 to 3 feet.

Chair Savage asked if there is another place where the shed could be placed other than the location that he selected, to which he answered no.

In Support: No one spoke.

In Opposition: No one spoke.

Chair Savage called for a motion to close the Public Hearing at 5:41 p.m. The motion was made by Comm'r Yannitelli, seconded by Comm'r Hayes. Passed unanimously.

Chair Savage called for a motion to approve Case #BZAV-9-25-043: Variance Request for the placement of an existing accessory structure in front of the principal structure in the Low-Density Suburban Residential (RSL) Zoning District at 1353 Harbor View Road (TMS# 424-07-00-025) with the staff's recommendation. The motion to approve was made by Comm'r Hayes, seconded by Comm'r Yannitelli.

During discussion, Comm'r Hayes stated seeing how Harbor View Road floods. He lives on Harbor View Road and notices properties that flood substantially as the applicant stated at 2 to 3 feet (knee deep). He said when looking at the property, even to the front, that is the best location for the shed. From what he sees, criteria F(a) through F(f) in his opinion is met. Comm'r Yannitelli agreed. Vice Chair Smith said based on the staff's responses each one of the criteria is met. The motion was approved for Case #BZAV-9-25-043 based on the staff's recommendation.

Vote

Vice Chair Smith	Aye
Comm'r Hayes	Aye
Comm'r Yannitelli	Aye
Chair Savage	Aye
Unanimous	

Chair Savage restated the approved motion and that the final decision of the Board would be mailed to the applicant within ten (10) working days. The applicant may contact the Planning and Zoning staff with questions regarding the request.

Additional Business:

Next Meeting Date: The next meeting of the Board of Zoning Appeals will be held on Tuesday, December 16, 2025.

Adjourn: There being no further business to come before the body, the meeting adjourned at 5:44 p.m.

Respectfully submitted:

Frances Simmons

Town Clerk and Secretary to the BZA