

**TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
Town Hall
1122 Dills Bluff Road, James Island, SC 29412
BZA AGENDA
May 21st, 2024
5:00 PM**

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

(MEETING WILL BE STREAMED ON THE TOWN WEBSITE jamesislandsc.us)

Members of the public addressing the Board in support or opposition of these cases at Town Hall must sign in. The Town invites the public to submit comments on these cases prior to the meeting via email to kcrane@jamesislandsc.us referencing the Case #. Emailed comments not sent to this email address, and comments that do not include a home address for the record, will not be accepted. Emailed comments must be received by noon on May, 20th.

- I. CALL TO ORDER
- II. PRAYER/MOMENT OF SILENCE AND PLEDGE
- III. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT
- IV. INTRODUCTIONS
- V. REVIEW SUMMARY (MINUTES) FROM THE APRIL 16th, 2024, BZA MEETING
- VI. BRIEF THE PUBLIC ON THE PROCEDURES OF THE BZA
- VII. ADMINISTER THE OATH TO THOSE PRESENTING TESTIMONY
- VIII. REVIEW OF THE FOLLOWING APPLICATIONS:
 1. **CASE #BZAV-3-24-036** Variance request for the removal of a grand tree (52" DBH Live Oak) in the Low-Density Suburban Residential (RSL) Zoning District in the front yard of 1209 Taliaferro Avenue – Town of James Island (TMS #426-09-00-030).
(Continued from 4/16/2024 meeting, Public Hearing held on 4/16/2024)
 2. **CASE#: BZAV-4-24-037** Variance request for encroachment into the 15' required OCRM Critical Line Buffer for the placement of a pool filter backwash tank, and concrete decking, for community pool improvements in the Fort Johnson Estates neighborhood at 400 Trapier Drive – Town of James Island (TMS #454-08-00-071).
 3. **CASE #BZAS-3-24-029** Special Exception request for a fast-food use (Dutch Bros Coffee) on a vacant lot in the Community Commercial (CC) Zoning District and in the Commercial Core of the Folly Road Corridor Overlay (FRC-O) Zoning District at 890 Folly Road – Town of James Island (TMS #425-06-00-101). *(Continued from 4/16/2024 meeting)*
Click the below link for TIA Update referenced in application:

4. **CASE #BZAV-4-24-038** Variance Request for the construction of a double-drive thru for a proposed fast-food use (Dutch Bros Coffee) in the Community Commercial (CC) Zoning District and in the Commercial Core of the Folly Road Corridor Overlay (FRC-O) Zoning District at 890 Folly Road – Town of James Island (TMS #425-06-00-101).

IX. VOTE FOR CHAIR AND VICE CHAIR

X. ADDITIONAL BUSINESS:

1. Next Meeting Date: June 18th, 2024.

XI. ADJOURN

*Full packet available for public review on website, and Monday through Friday during normal business hours.

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF APRIL 16, 2024

The Board of Zoning Appeals (BZA) held its regularly scheduled meeting on Tuesday, April 16, 2024 at 5:04 p.m. at the James Island Town Hall, 1122 Dills Bluff Road, James Island, SC.

Comm’rs present: David Savage, Vice Chair (Acting as Chair), Joshua Hayes, Roy Smith, and Massey Yannitelli. Absent: Comm’r Amy Fabri (gave notice). Also: Kristen Crane, Planning Director, Flannery Wood, Planner II, Attorney Brian Quisenberry, and Frances Simmons, Town Clerk and Secretary to the BZA.

Call to Order: Chair Savage called the meeting to order and asked everyone to silence their phones. The Pledge of Allegiance followed.

Compliance with the Freedom of Information Act: Chair Savage stated that this hearing is held in compliance with the SC Freedom of Information Act. The applicant, property owners within 300 feet of the application, and parties of interest were duly informed of the hearing and it was also live-streamed on the Town’s website.

Introductions: Chair Savage introduced himself, members of the BZA, the BZA Attorney, and staff. He also recognized Mayor Brook Lyon and Town Administrator Michael Hemmer in attendance.

Review Summary (Minutes) from the March 19, 2024 BZA Meeting: A motion to approve the minutes of March 19, 2024, was made by Comm’r Yannitelli, seconded by Comm’r Hayes and passed unanimously. Chair Savage announced that all case rulings and minutes from BZA hearings are available for public review and inspection during normal business hours at the Town Hall.

Brief the Public on the Procedures of the BZA: Chair Savage explained the purpose of the BZA as a quasi-judicial Board 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. Chair Savage announced that three letters were received: two (2) in opposition to the Special Exception, and one (1) in opposition to the Variance. Attached for the record.

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

Review of the Following Applications: Chair Savage gave an overview of how tonight’s cases would be conducted. Following the explanation, he brought forth a request to amend the agenda as the applicant for Case #BZAS-3-24-029, the Special Exception Request for a Fast Food Use, (Dutch Bros Coffee) has requested the case be deferred tonight. The applicant’s attorney, Nicole Scott, with Maynard Nexsen, confirmed the request is to defer.

Chair Savage called for a motion to amend the agenda to defer the case. Comm’r Smith moved, seconded by Comm’r Yannitelli. No discussion.

Vote
Comm’r Hayes Aye
Comm’r Smith Aye

Comm'r Yannitelli Aye
Chair Savage Aye
Passed Unanimously

Chair Savage announced that the application for the Special Exception would not be heard tonight and anyone attending to hear that case could leave.

Case #BZAV-3-24-036: Variance Request for the removal of a grand tree (52" DBH Live Oak) in the Low-Density Suburban Residential (RSL)n Zoning District in the front yard of 1209 Taliaferro Avenue, Town of James Island (TMS #426-09-00-030: Chair Savage introduced the case and stated that the application must meet all criteria that is outlined in the Town's Ordinance.

Staff Review: Planning Director, Kristen Crane presented the staff's review and the findings of facts. She reported that the applicants, Thomas and Blanca Marcinko are requesting a variance for the removal of a grand tree (52" DBH Live Oak) in the Low-Density Suburban Residential (RSL) Zoning District in the front yard of 1209 Taliaferro Avenue (TMS #426-09-00-030). Adjacent properties to the north, east, south, and west are also in the RSL 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 and the City of Charleston.

Town of James Island Zoning and Land Development Regulations, §153.335 (E) (2) TREE PROTECTION AND PRESERVATION states trees that do not meet the criteria may be removed only when approved by the Board of Zoning Appeals and shall be replaced according to a schedule determined by the Zoning Administrator.

The subject property is 0.39 acres in size and has one single-family residence that was constructed in 1965, according to Charleston County records. The current property owners purchased the property in March of 2015. Charleston County Building Services issued a Building Permit in March of 2021 for "Foundation/Crawl Space Repair". There are currently 4 grand trees in the front yard of the parcel. One 32.5"+27" DBH Live Oak, located at the front right corner of the home, was permitted for removal due to disease in September of 2023. The 52" DBH live oak that is the subject of this request is in the center of the front yard, approximately 10' from the home. The applicant states in their letter of intent "*We are only asking this to try and prevent any further damage to the greatest investment our family has*". 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 as there are currently four grand live oak trees located in the front yard of the parcel.**

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

Response: These conditions may generally apply to other properties in the vicinity as most properties in the area have grand trees of a similar size and species. However, the location of grand trees and their proximity to the homes on surrounding lots varies by parcel.

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: According to Charleston County records, the single-family home was constructed in 1965 and purchased by the applicants in 2015. Therefore, the application of this Ordinance to the particular piece of property may not restrict the utilization of the property as a residence due to the pre-existing location and age of both the home and the tree.

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: Although Ordinance Section 153.334 Tree Protection and Preservation states that “trees are an essential natural resource, an invaluable economic resource, and a priceless aesthetic resource”, the authorization of this variance may not be of substantial detriment to the adjacent property or the public good as the applicant plans to retain two other grand live oak trees in the front yard.

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 age of both the home and the tree. Additionally, the applicant’s letter of intent states that they “have had a structural engineer to the house multiple times and he has concluded that the tree roots have and are continuing to raise the house off its pier.”

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

Response: The Natural Resources Element of the Comprehensive Plan has a Goal to “protect, preserve and enhance the natural environment”. Furthermore, Section 153.334 Tree Protection and Preservation states that “the tree protection and preservation regulations of this section are intended to enhance the health, safety, and welfare of the citizens of the town.” However, exceptions for removal are made where trees are diseased, dead, dying, pose a safety hazard or removal has been approved by the Board of Zoning Appeals.

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-3-24-036 (variance request for the removal of a grand 52” DBH Live Oak tree in the Low-Density Suburban Residential Zoning District in the front yard of 1209 Taliaferro Avenue) 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/owner shall mitigate the removal of the subject grand tree by submitting a mitigation plan to the Zoning Administrator, as described in 153.334 (E)(2) of the Ordinance, which includes inch-per-inch replacement.
2. The applicant/owner shall provide documentation that the remaining grand trees on the subject parcel have been treated and cared for as recommended by a Certified Arborist, to mitigate and prevent any potential spreading of disease/fungus.
3. Any future significant pruning to grand trees on site must adhere to Section 153.334 of the Ordinance, including obtaining proper zoning permits for excess canopy (limb) removal.

Questions for Staff:

Comm’r Yannitelli asked about tree replacement options and mitigation procedures. Ms. Crane said the staff works with applicants on a case-by-case basis for them to either replant a tree on their property or make a donation to the Town’s Tree Fund; or a mixture of both. She said it is up to the applicant to obtain quotes from nurseries for inch-by-inch cost replacement. Comm’r Yannitelli asked if the applicant would have to plant a small live oak tree on the property and Ms. Crane replied a 52” is what the ordinance states or they could donate the cost to the Tree Fund. Comm’r Yannitelli asked what that cost would be and Ms. Crane said we ask for three (3) quotes at market value. Comm’r Yannitelli said he did not see pictures of underneath the house. Ms. Crane replied not seeing that either but typically it is included in the engineer’s report. Comm’r Yannitelli made reference to the house being lifted off its pier and is on a crawl space rather than slab. Ms. Crane said the only pictures she has seen were those submitted by the applicant.

Chair Savage followed up with Comm’r Yannitelli ‘s questions stated looking at the engineering report and in reading it did not see, to a reasonable degree of engineering certainty, that the house is being lifted off of its pier. He said Comm’r Yannitelli established that it is on a crawl space opposed to a slab and asked Ms. Crane if that was correct. Ms. Crane answered yes, and mentioned a part of the home on the right side that is on slab, but the part they are concerned about is on a crawl space.

Chair Savage said in following up with Comm’r Yannitelli’ s questions, there were no pictures documenting or supporting the opinion that the tree is lifting the joist beam off of the pier. Ms. Crane answered that she has not seen any pictures. He asked if that was normal for what she has seen in the past in engineering reports. Ms. Crane stated typically they see pictures in support of a report.

Chair Savage recalled that Ms. Crane mentioned that a portion of the house is on slab and asked if that was the portion that had foundation repairs in 2021. She answered her understanding that is the portion. Chair Savage asked if she ever went back and looked at applications to see what they were for or the reason it stated by the homeowner for that work. Ms. Crane acknowledged having a copy of the building permit and

it was presented to the Board. She said it appears that the building permit shows the foundation work being done on the slab portion in the rear of the home and in the building permit report it states that the applicant stated that he was worried about cracks in the brick. The permit did not say any more than that; it was from a different foundation company.

Comm'r Smith asked Ms. Crane if she has often seen recommendations for alternatives. Ms. Crane said yes. The Charleston County Arborist recommended a root barrier and root trimming. She had an email from the arborist and offered to present it to the Board. She said that he was a private arborist before going to work for the County and has had success with root pruning and root barrier to mitigate vs. taking a tree down.

Chair Savage stated for clarification that the 2021 foundation that was done on the back of the house, that the Board could agree had nothing to do with this tree. Ms. Crane said that is how she understood it. She said there is another tree on the right of the house that she asked about the foundation repair; and thought it was attributed to the tree with the fungus where there is a permit to remove. Chair Savage asked if the answer that she gave in response to Comm'r Smith's question about the arborist's viability of root pruning was brought up to address the statement of the applicant's arborist that said it could not be done. She answered yes. Chair Savage asked if there is competing opinions by the arborists and Ms. Crane answered yes.

Chair Savage asked for a motion to enter the email from Kyle Foster (Charleston County Planning and Zoning) into the record. Comm'r Smith moved, seconded by Chair Savage. There was no discussion or opposition. Approved unanimously.

Comm'r Smith asked Ms. Crane when she sees structural reports, does she often see if structural alternatives are provided; or has she ever seen structural alternatives provided and she said no.

Applicant Presentation:

Thomas Marcinko
1209 Taliaferro Avenue

Mr. Marcinko said a lot of what Ms. Crane stated is factual. The home was purchased in 2015 and they immediately had work done to the trees and sidewalk requested by insurance company before they would insure the home. He said that was in 2015 and the sidewalk is completely blown out again. The structural engineer does not have a picture of underneath the house, but he knows for a fact that they were under there and his letter references a bulge going through into the living room/dining room of the home. They have pictures of the cracks of the interior and exterior of the walls. He said the arborist provided a letter and made no uncertain term that this is not a viable alternative. He said the only thing that he would disagree with Ms. Crane's presentation was what she was told by Charleston County because that is where they started the process and were ultimately told that they had to get permits through the Town of James Island. He said the arborist did not want to do it by no uncertain terms, but they provided the information that was needed in order to get it approved. He feels what they have done from the "get-go" is to provide what was requested to get the tree removed. They cannot afford to rebuild their porch every eight years and the structural engineer clearly shows the difference in the bricks from the exterior of their home vs. the front of the porch. He said there is a difference in the concrete and the joint where the porch was rebuilt prior to them owning the home. He thinks they lost the bottom steps to the porch because the sidewalk was repoured so many times on a continual higher level and this is continuous problem that will not go away. He said a tree of this size, from multiple people in the arborist field they've talked to, said in order to put in a root barrier that would be effective on the tree, that it would literally the width of their home and if those trees were disrupted and cut that close, it would not be safe through a storm. He said the tree is literally 10ft within their home and all they are trying to do is protect their home. He commented not knowing what else

to say and he provided the Board with the pictures have and the engineer's report. Mr. Marcinko said they have not done this before and doesn't know what to look for or, what he may've missed, or did not provide. What just picked up the phone and started calling the people they were asked to. They were referred to Mr. Rosen who delivered a report after many visits to their home. Mr. Marcinko said they are willing to replant if needed. They take care of the other trees in their yard as well as this one. They are not doing this because they want to because it is a very costly endeavor; but the damage that is being done to their home is far more costly and that is what they are trying to prevent.

Questions from the Board

Comm'r Yannitelli asked Mr. Marcinko if he had gotten any pricing on the root pruning and barrier. He responded that he was told by Ms. Crane to investigate the viability of that and he contacted the first tree company who recommended a certified arborist so they contacted a second arborist that had all of the credentials. That arborist came to the home and said it was not a viable option for a tree of this size and location to the home. They did not get to a price because he didn't think it would work.

Comm'r Smith asked Mr. Marcinko if he had asked Mr. Rosen if there were other structural solutions for the home to mitigate the damage to prevent further damage. Mr. Marcinko said that did not seem to be an option and this will continue to happen because of the root growing underneath the house. He said unless that is stopped it will continue to happen. Comm'r Smith asked if he was told there were no other options and Mr. Marcinko said no, he recommended that the tree be removed, and he took that as his recommendation.

Chair Savage asked if he would've used the arborist to remove the tree and Mr. Marcinko said yes, 100%. He clarified that it is not the people who wrote the letter but was someone they hired as a consultant with the certifications he thought needed to present to the Board.

Chair Savage said if the house were on a slab he would have no questions. Chair Savage gave explanation of a house on a pier. He said that you can go under the house and take pictures of the joist that is off of the pier. He said because the applicant bears the burden of proof, he wonders if he had the ability to use an iPhone to take pictures to show where the house was raised. Mr. Marcinko said he doesn't know what he would be looking for; perhaps there are more pictures but he can't answer why they were not included. He presented to the Board what he received from the engineer.

Chair Savage explained the burden of proof that is placed on the applicant and ordinances in place that protects trees that were in place when the house was purchased. As he is reading the engineer's report he documented that there is a ¼ inch difference on the floor and a picture is taken at that level. As an example he explained age of his house and could see how an issue such as this could progress. He said the Board has to determine that the applicant has met the burden of proof in all of the criteria. Chair Savage said one element of concern is why the engineer did not produce a picture of something that would be evident or easy to document. He said to Mr. Marcinko's statement of having had the structural engineer to their home at multiple times to which Mr. Marcinko confirmed. Mr. Marcinko said that Cantey was the engineer for the 2021 foundation on the slab portion of the home that was caused by the other tree that was permitted. Chair Savage asked if they looked at the crawl space area and Mr. Marcinko said it was on the slab but the crack in the porch did not exist at that time. They have been watching this since August and see it grow day-by-day is why there are presenting before the Board.

Comm'r Hayes thanked Mr. Marcinko for providing a comprehensive packet. He stated as Chair Savage pointed out that his house is also on a crawl space and is something that he would want the structural engineer to identify as that could be the key to this case. It would show that something significant is happening outside of what has been provided but he cannot look at the information provided and say it is caused by a root from this tree or that tree.

Support

Amanda Simons, 1211 Taliaferro Ave. Ms. Simons is the next door neighbor to the Marcinko's. She said the tree in question was planted by her grandmother in the 1950s. Ms. Simons is a third generation and the first family to live in their home.. When they moved in the 1950's, everything were fields so her grandmother planted trees and Truluck came in the 1970's and did a harbor program. She feels guilty that the Marcinko's can't do something about the tree. She knows it will probably cost more than \$10,000 to have it removed and cannot fathom the thought of paying an inch-by-inch replacement or donating money to a tree fund. The Marcinko's should be allowed to fix their home and not repair it repeatedly. Her grandmother passed away in the 90's and cannot speak for them.

Megan DuPont, 891 Simpkins St., read the following statement into the record: My name is Mary Megan DuPont, 891 Simpkins Street. I am writing in regards to Grand Oak Tree Variance (permit for removal) at 1209 Taliaferro, by Blanca and Tommy Marcinko.

I have been Tommy and Blanca's next door neighbors for the last 9 or 10 years, maybe a little longer! They are wonderful neighbors who truly tend to care for their property. I grew up on James Island, as did my mother and her father. I'm a 14th generation Charlestonian and to say I have a fondness and love of our Grand Oaks is an understatement.

With that being said, preservation of our Grand Oaks was not being considered when our homes were being built in the 1960s. If the Marcinko variance were seeking to remove their tree for an addition to their home, it would give me pause. However, their variance request is to maintain the structural integrity of their home. Most people's homes are their biggest asset and should the home become inhabitable structurally, what are they to do? What is their recourse?

Additionally, as sewer lines are to be installed in our neighborhood in the coming years, what guarantees do any in our neighborhood have that the directional boring necessary to connect homes to the main sewer lines won't impact the trees and their roots. As much as I will miss the view from my kitchen window, I would miss my neighbors more. I urge you to grant the Marcinko's their variance.

Michele Becker, 1215 Taliaferro Ave., lives with her husband and three small children with many Grand Oak trees in their yard. They love James Island and because the neighborhood has many mature trees that that is one of their favorite features. Tommy and Blanco takes good care of their trees. Grand Oak trees take a lot of work, and as a homeowner you know this before you purchase, but the fact that the tree is damaging their home is of great concern. They have a Grand Oak tree about the same size and in proximity to their house. They did not make the connection, but they have cracks in their walls. Maybe this could be happening to other people in the neighborhood. She is in support of Tommy and Blanca's request. This is a big discussion for people on the island living in neighborhoods with mature trees that are close to their homes.

Richard Jay, 1210 Taliaferro Ave., father moved the family here in 1965. As a young boy he thought the Grand Oaks were magical, which they are. Tommy and Blanca are good neighbors and understand why the tree is a problem. He has had several diseased/damaged trees taken down that were permitted but who's to say that the next hurricane won't take one out. He said one of the problems he has is what the Town's guidelines are for getting variances. He lives in Teal Acres where the last standing woods were developed, and several Grand Oaks were clear cut, and someone had to permit that. Four large houses are being built in the last bit of woods they had in the neighborhood where 8-10 Grand Oaks had to be removed. He is sure that if the oak trees were causing a problem in one of the Board's properties, they would not have a problem with granting the variance.

Chair Savage stated that some members have served on this Board for three years. The project that Mr. Jay spoke about did not come before this Board. He recognized Mayor Brook Lyon in the audience and stated that in order to change criteria, it must be done by Town Council. The Board has to follow criteria set forth by Council. Mr. Jay asked the Board to grant the variance for the Marcinko's.

Blanca Marcinko, 1209 Taliaferro Ave., thanked Mayor Lyon for being in attendance tonight as well as her loving and supportive neighbors. She stated that when they purchased their home it was for the beauty and nature surrounding it, not realizing at the time that the beautiful Grand Oak was damaging the structural foundation of their home. Her husband has provided pictures of not only the walkway but also the brick damage that has been done repeatedly. She said for no other reason would they request a permit to remove any tree on their property unless it was a detriment to their home and lifesavings. She thanked the Board and greatly appreciates their consideration as if it were their home and property.

Opposition: None

Rebuttal: None

Chair Savage closed the Public Hearing at 5:51 p.m. and asked for a motion from the Board to approve the application with the conditions established by staff for the purpose of beginning discussion. The motion was made by Comm'r Smith, seconded by Comm'r Yannitelli and passed unanimously.

Chair Savage stated that his inclination is he wants to approve the application. He doesn't want to hold the applicant up, but the applicant may not have met their burden of proof on the issue of the house being raised by the root on the pier system. He noted that all Board members had similar concerns that are easy to document in a photo. Chair Savage said he doesn't want to deny the request because the applicants would have to wait one year before coming back to the Board. Chair Savage said a solution might be to defer and request photographs or clarifications from a structural engineer. He said those are his initial thoughts, but his concern is there may be a lack of a burden of proof. He is not holding the applicant at fault because they are not trained in what to look for.

Comm'r Yannitelli asked how a deferral would work and Chair Savage explained that the Board could subpoena witnesses and evidence for additional information; or ask the applicant to provide additional information. The Board would then take the matter up at its next meeting and determine whether the applicant met the burden of proof. He said this would give the applicant a second chance to satisfy the questions he has based upon the contents in the packet. Clarification was given to Comm'r Yannitelli that a new application would not be required if the applicant is able to produce the information requested at the next meeting.

Comm'r Smith said if the deferral is granted, he would like additional information about the ability to provide structural solutions. He is an architect and works in residential areas and spoke of the ability to save trees. He also noted that if the trees were planted in the 50s, they are probably 75 years old, and the engineer's report estimates the trees to be 200 years old. This gives him pause and wonders what is estimated and what is true.

Comm'r Yannitelli spoke about having a large tree next to his house and the damage it could cause during hurricanes and would like to approve the request. He also referred to comprehensive packet that was provided to the Board with the varying opinions. He would like to see documents provided that the root from the tree is causing the issues, however due diligence is required.

Comm'r Hayes asked for clarity that it is the root from the tree that is causing the issue. He would like to approve the request but has an obligation to the Town to do his due diligence and he does not want to punish

the applicant for doing what they were instructed to do . He would like to see whoever is hired to provide that information.

Comm'r Smith feels for the applicant and want to approve the request but is not satisfied with the report and he has a problem with "Condition C". He would like for the structural engineer to be specific about the gravity, what might happen, and what the options are. He is in favor of the deferral. He understands this is a big investment and it is difficult for him to make a decision. Chair Savage agreed that he wants to approve the request but needs more information (referred to Cond. F-C). Chair Savage reiterate giving the applicant the opportunity to supplement the engineer's report and asked Comm'r Hayes his thoughts. Comm'r Hayes said his concern is not costing the applicant additional funds to have the person come in. There is substantiating documentation that is leading him for approval and it would be nice to have the photos; however he leans towards approval.

Chair Savage asked the Board if there is a consensus to defer for 30 days to allow the applicant time to satisfy the information members of the Board that have some lingering concerns but are inclined to approve.

After discussion **Comm'r Smith moved to withdraw the original motion to approve the application with the staff's recommendation; Comm'r Yannitelli withdrew his second.** There was no discussion.

Vote

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

Motion approved unanimously

Chair Savage moved to defer Case #BZAV-3-24-036: Variance request for the removal of a grand tree (52"DBH Live Oak) in the Low-Density Suburban Residential (RSL) Zoning District in the front yard of 1209 Taliaferro Avenue – Town of James Island (TMS# 426-09-00-030) to the next hearing for the purpose of allowing the applicant to obtain additional information, either in the form of photographs supporting the opinion of the structural engineer that the tree is lifting the beam or joist off the piers, or in the alternative, some photographs. The basis is that the Board does not believe the applicant, through no fault of his own, has met the burden of proof for Condition 4-C in the Criteria to grant due to the ambiguity of the engineer's report, the lack of a photographs, and upon the staff's recitation of the history of the project. Comm'r Smith seconded the motion.

Chair Savage restated the **motion is to defer to the next hearing to allow the applicant to either provide clarification in the engineer's report and/or photographs that he can supplement his earlier presentation on the issue that the Board is having questions about that being 4-C of the variance criteria.**

Vote

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

Motion approved unanimously

The decision of the Board was to defer the matter (not deny) for 30 days to allow the applicant opportunity to supplement his submission, particularly in the engineer's report as it states in conclusion that the tree is

raising the house off of its piers and/or the submission of photographs which might further support that contention so this BZA can reconsider the matter within 30 days.

**Another justification is the Board did not want to deny the application because it would prejudice the applicant by postponing any subsequent action for at least one year.*

The applicant will be advised that the final decision will be mailed to them within ten (10) business days and should contact the Planning and Zoning staff about questions regarding the deferral. Chair Savage informed the applicant that they did not have to wait the ten days if they could provide the information sooner and the Board will take up the case in 30 days.

Additional Business:

Vote for Chair and Vice Chair: Comm'r Savage made a motion to delay the vote until the next meeting for Comm'r Fabri to be present. Comm'r Smith seconded. Passed unanimously.

Next Meeting:

The next meeting will be held on Tuesday, May 21, 2024 at 5:00 p.m.

Adjournment:

There being no further business to come before the body, the meeting was adjourned at 6:10 p.m.

Respectfully submitted:

Frances Simmons
Town Clerk and Secretary to the BZA

Variance Application

Town of James Island Board of Zoning Appeals

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



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

- 1) Completed Variance application signed by the current property owner(s).
- 2) Copy of **Current Recorded Deed** to the property (Owner's signature must match documentation). If the applicant is not the owner of the property, the **Current Property Owner(s)** must sign and print the **Designation of Agent** found below.
- 3) **Restrictive Covenants & Posted Notice Affidavit(s)** signed by the applicant or current property owner(s).
- 4) A **letter of intent** signed by the applicant or property owner(s) stating the reason for the request that explains why this request should be granted and how it meets the Approval Criteria of §153.049 F. All proposed Variances, except single family, shall satisfy the Site Plan Review process and attend at least one Site Plan Review meeting prior to submitting this application.
- 5) An accurate, legible **Site Plan drawn to Engineers Scale** must be attached. The site plan must show property dimensions, dimensions and locations of all existing and proposed structures and improvements, parking areas, Grand trees(24" DBH or greater, Pine, Sweetgum, SC Invasive Pest Trees are exempt), wetlands(properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on site plan or plat), holding basins and buffers when applicable.
One 24 x 36 copy & fifteen (15) 11 x 17 copies.
- 6) Copy of a legible **Approved and Recorded Plat** showing present boundaries of property.
- 7) **Fee \$250** check made out to "Town of James Island". Grand tree variances add \$50 each additional tree

Applicant Name: Thomas L. Marcinko / Blanca S. Marcinko

Mailing Address: 1209 Taliaferro Ave.

City, State, Zip Code: CHS, SC 29412 Daytime Phone: 843.367.8080

Email Address: thomasmarcinko@gmail.com

Subject Property Address: same

Present Use of Property: Primary residence

Variance Description: Grand tree Removal

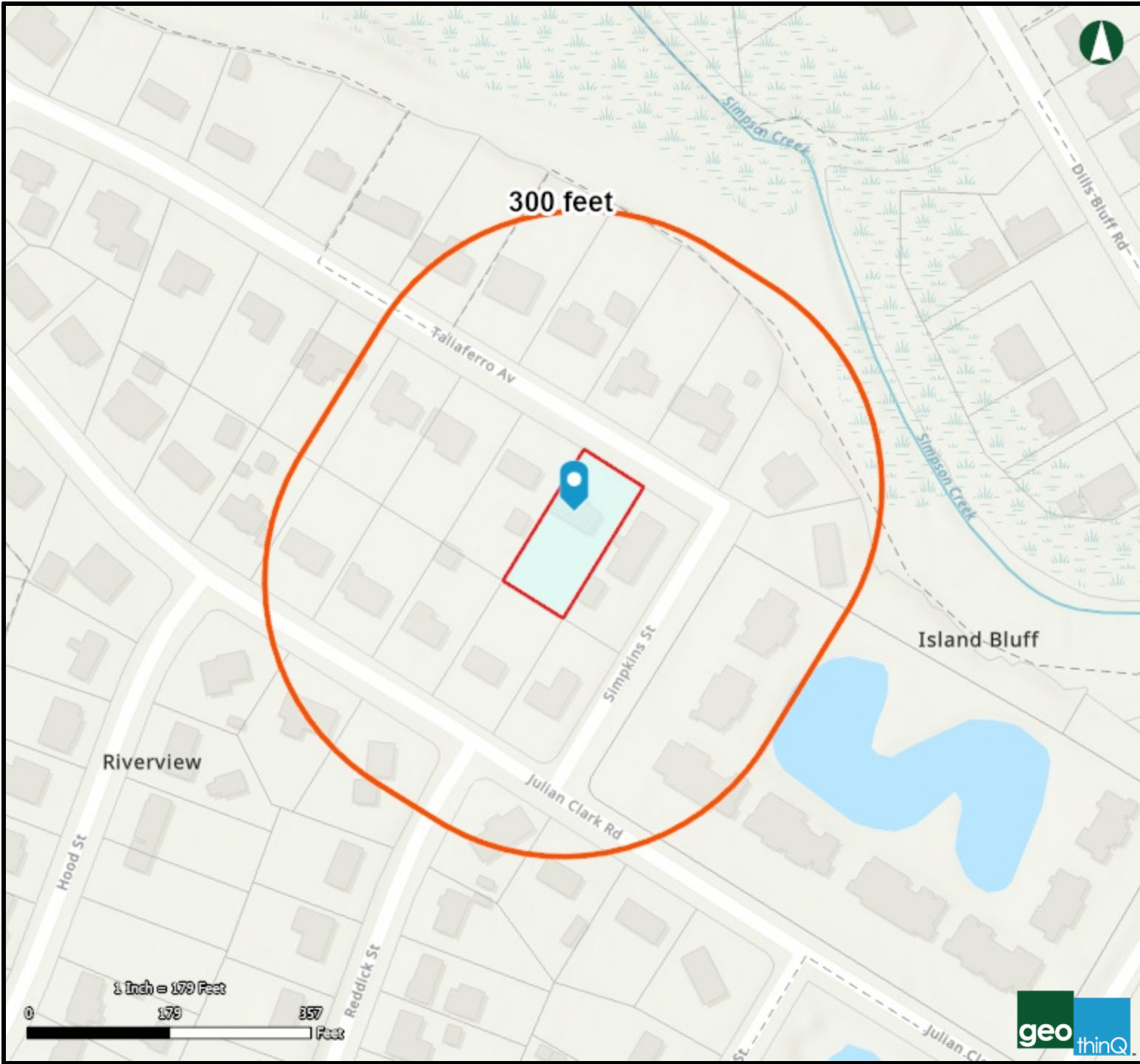
Applicant Signature: *Blanca S. Marcinko* Date: 03.10.24
03/12/24

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 #: _____	Flood Zone: _____
Zoning District: _____	Fee Paid (\$250): <u>CK# 1664</u>
Date Filed: _____	Zoning Officer: _____
TMS#: _____	



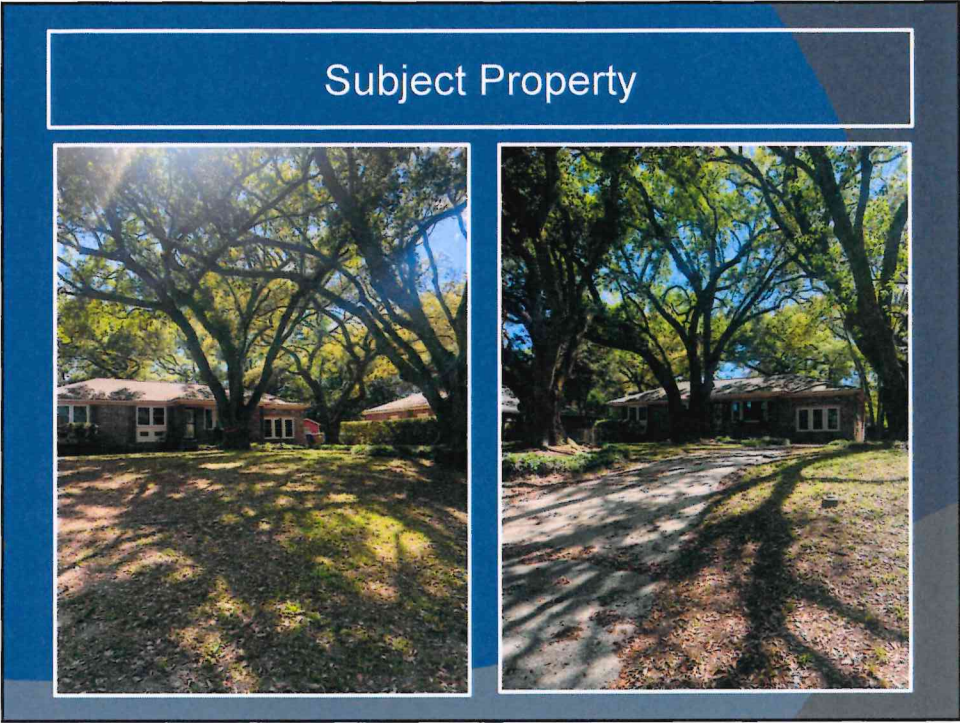
Town of James Island
South Carolina



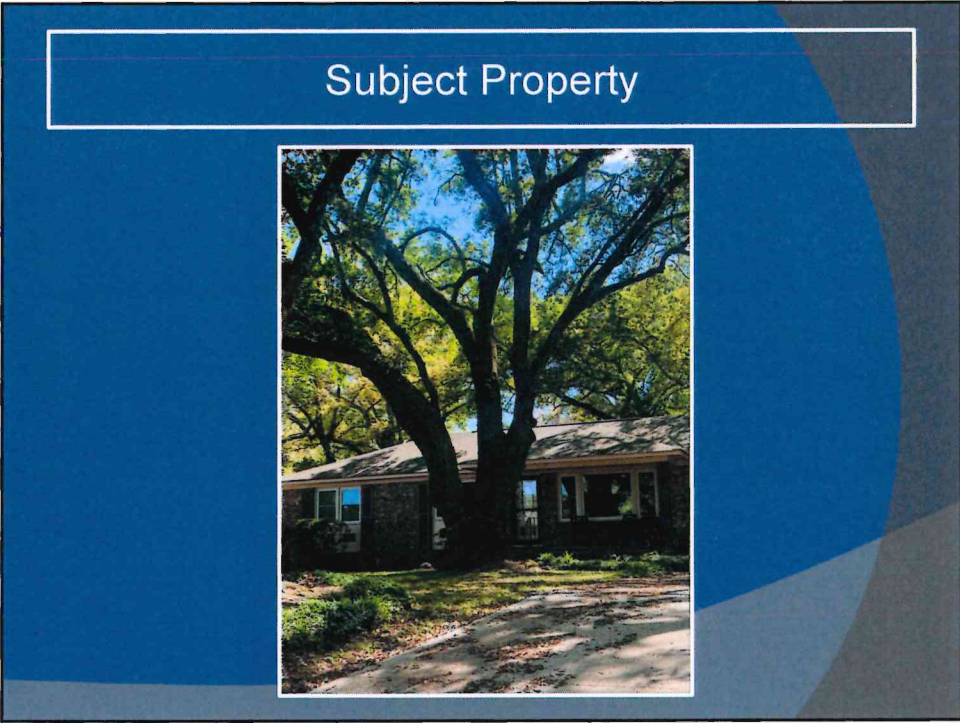
Radius Map

1209 Taliadro Avenue
03/26/2024





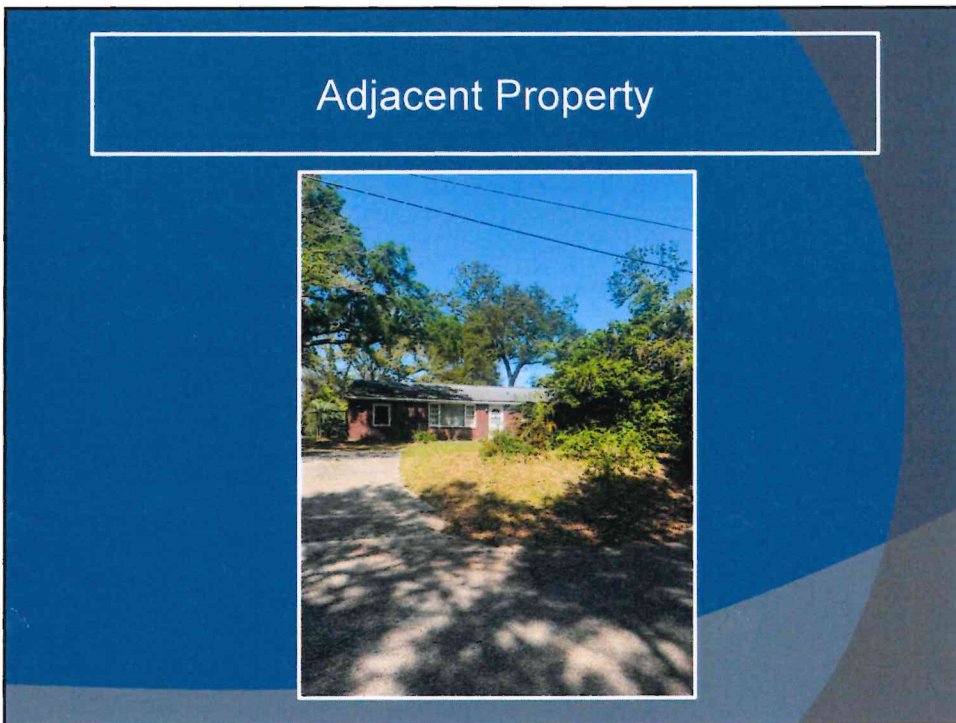
6



7



8



9



10

Staff Review:

The applicants, Thomas and Blanca Marcinko are requesting a variance for the removal of a grand tree (52" DBH Live Oak) in the Low-Density Suburban Residential (RSL) Zoning District in the front yard of 1209 Taliaferro Avenue (TMS #426-09-00-030). Adjacent properties to the north, east, south, and west are also in the RSL 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 and the City of Charleston.

Town of James Island Zoning and Land Development Regulations, §153.335 (E) (2) TREE PROTECTION AND PRESERVATION states trees that do not meet the criteria may be removed only when approved by the Board of Zoning Appeals and shall be replaced according to a schedule determined by the Zoning Administrator.

The subject property is 0.39 acres in size and has one single-family residence that was constructed in 1965, according to Charleston County records. The current property owners purchased the property in March of 2015. Charleston County Building Services issued a Building Permit in March of 2021 for "Foundation/Crawl Space Repair". There are currently 4 grand trees in the front yard of the parcel. One 32.5"+27" DBH Live Oak, located at the front right corner of the home, was permitted for removal due to disease in September of 2023. The 52" DBH live oak that is the subject of this request is in the center of the front yard, approximately 10' from the home. The applicant states in their letter of intent "We are only asking this to try and prevent any further damage to the greatest investment our family has". 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 as there are currently four grand live oak trees located in the front yard of the parcel.

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

Response: These conditions may generally apply to other properties in the vicinity as most properties in the area have grand trees of a similar size and species. However, the location of grand trees and their proximity to the homes on surrounding lots varies by parcel.

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: According to Charleston County records, the single-family home was constructed in 1965 and purchased by the applicants in 2015. Therefore, the application of this Ordinance to the particular piece of property may not restrict the utilization of the property as a residence due to the pre-existing location and age of both the home and the tree.

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: Although Ordinance Section 153.334 Tree Protection and Preservation states that *“trees are an essential natural resource, an invaluable economic resource, and a priceless aesthetic resource”*, the authorization of this variance may not be of substantial detriment to the adjacent property or the public good as the applicant plans to retain two other grand live oak trees in the front yard.

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 age of both the home and the tree. Additionally, the applicant’s letter of intent states that they *“have had a structural engineer to the house multiple times and he has concluded that the tree roots have and are continuing to raise the house off its pier.”*

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

Response: **The Natural Resources Element of the Comprehensive Plan has a Goal to “protect, preserve and enhance the natural environment”. Furthermore, Section 153.334 Tree Protection and Preservation states that “the tree protection and preservation regulations of this section are intended to enhance the health, safety, and welfare of the citizens of the town.” However, exceptions for removal are made where trees are diseased, dead, dying, pose a safety hazard or removal has been approved by the Board of Zoning Appeals.**

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-3-24-036 (variance request for the removal of a grand 52” DBH Live Oak tree in the Low-Density Suburban Residential Zoning District in the front yard of 1209 Taliaferro Avenue) 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/owner shall mitigate the removal of the subject grand tree by submitting a mitigation plan to the Zoning Administrator, as described in 153.334 (E)(2) of the Ordinance, that includes inch-per-inch replacement.
2. The applicant/owner shall provide documentation that the remaining grand trees on the subject parcel have been treated and cared for as recommended by a Certified Arborist, to mitigate and prevent any potential spreading of disease/fungus.
3. Any future significant pruning to grand trees on site must adhere to Section 153.334 of the Ordinance, including obtaining proper zoning permits for excess canopy (limb) removal.

FROM THE DESK OF

THOMAS L. MARCINKO

March 10, 2024

Town of James Island
Board of Zoning Appeals
1122 Dills Bluff Rd.
James Island, SC 29412

Dear Madame or Sir,

I am writing to request a grand tree variance for a Live Oak at 1209 Taliaferro Ave.

The tree is located approximately 10ft. from the front of our home. When we purchased the house in 2015, the insurance company required us to cut this tree back significantly due to how much it hung over the house. The sidewalk between the tree and house was also replaced at that time as the root system of the tree had grown through it. Now, not only have the roots grown through the sidewalk once again, we also have a crack through the porch and are starting to shows signs on the exterior and interior wall.

We have had a structural engineer to the house multiple times and he has concluded that the tree roots have, and are continuing to, raise the house off of it's pier. The other thing he confidently identified was the fact that the front porch has already been reconstructed at least once. Who knows how many times the sidewalk has been repoured but in his opinion, enough times that we have lost the bottom step.

We have also had a certified arborist come to the house to see if a root prune and barrier might be the solution. As you will see in his letter, the extent to which they would need to dig, and how close it would be to the tree, would cause an almost certain risk of failure to the tree in a high wind situation. It would also see an immediate decline in vitality.

We love our trees, and we also love our home. We are only asking this to try and prevent any further damage to the greatest invest our family has. Thank you in advance for your time and consideration.

Sincerely yours,



Thomas L. Marcinko

1209 TALIAFERRO AVE, CHARLESTON, SC 25412 - 843.367.8080

ROSEN & ASSOCIATES, INC.

Consulting Engineers

65 Broad Street

Charleston, SC 29401

(843) 882-7623

Email: RRosen@RosenOnLine.com

January 16, 2024

Town of James Island

Zoning Appeals Board

In re: 1209 Taliaferro - Tree

Gentlemen,

Reference is made to our earlier correspondence in re the removal of the tree at the front of 1209 Taliaferro.

General

The tree is a mature Live Oak tree. It is approximately 10' from the front porch of the home.

We estimate that the home was built in the 1960s.

The age of the tree is estimated to be 200 years.

The tree has been aggressively trimmed at some time in the past.

Conditions

There is a walkway between the tree and the house from the driveway to the front porch. The present homeowner replaced the walkway 8 years ago. The walkway rises from the driveway up at the tree and back down onto the steps to the front porch.

There is a crack in the walkway corresponding to the tree root development.

Our opinion is that the front porch was rebuilt. The brick at the steps does not match the brick to the right of the steps. However, the brick at the steps and at the right end match.

There is a "construction" joint in the porch slab that corresponds to the change in brickwork.

There are cracks, etc. at the brick at the large front window at the porch. There are shade differences in the mortar under the window.

That the top of the walkway is flush with the brick stair tread leads me to believe that originally the walkway was one riser lower. That is, the walkway grade was originally much lower than it is today. And that the elevation change is due to changes in the dirt grade.

We found a "hump" in the floor adjacent to the front door. When checked with a straight edge, the hump appears to be a $\frac{1}{4}$ " higher than the adjacent floor.

Conclusions

Based on our observations, it is our opinion that the roots of the tree caused previous damage, requiring reconstruction of portions of the porch and adjacent front wall.

Given the crack at the walkway and the hump at the interior floor, it is our opinion that the tree root system is continuing to "raise" the nearby house.

Unless specifically mentioned in this report, this inspection does not include any evaluation for environmental concerns, indoor air quality, lead based paint or asbestos.

This inspection and report are done with the best of our experience and ability. However, we cannot be responsible for items that we may have overlooked, concealed conditions, or defects that may develop later.

We believe this report reflects the condition of the property at the time of the inspection, based on visual evidence.

The inspection and this report do not constitute a guarantee of any portion of the property and no warranty is implied.

Should you have any questions, please call.

Very truly yours,


Russell A. Rosen, P. E.

RAR/rar

C:\DOC\Taliaferro 1209





F.A. Bartlett Tree Experts Company

2285 Technical Parkway
North Charleston, South Carolina 29406

843-556-8696 Office
843-556-7581 Fax

www.Bartlett.com

1209 Taliaferro Ave.
Charleston, SC 29412

12/14/23

Re: Live Oak at front of house

To whom it may concern,

I was asked to inspect the Live Oak at the front of 1209 Taliaferro Avenue in James Island. The purpose of the inspection was to determine if we could come in and root prune the tree to mitigate the damage being caused by the root system to the foundation of the house. In order to root prune we would need to trench 5-6 feet from the base of the tree to a depth of approximately 2.5-3 feet. The trench would need to go the approximate length of the front of the house. I would not recommend or feel comfortable root pruning at this time. My concern is that the root damage would increase the risk of failure due to the close proximity to the tree and depth of pruning needed to be effective. There is a good deal of weight on the other side and even though the tree has good balance, the likelihood of failure in the event of high wind event will increase to an unacceptable level in my opinion. We would also likely see a decline in vitality due to the loss of roots.

Please feel free to contact me with any questions.

Sincerely,

Cameron Rickett
ISA Certified Arborist #SO-6583A
Tree Risk Assessment Qualified

Scientific Knowledge, Professionalism, Established Safety Practices, and Environmental Stewardship.

Bartlett Tree Experts was founded in 1907 with the mission to further the science of arboriculture and to provide scientific tree and shrub care using preventive techniques. This mission has not changed through three generations of family management.

Photos provided by Applicant



















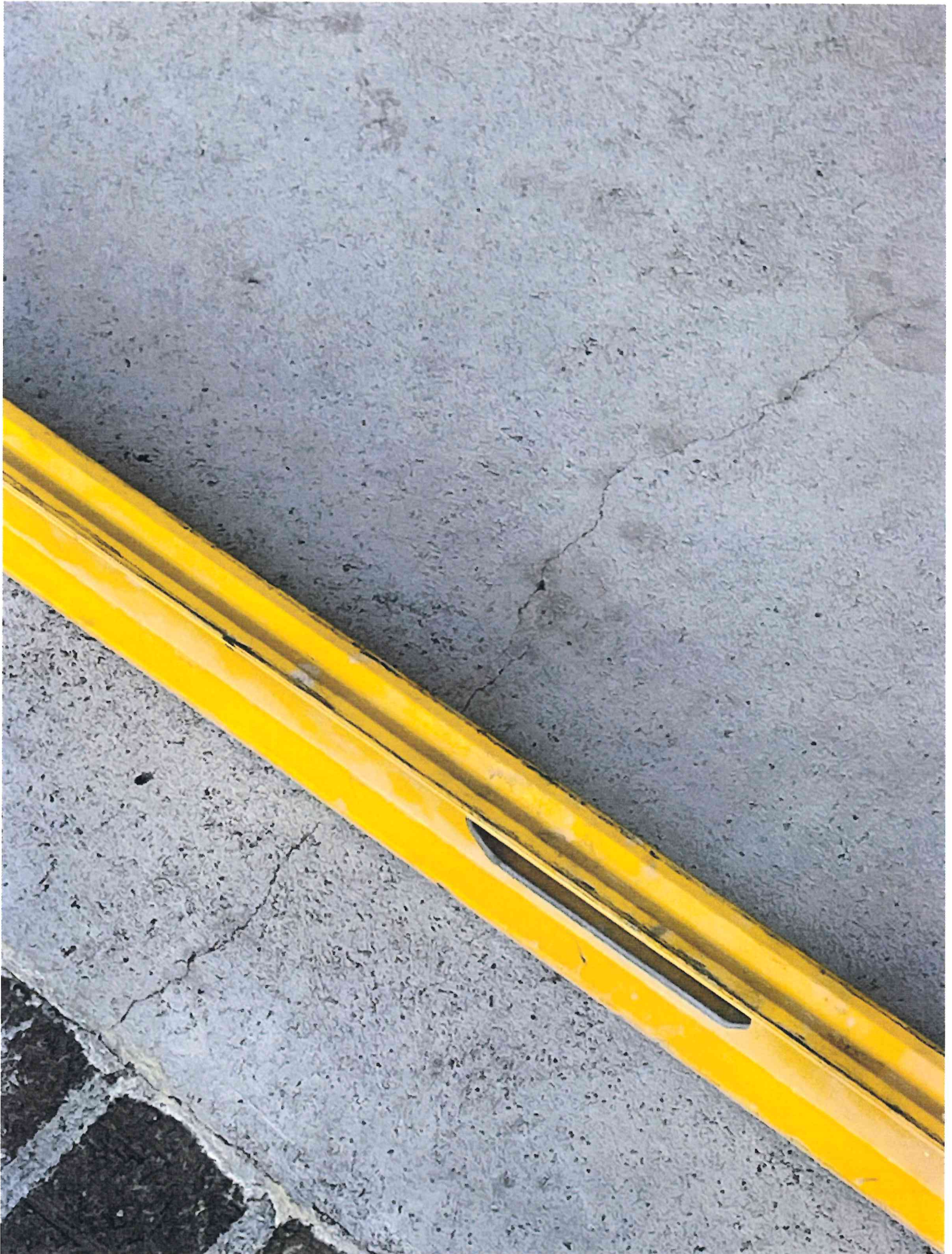






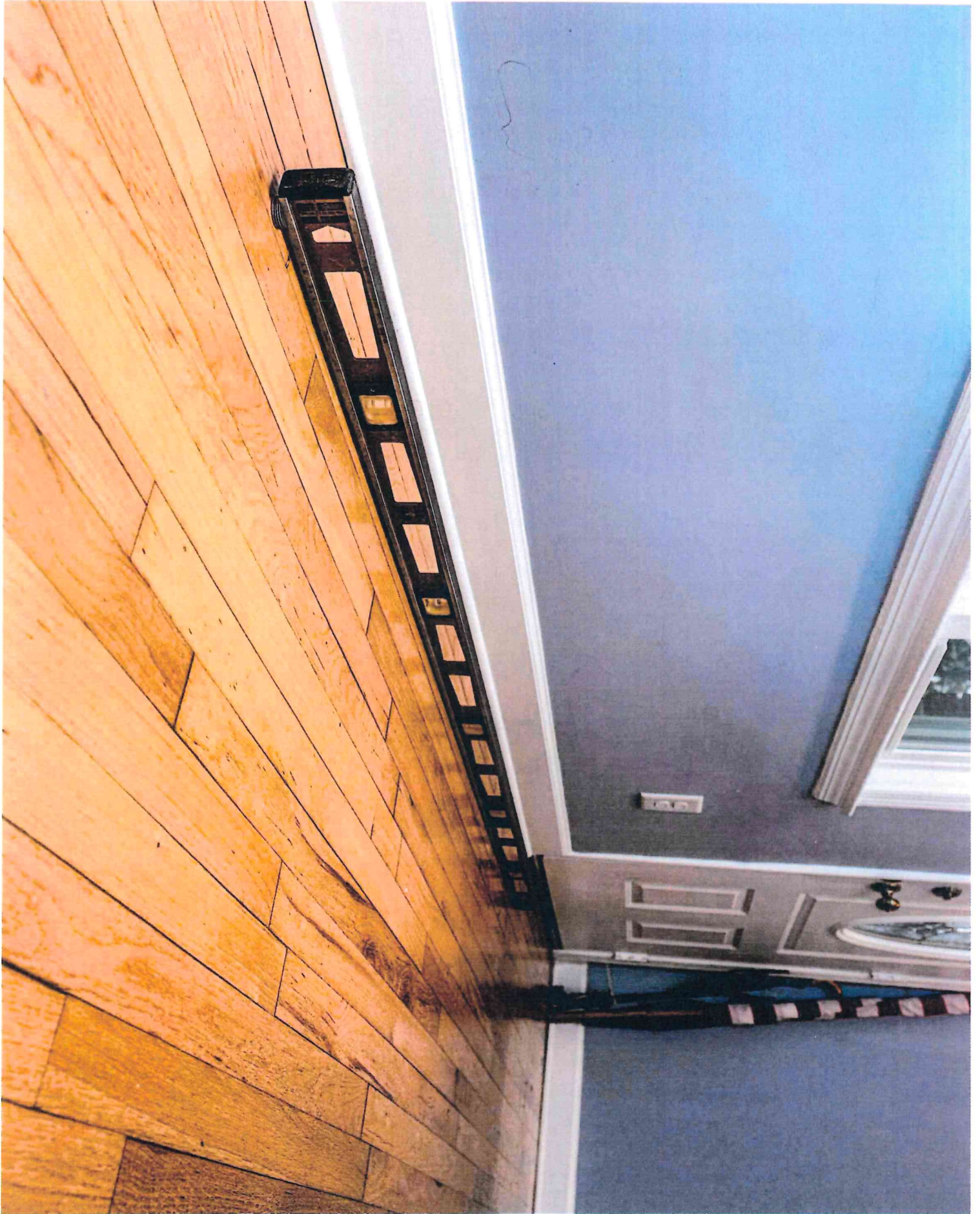






















Applicant Supplemental Information
Submitted 5/14/2024

The Charleston Arborist Company

Ary Fun

International Society of Arboriculture Certified Arborist SO-1951A

1510 Brookbank Avenue
Charleston SC 29412
843-478-8831
aryifun@thecharlestonarborist.com

May 11, 2024

Tommy Mancinko
1209 Talleferro Avenue
James Island SC 29412

Dear Mr Mancinko,

This is an evaluation of a *Quercus virginiana* (Live oak) that is located in the front yard of 1209 Talleferro Avenue (GPS 32.73663*N, 79.94606*W). It has a DBH (diameter at breast height, 4.5') of 54", an approximate height of 65', and a width (drip line edge) of 65'. The tree is only 10' to the southeast of the house. The trees close proximity to the house has caused structural, foundation damage to the front porch and exterior wall of the house. This evaluation is to discuss the affects of the tree on removing the root or roots involved in causing the structural damage.

Critical Root Zone and Root Plate

The critical root zone is defined as the minimum area beneath a tree that consists of the sufficient root mass that is essential to the trees health and survival. The critical root zone is typically represented by a concentric circle centering on the tree's trunk with a radius equal in feet to 1.3 times the number of inches of the trunk DBH. The critical root zone for this tree is a 70.2' radius from the center of the trunk. No more than 20% of this area should be damaged or cut to maintain the health of the tree.

The root plate is the area of the root zone comprised of pedestal roots and the zone of rapid taper. These roots are the support for the vertical weight of the tree. The root plate will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one-half times the number of inches of the trunk

DBH. The root plate for this tree is a radius of 27' from the center of the trunk. Catastrophic failure of the tree could result if the area is damaged or destroyed.

There is an analogy that describes this relationship between tree, root zone and root plate. Picture a wine glass sitting on a small plate. The small plate is the critical root zone. The base of the wine glass is the root plate, where the stem and cup are the trunk and tree. Removing a portion of the small plate, the wine glass will remain stable but remove any of the glass base and the wine glass will fall.

This *Quercus virginiana* has had a house built next to and on its root plate and in its critical zone. Through the years the critical root zone has healed, regrown in different areas to adapt to the house location. The root plate does not have the option of regrowing in a different area, It has to grow at the base of the tree to support the weight of the tree. The root plate has grown to lift the front sidewalk, lift the front porch area and now begin to lift the front foundation of the house. Repairs have been done to both the sidewalk and front porch, only to continue to be damaged. A more permanent repair for the home is to completely remove the root/roots that are causing the damage. This will greatly affect the health and stability of the grand tree.

In conclusion it is my professional opinion, as an International Society of Arboriculture certified arborist, that removing any root structure within the tree's root plate will cause irreparable damage to the health and stability of the tree. The house is 10' from the trunk of the tree, that is well within the 27' area of the root plate. If the roots were to be removed to repair the house, the tree would have to respond with more growth in this area in order for the tree to remain standing. The roots can be prevented from growing under the structure but will not prevent the root plate from pushing against the structure. My recommendation would be to remove the tree if any of the the root plate has to be removed in order to repair the damaged foundation.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Ary Fun', written in a cursive style.

Ary Fun

ISA Certified Arborist SO 1951-A



April 24, 2024

Mr. Tommy Marcinko
1209 Taliaferro Ave
Charleston, SC 29412

Mr. Marcinko,

Per our discussion at your home today, I can see the evidence of the movement in the porch and sidewalk from the oak tree in the front yard. Below is an estimate of cost to repair.

Preliminary, Demo

- Permitting, preliminary costs: \$1500
- Demolition and disposal of existing pathway: \$720
- Removal of porch columns and rails, temp shoring for demo: \$580
- Demolition and disposal of existing porch brick and concrete: \$1175
- Removal of landscaping, store soil on site: \$390

Prep

Re-grade area and form slabs: \$2400

Construction

- New Porch slab - reinforced (70sf): \$1300
- New brick skirt (approx. 350 brick): \$1100
- New Concrete path – (86sf) 18” thickened edge for 50%: \$1000
- Two new porch columns: \$1200
- New handrail and grab rails (aluminum): \$1800

Cleanup/Landscape

- Re-plant area: \$670
- Clean: \$300

TOTAL COST: \$14,135

This includes all labor, materials, builder fees, etc. Total time to allow: 6-8 weeks.
Note: brick likely will not match existing. Potential damage to tree roots.

Best,

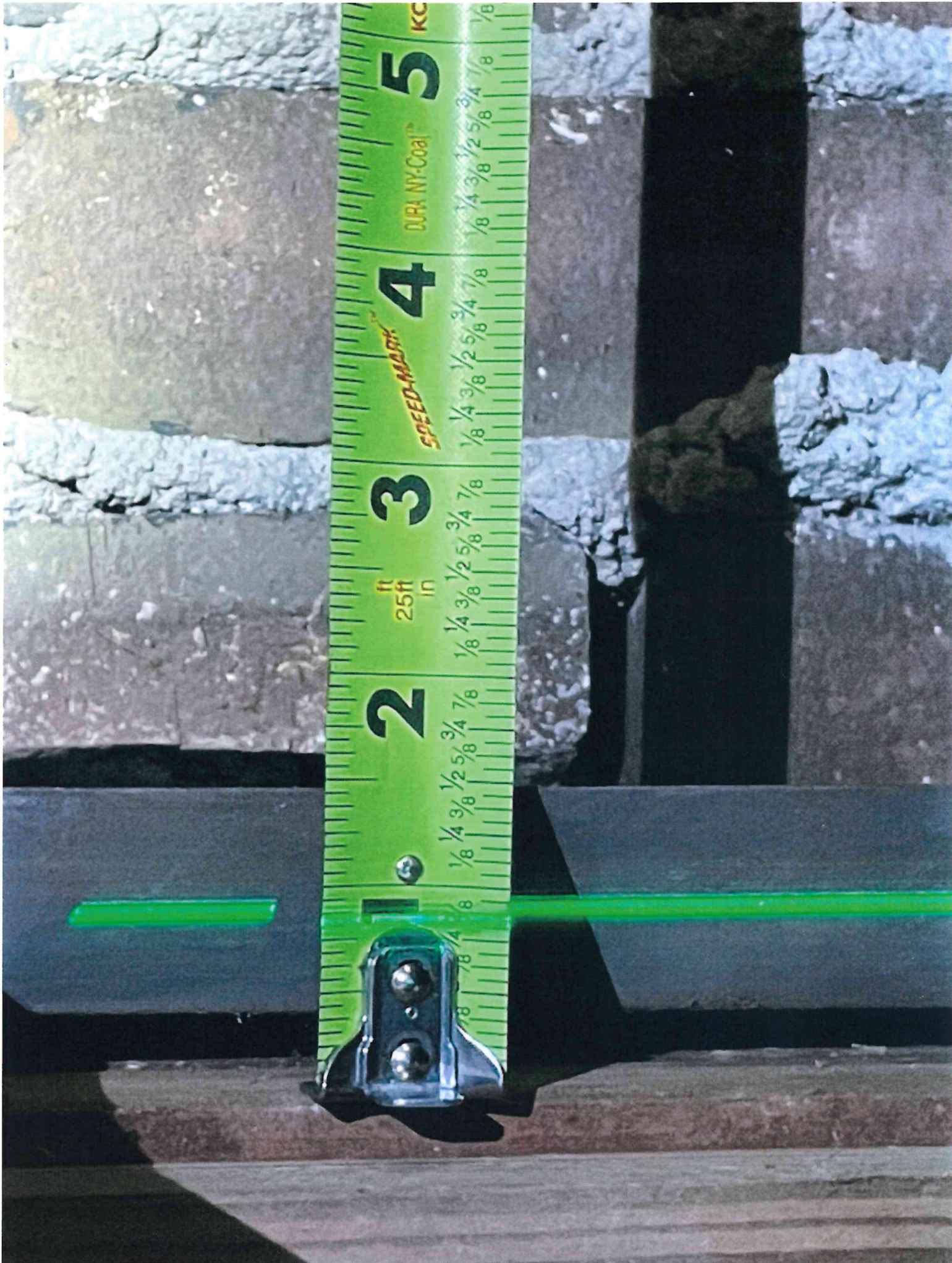
A handwritten signature in black ink, appearing to read 'Scott Koenig', written in a cursive style.

Scott Koenig
President















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: Katie Henderson for Fort Johnson Community Foundation

Mailing Address: 400 Trapier Drive

City, State, Zip Code: Charleston, SC 29412 Daytime Phone: 843-478-6961

Email Address: ktwhit98@gmail.com

Subject Property Address: 400 Trapier Drive, Charleston, SC 29412

Present Use of Property: Community pool/clubhouse

Variance Description: Encroachment into 15' OCRM buffer.

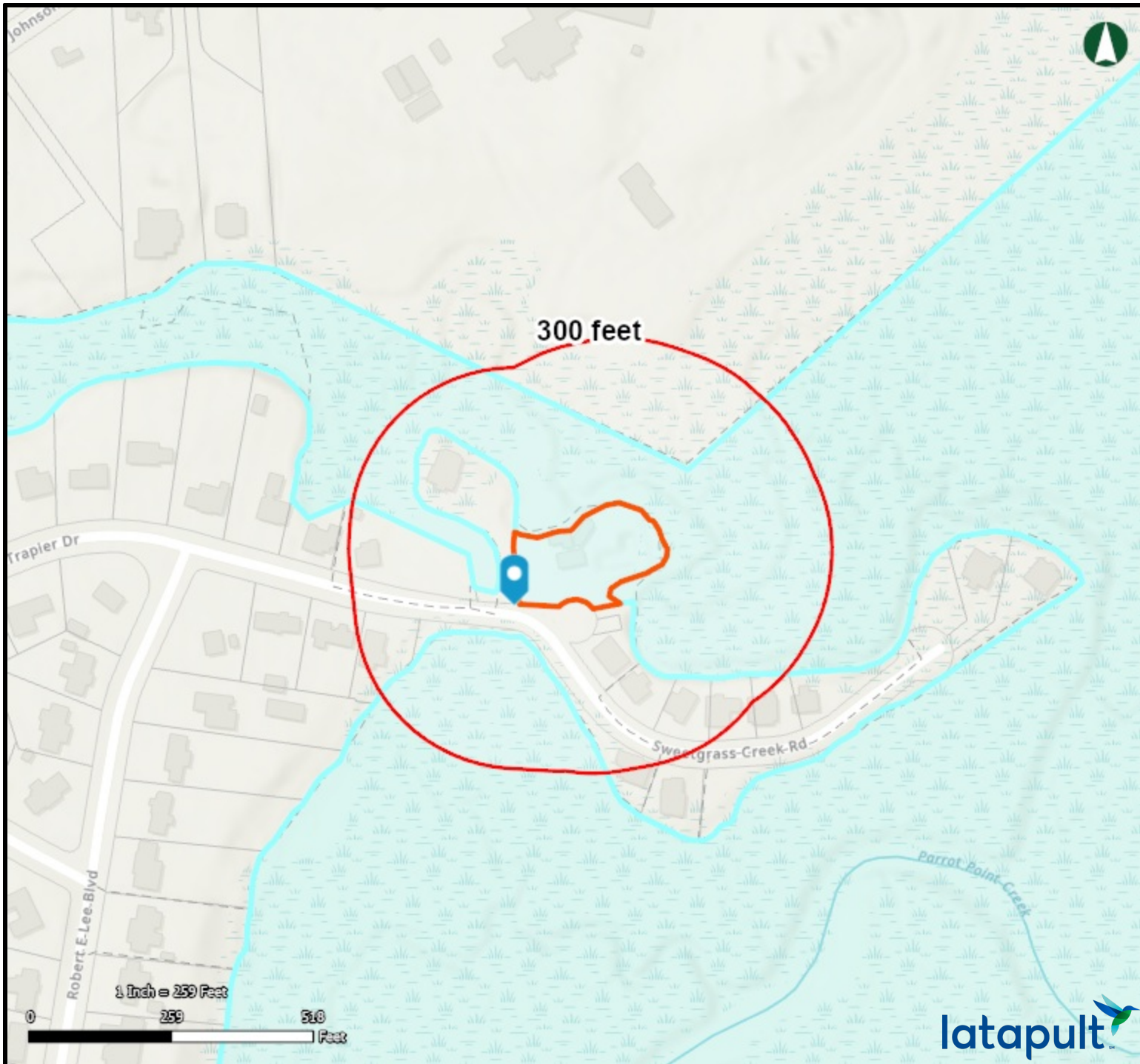
Katie Henderson 4/17/2024
Applicant Signature Date

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 #: <u>BZAV-4-24-037</u>	Flood Zone: _____
Zoning District: <u>RSL</u>	Fee Paid (\$250): <u>ck# 102</u>
Date Filed: <u>4/19/2024</u>	Zoning Officer: <u>KTC</u>
TMS#: <u>454-08-00-071</u>	



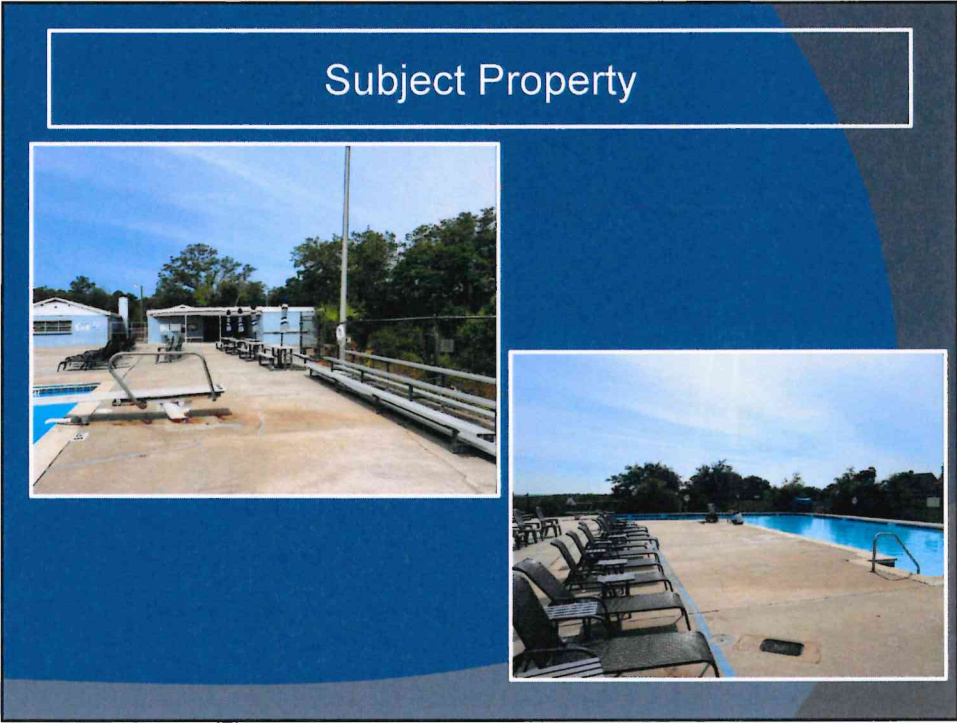
Town of James Island
South Carolina



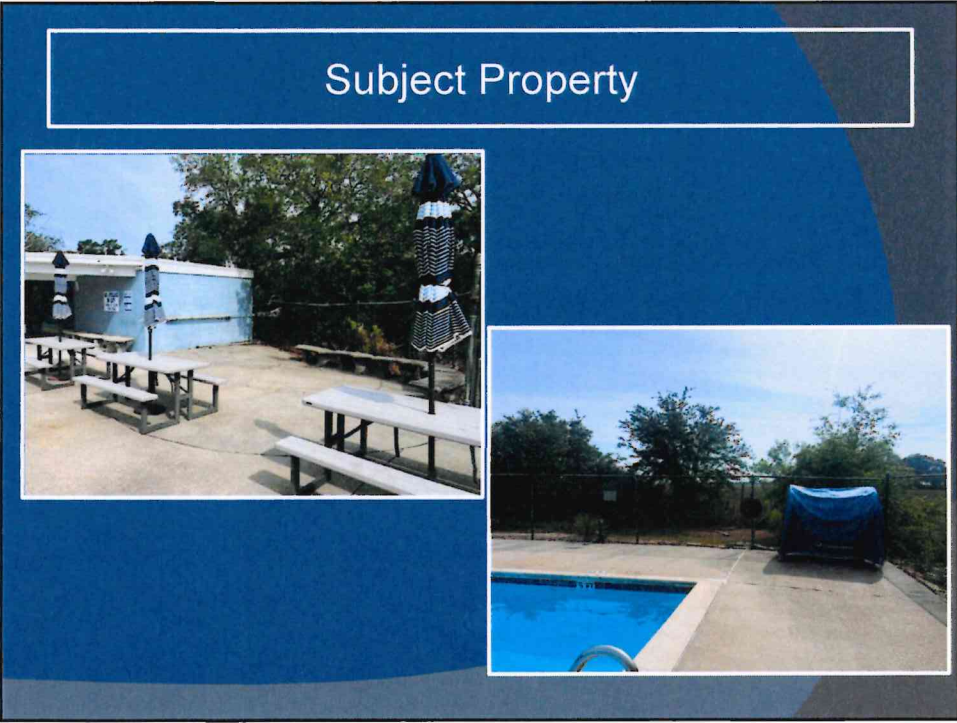
400 Trapier Drive Radius Map

Fort Johnson Estates Pool

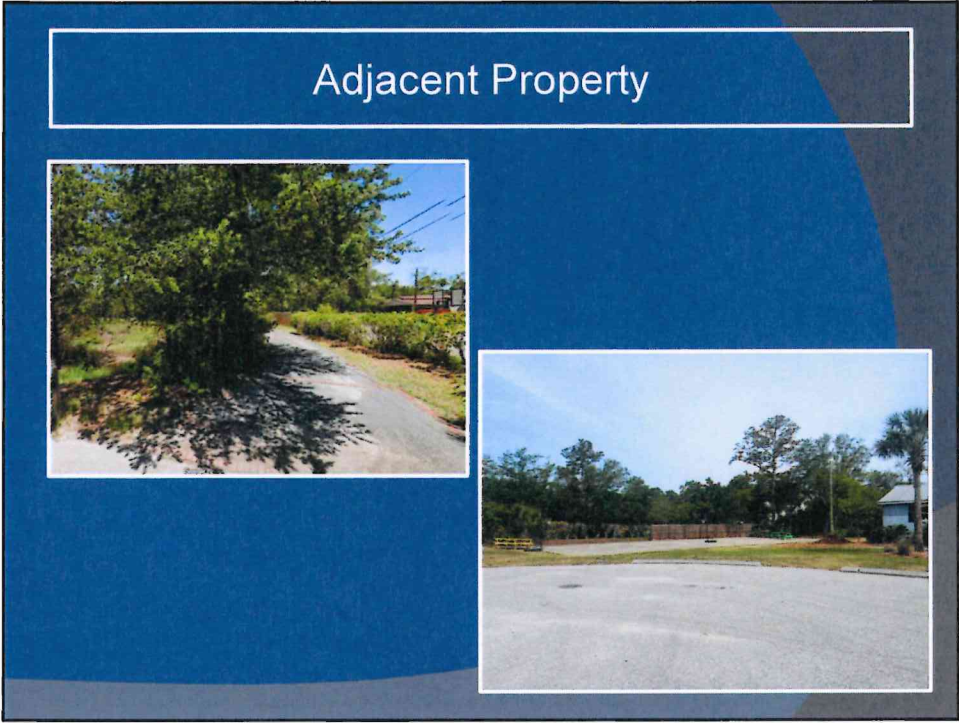




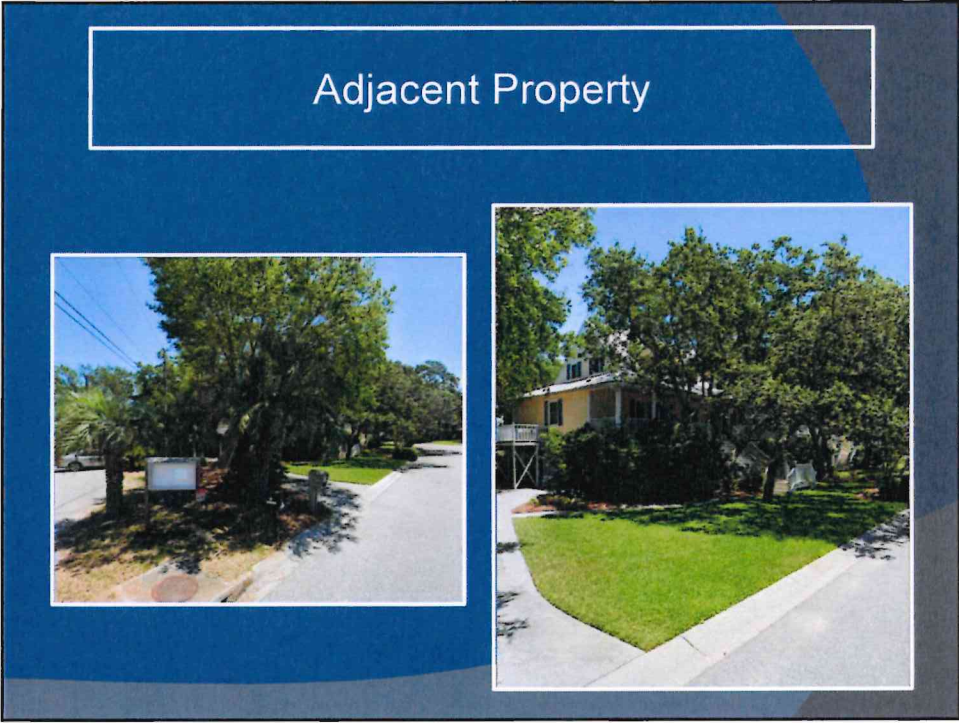
6



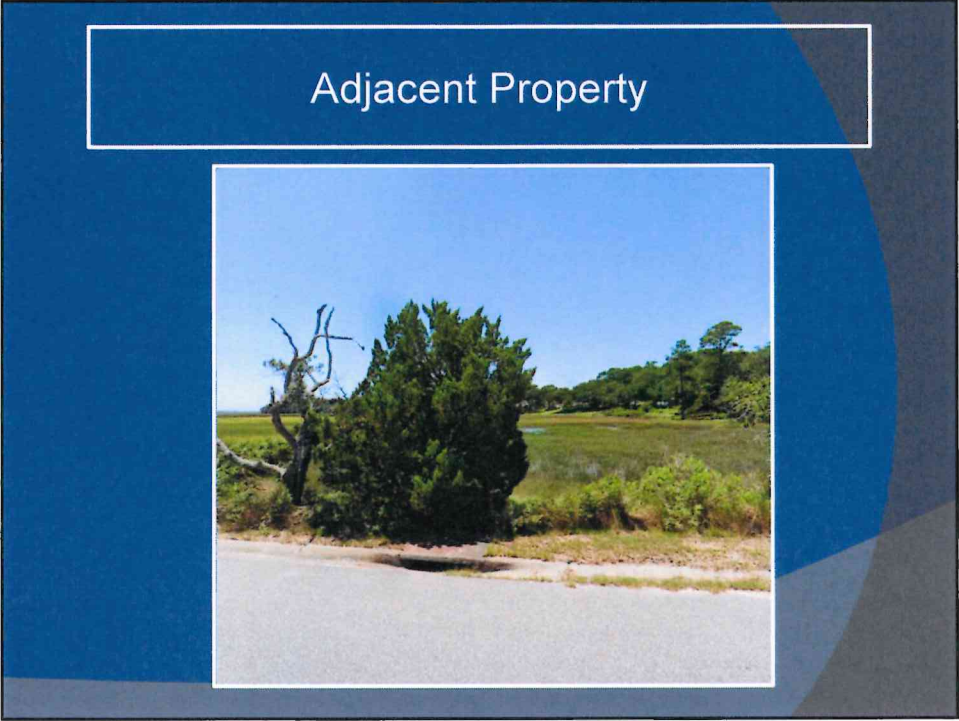
7



8



9



10

Staff Review:

The applicant, The Fort Johnson Community Foundation, is requesting a variance for encroachment into the 15' required OCRM Critical Line Buffer for the placement of a pool filter backwash tank, and concrete decking, for community pool improvements in the Fort Johnson Estates neighborhood at 400 Trapier Drive (TMS #454-08-00-071). Adjacent property to the north & east is marshland and adjacent properties to the south and west are in the Low-Density Suburban Residential Zoning District and are in the Town of James Island's jurisdiction. Other properties within 300' of the subject property include residential uses in the Town of James Island, the City of Charleston, and a James Island PSD Pump Station.

Town of James Island Zoning and Land Development Regulations, § 153.337 WETLANDS, WATERWAYS, AND OCRM CRITICAL LINE (1) (c) "reduction in any required buffer shall be made by appeal to the Board of Zoning Appeals."

The subject property is 0.83 acres in size and has a swimming pool that was constructed in the 1960s according to the applicant's letter of intent. There is also a clubhouse, restrooms, and several concrete pads/patios located on the property. The applicant states in their letter of intent that *"the addition of the surge tank will ensure the pool equipment meets current regulatory standards but also be beneficial in assuring that clean water is being discharged and significantly lessen any environmental impact from normal pool operations"*. Additionally, they state that the *"existing concrete extends well into the 15-foot buffer line and needs to be replaced following the existing pavement limits for as minimum a distance as we can to maintain a safe deck area around the pool"*. Please review the attached documents for further information regarding this request.

Findings of Fact:

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

F (a): *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

Response: **There may be extraordinary and exceptional conditions pertaining to this piece of property due to the use itself (community/neighborhood pool), combined with the use's existing location and age, along with their close proximity to the continually shifting OCRM critical line.**

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 surrounding properties do not have a community function with older facilities that were constructed prior to the current OCRM buffer requirements being in place.**

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: **Tank: According to the applicant's letter of intent the pool "is in need of refurbishment/repair to continue operations" and the addition of the surge tank will ensure "the pool equipment meets current regulatory standards". Therefore, the application of this ordinance to the piece of property may unreasonably restrict the utilization of the swimming pool on the property.**

Deck: The application of this ordinance to the piece of property may unreasonably restrict the safe utilization of the concrete pool deck. According to the letter of intent the proposed decking encroachment is "to accommodate the growing number of families who use the pool" and to "maintain a safe deck area around the pool".

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: **Tank: The applicant's letter of intent explains that "the existing pool backwash system discharges directly into the marsh" and that "the addition of a surge tank is mandated by SCDHEC as a means to contain the backwash discharge wastewater from the pool in a way that does not harm the surrounding environments nor overcome the existing public sanitary system." Therefore, the authorization of this variance may not be of substantial detriment to the adjacent property or the public good.**

Deck: The applicant explains in their letter of intent that "along the south side of the pool deck the existing concrete extends well into the 15-foot buffer line". They further indicate that the proposed decking encroachment "is for a small area in the corner where the pre-existing deck and expanded deck meet." Therefore, due to the minimal area of proposed decking encroachment, the

authorization of this variance may not be of substantial detriment to the adjacent property or to the public good.

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: **Tank: The applicant explains in their letter of intent that “As directed by SCDHEC to properly treat and discharge the water from the pool, we have no choice but to add this surge tank.” Furthermore, the applicant’s letter states that “the existing pool equipment is located just outside of the Town’s 15’ OCRM encroachment buffer with no adjacent space available without extending into the buffer” and that they are asking to place the surge tank in this location to “most efficiently tie into the water/sewer lines that are currently in place for the pool”. Therefore, the need for the variance may not be the result of the applicant’s own actions due to the age and existing location of the pool and equipment, and the shifting OCRM line.**

Deck: The need for the variance may not be the result of the applicant’s own actions due to the existing location of the pool, decking, and the shifting OCRM line.

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

Response: **The Natural Resources Element of the Comprehensive Plan has a goal to “protect, preserve and enhance the natural environment” while the purpose of the required buffers are to provide a visual, spatial, and ecological transition zone between development and the town’s saltwater wetlands and waterways and to protect water quality and wildlife habitat. Because the “existing pool backwash system discharges directly into the marsh per design standards from 1960” and the “addition of the surge tank will ensure the pool equipment meets current regulatory standards but also be beneficial in assuring that clean**

water is being discharged and significantly lessen any environmental impact from normal pool operations”, this 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-4-24-037 variance request for encroachment into the 15’ required OCRM Critical Line Buffer for the placement of a pool filter backwash tank, and concrete decking, for community pool improvements in the Fort Johnson Estates neighborhood at 400 Trapier Drive.– Town of James Island (TMS #454-08-00-071) 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. Any alteration or removal of plant life must be replaced in a manner that will not alter the existing pattern of vegetation.
2. Prior to obtaining zoning permits for any improvements, the applicant/owner shall install tree protection around grand and protected trees, as described in §153.334 of the *Ordinance*.
3. Prior to obtaining permits for improvements, the applicant/owner shall install silt fencing, as described in Chapter 51 of the *Ordinance*.

Fort Johnson Community Foundation | 400 Trapier Drive, Charleston, SC 29412

To the Town of James Island Board of Zoning,

The Fort Johnson Community Foundation seeks to be granted two (2) variances to the Town of James Island's Zoning and Land Development Regulations, *Section 153.337 Wetlands, Waterways, and OCRM Critical Line*, where a 15-foot-deep buffer is required abutting the determined OCRM Critical Line.

1. Pool Filter Backwash Surge Tank: The first variance request is for the placement of a premanufactured surge tank for pool filter backwash water from the Fort Johnson Estates swimming pool filter cleaning system. The FJE pool was originally built in the 1960s and is in need of refurbishment/repair to continue operations. The addition of the surge tank is mandated by SCDHEC as a means to contain the backwash discharge wastewater from the pool in a way that does not harm the surrounding environments nor overcome the existing public sanitary sewer system. The pool is situated along the marsh and within proximity to the OCRM critical setback line. The existing pool backwash system discharges directly into marsh per design standards from the 1960's. However, updated standards no longer allow this type of discharge, and the wastewater must be discharged to an approved stormwater or wastewater treatment system, thus discharge to the James Island PSD operated sanitary sewer wastewater system located in Trapier Drive. The PSD, in accordance with DHEC regulations, limits the rate of discharge to 20 gallons per minute. Thus, the tank is **mandatory** to store the backwash water and slowly release it to the public system at a greatly reduced flow rate. We understand the necessity to protect our waterways by adding the surge tank and water treatment processing. The proposed surge tank will be approximately 8.5' wide x 13.5' long x 10' high, with 4' buried below ground and 6' above ground.. These are nominal dimensions only as the actual tank as purchased may differ slightly to obtain the minimum required storage of 5250 gallons. As directed by SCDHEC to properly treat and discharge the water from the pool, we have no choice but to add this surge tank. The existing pool equipment is located just outside of the Town's 15' OCRM encroachment buffer with no adjacent space available without extending into to the buffer. We are asking for the variance to place the surge tank inside the Town's 15' OCRM encroachment buffer (not reaching the OCRM setback) in order to most efficiently tie into the water/sewer lines that are currently in place for the pool. Please note, at the time the pool was built, these regulations were not written and therefore untreated water was discharged into the surrounding marsh. The addition of the surge tank will not only ensure the pool equipment meets current regulatory standards but also be beneficial in assuring that clean water is being discharged and significantly lessen any environmental impact from normal pool operations.

2. Concrete Pool Deck: A second variance is requested for a smaller encroachment along the southeastern corner of the pool decking. The proposed renovation to the pool property includes an extension along the north and east sides of the pool in order to accommodate the growing number of families who use the pool. The proposed extension will stop at the 15-foot buffer line. However, along the south side of the pool deck the existing concrete extends well into the 15-foot buffer and this needs to be replaced following the existing pavement limits for as minimum a distance as we can to maintain a safe deck area around the pool. The encroachment is for a small area in the corner where the pre-existing deck and the expanded deck meet. This encroachment is limited to 4.3' x 10.6', as indicated on the attached Site Plan.

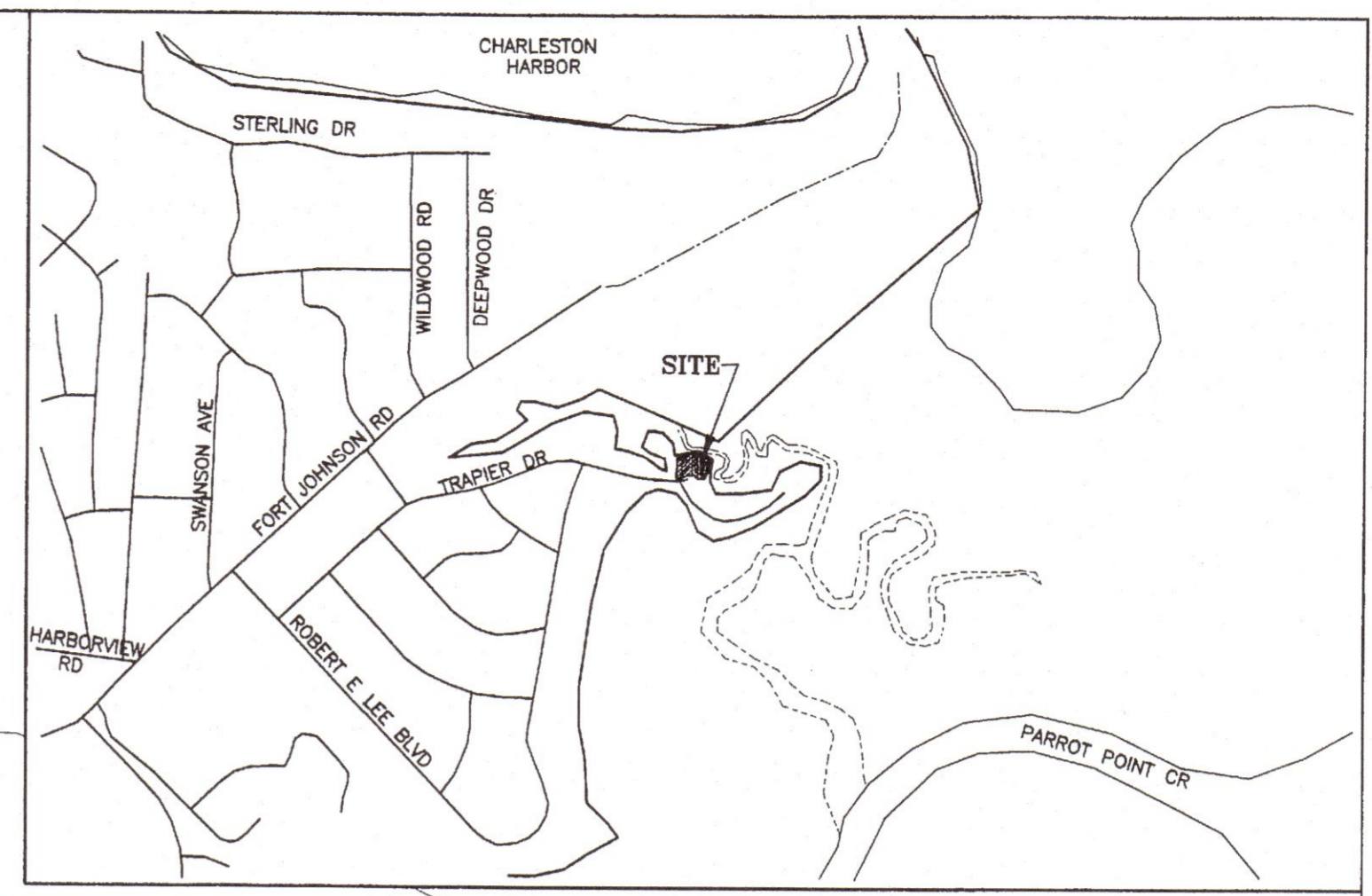
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	40.00'	71.31'	62.23'	S 83°27'24" E	102°08'18"
C2	40.00'	20.85'	20.62'	S 17°27'07" E	28°52'15"
C3	40.00'	31.02'	30.24'	S 19°41'50" W	44°25'38"
C4	40.00'	46.91'	44.27'	S 75°30'35" W	67°11'52"

- LEGEND:**
 I.O. IRON OLD (FOUND)
 I.N. IRON NEW (SET)
 C.M.O. CONCRETE MONUMENT OLD
 W.M. WATER METER
 L.P. LIGHT POLE
 P.P. POWER POLE
 A.C. AIR CONDITIONER

- REFERENCE:**
- 1.) PLAT BY J. O'HEAR SANDERS, JR. DATED NOVEMBER 1955. BOOK K PAGE 60. RMC CHAS. CO.
 - 2.) PLAT BY E.M. SEABROOK, JR. DATED JANUARY 1, 1980. BOOK AP PAGE 70. RMC CHAS. CO.
 - 3.) PLAT BY E.M. SEABROOK, JR. DATED AUGUST 20, 1980. BOOK AR PAGE 25. RMC CHAS. CO.
 - 4.) PLAT BY DANIEL C. FORSBERG DATED OCTOBER 12, 1984. BOOK BB PAGE 155. RMC CHAS. CO.
 - 5.) PLAT BY DANIEL C. FORSBERG DATED MAY 13, 1986. BOOK BL PAGE 121. RMC CHAS. CO.
 - 6.) PLAT BY JAMES KELLY DAVIS DATED OCTOBER 22, 1987. BOOK BQ PAGE 46. RMC CHAS. CO.
 - 7.) PLAT BY ROBERT L. FRANK DATED NOVEMBER 30, 1994. BOOK DA PAGE 270. RMC CHAS. CO.
 - 8.) PLAT BY JAMES KELLY DAVIS DATED JULY 25, 1985. BOOK T 156 PAGE 048. RMC CHAS. CO.

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

SIGNED BY D.J. THOMPSON 4/6/2009
 SIGNATURE DATE
 The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.



TAX MAP No. 454-08-00-071
 PROPERTY OF:
 ATLANTIC COAST LIFE INSURANCE CO.

TMS #454-08-00-076
 LOT 17 BLK C
 FORT JOHNSON ESTATES
 MEGAN CONROY

TMS #454-08-00-077
 LOT 18 BLK C
 FORT JOHNSON ESTATES
 PATRICIA M BLUM

TMS #454-00-00-009
 MARSHLAND
 ATLANTIC COAST LIFE INSURANCE CO.

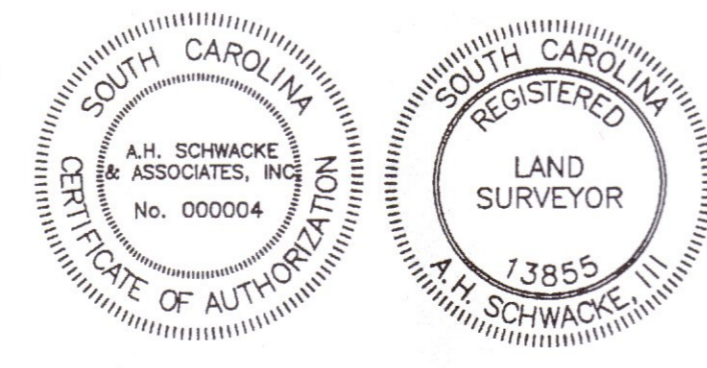
NOTES:
 BEARINGS SHOWN ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION
 AREA DETERMINED BY COORDINATE METHOD
 THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH
 ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
 THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY
 PROPERTY IS LOCATED IN FLOOD ZONE AS SHOWN PER FEMA FLOOD MAPS.
 PANEL No. 450190-0862J DATED NOVEMBER 17, 2004
 COMMUNITY No. 455413
 BY THIS PLAT THE PROPERTY LINE SHOWN ON REFERENCE #3 (PLAT BOOK AR PAGE 25 DATED JANUARY 1, 1980) LOCATED ALONG THE WESTERN SIDE OF TRACT "A" IS BEING ABANDONED

LINE	BEARING	DISTANCE
L1	N 07°33'36" E	27.40'
L2	S 66°25'46" E	13.55'
L3	N 76°50'35" W	29.09'
L4	S 74°42'24" W	24.28'
L5	S 78°30'51" W	14.30'
L6	S 87°54'01" W	24.89'
L7	S 45°18'31" W	34.14'
L8	S 65°14'31" W	44.73'
L9	N 82°11'18" E	23.58'
L10	N 67°15'55" W	21.85'
L11	N 69°28'49" W	20.78'
L12	S 35°37'47" E	21.29'
L13	N 66°14'17" W	9.52'
L14	N 29°07'45" W	19.23'
L15	N 15°55'53" W	18.19'
L16	N 25°02'43" W	19.71'
L17	N 08°57'38" E	13.69'
L18	N 32°06'49" E	15.76'
L19	N 63°41'17" E	33.93'
L20	N 74°25'28" E	47.61'
L21	N 58°34'56" E	22.80'
L22	N 16°36'44" E	14.39'
L23	N 55°35'08" W	23.99'
L24	S 15°23'51" E	1.98'

TOWN OF JAMES ISLAND, SC
APPROVED PLAT
 Planning Director Date 4/14/2009
 "Approval of this plat in no way obligates the Town to install or maintain any road, street, drainage system, water line, sewer line, or any utility. The property owner must comply with all federal state and local building codes, and flood plain management regulations."

SURVEYOR'S CERTIFICATION
 I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections other than shown. This Survey is not valid unless it bears the original signature and has an embossed seal. Area determined by coordinate method.

A.H. Schwacke, III, P.L.S.
 S.C. Registration Number 13855



Required by Chas Co RMC

RECORDED

DATE: April 15, 2009 TIME: 1:11:12 PM
 Book-Page [L09] [0175] DocType [Large Plat]
 Charlie Lybrand, Register, Charleston County, SC

Filed by: A.H. SCHWACKE & ASSOC'S
 A.H. SCHWACKE & ASSOCIATES, INC.
 PO BOX 13077
 CHARLESTON SC 29422

Record Fee 10.00
 Postage 0.00
 TOTAL 10.00
 Drawer []
 Clerk []

Location: TRAPIER DR.

PLAT OF
 A PORTION OF TRACT A
 FORT JOHNSON ESTATES
 0.83 AC HIGHLAND
 FORT JOHNSON ESTATES CIVIC CLUB
 PROPERTY OF
 ATLANTIC COAST LIFE INSURANCE COMPANY
 TO BE CONVEYED TO
 FORT JOHNSON COMMUNITY FOUNDATION
 TOWN OF JAMES ISLAND
 CHARLESTON COUNTY SOUTH CAROLINA

DATE: FEBRUARY 4, 2009 SCALE: 1" = 30'
 REVISED: FEBRUARY 23, 2009
 REVISED: MARCH 6, 2009 (CRITICAL LINE CERTIFIED BY OCRM)

NOTES

- 1) THE PROPERTY IS OWNED BY FORT JOHNSON COMMUNITY FOUNDATION.
- 2) TMS # 454-08-00-071.
- 3) THE TOTAL AREA ABOVE THE CRITICAL LINE = 0.779 ACRES.
- 4) ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 45019C 0682 K DATED JANUARY 29, 2021 THIS PROPERTY LIES IN ZONE AE (EL 12).
- 5) THIS SURVEY IS NOT INTENDED TO SHOW THE EXISTENCE OR NONEXISTENCE OF U.S. ARMY CORPS OF ENGINEERS "JURISDICTIONAL WETLANDS".
- 6) THE HORIZONTAL DATUM IS REFERENCED TO NORTH AMERICAN DATUM 1983 (2011 SHIFT). THE VERTICAL DATUM IS REFERENCED TO NORTH AMERICAN VERTICAL DATUM 1988.
- 7) THIS SURVEY DOES NOT REFLECT A TITLE SEARCH. IT IS BASED ON THE REFERENCES LISTED AND THE EVIDENCE FOUND IN THE FIELD. ANY EASEMENTS OR ENCUMBRANCES OF RECORD NOT SHOWN ON THE REFERENCES MAY NOT BE SHOWN ON THIS SURVEY.
- 8) WATER AND SEWER LINE LOCATIONS ARE TAKEN FROM RECORD DRAWINGS AND UTILITY MAPS PROVIDED BY UTILITY COMPANIES AND ARE THEREFORE APPROXIMATE.

LINE #	DIRECTION	LENGTH
L17	N4°16'58"E	19.21'

CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	71.30'	40.00'	102°07'58"	N86° 42' 37"W	62.23'
C2	20.58'	40.00'	29°28'40"	N22° 02' 52"W	20.35'
C3	31.09'	40.00'	44°31'59"	N16° 31' 58"E	30.31'
C4	46.96'	40.00'	67°15'37"	N72° 14' 42"E	44.31'

REFERENCES

- 1) PLAT BY E.M. SEABROOK, JR. DATED JANUARY 1, 1980, REVISED ON AUGUST 20, 1980 AND RECORDED IN THE CHARLESTON COUNTY ROD OFFICE IN PLAT BOOK AR PAGE 25.
- 2) PLAT BY JAMES KELLY DAVIS DATED OCTOBER 22, 1987 AND RECORDED IN THE CHARLESTON COUNTY ROD OFFICE IN PLAT BOOK BQ PAGE 46.
- 3) PLAT BY A.H. SCHWACKE, III DATED FEBRUARY 4, 2009, LAST REVISED MARCH 6, 2009 AND RECORDED IN THE CHARLESTON COUNTY ROD OFFICE IN PLAT BOOK L09 PAGE 0175.
- 4) DEED RECORDED IN THE CHARLESTON COUNTY ROD OFFICE ON APRIL 21, 2009 IN DEED BOOK 0049 PAGE 041.

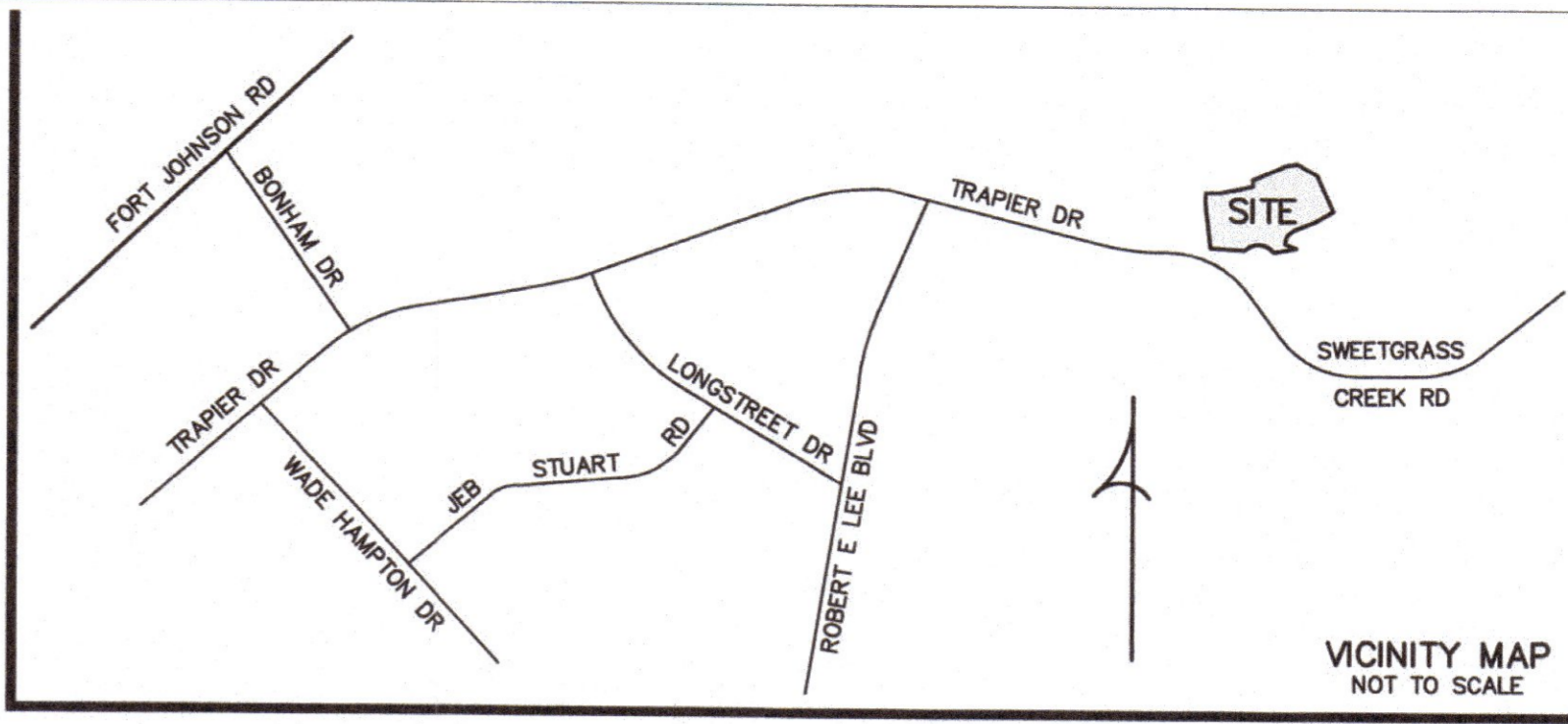
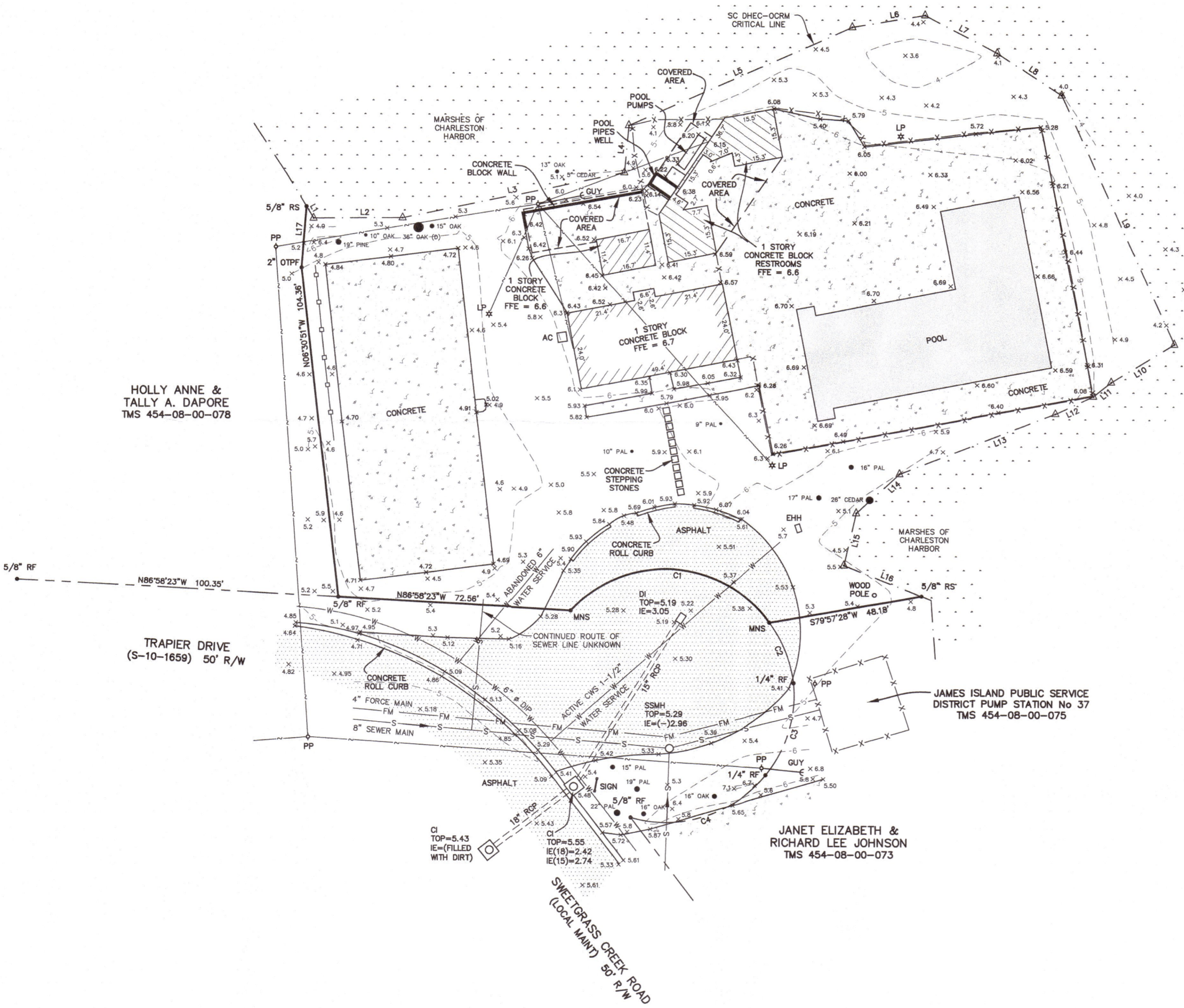
LEGEND

- FFE - FINISHED FLOOR ELEVATION
- RF - REBAR FOUND
- OTPF - OPEN TOP PIPE FOUND
- RS - REBAR SET
- MNS - MAG NAIL SET
- PP - POWER POLE
- LP - LIGHT POLE
- GUY - GUY WIRE
- EHH - ELECTRIC HAND HOLE
- SSMH - SANITARY SEWER MANHOLE
- IE - INVERT ELEVATION
- CI - CURB INLET
- DI - DROP INLET
- RCP - REINFORCED CONCRETE PIPE
- DIP - DUCTILE IRON PIPE
- AC - AIR CONDITIONER ON WOODEN STAND
- x 4.6 - SPOT ELEVATION (PERVIOUS SURFACE)
- x 4.95 - SPOT ELEVATION (IMPERVIOUS SURFACE)
- 36" OAK (D) - 36" DIAMETER DOUBLE TRUNK OAK
- PAL - PALMETTO

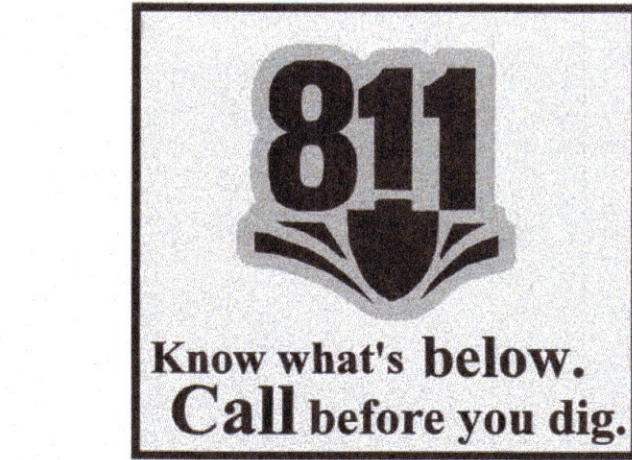
HOLLY ANNE &
TALLY A. DAPORE
TMS 454-08-00-078

JANET ELIZABETH &
RICHARD LEE JOHNSON
TMS 454-08-00-073

HARBOR MARSH ACRES LLC
TMS 454-00-00-009



LINE #	DIRECTION	LENGTH
L1	S31°03'40"E	4.36'
L2	N89°27'58"E	27.79'
L3	N77°54'18"E	70.48'
L4	N5°09'00"E	14.92'
L5	N65°54'06"E	76.47'
L6	N80°21'55"E	23.00'
L7	S62°13'46"E	25.30'
L8	S56°40'39"E	24.17'
L9	S24°25'32"E	85.82'
L10	S58°26'20"W	23.01'
L11	S51°16'23"W	7.19'
L12	S64°16'06"W	13.10'
L13	S68°26'42"W	52.05'
L14	S47°05'21"W	18.25'
L15	S12°50'02"W	16.91'
L16	S68°19'39"E	26.00'



The South Carolina STATE LAW requires that excavators give a 72-Hour notice, (3 working days excluding weekends and holidays), for the locators to get out to mark the area. After a ticket has been processed, you will know when you are legally free to proceed with the digging work and which utilities in the area P.U.P.S. will be notifying for you. Any utilities that P.U.P.S. does not notify, you will be responsible for notifying directly. The Utility Companies ask that you leave a 2 1/2 feet margin on each side of a marked utility line. Also note that your request is good for 15 working days after it has been processed by our system.

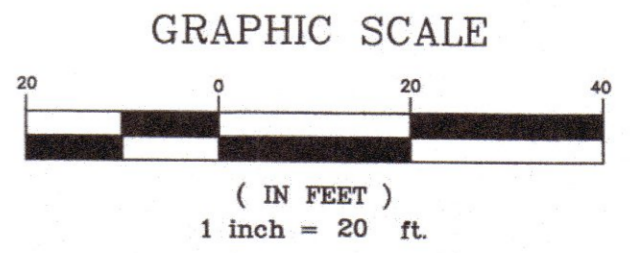
THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT (SCDHEC-OCRM) PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME, BY DELINEATING THE PERMIT AUTHORITY OF SCDHEC-OCRM, SCDHEC-OCRM IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY WHETHER SHOWN OR NOT.

SIGNED BY MCKENZIE O'CONNOR ON MAY 2, 2022

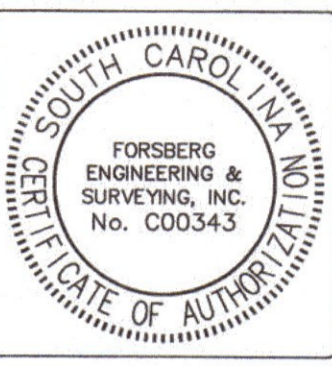
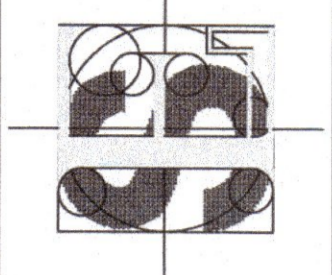
SIGNATURE DATE
The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.

LINE LEGEND

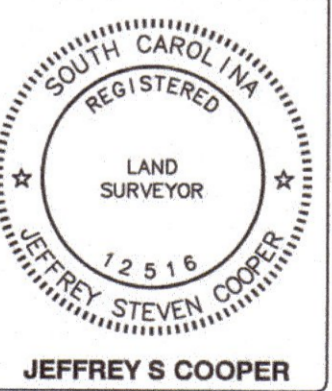
- PROPERTY LINE
- RIGHT OF WAY LINE
- CRITICAL LINE
- CHAIN LINK FENCE
- WOOD FENCE
- SANITARY SEWER LINE
- SANITARY SEWER FORCE MAIN
- WATER LINE
- OVERHEAD UTILITY LINE
- CONTOUR LINE



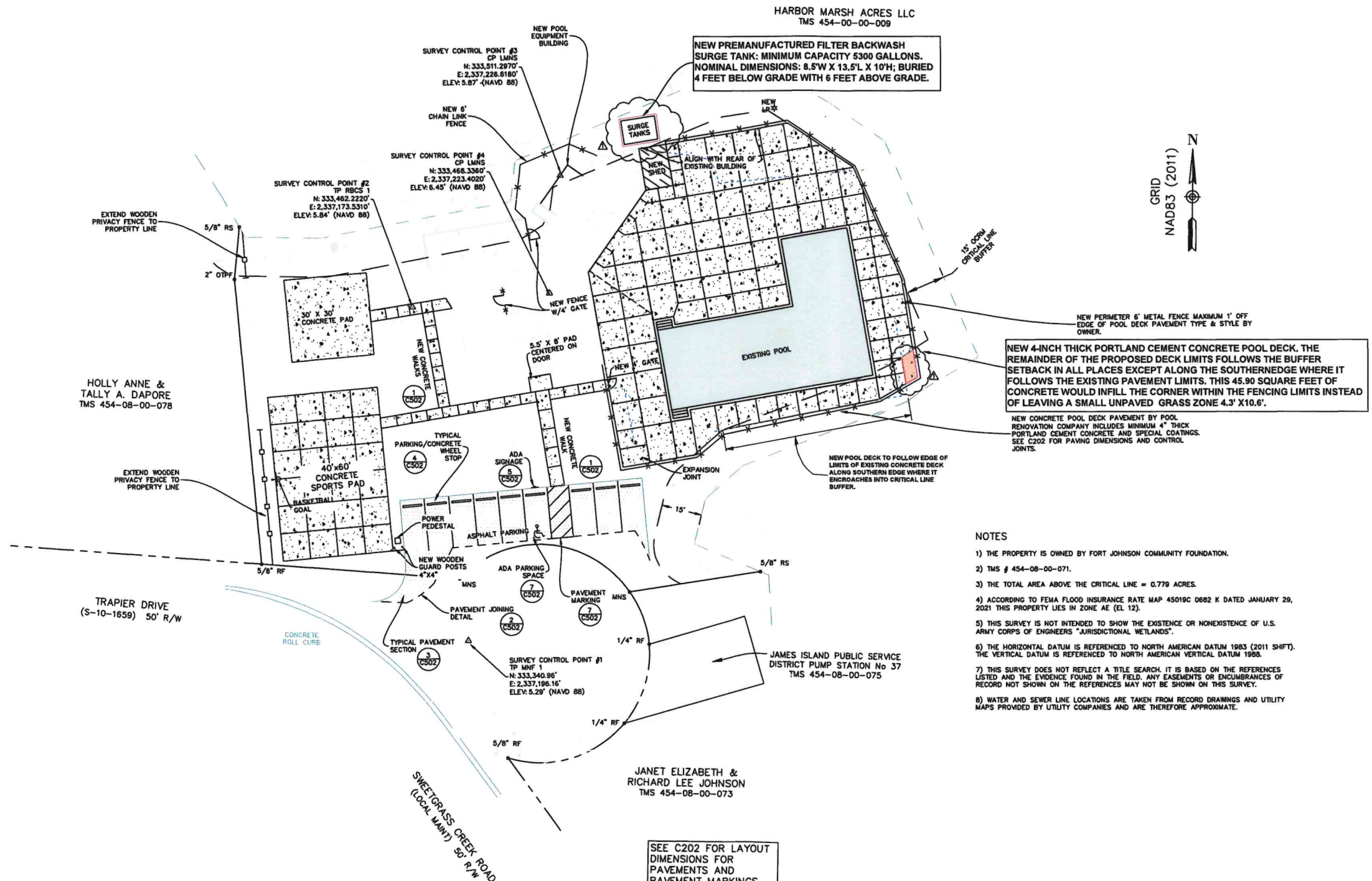
FORSBERG ENGINEERING AND SURVEYING, INC.
1587 SAVANNAH HIGHWAY SUITE B
P.O. BOX 30575
CHARLESTON, SOUTH CAROLINA 29417
(843) 571-2622 FAX (843) 571-6780
CIVIL ENGINEERING, SURVEYING AND LANDSCAPE ARCHITECTURE



TOPOGRAPHIC SURVEY
PART OF TRACT A
FORT JOHNSON ESTATES
TOWN OF JAMES ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA



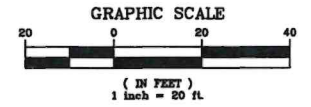
DATE	JANUARY 27, 2022
DRAWN/CHECKED	JSC/LSM
LAST REVISED	MAY 3, 2022
APPROVED	JSC
SCALE	1" = 20'
PROJECT NO.	5883
SHEET NUMBER	1



NEW PREMANUFACTURED FILTER BACKWASH SURGE TANK: MINIMUM CAPACITY 5300 GALLONS. NOMINAL DIMENSIONS: 8.5'W X 13.5'L X 10'H; BURIED 4 FEET BELOW GRADE WITH 6 FEET ABOVE GRADE.

NEW 4-INCH THICK PORTLAND CEMENT CONCRETE POOL DECK. THE REMAINDER OF THE PROPOSED DECK LIMITS FOLLOWS THE BUFFER SETBACK IN ALL PLACES EXCEPT ALONG THE SOUTHERN EDGE WHERE IT FOLLOWS THE EXISTING PAVEMENT LIMITS. THIS 45.90 SQUARE FEET OF CONCRETE WOULD INFILL THE CORNER WITHIN THE FENCING LIMITS INSTEAD OF LEAVING A SMALL UNPAVED GRASS ZONE 4.3' X 10.6'.

- NOTES**
- 1) THE PROPERTY IS OWNED BY FORT JOHNSON COMMUNITY FOUNDATION.
 - 2) TMS # 454-08-00-071.
 - 3) THE TOTAL AREA ABOVE THE CRITICAL LINE = 0.779 ACRES.
 - 4) ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 45019C 0882 K DATED JANUARY 20, 2021 THIS PROPERTY LIES IN ZONE AE (EL. 12).
 - 5) THIS SURVEY IS NOT INTENDED TO SHOW THE EXISTENCE OR NONEXISTENCE OF U.S. ARMY CORPS OF ENGINEERS "JURISDICTIONAL WETLANDS".
 - 6) THE HORIZONTAL DATUM IS REFERENCED TO NORTH AMERICAN DATUM 1983 (2011 SHIFT), THE VERTICAL DATUM IS REFERENCED TO NORTH AMERICAN VERTICAL DATUM 1988.
 - 7) THIS SURVEY DOES NOT REFLECT A TITLE SEARCH, IT IS BASED ON THE REFERENCES LISTED AND THE EVIDENCE FOUND IN THE FIELD. ANY EASEMENTS OR ENCUMBRANCES OF RECORD NOT SHOWN ON THE REFERENCES MAY NOT BE SHOWN ON THIS SURVEY.
 - 8) WATER AND SEWER LINE LOCATIONS ARE TAKEN FROM RECORD DRAWINGS AND UTILITY MAPS PROVIDED BY UTILITY COMPANIES AND ARE THEREFORE APPROXIMATE.



SEE C202 FOR LAYOUT DIMENSIONS FOR PAVEMENTS AND PAVEMENT MARKINGS

PRE-CONSTRUCTION IMPERVIOUSNESS

BUILDINGS=3146 SF
 CONCRETE=11,484 SF
 ASPHALT=1,480 SF
 POOL=3,138 SF

TOTAL IMPERVIOUS=19,248 SF
 PERVIOUS, GRASS, ETC.=14,896 SF
 TOTAL HIGHGROUND=33,944 SF

IMPERVIOUSNESS=56.7%

POST CONSTRUCTION IMPERVIOUSNESS

BUILDINGS=3,109 SF
 CONCRETE=12,868 SF
 ASPHALT=2,697 SF
 POOL=3,138 SF

TOTAL IMPERVIOUS=21,902 SF
 PERVIOUS, GRASS, ETC.=12,042 SF
 TOTAL HIGHGROUND=33,944 SF

IMPERVIOUSNESS=64.5%

NET INCREASE=2654 SF
 TOTAL LIMITS OF DISTURBANCE=0.60 ACRES

PROJECT DESCRIPTION:

RENOVATION OF EXISTING CLUB HOUSE, POOL DECK, AND CONSTRUCTION OF NEW WALKS, SPORTS COURTS, AND ACCESSORY ITEMS.

CONSTRUCTION TRAFFIC ROUTE:

MAIN CONSTRUCTION EGRESS/INGRESS SHALL BE EXISTING DRIVEWAY ON TRAPIER DRIVE

PROPERTY IS LOCATED ON TRAPIER DRIVE

CONTRACTOR NOTE:

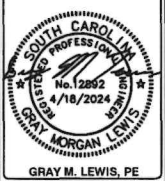
CONTRACTOR WILL ENSURE THAT ALL ASPECTS OF CONSTRUCTION WILL MEET OR EXCEED THE REQUIREMENTS OF THE TOWN OF JAMES ISLAND AND CHARLESTON COUNTY MS4 UNLESS OTHERWISE NOTED.

THE SOUTH CAROLINA STATE LAW REQUIRES THAT EXCAVATORS GIVE 72-HOUR NOTICE, (9 WORKING DAYS EXCLUDING WEEKENDS AND HOLIDAYS), FOR THE LOCATORS TO GET OUT TO MARK THE AREA. AFTER A TICKET HAS BEEN PROCESSED WITH THE DIGGING WORK AND WHICH UTILITIES IN THE AREA P.U.P.S. WILL BE NOTIFYING FOR YOU. ANY UTILITIES THAT P.U.P.S. DO NOT NOTIFY, YOU WILL BE RESPONSIBLE FOR NOTIFYING DIRECTLY. THE UTILITY COMPANIES ASK THAT YOU LEAVE A 2 FEET MARGIN ON EACH SIDE OF A MARKED UTILITY LINE. ALSO NOTE THAT YOU REQUEST IS GOOD FOR 15 WORKING DAYS AFTER IT HAS BEEN PROCESSED BY OUR SYSTEM.

FORSBERG ENGINEERING AND SURVEYING, INC.
 1587 SAVANNAH HIGHWAY SUITE B
 P.O. BOX 30675
 CHARLESTON, SOUTH CAROLINA, 29417
 (843) 577-7777 FAX (843) 577-7780
 CIVIL ENGINEERING, SURVEYING AND LANDSCAPE ARCHITECTURE



NEW SITE PLAN
FORT JOHNSON ESTATES COMMUNITY CENTER
 398 TRAPIER DRIVE
 TOWN OF JAMES ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA



DATE	11/6/2023
DRAWN/CHECKED	BIB/GML
LAST REVISED	4/18/2024
APPROVED	GML
SCALE	1"=20'
PROJECT NO.	5883
SHEET NUMBER	C201

C201

Application for Special Exception

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 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: Dutch Bros., LLC dba Dutch Bros Coffee

Mailing Address: PO Box 1929

City, State, Zip Code: Grants Pass, OR 97528 Daytime Phone: (541) 955-4700

Email Address: Legal@dutchbros.com, shamblin@fg-inc.net

Subject Property Address: 890 Folly Rd, Charleston, SC 29412

Present Use of Property: Vacant

Special Exception Description: Fast food restaurant in the Community Commercial (CC) zone

Applicant Signature: *Daniel J. By* Date: 3-11-24

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: Stefan Cushman Date: 3/13/24 Owner Mailing Address: 200 2nd Avenue, # 402
Owner Signature: *Stefan Cushman* City, State, Zip Code: St. Petersburg, FL 33701

FOR OFFICE USE ONLY:

Application #: BZAS-3-24-029 Flood Zone: _____

Zoning District: CC/FRCO Com Core Fee Paid (\$250): \$250 ck# 29095

Date Filed: 3/15/2024 Zoning Officer: LC

TMS#: 425-06-00-101



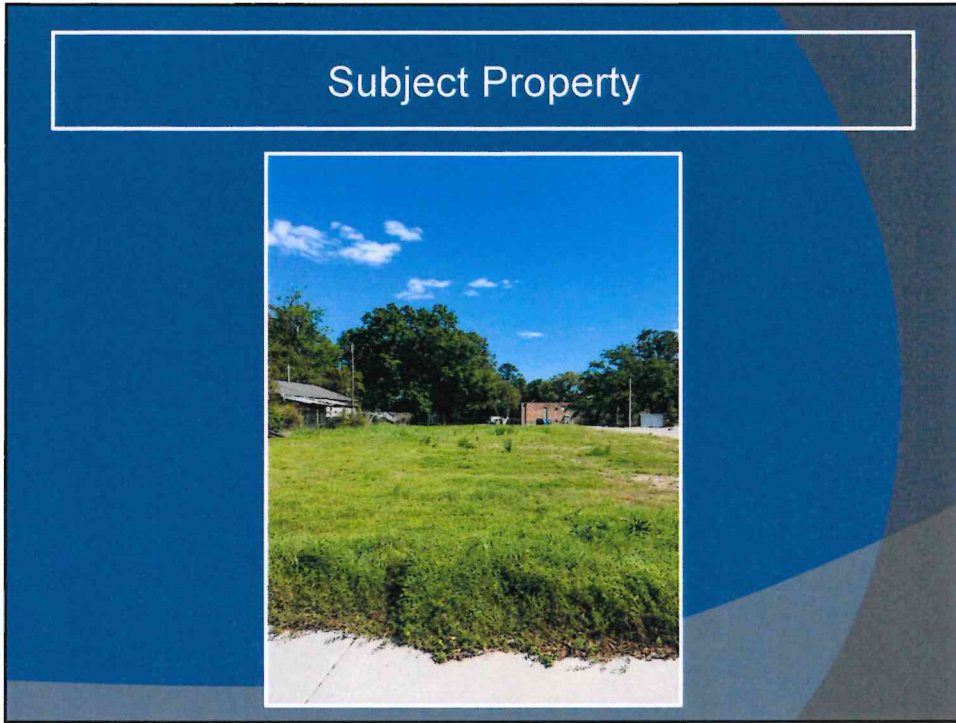
Town of James Island
South Carolina



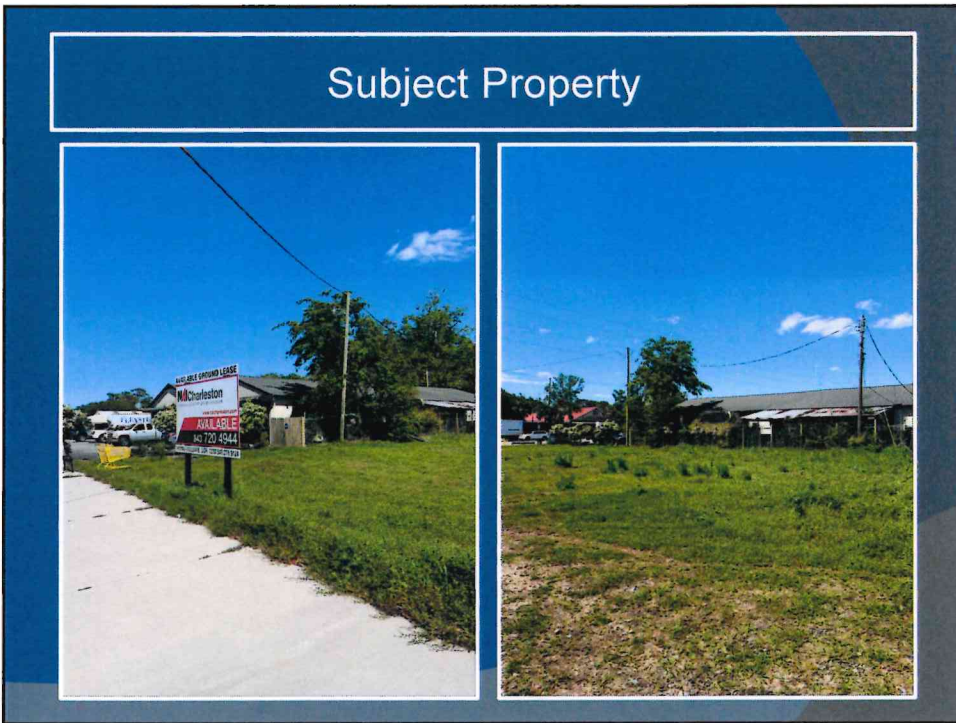
Radius Map

890 Folly Road





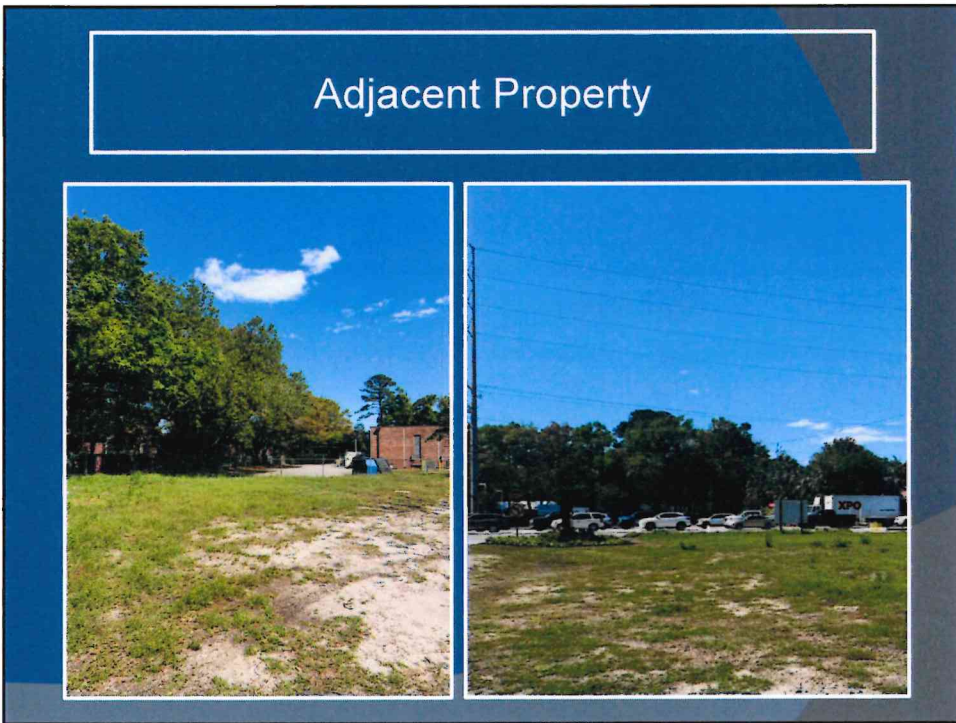
12



13



14



15



16

Staff Review:

The applicant, Dutch Bros, LLC, is seeking a Special Exception request for a fast-food use (Dutch Bro Coffee) on a vacant lot in the Community Commercial (CC) Zoning District and in the Commercial Core of the Folly Road Corridor Overlay (FRC-O) Zoning District at 890 Folly Road. In March of 2021, the lot lines at the site were reconfigured to their existing layout, and the existing building (previously Pizza Hut) on the site was demolished. 890 Folly Road (TMS #425-06-00-101) is 0.65 acres in size and is currently vacant. Adjacent properties to the south, north, and west are in the Town of James Island and are zoned CC (Chase Bank, Hyam’s Garden & Accent, and a vacant lot, proposed Jimmy John’s). The adjacent parcel to the east is in the City of Charleston’s jurisdiction and is zoned General Office (Southern Bell Telephone & Telegraph Company, utilized by AT&T). Additional uses within 300’ include convenience stores and service stations (Circle K), vehicle service (Super Suds Carwash), general restaurant (Tropical Smoothie Café) social club or lodge (VFW), florist (Floriography Studio), drug store (Walgreens), personal improvement services (Folly Jujitsu) and parcels in the Town of James Island zoned RSL and DR-1F in the City of Charleston.

*Restaurant, fast-food, including snack bars, shall comply with the special exception procedures on a parcel zoned CC, according to Use Table 153.110.
Section 153.093, FRC-O (H) (2) states that uses requiring a Special Exception include fast-food restaurants.*

The applicant is seeking to utilize the property for the operation a drive-thru coffee establishment “Dutch Bros Coffee”. Pebble Hill MP, 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: **According to the Comprehensive Plan, the CC Zoning District is “intended to allow diverse retail and service uses that serve the residential population of the Island and that do not negatively impact the surrounding community” while the Commercial Core of the FRC-O Zoning District “consists of higher intensity commercial uses such as chain type restaurants, vehicle service and repair, drug stores, and shopping centers with minimal buffering along Folly Road. Future development in this area is intended for higher intensity commercial uses than those found in the other areas of the corridor”. Furthermore, 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”*.

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 use may be compatible with most existing uses in the vicinity as nearby properties have a wide range of current uses including convenience stores, service stations, vehicle service, restaurant general, social club or lodge, florist, drug store, personal improvement services, banks, & garden supplies centers. The applicant’s letter of intent states *“The proposed Dutch Bros Coffee would not adversely affect the general welfare or character of the immediate community. In fact, we believe the proposed Dutch Bros Coffee will provide a great benefit to the community because traffic backs up into Folly Road in the drive-thru line for the nearby Starbucks Coffee. This shows there is a great need for drive-thru coffee in the area, and the addition of Dutch Bros may help alleviate the traffic problems at Starbucks by diverting traffic to the new store.”***

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 comprehensive landscaping plan is required during the Site Plan Review process to address supplemental buffering, fencing requirements, parking, lighting, and setbacks. The applicants have presented a site plan showing required landscape buffering and in their letter of intent state that *“No adverse influence is expected from the proposed use. A drive-thru coffee shop would not contribute any significant noise, dust, glare, or odor; however, a landscape buffer shall be provided along Folly Road and around all parking areas, as established by Town Code. As for traffic congestion, we have provided a traffic memo that does not recommend any offsite improvements and indicates the project would not contribute significantly to traffic congestion”*.**

E (d): *Where applicable, will be developed in a way that will preserve and incorporate any important natural features;*

Response: **The parcel is currently vacant and has been previously prepped for future construction, therefore there are no important natural features on site that will be impacted. Landscaping and vegetation will be incorporated per requirements in the Town’s zoning regulations.**

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 of ensuring compliance with the applicable regulations.**

E (f): *Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.*

Response: **The applicant’s letter of intent states that they “have included a traffic memo which supports the development of a Dutch Bros Coffee on this site with no off-site improvements recommended. These recommendations are unchanged from the previously approved 896 Folly Road Redevelopment Traffic Impact Analysis (Kimley Horn, October 2020). The memo indicates that the overall intersection delay at the intersection of Camp Road at Folly Road is anticipated to increase by only 3.0 seconds in the AM peak hour and decrease by 0.7 seconds in the PM peak hour. This is considered a negligible increase in level of service.” Additionally, the applicant states that “with the development of the adjacent Chase Bank, a 12’ multi-use trail was installed along the frontage of this site. Dutch Bros is proposing to connect a sidewalk from their building to this existing trail to promote pedestrian connectivity”.**

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-3-24-029 (Special Exception request for a fast-food use (Dutch Bros Coffee) on a vacant lot in the Community Commercial (CC) Zoning District and in the Commercial Core of the Folly Road Corridor Overlay (FRC-O) Zoning District at 890 Folly Road) 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. Any future proposed fast-food use on the subject parcel must also follow Special Exception procedures as a new application.

March 14, 2024

Town of James Island Board of Zoning Appeals
1122 Dills Bluff Road
James Island, SC 29412

RE: Special Exception Request – 890 Folly Road, Charleston, South Carolina

Dear Members of the Board:

We greatly appreciate you taking the time to review our submittal package and consider our request for a special exception to the Town of James Island Code of Ordinances. Below is a list of the approval criteria for a special exception, as defined in Section 153.045 E, and the manner in which they have each been satisfied:

a) Is consistent with the recommendations contained in the Town Comprehensive Plan and the character of the underlying zoning district “purpose and intent;”

The site, 890 Folly Road, is currently zoned Community Commercial (CC) and is within the Folly Road Corridor Overlay (FRC-O) Zoning District in the Commercial Core Area. Based on feedback from the Planning Director, Kristen Crane, at the Site Plan Review meeting on December 12, 2023, the Town classifies Dutch Bros Coffee as a “fast food restaurant”. Fast food restaurants are a permitted use within the Commercial Core Area and are consistent with the Town Comprehensive Plan. Per the Town Code, “this area consists of higher intensity commercial uses such as chain type restaurants... Future development in this area is intended for higher intensity commercial uses... and should place high priority on pedestrian connectivity between businesses and neighborhoods with attractive planted streetscapes and building architecture.” With the development of the adjacent Chase Bank, a 12-foot multi-use trail was installed along the frontage of this site. Dutch Bros is proposing to connect a sidewalk from their building to this existing trail to promote pedestrian connectivity. They are also proposing a walk-up order window and a large, covered patio for outdoor dining. Additionally, a minimum 15’ vegetated buffer will be planted along Folly Road.

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

A drive-thru coffee chain is compatible with the existing uses in the vicinity, which include a Chick-fil-A, Sonic, Taco Bell, Domino’s, gas stations and drug stores, amongst many other commercial businesses. The proposed Dutch Bros Coffee would not adversely affect the general welfare or character of the immediate community. In fact, we believe the proposed Dutch Bros Coffee will provide a great benefit

to the community, because currently traffic backs up into Folly Road in the drive thru line for the nearby Starbucks Coffee. This shows there is a great need for drive thru coffee in the area, and the addition of Dutch Bros may help alleviate the traffic problems at the Starbucks by diverting traffic to the new store.

- 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;**

No adverse influence is expected from the proposed use. A drive thru coffee shop would not contribute any significant noise, dust, glare, or odor; however, a landscape buffer shall be provided along Folly Road and around all parking areas, as established by the Town Code. As for traffic congestion, we have provided a traffic memo that does not recommend any offsite improvements and indicates the project would not contribute significantly to traffic congestion.

- d) Where applicable, will be developed in a way that will preserve and incorporate any important natural features;**

There are no known significant natural features on the site, as it was previously cleared and graded. However, if any important natural features are discovered at any time during the life of this project, all appropriate steps will be taken to preserve said features.

- e) Complies with all applicable rules, regulations, laws, and standards of this chapter, including but not limited to any use conditions, zoning district standards, or site plan review requirements of this chapter; and**

Dutch Bros Coffee has met with Town Staff once already and will continue to work with Town Staff to meet all requirements of the Code of Ordinances throughout the site plan review process.

- f) Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.**

We have included a traffic memo which supports the development of a Dutch Bros Coffee on this site, with no off-site improvements recommended. These recommendations are **unchanged** from the previously approved 896 Folly Road Redevelopment Traffic Impact Analysis (Kimley-Horn, October 2020). The memo indicates that the overall intersection delay at the intersection of Camp Road at Folly Road is anticipated to increase by only 3.0 seconds in the AM peak hour and decrease by 0.7 seconds in the PM peak hour. This is considered a negligible increase in level of service.

Thank you again for your time and consideration.

Sincerely,
FORESITE GROUP, LLC

Sarah Hamblin

Sarah Hamblin, PE
Division Leader

PROJECT DATA

SC0104
890 FOLLY RD
CHARLESTON, TOWN OF JAMES ISLAND, SC 29412

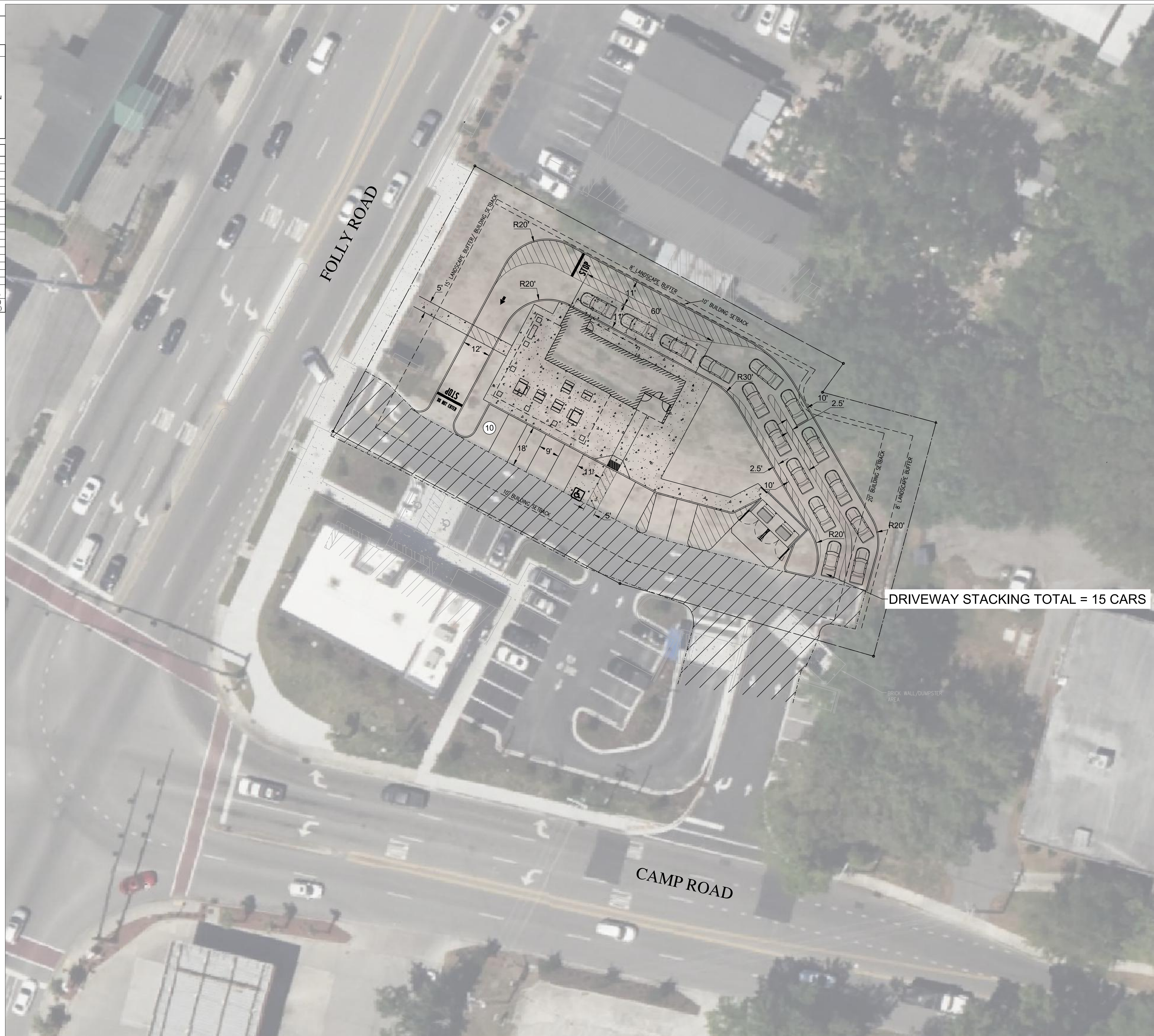
LEGEND

#	NUMBER OF PARKING SPACES		CONCRETE PAVING
	ACCESSIBLE PARKING SPACES		VEHICLE STACKING POSITION
	MENU BOARD		DIRECTIONAL SIGNAGE

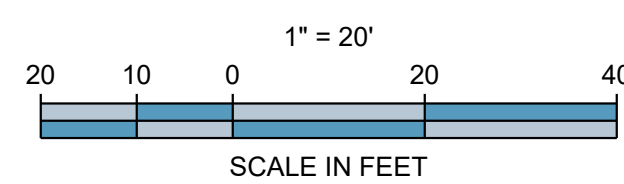
SITE DATA

	REQUIRED (BY AHJ)	REQUIRED (BY DBC)	PROVIDED
BUILDING SQ. FT.:	-	950 SF	950 SF
PROPERTY SIZE:	-	-	± 0.652 AC
LANDSCAPE BUFFER -	FRONT:	15	N/A
	SIDE:	8	N/A
	REAR:	8	N/A
BUILDING SETBACK -	FRONT:	15	64
	SIDE:	10	39
	REAR:	20	109
PARKING:	10 SPACES	13 SPACES	10 SPACES
ACCESSIBLE PARKING:	1 PER 25 SPACES	1 SPACE	1 SPACE
MINIMUM CAR QUEUING LENGTH:	6 SPACES	360 FT	270 FT
EXIT QUEUING LENGTH:		40 FT	115 FT
MINIMUM TURN RADI:		20 FT (INSIDE)	20 FT (INSIDE)
		20 FT (OUTSIDE)	20 FT (OUTSIDE)
		11 FT (ONE-WAY)	11 FT (ONE-WAY)
MINIMUM DRIVE AISLE WIDTH:	11 FT (ONE-WAY)	12 FT (ONE-WAY)	11 FT (ONE-WAY)
	22 FT (TWO-WAY)	24 FT (TWO-WAY)	22 FT (TWO-WAY)

NOTES:
1) PROPERTY LINES OBTAINED FROM SURVEY BY CDS DATED 12/15/2023.
2) A SITE VISIT HAS NOT BEEN COMPLETED AT THIS TIME.
3) A SIGN STUDY HAS NOT BEEN PROVIDED AT THIS TIME.



DRIVEWAY STACKING TOTAL = 15 CARS



ENGINEER:

Foresite Group, LLC
960 Morrison Dr.
Suite 200
Charleston, SC 29403

770.368.1399
770.368.1944
www.foresitegroup.net

DEVELOPER:

CONTACT: MS. MELANIE DYE

PROJECT:

SC0104
890 FOLLY RD
CHARLESTON, TOWN OF JAMES ISLAND, 29412

SEAL:

THESE PLANS WERE PREPARED UNDER THE SUPERVISION AND DIRECTION OF SARAH HAMBLIN, PE #35977

THESE PLANS ARE RELEASED FOR INITIAL REVIEW PURPOSES ONLY.

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT

REVISIONS	DATE

PROJECT MANAGER: SMH
DRAWING BY: BSD
JURISDICTION: TOWN OF JAMES ISLAND
DATE: 03/15/2024
TITLE:

PRELIMINARY SITE PLAN (AERIAL)

SHEET NUMBER: 1 OF 1

COMMENTS: NOT RELEASED FOR CONSTRUCTION
JOB/FILE NUMBER: 1519.067

PROJECT DATA

SC0104
890 FOLLY RD
CHARLESTON, TOWN OF JAMES ISLAND, SC 29412

LEGEND

	NUMBER OF PARKING SPACES		CONCRETE PAVING
	ACCESSIBLE PARKING SPACES		VEHICLE STACKING POSITION
	MENU BOARD		DIRECTIONAL SIGNAGE

SITE DATA

	REQUIRED (BY AHJ)	REQUIRED (BY DBC)	PROVIDED
BUILDING SQ. FT.:	-	950 SF	950 SF
PROPERTY SIZE:	-	-	±0.652 AC
LANDSCAPE BUFFER - FRONT:	15	N/A	15
SIDE:	8	N/A	8
REAR:	8	N/A	8
BUILDING SETBACK - FRONT:	15	N/A	64
SIDE:	10	N/A	39
REAR:	20	N/A	109
PARKING:	10 SPACES	13 SPACES	9 SPACES
ACCESSIBLE PARKING:	1 PER 25 SPACES	1 SPACE	1 SPACE
MINIMUM CAR QUEUING LENGTH:	6 SPACES	360 FT	270 FT
EXIT QUEUING LENGTH:		40 FT	115 FT
MINIMUM TURN RADIUS:		20 FT (INSIDE) 20 FT (OUTSIDE)	20 FT (INSIDE) 20 FT (OUTSIDE)
MINIMUM DRIVE AISLE WIDTH:	11 FT (ONE-WAY) 22 FT (TWO-WAY)	12 FT (ONE-WAY) 24 FT (TWO-WAY)	11 FT (ONE-WAY) 22 FT (TWO-WAY)

- NOTES:**
 1) PROPERTY LINES OBTAINED FROM SURVEY BY CDS DATED 12/15/2023.
 2) A SITE VISIT HAS NOT BEEN COMPLETED AT THIS TIME.
 3) A SIGN STUDY HAS NOT BEEN PROVIDED AT THIS TIME.

LANDSCAPE REQUIREMENTS:

ROADWAY BUFFER TYPE S1: 2 CANOPY TREES, 30 SHRUBS, 2 STREET TREES, AND 3 UNDERSTORY TREES (AT LEAST 50% EVERGREEN) PER 100 LF

FOLLY ROAD (99 LF)
 99 LF / 100 LF = 2 CANOPY TREES/STREET TREES, 30 SHRUBS, AND 3 UNDERSTORY TREES REQUIRED
 2 CANOPY TREES/STREET TREES, 30 SHRUBS, AND 3 UNDERSTORY TREES PROPOSED

NORTH LAND USE PERIMETER BUFFER: 1 CANOPY TREE PER 50 LF; A HEDGE OR OTHER LANDSCAPE MATERIAL OF AT LEAST THREE FEET IN HEIGHT, AT MATURITY, SHALL BE PLANTED WITHIN THE PERIMETER LANDSCAPE AREA TO PROVIDE A CONTINUOUS LANDSCAPE ELEMENT

227 LF / 50 LF x 1 = 5 CANOPY TREES REQUIRED
 4 CANOPY TREES PROPOSED
 1 EXISTING TREE TO REMAIN

EAST LAND USE BUFFER TYPE B: 3 CANOPY TREES, 20 SHRUBS, AND 4 UNDERSTORY TREES (AT LEAST 50% EVERGREEN) PER 100 LF

103 LF / 100 LF = 3 CANOPY TREES, 21 SHRUBS, AND 4 UNDERSTORY TREES REQUIRED
 3 CANOPY TREES, 21 SHRUBS, AND 2 UNDERSTORY TREES PROPOSED
 2 EXISTING PALM TREES TO REMAIN

PARKING LOT LANDSCAPE: MINIMUM OF ONE LANDSCAPE ISLAND PER 10 PARKING SPACES, ISLANDS SHALL BE MINIMUM 325 SF. EACH LANDSCAPE ISLAND MUST CONTAIN AT LEAST ONE CANOPY TREE

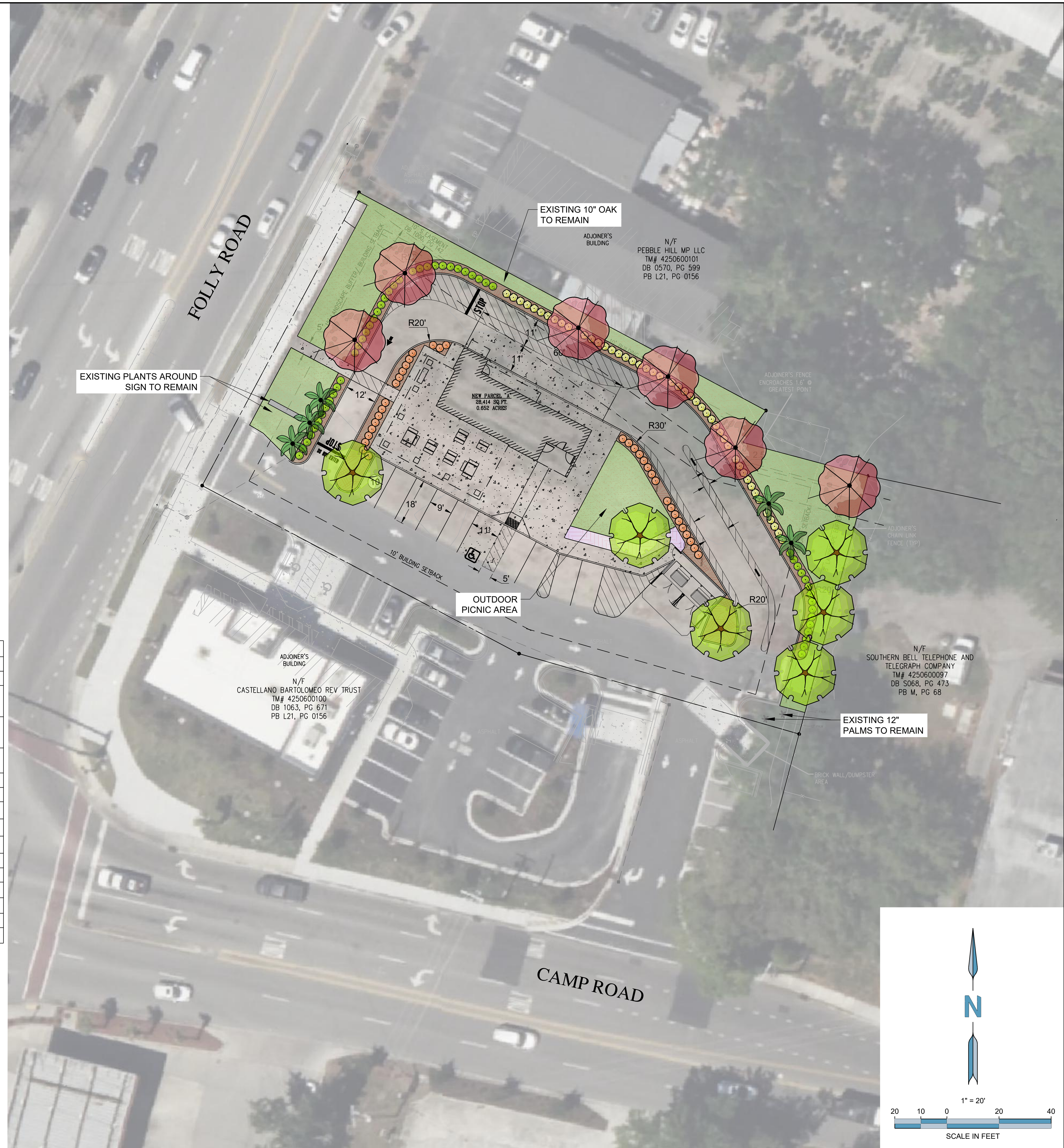
10 SPACES / 10 x 1 = 1 LANDSCAPE ISLAND AND TREE REQUIRED
 1 LANDSCAPE ISLAND AND TREE PROPOSED

PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	SPACING
TREES						
	6	QUERCUS PHELLOS / WILLOW OAK	B & B	3" CAL	12' MIN. HT	
	6	QUERCUS SHUMARDII / SHUMARD RED OAK	B & B	3" CAL	12' MIN. HT	
	5	SABAL PALMETTO / CABBAGE PALMETTO	B&B		8' MIN. HT	
SHRUBS						
	51	ILEX VOMITORIA 'NANA' / DWARF YAUPON HOLLY	3 GAL	MIN. 18"-24" HT	36" o.c.	
	46	ILICUM PARVIFLORUM 'FLORIDA SUNSHINE' / FLORIDA SUNSHINE ANISE TREE	3 GAL	MIN. 18"-24" HT	36" o.c.	
	35	THUJA OCCIDENTALIS 'CONGABE' / FIRE CHIEF™ ARBORVITAE	3 GAL	MIN. 18"-24" HT	36" o.c.	
GROUND COVERS						
	1,523 SF	MULCH	MULCH			
	114	PANICUM VIRGATUM 'HEAVY METAL' / HEAVY METAL SWITCH GRASS	1 GAL		18" o.c.	
SOD/SEED						
	5,756 SF	CYNODON DACTYLON 'TIF 419' / BERMUDA GRASS	SOD			

PLANT TYPE	MINIMUM SIZE
CANOPY TREE	2-1/2 INCHES CALIPER AND 12 FEET IN HEIGHT
EVERGREEN/CONIFER TREE	5 FEET IN HEIGHT
SHRUBS	3 GALLON AND 18-24 INCHES IN HEIGHT OR SPREAD
UNDERSTORY/ORNAMENTAL TREES	8 FEET IN HEIGHT

NOTE: AT LEAST 50% OF REQUIRED UNDERSTORY TREES SHALL BE EVERGREENS. ANY PLANT MATERIAL THAT GROWS TO AN ULTIMATE HEIGHT OF LESS THAN 18 INCHES SHALL BE CONSIDERED A GROUND COVER AND CANNOT BE USED TO FULFILL ANY OF THE SHRUB REQUIREMENTS



ENGINEER:
FORESITE group
 Foresite Group, LLC
 960 Morrison Dr.
 Suite 200
 Charleston, SC 29403
 P | 770.368.1399
 F | 770.368.1944
 W | www.foresitegroup.net

DEVELOPER:

 CONTACT: MS. MELANIE DYE

PROJECT:

 SC0104
 890 FOLLY RD
 CHARLESTON, TOWN OF JAMES ISLAND, SC 29412

SEAL:

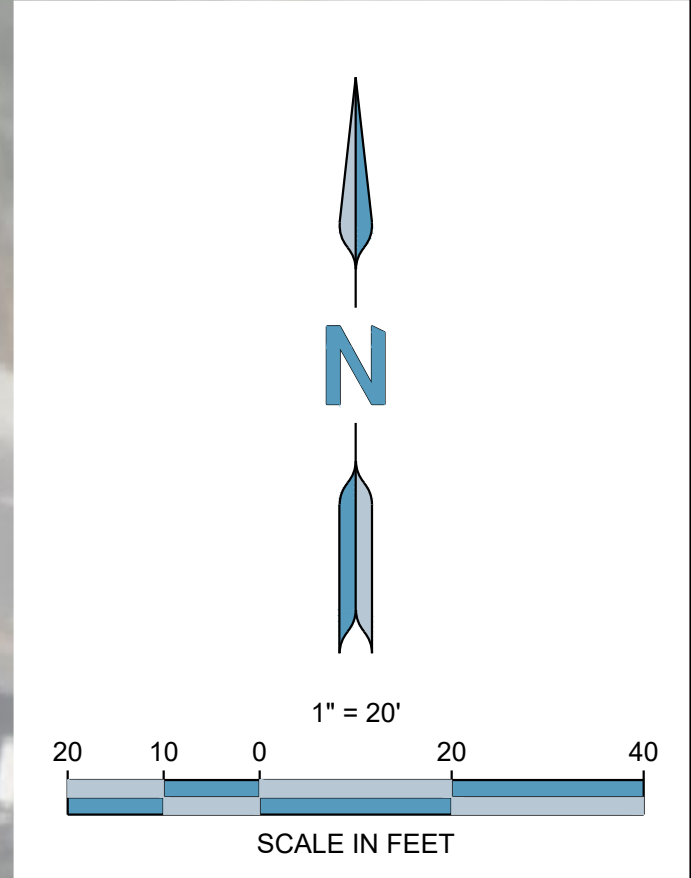
REVISIONS	DATE

PROJECT MANAGER: SMH
 DRAWING BY: BSD
 JURISDICTION: TOWN OF JAMES ISLAND
 DATE: 05/03/2024
 TITLE:

CONCEPT LANDSCAPE PLAN

SHEET NUMBER:
 1 OF 1

COMMENTS: NOT RELEASED FOR CONSTRUCTION
 JOB/FILE NUMBER: 1519.067



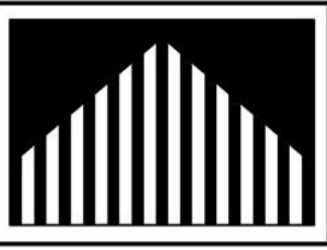


CHASE
DUTCHBROS

Dutch Bros
Dutch Bros

CHASE





Castles Design Group

A Professional Corporation
3801 Kirby Dr., Suite 600
Houston, Texas 77006
tel: 713 664 7974
fax: 713 664 9756

Steven D. Pratt, AIA,
NCARB

This/These documents are not for regulatory approval, permitting, or construction.

MARCH 12, 2024

CDG PROJECT NUMBER:
202311-339

Project No: SC0104
Dutch Bros Coffee - New Freestanding Store
890 Folly Road
Charleston, SC 29412
for: Dutch Bros Coffee
110 SW 4th St.
Grants Pass, OR 97526

ISSUED FOR CONSTRUCTION:
02.08.2024

REV: DATE: DESCRIPTION:

SHEET NAME:

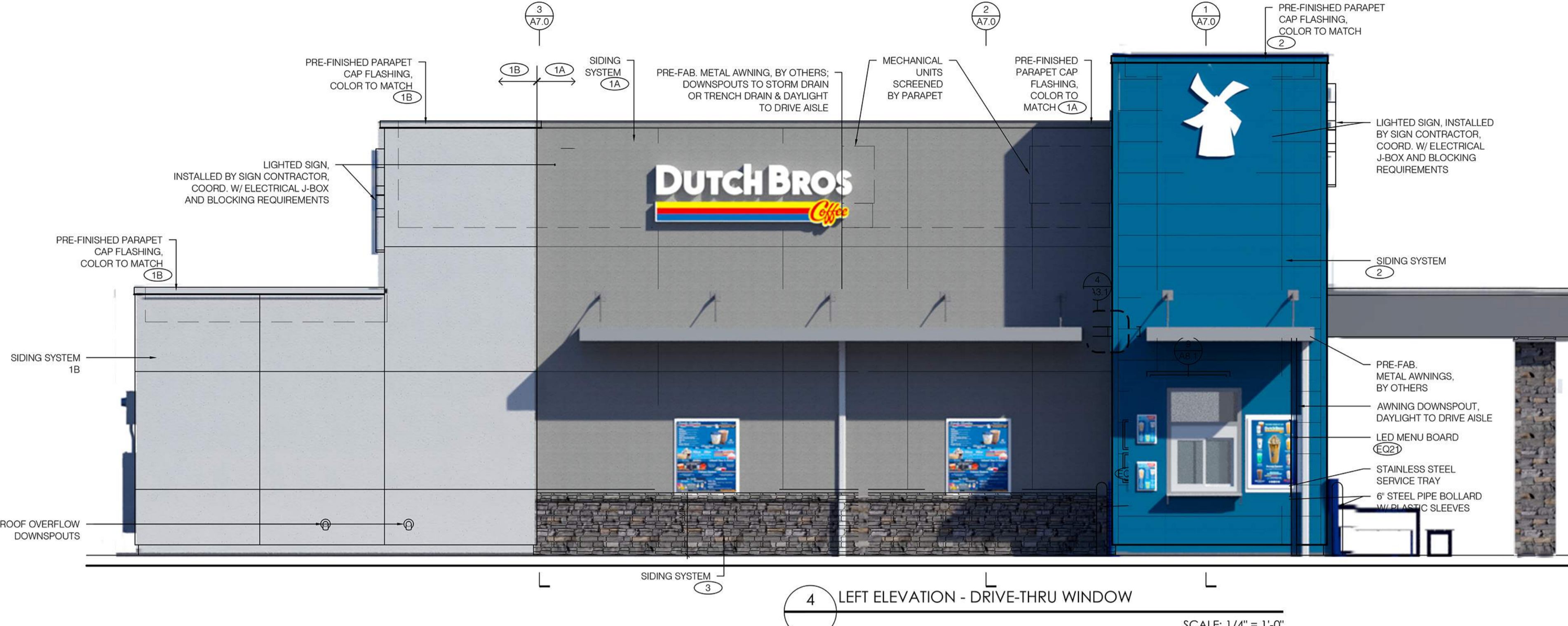
BUILDING ELEVATIONS

SHEET NUMBER:

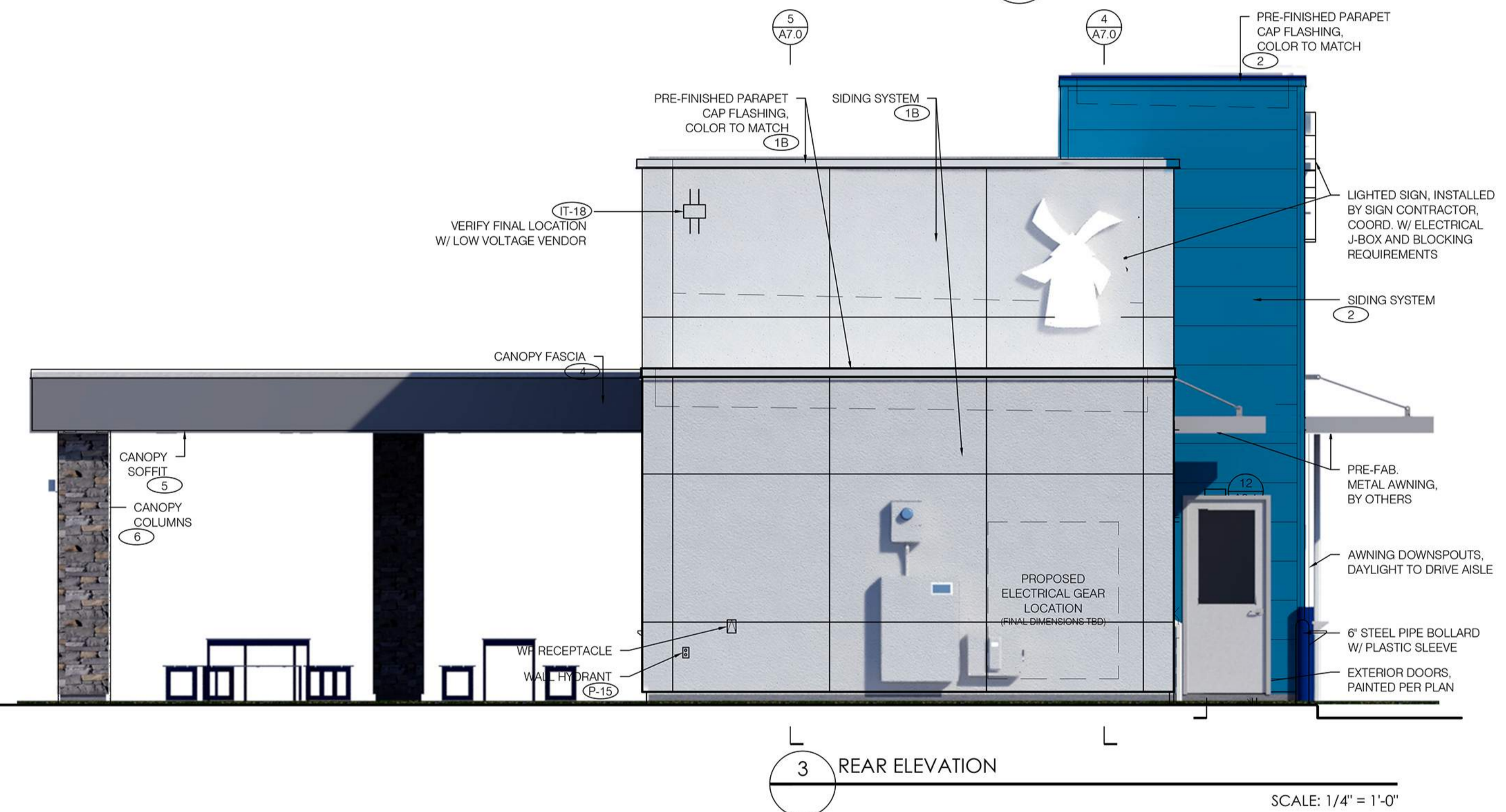
A6.0

ID TAG	MATERIAL	MANUFACTURER	MODEL	REMARKS
ZONE 1 (BODY)				
1A	STUCCO	DRYVIT	CCP-2 SYSTEM, SANDPEBBLE FINE E FINISH; REVEALS AS SHOWN	PAINTED; COLOR: BLDG DB DARK GRAY
1B	STUCCO	DRYVIT	CCP-2 SYSTEM, SANDPEBBLE FINE E FINISH; REVEALS AS SHOWN	PAINTED; COLOR: BLDG DB LIGHT GRAY
ZONE 2 (TOWER)				
2	FIBER CEMENT SIDING	NICHIHA	ILLUMINATION, AWP 1818 w/ FACTORY PANEL CORNERS	COLOR: BLDG DB BLUE
ZONE 3 (BASE)				
3	STONE VENEER	ELDORADO STONE	CLIFFSTONE, BANFF SPRINGS	COLOR: PER MFR.
	STONE SILL	ELDORADO STONE	SNAPPED EDGE WAINSCOT SILL	COLOR: PEWTER
ZONE 4 (FRAMED CANOPY)				
4	FASCIA	WESTERN STATES METAL ROOFING	T-GROOVE, 10"	3 SIDES; COLOR: BLDG DB DARK GRAY
5	SOFFIT	HEWN ELEMENTS	NATURAL NORTHWESTERN SPRUCE	1x8, T&G, 1/8" REVEAL
6	COLUMNS	ELDORADO STONE	CLIFFSTONE, BANFF SPRINGS	COLOR: PER MFR.

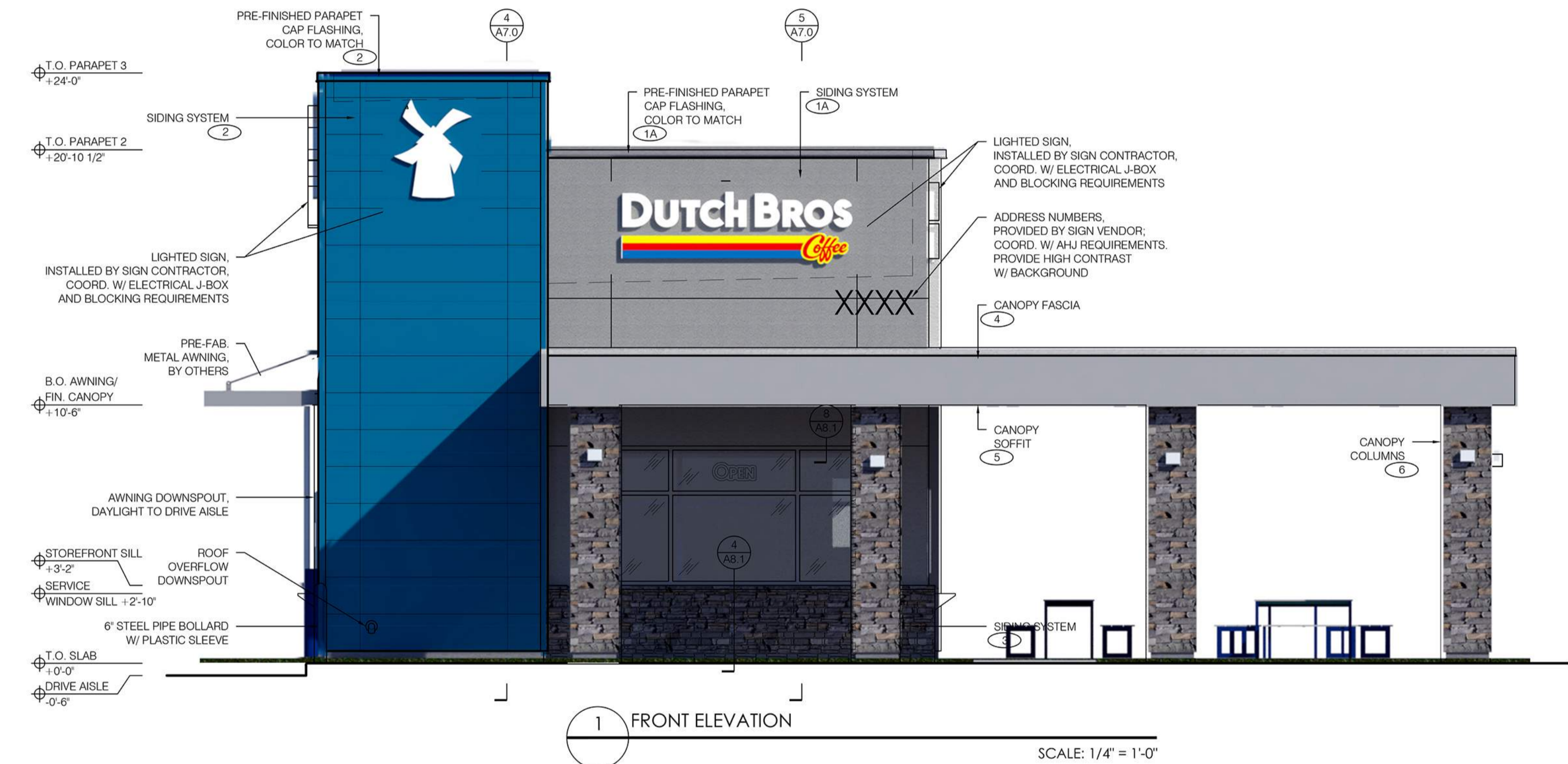
NOTE: GC TO PROVIDE 3"x2" SMOOTH DOWNSPOUTS, AND ALL NECESSARY ADAPTORS, AT AWNING AND CANOPY LOCATIONS; COLOR: BLDG DB DARK GRAY



4 LEFT ELEVATION - DRIVE-THRU WINDOW
SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2 RIGHT ELEVATION - WALK-UP WINDOW
SCALE: 1/4" = 1'-0"

MATERIALS AND COLORS

Dutch Bros Coffee

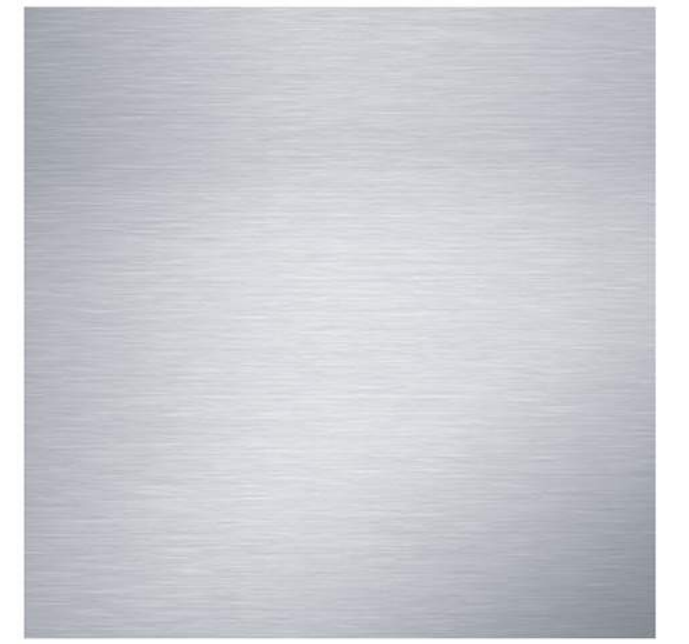
CHARLESTON, SC

EXTERIORS



CANOPY SOFFIT
NATURAL
NORTHWESTERN
SPRUCE

COLOR:
DB BLUE
NICHHA

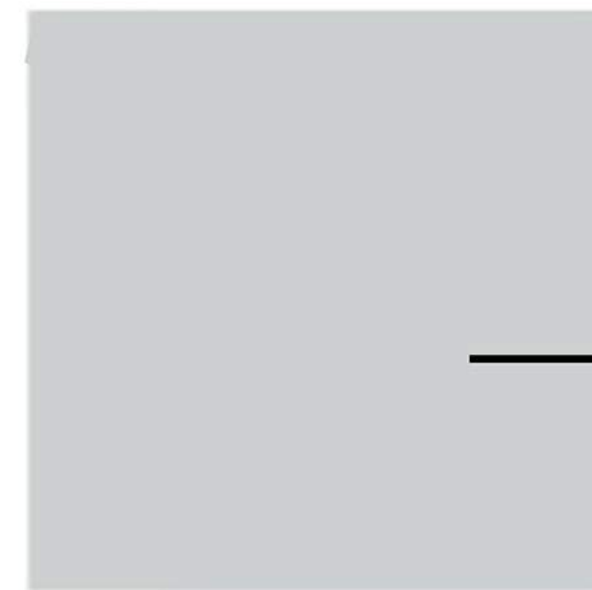
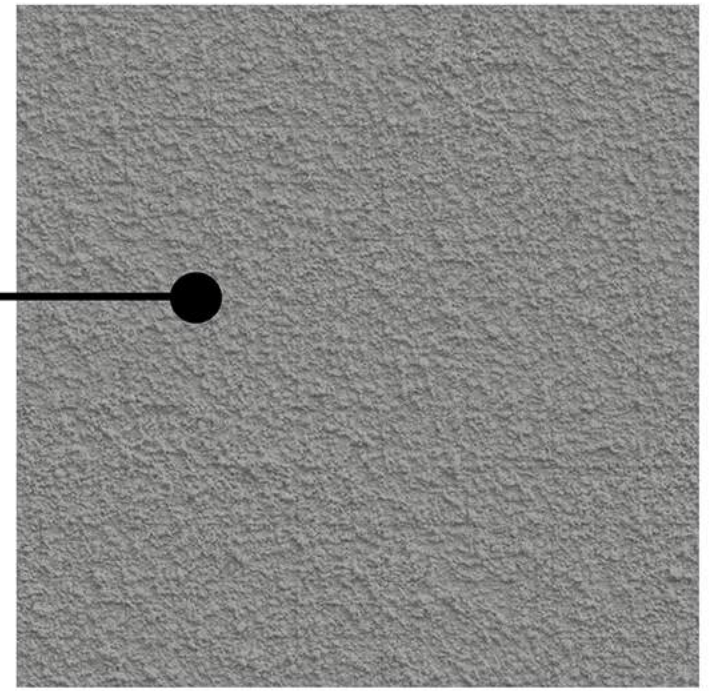


ALUMINUM
CANOPY
METAL CORNICE



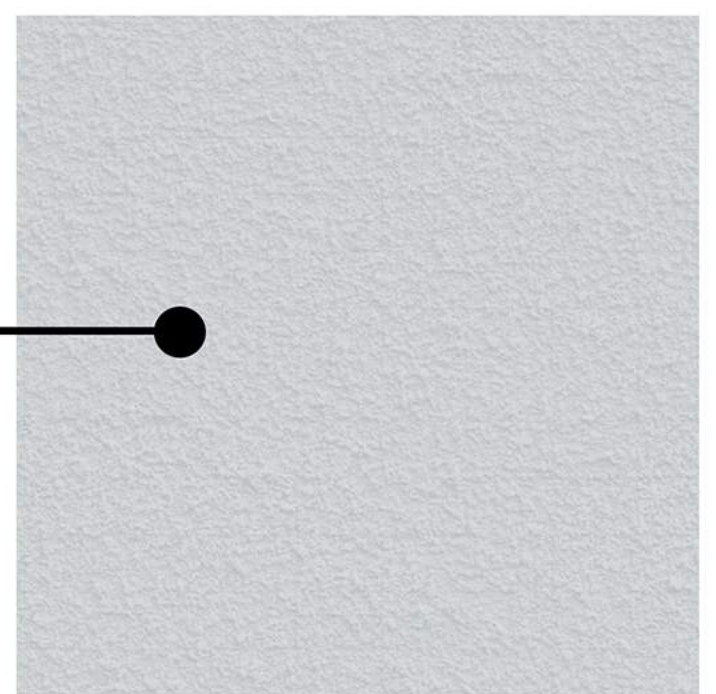
STUCCO 1
FIELD

COLOR: BLDG DB
DARK GRAY



STUCCO 2
REAR ACCENT

COLOR: BLDG DB
LIGHT GRAY



ELDORADO STONE
CLIFFSTONE
BANFF SPRINGS



DUTCH BROS
Coffee

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: Dutch Bros., LLC dba Dutch Bros Coffee

Mailing Address: PO Box 1929

City, State, Zip Code: Grants Pass, OR 97528 Daytime Phone: (541) 955-4700

Email Address: Legal@dutchbros.com, shamblin@fg-inc.net

Subject Property Address: 890 Folly Rd, Charleston, SC 29412

Present Use of Property: Vacant

Variance Description: Double drive-through lane

Applicant Signature: [Signature] Date: 4/19/2024

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: Christopher Cushman Date: 4/20/24 Owner Mailing Address: 200 2nd Avenue, # 402

Owner Signature: [Signature] City, State, Zip Code: St. Petersburg, FL 33701

FOR OFFICE USE ONLY:	
Application #: <u>BZAV-4-24-038</u>	Flood Zone: _____
Zoning District: <u>CC</u>	Fee Paid (\$250): _____
Date Filed: <u>4/19/2024</u>	Zoning Officer: <u>UC</u>
TMS#: <u>425-06-00-101</u>	



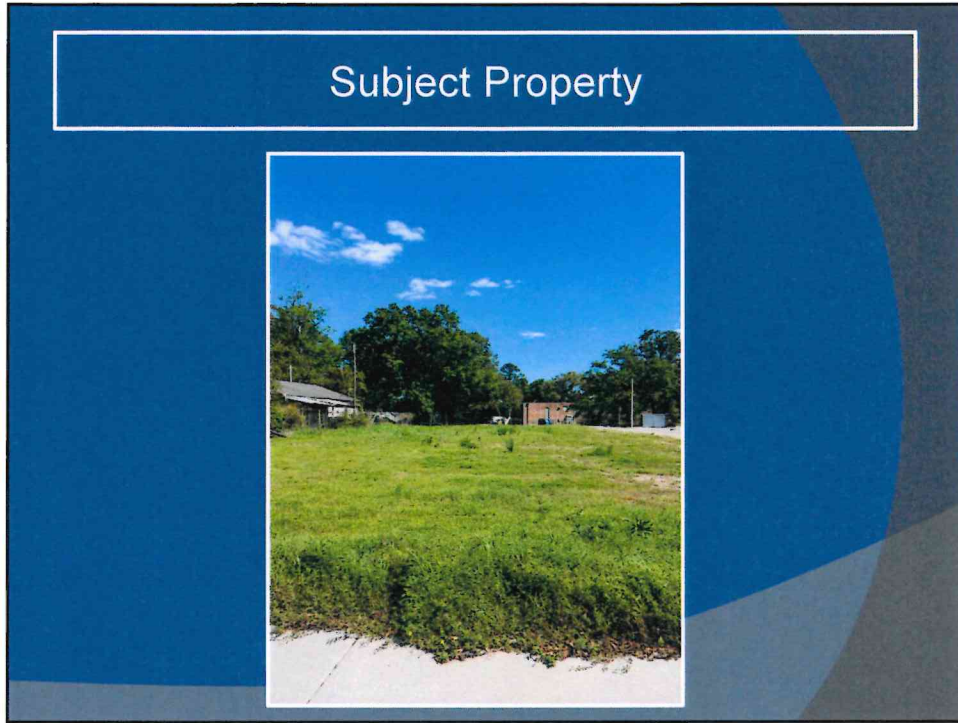
Town of James Island
South Carolina



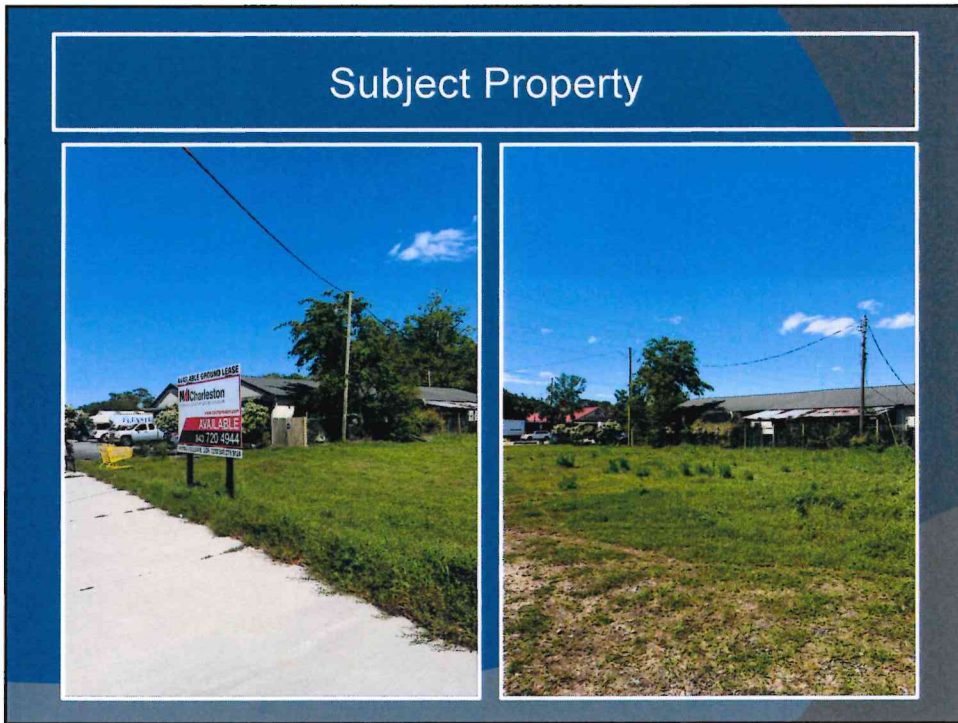
Radius Map

890 Folly Road





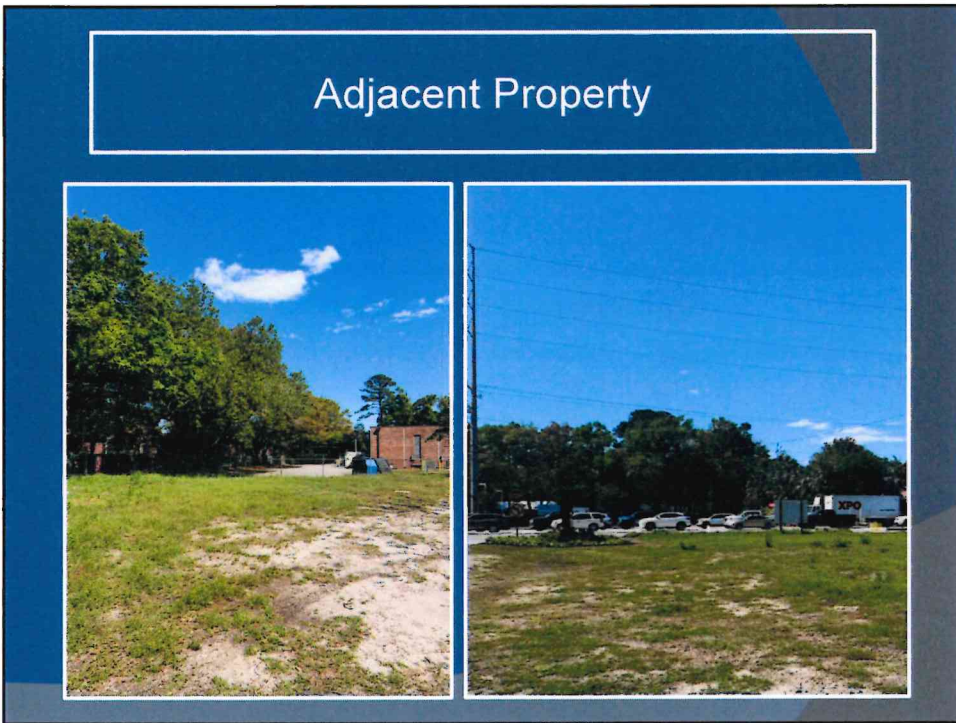
12



13



14



15



16

Staff Review:

The applicant, Dutch Bros, LLC, is seeking a Variance for the construction of a double-drive thru for a proposed fast-food use (Dutch Brothers Coffee) on a vacant lot in the Community Commercial (CC) Zoning District and in the Commercial Core of the Folly Road Corridor Overlay (FRC-O) Zoning District at 890 Folly Road (TMS #425-06-00-101). In March of 2021, the lot lines at the site were reconfigured to their existing layout, and the existing building (previously Pizza Hut) on the site was demolished. The property is 0.65 acres in size, zoned Community Commercial (CC), and is currently vacant and was previously prepped for development. Adjacent property to the south, north, and west is in the Town of James Island and zoned Community Commercial (Chase Bank, Hyam's Garden & Accent, and a vacant lot, future Jimmy John's). The adjacent parcel to the east is in the City of Charleston's jurisdiction and is zoned General Office (Southern Bell Telephone & Telegraph Company, utilized by AT&T). Additional uses within 300' include convenience stores and service stations (Circle K), vehicle service (Super Suds Carwash), general restaurant (Tropical Smoothie Café) social club or lodge (VFW), florist (Floriography Studio), drug store (Walgreens), personal improvement services (Folly Jujitsu) and parcels in the Town of James Island zoned RSL and DR-1F in the City of Charleston.

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."

According to the applicant's letter of intent they are "seeking a variance to ordinance section 153.336(D)(2)(c) and requesting a double drive-through lane to increase the stacking capacity on site and improve traffic flow" for the operation a drive-thru coffee establishment Dutch Bros Coffee. Pebble Hill MP, LLC is the current owner of the subject parcel, and the lot is considered legal and conforming.

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 constricting size and the existing location of a shared access drive on the property. As the letter of intent states, *“the subject property is 0.652 acres, of which 0.127 acres is already developed with a shared access drive with the adjacent Chase Bank”*. Additionally, the applicant states that the *“existing access drive has easements and restrictive covenants in place which would prohibit the rearrangement of the drive.”*

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 no commercial properties nearby have a shared access drive utilizing 0.12 acres of property nor the existing configuration and layout of the subject property. Although there are five commercial properties in the vicinity that are smaller than 0.525 acres according to Charleston County records, there is only one double-drive thru fast food use, in which the parcel is larger.

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 prohibit the utilization of the property as a drive-through fast food use. However, according to the letter of intent Dutch Bros Coffees *“use double drive through lanes, dynamic ordering, and drink runners to help make the order experience smoother and more enjoyable”* and *“granting of this variance allows Dutch Bros Coffee to operate to the best of their ability, provide the highest quality service and experience to their customers, and mitigate any negative impacts to the adjacent properties and the surrounding community”*. Therefore, not granting the variance may unreasonably restrict the use from operating at full capacity or to the best of their ability.

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, and the character of the zoning district will not be harmed by the granting of the variance. As the applicant’s letter of intent states, *“a double drive-through lane allows more cars to get on site and out of the shared access drive with Chase and reduces overflow onto the surrounding*

streets, Folly Road, and Camp Road.” Furthermore, the applicant indicates that the variance request is made “to protect the safety of our customers and employees, and to improve traffic flow” and that “granting of this variance allows Dutch Bros Coffee to operate to the best of their ability, provide the highest quality service and experience to their customers, and mitigate any negative impacts to the adjacent properties and the surrounding community.”

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: **Constraints such as the size of the property and the location of the shared access drive are existing site conditions and may not be the result of the applicant’s own actions. Additionally, the need for the variance, as the applicant explains, is to “increase the stacking capacity on site and improve traffic flow.”**

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

Response: **Ordinance section 153.336 ARCHITECTURAL AND LANDSCAPE DESIGN GUIDELINES state the purpose of the standards is “to promote and protect the appearance, character, and economic value of new development; to encourage creativity in new development (as opposed to homogeneity or “look-alike” projects); and to foster attractive streetscapes and pedestrian environments, while accommodating safe vehicular movements and access.” Therefore, 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”.**

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-4-24-038 Variance Request for the construction of a double-drive thru for a proposed fast-food use (Dutch Brothers Coffee) in the Community Commercial (CC) Zoning District and in the Commercial Core of the Folly Road Corridor Overlay (FRC-O) Zoning District at 890 Folly Road–Town of James Island (TMS #425-06-00-101) 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. Any future proposed double-drive thru on the subject parcel must also follow Variance procedures as a new application.

April 19, 2024

Town of James Island Board of Zoning Appeals
1122 Dills Bluff Road
James Island, SC 29412

RE: Variance Request – 890 Folly Road, Charleston, South Carolina

Dear Members of the Board:

We greatly appreciate you taking the time to review our submittal package and consider our request for a variance to the Town of James Island Code of Ordinances. We are seeking a variance to Ordinance 153.336(D)(2)(c) and requesting a double drive-through lane to increase the stacking capacity on site and improve traffic flow. Below is a list of the approval criteria for a variance, as defined in Section 153.049 F, and the manner in which they have each been satisfied:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

The subject property is 0.652-acres, of which 0.127 acres is already developed with a shared access drive with the adjacent Chase Bank. The existing access drive has easements and restrictive covenants in place, which would prohibit the rearrangement of this drive. Therefore, the total developable area of the site is 0.525-acres. That is already a very small commercial site, but the shared access drive further restricts the space for the drive thru to stack around the building, like a stand along site could accommodate.

b. These conditions do not generally apply to other property in the vicinity;

To my knowledge, there are not any other properties of comparable size within the Town of James Island that have a shared access drive with the adjacent property.

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;

Due to the size and configuration of the property and the existing shared access on the site, the application of the single drive-through lane Ordinance (153.336(D)(2)(c)) would unreasonably restrict the utilization of the property as a drive-through business. A single drive-through lane would stack up much faster and negatively impact the shared access utilized by the existing Chase Bank, and could back up to Folly Road and Camp Road, thus negatively impacting the community.

- 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;**

Authorization of a double drive-through would not cause any detriment to the adjacent property or the public good, nor would it negatively affect the character of the zoning district. Conversely, the application of this Ordinance would cause a detriment to the adjacent Chase Bank and to those traveling on Folly Road and Camp Road, because a single drive-through lane stacks up faster than a double drive-through lane. A double drive-through lane allows more cars to get on site and out of the shared access drive with Chase and reduces overflow onto the surrounding streets, Folly Road and Camp Road.

- 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;**

The proposed development is an allowed use within this zoning district, with the granting of the special exception also requested of the BZA.

- f. The need for the variance is not the result of the applicant's own actions; and**

The site constraints are existing and were not created as a result of the applicant's own actions.

- g. Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.**

The proposed development is compatible with the Comprehensive Plan.

In addition to meeting the approval criteria, a precedent has been set by granting the variance for a double drive-through lane for the nearby Chick-fil-a. Although the site constraints are different, the request is made in the same spirit – to protect the safety of our customers and employees, and to improve traffic flow.

Dutch Bros Coffee operates in a very similar way to Chick-fil-a. There is no order box. They use double drive-through lanes, dynamic ordering, and drink runners all to help make the ordering experience smoother and more enjoyable. Granting of this variance allows Dutch Bros Coffee to operate to the best of their ability, provide the highest quality service and experience to their customers, and mitigate any negative impacts to the adjacent properties and surrounding community.

Thank you again for your time and consideration.

Sincerely,

FORESITE GROUP, LLC



Sarah Hamblin, PE

Division Leader

PROJECT DATA

SC0104
890 FOLLY RD
CHARLESTON, TOWN OF JAMES ISLAND, SC 29412

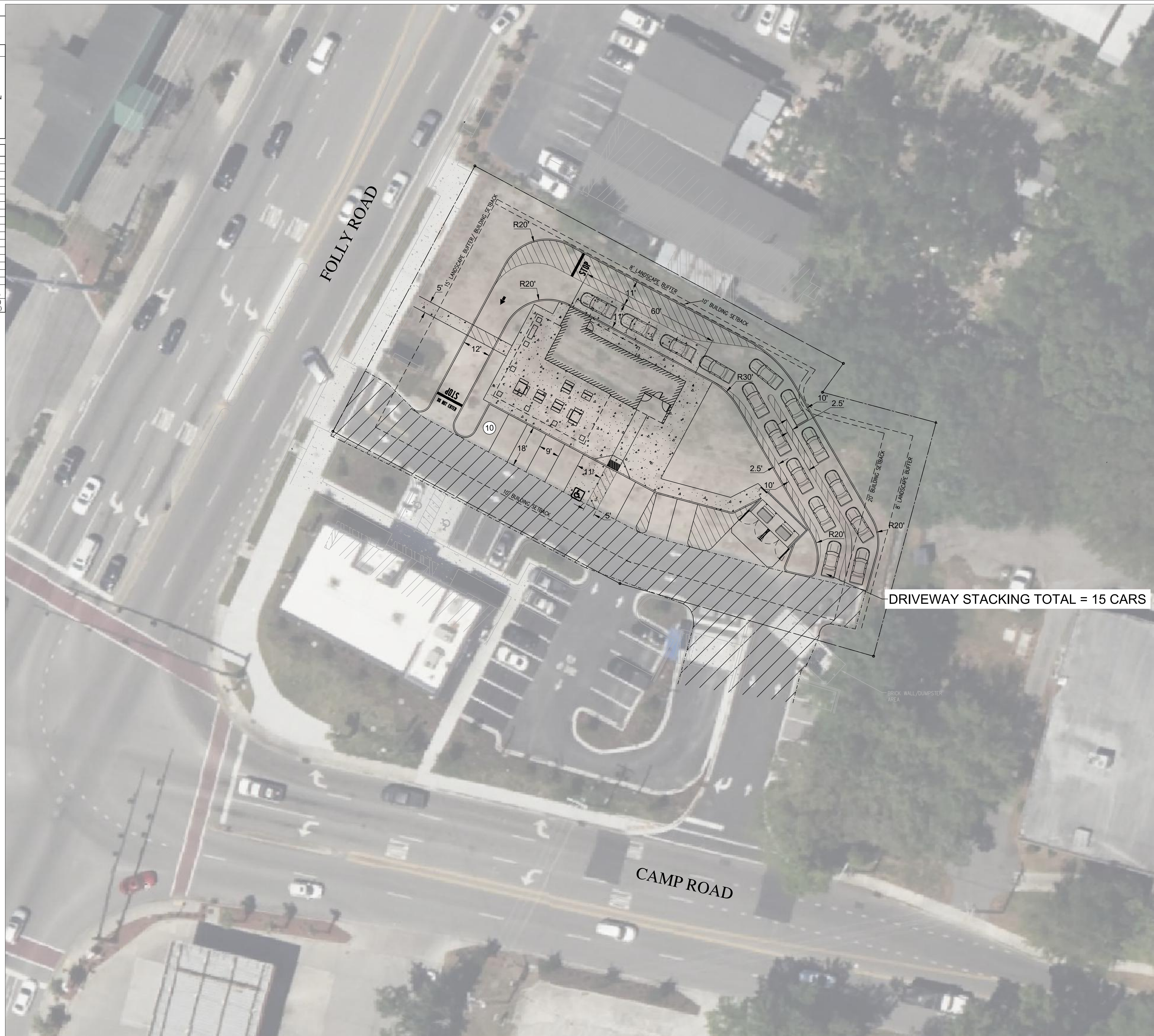
LEGEND

- # NUMBER OF PARKING SPACES
- CONCRETE PAVING
- ♿ ACCESSIBLE PARKING SPACES
- VEHICLE STACKING POSITION
- ☰ MENU BOARD
- ➔ DIRECTIONAL SIGNAGE

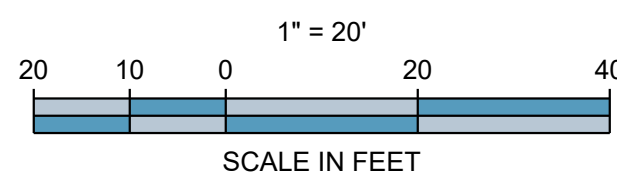
SITE DATA

	REQUIRED (BY AHJ)	REQUIRED (BY DBC)	PROVIDED
BUILDING SQ. FT.:	-	950 SF	950 SF
PROPERTY SIZE:	-	-	± 0.652 AC
LANDSCAPE BUFFER - FRONT:	15	N/A	15
SIDE:	8	N/A	8
REAR:	8	N/A	8
BUILDING SETBACK - FRONT:	15	N/A	64
SIDE:	10	N/A	39
REAR:	20	N/A	109
PARKING:	10 SPACES	13 SPACES	10 SPACES
ACCESSIBLE PARKING:	1 PER 25 SPACES	1 SPACE	1 SPACE
MINIMUM CAR QUEUING LENGTH:	6 SPACES	360 FT	270 FT
EXIT QUEUING LENGTH:		40 FT	115 FT
MINIMUM TURN RADI:		20 FT (INSIDE) 20 FT (OUTSIDE)	20 FT (INSIDE) 20 FT (OUTSIDE)
MINIMUM DRIVE AISLE WIDTH:	11 FT (ONE-WAY) 22 FT (TWO-WAY)	12 FT (ONE-WAY) 24 FT (TWO-WAY)	11 FT (ONE-WAY) 22 FT (TWO-WAY)

- NOTES:
 1) PROPERTY LINES OBTAINED FROM SURVEY BY CDS DATED 12/15/2023.
 2) A SITE VISIT HAS NOT BEEN COMPLETED AT THIS TIME.
 3) A SIGN STUDY HAS NOT BEEN PROVIDED AT THIS TIME.



DRIVEWAY STACKING TOTAL = 15 CARS



ENGINEER:

ForeSite Group, LLC
 960 Morrison Dr.
 Suite 200
 Charleston, SC 29403
 Phone: 770.368.1399
 Fax: 770.368.1944
 Website: www.foresitegroup.net

DEVELOPER:

CONTACT: MS. MELANIE DYE

PROJECT:

SC0104
 890 FOLLY RD
 CHARLESTON, TOWN OF JAMES ISLAND, 29412

SEAL:

THESE PLANS WERE PREPARED UNDER THE SUPERVISION AND DIRECTION OF SARAH HAMBLIN, PE #35977

THESE PLANS ARE RELEASED FOR INITIAL REVIEW PURPOSES ONLY.

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT

REVISIONS	DATE

PROJECT MANAGER: SMH
 DRAWING BY: BSD
 JURISDICTION: TOWN OF JAMES ISLAND
 DATE: 03/15/2024
 TITLE:

PRELIMINARY SITE PLAN (AERIAL)

SHEET NUMBER: 1 OF 1

COMMENTS: NOT RELEASED FOR CONSTRUCTION

JOB/FILE NUMBER: 1519.067

PROJECT DATA

SC0104
890 FOLLY RD
CHARLESTON, TOWN OF JAMES ISLAND, SC 29412

LEGEND

	NUMBER OF PARKING SPACES		CONCRETE PAVING
	ACCESSIBLE PARKING SPACES		VEHICLE STACKING POSITION
	MENU BOARD		DIRECTIONAL SIGNAGE

SITE DATA

	REQUIRED (BY AHJ)	REQUIRED (BY DBC)	PROVIDED
BUILDING SQ. FT.:	-	950 SF	950 SF
PROPERTY SIZE:	-	-	±0.652 AC
LANDSCAPE BUFFER - FRONT:	15	N/A	15
SIDE:	8	N/A	8
REAR:	8	N/A	8
BUILDING SETBACK - FRONT:	15	N/A	64
SIDE:	10	N/A	39
REAR:	20	N/A	109
PARKING:	10 SPACES	13 SPACES	9 SPACES
ACCESSIBLE PARKING:	1 PER 25 SPACES	1 SPACE	1 SPACE
MINIMUM CAR QUEUING LENGTH:	6 SPACES	360 FT	270 FT
EXIT QUEUING LENGTH:		40 FT	115 FT
MINIMUM TURN RADIUS:		20 FT (INSIDE) 20 FT (OUTSIDE)	20 FT (INSIDE) 20 FT (OUTSIDE)
MINIMUM DRIVE AISLE WIDTH:	11 FT (ONE-WAY) 22 FT (TWO-WAY)	12 FT (ONE-WAY) 24 FT (TWO-WAY)	11 FT (ONE-WAY) 22 FT (TWO-WAY)

- NOTES:**
 1) PROPERTY LINES OBTAINED FROM SURVEY BY CDS DATED 12/15/2023.
 2) A SITE VISIT HAS NOT BEEN COMPLETED AT THIS TIME.
 3) A SIGN STUDY HAS NOT BEEN PROVIDED AT THIS TIME.

LANDSCAPE REQUIREMENTS:

ROADWAY BUFFER TYPE S1: 2 CANOPY TREES, 30 SHRUBS, 2 STREET TREES, AND 3 UNDERSTORY TREES (AT LEAST 50% EVERGREEN) PER 100 LF

FOLLY ROAD (99 LF)
 99 LF / 100 LF = 2 CANOPY TREES/STREET TREES, 30 SHRUBS, AND 3 UNDERSTORY TREES REQUIRED
 2 CANOPY TREES/STREET TREES, 30 SHRUBS, AND 3 UNDERSTORY TREES PROPOSED

NORTH LAND USE PERIMETER BUFFER: 1 CANOPY TREE PER 50 LF; A HEDGE OR OTHER LANDSCAPE MATERIAL OF AT LEAST THREE FEET IN HEIGHT, AT MATURITY, SHALL BE PLANTED WITHIN THE PERIMETER LANDSCAPE AREA TO PROVIDE A CONTINUOUS LANDSCAPE ELEMENT

227 LF / 50 LF x 1 = 5 CANOPY TREES REQUIRED
 4 CANOPY TREES PROPOSED
 1 EXISTING TREE TO REMAIN

EAST LAND USE BUFFER TYPE B: 3 CANOPY TREES, 20 SHRUBS, AND 4 UNDERSTORY TREES (AT LEAST 50% EVERGREEN) PER 100 LF

103 LF / 100 LF = 3 CANOPY TREES, 21 SHRUBS, AND 4 UNDERSTORY TREES REQUIRED
 3 CANOPY TREES, 21 SHRUBS, AND 2 UNDERSTORY TREES PROPOSED
 2 EXISTING PALM TREES TO REMAIN

PARKING LOT LANDSCAPE: MINIMUM OF ONE LANDSCAPE ISLAND PER 10 PARKING SPACES, ISLANDS SHALL BE MINIMUM 325 SF. EACH LANDSCAPE ISLAND MUST CONTAIN AT LEAST ONE CANOPY TREE

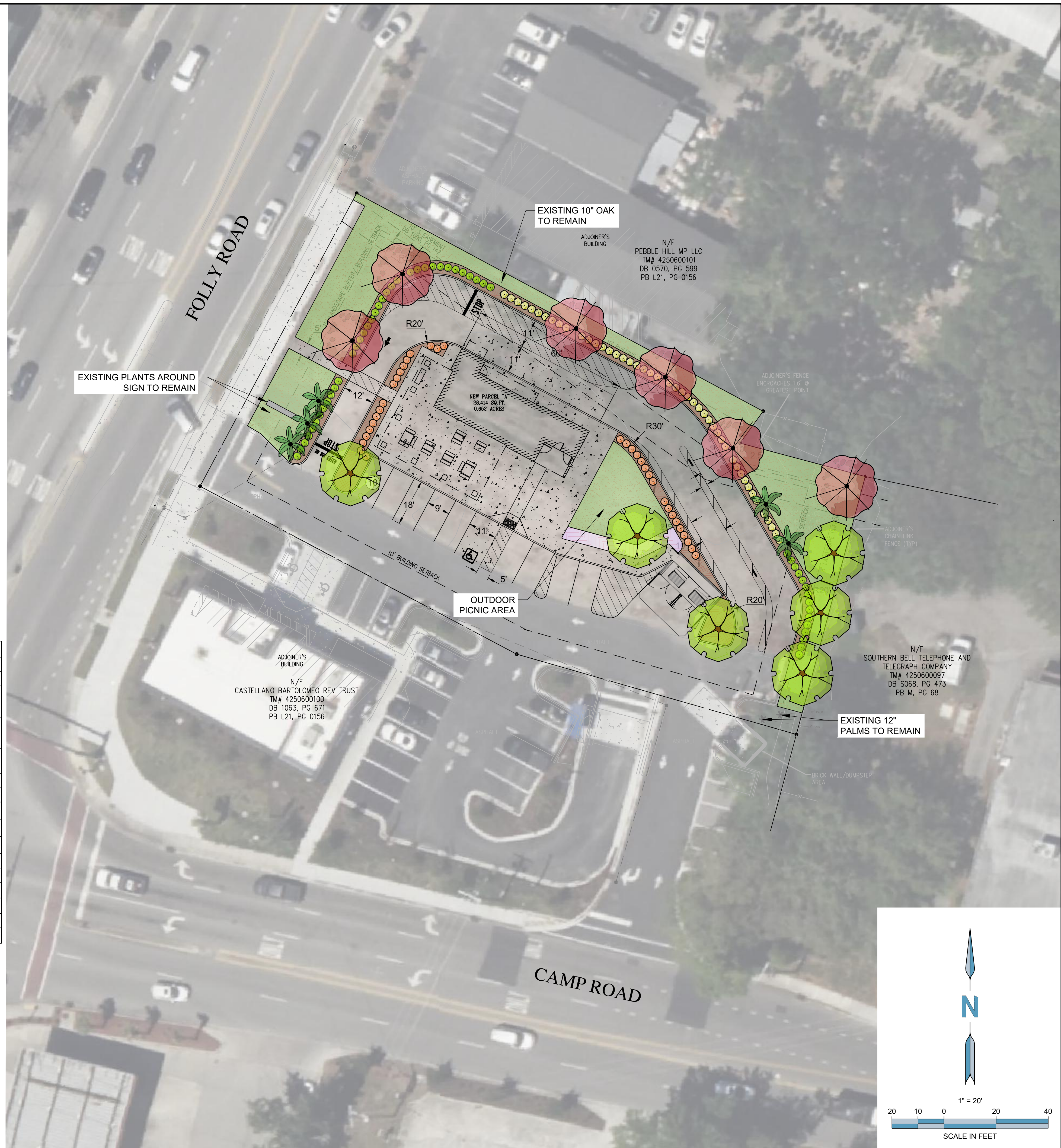
10 SPACES / 10 x 1 = 1 LANDSCAPE ISLAND AND TREE REQUIRED
 1 LANDSCAPE ISLAND AND TREE PROPOSED

PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	SPACING
TREES						
	6	QUERCUS PHELLOS / WILLOW OAK	B & B	3" CAL	12' MIN. HT	
	6	QUERCUS SHUMARDII / SHUMARD RED OAK	B & B	3" CAL	12' MIN. HT	
	5	SABAL PALMETTO / CABBAGE PALMETTO	B&B		8' MIN. HT	
SHRUBS						
	51	ILEX VOMITORIA 'NANA' / DWARF YAUPON HOLLY	3 GAL	MIN. 18"-24" HT		36" o.c.
	46	ILICUM PARVIFLORUM 'FLORIDA SUNSHINE' / FLORIDA SUNSHINE ANISE TREE	3 GAL	MIN. 18"-24" HT		36" o.c.
	35	THUJA OCCIDENTALIS 'CONGABE' / FIRE CHIEF™ ARBORVITAE	3 GAL	MIN. 18"-24" HT		36" o.c.
GROUND COVERS						
	1,523 SF	MULCH	MULCH			
	114	PANICUM VIRGATUM 'HEAVY METAL' / HEAVY METAL SWITCH GRASS	1 GAL			18" o.c.
SOD/SEED						
	5,756 SF	CYNODON DACTYLON 'TIF 419' / BERMUDA GRASS	SOD			

PLANT TYPE	MINIMUM SIZE
CANOPY TREE	2-1/2 INCHES CALIPER AND 12 FEET IN HEIGHT
EVERGREEN/CONIFER TREE	5 FEET IN HEIGHT
SHRUBS	3 GALLON AND 18-24 INCHES IN HEIGHT OR SPREAD
UNDERSTORY/ORNAMENTAL TREES	8 FEET IN HEIGHT

NOTE: AT LEAST 50% OF REQUIRED UNDERSTORY TREES SHALL BE EVERGREENS. ANY PLANT MATERIAL THAT GROWS TO AN ULTIMATE HEIGHT OF LESS THAN 18 INCHES SHALL BE CONSIDERED A GROUND COVER AND CANNOT BE USED TO FULFILL ANY OF THE SHRUB REQUIREMENTS



ENGINEER:
FORESITE group
 Foresite Group, LLC
 960 Morrison Dr.
 Suite 200
 Charleston, SC 29403
 P | 770.368.1399
 F | 770.368.1944
 W | www.foresitegroup.net

DEVELOPER:

 CONTACT: MS. MELANIE DYE

PROJECT:

 SC0104
 890 FOLLY RD
 CHARLESTON, TOWN OF JAMES ISLAND, SC 29412

SEAL:

REVISIONS	DATE

PROJECT MANAGER: SMH
 DRAWING BY: BSD
 JURISDICTION: TOWN OF JAMES ISLAND
 DATE: 05/03/2024
 TITLE:

CONCEPT LANDSCAPE PLAN

SHEET NUMBER:
 1 OF 1

COMMENTS: NOT RELEASED FOR CONSTRUCTION
 JOB/FILE NUMBER: 1519.067

