

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF FEBRUARY 19, 2019

Members present: Mr. Jim Fralix, Mr. Jason Gregorie, Vice Chair, Mr. Roy Smith, Mr. Sim Parrish, and Mrs. Brook Lyon, Chair. Also, Kristen Crane, Planning Director, Flannery Wood, Planner I, Leonard Blank, Councilmember and Mayor Pro-tem, Bonum S. Wilson, BZA Attorney, and Frances Simmons, Secretary to the BZA and Town Clerk.

Call to Order: Chairwoman Lyon called the Board of Zoning Appeals meeting to order at 7:00 p.m. A quorum was present to conduct business.

Prayer and Pledge: Chairwoman Lyon asked members of the BZA and others who wished, to join the prayer and Pledge of Allegiance.

Compliance with FOIA: Chairwoman Lyon announced that this meeting has been noticed in compliance with the South Carolina Freedom of Information Act.

Introductions: Chairwoman Lyon introduced the members of the BZA, staff, Councilmember/Mayor Pro-tem Blank, and Attorney Wilson.

Review Summaries and Rulings from the December 18, 2018 BZA Meeting: Chairwoman Lyon asked if there were changes to the December 18, 2018 meeting minutes. If not, a motion and a second is required to approve. Motion to approve was made by Mr. Parrish, seconded by Mr. Gregorie and passed unanimously.

BZAS-11-18-022

TMS #428-08-00-059

Variance request for the construction of an 8' privacy fence in the front setback of a corner lot in the Low-Density Suburban (RSL) District at 1164 Seaside Lane
APPROVED

BZAV-11-18-023

TMS #425-16-00-126

Variance request for the reduction of the required 20' Right-of-Way Buffer to 5' for the placement of a leasable retail center in the Community Commercial (CC) Zoning District at 1233 Camp Road
APPROVED

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

Administer the oath to those persons presenting testimony: Attorney Wilson swore in the persons who wished to provide testimony in tonight's case.

Review of the Following Application:

NEW BUSINESS

BZAS-1-19-017

TMS #425-08-00-022

Special Exception request for the placement of a One-Bay Consumer Vehicle Repair Facility in an existing garage in the Community Commercial (CC) District and the Folly Road Corridor Overlay Zoning District (FRC-O) at 808 Folly Road: Planning Director, Kristen Crane, presented the staff review. The applicant, Mr. James Patrick is requesting a Special Exception for the placement of a one-bay Consumer Vehicle Repair Facility in an existing garage in the Community Commercial (CC) District and the Folly Road Corridor Overlay Zoning District at 808 Folly Road, Suite C (TMS# 425-08-00-022). The location previously operated as a garage and currently shares a mixed-use shopping center with La Hacienda, Mike's Bikes, Island Tobacco, and Auto Money Title Loans. Adjacent properties to the north, west, and south are zoned Community Commercial (CC) and are in the Town of James Island. To the east are residential zoned parcels that are in the City of Charleston's jurisdiction as well as other parcels in the Low Density Suburban Residential District (RSL) in the Town of James Island. Other uses within 300' of the subject property include restaurants (Sweetwater Café, Gillie's, Baguette Magic), retail sales (Mike's Bikes, Moneyman Pawn, O'Reilly auto Parts, Badd Kitty, Purple Haze), Bar or Lounge (The Break, Charleston Sports Pub), retail or personal services (JI Driving School, Top of the Line Barber Shop, Charleston Tattoo Company, Holy City Nail Spa, Hair duJour), animal services (Susan's VIP Grooming), repair and maintenance services (911 Appliance Repair, Scooter Stop), vehicle service (Take 5 Oil Exchange), offices (Petigru Properties, Mario S. Inglese Attorney, J. Brooks Davis Attorney), utility substation (SCEG) and residential uses.

The Town of James Island Zoning and Land Development Regulations Ordinance Chapter 153, Folly Road Corridor Overlay Zoning District §153.093(H)(2) states, "*Uses Requiring Special Exception: Liquor, Beer or Wine Sales, Bar or Lounge, Consumer Vehicle Repair, Fast Food Restaurant, Gasoline Service Stations (with or without convenience stores), indoor Recreation and Entertainment, Vehicle Service*".

In the applicant's letter of intent, he explains, "As my home business (Xtreme Auto Works, LLC) has grown through word of mouth, I find I must provide my services in a more formal locale. As a James Island resident and small business owner with my wife and two children, I am committed to providing honest, expert, and affordable automobile repair services to our community."

Mrs. Crane reviewed the Findings of Facts according to §153.045 E, Special Exceptions Criteria of the Town of James Island Zoning and Land Development Regulations (ZLDR). She stated that the Board of Zoning Appeals has authority to approve, approve with conditions or to deny the case based upon the findings of facts unless additional information is necessary to make an informed decision. Mrs. Crane read the six approval criteria along with two conditions recommended by staff:

1. An 8-foot high, opaque, wooden privacy fence shall be installed along the eastern perimeter adjacent to any residential use or property.
2. Heavy repairs are to be conducted within the enclosed bay or enclosed work area. These include any activity that generates noise, vibration, dust or odor, and that would adversely affect adjacent residential properties.

Questions from the Board

Mr. Parrish asked if the facility was used as a repair shop before and Mrs. Crane answered yes. He asked if the business was already zoned for that use. Mrs. Crane explained that in 2015, the regulations changed for businesses in the Folly Road Corridor (FRC-O) and the facility was vacant since then.

Applicant Presentation:

James Patrick, 635 Majestic Oaks Dr. Mr. Patrick stated that he started his business in May 2018 and obtained the proper licenses: retail, business, and home occupancy licenses because at that time he was operating out of his garage. As he stated on his application, the business has grown over the last ten months and he wants to operate from a formal location to handle volume and the clients that he has. Mr. Patrick noted that he found the location at 808 Folly Road and it had operated twice as a repair/garage facility. He informed the Board that he wants to go through the proper channels. Since submitting his application, he has agreed to install an 8-foot privacy fence. He has had no complaints when he operated from his home. There was not a lot of noise and he has received support from the neighbors. He has two small children to support and this is his way of life. Pictures submitted to the Board and attached for the record.

Questions from the Board:

Mr. Fralix asked Mr. Patrick if he owned the property at 808 Folly Road, to which he answered no, that he leased it in January.

Chairwoman Lyon asked Mr. Patrick if he was currently operating the business and he said no, he is in the process of preparing. He said his signage was already in motion.

In Support:

Michael Simeone, 1486 Springwater Court: Mr. Simeone spoke in favor of the request. He is a registered nurse and often works the night shift. He described, Mr. Patrick as honest and hard working. He shared an experience of lending his lawnmower to Mr. Patrick who also cut his yard. He has no financial interest in this request, and when Mr. Patrick worked out of his garage, he was respectful and there was not a lot of noise.

Carol Linville, 1230 Tabby Dr., Folly Beach: Mrs. Linville stated that she and her husband (now deceased) owns the property at 808 Folly Rd. She said the building was empty for years and had been rented out as storage space. She said a new roof had been put on the building and that Mr. Patrick keeps the property neat and clean. She said James Island could do nothing but gain by having this business here.

Nicole Zujovic, 635 Majestic Oaks Dr., spoke that her family moved to James Island from Baltimore. They have two small children and enjoy their time here. They are looking to make James Island their home for good.

B.J. Schott, 721 Stonefield Ave., stated that he has never had a problem when Mr. Patrick worked from his garage. Mr. Patrick has been very helpful and kept his place nice.

In Opposition: No one spoke

Rebuttal: Not needed

Chairwoman Lyon closed the hearing to the public at 7:29 p.m. and asked for a motion and a second from the Board in order to have discussion, to approve, approve with conditions or to deny the Special Exception request.

MOTION

Mr. Parrish moved to approve BZAS-1-19-017, Special Exception request for the placement of a One-Bay Consumer Vehicle Repair Facility in an existing garage in the Community Commercial (CC) District and the Folly Road Corridor Overlay Zoning District (FRC-O) at 808 Folly Road with the two conditions recommended by staff:

1. An 8-foot high, opaque, wooden privacy fence shall be installed along the eastern perimeter adjacent to any residential use or property.
2. Heavy repairs are to be conducted within the enclosed bay or enclosed work area. These include any activity that generates noise, vibration, dust or odor, and that would adversely affect adjacent residential properties.

Mr. Smith seconded. Mr. Gregorie announced for the record that four (4) letters of support was received on behalf of the applicant and no letters of opposition were received.

Mr. Smith asked about the fence and if the fence is already in place. Ms. Crane stated that the fence was across the other side of the property and the applicant would continue the fence behind the property.

After discussion, Chairwoman Lyon called for the vote.

VOTE

Mr. Fralix	aye
Mr. Gregorie	aye
Mr. Parrish	aye
Mr. Smith	aye
Chairwoman Lyon	aye

Motion passed unanimously. Chairwoman Lyon announced that the applicant met all of the criteria and conditions and would receive the final decision within ten (10) business days. The applicant was instructed to contact the Planning Department if there are questions about the approval requirements or the conditions.

Additional Business

Next Meeting: The next meeting of the Board of Zoning Appeals will be held on March 19, 2019 if applications are received.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:33 p.m.

Respectfully submitted:



Frances Simmons

Town Clerk and Secretary to the BZA