

TOWN OF JAMES ISLAND

BOARD OF ZONING APPEALS

SUMMARY OF NOVEMBER 21, 2017

Members present: Mr. Jim Fralix, Mr. Roy Smith, and Chairwoman Brook Lyon. Absent: Mr. Jason Gregorie and Mr. Sim Parrish (both members gave notice of their absence). A quorum was present to conduct business. Also present, Attorney Brandon Reeser (substituting for BZA Attorney Bo Wilson), Ashley Kellahan, Town Administrator, (substituting for Planning Director Kristen Crane), Frances Simmons, Town Clerk and Secretary to the BZA, and Leonard Blank, Councilmember/Mayor Pro-tem.

Call to Order: Chairwoman Lyon called the Board of Zoning Appeals meeting to order at 7:00 p.m.

Prayer and Pledge: Chairwoman Lyon opened in prayer, afterward followed with the 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 members of the Board of Zoning Appeals (BZA) Attorney Reeser, staff and Councilman/Mayor Pro-tem Blank.

Review Summary and Rulings from the September 19, 2017 Meeting: Chairwoman Lyon asked if there were corrections to the minutes. There were no corrections. A motion to approve was made by Mr. Smith, seconded by Chairwoman Lyon. No discussion. Motion passed unanimously.

BZAS-7-17-010

TMS# 425-02-00-171

831 Folly Road

Special Exception Request for the placement of a Small Animal Boarding Facility in the Community Commercial (CC) Zoning District and the Folly Road Corridor overlay (FRC-O) Zoning District on property located at 831 Folly Road.

APPROVED WITH CONDITIONS

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

Administer Oath to those Presenting Testimony: Attorney Reeser swore in persons who wished to speak on tonight's case.

Chairwoman Lyon introduced tonight's case:

Review of the following Application:

BZAS-10-17-11
1023 Seaside Lane

Special Exception request for the placement of a manufactured housing unit in the Low-Density suburban Zoning District (RSL) on property located at 1023 Seaside lane, Town of James Island, SC (TMS# 428-07-00-082).

Staff Review: Town Administrator, Ashley Kellahan stated that the applicant, Mr. Alfred McDaniel, is requesting a Special Exception for the placement of a manufactured housing in the Low-Density Suburban Residential (RSL) District at 1023 Seaside Lane (TMS# 428-07-00-082). The applicant plans to place a 26.3'x48' manufactured housing unit on the 32,239 sq. ft. or .74 acre property. The property is currently vacant and partially wooded. The proposed spot for the manufactured home is cleared. Adjacent properties to the north, east and south are also in the Low-Density Suburban Residential District (RSL). One nearby property is zoned Single Family and Two Family Residential (STR) in the City of Charleston. Another use within 300' of the subject property is a public school, James Island Charter High, which is zoned Single Family Residential (SR1) in the City of Charleston.

The Town of James Island Zoning and Land Development Regulations, Table 153.144 (C) Manufactured Housing Units states, "Placement of a manufactured home within the RSL Zoning District is conditional upon determination by the Zoning Administrator that: 1) the area within 300 feet of the parcel proposed for manufactured home placement is characterized either entirely of manufactured homes or a mix of site built and manufactured homes. (The mix shall contain a minimum number of manufactured homes equivalent to 25% of the number of existing principal residences located on parcels within 300 feet of the subject property); and 2) if the Zoning Administrator determines that the area is not characterized either entirely of manufactured homes or by a mix of site built and manufactured homes, the use shall fall under the special exception procedures of this chapter."

The staff has analyzed the properties within 300' of the parcel proposed for manufactured home placement and determined that of the thirty-six (36) parcels within the 300' subject area, there were 29 existing residences: 23 site built homes and 6 manufactured homes. Based on these findings, the manufactured home ratio for the subject area was 21%.

Mrs. Kellahan reviewed the six (6) criteria outlined in §153.045 E, Special Exceptions Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR). She stated that the Board may approve, approve with conditions or deny Case #BZAS-10-17-11 based upon the Findings of Facts unless additional information is deemed necessary to make an informed decision. In the event the Board decides to approve the application, the Board should consider the following conditions:

- 1) The manufactured home shall comply with Section 153.144 Manufactured Housing Units of the Town of James Island Zoning and Land Development Regulations Ordinance, including any skirting requirements in the Ordinance as well as additional requirements required by the Federal Emergency Management Agency (FEMA).

- 2) Before any zoning permits are issued for the placement of the manufactured home, the applicant/owner shall install tree barricades around the grand trees on the property, as described in §153.334 of the Ordinance.

Questions for Staff:

Mr. Fralix asked if the property complies with water and sewer regulations. Mrs. Kellahan answered yes and that is a requirement in the Town's Site Plan Review process. The applicant has also confirmed that water and sewer is available to this parcel.

Applicant Presentation:

Alfred R. McDaniel
1258 Oxbow Drive
Charleston, SC 29412

Mr. McDaniel stated that he was away for 30-40 years; and has served in the US Army for 26 years. He said a home was once on the property and was torn down in 1982. Ever since that time, property taxes were being paid on the land. Mr. McDaniel said he decided with his family that it was time to put something on the land and not waste all of the property taxes. He thanked Ashley Kellahan and staff for helping him through the process. He asked the Board to approve his request so that he can move forward and have a home placed there.

Questions for Applicant: None.

Support of Request: No one spoke.

Opposition to Request: No one spoke.

Chairwoman Lyon closed the hearing to the public at 7:23 p.m. and asked for a motion and a second from the Board in order to have discussion.

Main Motion: Mr. Fralix moved to approve the Special Exception; Mr. Smith seconded. Mr. Smith stated that the motion should be modified to include the two (2) conditions recommended by staff. He said the conditions would have to be met because they are laws. However, since the staff recommended including them in the approval process, he recommends amending the motion.

Amended Motion: Mr. Smith moved to amend Mr. Fralix's motion to include the two (2) conditions recommended by staff. Mr. Fralix seconded. No discussion. VOTE ON AMENDING MAIN MOTION WITH RECOMMENDATIONS BY STAFF: Fralix, aye; Mr. Smith, aye; Chairwoman Lyon, aye. Motion passed unanimously.

VOTE ON AMENDED MAIN MOTION:

Case BZAS-10-17-11, Special Exception request for the placement of a manufactured housing unit in the Low-Density Suburban Zoning District (RSL) on property located at 1023 Seaside Lane, Town of James Island. TMS #428-07-00-082: Approved with conditions recommended by staff:

- 1) The manufactured home shall comply with Section 153.144 Manufactured Housing Units of the Town of James Island Zoning and Land Development Regulations Ordinance,

including any skirting requirements in the Ordinance as well as additional requirements required by the Federal Emergency Management Agency (FEMA).

- 2) Before any zoning permits are issued for the placement of the manufactured home, the applicant/owner shall install tree barricades around the grand trees on the property, as described in §153.334 of the Ordinance. Mr. Fralix, aye; Mr. Smith, aye; Chairwoman Lyon, aye. Motion passed unanimously.

Chairwoman Lyon announced that the Special Exception is approval with the two (2) conditions. She said the reason for the approval is the applicant met the legal requirements as set forth in the Findings of Facts. The final decision of the Board would be mailed to the applicant within 10 days and the applicant should contact the Planning and Zoning staff if he has questions.

Next Meeting: December 19, 2017.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:26 p.m.

Respectfully submitted:



Frances Simmons

Town Clerk and Secretary to the BZA