

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF MARCH 15, 2022

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

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

Call to Order: Chairwoman Lyon called the BZA meeting to order at 7:00 p.m. Chairwoman Lyon asked the Board and others who wished, to join in the prayer which was followed by the Pledge of Allegiance.

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

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

Review Summary from the February 15, 2022 BZA Meeting: Motion to approve the meeting minutes from the February 15, 2022 BZA meeting was made by Commissioner Hipp, seconded by Commissioner Fabri, and passed unanimously. Chairwoman Lyon announced that case rulings and minutes from this and any BZA meetings are available for public review and inspection during normal business hours at the Town Hall.

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 Presenting Testimony: Chairwoman Lyon asked Attorney Wilson to swear in persons at the Town Hall and those on Zoom who wished to provide testimony.

Review of the Following Application:

Case #BZAS-2-22-024

TMS# 425-08-00-023

Special Exception request for Beverage or Related Products Manufacturing in the Community Commercial (CC) District at 798 Folly Road, Unit B.

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

Planning Director, Kristen Crane, presented the staff review for Case #BZAS-2-22-024 and stated that the applicant, Mr. Roman Rozek, is seeking a Special Exception for beverage or related products manufacturing in the Commercial Core Area of the Folly Road Corridor Overlay Zoning District (FRC-O), at 798-B Folly Road having TMS #425-08-00-023) is 2.00 acres in size, zoned Community Commercial (CC) and hosts a variety of uses including a Beauty Salon, Personal Improvement Studio, Tattoo Parlor, Administrative Offices, Bar/Restaurant, and General Restaurant. Adjacent property to the north is a mixed-use shopping

center zoned Community Commercial (CC) and Low-density Suburban Residential (RSL) property under the same ownership. Property to the east is zoned RSL and is owned by the subject property owner, and property to the southeast is in the City of Charleston and zoned Diverse Residential. Property. To the west is zoned General Business and is in the City of Charleston. The remaining surrounding area includes parcels in the City zoned General Business and Single Family Residential, as well as parcels in the Town of James Island zoned CC and RSL.

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

Mrs. Crane reviewed the six (6) Findings of Fact and the staff's recommendation with the following condition:

1. The applicant shall follow all applicable laws and regulations concerning alcohol sales, consumption, and manufacturing.

The Board of Zoning Appeals may approve, approve with conditions, or deny Case #BZAS-2-22-024 based upon the Findings of Facts unless additional information is deemed necessary to make an informed decision.

Questions for Staff:

Commissioner Hipp asked if Hurricane Boxing is closing. She went by there the other day and it looked active. Mrs. Crane replied that she did not know the status at this time.

Commissioner Hipp referred to the email she sent to Mrs. Crane earlier today about the Roost and how they had obtained their license liquor and that Mrs. Crane stated they (BES) are not using it as a restaurant, but for manufacturing. Mrs. Crane explained that she was trying to relay that the request tonight is only for manufacturing. She said the Roost, Charleston Sports Pub and the former White Duck Taco were there and were allowed to serve alcohol as a bar/restaurant because the Special Exception stays with the property. Commissioner Hipp thanked Mrs. Crane for the clarification.

Commissioner Fabri asked how parking spaces are allocated because it was stated there are 98 parking spots and there are several businesses. Does each business have an allocation, (i.e., x amount of square footage per business)? She commented that the Roost is probably also counting 98 spots and if BES counts 98 spots for their restaurant, how is that done? Mrs. Crane replied that the Town has a parking table in the Ordinance. She explained, for example, if it were a restaurant or a bar, they would have a specific number per square footage of seating area. Because there are so many uses on this parcel, there is a line item for a Shopping Center/Mixed Use Shopping Center that calculates the square footage of the buildings, not counting any storage of all the buildings, and then it would be one space per 300 square feet. She believes the parking requirement came out to about 50 something parking spaces and with their new parking in the back they have a total of 98.

Commissioner Fabri asked for clarification of Section E (e) that states the applicant complies with all applicable rules, regulations, laws, and standards of the Ordinance, including, but not limited to any use conditions, zoning district standards, or Site Plan Review Requirements of this Ordinance. Is there something the applicants need to do, or is it a staff review? Mrs. Crane answered there is nothing the applicants need to do except to go through either a full site plan review or a limited site plan review, based on if their use changes or not since there is already a restaurant/bar there.

Mrs. Crane said BES site plan review would be considered a limited site plan review so basically its going through what has already been done. She stated that this process is done before coming before the BZA to make sure it is an acceptable use that would be approved. This section is about going through site plan review, whether buffering is needed, parking, signage, business licensing etc. and these are items done by the staff.

Commissioner Smith asked about Section E (c) whether adequate provision is made for setback and buffering (including fences), noise, vibration, glare, and odor if it is sufficient or needs to be enhanced. Mrs. Crane stated it is sufficient for what the Town requires. There is a clause in our Ordinance that states if there is existing vegetative buffering on the neighboring site, the new business would not need to install more buffering if that was sufficient.

Applicant Presentation

Roman Rozek, the applicant introduced the members of this group that were on Zoom. He stated that after them appearing at the January 18th, 2022, BZA meeting he was approached by Mr. Joe Walters for a location for his beverage manufacturing business. Mr. Rozek stated that he has knocked on every surrounding door and has obtained signatures in support of the business as well as emails. He expressed excitement about bringing the business to James Island.

Kevin Drinkwater voiced excitement about having a brewery on James Island. He said as far as manufacturing goes, it has little opportunity for being a nuisance and this would bring business to James Island.

Esse Elskamp commented that the brewery would be a great opportunity to bring the community together and to teach about craft beer.

Justin Holsonback thanked the Board for their time in listening to their request and hope they have the opportunity to bring this business to James Island.

Questions for the Applicant:

Commissioner Hipp asked if Hurricane Boxing was closing and is BES taking that space if it works out. Mr. Rozek said yes. He was told they are retiring and have a month-to-month lease. They are working with them and there is a bit of an open timeline. Commissioner Hipp asked if they will have a restaurant and Mr. Rozek stated yes, that it is a goal that is lacking with other breweries that they want to have. Commissioner Hipp asked if he had an idea of what the hours would be. Mr. Rozek said they would comply with their neighbors; however, chances are their hours will be shorter because the nature of their business is a little different.

Support @ Town Hall

Joe Walters and David Walters, 792 Folly Road, own the property at 792 Folly Road where the applicants are applying for a brewery. Mr. Joe Walters thanked the BZA for hearing the case and availed himself to answer questions about the property.

Opposition

There was no one present to speak in opposition at the Town Hall or on Zoom.

Rebuttal

None required.

Chairwoman Lyon closed the Public Hearing at 7:32 p.m. and moved to approve Case #BZAS-2-22-024,

a Special Exception Request for Beverage or Related Products Manufacturing in the Community Commercial (CC) District at 798 Folly Road, Unit B with the condition set forth by staff. Vice Chair Savage seconded the motion.

During discussion Commissioner Hipp stated that the applicants did all that the Board asked them to do two months ago. They polled the neighborhood and have gotten positive results and that made her happy.

Chairwoman Lyon stated that she would be voting in favor of her motion because the request met all of the criteria set forth in the Ordinance. She commented for the record that we received 12 letters of support which included an adjoining business, Baguette Magic, as well as from an attorney with an office nearby. There was also a petition with 12 names. Three of those on the petition also sent letters and there were nine additional names on the petition which totaled 21 people from the community that took the time to put their name down or send a letter in support. Chairwoman Lyon said it is great that the applicants went out to the surrounding community to talk to people and that probably helped to support them. Vice Chairman Savage stated that he is inclined to approve the request because they did a good job on the application. He also appreciated them speaking up during their presentation as he is a little hard of hearing. The presentation was clearer this time and he thanked the applicants for that.

After discussion, Chairwoman Lyon reiterated the motion to approve Case #BZAS-2-22-024, TMS# 425-08-00-023, a Special Exception request for Beverage or Related Products Manufacturing in the Community Commercial (CC) District at 798 Folly Road, Unit B with the following condition:

The applicant shall follow all applicable laws and regulations concerning alcohol sales, consumption, and manufacturing.

Vote:

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

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

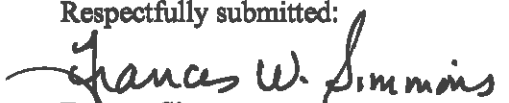
Additional Business:

Next Meeting Date: April 19, 2022: Chairwoman Lyon announced that the deadline to receive applications is Friday, March 18, and a meeting will be dependent upon whether an application is received by then.

The Board congratulated the applicants and welcomed them to James Island. Chairwoman Lyon thanked the staff for the work they do and for sending a reminder link for tonight's meeting.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:38 p.m.

Respectfully submitted:


Frances Simmons
Town Clerk and Secretary to the BZA