

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF SEPTEMBER 15, 2020

The Board of Zoning Appeals held its regularly scheduled meeting on Tuesday, September 15, 2020 by Zoom Platform, 1122 Dills Bluff Road, James Island. Commissioners present: Brook Lyon, Chair, David Savage, Vice Chair, Sim Parrish, Roy Smith, and Corie Erdman. Also, Kristen Crane, Planning Director, Flannery Wood, Planner I, Attorney Brandon Reeser, 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. She asked the Board members who wished, to join in the prayer, and it was followed by the Pledge of Allegiance.

Introductions: Chairwoman Lyon recognized the members of the BZA and welcomed new Commissioner Corie Erdman, (replaced Jason Gregorie), staff, Attorney Brandon Reeser, (substituting for Attorney Bo Wilson), and Town Councilwoman Dr. Cynthia Mignano.

Review Summary from the August 18, 2020 BZA Meeting: Chairwoman Lyon called for a motion to approve the minutes from the August 18, 2020 meeting. Commissioner Parrish moved, Commissioner Smith seconded, and it passed unanimously.

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 announced that each person who wished to address the Board would be sworn in. Those speaking in person at the Town Hall would be sworn in together by Attorney Reeser and those on Zoom would be sworn individually before giving testimony.

Review of the Following Applications:

Case #BZAS-8-20-020

TMS #428-08-00-056: Special Exception Request for the placement of a manufactured housing unit on a vacant lot in the Low-Density Suburban Residential District (RSL) at 1108 Seaside Lane.

Planning Director, Kristen Crane presented the staff review of applicants Steven and Diane Lewis for a special exception for the placement of a manufactured housing unit in the low-density suburban residential (RSL) district at 1108 Seaside Lane in the Town of James Island, having tax map number 428-08-00-056. The parcel is currently vacant. Adjacent properties to the south, east and west are also zoned RSL and are in the Town of James Island. The property to the south is owned by the Charleston County School District and houses the athletic fields of the James Island Charter High School. Other uses within 300' of the subject property includes residential uses in the Town of James Island and several properties are located in the City of Charleston's jurisdiction.

The Town of James Island Zoning and Land Development Regulations Ordinance, Section §153.144 (C) allows manufactured housing units in an RSL Zoning District if *“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 if the Zoning Administrator determines that the area is not characterized either entirely of the 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 applicant's letter of intent states, "I am requesting a special exception for an upscale, modern manufactured home, 4-foot privacy fence, landscape around the home and pea gravel driveway at 1108 Seaside Lane."

Mrs. Crane reviewed six (6) criteria under the Findings of Facts according to §153.045 E, Special Exceptions Approval Criteria of the Town of James Island's Zoning and Land Development Regulations Ordinance (ZLDR). She stated that the Board has the authority to approve, approve with conditions, or deny the case upon those findings of facts and should give consideration to the following conditions:

- 1) The manufactured housing unit shall comply with Section 153.144 Manufactured Housing Units, of the Town of James island Zoning and Land Development Regulations ordinance, including all skirting and ventilation requirements in the Ordinance, as well as any additional requirements mandated by the Federal Emergency Management Agency (FEMA).
- 2) Prior to obtaining a Zoning Permit for the proposed site improvements and placement of the manufactured home, the applicant/owner shall install tree barricades around the protected trees on the property, as described in §153.334 of the Ordinance, throughout the duration of construction.
- 3) Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall provide documentation that the protected trees on the subject parcel that may be affected due to construction, have been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate damage to the trees caused by construction.

Questions from the Board

Commissioner Savage referred to an email from an adjacent property owner on Seaside Lane and asked Mrs. Crane how many permits were issued for new buildings and renovations in the past year and Mrs. Crane provided the following:

- 2020 - Mobile/manufactured home permitted @ 1086 Greenhill Rd.
 - Interior remodel and legal owner – occupied Bed & Breakfast @ 1135 Greenhill Rd.
- 2019 - New modular SFR home permitted @ 1140 Seaside Lane
- 2018 - Residential remodel and re-roof permitted @1164 Seaside Lane
Mobile/manufactured home permitted @ 1023 Seaside Lane

There was brief comment on the property located at Seaside and Dills Bluff renovated and converted to a residence that turned out well.

Applicant Presentation

Steven and Diane Lewis spoke regarding their request for the special exception. They are wanting the home to help family and for their use when visiting here. Mr. Lewis stated that the manufactured home is low cost but high quality. It will be located on a foundation and would be a good addition to the neighborhood. Mr. Lewis' slide presentation that showed photos of the manufactured home, the plat, and the home as single family 32'x70' (like a modular home) with a permanent foundation constructed of durable material. The foundation will be built on site with attachment points to anchor and stabilize the home to transfer all loads to underlying soil/rock. The home will arrive in two modules assembly on the site and set on the foundation. He said the home would be homogenous with the neighborhood, landscaped, and have a 4' privacy fence on three sides of the lot, a pea gravel driveway, and grass lawn with deck on the back of the house.

Commissioner Parrish asked for verification of the length and width of the manufactured home and Mr. Lewis replied that it is 69-70'. Commissioner Parrish asked about the resident to the right if they would use Mr. Lewis' driveway. Mr. Lewis replied that they use his driveway but have a driveway of their own. He also mentioned

that a semi-truck has been parked at the back of the property for some time and is next to the edge of his property. Commissioner Parrish asked that the Board be provided a copy of Mr. Lewis' presentation.

Commissioner Savage stated that comments were received from residents in opposition to this request. He asked who would live there. Mr. Lewis said they have family here and are unsure which family it would be, but the property will not be rented. Commissioner Savage asked when was the lot purchased to which Mr. Lewis said 10 years ago, living here partially and in Texas.

In Support @ Town Hall: No comments made .

Zoom:

*Ebony Dukes was sworn in. Ms. Dukes stated that she is neither for nor against the request. She found out about the request a couple days ago and is speaking on behalf of her mother. Ms. Dukes stated that she grew up on the property, specifically where the semi-truck is parked in the back and is concerned about her mother having access to a driveway to get onto her property. They had a surveyor come out and need to know what to do. Chairwoman Lyon suggested that Ms. Dukes contact Mrs. Crane, Planning Director and also speak with the applicant.

In Opposition @ Town Hall:

Marlo McKelvey: Mr. McKelvey said he lives in Oklahoma City, OK and is the sister of Ebony Dukes. Mr. McKelvey expressed concern about his mother having access to a driveway. He mentioned that his family has helped to maintain the property for over 30 years until it was purchased by Mr. Lewis. He is not for or against the request but would like to co-exist.

The Board granted Mr. McKelvey additional comments since he did not use all of this time. He questioned whether the manufactured house would be on a slab or a foundation. He said the property holds a lot of water and with the coming rains the water will be knee deep, and to please come out and see how much water there is. He asked if the Town could help with this.

Clarence Bell, 1084 Seaside Lane: Mr. Bell stated that he recently purchased his property two houses to the right of Ms. Dukes mother. He does not like the idea of having a manufactured home there because the area is so tight already. He said it is unclear who would be living there and would like to see the area where there are no rental properties and something new that is implanted in a small space.

Edward Greene, 1115 Seaside Lane: Mr. Greene asked the Board that they not make the same mistake as they did with the case about an 8' fence. He talked about water and flooding in the area when it rains. He has lived on Seaside Lane since 1969 and the applicant did not have the property for 10 years. He said the area where the manufactured home would go is too small. He asked the Board not to make another mistake with this case.

Chairwoman Lyon informed the Board that two emails were received in opposition which she read into the record:

Dawn Aldieri, email received September 2 @ 12:51 p.m.: I am writing to let you know that I am opposed to allowing a variance for a mobile home on Seaside Lane. I live at 1057B Seaside. I believe only houses built to code on foundations should be allowed. A mobile home will look terrible. This community is finally starting to turn around. Let's not go backward please. Thank you for your time.

Joe Mason, email received September 3 @9:46 a.m.: I am a homeowner on Seaside Ln., and would like to formally object to the placement of a manufactured home at 1108 Seaside Ln. The street is undergoing revitalization by homeowners, new sales and remodels, and some lighting and sidewalk improvements by the town of James Island (thank you!). Most, if not all of the houses are of permanent construction, and there was a new build near Dills Bluff, (1140 Seaside Ln) that was a modular design but was well constructed and appointed. I toured the house when it was on the market and was impressed with the material choices and fit and finish of

the interior. This house should be used as a bell weather for construction on Seaside Ln, when properly built modular houses have proven to be equal if not better than on site construction. Other remodels on the street are similar, in that they raise values, and are appreciating through time.

Manufactured housing is the exact opposite of what is needed on Seaside Ln. These structures are flimsy and create storm risk for other neighbors, as mobile homes are known to do. It introduces sub-quality construction and housing to our street that depreciates quickly, as pride of ownership fades and the structure deteriorates. The hard working families and homeowners on Seaside Ln. deserve better. Please see to rejecting this proposed plan and keep our street from devolving. Thank you!

Rebuttal: Mr. Lewis stated that he purchased the lot January 4, 2011 and has no intentions to rent. He said the water collection on the property would be looked into. He said the manufactured home would be on foundation not a slab and it may be higher based upon the water. He said the quality is not that of a trailer, it would be attached to the ground. The builder has high quality and they want to improve the neighborhood.

Chairwoman Lyon closed the hearing at 7:57 p.m. and moved for the approval of Case# BZAS-8-20-020 Special Exception Request for the placement of a manufactured housing unit on a vacant lot in the Low-Density Residential District (RSL) at 1108 Seaside Lane with conditions recommended by staff; Commissioner Parrish seconded.

Commissioner Parrish discussed the issue of the driveway and whose it is. He asked to defer approval for additional information on the property line for the two houses at the right of the proposed property. He asked Mrs. Crane for response and she stated not having enough background. If the neighbor is contesting the driveway, that is a legal issue. She noted that by looking at an aerial of Google Earth, it appears that the neighbor has a driveway. Chairwoman Lyon informed the Board that they look at the criteria set forth for this case.

Commissioner Erdman asked about flooding and the flood plain where the property is located. Chairwoman Lyon stated that permitting and stormwater will address flooding and we are looking at the criteria that is before the Board for consideration of the case.

There was discussion about the foundation and Chairwoman Lyon said that the applicant indicated that it would not be on a slab.

Mrs. Crane said the area is in the X and AE flood zone and would need to go through stormwater and permitting.

Commissioner Smith discussed the two properties to the right being surveyed but did not think it fair that the applicant bears the cost; perhaps the Town could pay for that to be done. Chairwoman Lyon said she did not think the Town would pay for this.

There was discussion that this could be added as a condition and Commissioner Smith said he would defer to the Building Department regarding that.

Commissioner Savage spoke that the property owner buys property knowing what the zoning regs are and the burden is upon them. He is almost unanimous in opposition --- property was bought at a tax sale. He said the request did not meet criteria A and B. He talked about the elderly lady next door and shared access to the driveway.

Commissioner Erdman talked about a survey of the adjacent property in order to have clear understanding of where the property lines are. Commissioner Savage stated that five people spoke about the driveway and Mr. Bell, the tightness of the property. Commissioner Parrish stated he was in agreement with Commissioners Savage and Erdman regarding access to the driveway is why he would like to table the request for more information and take it up at next month's meeting. Commissioner Smith said he does not think anyone has the right to cross someone else's property. He also noted that the request is for a manufactured home not a mobile home.

As discussion continued, Mrs. Crane said she does not know that there isn't a driveway to the adjacent property. Chairwoman Lyon said she agreed with Commissioner Smith that she does not think anyone has the right to cross anyone else's property. Commissioner Savage said the request did not meet Criteria A and B and he would vote against the motion. After discussion, Chairwoman Lyon called for the vote. (Commissioner Parrish's request to defer was not put into a motion and was not acted on).

Vote:

Commissioner Erdman	aye
Commissioner Parrish	nay
Commissioner Savage	nay
Commissioner Smith	aye
Chairwoman Lyon	nay

Motion failed 3-2. Chairwoman Lyon stated that the legal reason for denying the request is that the applicants did not meet criteria A and B. A final decision will be mailed to the applicants within ten (10) business days and the applicants may contact the Planning staff with questions regarding the denial.

Case #BZAV 8-20-026:

TMS #428-02-00-016: Variance Request for the reduction of the 5' accessory structure setback by 2.2' to 2.8' for an extension/remodel of an existing accessory structure in the Low-Density Suburban Residential District (RSL) on property located at 1225 Teal Avenue.

Planning Director, Kristen Crane presented the staff review for applicants Sara and Ian Grimshaw for a Variance Request for the reduction of the 5' accessory structure setback by 2.2' to 2.8' for an extension/remodel of an existing accessory structure in the Low-Density Suburban Residential District (RSL) on property located at 1225 Teal Avenue having TMS #m428-02-00-016. Adjacent properties to the north, east, south, and west are also in the Low-Density Suburban Residential Zoning District and are in the Town of James Island's jurisdiction. Other uses within 300' of the subject property include residential uses also in the Town of James Island.

The Town of James Island Zoning and Land Development Regulations, §153.207 states that accessory structures in residential zoning districts that are over 120 square feet, shall be at least five feet from any interior lot line in a residential district.

The subject property contains one single family home that was constructed in 1958 according to Charleston County records. The current property owners purchased the property in January 2005. Records indicate several outbuildings on the property, including a shed, miscellaneous structures from the 1980's, and another utility shed from the 1990's. A current survey reflects a greenhouse, and two sheds. The property owners explain in their letter of intent that their "intention is to tear down and rebuild the accessory structure, as it is in need of major repairs. The current footprint of the building encroaches into the 5' setback at the ear of the building at a distance of 1.2'. The current structure is 24' long and the proposed new building would increase the total length of the building to 24' long, encroaching into the 5' setback a total of 2.2'."

Mrs. Crane reviewed seven (7) criteria under the Findings of Facts according to §153.049 F, Zoning Variance Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR). She stated that the Board has the authority to approve, approve with conditions, or deny the case upon those findings of facts unless additional information is deemed necessary to make an informed decision.

Questions from the Board: None

Applicant Presentation:

Sara and Ian Grimshaw spoke in support of their request. They would like to take down the existing accessory structure to build a new one because the old building is in need of major repairs. They have gotten support from

their neighbors to do this. Ms. Grimshaw said they were affected by COVID-19 and would like to have a home office in order to conduct business. She stated that the new building would add value to the property and would increase the footprint. She noted that the current building encroaches 5' into the setback at the rear of the building. They also plan to install gutters and rain barrels.

Questions from the Board

Commissioner Erdman asked what the office would be used for and Ms. Grimshaw said they have a design business downtown, and this would be used for a personal home office.

Commissioner Parrish asked if moving the building to the front would impose more onto Mr. Manning's property. Ms. Grimshaw said it would, but the Manning's are in support of their variance request. Commissioner Parrish asked about trimming overhanging limbs and how close is the tree trunk to the property line; would the slab impede the root of the tree. Ms. Grimshaw said the tree is 6 ft. away from the property line.

Commissioner Smith received clarification regarding the setback

Commissioner Parrish asked about the dotted red lines and if they represent the proposed building which was confirmed by the applicant.

In Support @ Town Hall: No comments made

In Support on Zoom: No comments made

In Opposition @ Town Hall: No comments made

In Opposition on Zoom: No comments made

Chairwoman Lyon stated that two emails in support were received by email and she read them into the record:

William D. Manning, email received Sept. 8 @ 2:38 p.m.: My name is William D. Manning and my wife's name is Katherine J. Manning at 1223 Teal Avenue. Our neighbors Ian and Sara Grimshaw have applied for a variance on their property at 1225 Teal Avenue. We don't have a problem with the variance.

Anna M. Richardson, email received Sept. 9 @ 11:08 a.m.: I wanted to show my support for my neighbor's zoning request. I live at 1229 Teal Avenue and fully support the shop renovation that is next door at 1225 Teal Avenue. I appreciate the opportunity to support my neighborhood.

Joseph Ketron, email received Sept. 15 @ 1:04 p.m. I would like to suggest that someone make sure that the request is not going to inhibit access to state, county, or town infrastructure, before it is granted. It would also be prudent, that at the very least, record of granted request is on file.

**The Board could not determine whether this email was referencing the previous case.*

Chairwoman Lyon closed the public hearing at 8:46 p.m. and asked for a motion to approve Case #BZAV 8-20-026: TMS #428-02-00-016: Variance Request for the reduction of the 5' accessory structure setback by 2.2' to 2.8' for an extension/remodel of an existing accessory structure in the Low-Density Suburban Residential District (RSL) on property located at 1225 Teal Avenue.

Motion to approve was made by Commissioner Savage, seconded by Commissioner Smith. Commissioner Parrish moved to amend the motion by adding a condition that the tree within the vicinity of the new construction be looked at by a certified arborist to ensure that the construction does not impede the tree. Mrs. Crane added that the tree is located at the back and there would be no ground disturbance. There was no second to Commissioner Parrish's amendment and it failed.

Vote on Main Motion

Commissioner Erdman	aye
Commissioner Parrish	aye
Commissioner Savage	aye
Commissioner Smith	aye
Chairwoman Lyon	aye

Motion passed unanimously. Chairwoman Lyon stated that the legal reason for approval of the request is that the applicants met all the necessary criteria outlined in the Findings of Facts. A final decision will be mailed to the applicants within ten (10) business days and the applicants may contact the Planning staff with questions regarding the denial.


Chairwoman Lyon informed the Board that an appeal was filed for Case BZAS 6-20-019 regarding a special exception for the placement of an express service automatic carwash in the Community Commercial District (CC) and the Folly Road Corridor Overlay (FRC-O) District in the South Village Area on property located at 1312 and 1316 Folly Road.

Additional Business

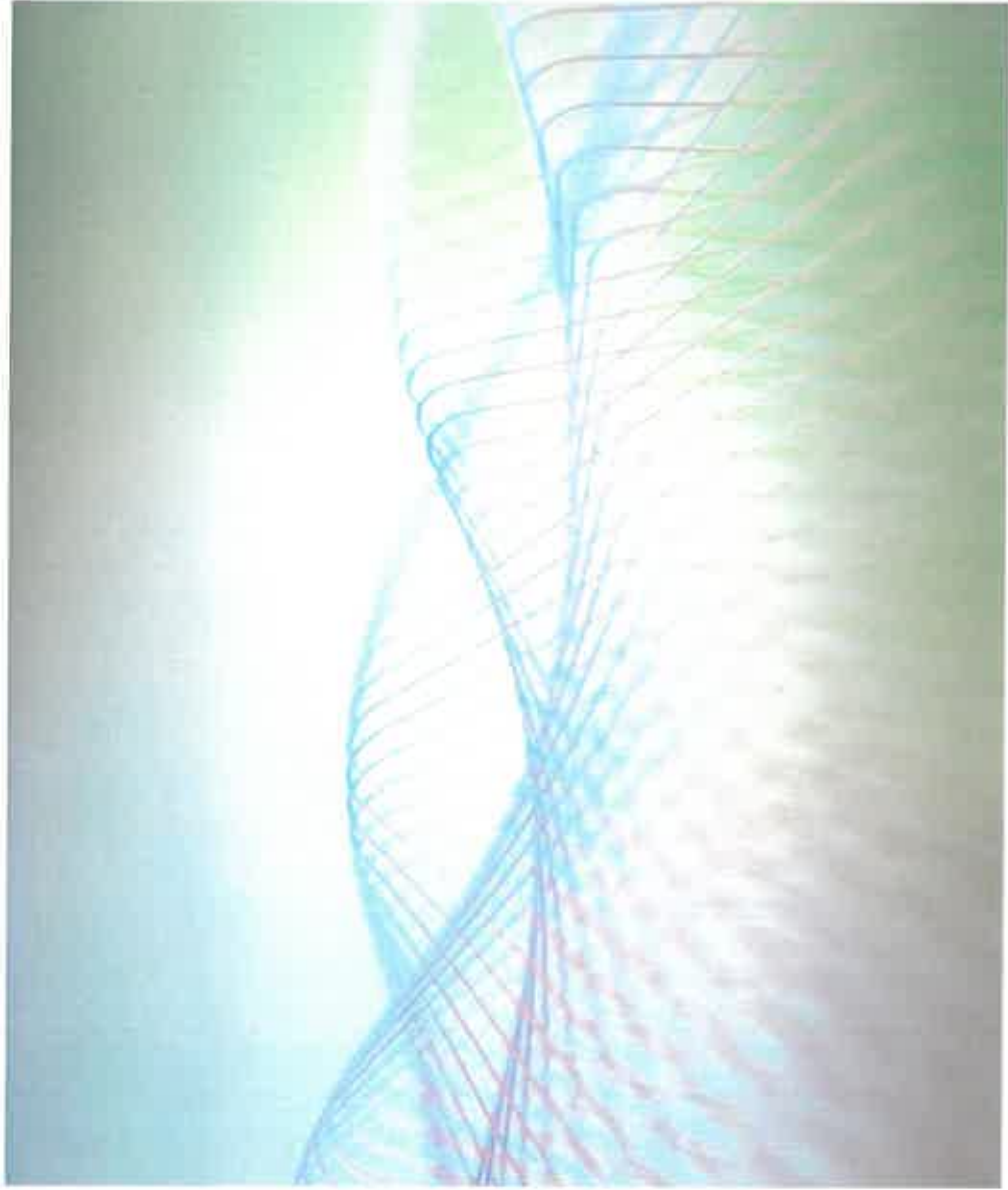
Next Meeting Date: October 20, 2020: As of now, no applications have been received. The deadline for submission is Friday, September 18.

There being no further business to come before the Board the meeting adjourned at 8:56 p.m.

Respectfully submitted:



Frances Simmons
Town Clerk and Secretary to the BZA

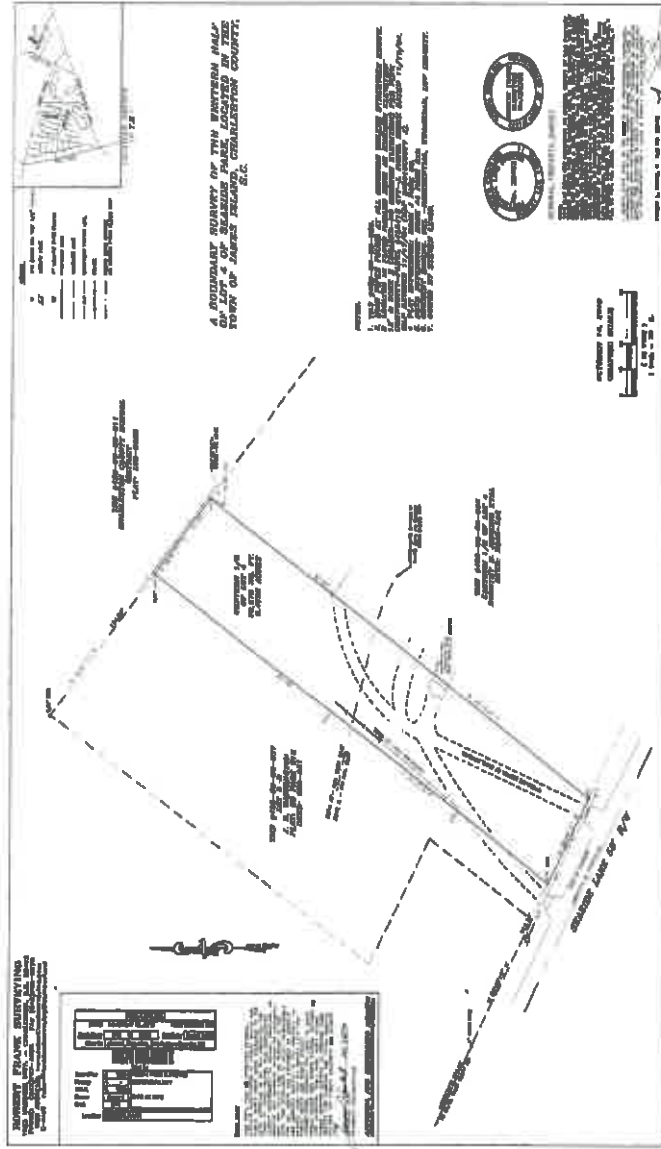


1108
SEASIDE
LANE

PROPOSED
HOME

The bottom section of the image is a graphic design with a dark teal background. It features a large, light green circle on the left side. The text "1108 SEASIDE LANE" is written in white, uppercase letters, stacked vertically within the circle. To the right of the circle, the words "PROPOSED" and "HOME" are written in white, uppercase letters, stacked vertically.

PLAT



SEASIDE LANE VIEW



**FRONT ELEVATION
FRONT DOOR AND PORCH**



QUALITY OF THE HOME

- The single family 32' x 70' home, just like a modular home, will have a permanent foundation constructed of durable material (concrete, mortared masonry, or treated wood)
- Foundation will be built on site with attachment points to anchor and stabilize the home to transfer all loads to underlying soil/rock.
- 2 Modules (highest quality builder)--home will arrive in 2 modules assembly on site and to be set on the foundation.
- Homogenous with the neighborhood homes—new home; landscaped as noted in the drawings with a 4 ft privacy fence on 3 sides of the lot, a pea gravel driveway and grass lawn with deck on the back of the house