

The Planning Commission of the Town of James Island met on Thursday, October 9, 2025, at 5:03 p.m. in person at the James Island Town Hall, 1122 Dills Bluff Road, James Island, SC 29412.

Commissioners present: Patrick Broderick, Kelly Hall, Vice Chair, Ed Steers, and Chair Deborah Bidwell, who presided. Absent: Commissioner Zennie Quinn. Also present: Kristen Crane, Planning Director, Mayor Brook Lyon, Council Liaison, Brian Quisenberry, Town Attorney, and Frances Simmons, Town Clerk and Secretary to the Planning Commission.

Call to Order: Chair Bidwell called the Planning Commission meeting to order at 5:03 p.m. A quorum was present to conduct business.

Prayer and Pledge of Allegiance: Chair Bidwell asked the Commission to join her in a moment of silence which afterward followed with the Pledge of Allegiance.

Compliance with the Freedom of Information Act: Chair Bidwell announced that this meeting was duly noticed and is being held in compliance with the SC Freedom of Information Act. This meeting was also live streamed on the Town’s website and notification was provided to the public.

Introduction: Members of the Planning Commission, staff, town attorney, and Mayor Lyon were introduced.

Approval of July 10, 2025, Minutes: Chair Bidwell called for a motion to approve the minutes of the July 10, 2025, meeting. The motion was made by Vice Chair Hall, seconded by Commissioner Steers. The votes were recorded as follows:

Vote:

Commissioner Broderick	Aye
Vice Chair Hall	Aye
Commissioner Steers	Aye
Chair Bidwell (absent for July mtg.)	Abstain

Motion passed 3-1.

Public Comments:

John Peters, 1301 Hampshire Rd: stated that his biggest concern is being worried that the verbiage would affect homes that are under the same roof vs. an exterior unit. He understands exterior units, but when you have something under the same roof, and it is remodeled to make it an apartment or a mother-in-law suite, it is living quarters for some. Others may rent it out. He asked how is this going to impact taxes. If this is something you are not aware of, will it increase taxes; or if regulations are not met, when a house is sold, how is that affected? Does the ordinance have to be complied with before someone could sell a home or remodel it? Mr. Peters said there are variables, and he is expressing his concerns about the definitions. He asked what is the purpose of putting extra verbiage into the ordinance other than more control over private property.

Proposed Amendments to the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR): Planning Director, Kristen Crane gave an overview from the Accessory Dwelling Unit Workshop held by Town Council on March 26.

Topics included:

- Town registry/database of ADUs
- BZA requirements for conversions and new ADUs
- Compliance with current flood and stormwater regulations

- Size and setbacks
- It fits the character of the neighborhood.
- No additions to existing footprints
- No on-street parking
- Time limit on conversions

At the workshop, Council considered three phases for compliance of ADUs. She said tonight's discussion would focus on Phase 1. Phase 2 will focus on converting existing structures and Phase 3 for new construction at a later date. Ms. Crane reviewed the following:

- Definitions (153.013): Adding definitions for accessory dwelling units and nonconforming registered accessory dwelling units. A dwelling unit providing complete independent living facilities for one or more people that are separated from a subordinate to the principal dwelling unit while both units are serviced by one electric meter. This definition includes garage apartments. Non-conforming registered accessory dwelling unit (ADU): An ADU that existed on October 18, 2012, but which no longer complies with the density, intensity, and dimensional standards of the underlying zoning district, yet has met the requirements of §153.356 (attached).
- Nonconforming Structures (153.359): Added reference to new section 153.362.
- Nonconforming Registered Dwelling Units (153. 362): Adding wording to allow for nonconforming registered accessory dwelling units, with conditions and requirements.

ACCESSORY DWELLING UNIT (ADU). A Dwelling Unit providing complete, independent living facilities for one or more Persons that is separate from and subordinate to the principal Dwelling Unit, while both Units are serviced by one electrical meter. This definition includes Garage Apartments.

- Definition:** A **NONCONFORMING REGISTERED ADU** is an ADU that existed on October 18, 2012, but which no longer complies with the density, intensity, and dimensional standards of the underlying zoning district, yet has met the following requirements to be considered a registered and allowed (legal) ADU.
- Determination of nonconformity status.** The burden of establishing that a nonconforming ADU existed before October 18, 2012, in all cases, rest solely upon the owner of such nonconformity.
- Requirements:**
 - Must apply for Nonconforming Registered ADU status through the application and receive approval from the Zoning Administrator in order to continue occupancy.
 - Only one Nonconforming Registered ADU shall be permitted per lot.
 - Full-time property owner must reside on property. Proof of full-time residency must be provided at the time of application with owner-occupied legal residence tax bill, driver's license, voter registration, vehicle registration, and any other documentation requested by the Zoning Administrator and listed on the application.
 - Separate electrical meters shall not be allowed for Nonconforming Registered ADUs.
 - Nothing in this section shall conflict with the requirements of the Federal

Emergency Management Agency's Flood Plain Management Regulations.

6. There shall be no adding to the existing footprint (expansion of the Nonconforming Registered ADU.
7. If structure does not have a current Certificate of Occupancy for habitation retroactive building permits from Charleston County Building Services must be obtained. This may include updating the structure to comply with current building code, inspections, flood regulations, and any other applicable federal and state regulations including.
8. Applicants must notify all appropriate government, utility, and emergency service providers (including JIPSD, CWS, 911, and Charleston County Addressing) and provide letters of coordination from each entity, per application.

(D). Determination. The burden of establishing that a nonconforming ADU existed before October 18, 2012, and that all requirements contained in this section are satisfied, in all cases, rests solely upon the owner of such nonconformity. Acceptable documentation for proving that a nonconforming ADU existed on October 18, 2012, may consist of sworn affidavits from adjacent property owners and others who have personal knowledge, and/or other evidence deemed necessary and/or sufficient by the zoning administrator.

Town Attorney Quisenberry gave an overview of tonight's ADU presentation. He stated that ADUs are a bit complex and wanted to attend tonight's meeting to answer questions the Commission might have. He addressed the public comment about "why" (the Town) is doing this.

Attorney Quisenberry said in the Town we currently have ADUs that are built and are sitting on property too small under the Town's current code to be allowed and they are in violation. It is never good to have rules in place and have residents that are not complying, and our rules are not being enforced. He commented that we either need to enforce our rules or produce a way to grandfather them. Tonight is an effort to grandfather those that are already in existence. Some of these ADUs were built prior to the Town's existence in October 2012. Example: if an owner has an ADU that was built before 2012 and can prove that they were legal at the time through Charleston County or a prior iteration of the Town they will not need to go through these new regulations because our current code allows for non-conforming structures that were legal at the time they were built. Those in other categories that cannot prove they were legally compliant at the time would need to come into compliance. Town Council at their workshops have expressed wanting to help those to come into compliance or grandfathered. Our ordinance sets out how this can be accomplished. The Town will work with these property owners and help bring them up-to-code to have safe ADUs (electrical, and plumbing, etc.). This will help make structures safer in the Town.

Questions from the Planning Commission:

Chair Bidwell asked for the definition of "separate" is it a physical separation or a door? Ms. Crane answered that

Commissioner Broderick asked about breezeways and detached ...

After discussion, Chair Bidwell called for the motion in order to have discussion. Commissioner Broderick moved for the approval of the proposed amendments as presented by staff, seconded by Commissioner Steers.

Commissioner Steers spoke in favor of the amendments and recalled the development of the Ferguson Village. He stated that some older adults benefit by being able to live close to family.

Chair Bidwell reiterated the motion and called for the vote.

Vote
Commissioner Broderick Aye
Vice Chair Hall Aye
Commissioner Steers Aye
Chair Bidwell Aye
Unanimous

Town Council will hold a First Reading of these amendments at their October 16 meeting. Second Reading and Public Hearing will be held at Town Council’s November 20 meeting.

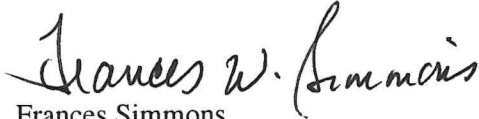
Chair’s Comments: None.

Commissioner’s Comments: None.

Next Scheduled Meeting: November 13, 2025.

Adjournment: There being no further business to come before the body, the meeting adjourned at 5:27 p.m.

Respectfully submitted:



Frances Simmons
Town Clerk and Secretary to the Planning Commission