

TOWN OF JAMES ISLAND  
BOARD OF ZONING APPEALS  
SUMMARY OF DECEMBER 16, 2014

Members Present: Chair, Mr. Sim Parrish, Mr. Jim Fralix, Mr. Jason Gregorie, Mr. Roy Smith.  
Absent: Mrs. Brook Lyon (gave notice)

Also Present: Kristen Crane, Senior Planner, Bonum Wilson, BZA Attorney, Councilman Leonard Blank, Ashley Kellahan, Town Administrator, and Robin Flood, Administrative Assistant

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

Prayer and Pledge: Chairman Parrish led the prayer, followed by the Pledge of Allegiance.

Compliance with the Freedom of Information Act: Staff has met the requirements of state law for notification of this case to be heard by the Board of Zoning Appeals at this meeting. The notification procedures were completed by staff fifteen (15) days prior to this meeting, a public notice was printed in the Post and Courier, signs were posted at the designated property, and notices were mailed to property owners within 500 feet of the application and to parties of interest. Persons, organizations, and the news media that have requested declaration of our meeting have also been notified. The Freedom of Information Act does not require notification of anyone other than the applicant and parties of interest.

Introductions: Chairman Parrish introduced the members of the Board of Zoning Appeals, BZA Attorney, Town Council, Planning Commission and the Town staff.

Review Summary and Rulings from the October 21, 2014 BZA Meeting: Mr. Fralix moved to approve the minutes of the October 21, 2014 meeting. All were in favor of the minutes and it was approved as presented.

BZAV-9-14-005  
424-0200-191  
873 Folly Road

Variance request for the reduction of a two-way drive aisle from the required 23' to 15' for a concert hall (Public Assembly) in the Community Commercial (CC) District.  
Approved With Conditions

Brief the Public on the Procedures of the BZA: Chairman Parrish gave an explanation of how the Board of Zoning Appeals Hearing would be conducted.

Administer the Oath to those 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-11-14-004

425-04-00-079

778 Folly Road

Special Exception request for the sale of alcoholic beverages in a bar/lounge in the Community Commercial (CC) District.

Town Planner, Kristen Crane presented the staff review. The applicant Mr. Matthew Gardner of The Break Bar/Lounge is requesting a Special Exception for the sale of alcoholic beverages in a bar/lounge at 778 Folly Road (TMS #425-04-00-079). Adjacent properties to the south, north and west are also in the Community Commercial Zoning District and in the Town of James Island's jurisdiction, with the exception of several parcels in the City of Charleston. Adjacent properties to the east are in the Low Density Suburban Residential (RSL) District. The Overlay's land use recommendation for the subject property is Commercial, which matches the current Zoning District. Other uses within 500' of the subject property include: General Restaurants, Bar or Lounge, Pet Store or Grooming Salon, Financial Services, Repair Service, Retail Sales, Retail or Personal Services, Residential and Vacant Lots. Several of these parcels are located in the City of Charleston's jurisdiction.

Town of James Island Zoning and Land Development Regulations Ordinance Chapter 6, Use Regulations, Table 6.1-1, indicates the sale of alcoholic beverages in the Community Commercial District is a use subject to conditions. Article 6.4 Use Conditions, §6.4.15, of the Ordinance states, "All proposed bars, lounges and restaurants serving beer or alcoholic beverages located within 500 feet of the property line of a lot in a residential zoning district or a lot containing a residential use shall require review and approval in accordance with the Special Exception procedures of this Ordinance. Distances shall be measured from the nearest property line of the subject parcel to the nearest property line of a lot containing a residential use or located in a residential zoning district."

The applicant's letter of intent states, "A restaurant/bar has resided at our location for nearly 30 years and has become a landmark of sorts for James Island" and "currently we are in the process of returning to its roots as a clean, safe neighborhood focused operation". Staff conducted a site visit of the subject property on December 1, 2014.

Mrs. Crane informed the Board of Zoning Appeals that the applicant has attached information regarding this request. She spoke of the various uses in the area surrounding the proposed use and included photographs of adjacent properties. Mrs. Crane asked the BZA if they had any questions. Mr. Gregorie asked if "The Break" was a vacant unit at this point.

Applicant's Presentation

Matthew Gardner

778 Folly Road

Mr. Gardner stated what the "The Break" Bar/Lounge will be and what they intend to do, including removing all sound equipment, the stage and adding a food menu. Mr. Gardner said that he will be consistent with the recommendations from the Town of James Island.

Questions from the Board of Zoning Appeals

Mr. Gardner responded to Mr. Gregorie's previous question and stated that the unit was not vacant, he bought the business. Mr. Fralix asked about the plans and the current location of the back deck. Mr.

Gardner responded to Mr. Fralix's question and stated that the current back deck will not be accessible to patrons of the bar. Mr. Parrish wanted to clarify area of the property, and if there will be a smoking area. Mr. Gardner stated that the smoking deck that is depicted on the plans is not currently in the works and smokers will most likely use the front entrance area to smoke. Mr. Fralix asked if the bar will allow smoking and Mr. Gardner confirmed that it will be a non-smoking establishment.

Mr. Parrish asked for a motion, to approve, disapprove, or to approve with conditions. Mr. Smith moved to approve and Mr. Fralix seconded the motion.

Mr. Fralix amended the motion to include the staff recommendations with conditions:

**Conditions:**

1. The applicant shall meet all requirements of the State of South Carolina for alcoholic sales and provide proof of State approval to the Zoning/Planning Staff.
2. There shall be no outdoor music (live or otherwise) allowed.

Mr. Smith seconded the motion and the roll was called and the votes were recorded as follows:

Mr. Fralix	aye
Mr. Gregorie	aye
Mr. Smith	aye
Mr. Parrish	aye

The motion passed unanimously. The next BZA meeting is scheduled for January 20<sup>th</sup> 2015.

Adjourn: There being no further business to come before the body, the meeting adjourned upon a motion by Mr. Fralix, seconded by Mr. Gregorie and carried. The meeting adjourned at 7:35 p.m.

Respectfully submitted



Robin Flood  
Administrative Assistant