

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF APRIL 15, 2014 MEETING

Members Present: Chair, Mr. Sim Parrish, Mr. Jim Fralix, Mr. Jason Gregorie, Mrs. Brook Lyon, and Mr. Roy Smith. A quorum was present to conduct business.

Also Present: Bonum Wilson, BZA Attorney, Kristen Crane, Town Planner, Councilman Leonard Blank, and Frances Simmons, BZA Secretary and Town Clerk.

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 notice were mailed to property owners within 300 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, Town staff, and the Planning Commission.

Review Summary and Rulings from the March 18, 2014 BZA Meeting: Mr. Fralix moved to approve the minutes of the March 18, 2014 meeting; Mr. Gregorie seconded, and the minutes carried. Mr. Smith abstained as he was absent at the March 18 meeting.

BZAS-2-14-002

425-08-00-023

792 Folly Road, F1

Special Exception request for the sale of alcoholic beverages in a restaurant in the Community Commercial (CC District)

Approved with Conditions

Brief the Public on the Procedures of the Board of Zoning Appeals: 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 persons who wished to provide testimony in tonight's case.

Review of the Following Application:

BZAV-3-14-001

425-01-00-002

1860 Cornish Avenue

Variance request for the reduction of the 25' required front setback by 6.06' to 18.94' and the 10' required interior side setback by 2.40' to 7.60' for the encroachment of a garage addition.

Town Planner, Kristen Crane, presented the staff review stating that the applicant and property owner, Mr. Robert Johnson, Jr. is requesting a variance for reduction of the 25' required front setback by 6.06' to 18.94' and the 10' required interior side setback by 2.40' to 7.60' for the encroachment of a garage addition at 1860 Cornish Avenue (TMS #425-01-00-002). The subject property and surrounding properties are located in the Low Density Suburban Residential (RSL) Zoning District and are in the jurisdiction of the Town of James Island.

The Town of James Island Zoning and Land Development Regulations Ordinance Chapter 4.6 RSL, Low Density Suburban Residential District, §4.6.3 Density/Intensity and Dimensional Standards requires a 25' Front/Street Side Setback and a 10' Interior Side Setback. Staff conducted a site visit of the subject property on March 31, 2014.

Ms. Crane reviewed the Findings of Facts. She stated that in granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. The Board of Zoning Appeals may approve, approve with conditions, or deny Case # BZAV-3-14-001, Variance request for the reduction of the 25' required front setback by 6.06' to 18.94' and the 10' required interior side setback by 2.40' to 7.60' for the encroachment of a garage addition at 1860 Cornish Avenue based on the Findings of Fact, unless additional information is deemed necessary to make an informed decision by the Board of Zoning Appeals.

Questions from the Board: None.

Applicant: Robert Johnson, Jr.

2916 Doncaster Drive

Charleston, SC 29414

Mr. Johnson addressed the Board to request a variance for the reduction of the 25' required front setback by 6.06' to 18.94' and the 10' required interior side setback by 2.40' to 7.60' for the encroachment of a garage addition. He said if the variance is granted, he would like to add a single car garage next to the existing carport and enclose both making it a two-car garage. He would like to permanently convert the duplex to a single family residence where he and his wife will live and add a master bedroom and bath suite upstairs. The electric/gas meter will be relocated from where it is; there will only be one electric/gas meter. The two kitchens that back up behind the screening area will be converted to one large kitchen. The exterior of the home will be stucco and a new roof will be placed on it. Mr. Johnson said these are his plans and he think they will improve the property. He hopes the Board will consider this request.

Questions from the Board:

Mr. Fralix asked the height of the new addition. Mr. Johnson replied that the garage carport has an 8' ceiling; there will be a one-story bedroom above it; and the ceiling in the bedroom will probably be 9' with a similar roof pitch.

Mrs. Lyon asked about a letter that was received from a neighbor. She asked if the height of the addition would affect them; and, if they had seen Mr. Johnson's plans. Mr. Johnson said he saw the letter and after Ms. Crane talked with the neighbor they did not have a problem. He commented that it is fairly wooded between the two properties and there is not much of a view. Also the neighbor comes here for family gatherings but most of the time, no one is there.

Chairman Parrish asked if there would be obstruction with the Live Oak tree in the front with the height of the addition. Mr. Johnson replied 'no' that it does not go back that far in the yard.

In Support of the Application

William and Ann May
1854 Cornish Avenue
James Island, SC 29412

Mr. May stated that his property sits back from the road, or else it would be next to Mr. Johnson's property. He does not know Mr. Johnson and cannot personally verify the intent of what he wants to do, but as a neighbor, they agree with Mr. Johnson's plans and would love to see the property converted from a rental to a single family owner occupied. They would be extremely happy with any improvements to the exterior of the building to improve the value of the home and others in the area as well as increasing property value in the Town. He encouraged the Board to approve the variance request.

Gene Ryan
Corner of Mellichamp & Cornish Avenue
James Island, SC 29412

Mr. Ryan stated that approving the request would be an improvement to the property and would increase the property value of the other homes in the neighborhood. He said Mr. Johnson will do a good job in renovating the home.

In Opposition to the Application: None

Chairman Parrish closed the Public Hearing at 7:29 p.m. and asked for a motion to approve, deny, or approve with conditions for discussion Case BZAV-3-14-001. Mr. Fralix moved, seconded by Mrs. Lyon. The roll was called and votes were recorded as follows:

Mr. Fralix	aye
Mr. Gregorie	aye
Mrs. Lyon	aye
Mr. Smith	aye
Chairman Parrish	aye

Motion passed unanimously

Mr. Smith stated that there are a lot of conditions. This property is not like other properties in the neighborhood; it is a very small lot; the house indeed sits at an angle, and it is not situated or angled on the lot as most of the other homes are. He thinks that makes it an extraordinary and exceptional condition that applies. He thinks that it does not apply to other Town homes in the neighborhood as he looked up and down the street and on the map. To make this into a single family residence, what the applicant is trying to do with the strict enforcement of the rules; the ordinance would unreasonably deny access and use of the property. He does not think there will be any detriment to the rest of neighborhood simply because we are hearing a lot from the neighbors, and it seems to be very sensible to encourage people to bring their homes up - the homes in the back are more modern than this one. This seems to be the slow one that may need to be renovated and brought up to speed with the rest of the neighborhood. Mr. Smith said he feels the request fulfills the requirements and wanted to state this for the record.

Mr. Wilson asked for clarification if the ruling is contingent upon the conversion of the duplex to single family; to which Chairman Parrish responded yes. Mrs. Lyon stated that this needed to be attached as a condition.

CONDITION:

Mrs. Lyon moved to amend the motion; to attach the Condition that the duplex is converted to a single family dwelling following the plans as presented; flexibility of the applicant to work with the Town Planner on issues that may arise so that he is not unduly restricted; and that the plans follow the spirit of what was presented to the Board. Mr. Fralix seconded the motion.

VOTE ON CONDITION

Mr. Fralix	aye
Mr. Gregorie	aye
Mrs. Lyon	aye
Mr. Smith	aye
Chairman Parrish	aye
Passed unanimously	

VOTE TO APPROVE APPLICATION WITH CONDITION

Mr. Fralix	aye
Mr. Gregorie	aye
Mrs. Lyon	aye
Mr. Smith	aye
Chairman Parrish	aye
Passed unanimously	

Chairman Parrish announced that Case BZAV-3-14-001, 425-01-00-002, at 1860 Cornish Avenue for a Variance request for the reduction of the 25' required front setback by 6.06' to 18.94' and the 10' required interior side setback by 2.40' to 7.60' for the encroachment of a garage addition was **Approved with Conditions**. The final decision of the Board will be mailed

to the applicant within ten (10) days and the applicant should contact the Zoning staff if they have questions.

Additional Business: None

Next Meeting: Thursday, May 20, 2014 at 7:00 P.M.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:36 p.m. upon a motion by Mr. Smith.

Respectfully submitted:

A handwritten signature in cursive script that reads "Frances Simmons". The signature is written in dark ink and is positioned to the left of the typed name.

Frances Simmons
Secretary to the BZA