

TOWN OF JAMES ISLAND  
BOARD OF ZONING APPEALS  
SUMMARY OF JULY 21, 2015

Members Present: Mrs. Brook Lyon, Mr. Roy Smith, and Chairman Sim Parrish, who presided. Absent: Mr. Jim Fralix, and Mr. Jason Gregorie (both gave notice). Also Present: Kristen Crane, Planning Director, Councilman Leonard Blank, Mark Johnson, Public Works Coordinator, and Frances Simmons, Town Clerk and Secretary to the BZA.

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

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

Compliance with the Freedom of Information Act: Chairman Parrish announced that this meeting has been noticed in compliance with the South Carolina Freedom of Information Act. Fifteen (15) days prior to this hearing, a public hearing notice was printed in the Post and Courier, a sign was posted on the designated property, and a notice was mailed to the applicant or representative, property owner, and 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, Town Council, and staff.

Review Summary and Rulings from the April 21, 2015 BZA Meeting: Chairman Parrish asked to table approving of the April 21, 2015 minutes until the Town Attorney arrives since he was absent at that meeting and he is unsure if the two members present would constitute a quorum to approve it. The consent to table was granted.

BZAV-3-15-006

428-08-00-035

Highland Avenue, Lot M

Variance request for the removal of two (2) grand trees at Lot M Highland Avenue for possible subdivision and single family home

**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: Councilman Blank swore in the persons who wished to provide testimony in tonight's case.

Review of the Following Application:

New Business:

BZAS-6-15-005

452-02-00-167

819 Folly Road

Special Exception request for the placement of an Oil Change Facility in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) Zoning District.

Planning Director, Kristen Crane presented the staff's review stating that the applicant, Mr. Scott Stone of American Engineering Associates, is requesting a Special Exception for the placement of an Oil Change Facility in the Community Commercial (CC) District and the Folly Road Corridor Overlay Zoning District (FRC-O) at 819 Folly Road (TMS #425-02-00-167). Adjacent properties to the south, north, and east are also in the Community Commercial Zoning District. Adjacent properties to the west 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 300' of the subject property include restaurants, a fast food restaurant, bar or lounge, medical office utility substation, retail sales, retail or personal services, and repair and maintenance services.

The Town of James Island Zoning and Land Development Regulations Ordinance Chapter 5, Folly Road Corridor Overlay Zoning District, §5.4.8 states, "*Uses Requiring Special Exception: Liquor, Beer or Wine Sales (as defined in this Ordinance), Bar or Lounge, Consumer Vehicle Repair, Fast Food Restaurant, Gasoline Service Stations (with or without convenience stores), Indoor Recreation and Entertainment, Vehicle Service*".

The applicant's letter of intent states, "*the proposed facility will consist of a two-bay automotive retail center which provides only oil changes. The unique elements of the Take 5 Oil model is that the customers do not get out of their cars. The average customer's oil change takes a little more than 5 minutes, but given that only oil change related activities are performed, the customer's wait time is very limited. There are no lifts, hydraulics, or any processes which generate noise or fumes. The service bays are extremely clean and there are no underground pits or tanks*".

Mrs. Crane stated that staff conducted a site visit of the subject property on July 14, 2015. She then reviewed the Findings of Facts and the six approval criteria outlined in Article 3.6 Special Exceptions, §3.6.5 Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR). She said in granting a Special Exception, 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 (§3.6.5B). Mrs. Crane stated that the Board of Zoning Appeals may approve, approve with conditions or deny Case #BZAS-6-15-005 (Special Exception request for the placement of an Oil Change Facility in the Folly Road Corridor Overlay (FRC-O) District at 819 Folly Road (TMS #425-02-00-167) based on the Findings of Facts, unless additional information is deemed necessary to make an informed decision. Should the Board decide to approve the application, they should consider the following conditions:

1. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall provide documentation that the grand tree on the site has been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate potential damage to the tree caused by construction.
2. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall install a tree barricade around the grand tree on the property, as described in §9.4.4 of the Ordinance.

#### Questions from the Board:

Mrs. Lyon asked if a shared access could potentially be with Sherwin-Williams; to which Mrs. Crane confirmed. Mrs. Crane said should the Island Bar & Grill sell in the future, they could also connect there. She said this is the intent of the Overlay and the Re-Think Folly Road. Mrs. Lyon asked if this would allow passage behind the building, to which Mrs. Crane also confirmed.

#### Applicant Presentation:

Barry M. Fay, P.E.  
American Engineering Associates  
8008 Corporate Center Drive, #110  
Charlotte, NC 28226

Mr. Fay addressed the Board that he was representing Take 5 Oil for Scott Stone, his business associate. Take 5 Oil will consist of two-bays facing Folly Road. He said the unique Take 5 Oil model is that the oil change is done for the customer as they wait in their vehicle, and it takes roughly 5 minutes to do it. There are no deep pits underneath the cars; it is 36" deep. He further stated that a large need for parking is not needed at Take 5 Oil facilities because customers do not get out of their vehicles during the service. The parking lot is typically not for customers; rather it is for employees -roughly 2 to 3 employees per shift at this facility. He said most Take 5 Oil facilities have 3-4 bays; this facility will be a 2 bay because of site limitations. He said there are two existing driveways onto Folly Road; but they propose one and it will conform to SCDOT regulations. They will obtain encroachment permits as needed. Mr. Fay said they will do all that they can to keep the oak tree and there should be no problems to protect it. He said there may be other trees at the back of the site that needs to be protected, but they do not plan to develop that far back. A short presentation demonstrating how oil changes are performed at Take 5 Oil facilities was shown. Mr. Fay said no other vehicle repairs or transmission flushing will be done at the facility; strictly oil changes. The presentation shown was recently done at a Take 5 Oil facility in Virginia Beach.

#### Questions from the Board

Mr. Smith said his question may be redundant as it was answered in Mrs. Crane's Findings of Facts: §3.6.5(5): that it complies with all applicable rules, regulations, laws and standards; but since parking was addressed in the applicant's presentation, he asked if there were enough parking spaces for the building and Mr. Faye answered yes.

Mrs. Lyon asked where the parking would be located and how many spaces there are. Mr. Fay said parking is located in the back. Mrs. Crane said the Ordinance requires them to have 2 parking spaces per bay and they have 2 bays; they have a total of 5 spaces, including one handicapped parking space. Mrs. Lyon asked what would happen if there is a line for oil changes; how many could line up before backing onto Folly Road. Mr. Fay said 4-5 could easily be stacked behind the building and onto Folly Road another 6 vehicles; he said it would be at least 10-12 vehicles before it backs out to Folly. Mr. Fay said a typical day is perhaps 50 cars.

In Favor of the Application: No one spoke.

In Opposition to the Application: No one spoke.

Chairman Parrish closed the hearing at 7:26 p.m. and asked for a motion to approve, approve with conditions, or to deny Case# BZAS-6-15-005.

Mrs. Lyon moved to approve the applicant's request for a Special Exception for the placement of an Oil Change Facility in the Community Commercial (CC) District and the Folly Road Corridor Overlay (FRC-O) Zoning District, with the two conditions recommended by staff:

1. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall provide documentation that the grand tree on the site has been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate potential damage to the tree caused by construction.
2. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall install a tree barricade around the grand tree on the property, as described in §9.4.4 of the Ordinance.

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

Mrs. Lyon	aye
Mr. Smith	aye
Chairman Parrish	aye

The motion passed unanimously to approve the applicant's request for the Special Exception.

Chairman Parrish announced that the applicant will be notified within ten business days of the approval from the Board. Chairman Parrish thanked Mr. Fay for the opportunity to have this business in the Town of James Island.

Mrs. Lyon stated for the record that the request appears to meet all of the criteria and the staff's recommendation was good. She noted that no one from the public came to speak against it. Mr. Smith also stated for the record that he agree with Mrs. Lyon that the applicant appears to have met all of the requirements as set out in the correspondence and in the presentation by Mrs. Crane.

Review Summary from the April 21, 2015 BZA Meeting: Chairman Parrish said at the beginning of the meeting he asked to postpone the approval of the minutes. Since the Town Attorney is not

present, he moved to defer approval of the April 21, 2015 minutes to the next meeting when Mr. Wilson is present. Mr. Smith seconded the motion and it passed unanimously.

Additional Business:

Next Meeting: The next meeting of the Board of Zoning Appeals is scheduled for Tuesday, August 18, 2015.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:30 p.m. upon a motion by Mrs. Lyon and second by Mr. Smith.

Respectfully submitted:

Frances Simmons

Town Clerk and Secretary to the BZA