

TOWN OF JAMES ISLAND  
BOARD OF ZONING APPEALS  
SUMMARY OF FEBRUARY 21, 2017

Members present: Vice Chair Brook Lyon, Sim Parrish, and Chairman Roy Smith, who presided. Absent: Mr. Jim Fralix and Mr. Jason Gregorie (both gave notice). Also present: Kristen Crane, Planning Director, Ashley Kellahan, Town Administrator, Leonard Blank, Town Council, Bonum S. Wilson, BZA Attorney, and Frances Simmons, Town Clerk and Secretary to the BZA.

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

Prayer and Pledge: Chairman Smith asked for a moment of silence and followed with the Pledge of Allegiance.

Compliance with the Freedom of Information Act: Chairman Smith announced that this meeting has been noticed in compliance with the South Carolina Freedom of Information Act.

Introductions: Chairman Smith introduced the members of the Board of Zoning Appeals, Town Staff, BZA Attorney, Town Council, and Planning Commissioner Bill Lyon.

Review Summary and Minutes from the August 16, 2016 BZA Meeting: Chairman Smith asked if there were changes to the minutes. There were no changes. A motion to approve was made by Vice Chair, Lyon, seconded by Commissioner Parrish and passed unanimously.

BZAS-6-16-008

425-09-00-027

1006 Folly Road

Special Exception request for placement of a Small Animal Boarding Facility in the Community Commercial (CC) Zoning District and the Folly Road Corridor Overlay (FRC-O) Zoning District

**Approved with Conditions**

Brief the Public on the Procedures of the BZA: Chairman Smith explained 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:

BZAV-1-17-007

428-03-00-055

1122 Dills Bluff Road

Variance request for the removal of one (1) Grand Tree for the construction of the Town of James Island Town Hall

Mrs. Crane provided the staff's reviewing stating that the applicant, Ms. Elissa Bostain of Liollo Architecture, is requesting a variance for the removal of a 39" DBH (diameter breast height) Pecan Tree at 1122 Dills Bluff Road (TMS# 428-03-00-055). Mrs. Crane stated since this report was written that Town Council has had Second Reading and rezoned a part of the property to the east Office Residential and the property to the south Office Residential. Adjacent property to the west is residential and is in the City of Charleston's jurisdiction.

The Town of James Island Zoning and Land Development Regulations, §153.334 (E) (2) states that grand trees that do not meet the criteria for tree permits may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Zoning Administrator.

The subject property is 0.76 acres in size and currently has no structures located on it. The subject tree is located on the north side of the parcel, adjacent to the annex building of First Baptist Church (formerly Apple Charter School) and the church cemetery. The applicant's letter of intent states, "Due to the DOT requirements for a curb cut location and sizing, the proposed access road will require the 39" Pecan Tree to be removed. The Pecan Tree is in declining health as indicated in the arborist letter; therefore creating the access point as shown helps preserve the healthy trees along Dills Bluff".

According to §153.049 F, Zoning Variance Approval Criteria of the Town of James Island's Zoning and Land Development Regulations Ordinance (ZLDR). The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of the Ordinance would result in unnecessary hardship. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing the seven criteria outlined in the Findings of Facts.

Mrs. Crane stated that the Board of Zoning Appeals may approve, approve with conditions or deny Case # BZAV 1-17-007, based on the Findings of Facts unless additional information is deemed necessary to make an informed decision. In the event the Board decides to approve the application, they should consider the following conditions:

1. The applicant/owner shall maintain the existing tree barricades around the grand and protected trees on the property, as described in §153.334 of the Ordinance, throughout the duration of construction.
2. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall provide documentation that the grand trees on the subject parcel have been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate potential damage to the trees caused by construction.
3. The applicant/owner shall mitigate the removal of the Grand Pecan Tree by submitting a mitigation plan to the Zoning Administrator, as described in 153.334 ( E) (2) of the Ordinance, that includes inch per inch replacement.

Questions for Staff: None

Applicant Presentation:  
Elissa Bostain  
Liollo Architecture  
147 Wappoo Creek Drive, Suite 400  
Charleston, SC 29412

Ms. Bostain, Project Architect with Liollo Architecture stated she is working with the Town on the design for the new Town Hall on Dills Bluff Road. She showed the site plan depicting grand trees on the site in relation to Dills Bluff Road. The proposed building footprint was shown along with the site work for parking and access road. This is a variance request to remove a 39” Pecan Tree to gain vehicular access to the site off Dills Bluff Road. The proposed access point is the best location to maintain the healthy grand trees that are on the site. Due to the Department of Transportation (DOT) requirements for the curb cut, location and sizing, the proposed access road requires removing the Pecan Tree. She said the Pecan Tree is in declining health as stated in Chris Gerard’s arborist letter. Therefore, creating an access point, as shown to the Board, would help to preserve the healthy grand trees on the site. The new Town Hall building and associated site work is sited to maintain seven (7) grand trees that will be protected during construction. Ms. Bostain said they are proposing to mitigate the Pecan Tree removal by a significant preservation of trees inches beyond what is required in the Town’s Ordinance. The Ordinance requires 235 inches on the site; however 329 inches will be preserved; 140% of what is required. In summation, Ms. Bostain said the property frontage is aligned with grand trees along Dills Bluff, which makes the site’s access difficult. Without removing the Pecan Tree, it will be difficult for the Town to use the property because of the inability to access the site from Dills Bluff Road and to meet the DOT’s curb cut requirements. The Pecan Tree would unreasonably restrict the utilization of the property for any owner needing vehicular access to the site. Ms. Bostain said it would benefit the Town for the tree to be removed, to create a new curb cut, and maintain the healthy grand trees along Dills Bluff Road.

Questions for the Applicant:

Vice Chair Lyon said, she was a little confused by the arborist letter. She read a portion of the letter that referred to four grand trees being removed in the course of the building project and that is not what Ms. Bostain is telling the Board. Vice Chair Lyon said, she wanted to point that out, and asked why the letter said it if that is not what they are doing. Ms. Bostain said there are three additional grand trees that have been deemed dead that the arborist is referring to; the one tree that still has life is the Pecan Tree. Vice Chair Lyon also asked why an arborist was selected from Savannah and not Charleston. Ms. Bostain said Winthrop Tree Service is local and Mr. Gerard is a business partner with Winthrop.

In Favor: No one spoke.

In Opposition: No one spoke.

There was no discussion from the public. Chairman Smith closed the Public Hearing at 7:23 p.m.

Chairman Smith asked for a motion from the Board for Case BZAV-1-17-007. Vice Chair Lyon moved to approve the Variance Request for the removal of one (1) grand tree for construction of the Town of James Island Town Hall to include the conditions presented by Mrs. Crane.

1. The applicant/owner shall maintain the existing tree barricades around the grand and protected trees on the property, as described in §153.334 of the Ordinance, throughout the duration of construction.
2. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall provide documentation that the grand trees on the subject parcel have been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate potential damage to the trees caused by construction.
3. The applicant/owner shall mitigate the removal of the Grand Pecan Tree by submitting a mitigation plan to the Zoning Administrator, as described in 153.334 ( E) (2) of the Ordinance, that includes inch per inch replacement.

Commissioner Parrish seconded the motion. Chairman Smith said for the record he agrees with the Findings of Fact read by Mrs. Crane. He said the conditions have been met by the applicant as read by staff. No further discussion. Chairman Smith called for the vote and it passed unanimously.

Chairman Smith stated for the record that the request was approved unanimously and the applicant has met the conditions for the removal of the 39" DBH Pecan Tree.

Additional Business:

The next meeting will be held on March 21, 2017 at 7:00 p.m.

Election of Officers for Chair and Vice Chair will be taken up at a later meeting.

Adjourn: There being no further business to come before the body, the meeting adjourned at 7:27 p.m.

Respectfully submitted:



Frances Simmons  
Town Clerk and Secretary to the BZA