

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS
SUMMARY OF JANUARY 9, 2012 MEETING**

Members Present

Chair, Mr. Samuel McConnell, Jr., Mr. William H. Ray, Jr., Ms. Laura Khare, Mr. Leonard Blank, Ms. Terri Craven, Mr. Robert A. Pickard, Mr. Thomas Goldstein and Mr. Clyde J. Smalls, Jr

Members Absent

Mr. Robert Woodul

Staff Members Present

Dino Manos, BZA Attorney; Kelvin Huger, BZA Attorney; Joel Evans, Planner IV and Secretary for the BZA; Jenny Werking, Planner II; Sally Brooks, Planner I; Brandon White, Planner I; James Hackett, Planner; and Joyce McGrew, Administrative Assistant III

Notification Procedures

Staff has met the requirements of state law and Section 3.1.6 of the *Charleston County Zoning and Land Development Regulations Ordinance* for notification for all cases to be heard by the BZA at this meeting. The notification procedures were completed by staff 15 calendar days prior to this meeting as follows:

December 22nd: Site Visits and Postings were completed by this date.

December 22nd: Letters were mailed to property owners within 300' of the subject property for the Variance and one of the Special Exceptions and within 500' of the subject property for the Special Exception request for the establishment of a restaurant and bar that serves alcoholic beverages and within 1,000' of the subject property for the Special Exception request for the establishment of a tattoo facility and to parties in interest for all cases. These notifications are above and beyond the state requirements.

December 23rd: Notice of this meeting was published in the Post and Courier.

The January 9, 2012 BZA meeting was called to order at 5:30 p.m. by Mr. McConnell. Ms. Khare made a motion to approve the December 5, 2011 meeting minutes. The motion was seconded by Mr. Goldstein and carried unanimously.

CASE#: BZAS-11-11-12461

John Travis Glen, the applicant, and designated agent for Larry Froom, the property owner, submitted a Special Exception request for the establishment of a restaurant and bar that serves alcoholic beverages (liquor, wine and beer) located at 3632 Savannah Hwy, Suite 100 in the St. Andrews area of Charleston County, TMS # 286-00-00-032. Community Commercial (CC) Zoning District standards apply.

Findings: After hearing Staff's findings of fact, the applicant's presentation, and any public comments concerning this application, the Board determined that all items in Article 3.6 Special Exceptions, §3.6.5 Approval Criteria of the *Charleston County Zoning and Land Development Regulations Ordinance (ZLDR)* had been satisfied. Motion to approve the Special Exception request was made by Mr. Goldstein with the following conditions: 1) The applicant shall meet all requirements of the State of South Carolina for alcoholic beverage sales and

provide proof of State approval to Zoning/Planning staff prior to Zoning Permit approval to establish the Bar or Lounge. 2) The days and hours of operation for the sale of alcoholic beverages shall not exceed Sunday through Thursday, 11:00 am to 12:00 am and Friday and Saturday, 11:00 am to 2:00 am. Mr. Pickard seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE#: BZAS-11-11-12503

Joe Barko, the applicant, and designated agent for William Frehse, the property owner, submitted a Special Exception request for the establishment of a beauty salon (eight work stations) at 445 Folly Road, James Island, Charleston County, TMS # 424-09-00-063. Residential Office (OR) Zoning District within the FRC-O, Folly Road Corridor Overlay Zoning District standards apply.

Findings: After hearing Staff's findings of fact, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.6 Special Exceptions, §3.6.5 Approval Criteria of the *Charleston County Zoning and Land Development Regulations Ordinance (ZLDR)* had been satisfied. Motion to approve the Special Exception request was made by Mr. Pickard with the following conditions: 1) Prior to Zoning Permit approval to establish the proposed use on the subject property, the applicant shall complete the Limited Site Plan Review Process. 2) A landscape plan shall be submitted for Planning Staff approval to preserve the palm tree in the front of the building and the existing landscaping whenever possible. 3) The applicant/property owner shall provide pedestrian access through the rear of the subject property from the four (4) shared parking spaces located on 443 Folly Road. 4) Directional entry and exit signs shall be installed for vehicular safety. Mr. Ray seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE#: BZAV-12-11-12603

Thierry Van Dyke, the applicant and the property owner, submitted a Variance request for the reduction of the required 12.5' front/street side setback from Commerce Street by 2.5' to 10' at 2033 Frampton Avenue, James Island, Charleston County, TMS # 343-03-00-152. Single Family Residential (R-4) Zoning District standards apply.

Findings: After hearing Staff's findings of fact, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, §3.10.6 Approval Criteria of the *Charleston County Zoning and Land Development Regulations Ordinance (ZLDR)* had been satisfied. Motion to approve the Variance request was made by Ms. Khare. Mr. Pickard seconded the motion. The motion to approve the application was unanimous and therefore granted.

CASE#: BZAS-11-11-12529

Jonathan E. Cheston of Devine Street Tattoo, Inc., the applicant, and the designated agent for David Walters of Cecil Morgan, LLC, the property owner, submitted a Special Exception request for the establishment of a tattoo facility at 792 Folly Road (Building E), James Island, Charleston County, TMS # 425-08-00-023. Community Commercial (CC) Zoning District within the FRC-O, Folly Road Corridor Overlay Zoning District standards apply.

Findings: After hearing Staff's findings of fact, the applicant's presentation, and any public comments concerning this application, the Board determined that all items in Article 3.6 Special Exception, §3.6.5 Approval Criteria of the *Charleston County Zoning and Land Development Regulations Ordinance (ZLDR)* had been satisfied. Motion to approve the Special Exception request was made by Mr. Goldstein with the following conditions: 1) The hours of operation shall not exceed 12:00 pm to 9:00 pm, Monday through Saturday. 2) The tattoo facility shall only provide tattooing and may not engage in any other retail business including, but not limited to, the sale of goods or performing any form of body piercing other than tattooing per §6.4.59.C of the *Charleston County Zoning and Land Development Regulations Ordinance*. 3) The tattoo facility shall comply with all regulatory requirements of the State of South Carolina per §6.4.59.D of the *Charleston County Zoning and Land Development Regulations Ordinance*. Mr. Smalls seconded the motion. Mr. Smalls, Ms. Khare, Mr. McConnell, Ms. Craven, and Mr. Goldstein voted in favor of the motion to approve the application with the conditions. Mr. Pickard, Mr. Ray and Mr. Blank voted against the motion. The majority of the members present and voting voted in favor of the motion to approve the application. Therefore the application was approved with the above referenced conditions.

Adjournment

There being no further business, the Board adjourned at 7:09 p.m.

Respectfully submitted,

Joel Evans, RLA, AICP
Secretary to the BZA