



Case # BZA-02-24-00751

Charleston County BZA Meeting of April 1, 2024

Applicants/Property Owners: Igor Shevchuk and Zoryana Kakhnovets

Property Location: 3935 James Bay Road – St. Andrews Area

TMS#: 286-00-00-196

Zoning District: Low Density Residential (R-4) Zoning District

Request:

Variance request to reduce the required 35' OCRM Critical Line setback by 10.6' to 24.4' at the closest point and to reduce the required 20' front/street side setback by 12.7' to 7.3' at the closest point for a proposed single-family residence.

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.12 R-4, Low Density Residential District, Sec. 4.12.3 Density/Intensity and Dimensional Standards requires a 35' Wetland, Waterway, and OCRM Critical Line setback and a 20' front/street side setback.

ARTICLE 4.12 R-4, LOW DENSITY RESIDENTIAL DISTRICT

Sec. 4.12.1 Purpose and intent

The R-4, Low Density Residential Zoning District implements the Urban/Suburban Mixed Use policies of the *Comprehensive Plan*.

Sec. 4.12.2 Use Regulations

Uses are allowed in the R-4 Zoning District in accordance with the Use Regulations of CHAPTER 6, Use Regulations.

Sec. 4.12.3 Density/Intensity and Dimensional Standards

All development in the R-4 District shall be subject to the following Density/Intensity and Dimensional Standards:

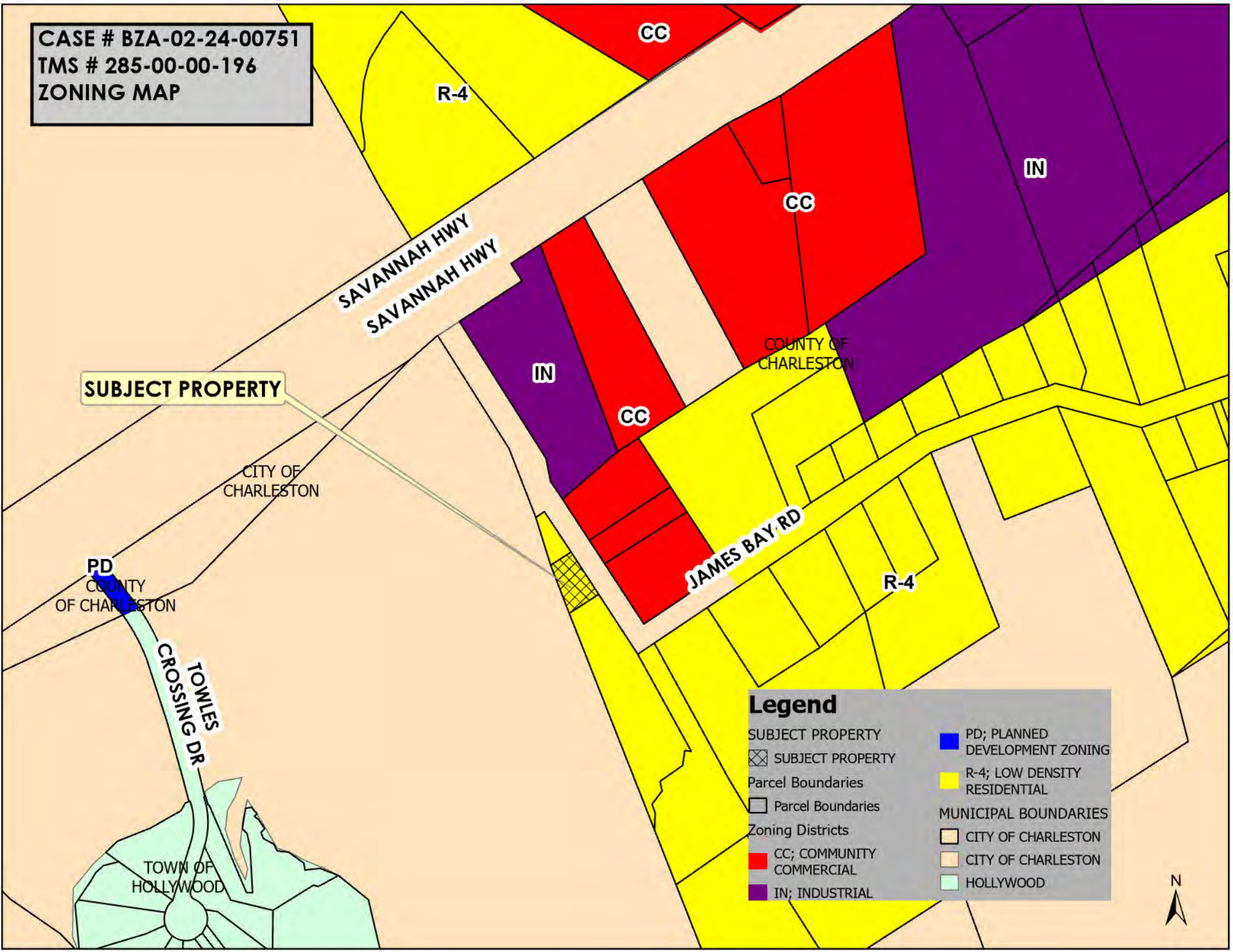
Table 4.12.3, R-4 Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
MAXIMUM DENSITY	4 Principal Dwelling Units per acre	
MINIMUM LOT AREA	5,000 square feet with public water and sewer 10,000 square feet with public water or sewer 14,500 without public water and sewer	12,000 square feet
MINIMUM LOT WIDTH	50 feet	90 feet
MINIMUM LOT WIDTH AVERAGE	N/A	100 feet
MINIMUM SETBACKS		
Front/Street Side	20 feet	
Interior Side	5 feet	
Rear	10 feet	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	35 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	15 feet
MAXIMUM IMPERVIOUS SURFACE COVERAGE	40% of Lot or as allowed by the current edition of the Charleston County Stormwater Manual	
MAXIMUM HEIGHT	35 feet	

Effective on: 9/10/2017, as amended

Sec. 4.12.4 Other Regulations

Development in the R-4 District shall comply with all other applicable regulations of this Ordinance, including CHAPTER 9, Development Standards.

CASE # BZA-02-24-00751
 TMS # 285-00-00-196
 ZONING MAP



SUBJECT PROPERTY

CITY OF CHARLESTON

PD
 COUNTY OF CHARLESTON

TOWLES CROSSING DR

TOWN OF HOLLYWOOD

SAVANNAH HWY
 SAVANNAH HWY

JAMES BAY RD

COUNTY OF CHARLESTON

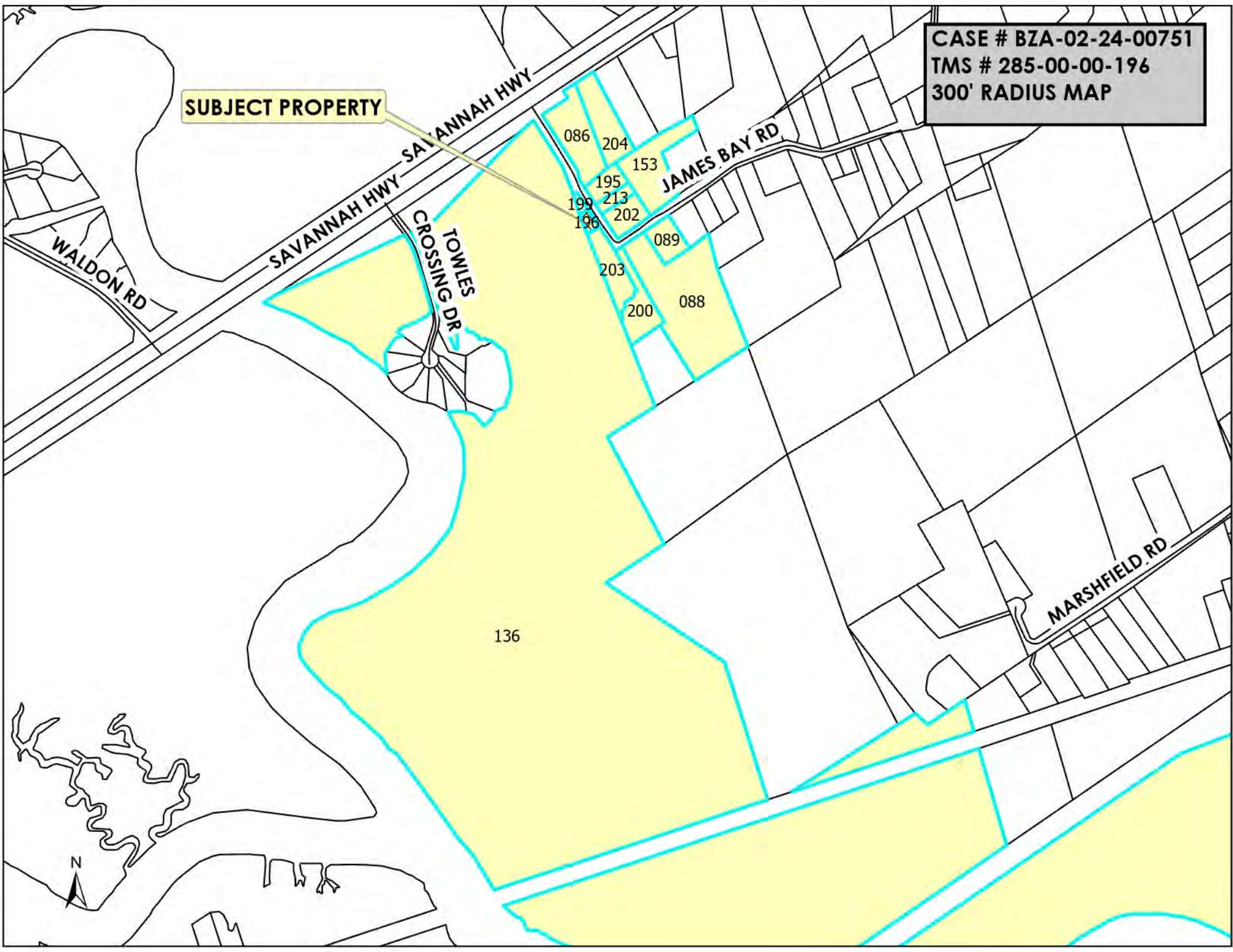
Legend

- SUBJECT PROPERTY
- SUBJECT PROPERTY
- Parcel Boundaries
- Parcel Boundaries
- Zoning Districts
- CC; COMMUNITY COMMERCIAL
- IN; INDUSTRIAL
- PD; PLANNED DEVELOPMENT ZONING
- R-4; LOW DENSITY RESIDENTIAL
- MUNICIPAL BOUNDARIES
- CITY OF CHARLESTON
- CITY OF CHARLESTON
- HOLLYWOOD



CASE # BZA-02-24-00751
TMS # 285-00-00-196
300' RADIUS MAP

SUBJECT PROPERTY



CASE # BZA-02-24-00751
TMS # 285-00-00-196
AERIAL VIEW

SUBJECT PROPERTY

JAMES BAY RD



CASE # BZA-02-24-00751
TMS # 285-00-00-196
AERIAL VIEW

SAVANNAH HWY

SAVANNAH HWY

SUBJECT PROPERTY

JAMES BAY RD

TOWLES CROSSING DR



Case # BZA-02-24-00751

BZA Meeting of April 1, 2024

Subject Property: 3935 James Bay Road – St. Andrews Area

Proposal: Variance request to reduce the required 35' OCRM Critical Line setback and to reduce the required 20' front/street side setback.



Subject Property



Subject Property



James Bay Road



Staff Review:

The applicants and property owners, Igor Shevchuk and Zoryana Kakhnovets, are requesting a variance to reduce the required 35' OCRM Critical Line setback by 10.6' to 24.4' at the closest point and to reduce the required 20' front/street side setback by 12.7' to 7.3' at the closest point for a proposed single-family residence at 3935 James Bay Road (TMS # 286-00-00-196) in the St. Andrews Area of Charleston County. The subject property and properties to the north and south are located in the Low Density Residential (R-4) Zoning District. The property to the east is located in the Community Commercial (CC) Zoning District. The property to the west is undevelopable marsh and wetland.

The subject property contains 0.169-acres of highland and 0.037-acres of marsh/critical area. The subject property is currently vacant, and applicant would like to construct a 1,152 sq. ft. single-family residence. *The applicant's letter of intent explains, "We are planning to build single-family home for our family on our property PIN 2850000196. Since this land is too narrow-75 feet wide from one side and 51 feet from other side. Very hard to build single-family house with requirement from critical line 35 feet and 20 feet from street line. We request, if possible, to approve us build house less than 20 feet from the street line, close to street line. Less than 35 feet from critical line, close to critical line. Please help us."*

Applicable ZLDR requirements:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.12 R-4, Low Density Residential District, Sec. 4.12.3 Density/Intensity and Dimensional Standards requires a 35' Wetland, Waterway, and OCRM Critical Line setback and a 20' front/street side setback.

Staff conducted a site visit on March 13, 2024. Please review the attachments for further information regarding this request.

Planning Director Review and Report regarding Approval Criteria of §3.10.6:

§3.10.6(1): *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

Response: There may be extraordinary and exceptional conditions pertaining to 0.17-acre property. The length of the property is shorter in nature and the buildable area **is very small. In addition, the applicant's letter of intent** states *"Our property is too narrow (75 feet wide in one side and 51 feet wide from other side) too small to build single family home. Please help us approve to build house close to street line 10 feet and 25 feet critical line."* Therefore, the request may meet this criterion.

§3.10.6(2): *These conditions do not generally apply to other property in the vicinity;*

Response: These conditions do not generally apply to other properties in the vicinity. **the applicant's letter of intent states "Our property PIN 2850000196 is unique because it is the smallest property on James Bay Rd. Johns Island 29455 which located close to Savannah Hwy."** Therefore, the request may meet this criterion.

§3.10.6(3): *Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;*

Response: The application of this Ordinance, Chapter 4 Base Zoning Districts, Article 4.12 R-4, Low Density Residential District, Sec. 4.12.3 Density/Intensity and Dimensional Standards to 3935 James Bay Road may unreasonably restrict the utilization of the property. **The applicant's letter of intent** states, "Because this land is too narrow and small, 75 feet in one side and 51 feet from other side and we have to build house 35 feet from critical line and 20 feet from street line. Only we have left free 20 feet land from one side of property, and we do not have any land left on other side of our property to build single family house. Could you please approve us to change restriction to build house from 35 feet to critical line to 25 feet to critical line, and from 20 feet from street line for 10 feet from street line." Therefore, the request may meet this criterion.

§3.10.6(4): *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;*

Response: Authorization of this request may not be of substantial detriment to adjacent properties or to the public good, and the character of the Low Density Residential (R-4) Zoning District may not be harmed if this variance **is granted. The applicant's letter of intent states, "We would like to build nice single-family house for our family similar with other houses in this neighborhood."** Thus, the request may meet this criterion.

§3.10.6(5): *The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;*

Response: The variance does not allow a use that is not permitted in this zoning district, nor does it extend physically a nonconforming use of land or change the zoning district boundaries. In addition, the **applicant's** letter of intent states "We would like to build single family house for our family with

6 people. We love this neighborhood, our dream to live on this street with beautiful view that our property has. Unfortunately, this land is too narrow and too small to build house enough for 6 people.” Therefore, the request meets this criterion.

§3.10.6(6): *The need for the variance is not the result of the applicant's own actions;*
Response: The need for the variance may not be **the result of the applicant's** own actions. The **applicant's letter of intent** states, “If you let us extend area where to build house it will be easy to build single family house for our family from 6 people.” Therefore, the request may meet this criterion.

§3.10.6(7): *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance;*
Response: The Comprehensive Plan: LU1. states: **“Protect and enhance the environmental quality of natural resources and continue to require restrictive development standards along the OCRM Critical Line to protect water quality, wildlife habitat, and scenic vistas.”** The applicant's letter of intent states, “We would like to follow the rules of Charleston County. Before to build house, we ask your permission to extend dwelling area due to very small and narrow property.” Therefore, the request may meet this criterion.

Board of Zoning Appeals' Action:

According to Article 3.10 Zoning Variances, Section §3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), (adopted July 18, 2006), The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship (§3.10.6A). A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing their findings (§3.10.6B Approval Criteria).


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 (§3.10.6C).

The Board of Zoning Appeals may approve, approve with conditions or deny Case # BZA-02-24-00751 [Variance request to reduce the required 35' OCRM Critical Line setback by 10.6' to 24.4' at the closest point and to reduce the required 20' front/street side setback by 12.7' to 7.3' at the closest point for a proposed single-family residence at 3935 James Bay Road (TMS # 286-00-00-196) in the St. Andrews Area of Charleston County based on the BZA's "Findings of Fact", unless additional information is deemed

necessary to make an informed decision. In the event the Board decides to approve the application, the Board should consider the following conditions recommended by Staff:

1. Prior to commencing construction, silt fencing shall be installed along the Critical Line. The silt fencing shall be maintained for the duration of the construction.
2. The required 15' **OCRM Critical Line buffer shall be maintained pursuant to the** Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Sec. 4.24.7.
3. The applicant shall coordinate with Public Works Stormwater Division to address stormwater mitigation measures, such as the use of rain barrels or rain gardens, to reduce the flow of stormwater into the marsh. Documentation of the approved measures shall be submitted as part of the Zoning Permit application.
4. The encroachment areas shall be limited to the footprint areas shown on the submitted site plan.

ZONING VARIANCE APPLICATION
Charleston County Board of Zoning Appeals (BZA)

Property Information			
Subject Property Address:		vacant land build new house	
Tax Map Number(s):		2850000196	
Current Use of Property:			
Proposed Use of Property:			
Zoning Variance Description:			
Applicant Information (Required)			
Applicant Name (please print):		Igor Shevchuk, Zoryana Kakhnovets	
Name of Company (if applicable):			
Mailing Address:		356 Tucker Dr.	
City:	Charleston	State:	SC
		Zip Code:	29414
Email Address:	ishevchuk72@gmail.com		Phone #:
			843-469-5313
Applicant Signature:			Date:
			12/20/23
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company:			
Mailing Address:			
City:		State:	
		Zip Code:	
Email Address:			Phone #:
Designation of Agent (Complete only if the Applicant listed above is not the Property Owner.)			
I hereby appoint the person named as Applicant and/or Representative as my (our) agent to represent me (us) in this application.			
Property Owner(s) Name(s) (please print):			
Name of Company (if applicable, LLC etc.):			
Property Owner(s) Mailing Address:			
City:		State:	
		Zip Code:	
		Phone #:	
Property Owner(s) Email Address:			
Property Owner(s) Signature:			Date:
FOR OFFICE USE ONLY:			
Zoning District:	R-4	Flood Zone:	AE-8 (470K)
		Date Filed:	2/20/24
		Fee Paid:	250.00 check
Application #:	BZA-02-24-0025		TMS #:
			285-00-00-196
		Staff Initials:	jjw

Description of Request

Please describe your proposal in detail. You may attach a separate sheet if necessary. Additionally, you may provide any supporting materials that are applicable to your request (photographs, letter of support, etc.)

We are planning to build single-family home for our family on our property PIN 2850000196. Since this land is too narrow-75 feet wide from one side and 51 feet from other side.Very hard to build single- family house with requirement from critical line 35 feet and 20 feet from street line. We request if possible to prove us build house less than 20 feet from the street line, close to street line. Less than 35 feet from critical line, close to critical line . Please help us.

Applicant’s response to Article 3.10 Zoning Variances, §3.10.6 Approval Criteria

Zoning Variances may be approved only if the Board of Zoning Appeals finds that the proposed use meets all 7 of the approval criteria. In evaluating your request, the members of the board will review the answers below as a part of the case record. You may attach a separate sheet if necessary.

- 1. Are there extraordinary and exceptional conditions pertaining to the subject property? Explain:

Our property is too narrow (75 feet wide in one side and 51 feet wide from other side) too small to build single family home. Please help us approve to build house close to street line 10 feet and 25 feet critical line.

- 2. Do these conditions generally apply to other property in the vicinity or are they unique to the subject property? Explain:

Our property PIN 2850000196 is unique because it is the smallest property on James Bay Rd. Johns Island 29455 which located close to Savannah Hwy.

- 3. Because of these extraordinary and exceptional conditions, would the application of this Ordinance to the subject property effectively prohibit or unreasonably restrict the utilization of the property? Explain:

Because this land is too narrow and small , 75 feet in one side and 51 feet from other side and we have to build house 35 feet from critical line and 20 feet from street line. Only we have left free 20 feet land from one side of property and we do not have any land left on other side of our property to build single family house. Could you please approve us to change restriction to build house from 35 feet to critical line to 25 feet to critical line, and from 20 feet from street line for 10 feet from street line.

4. Will the authorization of a variance be a substantial detriment to adjacent property or to the public good? Will the character of the zoning district be harmed if this variance is granted? Explain:

We would like to build nice single family house for our family similar with other houses in this neighborhood.

5. The BZA shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a Nonconforming Use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance. Does the variance request meet this criterion?

We would like to build single family house for our family with 6 people. We love this neighborhood, our dream to live on this street with beautiful view that our property has. Unfortunately this land is too narrow and too small to build house enough for 6 people.

6. Is the need for the variance the result of your own actions? Explain:

If you let us extend area where to build house it will be easy to build single family house for our family from 6 people.

7. Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain

We would like to follow the rules of Charleston County. Before to build house we ask your permission to extend dwelling area due to very small and narrow property.

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.



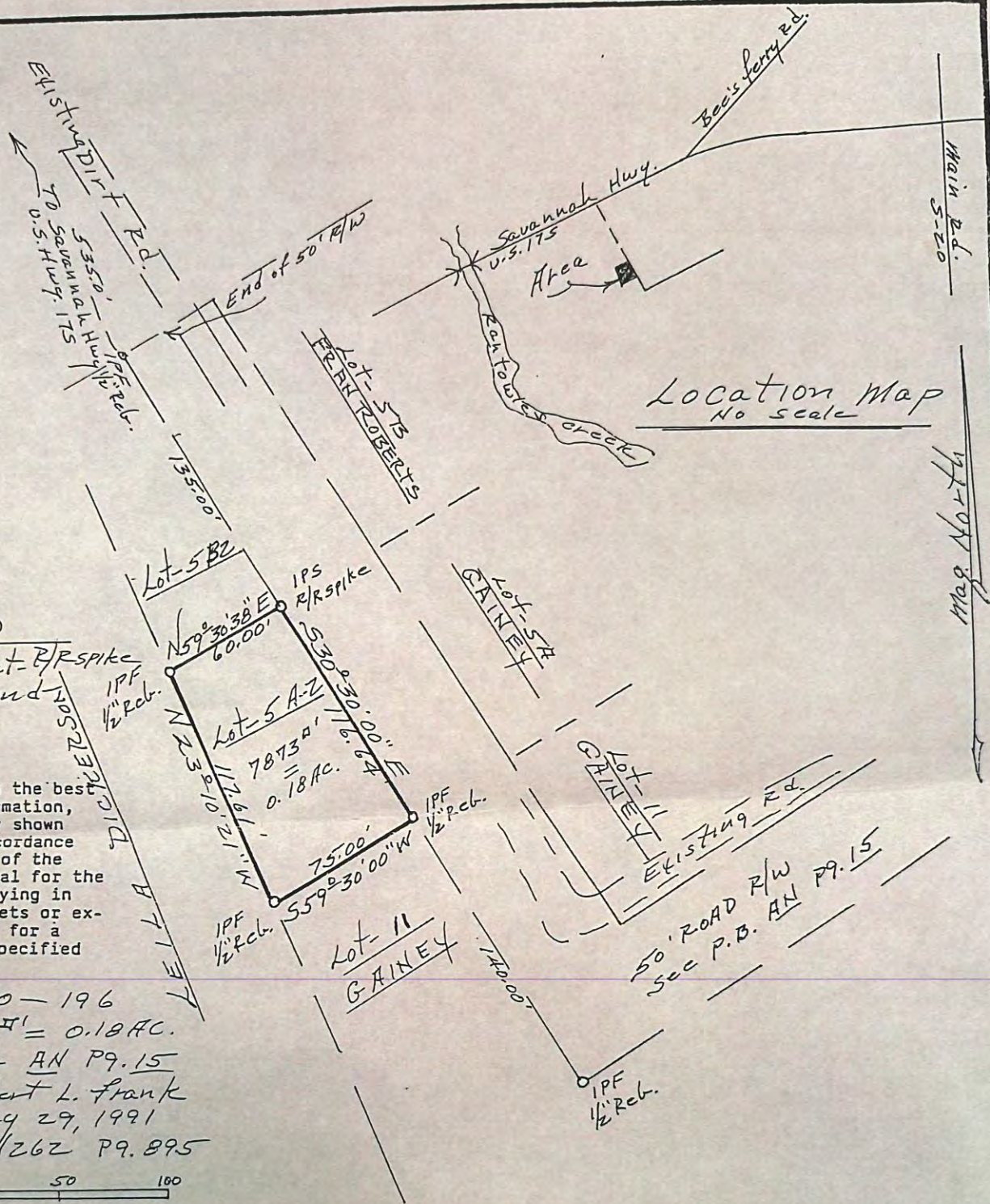
Location Map
No Scale

LEGEND

- IPS - 1/4" IRON PIPE SET - R/R SPIKE
- IPF - 1/4" IRON PIPE FOUND
- 1/2" R.C.B. - 1/2" REINFORCED CONCRETE BOLT

I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a class B survey as specified therein.

TMS-285-0-0-196
 Area - 7873 sq ft = 0.18 AC.
 Ref: plat Book AN P. 15
 Plat by Robert L. Frank
 dated May 29, 1991
 Deed Book W262 P. 895



PLAT OF LOT-5-A-2

PROPERTY OF CHARLENE BUCK

Red Top, St. Andrews Parish, Charleston County, South Carolina

Scale: 1" = 50' as of May 6, 1998

H. ELO HILTON R.L.S.

H. ELO HILTON

H. ELO HILTON REG. L.S. No. 2582
 531 Schreyer Dr. Mt. Pleasant, S.C. 29464
 Ph. - 884-5208