

Case # BZA-05-22-00584 Charleston County BZA Meeting of July 11, 2022

Applicant/Property Owner:

Clay Heck

Property Location:

2028 Covey Lane - James Island

TMS#:

331-07-00-010

Zoning District:

Low-Density Manufactured Housing Subdivision (MHS)

Zoning District

Request:

Variance request to reduce:

- the required 35' OCRM Critical Line setback by 16.73' to 18.27' at the closest point for a proposed residence; and
- the required 35' OCRM Critical Line setback by 19.77' to 15.23' at the closest point and to reduce the required 15' rear setback by 4.23' to 10.77' for a proposed porch.

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.13 MHS, Low-Density Manufactured Housing Subdivision District, Sec. 4.13.3 Density/Intensity and Dimensional Standards requires a 35' OCRM Critical Line setback and a 15' rear setback.



	Non-Waterfront Development Standards	Waterfront Development Standards
MAXIMUM DENSITY	4 Principal Dwellin	ng 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 f	eet
Interior Side	5 fe	eet
Rear	10 f	feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	35 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	15 feet
MAXIMUM BUILDING COVER	30%	of lot
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.

ARTICLE 4.13 MHS, LOW-DENSITY MANUFACTURED HOUSING SUBDIVISION DISTRICT

Sec. 4.13.1 Purpose and Intent

The MHS, Low-Density Manufactured Home Subdivision district implements the Urban/Suburban Mixed Use policies and the housing policies of the Comprehensive Plan.

Sec. 4.13.2Use Regulations

Uses are allowed in the MHS district in accordance with the Use Regulations of Chapter 6, Use Regulations.

Sec. 4.13.3 Density/Intensity and Dimensional Standards

Non-Waterfront Development Standards	Waterfront Development Standards
6 Principal Dwellin	g Units per acre
5,000 square feet	12,000 square feet
50 feet	90 feet
N/A	100 feet
	6 Principal Dwellin 5,000 square feet 50 feet



FRONT/STREET SIDE	25 f	eet
INTERIOR SIDE	5 fe	eet
REAR	15 f	eet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	35 feet
VETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	15 feet
MAXIMUM BUILDING COVER	30	0% of Lot
MAXIMUM HEIGHT	35 f	eet

Sec. 4.13.4 Other Regulations

Development in the MHS District shall comply with all other applicable regulations of this Ordinance, including the standards of CHAPTER 9, *Development Standards*. For properties abutting an OCRM Critical Line, all applicable Waterfront Development Standards of the R-4 Zoning District shall apply, with the following exception:

A. Where a current lot of record (existing prior to April 21, 1999) zoned MHS has resulted from the combination of two previously platted and recorded Lots, the current Lot of Record may be subdivided into the configuration of the originally platted Lots as shown on the corresponding approved, recorded Plat of record. The Subdivision resulting in the original configuration of the previously recorded Lots may occur even if the originally platted Lots do not meet the minimum Lot Width requirement of this Section and/or the minimum Lot Area, minimum Lot Width and minimum Lot Width average requirements of Article 4.22, Waterfront Development Standards, provided that the Subdivision meets all other requirements of this Ordinance.

ARTICLE 4.14 UR, URBAN RESIDENTIAL DISTRICT

Sec. 4.14.1 Purpose and intent

The UR, Urban Residential Zoning District implements the Urban/Suburban Mixed Use policies of the Comprehensive Plan.

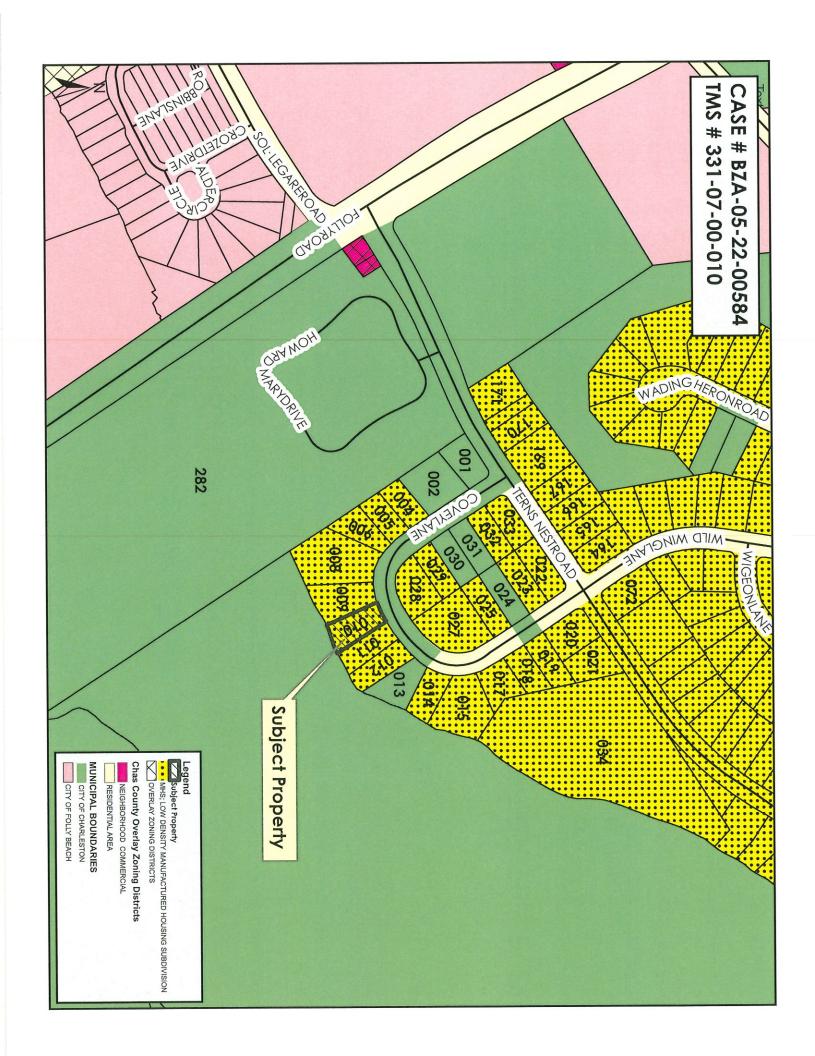
Sec. 4.14.2 Use Regulations

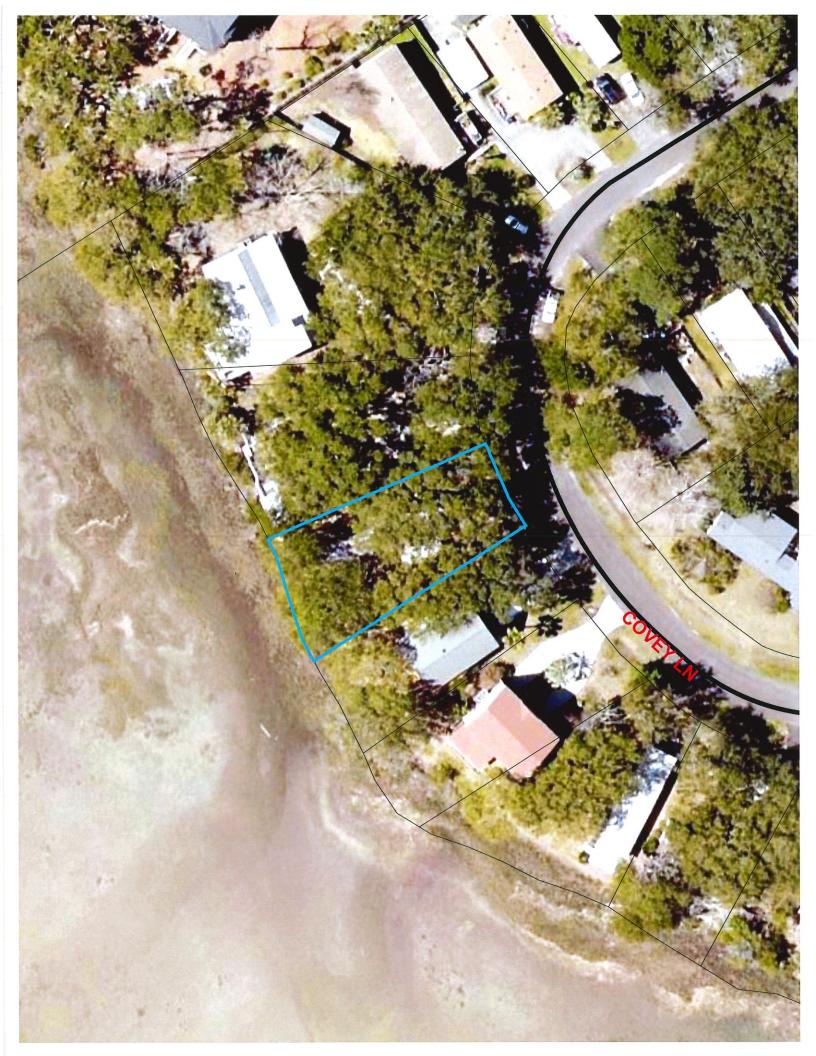
Uses are allowed in the UR District in accordance with the Use Regulations of CHAPTER 6, Use Regulations.

Sec. 4.14.3 Density/Intensity and Dimensional Standards

All Development in the UR District shall be subject to the following Density/Intensity and Dimensional Standards and shall provide proof to the Zoning and Planning Director that the property will be served by public water and sewer:

Tabl4.14	.3, UR Density/Intensity and Dimensional Stand	ards
	Non-Waterfront Development Standards	Waterfront Development Standards
MAXIMUM DENSITY	16 Principal Dwelli	ing Units per acre
MINIMUM LOT WIDTH	12 f	eet
MINIMUM SETBACKS		
Front/Street Side	15 f	eet
Interior Side	0/5 fe	et [1]
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 BUILDING COVER	50% c	of Lot
MAXIMUM HEIGHT	4 stories/50 feet,	whichever is less

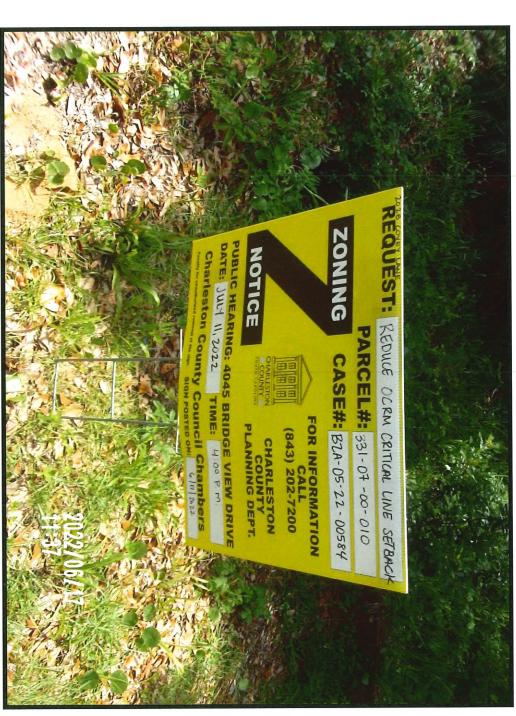






Subject Property: 2028 Covey Lane — James Island BZA Meeting of July 11, 2022 Case # BZA-05-22-00584

Proposal: Variance request to reduce the required 35' OCRM Critical Line setback for a proposed residence and porch and to reduce the required 15' rear setback for a proposed porch.



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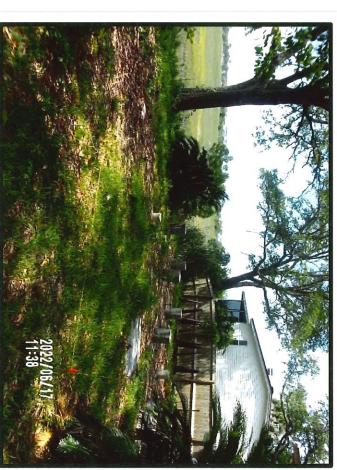


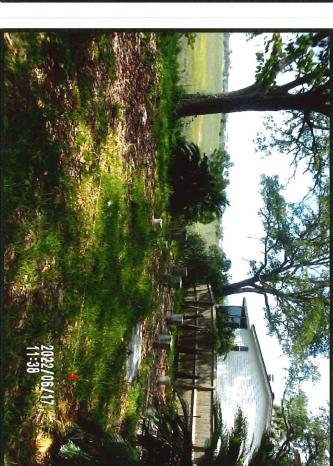
Subject Property

Subject Property

Subject Property

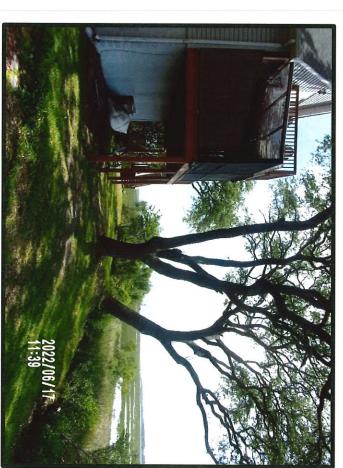
Subject Property & Adjacent Property to the west





Adjacent Property to the East





Jennifer Werking

From: Sent: clay heck <clayheck@gmail.com> Friday, May 06, 2022 12:20 PM

To:

BZA

Subject:

Zoning Variance Application

Attachments:

Scan_20220506 (9).pdf; Scan_20220506 (8).pdf; Scan_20220506 (5).pdf; Scan_20220506 (6).pdf; Scan_20220506 (7).pdf; Scan_20220506

(6).pdf; Scan_20220506 (7).pdf; Scan_20220506 (4).pdf; Scan_20220506 (2).pdf; Scan_

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Follow Up Flag:

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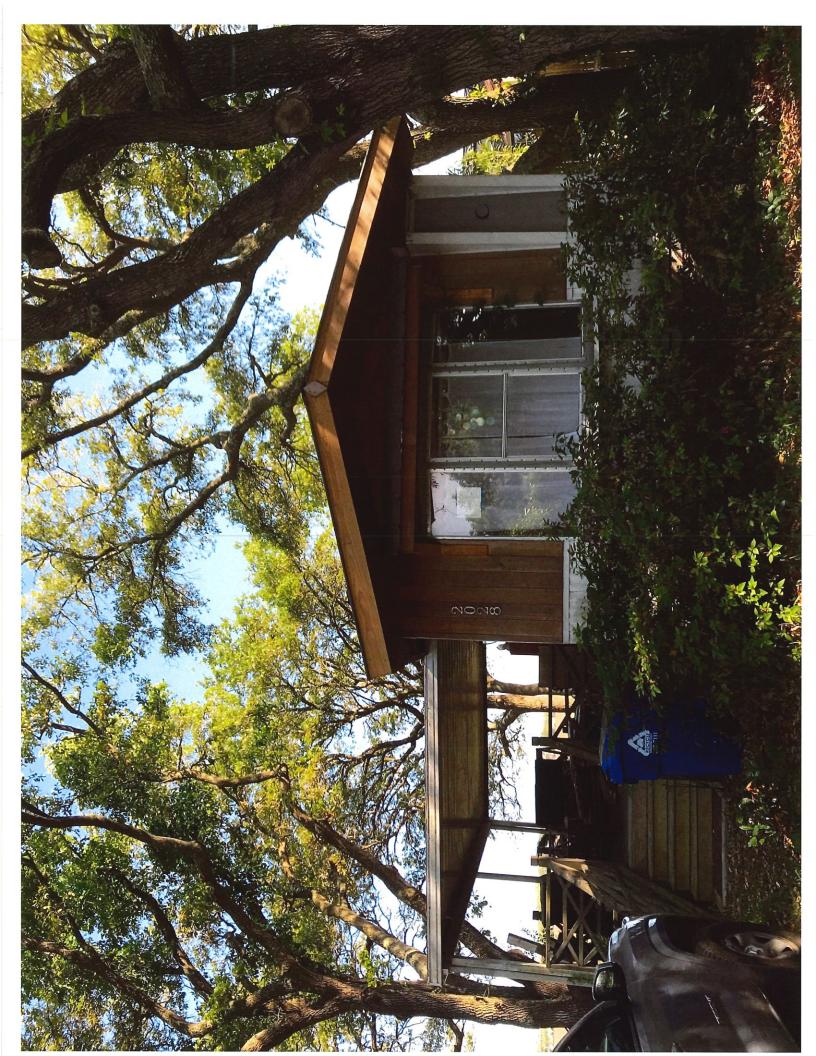
Flag Status:

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Dear Zoning Officials

I have attached two photos that I'd like to include in my Application. The first photo shows the trailer that currently sits on the property along with all the large oaks. The second photo shows the location of the proposed house site. Please note that the trailer was removed from the site to make way for the new construction. The trailer will be removed prior to the completion of the new build. Please review all the info that I submitted to make sure I'm not missing anything. Thanks for your help.

Clay Heck





Staff Review:

The applicant and property owner, Clay Heck, is requesting a variance to reduce the required OCRM (Office of Ocean and Coastal Resource Management) setback and the required rear setback at 2028 Covey Lane (TMS # 331-07-00-010) on James Island in Charleston County.

More specifically the applicant is requesting a Variance to reduce:

- the required 35' OCRM Critical Line setback by 16.73' to 18.27' at the closest point for a proposed residence; and
- the required 35' OCRM Critical Line setback by 19.77' to 15.23' at the closest point and to reduce the required 15' rear setback by 4.23' to 10.77' for a proposed porch.

The subject property is 0.1381 acres, or 6,015 sq. ft., and contains a legal nonconforming manufactured home that predates aerial imagery. The subject property and adjacent properties are located in the Low-Density Manufactured Housing Subdivision (MHS) Zoning.

The applicant's letter of intent explains, "I would like to build a 512 sq. ft. (small) home in the trees. I have designed the home in the trees. I have designed the home and determined the best location based on the location on the trees. I will be cutting NO trees to build the home. I will preserve the beauty and protection of every tree....I am requesting to build a new home in the area drawn on the survey. The home is small and designed to fit on the land where there will be NO disturbance to the oaks."

Applicable *ZLDR* requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.13 MHS, Low-Density Manufactured Housing Subdivision District, Sec. 4.13.3 Density/Intensity and Dimensional Standards requires a 35' OCRM Critical Line setback and a 15' rear setback.

Staff conducted a site visit of the subject property on June 17, 2022.

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 the

subject property. The applicant's letter of intent states, "There are several large Oaks on the property. I want to build in the area where there will be no disturbance to the large Oaks." 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 generally apply to other properties in the vicinity. The applicant's letter of intent explains, "Every house on the street is close to the marsh. Many trees were cut to build those homes. I will cut NO trees. Preserve the land!" 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, Article 4.13 MHS, Low-Density Manufactured Housing Subdivision District, Sec. 4.13.3 Density/Intensity and Dimensional Standards to 2028 Covey Lane would prohibit the porch and residence as proposed. 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 MHS Zoning District may not be harmed because the driveway will be constructed using pervious materials. 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. 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; The need for the variance may be the result of the applicant's own actions as the applicant chose this house and design. However, as previously mentioned the site for the proposed new home was chosen to avoid removing grand trees existing on the property. 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: Granting of the variance may not substantially conflict with the

Comprehensive Plan or the purposes of the Ordinance because the required 15' OCRM Critical Line buffer will be maintained. 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-05-22-00584 [Variance to reduce the required 35' OCRM Critical Line setback by 16.73' to 18.27' at the closest point for a proposed residence; and the required 35' OCRM Critical Line setback by 19.77' to 15.23' at the closest point and to reduce the required 15' rear setback by 4.23' to 10.77' for a proposed porch at 2028 Covey Lane (TMS # 331-07-00-010) on James Island in 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. The 15' OCRM Critical Line buffer shall be maintained per Sec. 4.24.7 of the Charleston County Zoning and Land Development Regulations Ordinance.
- 2. 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.
- 3. 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: 2028	Covey Ln. (harlest	on SC 29412
Tax Map Number(s): 33107000	10		
Current Use of Property: Single Fan	nily Residence		
Proposed Use of Property:	1		
Applicant Information (Required)			
Applicant Name (please print):	Heck		
Name of Company (if applicable):			
Mailing Address: 62 Will	Campbell Rd.		
City: Swannanaa Sta	ate: N.C.		Zip Code: 28 7 78
Email Address: Clay necke am	nan . com	Phone #:	828-808 -9552
Applicant Signature:	Der		Date:
Representative Information Complete only	ly if applicable. Attorney, Builder	, Engineer, Su	rveyor etc.)
Print Representative Name and Name of Compan	ny:		
Mailing Address:			
City: Sta	ate:	Zij	p Code:
Email Address:		Phone #:	
Designation of Agent (Complete only if the A	Applicant listed above is not the	Property Own	ner.)
I hereby appoint the person named as Applicant a	and/or Representative as my (or	ır) agent to re	present 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: Sta	ate: Zip Code:		Phone #:
Property Owner(s) Email Address:			
Property Owner(s) Signature:			Date:
	FOR OFFICE USE ONLY:		
Zoning District: MHS Flood Zone: A	HE 11 VE 13 (06871) Date	e Filed: $5/2$	13 272 Fee Paid: \$250c/cd
Application #: BZA-05-22-00584	T		Staff Initials:
			AA.

Dear Charleston County: When you review the survey and see where the new home is to be located, you will see an exsisting trailer. The trailer is no longer there. It was moved to make way for the new build. I have included I would like to build a 512 sq.ft. (small) home in the trees. I have designed the home and determined the

(small) home in the trees. I have designed the home and determined the best location based on the location of the trees. I will be cutting NO trees to build the home. I) will preserve the beauty and protection of every tree. Thank you Heck

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.)

	I am requesting to bui the area drawn on the is small and designed to where there will be No di	he survey. The home,
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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:

There are several large Oaks on the property.

I want to build in the area where there will be no disturbance to the large Oaks

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

Every house on the Street Mis close to the marsh. Many trees were cut to build those homes. I will cut NO trees. Preserve the

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

No

_	the character of the zoning district be harmed if this variance is granted? Explain:
	NO
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?
	Yes
_	
6.	Is the need for the variance the result of applicant's own actions? Explain:
6.	Is the need for the variance the result of applicant's own actions? Explain:
6.	
7.	
	Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the
	Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the

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.

AN ASBUILT SURVEY OF 2028 COVEY LANE, LOT 10 BLOCK A PHASE 1 OF THE RIVERFRONT SUBDIVISION, LOCATED IN THE TOWN OF JAMES ISLAND, CHARLESTON COUNTY, S.C.



COMPUTED POINT ADJOINER LINE PROPERTY LINE

IPS (IRON PIN SET 1/2" REBAR)

PLOOD ZONE CHANGE AS SCALED FROM PLOOD MAP DHEC-OCRM CRITICAL LINE

(N.T.S.)

ROBERT FRANK SURVEYING
1923 MAYBANK HWY. - CHARLESTON, S.C. 29412
PHONE: (843)7925-4508
FAX (843)795-5970
WEB ADDRESS: www.robedfranksurveying.com
E-mail roberfirankiandsurveying@comcasi.net

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