

Case # BZA-10-22-00616

Charleston County BZA Meeting of December 5, 2022

Applicant: Aaron Ede of Architecture Plus, LLC

Property Owners: Jim and Lorrie Doyle

Property Location: 1444 Dupre Creek Drive – East Area

TMS#: 617-15-00-026

Zoning District: Rural Residential (RR) Zoning District

Request:

- Variance request to reduce the required 50' front/street side setback by 24' to 26' at the closest point for the proposed front steps and front porch and a portion of the proposed residence:
- Variance request to reduce the required 50' OCRM Critical Line setback by 35.21' to 14.79' at the closest point for a proposed swimming pool and steps and a portion of the proposed residence; and
- Variance request to reduce the required 35' OCRM Critical Line buffer by 20.21' to 14.79' at the closest point for a proposed swimming pool and steps and a portion of the proposed residence.

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.10 RR, Rural Residential District, Sec. 4.10.3 Density/Intensity and Dimensional Standards requires a 50' front/street side setback, a 50' OCRM Critical Line setback, and a 35' OCRM Critical Line buffer.

Article 4.24 Waterfront Development Standards, Sec. 4.24.7 Prohibited Activities states, "The following activities are specifically prohibited in a buffer area: A. Removal excavation, or disturbance of the soil, except for minimal disturbance associated with the planting of shrubs or trees for landscaping; B. Grassed lawns requiring regular maintenance such as herbicides; pesticides, fertilizers and frequent mowing; C. Gardens, fences, or structures, except for permitted crossings; D. Paved or other impervious surfaces; and E. Destruction or addition of plant life which would alter the existing pattern of vegetation; and F. Driveways of any surface type."

ARTICLE 4.10 RR, RURAL RESIDENTIAL DISTRICT

Sec. 4.10.1 Purpose and Intent

The RR, Rural Residential Zoning District implements the Rural Residential policies of the Comprehensive Plan.

Sec. 4.10.2 Use Regulations

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

Sec. 4.10.3 Density/Intensity and Dimensional Standards

All Development in the RR District shall be subject to the following Density/Intensity and Dimensional Standards:

sity and Dimensional Standards	
Non-Waterfront Development Standards	Waterfront Development Standards
1 Principal Dwelling Unit per 3 Acres	
30,000 sq. ft.	1 acre
100 feet	125 feet
N/A	135 feet
50 feet	
15 feet	
30 feet	
N/A	50 feet
N/A	35 feet
30% of Lot	
40% of Lot or as allowed by the current edition of the Charleston County Stormwater Manual	
35 feet	
	Non-Waterfront Development Standards 1 Principal Dwelling Unit per 3 Acres 30,000 sq. ft. 100 feet N/A 50 feet 15 feet 30 feet N/A N/A N/A N/A 30% of Lot 40% of Lot or as allowed by the current edition of the C

Note: Refer to ARTICLE 8.14, Conservation Subdivisions, for alternative Development standards, where applicable.

[1] Maximum Impervious Surface Coverage applies only to Residential Development on Parcels less than 30,000 square feet in size. When the Maximum Impervious Surface Coverage requirement applies, the Maximum Building Coverage requirement shall not apply.

Effective on: 9/10/2017, as amended

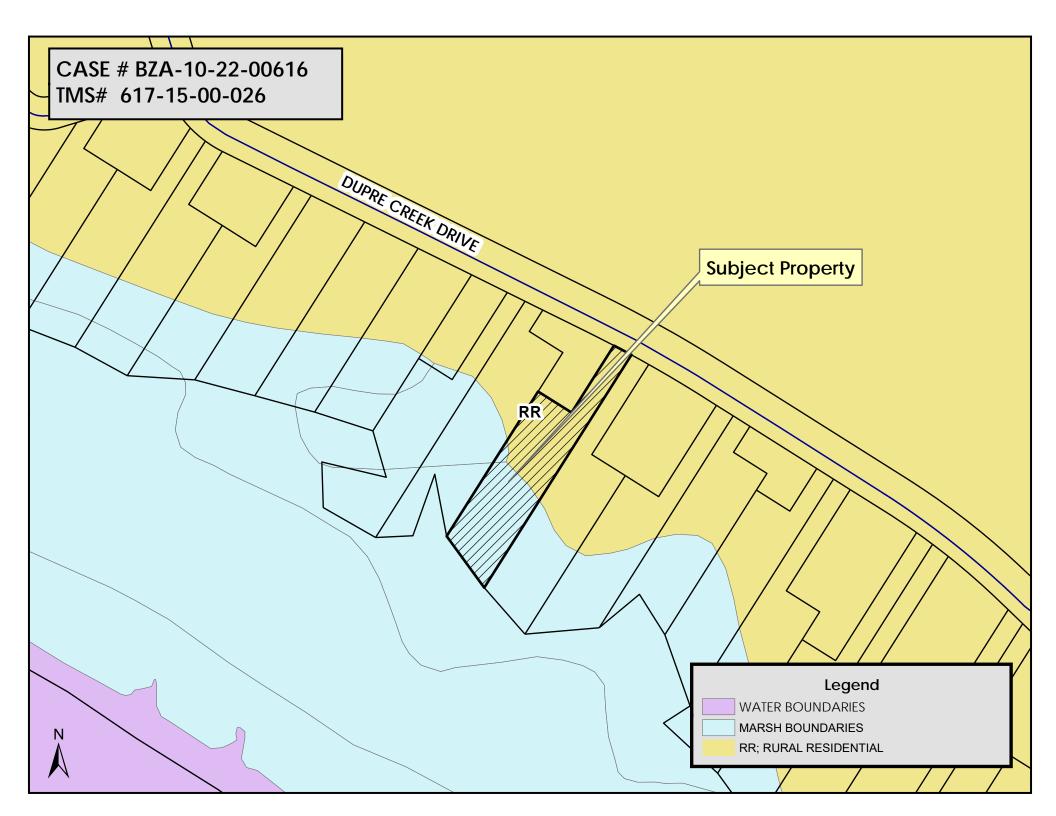
Sec. 4.10.4 Other Regulations

<u>Development</u> in the RR District shall comply with all other applicable regulations of this Ordinance, including the standards of CHAPTER 9, *Development Standards*.

Sec. 4.24.7 Prohibited Activities

The following activities are specifically prohibited in a buffer area:

- A. Removal, excavation, or disturbance of the soil, except for minimal disturbance associated with the planting of shrubs or trees for landscaping;
- B. Grassed lawns requiring regular maintenance such as herbicides, pesticides, fertilizers, and frequent mowing;
- C. Gardens, fences, or Structures, except for permitted crossings;
- D. Paved or other impervious surfaces;
- E. Destruction or addition of plant life that would walter the existing pattern of vegetation; and
- F. Driveways of any surface type.









Case # BZA-10-22-00616 BZA Meeting of December 5, 2022 Subject Property: 1444 Dupre Creek Drive — East Area

Proposal: Variance request to reduce the required 50' front/street side setback, and to reduce the required 50' OCRM Critical Line setback and 35' OCRM Critical Line buffer.



Subject Property





Adjacent Properties





Adjacent Properties





Dupre Creek Drive





Staff Review:

The applicant, Aaron Ede of Architecture Plus, LLC, on behalf of the property owners, Jim and Lorrie Doyle, is requesting a variance to reduce the required 50' front/street side setback, to reduce the required 50' OCRM (Office of Ocean and Coastal Resource Management) Critical Line setback, and to reduce the required 35' OCRM Critical Line buffer at 1444 Dupre Creek Drive (TMS # 617-15-00-026) in the East Area of Charleston County.

More specifically, the applicant is requesting:

- To reduce the required 50' front/street side setback by 24' to 26' at the closest point for the proposed front steps and front porch and a portion of the proposed residence;
- To reduce the required 50' OCRM Critical Line setback by 35.21' to 14.79' at the closest point for a proposed swimming pool and steps and a portion of the proposed residence; and
- To reduce the required 35' OCRM Critical Line buffer by 20.21' to 14.79' at the closest point for a proposed swimming pool and steps and a portion of the proposed residence.

The subject property contains 0.27 acres of highland and is currently vacant. The subject property and adjacent properties are located in the Rural Residential (RR) Zoning District in Phase 1 of the Paradise Island subdivision that was platted in 1995. Charleston County adopted required setbacks and buffers from the OCRM Critical Line in 2001.

Applicable *ZLDR* **requirement**:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.10 RR, Rural Residential District, Sec. 4.10.3 Density/Intensity and Dimensional Standards requires a 50' front/street side setback, a 50' OCRM Critical Line setback, and a 35' OCRM Critical Line buffer.

Article 4.24 Waterfront Development Standards, Sec. 4.24.7 Prohibited Activities states, "The following activities are specifically prohibited in a buffer area: A. Removal excavation, or disturbance of the soil, except for minimal disturbance associated with the planting of shrubs or trees for landscaping; B. Grassed lawns requiring regular maintenance such as herbicides; pesticides, fertilizers and frequent mowing; C. Gardens, fences, or structures, except for permitted crossings; D. Paved or other impervious surfaces; and E. Destruction or addition of plant life which would alter the existing pattern of vegetation; and F. Driveways of any surface type."

Staff conducted a site visit of the subject property on November 14, 2022. 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 the 0.27-acre subject property due to its shape and limited buildable area. The property has an approximately 400' long "flag" to access the lot from Dupre Creek Drive. The 60' wide front of the property borders the Paradise Island Property Owners Association (POA) green space. The north side of the property and the entire rear of the property borders the OCRM Critical Line. The applicant's letter of intent states, "The allowable buildable area is exceptionally small due to a number of contributing factors. 1.) An unfortunate origin line of the front 50' setback measured from the intersection of the flag portion of the lot rather than the street. 2.) The wetlands line and critical lines have encroached dramatically into the site by around 175-220' from when the plat was first recorded resulting in the vast majority of what was once the buildable area being deemed unbuildable." Therefore, the request may meet this criterion.

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

Response:

The conditions that exist on the subject property, 1444 Dupre Creek Drive (lot # 15), may be unique in that it has an irregular shape. Therefore, the request <u>may meet</u> 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 4.10 RR, Rural Residential District, Sec. 4.10.3 Density/Intensity and Dimensional Standards, and Article 4.24 Waterfront Development Standards, Sec. 4.24.7 Prohibited Activities to 1444 Dupre Creek Drive (lot # 15), would prohibit the front steps and porch, a portion of the proposed residence and swimming pool as proposed, but may not unreasonably restrict the utilization of the property. Therefore, the request may not meet this criterion. However, the applicant's letter of intent contends, "Though it is possible for quite a narrow structure to be built, the limited dimension from front to back does not reasonably allow for a stairs, front or rear porches or a reasonably sized heated massing of the principle building."

§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. The applicant's letter of intent states, "It

will not affect any of these concerns in a negative way and the US Army Corps of Engineers is in support of the project stating, 'the proposed activity will result in minimal individual and cumulative adverse environmental impact and is not contrary to the public interest.' The project only utilizes 22.7% of the 30% of highland coverage allowable once the wetlands fill has been accomplished. The front of the homes sits some 162' away from the street frontage, far beyond the intent of the 50' front setback The rear of the home sits around 150' behind the rear property line and what was the original critical line prior to encroachment." Therefore, the character of the Rural Residential Zoning District may not be harmed by the granting of this variance. 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 <u>meets</u> this criterion.

§3.10.6(6): **Response:**

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 because the applicant may be able to redesign to eliminate some of the variance requests. Therefore, the request may not 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 RR Zoning District implements the Rural Residential, policies of 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." Granting of the variance may not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance if stormwater mitigation measures, such as the use of silt fencing, rain barrels, rain gardens, are used to reduce the flow of stormwater into the marsh. 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-10-22-00616 [Variance request to reduce the required 50' front/street side setback, to reduce the required 50' OCRM Critical Line setback, and to reduce the required 35' OCRM Critical Line buffer at 1444 Dupre Creek Drive (TMS # 617-15-00-026) in the East 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 applicant shall use stormwater mitigation measures, such as the use of rain barrels or rain gardens, to reduce the flow of stormwater into the marsh.
- 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)

Subject Property Address: 1444 Dupree Creek Drive Fax Map Number(s): 617-15-00-026	
Fax Map Number(s): 617-15-00-026	
Current Use of Property: RR3 - Single Family Residence (Vacant L	ot)
Proposed Use of Property: RR3 - Single Family Residence	
Applicant Information (Required)	
Applicant Name (please print): Aaron Ede	
Name of Company (if applicable): Architecture Plus, LLC.	
Mailing Address: 1044 East Montague Ave., Ste. 201	
City: North Charleston State: South Carolina	Zip Code: 29405
Email Address: aaronede@gmail.com	Phone #: 843 - 442 - 0173
Applicant Signature: A.T. EDE	Date: 09/21/2022
Representative Information (Complete only if applicable. Attorne	ey, Builder, Engineer, Surveyor etc.)
Print Representative Name and Name of Company: Aaron Ede, Archit	tecture Plus
Mailing Address: 1044 East Montague Ave., Ste. 201	
City: North Charleston State: South Carolina	Zip Code: 29405
Email Address: aaronede@gmail.com	Phone #: 843 - 442 - 0173
Designation of Agent (Complete only if the Applicant listed above i	is not the Property Owner.)
f 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): Jim & Lorrie Doyle	
Name of Company (if applicable, LLC etc.):	
Property Owner(s) Mailing Address: 25 Broomall Lane	
City: Glen Mills State: PA Z	Ep Code: 29342 Phone #: (610) 639-1389
Property Owner(s) Email Address: / Time Doy II	5140 VER 1200 2001
Property Owner(s) Signature (The)	- Date: 9/25/22-
FOR OFFICE USE	ONLY:
Zoning District: R Flood Zone: AE-8 (34)	SK) Date Filed: d 2022 Fee Paid \$250
Application #: 874-10-22-00616 TMS#: 617	-15-60-026 Staff Initials: 1 216

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.)

- 1.) We are seeking a reduction of the 50'-0" front setback to 26'.
- 2.) We are seeking a reduction of the rear OCRM Critical Line from 50'-0" to a minimum of 14.793' setback from the OCRM Critical Line.

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:

The allowable buildable area is exceptionally small due to a number of contributing factors.

- 1.) An unfortunate origin line of the front 50' setback measured from the intersection of the flag portion of the lot rather than the street. 2.) The wetlands line and critical lines have encroached dramatically into the site by around 175-220' from when the plat was first recorded resulting in the vast majority of what was once the buildable area being deemed unbuildable.
- Do these conditions generally apply to other property in the vicinity or are they unique to the subject property?Explain:

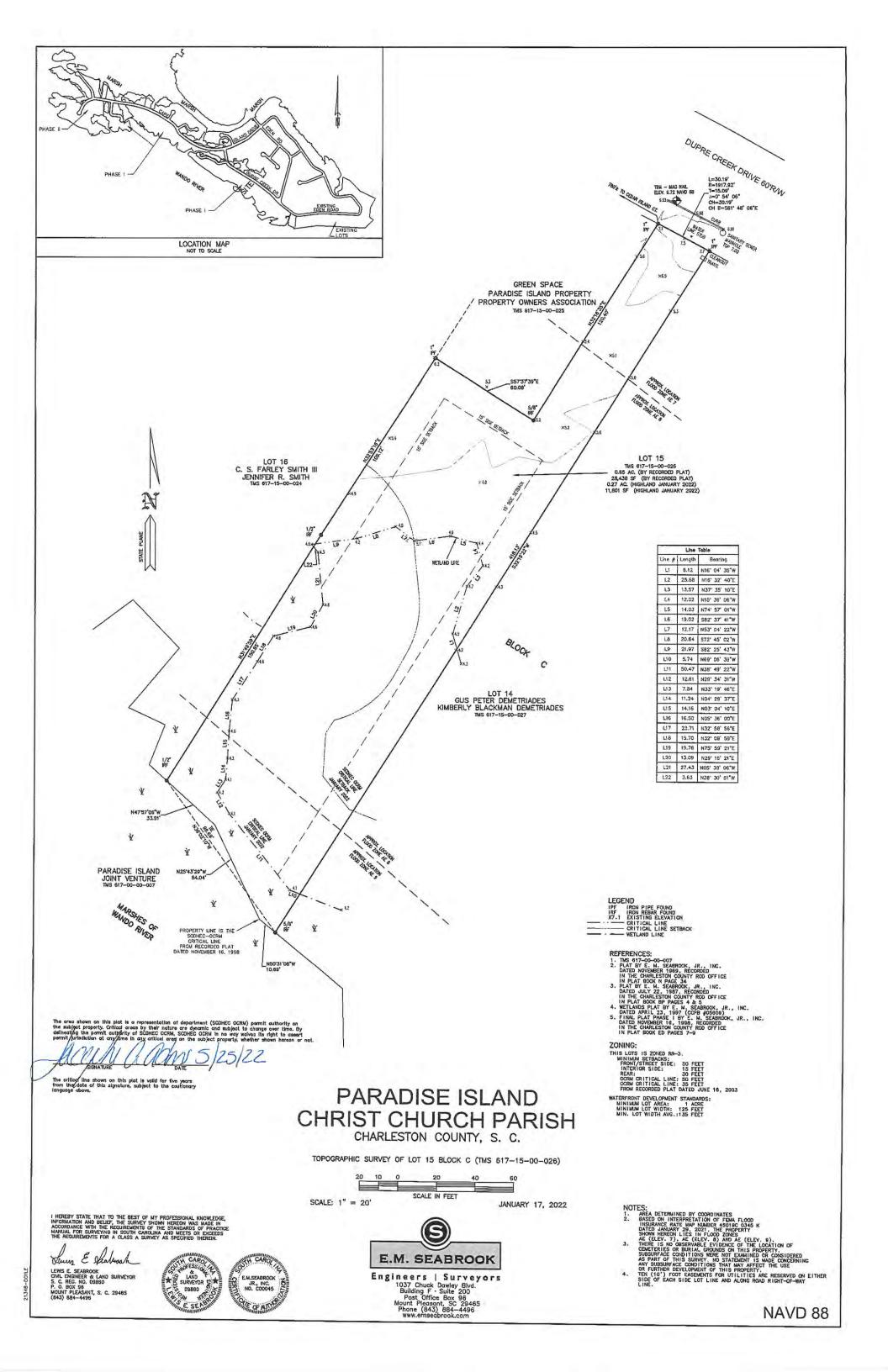
These limitations are unique to the subject property.

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:

Though it is possible for quite a narrow structure to be built, the limited dimension from front to back does not reasonably allow for a stairs, front or rear porches or a reasonably sized heated massing of the principle building.

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:
"the pub acco	Il not affect any of these concerns in a negative way and the US Army Corps of Engineers is in support of the project stating, proposed activity will result in minimal individual and cumulative adverse environmental impact and is not contrary to lic interest." The project only utilizes 22.7% of the 30% of highland coverage allowable once the wetlands fill has been mplished. The front of the homes sits some 162' away from the street frontage, far beyond the intent of the 50' front setbacter of the home sits around 150' behind the rear propery line and what was the original critical line prior to encroachment.
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:
No.	
7.	Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain:
100000	The requested relief is not quantifiably substantially out of step with the intent of the County Comprehensicve Plan or the nt of the Ordinances

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.



DOYLE RESIDENCE

1444 Dupree Creek Drive Paradise Island, 29429 Charleston County, South Carolina







REAR PERSPECTIVE

FRO NT PERSPECTIVE

PROJECT CONSULTANTS

TBD

ARCHITECTURAL FIRM

Architecture+ sc, llc
Aaron Ede
1044 East Montague. Ste. 201
North Charleston, SC. 29492
tel. (843) 442-0173
aarone@architectureplusllc.com

LANDSCAPE ARCHITECT

BUILDER

STRUCTURAL ENGINEER

GS-1.0 General Specifications GS-1.1 General Specifications GS-1.2 Specs & Rescheck

AS-1.0 Site Plan

L-1 Grading Erosion & Storm Landcaping

A-1.0 Ground Plan A-1.1 First Floor Plan

AC-1.0 Cover Sheet

- A-1.2 Second Floor Plan A-1.3 Roof Plan
- A-2.0 Front Elevation A-2.1 Right Side Elevation A-2.2 Rear Elevation A-2.3 Left Side Elevation

A-2.4 Model Images

A-3.0 Building Section A-3.1 Building Section A-3.4 Site Section

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A-4.0 Wall Sections A-4.1 Wall Sections A-4.2 Details

A-5.0 Door & Window Schedules A-5.1 Finish Schedule

E-1.0 Ground Flr. Electrical Plan E-1.1 First Flr. Electrical E-1.2 Second Flr. Electrical

M-1.0 First Flr. Mechanical M-1.1 Second Flr. Mechanical

S1 Foundation Plan
S2 Foundation Showing First Floor Framing
S3 First Floor Showing Second Flr. Framing
S4 Second Floor Showing Ceiling and Lower Roof Framing
S5 Upper Roof Framing

S6 Building Section

S7 Specification & Fastening

PROJECT INFO.

CODE CLASSIFICATION

Charleston County, SC.

4,293 Heated Square Feet 4 Bedrooms, 4 full Bathrooms and 1 half Bathroom

RR3 Rural Residential Type VB Construction 2018 IRC 2009 IECC

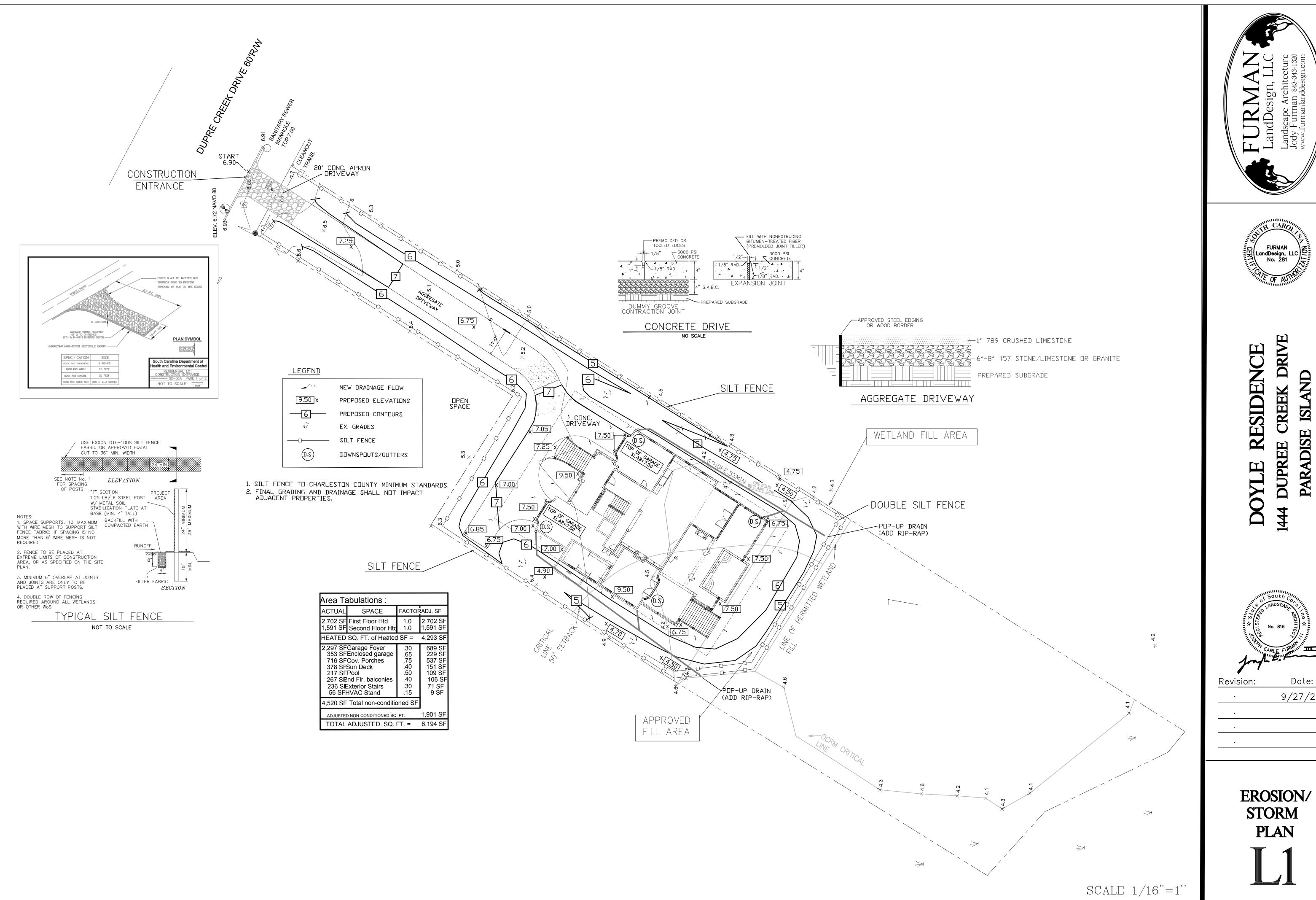
Max Bldg. Height: 35' Maximum Median Ridge Height

TMS # 617-15-00-026

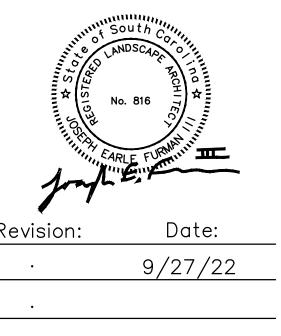
FEMA Flood Maps Panel N°. 45019C0345K

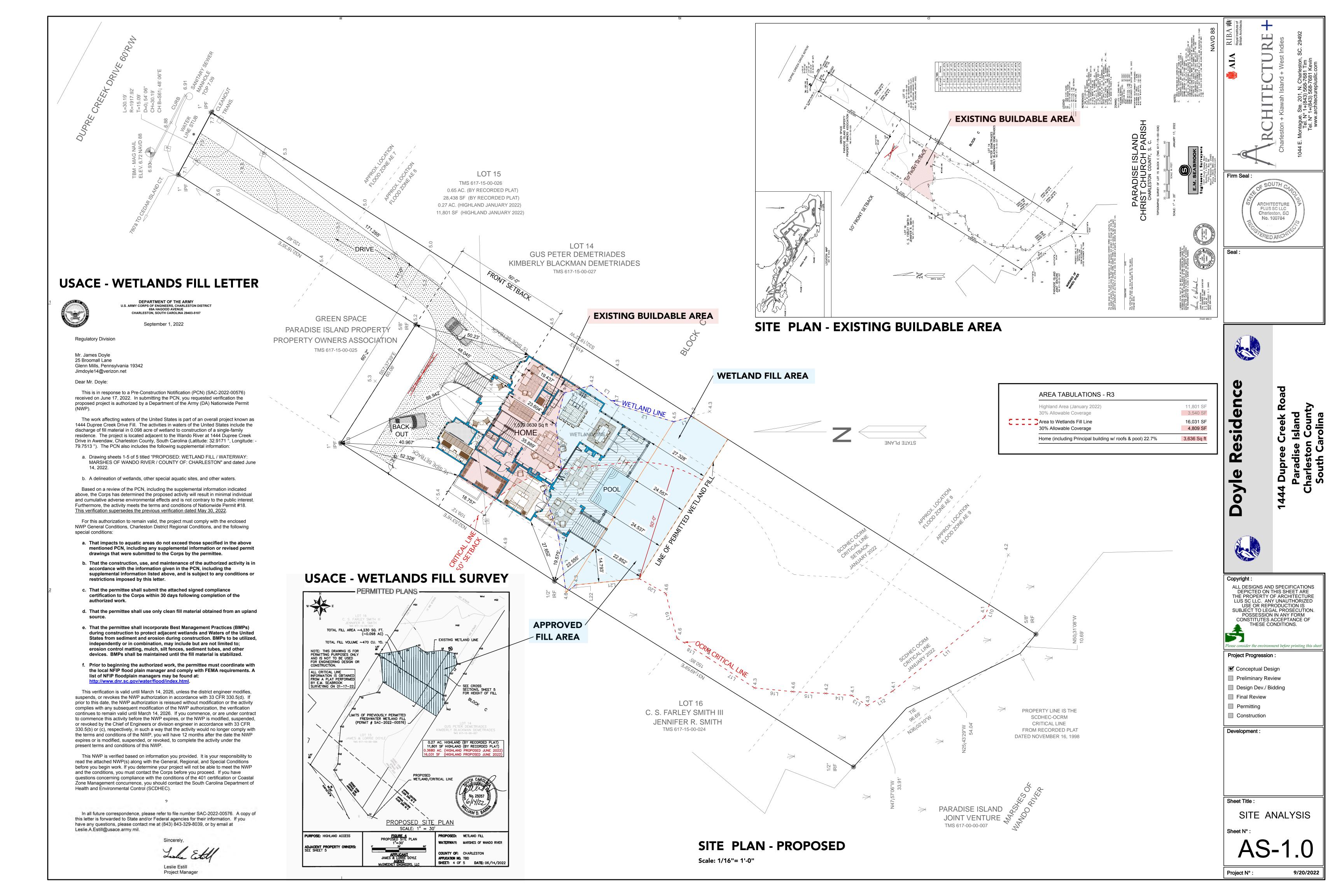
Flood Zone: AE7/AE8/AE9 Average Grade of Property = 4'-6" msl

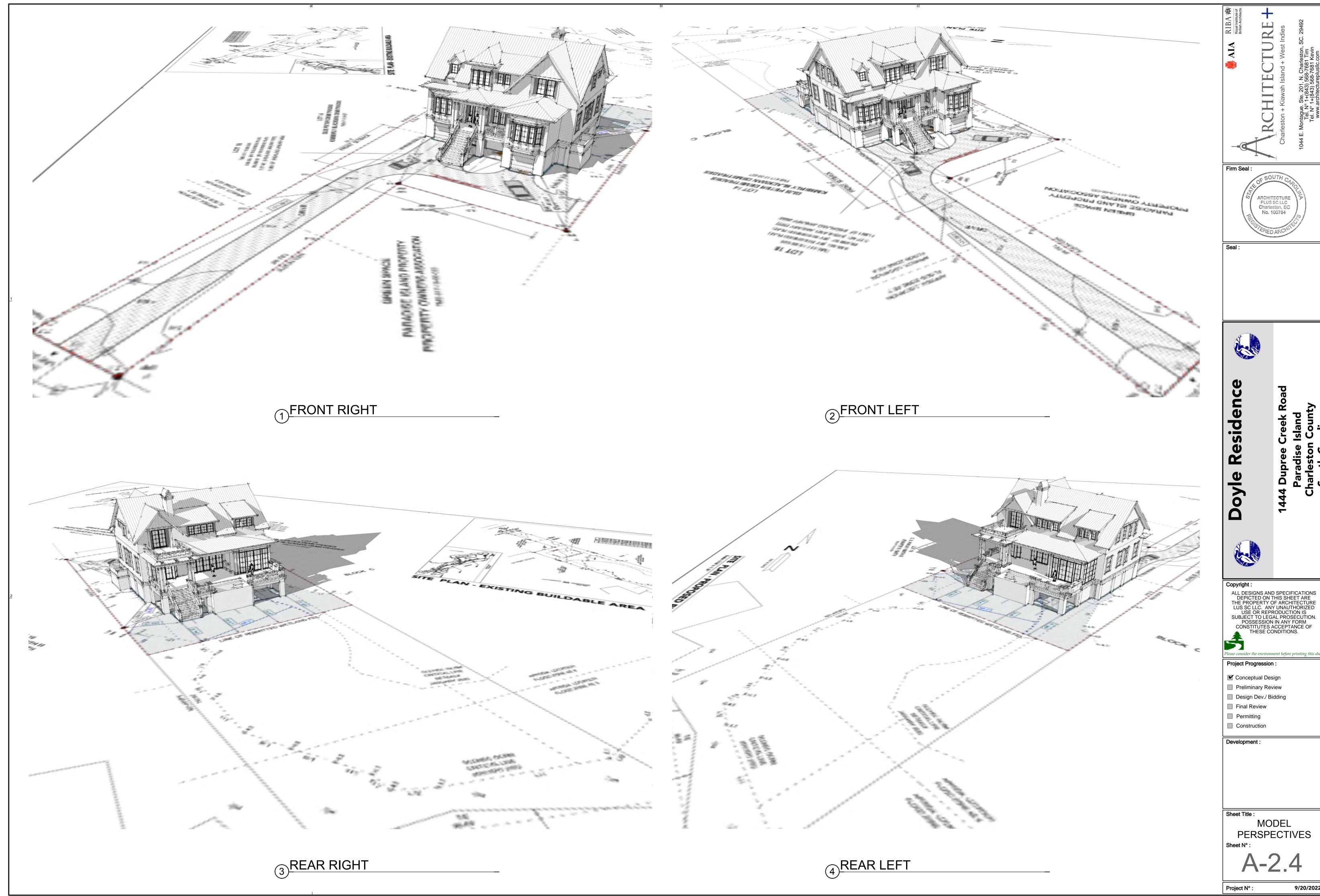


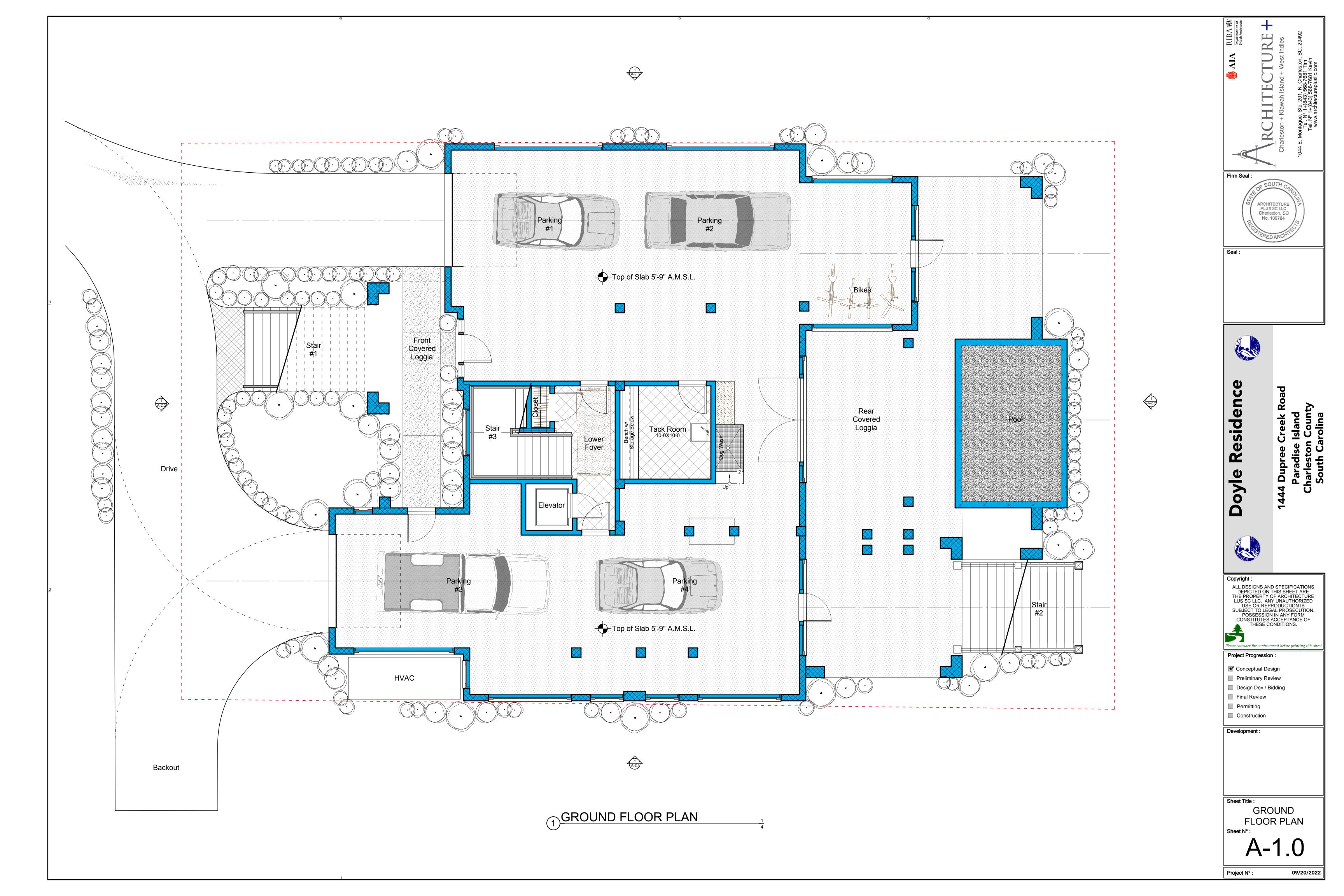


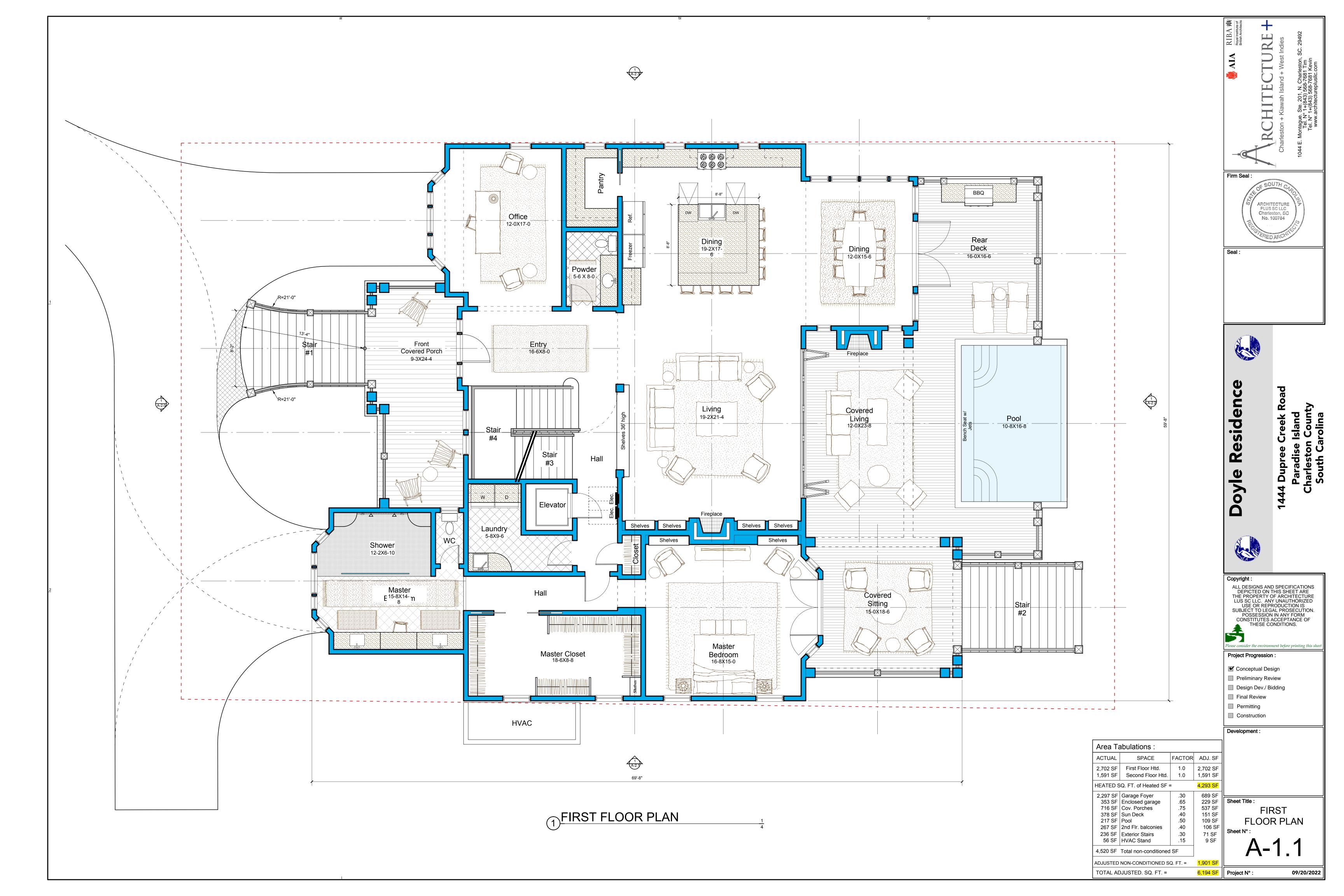






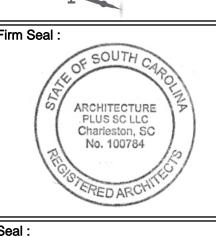








RCHITECTURE





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Conceptual Design Preliminary Review

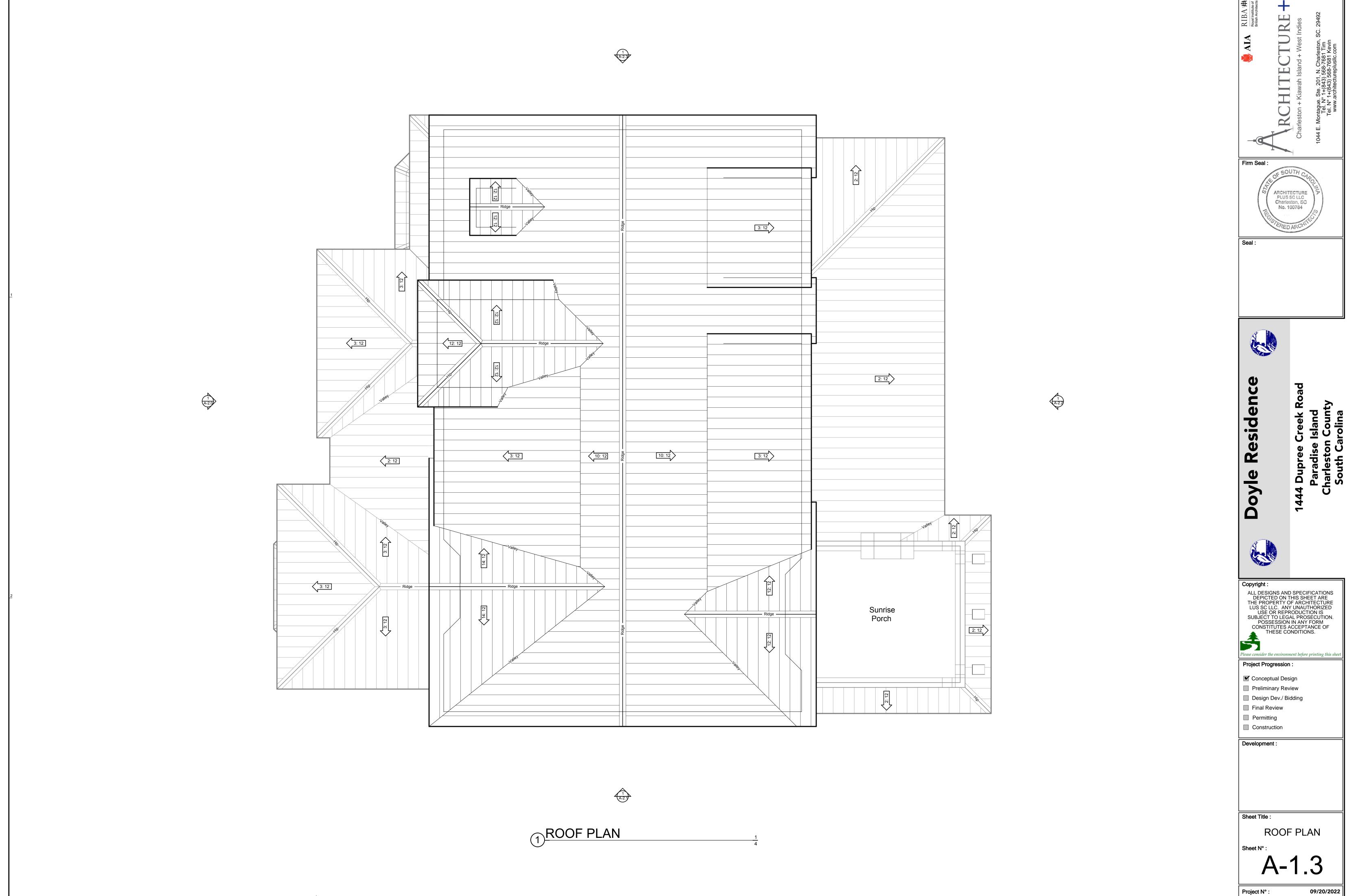
Final Review

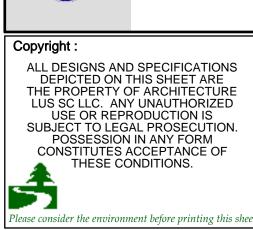
Permitting Construction

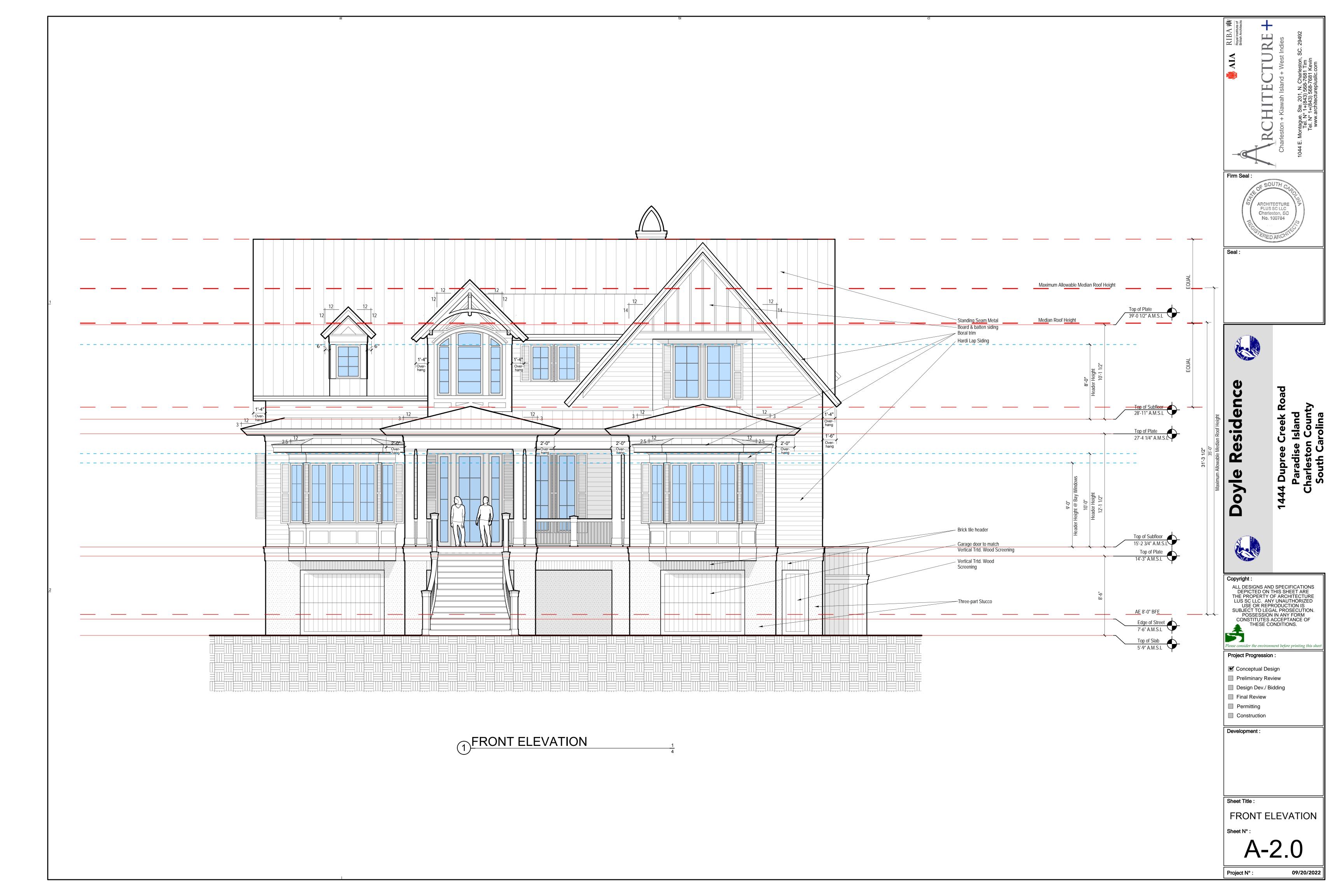
> SECOND FLOOR PLAN

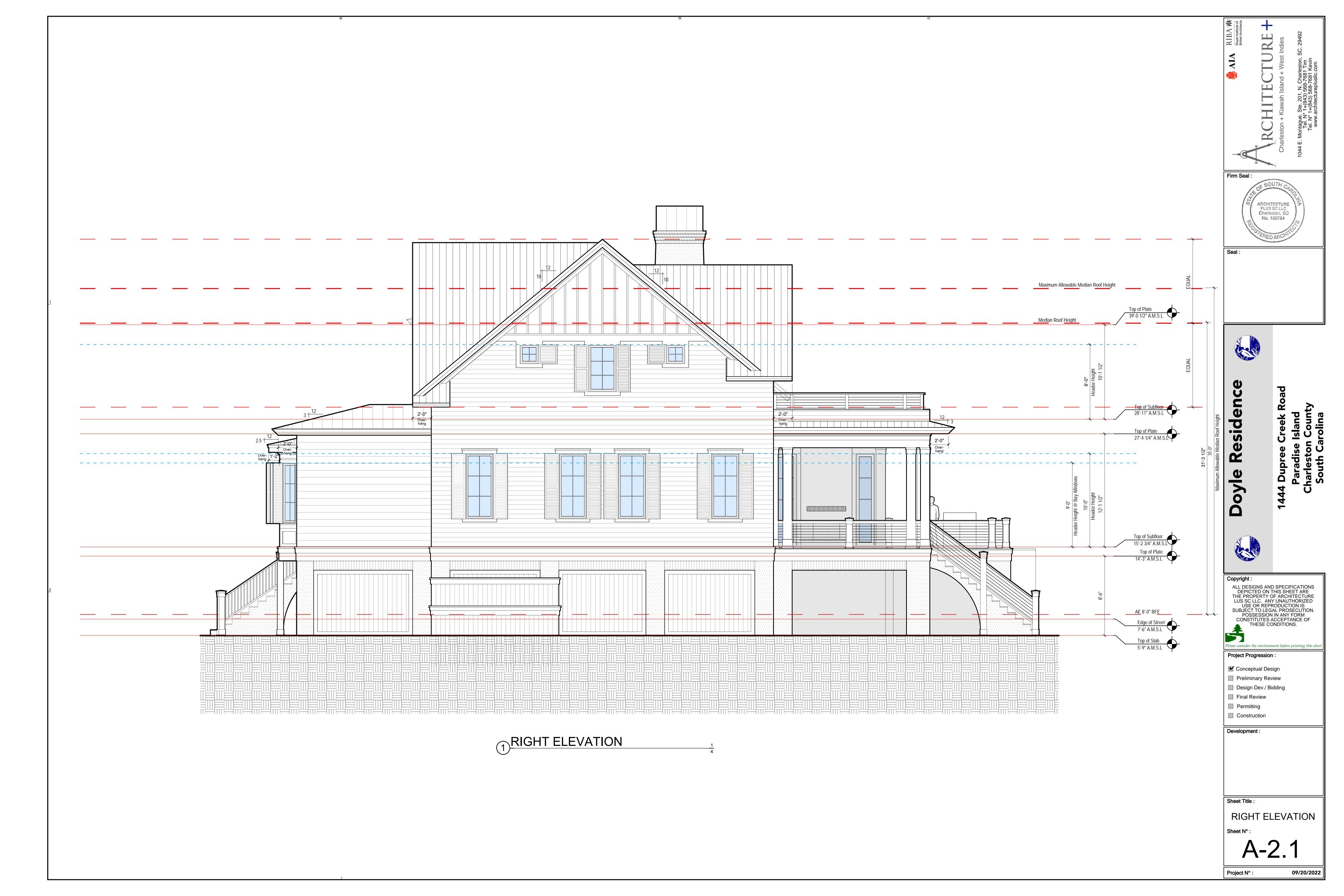
Project N°:

09/20/2022

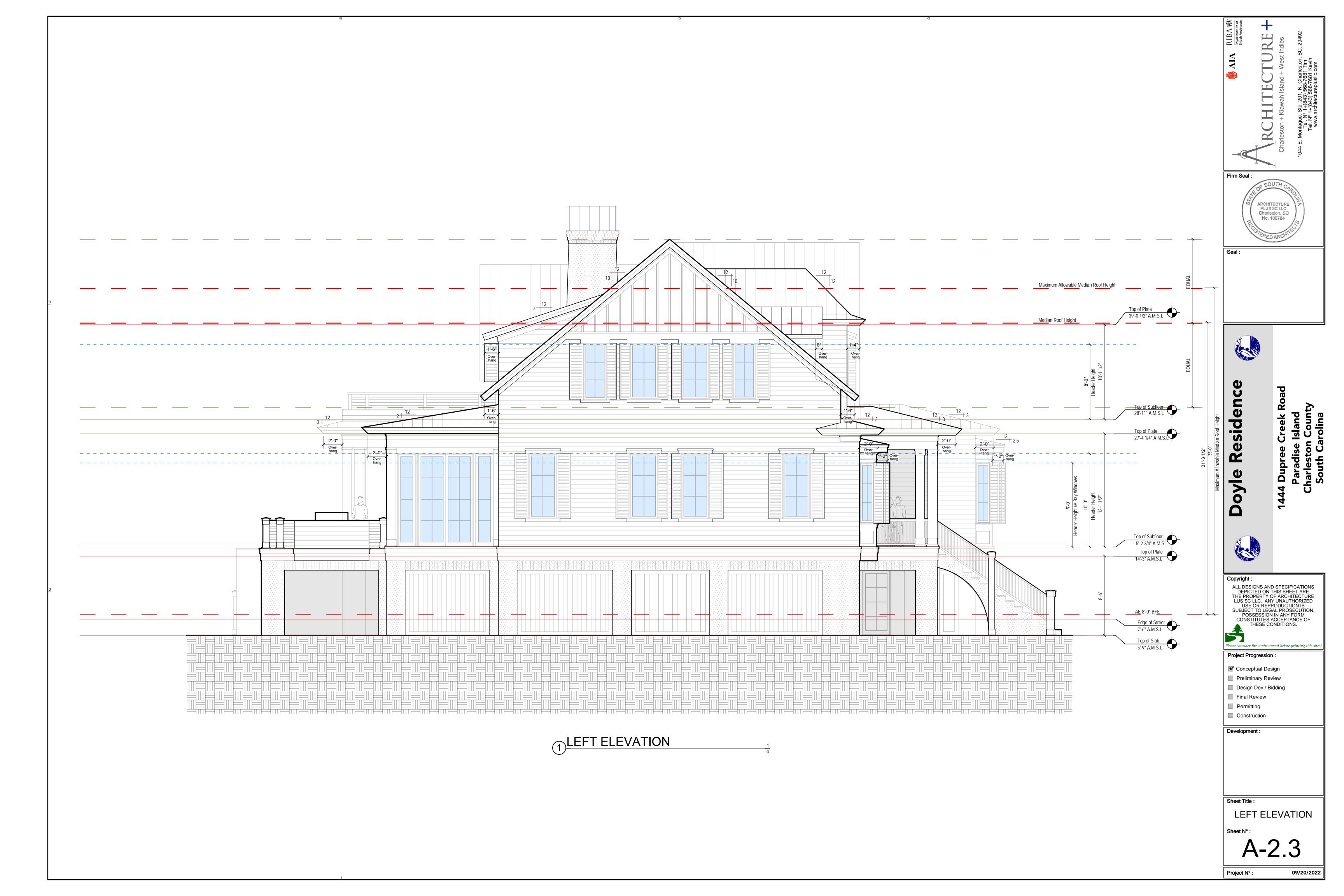




















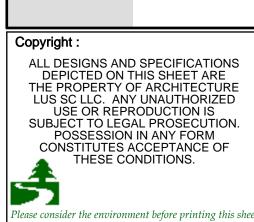






Doyle Residence





Project Progression :

✓ Conceptual Design

Preliminary Review

Design Dev./ BiddingFinal Review

PermittingConstruction

Development :

Sheet Title :

MODEL

PERSPECTIVES

A-2.5

Project N°:

9/20/20

