

## Case # BZA-03-25-00853

## Charleston County BZA Meeting of May 5, 2025

Applicant/Property Owner: Sean C. Carey

Additional Property Owners: April Lynn Carey, William Edward Carey, and Denise

Rosemarie Carey

Property Location: 5524 Katy Hill Road – Wadmalaw Island

TMS#: 197-00-00-083

Zoning District: Agricultural Residential (AGR) Zoning District

## Request:

Variance request to reduce the required 30' rear setback by 13.4' to 16.6' for an existing unpermitted detached accessory structure (16' x 40' shed).

## Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.9 AGR, Agricultural Residential District, Sec. 4.9.3 Density/Intensity and Dimensional Standards requires a 30' rear setback.



## **CHAPTER 4 | BASE ZONING DISTRICTS**

## ARTICLE 4.9 AGR, AGRICULTURAL/RESIDENTIAL DISTRICT

### Sec. 4.9.1 Purpose and intent

The AGR, Agricultural Residential Zoning District implements the Agricultural Residential policies of the *Comprehensive Plan*. The district is intended for application in all Settlement Areas.

#### Sec. 4.9.2 Use Regulations

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

## Sec. 4.9.3 Density/Intensity and Dimensional Standards

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

Table 4.9	9.3, AGR Density/Intensity and Dimensional Stan	dards		
	Non-Waterfront Development Standards	Waterfront Development Standards		
MAXIMUM DENSITY	1 Principal Dwelling Unit per Acre			
MINIMUM LOT AREA	30,000 square feet 1 acre			
MINIMUM LOT WIDTH	100 feet	125 feet		
MINIMUM LOT WIDTH AVERAGE	N/A 150 feet			
MINIMUM SETBACKS				
Front/Street Side	50 feet			
Interior Side	15 feet			
Rear	30 feet			
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	50 feet		
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet		
MAXIMUM BUILDING COVERAGE [1]	30% of Lot			
MAXIMUM IMPERVIOUS SURFACE COVERAGE [1]	40% of Lot or as allowed by the current edition of the Charleston County Stormwater Manual			
MAXIMUM HEIGHT	35 feet			

<sup>[1]</sup> 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.

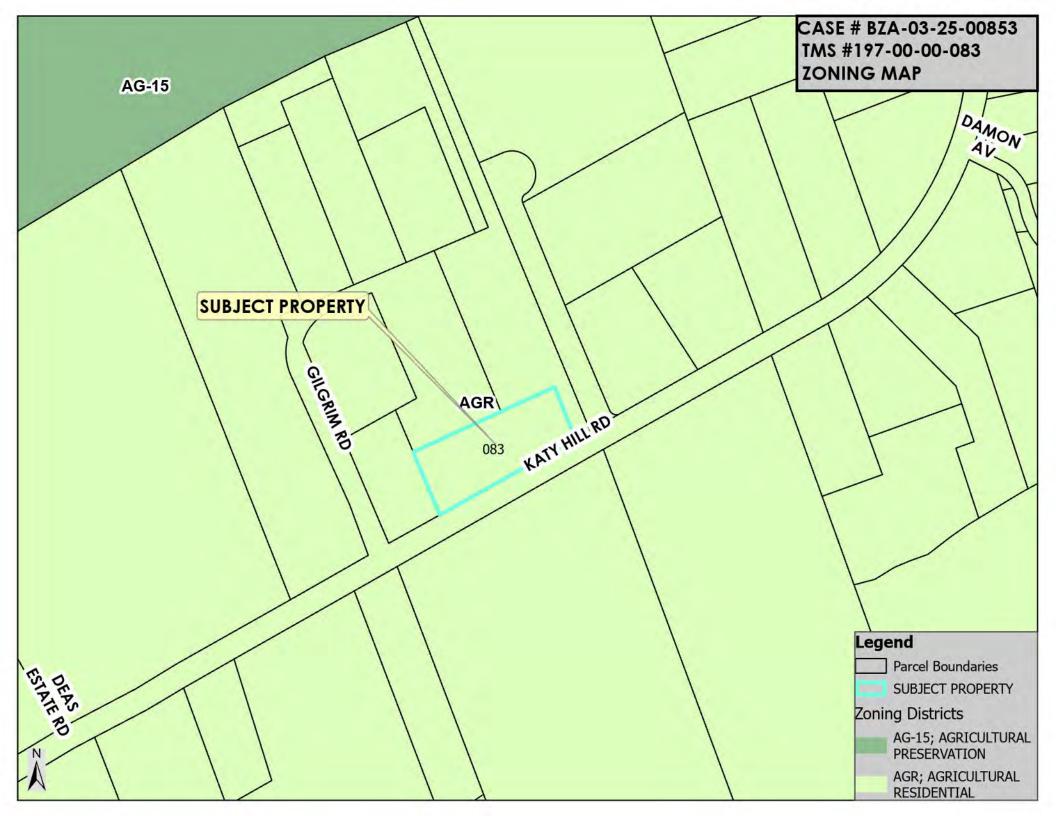
Effective on: 9/10/2017, as amended

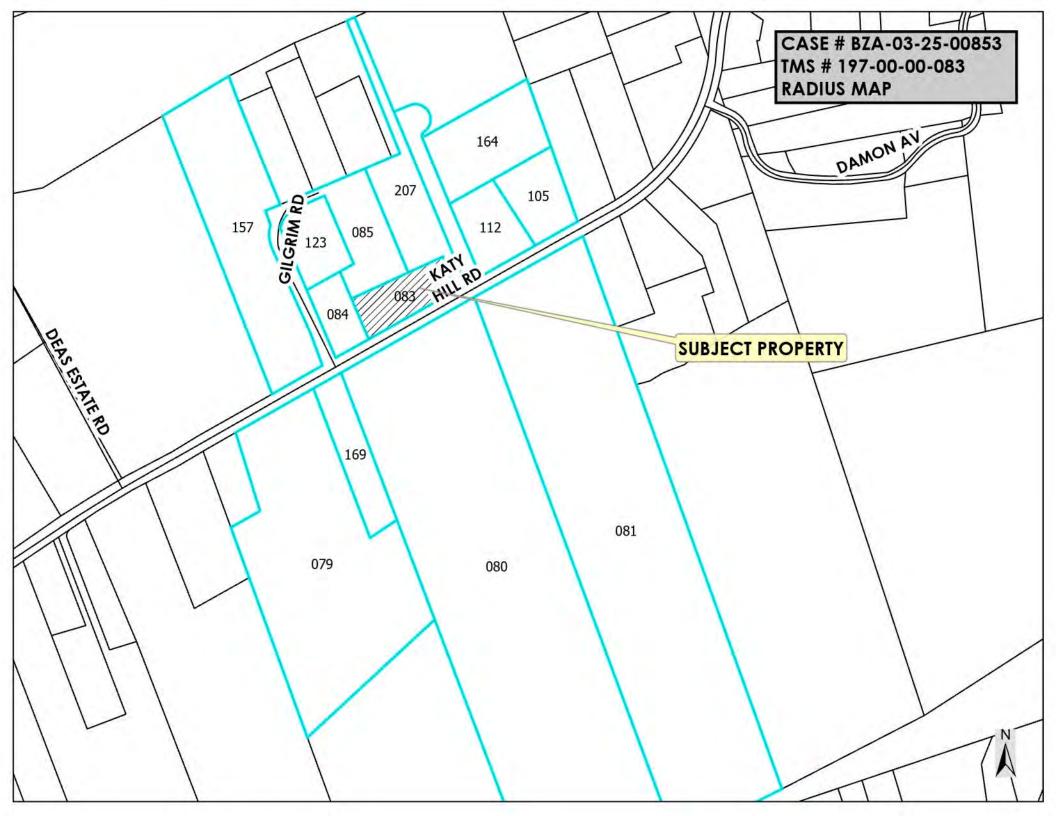
## Sec. 4.9.4 Other Regulations

Development in the AGR District shall comply with all other applicable regulations of this Ordinance, including the standards of CHAPTER 9, *Development Standards*.

#### Sec. 4.9.5 Settlement Areas

Settlement Areas include small older Crossroads communities, Family lands, typical suburban-style Subdivisions, Frontage Lots along local roads, waterfront Developments, and vacant land that has been subdivided for residential Use but not yet built upon. The criteria for additional Parcels to qualify for inclusion into a "Settlement Area" are as follows:









Case # BZA-03-25-00853
BZA Meeting of May 5, 2025
Subject Property: 5524 Katy Hill Road — Wadmalaw Island

Proposal: Variance request to reduce the required 30' rear setback for an existing unpermitted detached accessory structure.



# Subject Property Unpermitted (16' x 40') Shed





# Subject Property

## **Unpermitted Shed**

## **Single-Family Residence**





#### Staff Review:

The applicant and property owner, Sean C. Carey, is requesting a variance to reduce the required 30' rear setback by 13.4' to 16.6' for an existing unpermitted detached accessory structure (16' x 40' shed) at 5524 Katy Hill Road (TMS # 197-00-00-083) on Wadmalaw Island in Charleston County. Additional property owners are April Lynn Carey, William Edward Carey, and Denise Rosemarie Carey. The subject property and surrounding properties are located in the Agricultural Residential (AGR) Zoning District.

The property is 1.00 acre and contains a single-family residence that was constructed in 2007 per Charleston County records. The property also contains an unpermitted detached accessory structure (16' x 40' shed) that is located 16.6' from the rear property line. Based on aerial photographs, the shed was constructed sometime between 2021 and 2023. The Carey family has owned the property since March 1, 2022.

## Applicable ZLDR requirements:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.9 AGR, Agricultural Residential District, Sec. 4.9.3 Density/Intensity and Dimensional Standards requires a 30' rear setback.

Staff conducted a site visit of the subject property on April 16, 2025. 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 1.00-acre subject property because the buildable area is limited. The **applicant's letter of intent** states, "The property is broad side to the road, with a 326ft roadside. With the 50 ft street set back and the side and back property setbacks, this leaves the buildable property to approximately 40% of the land. With the current house position, well pump location, septic and drain field locations, this leaves limited room for property improvements. "Therefore, the request may meet this criterion.

§3.10.6(2): Response: These conditions do not generally apply to other property in the vicinity; These conditions do not generally apply to other properties in the vicinity. **The applicant's letter of intent states,** "This condition is unique to this property along Katy Hill Road. All of the adjacent properties have the shortest side of the property to the road, minimizing the amount that the **street side setback restricts on each other property."** 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 4.9 AGR, Agricultural Residential District, Sec. 4.9.3 Density/Intensity and Dimensional Standards to 5524 Katy Hill Road would prohibit the accessory structure to remain in the current location. 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 Agricultural Residential (AGR) Zoning District may not be harmed if this variance is granted. The applicant's letter of intent states, "The authorization of a variance will not be a substantial detriment to the adjacent properties. The rear properties are owned by the same individual and both properties have existing 80+ft of wooded buffer to this area. For the public good, it is moving the buildable area further from the street. The character of the zoning district will not be harmed if this variance is granted this area of Katy hill is mostly residential property." Therefore, 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 if the structure was constructed after they purchased the property on March 1, 2022. The **applicant's letter of intent** states, "The request for the variance is a result of our want to continue to make improvements to 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 if the Board finds that the strict application of the provisions of the Ordinance results in an unnecessary hardship. 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 the Case # BZA-03-25-00853 [Variance request to reduce the required 30' rear setback by 13.4' to 16.6' for an existing unpermitted detached accessory structure (16' x 40' shed) at 5524 Katy Hill Road (TMS # 197-00-00-083) on Wadmalaw 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 BZA decides to approve the application, Staff recommends the following condition:

1. The applicant/property owners shall obtain all required zoning and building permits for the unpermitted detached accessory structure.

Property Information				
Subject Property Address: 5524 KATY HILL ROAD				
Tax Map Number(s): 197-00 - 0	00-083	1111		
Current Use of Property: RESIDEN	TIAL			
Proposed Use of Property: RESIDENT	MAL			
Zoning Variance Description: REAR	SETBACK E	xiens ion		
Applicant Information (Required)				
Applicant Name (please print): SEAN	C. CAREY			
Name of Company (if applicable):				
Mailing Address: 5524 KATY	HILL ROAD			
city: WADMALAN ISLAND			Zip Code: 29487	
Email Address: Seas dehomese	rvices@gma	N. COM Phone	#: 843.696.4296	
Applicant Signature:	My		Date: 03/03/25	
Representative Information (Complete	only if applicable. Atte	orney, Builder, Engine	eer, Surveyor etc.)	
Print Representative Name and Name of Con	npany:			
Mailing Address:				
City:	State: Zip Code:			
Email Address:		Phone	#:	
Designation of Agent (Complete only If I	he Applicant listed abo	ove is not the Propert	y Owner.)	
I hereby appoint the person named as Applic	ant and/or Representa	tive as my (our) ager	t 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:	
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Zoning District: AGK Flood Zon	1 6	Date Filed:	(VIII Vetta 12)	
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Property Information								
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Name of Company (if applicable):		J						
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city: Wadmalaw ISla	und Sta	nte: SC			Z	ip Code: 🔾	9487	
Email Address: CONINC	hoer tes	ton Caolic	com	Phone #:	84	3 460	5566	
Applicant Signature:	Care	es-			D	ate: 3	03/25	
Representative Information	(Complete onl	y if applicable. Atto	rney, Build	er, Engineer,	Survey	or etc.)		
Print Representative Name and Na	ıme of Compan	ny:						
Mailing Address:								
City:	Sta	State: Zi			Zip Co	Code:		
Email Address:				Phone #:	Phone #:			
Designation of Agent (Comple	ete only if the A	Applicant listed abo	ve is not th	e Property C	wner.)			
I hereby appoint the person name	d as Applicant a	and/or Representat	tive as my (	our) agent to	repres	sent 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	State: Zip Code:		Phone #:		hone #:		
Property Owner(s) Email Address:								
Property Owner(s) Signature: Date:								
FOR OFFICE USE ONLY:								
Zoning District:	Flood Zone:	e: Date			Date Filed:			
Application #:	Application #: TMS #:					Staff Initi	als:	

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Proposed Use of Property: PASIDEN	tial			
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Name of Company (if applicable):	nisk			
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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?
- Control of the Cont	SEE ATTACHMENT
6.	Is the need for the variance the result of your own actions? Explain:
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7.	Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain
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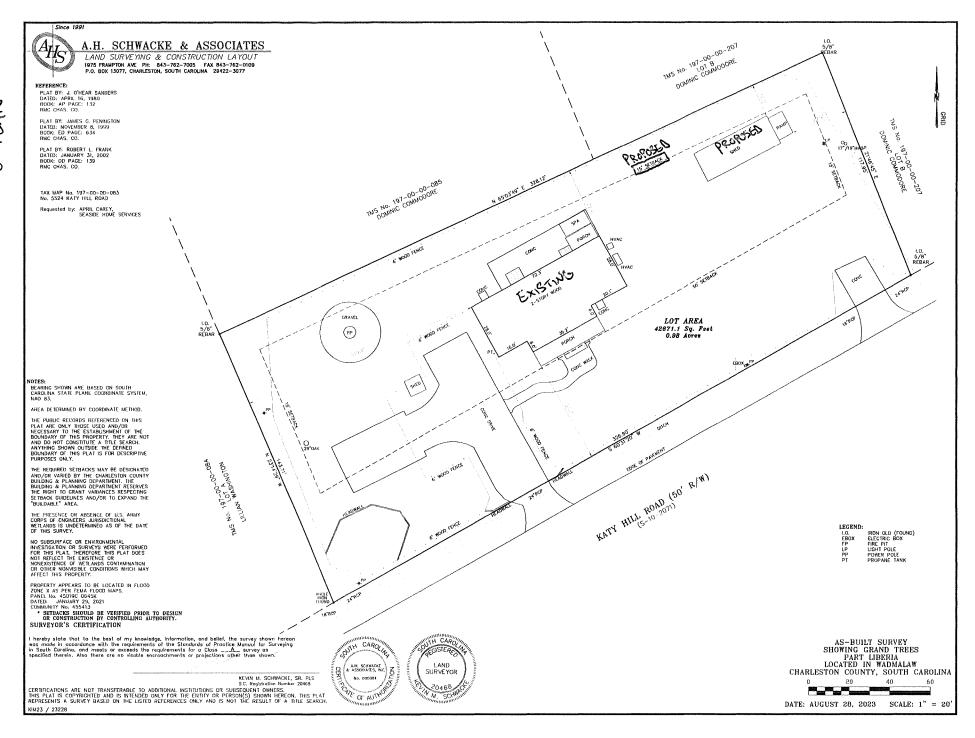
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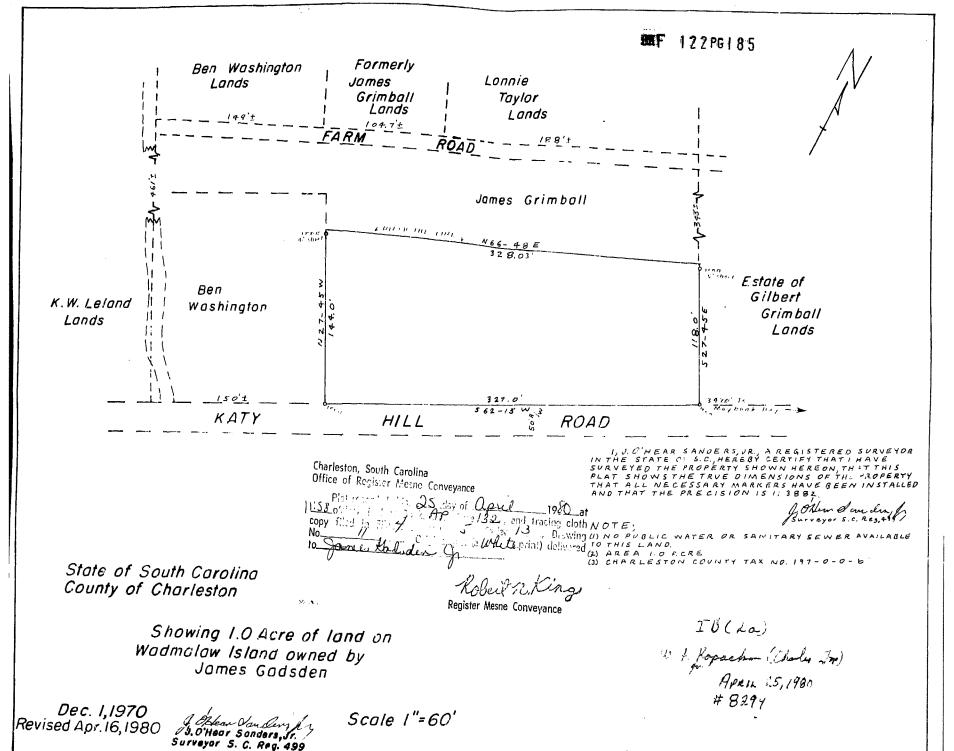
## **Description of Request**

We propose to extend only the rear setback of the property to 15ft instead of the current 30ft.

# Applicant's response to Article 3.10 Zoning Variances, subsection 3.10.6 Approval Criteria

- 1. The property is broad side to the road, with a 326ft roadside. With the 50 ft street set back and the side and back property setbacks, this leaves the buildable property to approximately 40% of the land. With the current house position, well pump location, septic and drain field locations, this leaves limited room for property improvements.
- 2. This condition is unique to this property along Katy Hill Road. All of the adjacent properties have the shortest side of the property to the road, minimizing the amount that the street side setback restricts on each other property.
- 3. The utilization of the property would increase for its intended residential use.
- 4. The authorization of a variance will not be a substantial detriment to the adjacent properties. The rear properties are owned by the same individual and both properties have existing 80+ft of wooded buffer to this area. For the public good, it is moving the buildable area further from the street. The character of the zoning district will not be harmed if this variance is granted this area of Katy hill is mostly residential property.
- 5. This variance does meet this criteria, the intention of this variance is to allow permitted use of a residential property.
- 6. The request for the variance is a result of our want to continue to make improvements to the property.
- 7. The variance does not substantially conflict with the Charleston County Comprehensive Plan. The variance is for extended are use of the property not a change in type of use of the property.





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