



Case # BZA-05-25-00864

Charleston County BZA Meeting of July 7, 2025

Applicant/Property Owner: Manuel Montes

Property Location: 3329 Habitat Boulevard – Johns Island

TMS#: 203-00-00-087

Zoning District: Agricultural Residential (AGR) Zoning District

Request:

Variance request to reduce:

- the required 30' rear setback by 19.6' to 10.4' for an existing unpermitted detached accessory structure (24.2' x 24.2' garage); and
- the required 30' rear setback by 19.4' to 10.6' and the required 15' interior side setback by 4.7' to 10.3' for an existing detached accessory structure (10.3' x 10.3' 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 and a 15' interior side 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 4.9.3, AGR Density/Intensity and Dimensional Standards		
	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	
[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. 4.9.4 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:

SUBJECT PROPERTY

HABITAT BLVD

AGR
087

PUMPKIN HILL RD

ERRISON PKWY

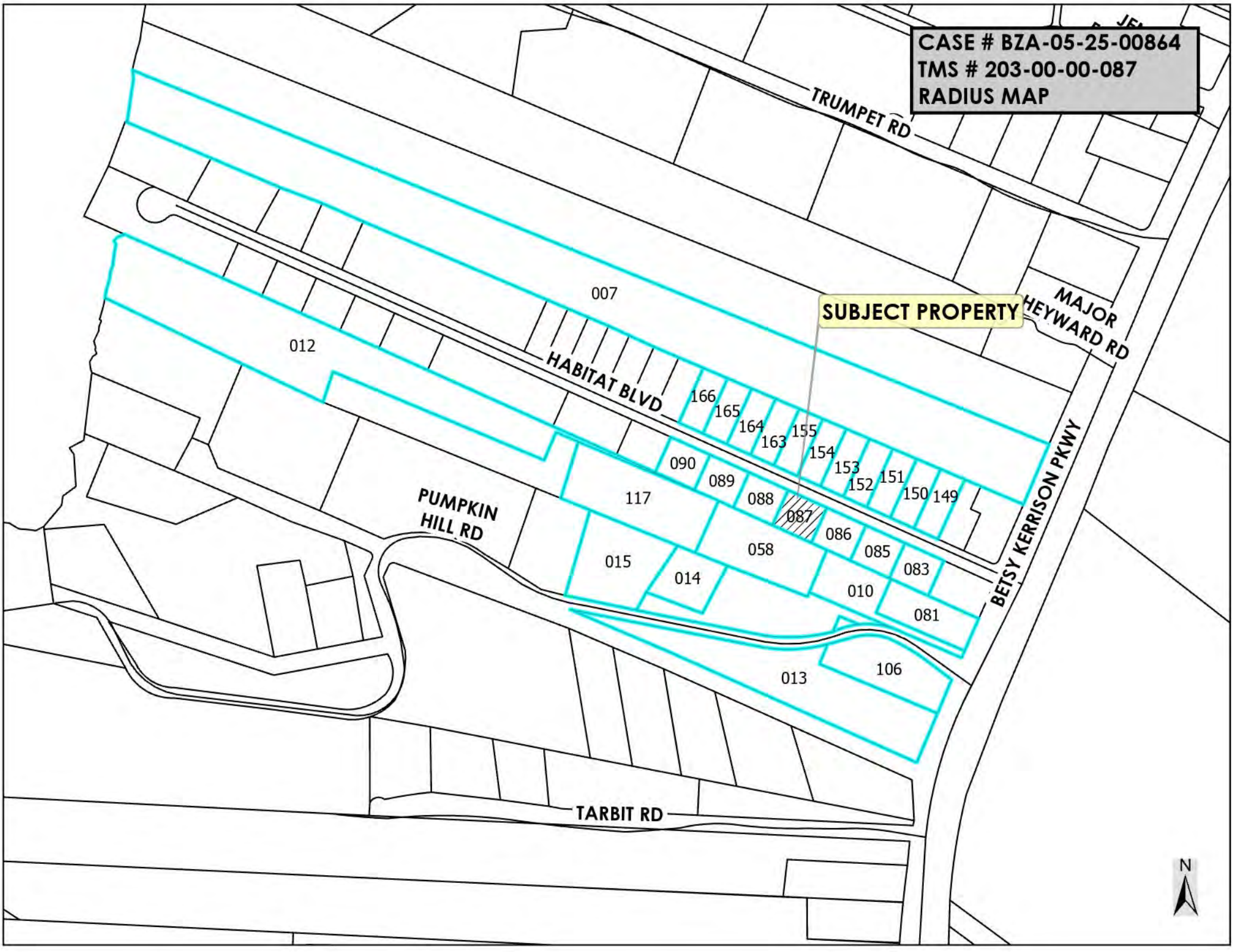


Legend

- Parcel Boundaries
- SUBJECT PROPERTY
- Zoning Districts
 - AG-8; AGRICULTURAL PRESERVATION
 - AGR; AGRICULTURAL RESIDENTIAL

CASE # BZA-05-25-00864
TMS # 203-00-00-087
RADIUS MAP

SUBJECT PROPERTY



CASE # BZA-05-25-00864
TMS # 203-00-00-087
AERIAL MAP

HABITAT BLVD

SUBJECT PROPERTY

087



CASE # BZA-05-25-00864
TMS # 203-00-00-087
AERIAL MAP

SUBJECT PROPERTY

HABITAT BLVD

087



PUMPKIN HILL RD

Case # BZA-05-25-00864

BZA Meeting of July 7, 2025

Subject Property: 3329 Habitat Boulevard – Johns Island

Proposal: Variance request to reduce the required rear setback for an existing unpermitted detached accessory structure (garage) and the required rear and side setback for an existing detached accessory structure (shed).



Subject Property

Existing Unpermitted Detached Accessory Structure
(24.2' x 24.2' garage)



Subject Property

Existing Detached Accessory Structure

(10.3' x 10.3' shed – less than 120 sq. ft. no permit required)



2009 Aerial



Charleston County SC

PID: 2030000087

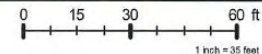
OWNER1: MONTES MANUEL

PLAT BOOK PAGE: AU-49

DEED BOOK PAGE: T266-410

Jurisdiction: COUNTY OF
CHARLESTON

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.



Author: Charleston County SC
Date: 6/6/2025

2019 Aerial



Charleston County SC

PID: 2030000087

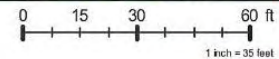
OWNER1: MONTES MANUEL

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Author: Charleston County SC
Date: 6/6/2025

Habitat Boulevard



Staff Review:

The applicant and property owner, Manuel Montes, is requesting a variance to reduce the required 30' rear setback and the required 15' interior side setback for two (2) existing detached accessory structures (garage and shed) at 3329 Habitat Boulevard (TMS # 203-00-00-087) on Johns Island in Charleston County. The subject property and surrounding properties are located in the Agricultural Residential (AGR) Zoning District.

More specifically the applicant is requesting a Variance to reduce:

- the required 30' rear setback by 19.6' to 10.4' for an existing unpermitted detached accessory structure (24.2' x 24.2' garage); and
- the required 30' rear setback by 19.4' to 10.6' and the required 15' interior side setback by 4.7' to 10.3' for an existing detached accessory structure (10.3' x 10.3' shed).

Mr. Montes purchased the property from the Sea Island Habitat for Humanity, Inc., in March 1996. The shed first appears on the 2009 aerial photograph. The shed does not require a zoning permit because it is under 120 sq. ft., pursuant to the *Charleston County Zoning and Land Development Regulations Ordinance ZLDR, Chapter 3 Development Review Procedures, Article 3.8 Zoning Permits, Sec. 3.8.2 Exemptions, D. Accessory Structures*. However, the shed must comply with required setbacks. The garage first appears on the 2019 aerial photograph.

The applicant's letter of intent explains that he is requesting approval to keep the garage and shed in their current locations to continue their use as storage space. Regarding the garage, he is willing to knock down the walls to make a one room storage area. The garage contains a bathroom in the event the bathroom in the home needs to be repaired or remodeled.

Applicable ZLDR 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 and a 15' interior side setback.

Staff conducted a site visit of the subject property on June 16, 2025.

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 are extraordinary and exceptional conditions pertaining to the 0.3-acre subject property. The property was platted in 1981, "*Plat of the Subdivision of Eastern Mennonite Board of Missions and Charities*

Property.” The property is a legal nonconforming lot because the minimum lot size required in the AGR Zoning District is 30,000 square feet and the property is 12,960 square feet. In addition, the existing single-family home, constructed in 1982 per Charleston County records, is a legal nonconforming structure because it is located **29.5’ from front** property line as depicted on the zoning permit site plan approved in 1981. The AGR Zoning District requires a 50’ front/street side and a 30’ rear setback. When required front and rear setbacks are applied, the lot has a **buildable width of 28’**. After factoring in the AGR setbacks, the property **has an exceedingly small building envelope of approximately 90’ x 28’ or** 0.06 acres. It would be difficult to construct accessory structures that comply with the required setbacks considering where the home is situated on the property. The unique physical configuration of the property when the setbacks are applied is an exceptional situation constituting an unnecessary hardship. Therefore, the request meets this criterion.

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

Response: These existing conditions and physical configuration of the subject property do not generally apply to other properties in the vicinity. Therefore, the request meets 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 3329 Habitat Boulevard would prohibit the accessory structures to remain in their current locations. Given the small buildable area on the site relative to the norm in the AGR Zoning District, it would be difficult to create a relocation plan for the structures that would comply with the setback requirements. Therefore, the request meets 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, “I don't think my garage or shed causes any disruption to my property or any neighbors.”** In addition, the garage has James Hardie siding that matches the siding and color of the single-family home and accessory structures are a permissible and typical use in the AGR Zoning District. 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;*

Response: The need for the variance may be **the result of the applicant's own** actions. However, the **applicant's letter of intent** contends, "From what I know of building, I have tried my best to stay in that box (knowledge) what is legal and what is illegal. The garage is located inside my property line." As previously stated, the lot and the existing single-family structure are legal nonconforming. Furthermore, the applicant is seeking relief from the setback requirements and will obtain retroactive zoning and building permits for the detached garage. 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 strict application of the provisions of the *Ordinance* results in an unnecessary hardship. Furthermore, the unpermitted structures do not substantially conflict with the *Comprehensive Plan* or the purposes of the *Ordinance* because the structures are consistent with the intent of the AGR Zoning District and the *Comprehensive Plan's* land use policies regarding rural areas, generally, and rural Johns Island outside of the UGB, specifically. The structures shall not be used as Accessory Dwelling Units (ADUs) because lots in the AGR Zoning District must be 45,000 sq. ft. to be eligible for an ADU pursuant to ZLDR. 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-05-25-00864 [Variance request to reduce the required 30' rear setback and the required 15' interior side setback for two (2) existing detached accessory structures (garage and shed) at 3329 Habitat Boulevard (TMS # 203-00-00-087) on Johns 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 conditions:

1. The applicant/property owner shall obtain all required zoning and building permits for the unpermitted detached garage.
2. The structures shall not be used as Accessory Dwelling Units (ADUs).

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

Property Information			
Subject Property Address: 3329 Habitat Blvd. Johns Island, SC 29455			
Tax Map Number(s): 203-00-00-087			
Current Use of Property: in use.			
Proposed Use of Property: storage			
Zoning Variance Description:			
Applicant Information (Required)			
Applicant Name (please print): Manuel Montes			
Name of Company (if applicable):			
Mailing Address: 3329 Habitat Blvd.			
City: Johns Island		State: SC	
		Zip Code: 29455	
Email Address: m.montes3329@gmail.com		Phone #: 843-437-4133	
Applicant Signature: Manuel Montes		Date: 05-16-2025	
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:	
Property Owner(s) Email Address:		Phone #:	
Property Owner(s) Signature:		Date:	
FOR OFFICE USE ONLY:			
Zoning District: AGR	Flood Zone: Graded X (0645K)	Date Filed: 5/27/25	Fee Paid: \$250
Application #: BZA-0525-0084	TMS #: 203-00-00-087	Staff Initials: jiv	

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.)

my proposal is to be able to keep the shed. I currently use as a storage. Currently walls are up but am willing to knock down all walls to become a 1 room storage.
Has an extra bathroom just to have as backup in case main bathroom goes out or need remodeling.

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:

Shed conditions are in great conditions. mini split has been placed to control humidity inside shed.
Made an extra bathroom just to have an extra in case main bathroom goes out or in need of remodeling.

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

Conditions are unique to property. No damages. Shed has James Hardie siding to match main property. Same paint outside.

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:

I don't think my shed will be prohibit or restricted due perfect conditions and it is not causing any disruptive activities to my property or any neighbors.

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:

NO detriment will be present. Shed is in great condition. Flooring has ~~been~~ been placed for better walking path. All storage are neatly stacked against wall.

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?

I think it does meet this criterion. Since it is only a storage shed with extra bathroom. Shed is ~~located~~ inside my property line.

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

Yes since I decided to build this shed ~~with~~ without any permit. From what I know of building, I have tried my best to stay in that box (knowledge) what is ^{legal} ~~legal~~ and what is ~~illegal~~ illegal.

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

NO, It is a basic shed just to keep up with my extra things. It also has a bathroom attached just to have an extra in case my main bathroom goes out or need some type of remodeling.

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.

Notes

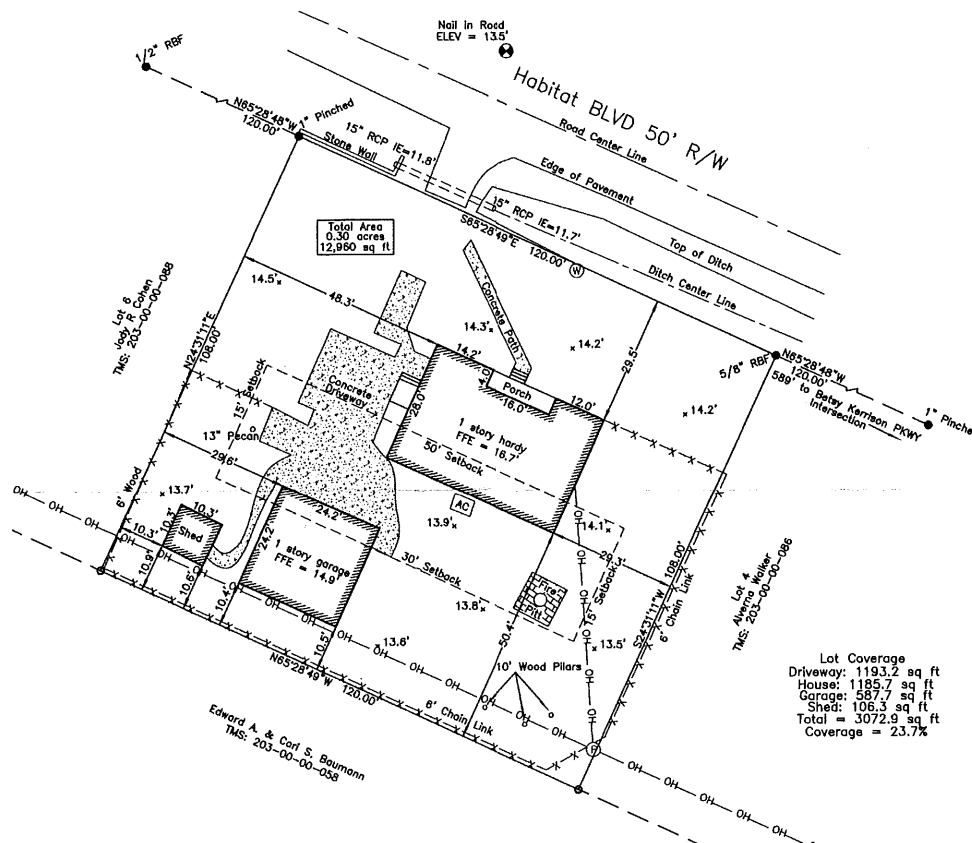
1. Reference Tax Map Number: 203-00-00-087
2. Reference Plat Book AU, page 049
3. Property owners: Manuel Montes & Maria Isabel Yata Montes
4. This property may be subject to various utility easements (i.e. power, telephone, water, gas, sewer, etc.) that were not noted in the plat referenced herein, nor in the other title information noted herein. This plat does not address any subterranean conditions of any nature, unless specifically noted otherwise.
5. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
6. Declaration is made to Original Purchaser of the survey. It is not transferable to additional institutions or subsequent owner.
7. This lot has been checked against area FEMA maps and to the best of this surveyor's knowledge said lot is located in flood zone Shaded X FEMA Map No. 45019C0645K 01/29/2021 Flood zone should be verified with the governing municipality before design and construction.
8. Subsurface and environmental conditions were not examined or considered as a part of this survey.
9. Property address: 3329 Habitat Boulevard
10. Anything shown outside the defined boundary of this survey is for descriptive purposes only.
11. Property Zoned: AGR, Agricultural/Residential District
12. Verify setbacks with governing municipality before design and construction.

Tree Notes:

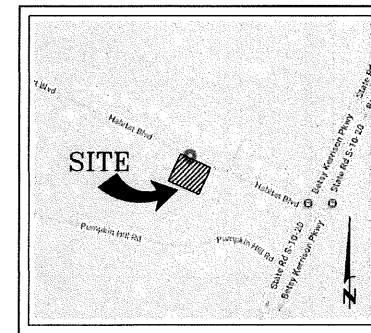
Every effort has been made to accurately locate, label, and describe the size of the trees shown hereon. The trees identified on this survey are of our opinion only. The species and size should be verified by a certified arborist or the local governing authority. A preliminary site layout is recommended before final site design or construction.

LEGEND:

- property corner found as labeled
- 5/8" rebar new
- (P) power pole
- (AC) AC unit
- (W) water meter
- OH — overhead power line
- X-X- fence line
- ⊕ bench mark
- x 13.5' spot elevations
- [stippled] concrete
- [cross-hatched] brick



Lot Coverage
 Driveway: 1193.2 sq ft
 House: 1185.7 sq ft
 Garage: 587.7 sq ft
 Shed: 106.3 sq ft
 Total = 3072.9 sq ft
 Coverage = 23.7%



VICINITY MAP
NOT TO SCALE

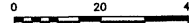
Boundary Survey Lot 5

Located on:

Johns Island

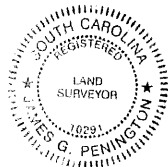
Charleston County, South Carolina

FIELD DATE: January 16, 2025
 DRAWING DATE: January 27, 2025
 Scale: 1" = 20'



DRAWN BY: AMITCHUM
JOB: 11079

2551 Ashley River Road
 CHARLESTON, SC 29414
 PHONK(843)571-6191
 palmettosurveying@gmail.com



This area reserved for
approval & recording stamps.

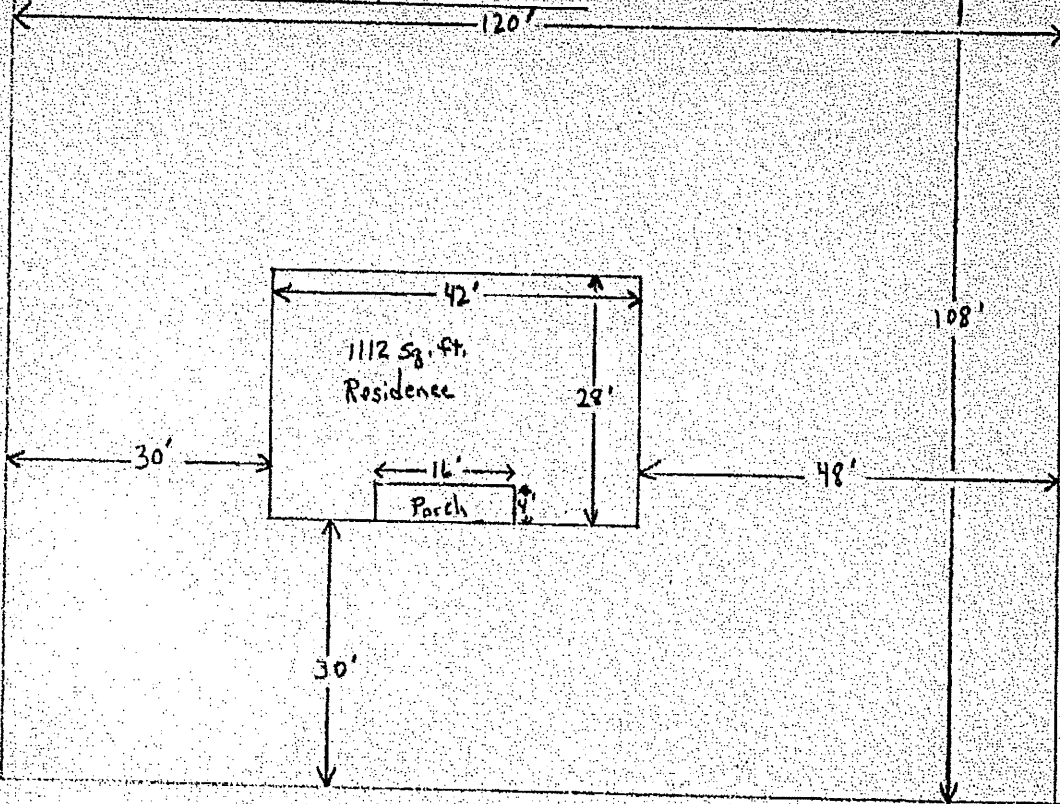
I hereby state that to the best of my professional knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown.

James G. Pennington
 James G. Pennington, P.L.S. No. 10291
 Palmetto Land Surveying, Inc.
 2551 Ashley River Road
 Charleston, S.C. 29414
 PalmettoLandSurveying@gmail.com

I hereby certify that the information submitted herein is a true and accurate statement of the improvements on and to be used to be built on the above identified property.

Dale Heston
Owner, Contractor, Agent

Date: 11-23-81



Lot #5

Habitat Boulevard

Dale Heston
November 17, 1981

REFERENCE: (1) PLAT BY GEORGE D. SAMPLE
DATED NOV. 24, 1978
RECORDED BOOK 1, PAGE 128
R.N.C. CHAS. CO., S.C.
(2) PLAT BY BERNARD DORR, INC.
DATED JAN. 19, 1980
R.N.C. CHAS. CO., S.C.
(3) PLAT BY SIGMA ENGINEERS, INC.
DATED OCT. 1, 1988
R.N.C. CHAS. CO., S.C.

TAX MAP NO. 303-D-0-00

Charleston, South Carolina
Office of Register Messrs. Conveyance

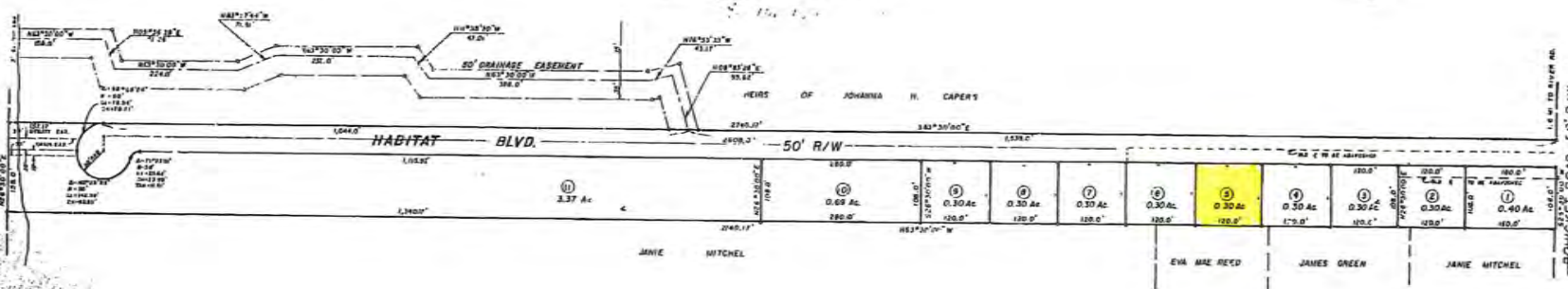
Plat recorded this 20th day of _____ 1971 &
7-21-88 in this Book 212 Page 101 and having clerk
myself by the _____ Register _____ County
of _____ S.C.
to _____

Robert A. King
Register Messrs. Conveyance

XD 127PG192

NOTE:
1. ALL CURBERS MARKED BY IRON PIPES
2. ALL THE LOT LINES ARE PERPENDICULAR
WITH HABITAT BLVD. UNLESS OTHERWISE
SHOWN
3. TOTAL NUMBER OF LOTS - 11.
4. TOTAL ACRES SUBDIVIDED - 8.48 AC.

BY THE RECORDING OF THIS PLAT, I
HEREBY DEDICATE THE 30' DRAINAGE EASEMENT
TO THE PUBLIC HIGHWAY



LOT 1 DOES NOT MEET
MINIMUM HEALTH DEPARTMENT
REQUIREMENTS.

OWNER: EASTERN MENNONITE BOARD
OF MISSIONS & CHARITIES

James A. Brink
David H. Fink
NOVEMBER 17, 1991
7398-C

BY THE RECORDING OF THIS PLAT, I DO
HEREBY DEDICATE THE EASEMENTS & R/W SHOWN
HEREIN TO THE USE OF THE PUBLIC
HIGHWAY

James A. Brink

Harold A. Brink
11/17/91

PLAT OF THE SUBDIVISION
OF EASTERN MENNONITE BOARD OF
MISSIONS AND CHARITIES PROPERTY
LOCATED ON THE NORTH SIDE
OF BOHICKET ROAD, JOHNS ISLAND

CHARLESTON COUNTY SOUTH CAROLINA



JUNE 3, 1981

SCALE: 1" = 100'

SIGMA ENGINEERS, INC.
Civil & Survey Engineering
225 KING STREET, SUITE 201 - CHARLESTON, S.C. 29401
PHONE 731-5491

