

Case # BZA-01-25-00839

Charleston County BZA Meeting of March 3, 2025

Applicants/Property Owners: Charles Steven Shellnut and Kimberly White

Shellnutt

Property Location: 1432 Dupre Creek Drive – East Area

TMS#: 617-15-00-030

Zoning District: Rural Residential (RR) Zoning District

### Request:

Variance request to reduce the required 50' Critical Line setback by 14' to 36' at the closest point for a proposed swimming pool.

### 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' Critical Line setback measured from the Critical Line.



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

### **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:

Table 4.10.3, RR Density/Intens	ity and Dimensional Standards			
	Non-Waterfront Development Standards	Waterfront Development Standards		
MAXIMUM DENSITY	1 Principal Dwelling Unit per 3 Acres			
MINIMUM LOT AREA	30,000 sq. ft.	1 acre		
MINIMUM LOT WIDTH	100 feet	125 feet		
MINIMUM LOT WIDTH AVERAGE	N/A	135 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			

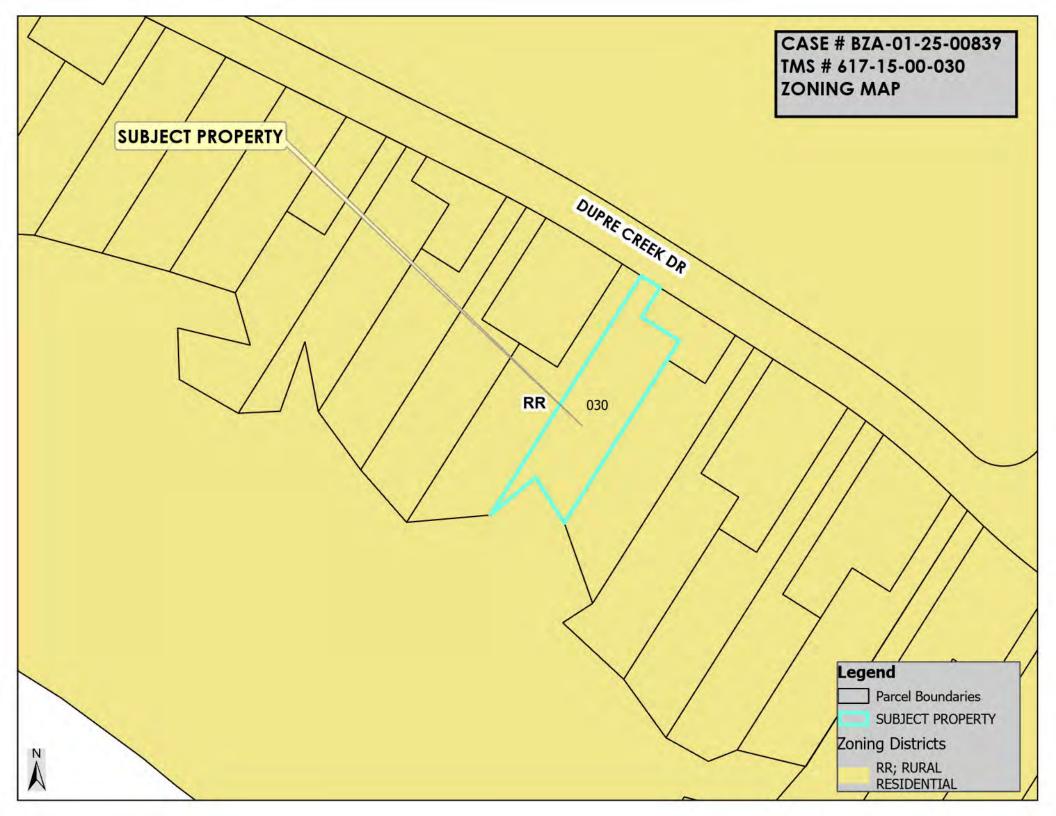
Note: Refer to ARTICLE 8.14, Conservation Subdivisions, for alternative Development standards, where applicable.

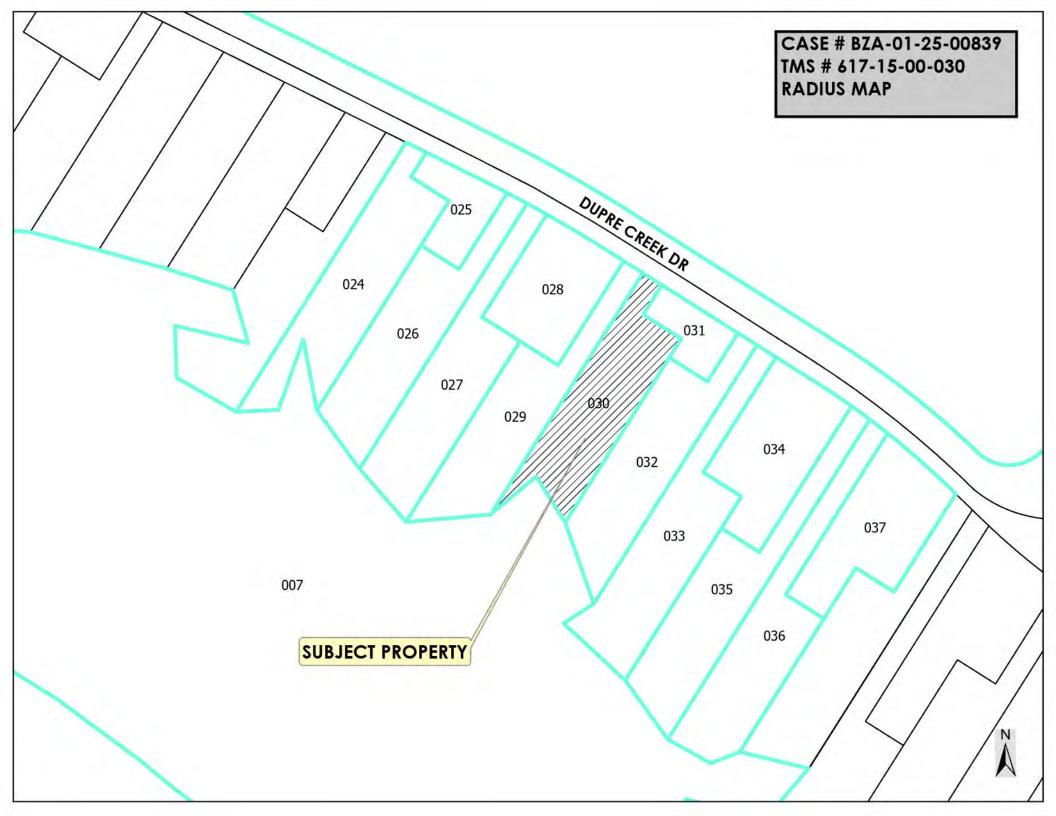
Effective on: 9/10/2017, as amended

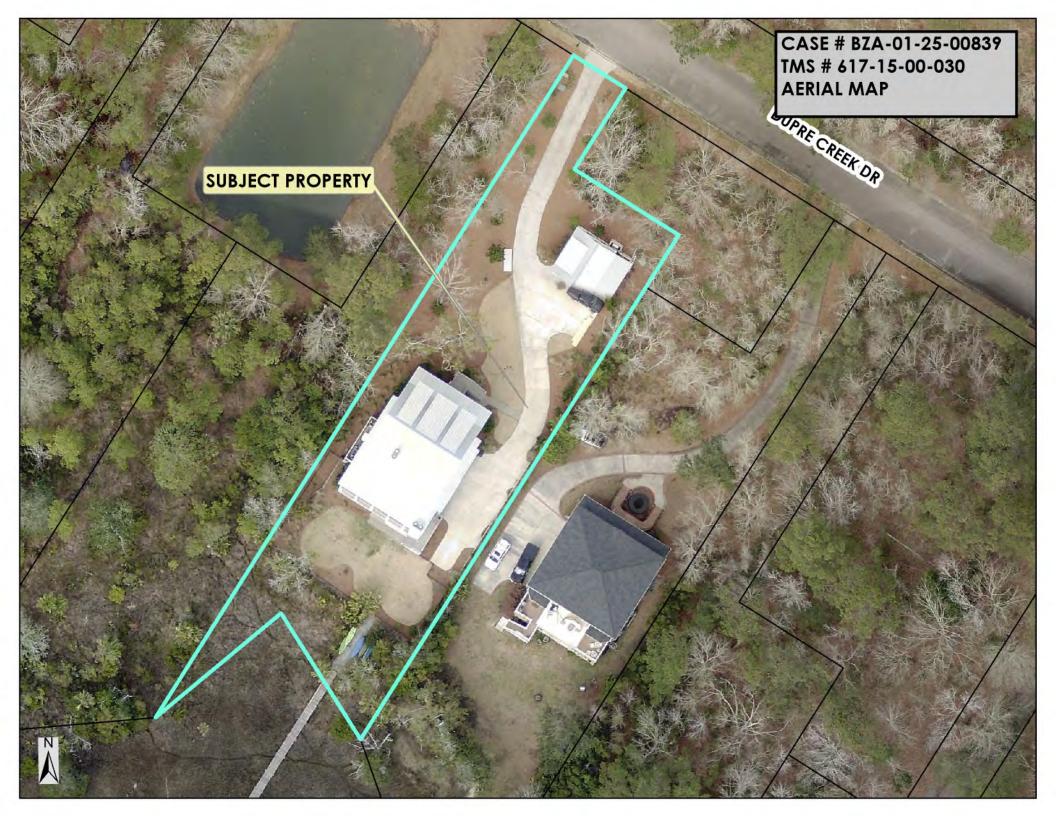
### Sec. 4.10.4 Other Regulations

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

<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.









Case # BZA-01-25-00839
BZA Meeting of March 3, 2025
Subject Property: 1432 Dupre Creek Drive — East Area

Proposal: Variance request to reduce the required 50' Critical Line setback for a proposed swimming pool.



## Subject Property





## Subject Property





### Staff Review:

The applicants and property owners, Charles Steven Shellnut and Kimberly White Shellnut, are requesting a variance to reduce the required 50' Critical Line setback by 14' to 36' at the closest point for a proposed swimming pool at 1432 Dupre Creek Drive (TMS # 617-15-00-030) in the East Area of Charleston County.

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 Critical Line in 2001. The Critical Line location was established by the South Carolina Department of Environmental Sciences (SCDES), Bureau of Coastal Management (BCM).

The 0.62-acre subject property (0.55-acres of highland) contains a single-family residence and a detached garage that were constructed in 2018 per Charleston County records. The applicant's letter of intent explains, "Installation of an accessory structure (inground pool) within the 50' buffer zone. Pool drawings and ARB approval letter – Paradise Island neighborhood."

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' Critical Line setback measured from the Critical Line.

Staff conducted a site visit on February 12, 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

0.62-acre subject property (0.55-acres of highland). **The applicant's letter** of intent states, "Critical Line has moved 22 feet from original construction (2018). Additionally, the house was built further back on the lot, in order to save an oak tree located in our front yard. 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.

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, Chapter 4 Base Zoning Districts, Article 4.10 RR, Rural Residential District, Sec. 4.10.3 Density/Intensity and Dimensional Standards to 1432 Dupre Creek Drive may unreasonably prohibit the utilization of the property. The applicant's letter of intent states, "When home was constructed, we had more than enough room for a pool in the future. As a result of the loss of 22' of rear yard, we now must ask for a variance to install pool as intended." 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 Rural Residential (RR) Zoning District may not be harmed if this variance is granted. The applicant has provided an approval letter from the Architectural Review Board for the Paradise Island Community dated September 15, 2024. Thus, the request <u>may meet</u> 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 not be the result of the applicant's own actions. The applicant's letter of intent states, "No, when house was constructed, we had more than enough room for the pool." 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 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, and rain barrels or rain gardens, are used to reduce the flow of stormwater into the

marsh. Therefore, the request <u>may meet</u> 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-12-24-00833 [Variance request to reduce the required 50' Critical Line setback by 14' to 36' at the closest point for a proposed swimming pool at 1432 Dupre Creek Drive (TMS # 617-15-00-030) 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. The required **35' Critical Line buffer shall be maintained pursuant to** ZLDR, Article 4.24 Waterfront Development Standards, Sec. 4.24.7 Prohibited Activities
- 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 applicant shall use stormwater mitigation measures, such as the use of rain Page 3 of 4

barrels or rain gardens, to reduce the flow of stormwater into the marsh.

4. The swimming pool encroachment area shall be limited to the footprint shown on the submitted site plan.

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

Property Information					
Subject Property Address: 1432 Duprece Cresk Rd, Awardaw SC 29429					
Tax Map Number(s): 617-15-00-0030					
Current Use of Property: Residential					
Proposed Use of Property: Residen	100				
Zoning Variance Description: Construction of Pool inside of 50' buffer					
Applicant Information (Required)					
Applicant Name (please print): Charles Steven & Kimberly White Shellowtt					
Name of Company (if applicable):					
Mailing Address: 1432 Dupre Creek Rd.					
City: Awardaw	State: SC		Zip Code: 29429		
Email Address: Kwshellnutt 123@grail. Com Phone #: 854-858-2798					
	with the	4	Date: 1   15   25		
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)					
Print Representative Name and Name of Con	npany:				
Mailing Address:					
City:	State:		Zip Code:		
Email Address: Phon		ne #:			
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:		
H. Alberta L. Mariana	FOR OFFICE U	SE ONLY:			
Zoning District: RR Flood Zone: AE-8 (345k) Date Filed: 12724 Fee Paid: 1250					
Application #: 37A-01-25-0083 9 FMS #: 617-15-00-030 Staff Initials: 100					
			00		

### **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.)

Installation of an accessory structure (inground pool) Win the 50' buffer zone.

Pool deamings a ARB approval letter - Paradise Island Neighborhood.

(Attachments)

### 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:

Ceitical line has moved 22th, from original construction (2018).

Additionally, the house was built further back on the lot, in order to save an oak tree, located in our front yard.

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

Unique toproperty at 1432 Dupree CREEK Rd.

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:

When home was constructed, we had more than enough econ for a pool in the future. As a result of the loss of 22 of rearyard, we now must ask for a variance to install pool as intended.

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		
5.	The BZA shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise		
T.	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?		
	Ycs.		
6.	Is the need for the variance the result of your own actions? Explain:		
	No, when house was constructed, we had more than enough room for the pool		
7.	Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain		
	No, tidoes not conflict		
_			

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.

# Property Management Services, Inc. 1340-G Ben Sawyer Blvd., Mt. Pleasant, SC 29464 Office: (843) 881-5459, Facsimile: (843) 881-5616

September 15, 2024

1432 Dupree Creek Paradise Island Awendaw, SC

Re: Architectural Review for Paradise Island Community

Dear Mr. Shellnut:

The ARB has reviewed your pool request and have recommended approval.
You may start construction.

Good luck with your propject!

Kindest regards,

Jun Gal

Paradise Island Architecture Review Board

Emma Souder
Billy Barnwell
Albert Van Overeem
Tony Martinelli
Molly Uribe

