

### Case # BZA-02-25-00845

### Charleston County BZA Meeting of April 7, 2025

Applicants/Property Owners: Robert and Crystal Corner

Property Location: 7810 Oakville Road – St. Pauls Area

TMS#: 096-00-00-038

Zoning District: Agricultural Residential (AGR) Zoning District

### Request:

Variance request to reduce the required 30' rear setback and the required 15' interior side setback for existing unpermitted detached accessory structures.

### 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 appl	ies only to Residential Development on Parcels I	ess than 30 000 square feet in size. When th		

<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.

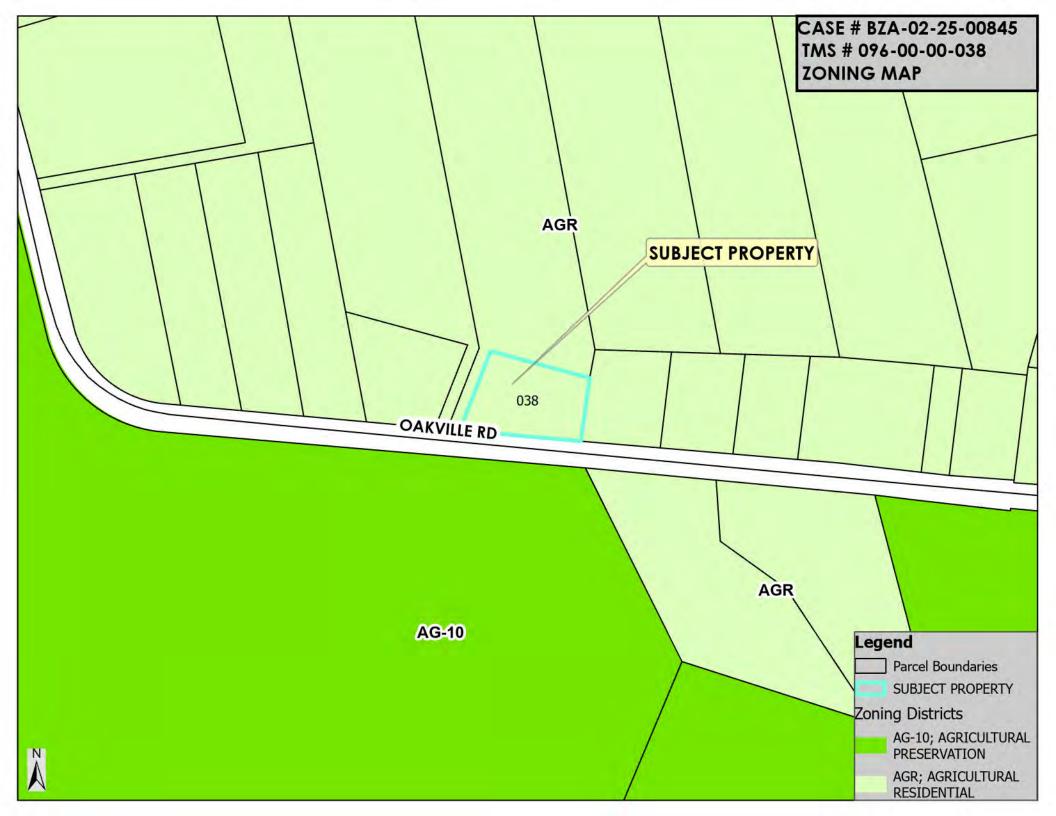
Effective on: 9/10/2017, as amended

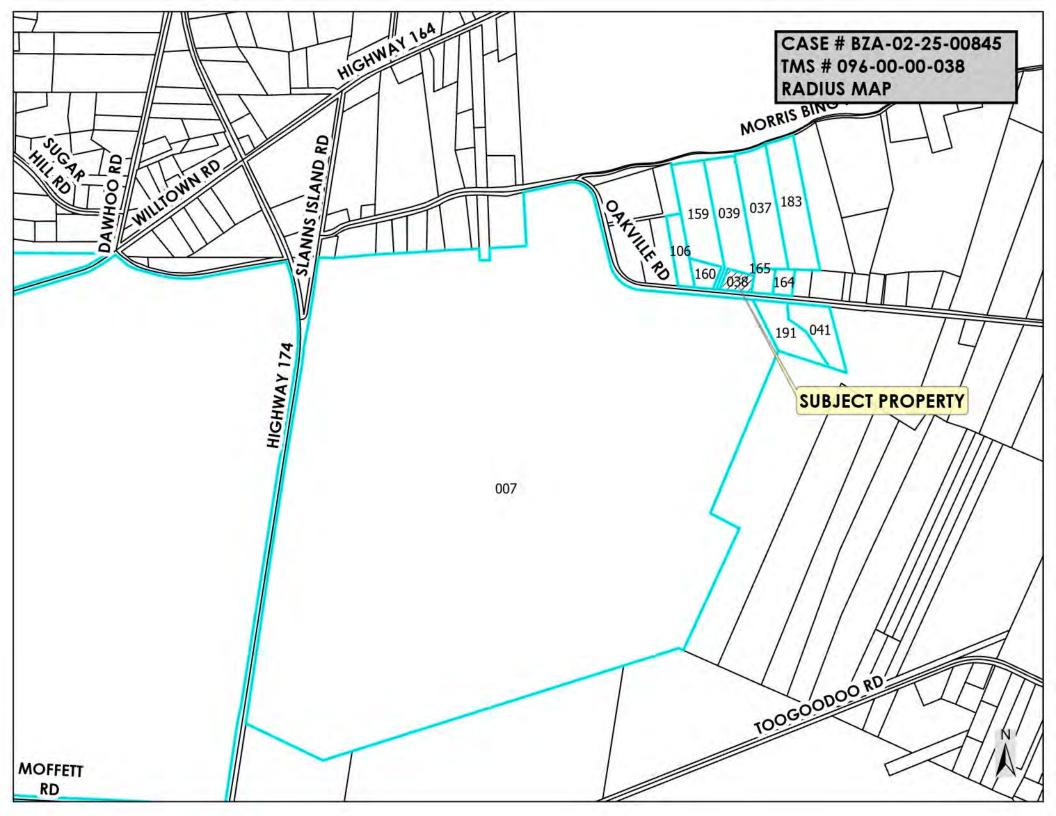
### Sec. 4.9.4 Other Regulations

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-02-25-00845
BZA Meeting of April 7, 2025
Subject Property: 7810 Oakville Road — St. Pauls Area

Proposal: Variance request to reduce the required 30' rear setback and the required 15' interior side setback for existing unpermitted detached accessory structures.



# Subject Property Accessory Dwelling Unit (ADU)





# Subject Property Wood Deck





# Subject Property

### Shed

### **Boat/RV Cover**





### Staff Review:

The applicants and property owners, Robert and Crystal Corner, are requesting a variance to reduce the required 30' rear setback and the required 15' interior side setback for existing unpermitted detached accessory structures at 7810 Oakville Road (TMS # 096-00-00-038) in the St. Pauls Area of Charleston County. The subject property and surrounding properties to the north, east, and west are located in the Agricultural Residential (AGR) Zoning District. The property to the south is in the Agricultural Preservation (AG-10) Zoning District.

The property is 0.82 acres and contains a legally nonconforming single-family residence that was constructed in 1940 per Charleston County records. The residence is legally nonconforming because it encroaches into the required 50' front/street side setback. The first Charleston County Zoning Ordinance was adopted on August 15, 1971. The property also contains the following unpermitted detached accessory structures that are wholly within the required 30' rear setback: an Accessory Dwelling Unit (ADU), wood deck, shed, and boat/RV cover. There is an additional unpermitted detached accessory structure that is used as a home office that will require permits, however it does not need a variance because it complies with the required setbacks.

More specifically the applicants are requesting to:

- reduce the required 30' rear setback by 25' to 5' at the closest point for an ADU;
- reduce the required 15' interior side setback by 9' to 6' at the closest point for the ADU;
- reduce the required 30' rear setback by 20' to 10' for a wood deck;
- reduce the required 30' rear setback by 17' to 13' for a shed; and
- reduce the required 30' rear setback by 21' to 9' for a boat/RV cover.

The applicant's letter of intent explains, "Request our setbacks are moved to our property line allowance to allow permits for sheds placed on and within our fence/property line. We were unaware of the unusual setbacks when placing shed and need to take corrective action. Older property – we removed a structure that was already on the line and replaced it unaware this it was not within our permitted land."

#### 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 and a 15' interior side setback.

Staff conducted a site visit of the subject property on March 14, 2025. Please review the attachments for further information regarding this request.

### <u>Planning Director Review and Report regarding Approval Criteria of §3.10.6:</u>

§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 0.82-acre subject property because the existing single-family residence is **legally nonconforming because it encroaches into the required 50'** front/street side setback. The first Charleston County Zoning Ordinance was adopted on August 15, 1971. The **applicant's letter of intent** states, "Older property - we would like the board to consider the value of being able to fully use the land within our fence. We placed sheds to be aesthetically pleasing to the neighborhood and property. The variance will allow full use of the property and the ability to receive the permits to continue using the investments we have made to our property." Therefore, the request <u>may meet</u> 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 principal dwellings adjacent to the subject property appear to meet the required 50' front/street side setback. The applicant's letter of intent states, "The variance request is unique to the subject property, as we do not know what the other properties in the area are set as. The condition of having sheds in the yard is common in our area. If you drive down our street and surrounding areas, it is more common than not to have sheds, other structures, and unmovable objects in yards and properties." 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 7810 Oakville Road would prohibit the accessory structures to remain in their current locations. **The applicant's** letter of intent states, "**No** - the property is residential and used only by the owners. The variance would grant full rights to use of land and allow to request permits and keep investments and necessary structures on the property." Therefore, the request <u>may meet</u> 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,** "No - we will be within our property line and only used as a part of our residential property. It would not be a substantial detriment to adjacent properties. It is for the good of the neighborhood as we add value." In addition, the applicant has provided a letter of support from the adjacent neighbor to the west (7828 Oakville Road). 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 <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 is the result of the applicant's own actions because the applicant purchased the property in 2022 and added the structures without seeking the necessary permits. Therefore, the request does not meet this criterion. However, the applicant's letter of intent contends, "Yes - Unaware of the out of norm setbacks. Placed sheds within standard distance of property line and within our fence line. We were not aware of the need for permits or about setbacks. We thought our DIY was within the law per section 40-11-360. Now we know and want to make it right and keep our hard work."

§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. The **applicant's letter of intent states**, "No - this does not impede government or private citizens." 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-02-25-00845 [Variance request to reduce the required 30' rear setback and the required 15' interior side setback for existing unpermitted detached accessory structures at 7810 Oakville Road (TMS # 096-00-00-038) in the St. Pauls 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 BZA decides to approve the application, Staff recommends the following condition:

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

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

Property Information							
Subject Property Address: 7810 OAKVIIIE ROAD							
Tax Map Number(s): 096 - 00 - 00 - 038							
Current Use of Property: PERIPENTAL							
Proposed Use of Property: PESIDENTAL							
Zoning Variance Description: UP DATE SETBACKS TO STANDARD DISTANCE.							
Applicant Information (Required)							
Applicant Name (please print): POBERT & CRYSTAL DOENER							
Name of Company (if applicable):							
Mailing Address: 7810 ORKVIIIE POND							
city: HOLY WOOD	State: SC		Zip Code: 29 449				
Email Address: PNDORNERO GMAIL. COM Phone #: 8			Phone #: 🔗	43 822 4659			
Applicant Signature: WHA WALL				Date: 1.28.2025			
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:	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:		Phone #:				
Property Owner(s) Email Address:							
Property Owner(s) Signature:			Date:				
FOR OFFICE USE ONLY:							
Zoning District: AGR Flood Zon	e: X (605	K) Dat	e Filed: 2	24 25 Fee Paid: \$250			
Application #: 879 - 02 - 25 - 06845 TMS #: 696 - 00 - 00 - 038 Staff Initials: 1							

### **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.)

PEQUEST OUR SETBACKS ARE MOVED TO OUR PROPERTY LINE ALLOWANCE TO MLOW PREMITS FOR SHEDS PLACED ON AND WITHIN OUR FENCE/ PROPERTY LINE. WE WERE UNAWARE OF THE UNUSUAL SETBACKS EN WHEN PLACING SHED AND NEED TO TAKE CORRECTIVE ACTION.

OUDER PROPERTY - WE REMOVED A STRUCTURE THAT WAS ALREADY ON THE LINE AND PERMITTED LAND.

### 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:

OUDBR PROPERTY - WE WOULD LIKE THE BOARD TO CONSIDER THE VALUE OF BEING ABLE TO FULLY USE THE LAND WITHIN OUR FENCE. WE PLACED SHEDS TO BE AESTHETIC PLEASING TO THE NEIGHBORHOOD AND PROPERTY. THE VARIANCE WIll ALLOW FULL USE OF PROPERTY AND THE ABILITY TO RECIEVE THE PERMITS TO CONTINUE USING THE INVESTMENTS WE HAVE MAKE TO OUR PROPERTY.

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

THE VARIANCE REQUEST IS UNIQUE TO THE SUBJECT PROPERTY AS WE DO NOT KNOW WHAT THE OTHER PROPERTIES IN THE AREA ARE SET AS. THE CONDITION OF HAVING SHEDS IN THE YARD IS COMMON IN OUR AREA. IF YOU DRIVE DOWN OUR STREET AND SURROUNDING AREAS, IT IS MOKE COMMON THAN NOT TO HAVE GHEDS / AND OTHER STRUCTURES / UN MOVERBLE OBJECTS IN YARDS / PROPERTIES.

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:

NO. THIS PROPERTY IS PESIDENTAL AND USED ONLY BY THE OWNERS.
THE VARPLANCE WOULD GRANT FULL PIGHT TO USE OF LAND AND
AMON TO PEQUEST PERMITS AND KEEP INVESTMENTS AND
NECCESTARY STRUCTURES ON PROPERTY.

- 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. WE WILL BE WITHIN OUR PROPERTY LINE AND ONLY USED AS A PAPET OF OUR RESIDENTIAL PROPERTY. IT WOULD NOT BE A SUBSTANTIAL DETRIMENT TO ADJACENT PROPERTY. IT IS FOR THE GOOD OF THE NEIGHBORHOOD AS WE ADD VALUE.
- 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?



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

YES. UNAWARE OF OUT OF THE NORM SETBACKS.

PUACED SHED(S) WITHIN STANDARD DISTANCE OF PROPERTY LINE

AND WITHIN DUR FENCE LINE.

WE WERE NOT AWARE OF THE NOED FOR PERMITS OR ABOUT SETBACKS.

WE THOUGHT OUR DIY WAS WITHIN THE LAW POR SECTION 40-11-360

NOW WE KNOW AND WANT TO MAKE IT RIGHT AND KEEP OUR HARD MIGHER.

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

NO. THIS DOES NOT IMPEAD GOVERNMENT OR PRIVATE CITZENS

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.

Anthony and Joyce Gibbs 7828 Oakville Road Hollywood, SC 29449 January 14, 2025

Charleston County Zoning and Planning Department 4045 Bridge View Drive, Suite A103 North Charleston, SC 29405

Dear Zoning and Planning Department,

I am writing to express my support for Rob and Crystal Dorner in their request for a variance to retain the sheds located on their property. The Dorners have consistently demonstrated a commitment to enhancing the neighborhood, and their improvements to their property reflect this dedication.

The sheds in question have not only added value to the Dorners' property but have also contributed positively to the overall aesthetic of the neighborhood. The structures are well-maintained and complement the surrounding properties, enhancing the appeal of the community as a whole.

The Dorners' efforts to improve their property and contribute to the neighborhood should be recognized and supported. Granting the variance would allow them to continue enjoying and maintaining these improvements, which clearly benefit the neighborhood both in terms of property value and visual appeal.

I respectfully request that Charleston County approve the variance and allow Rob and Crystal Dorner to retain the sheds on their property. Thank you for your time and consideration of this matter.

Sincerely, Anthony and Joyce Gibbs

