

Applicant/Property Owner: Maurice Reid

Property Location:	2007 Syreford Court – St. Andrews Area		
TMS#:	286-13-00-376		
Zoning District:	Planned Development (PD-73E, Hunt Club) Zoning District		
Request:	Variance request to reduce the required 25' rear/freshwater wetland setback by 5.5' to 19.5' at the closest point for a proposed deck and patio.		

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.25 PD, Planned Development Zoning District, Sec. 4.25.10 Variances and Other Modifications to Approved PD Development Plans, C. Variances states, "Upon adoption of this Ordinance, the provisions of Article 3.10 of the ZLDR, relating to Variances, shall apply to all approved PD Development Plans with respect to zoning-related, dimensional, design, or performance standards on individual Lots. Variance applications for Trees, Setbacks, Buffers, height, and maximum Impervious Surface/Building Coverage on individual Lots shall be processed pursuant to Article 3.10, Zoning Variances, of this Ordinance and all requirements of Art. 3.10, Zoning Variances, shall apply. All other proposed modifications, except minor modifications as described above, require an amendment to the PD Planned Development Plan, in accordance with the procedure specified in this Article."

The PD-73-E, Hunt Club Planned Development requires a 25' rear/freshwater wetland setback on Single Family Residential lots.

Sec. 4.25.10 Variances and Other Modifications to Approved PD Development Plans

The Zoning and Planning Director shall determine whether a proposed modification affecting one or more Parcels in a previously approved PD Development Plan is considered a minor or major modification, or requires a Variance, pursuant to the criteria in this section. Modifications of approved PD Development Plans are categorized as major or minor depending on the type and extent of proposed changes, as described below:

A. Minor Modifications.

- 1. Increase in Common Open Space area;
- 2. Decrease in residential Density or number of Dwelling Units;
- 3. Increase in Setbacks;
- 4. Increase in the area, dimensions, and/or Density of Landscape Buffers;
- 5. Decrease in Building Floor Area;
- 6. Decrease in the number or size of Signs;
- 7. Minor shifts in the layout of the land uses in the Sketch Plan; and
- 8. Minor shifts in the location of access points or internal <u>Roadways</u> necessary to resolve regulatory (e.g., SCDOT) permitting issues.

The Zoning and Planning Director is authorized to approve minor modifications to an approved PD Development Plan.

B. Major Modifications.

- 1. Any modification not considered "minor" pursuant to paragraph A, above, is considered a major modification.
- 2. Major modifications require an amendment to the PD Development Plan, in accordance with the procedure specified in this Article.
- 3. Any PD Amendment must comply with all requirements of this Article.

C. Variances.

1. Upon adoption of this Ordinance, the provisions of Article 3.10 of the ZLDR, relating to Variances, shall apply to all approved PD Development Plans with respect to zoning-related dimensional, design, or performance standards on individual Lots. Variance applications for Trees, Setbacks, Buffers, height, and maximum Impervious Surface/Building Coverage on individual Lots shall be processed pursuant to Article 3.10, *Zoning Variances*, of this Ordinance and all requirements of Art. 3.10, *Zoning Variances*, shall apply. All other proposed modifications, except minor modifications as described above, require an amendment to the PD Development Plan, in accordance with the procedure specified in this Article.

2. The Director's determination does not bind the Board of Zoning Appeals to a particular decision.

xxiii. Religious Assembly

- 3. The following are prohibited uses for TMS# 301-00-00-034:
 - a. GAS Stations/Convenience Stores
 - b. Retail Liquor Stores

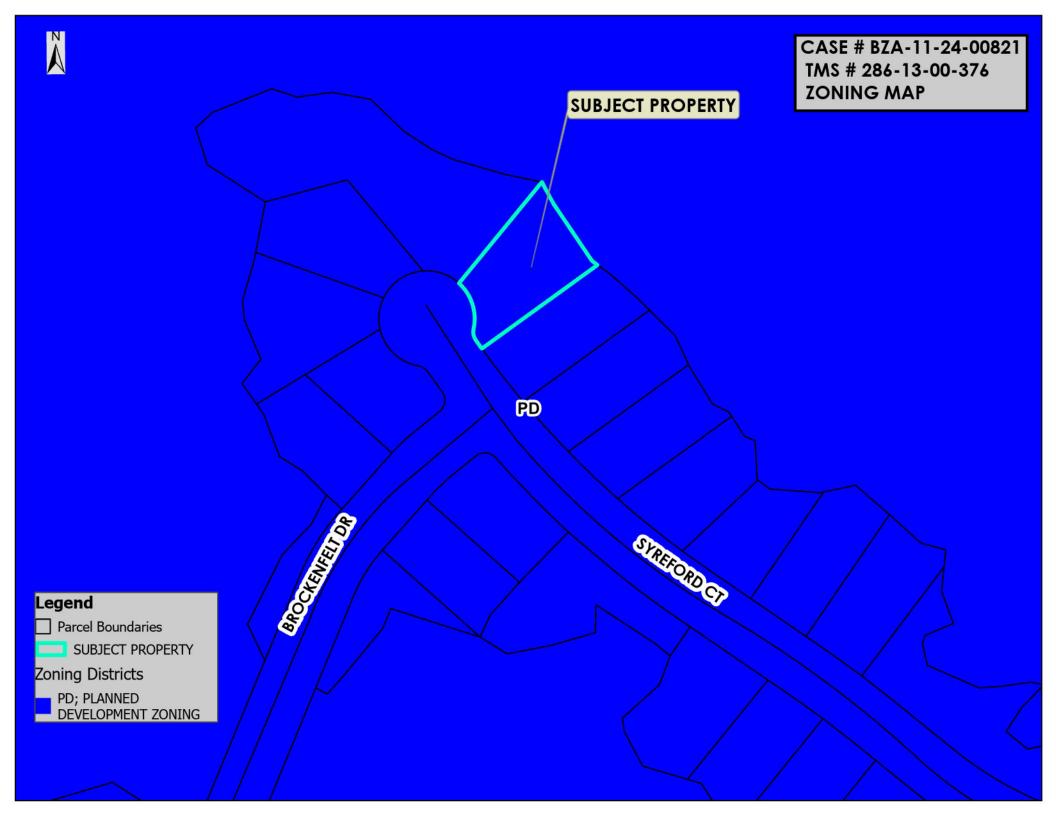
IV. <u>SETBACK/LOT/HEIGHT/COVERAGE/WETLANDS AND WATERWAY</u> <u>CRITERIA</u>

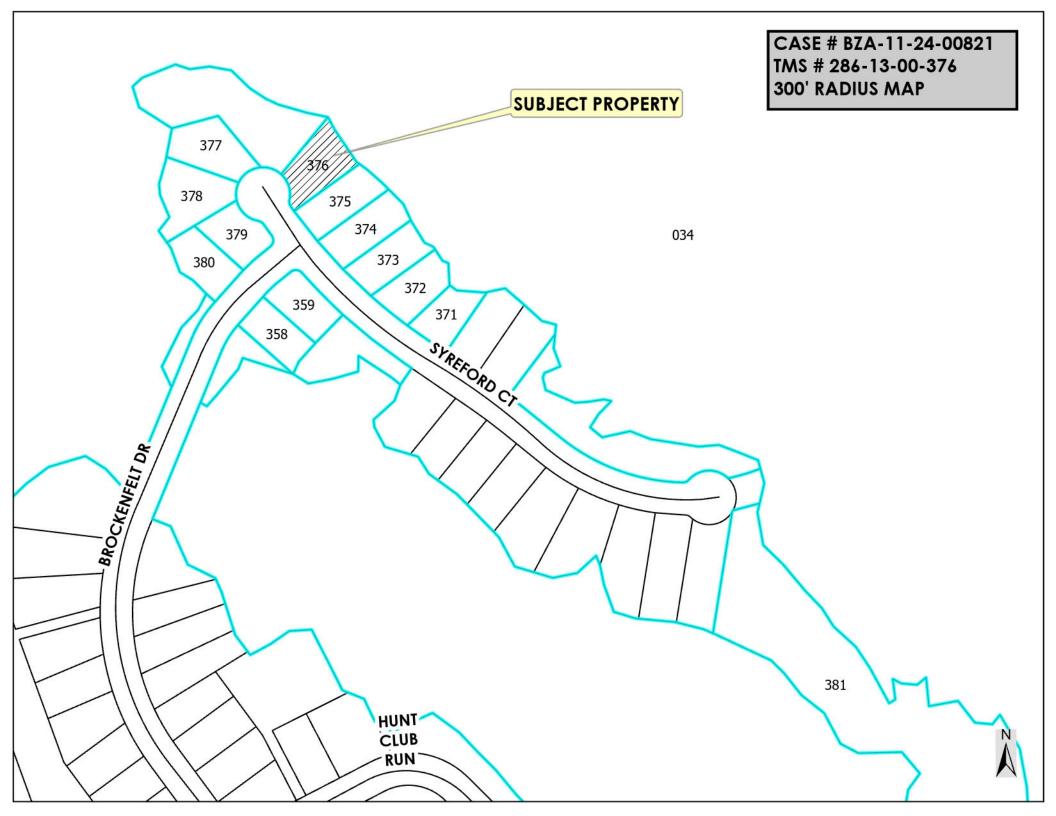
- 1. The entire property shall comply with setback requirements as set forth in the Charleston County Zoning Ordinance except where noted. Any proposed change to the approved Planned Development Guidelines for the Hunt Club Planned Development (73) shall require an amendment to the Planned Development that shall be processed as a Planned Development amendment following the procedures prescribed in the Charleston County Zoning and Land Development Regulations Ordinance.
- 2. Setbacks:

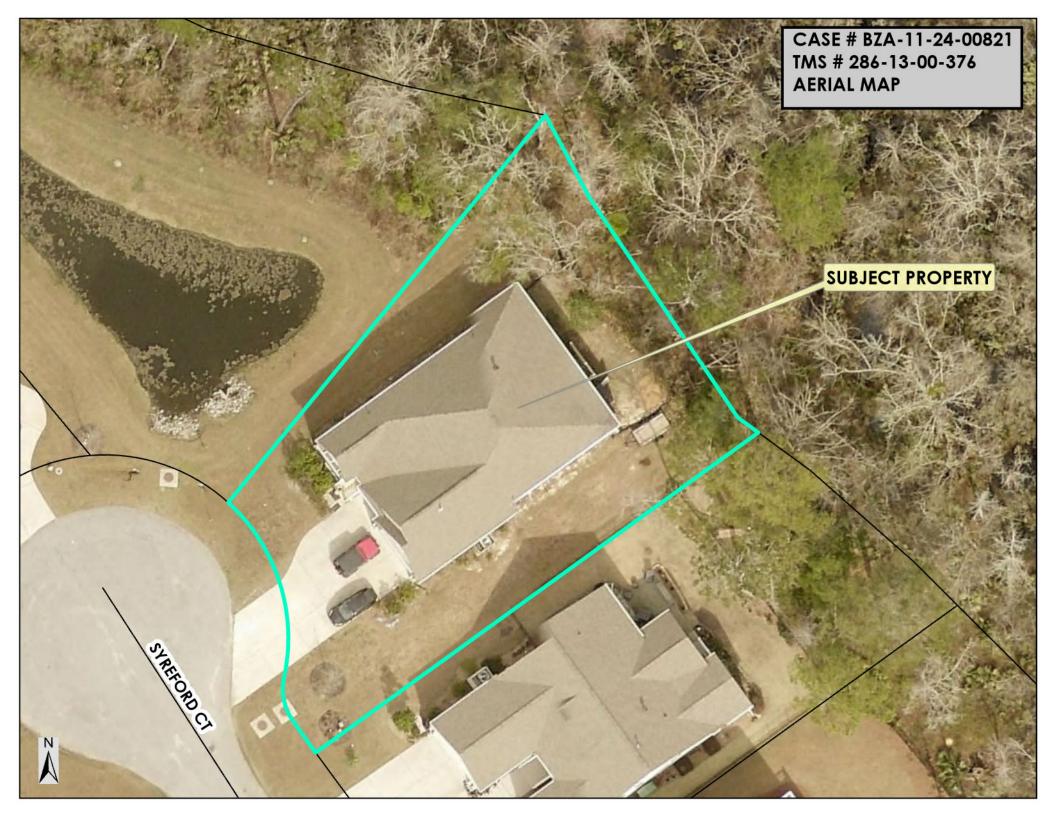
	Front yard	Rear yard	Side yard
Single Family Residential	22	25	5'/8'
Single Family Attached Residential	20	10	10*
Commercial Lots	25	10	5

* On all non-attached sides

- 3. Building height for single family residential shall be 40' maximum.
- 4. Maximum building coverage will be 35% for single family residential.
- 5. Maximum building coverage will be 60% for single family attached.
- 6. On lots having more than one side fronting on a street, one side shall be designated the front and one side shall be designated the side. The setbacks for the front and side yards shall then be applied.
- 7. Maximum commercial building coverage will be 50%.
- 8. Minimum lot width of 70' for single family residential, except cul-de-sacs, and in roadway curves which shall have a minimum frontage of 30'. Minimum lot size of 8,000 sq ft. unless otherwise noted.
- 9. Minimum lot width of 18' for single family attached residential. Minimum lot size of 1,400 sq ft. unless otherwise noted.
- 10. Attached single family residential shall contain no more that 8 units per building structure.
- 11. Wetlands and Waterway standards are intended to provide an unobstructed, unoccupied open area between the furthermost projection of a structure and all waterways and salt water critical lines. The purpose of these required buffers is to provide a visual and spatial buffer between development and the County's salt water wetlands and waterways









Case # BZA-11-24-00821 BZA Meeting of January 6, 2025 Subject Property: 2007 Syreford Court – St. Andrews Area

Proposal: Variance request to reduce the required 25' rear/freshwater wetland setback for a proposed deck and patio.



Subject Property







Case # BZA-11-24-00821

Charleston County BZA Meeting of January 6, 2025

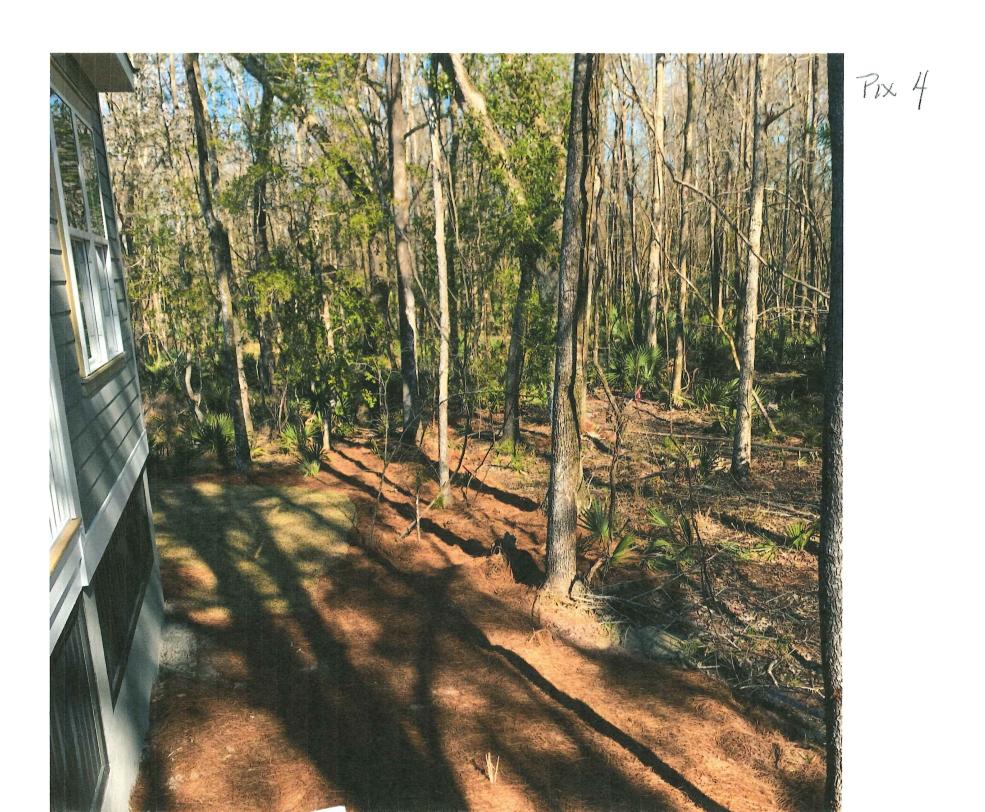
Photographs provided by the Applicant

Pix 1

Pix2







Staff Review:

The applicant and property owner, Maurice Reid, is requesting a variance to reduce the required 25' rear/freshwater wetland setback by 5.5' to 19.5' at the closest point for a proposed deck and patio at 2007 Syreford Court (TMS # 286-13-00-376) in the St. Andrews Area of Charleston County. The subject property and adjacent properties are located in the Planned Development (PD-73E, Hunt Club) Zoning District. The 0.27-acre subject property contains a single-family residence that was constructed in 2020 per Charleston County records.

The applicant's letter of intent explains, "This request is made for approval to build a deck and patio adjoining the back of my house at 2007 Syreford Court in Charleston. The deck, to be built at an elevation matching the existing landing at approximately 73" above grade (where the existing landing meets the back door of the house) would be extended to 12 feet deep and 26 feet wide. The patio portion of the plan would cover a 6 foot by 12-foot area on the southeast side of the deck. The deck structure would be over approximately 68 square feet of wetland buffer and the patio would cover approximately 36 square feet of buffer at grade. The impacted area (approximately 104 square feet is less than 4.3% of the wetland buffer area (approximately 2,473 square feet) with only the patio portion directly affecting the buffer zone, less than 1.5% of the buffer zone.) The deck and patio will be built by an established licensed contractor to existing applicable code. In the 4 years I have lived in this house (since the house was built), this area has stayed dry, with the house rain gutter discharging about 12 feet from the rear of the house to the back of the property and rain naturally draining away from the property.

Enclosed with this application is a scaled layout, recent survey and 4 pictures of the back of the property:

- A. Backyard Pix 1: taken from the northeast side of the yard showing the existing stairs and area to be under the raised deck. Deck to be at the same elevation a the top step.
- B. Backyard Pix 2: taken from the southwest side of the yard showing the back of the house, existing landing and area where the patio is proposed.
- C. Backyard Pix 3: taken facing the structure supporting the existing landing which extends 4 feet from the back door of the house, near the center of the structure.
- D. Backyard Pix 4: taken from the landing pointing NE where the proposed patio would be located. Note that the proposed structure would not require any existing tree removal."

Applicable *ZLDR* requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.25 PD, Planned Development Zoning District, Sec. 4.25.10 Variances and Other Modifications to Approved PD Development Plans, C. Variances states, "Upon adoption of this Ordinance, the provisions of Article 3.10 of the ZLDR, relating to Variances, shall apply to all approved PD Development Plans with respect to zoning-related, dimensional, design, or performance standards on individual Lots. Variance applications for Trees, Setbacks, Buffers, height, and maximum Impervious Surface/Building Coverage on individual Lots shall be processed pursuant to Article 3.10, Zoning Variances, of this Ordinance and all requirements of Art. 3.10, Zoning Variances, shall apply. All other proposed modifications, except minor modifications as described above, require an amendment to the PD Planned Development Plan, in accordance with the procedure specified in this Article."

The PD-73-E, Hunt Club Planned Development requires a 25' rear/freshwater wetland setback on Single Family Residential lots.

Staff conducted a site visit of the subject property on December 12, 2024. 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 property. The applicant's letter of intent states, "Near the area where the encroachment would occur, stood a grand oak tree that had died and shed limbs through the existing structure. The tree was removed (permit: ZONE-08-22-14131, August 5, 2022) and the stump ground out. The proposed patio area would be at the southeast corner of the house where the buffer begins approximately 5 feet from the corner of the structure. The buffer does not run parallel to the rear of the house and is approximately 9 feet from the northwest rear corner of the nouse." 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. The applicant's letter of intent states, "I believe these conditions are unique to this property as the homes on either side of the subject property are oriented differently on their lots, which are also different in size and shape. This part of the street is a cul-de- sac." Therefore, the request may meet this criterion.

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- Because of these conditions, the application of this Ordinance to the §3.10.6(3): 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 4.25 PD, Planned Development Zoning District, Sec. 4.25.10 Variances and Other Modifications to Approved PD Development Plans, C. Variances to 2007 Syreford Court may unreasonably restrict the utilization of the property. The applicant's letter of intent states, "The proposed deck and patio would only be accessible by the owner of the property (and their guests), should not be visible from the street and would not alter the access to the home, with the exception of changing the direction of the approach to the landing to the rear door." Therefore, the request may meet this criterion.
- The authorization of a variance will not be of substantial detriment to §3.10.6(4): adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;
- Authorization of this request may not be of substantial detriment to adjacent Response: properties or to the public good and the character of the Planned Development (PD-73E, Hunt Club) Zoning District may not be harmed if this variance is granted. The applicant's letter of intent states, "The construction of this deck and patio will not affect the value of the neighboring properties beyond boosting the average value of the homes on the street. As noted in response to question 3, the structure should not be visible from the street." 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.
- The need for the variance is not the result of the applicant's own actions; §3.10.6(6):
- **Response:** The need for the variance may not be the result of the applicant's own actions. The rear northeastern corner of the house is located 4.9' from the rear setback line. Therefore, the request <u>may meet</u> this criterion.
- §3.10.6(7): Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance;
- Granting of the variance may not substantially conflict with the **Response:** Comprehensive Plan or the purposes of the Ordinance if the Board finds that

BZA Meeting of January 6, 2025 Staff Review, Case # BZA-11-24-00821

the strict application of the provisions of the Ordinance results in an unnecessary hardship. 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-11-24-00821 [Variance request to reduce the required 25' rear/freshwater wetland setback by 5.5' to 19.5' at the closest point for a proposed deck and patio at 2007 Syreford Court (TMS # 286-13-00-376) in the St. Andrews 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 condition recommended by Staff:

1. The encroachment area shall be limited to the footprint shown on the submitted site plan.

Ð	Site Plan drawn to Engineers Scale. At a minimum the site plan must show property dimensions, locations and dimensions of all existing and proposed structures and improvements, driveways, parking areas, Grand trees (24" DBH or greater), wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up-to-date DHEC-OCRM signature on the site plan or plat). Single-family projects: Submit a PDF digitally or one hard copy (8 ½ x 11 or 11 x 17) provided the hard copy is drawn and printed to Engineers Scale and all information is legible as determined by Planning Staff. Commercial or multi-family projects: Submit a PDF digitally and hard copies as follows: one reduced sheet/set (11 x 17) and one full sized sheet/set.
Ø	Copy of a legible Approved and Recorded Plat showing current property boundaries.
	Check made out to "Charleston County," cash, or credit card. The BZA Zoning Variance Application fee is \$250. Grand tree variances are \$250 for one tree, add \$50 for each additional tree.

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

Property Information				
Subject Property Address: 2007 Syreford Court Charleston, SC 29414				
Tax Map Number(s): TMS#: 286-13-00-376				
Current Use of Property: Single Family Resid	lence			
Proposed Use of Property: Single Family Res	idence			
Zoning Variance Description: Wetland Buff	er Encroachment			
Applicant Information (Required)				
Applicant Name (please print): Maurice Reid				
Name of Company (if applicable):				
Mailing Address: 2007 Syreford Court				
City: Charleston	State: SC		Zip Code: 29414	
Email Address: profmreid@gmail.com	Phone #: 8		59-421-5391	
Applicant Signature:	Gest Berei R	in	Date: 11/8/2024	
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)				

Print Representative Name and Name of Company:					
Mailing Address:					
State:	State: Zip G		ip Code:		
Email Address: Phone #:					
the Applicant listed abo	ve is not the	Property Ov	vner.)		
ant and/or Representat	ive as my (οι	ur) agent to	represent me (us) in	this application.	
Name of Company (if applicable, LLC etc.):					
Property Owner(s) Mailing Address:					
State:	Zip Code:		Phone #:		
Property Owner(s) Email Address:					
Property Owner(s) Signature:			Date:	Date:	
FOR OFFICE USE ONLY:					
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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.)

This request is made for approval to build a deck and patio adjoining the back of my house at 2007 Syreford Court in Charleston. The deck, to be built at an elevation matching the existing landing at approximately 73" above grade (where the existing landing meets the back door of the house) would be extended to 12 feet deep and 26 feet wide. The patio portion of the plan would cover a 6 foot by 12 foot area on the south east side of the deck. The deck structure would be over approximately 68 square feet of wetland buffer and the patio would cover approximately 36 square feet of buffer at grade. The impacted area (approximately 104 square feet is less than 4.3% of the wetland buffer area (approximately 2,473 square feet) with only the patio portion directly affecting the buffer zone, less than 1.5% of the buffer zone.) The deck and patio will be built by an established licensed contractor to existing applicable code. In the 4 years I have lived in this house (since the house was built), this area has stayed dry, with the house rain gutter discharging about 12 feet from the rear of the house to the back of the property and rain naturally draining away from the property.

Enclosed with this application is a scaled layout, recent survey and 4 pictures of the back of the property:

A. Backyard Pix 1: taken from the northeast side of the yard showing the existing stairs and area to be under the raised deck. Deck to be at the same elevation a the top step.

- B. Backyard Pix 2: taken from the southwest side of the yard showing the back of the house, existing landing and area where the patio is proposed.
- C. Backyard Pix 3: taken facing the structure supporting the existing landing which extends 4 feet from the back door of the house, near the center of the structure.
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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:

Near the area where the encroachment would occur, stood a grand oak tree that had died and shed limbs through the existing structure. The tree was removed (permit: ZONE-08-22-14131, August 5, 2022) and the stump ground out. The proposed patio area would be at the southeast corner of the house where the buffer begins approximately 5 feet from the corner of the structure. The buffer does not run parallel to the rear of the house and is approximately 9 feet from the northwest rear corner of the house.

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

I believe these conditions are unique to this property as the homes on either side of the subject property are oriented differently on their lots, which are also different in size and shape. This part of the street is a cul-de-sac.

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:

The proposed deck and patio would only be accessible by the owner of the property (and their guests), should not be visible from the street and would not alter the access to the home, with the exception of changing the direction of the approach to the landing to the rear door.

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 construction of this deck and patio will not affect the value of the neighboring properties beyond boosting the average value of the homes on the street. As noted in response to question 3, the structure should not be visible from the street.

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?

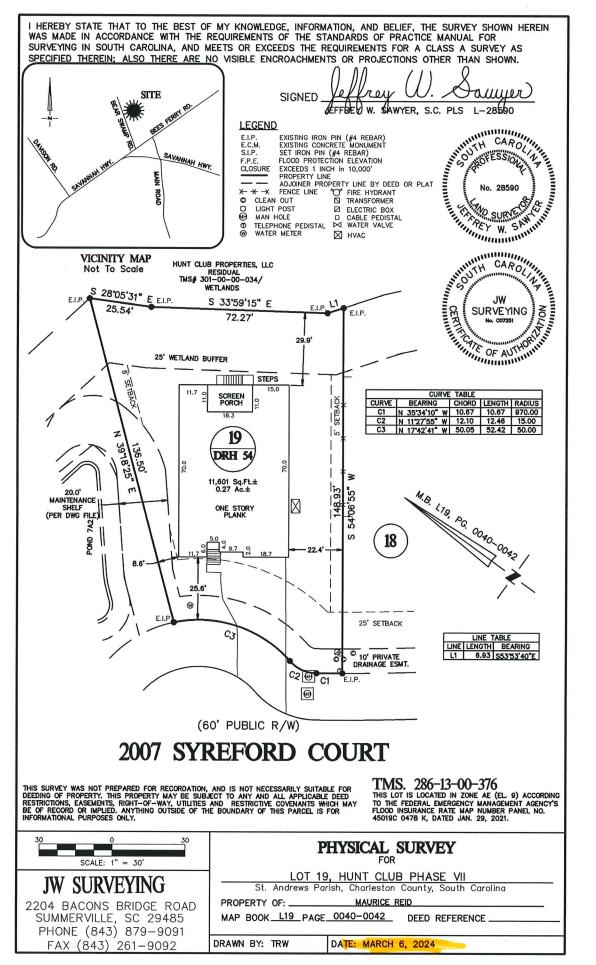
The purpose and use of the property will not change with the addition requested in this application.

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

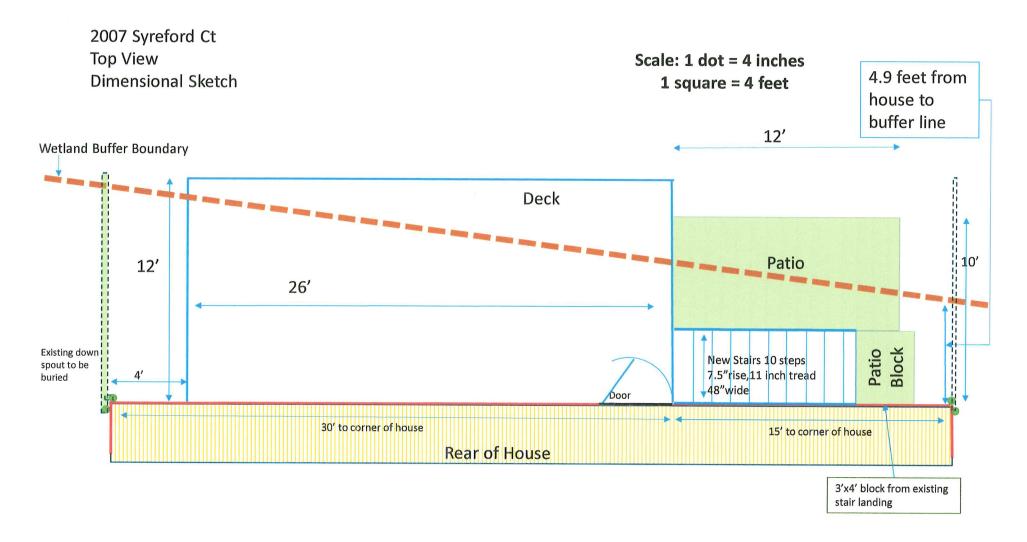
Yes, I want to install a structure that will provide enjoyment for my family.

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

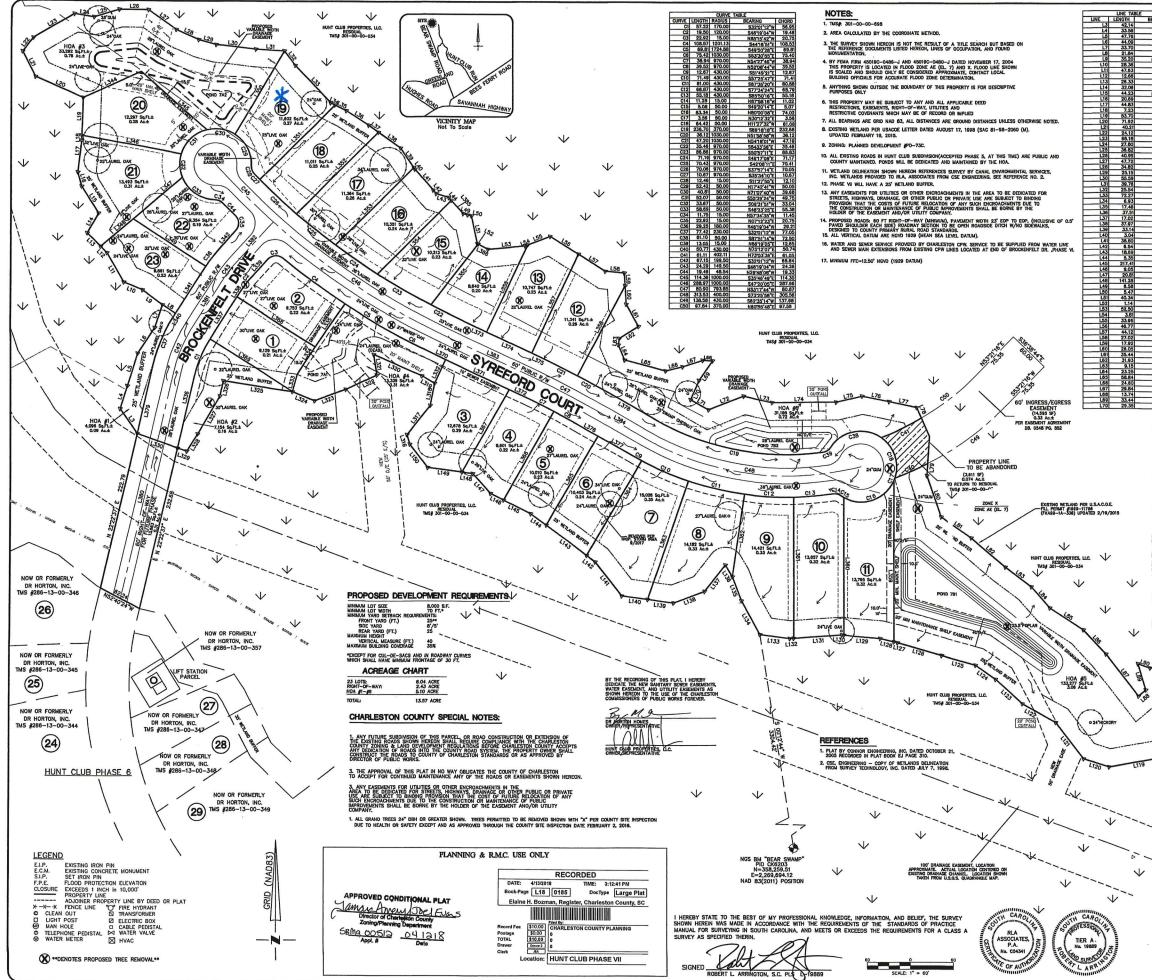
No, the plan and application do not conflict with the Comprehensive plan as I understand it.



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