



Case # BZA-11-24-00822

Charleston County BZA Meeting of January 6, 2025

Applicants/Property Owners: Leonard L. Newton and Annie M. Newton

Property Location: 7224 Commodore Road – St. Pauls Area

TMS#: 127-10-00-040

Zoning District: Agricultural Residential (AGR) Zoning District

Request:

Variance request to reduce the required 30' rear setback by 23' to 7' and to reduce the required 15' interior side setback by 4' to 11' for an existing unpermitted detached accessory structure (pole shed building).

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.

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:

- A. Parcel size of 30 acres or less (including highland areas and Freshwater Wetlands) on Parcels existing prior to April 21, 1999; and
- B. Parcel must be located in an AG-8, AG-10, or RM Zoning Districts or adjacent to lands currently zoned AGR; and
- C. Parcel must be either within 1,000 feet of an existing AGR Zoning District or show the same obvious spatial characteristics of other existing AGR Zoning Districts in the agricultural area; and
- D. Parcels are not located on Wadmalaw Island or Edisto Island.



CASE # BZA-11-24-00822
TMS # 127-10-00-040
ZONING MAP

SUBJECT PROPERTY

COMMODORE RD

AGR

COMMODORE RD

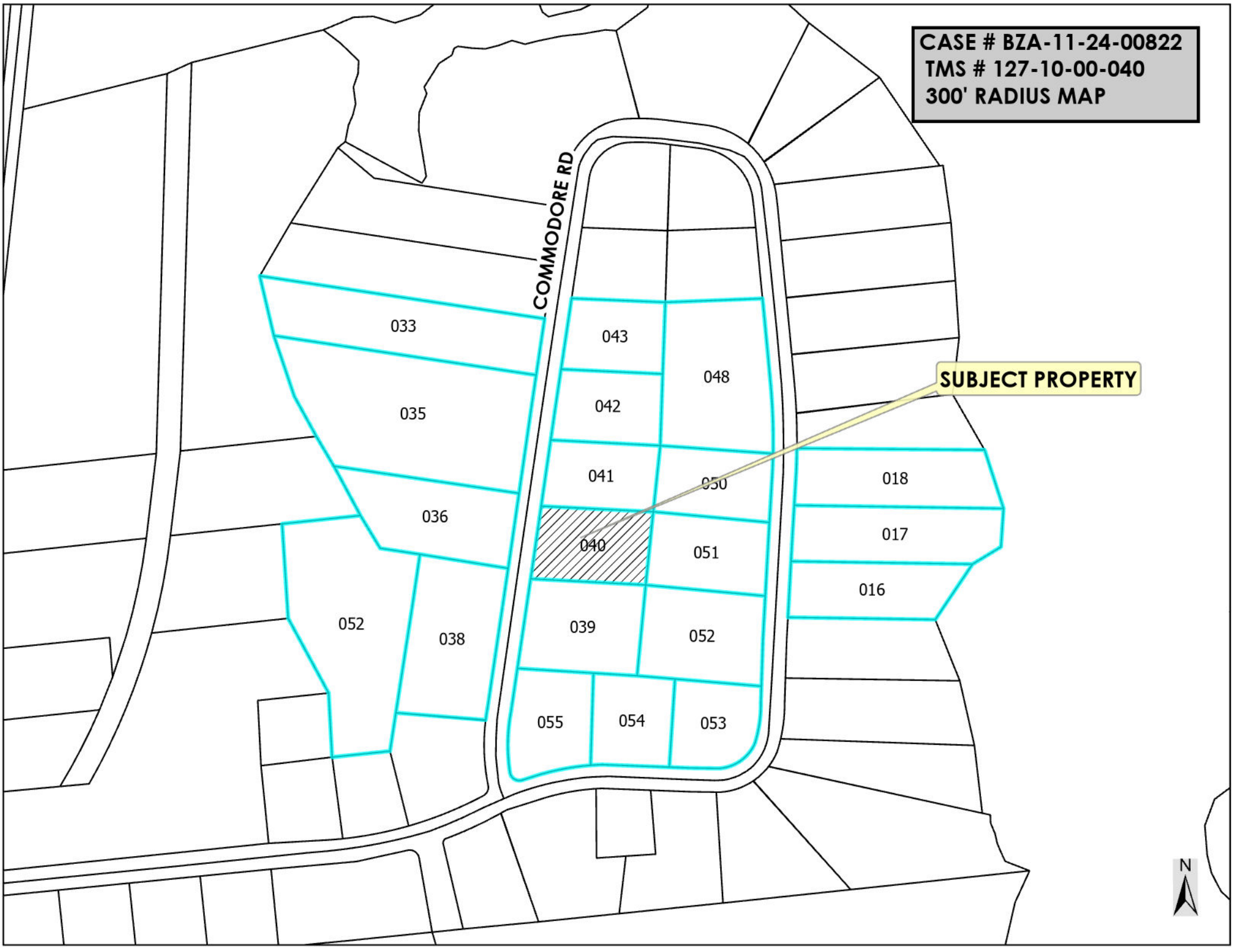
Legend

- Parcel Boundaries
- SUBJECT PROPERTY
- Zoning Districts
 - AGR; AGRICULTURAL RESIDENTIAL

CASE # BZA-11-24-00822
TMS # 127-10-00-040
300' RADIUS MAP

COMMODORE RD

SUBJECT PROPERTY



CASE # BZA-11-24-00822
TMS # 127-10-00-040
AERIAL MAP

SUBJECT PROPERTY

COMMODORE RD



CASE # BZA-11-24-00822
TMS # 127-10-00-040
AERIAL MAP

PARISHVILLE RD

COMMODORE RD

SUBJECT PROPERTY

PARISHVILLE RD



Case # BZA-11-24-00822

BZA Meeting of January 6, 2025

Subject Property: 7224 Commodore Road – St. Pauls Area

Proposal: Variance request to reduce the required 30' rear setback and the required 15' interior side setback for an existing unpermitted detached accessory structure (pole shed building).



Subject Property



Subject Property



Subject Property



Staff Review:

The applicants and property owners, Leonard L. Newton and Annie M. Newton, are requesting a variance to reduce the required 30' rear setback by 23' to 7' and to reduce the required 15' interior side setback by 4' to 11' for an existing unpermitted detached accessory structure (pole shed building) at 7224 Commodore Road (TMS # 127-10-00-040) in the St. Pauls Area of Charleston County. The subject property and surrounding properties are located in the Agricultural Residential (AGR) Zoning District.

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 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 subject property. The applicant's letter of intent states, "Yes, there maybe extraordinary and exceptional conditions. We purchased this property in 2015 as a foreclosure. The building in question, along with the concrete pad where we plan to build our garage, were already on the lot when we acquired it. Recently, we discovered that the pole shed is classified as a nonconforming accessory structure we applied for the garage permit. This structure has been in place for nearly 20 years." Therefore, the request meets 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 can't claim that these conditions are typical for other properties, but they are not unique to mine. There appear to be several lots in the vicinity with similar conditions regarding setback requirements." 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 7224 Commodore Road would prohibit the accessory structure to remain in its current location. The applicant's letter of intent states, "Yes, enforcing the setback ordinance in this cause would likely prohibit or unreasonably restrict the utilization of the property. The building being placed nearly 20 years ago, enforcing the ordinance would require removing or relocation or limit its practical functionality." 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, "No, authorizing the variance would not be a substantial detriment to adjacent properties, as the structure has been in place for nearly 20 years without causing issues related to privacy, light, or property enjoyment. Neighbors have likely become accustomed to its presence and allowing it to remain would not introduce new adverse effects." 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;*

Response: The need for the variance is not the result of the applicant's own actions. The applicant's letter of intent states "The current owner purchased the property with the building already in place and was unaware of the setback non-compliance until recently, suggesting the variance need is not due to their actions." Therefore, the request meets 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. In addition, the applicant's letter of intent states, "No, the variance request does not substantially conflict with the *Comprehensive Plan*. The request seeks to maintain an existing structure without altering the neighborhood character, consistent with the plans for sustainable land use." 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-11-24-00822 [Variance request to reduce the required 30' rear setback by 23' to 7' and to reduce the required 15' interior side setback by 4' to 11' for an existing unpermitted detached accessory structure (pole shed building) at 7224 Commodore Road (TMS # 127-10-00-040) 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 structure (pole shed building).**

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

Property Information			
Subject Property Address: 7224 Commodore rd. Hollywood. SC 29449			
Tax Map Number(s): 1271000040			
Current Use of Property: Primary residence			
Proposed Use of Property:			
Zoning Variance Description:			
Applicant Information (Required)			
Applicant Name (please print): LEONARD L. Newton And Annie M. Newton			
Name of Company (if applicable):			
Mailing Address: 7224 Commodore rd. Hollywood SC 29449			
City: Hollywood	State: SC	Zip Code: 29449	
Email Address: TreeApache@gmail.com		Phone #: 843 729 1736	
Applicant Signature: Leonard L. Newton Annie M. Newton			Date: 10/30/24
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:	Phone #:
Property Owner(s) Email Address:			
Property Owner(s) Signature:			Date:
FOR OFFICE USE ONLY:			
Zoning District: AGR	Flood Zone: Shaded x (0610K)	Date Filed: 11/25/24	Fee Paid: Paid \$250.00
Application #: BZA-11-24-00822	TMS #: 1271000040	Staff Initials: jji	

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 wife and I are requesting a setback Variance for a nonconforming use Structure at our Residence located at 7224 Commodore Road, Hollywood.

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:

Yes, there may be extraordinary and exceptional conditions. We purchased this property in 2015 as a foreclosure. The building in question, along with the concrete pad where we plan to build our garage, were already on the lot when we acquired it. Recently, we discovered that the pole shed is classified as a nonconforming accessory structure when we applied for the garage permit. This structure has been in place for nearly 20 years.

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

I can't claim that these conditions are typical for other properties, but they are not unique to mine. There appear to be several other lots in the vicinity with similar conditions regarding setback requirements.

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:

Yes, enforcing the setback ordinance in this case would likely prohibit or unreasonably restrict the utilization of the property. The building being placed nearly 20 years ago, enforcing the ordinance would require removing or relocating the structure, which could make the property unusable or limit its practical functionality.

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, authorizing the variance would not be a substantial detriment to adjacent properties, as the structure has been in place for nearly 20 years without causing issues related to privacy, light, or property enjoyment. Neighbors have likely become accustomed to its presence, and allowing it to remain would not introduce new adverse effects.

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?

Yes, the variance request meets this criterion, as it does not propose a new use that is not allowed within the zoning district. The building's use remains consistent with the current zoning regulations.

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

The current owner purchased the property with the building ~~already~~ already in place and was unaware of the setback non-compliance until recently, suggesting the variance need is not due to their actions.

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

No, the variance request does not substantially conflict with the Comprehensive Plan. The request seeks to maintain an existing structure without altering the neighborhood character, consistent with the plans for sustainable land use.

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.

PIN: 1271000040

This data is as-of 09-18-2024

Last Notice Date

09-11-2020

Value Info

Legal Residence	LR Pct	Homestead	AgUse	ATI 25Pct Exemption	Taxable Assessment
Y	100	Y	N	N	\$6,600
			Land	Improvement	Total
Market Value			\$25,000	\$190,000	\$215,000
Capped Value *			\$25,000	\$190,000	\$215,000
Taxable/Use Value **			\$25,000	\$190,000	\$215,000

Value History

	2023	2022	2021	2020
Market Value	\$215,000	\$215,000	\$215,000	\$215,000
Capped Value *	\$215,000	\$215,000	\$215,000	\$215,000
Taxable/Use Value **	\$215,000	\$215,000	\$215,000	\$215,000
Assessed Value	\$6,600	\$6,600	\$6,600	\$6,600

* **Capped Value:** At County-wide reassessments the increase in the value of a property for tax purposes is limited (capped) at no more than 15%.

** **Taxable/Use Value:** The Capped Value and Taxable/Use Value are usually the same. If the property has been approved for Agricultural Use the values will be different.

Dwelling Info

Extension	House Type	Improvement Type	Year Built	Total Finished Living Area	Bedroom Count	Full Bath Count	Half Bath Count	Total Stories
R01	21 1.5 Stories	DWELL	2005	2847	3	2	0	2

Additional Improvements

Imp Extension	Imp ID	Year Built	Improvement Type	Improvement Descr
R01	01	2005	POLEBLDG	General Purpose Bldg Wood Pole Frame

Sketches

R01



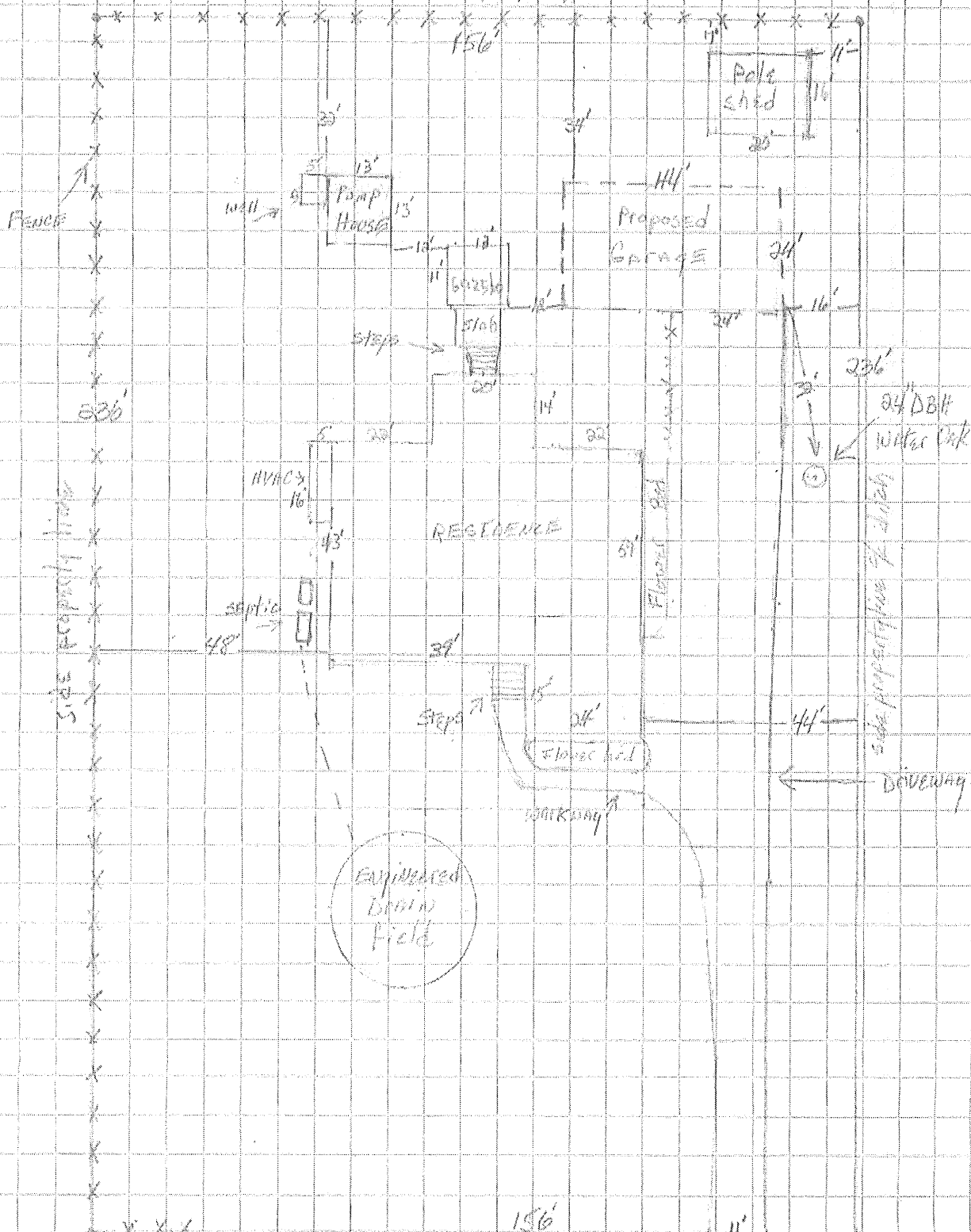
7024 Commodore Chas. County GIS
Aerial Imagery 2009

LEONARD & ANNIE M. NEARFON
7224 Commodore Rd.
Hollywood, SC 29449
Parcel ID 1819-10-00-070

Lot Area .84 acres



back property line



156'
Front property line

Prepared by
Gene Neafon
October 10, 2024

Scale 1/4" = 30'

Charleston, South Carolina
 Office of Register Mease Conveyance
 Plat recorded this 25 day of March, 1966 at
 2:30 o'clock in Plat Book A, Page 1 and tracing cloth
 copy filed in File, Drawer A, Folder 52, Draw-
 ing No. Original plat (atlas print) delivered
 to Charles H. Eddy

BBB R 85 PAGE 61

Arthur H. Davidson
 Register Mease Conveyance

CURVE DATA

ARC	Δ	R	T	L
A-A	18°-15'	420.0'	727.4'	220.0'
A'-A'	"	420.0'	217.10'	200.0'
B-B	27°-00'	390.0'	175.30'	268.0'
B'-B'	"	390.0'	151.13'	288.5'
C-C	80°-00'	120.10'	102.40'	174.4'
C'-C'	"	60.10'	32.60'	110.0'
D-D	81.50'	1240.70'	470.0'	212.7'
D'-D'	"	1100.70'	421.7'	189.7'
E-E	77°-05'	188.10'	160.0'	185.5'
E'-E'	"	105.10'	127.4'	134.0'
F-F	68.50'	140.40'	103.3'	188.0'
F'-F'	"	80.40'	77.00'	122.0'
G-G	32°-30'	277.20'	112.2'	140.0'
G'-G'	"	227.20'	181.3'	90.10'

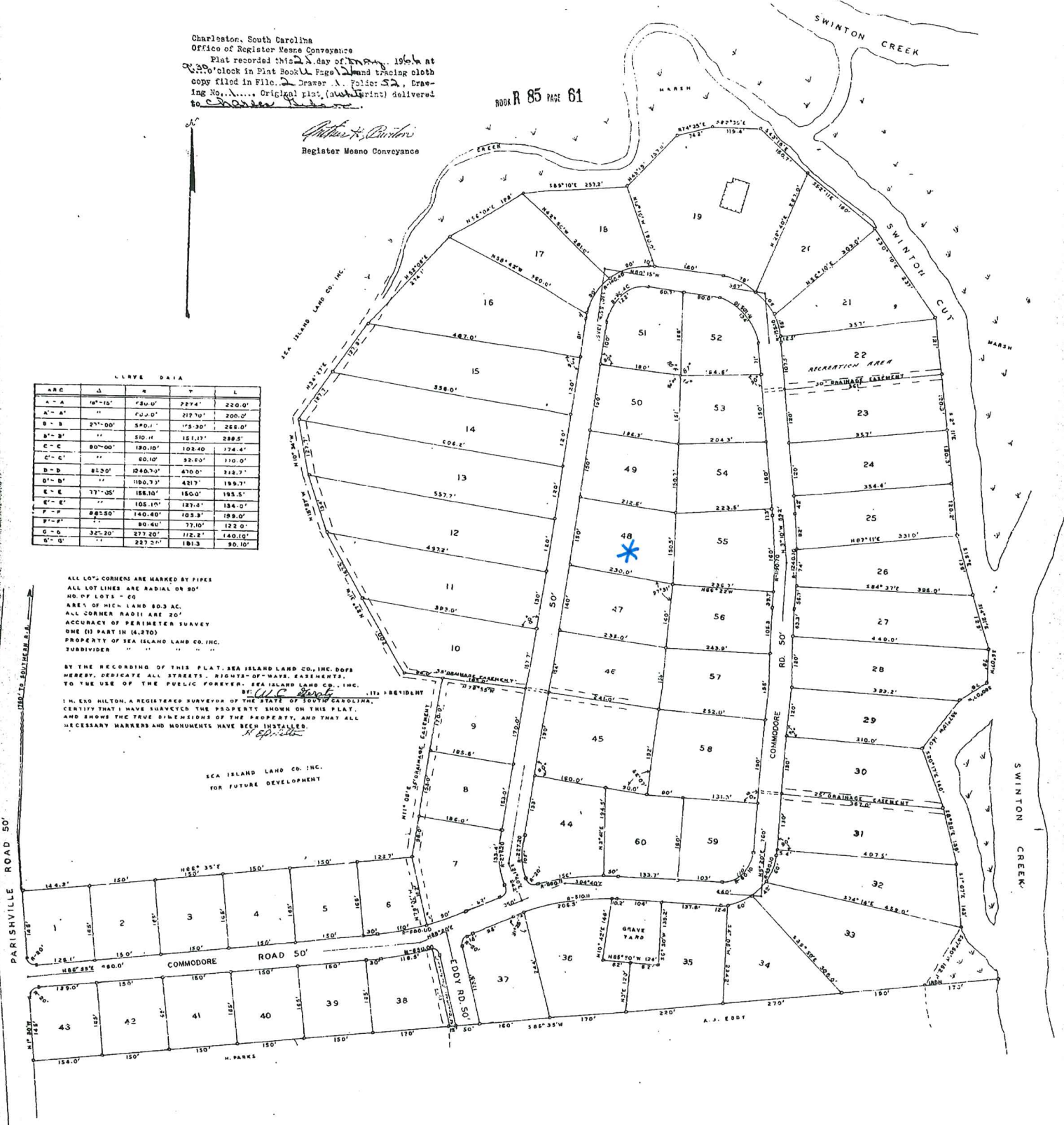
ALL 90° CORNERS ARE MARKED BY PIPES
 ALL LOT LINES ARE RADIAL OR 90°
 NO. OF LOTS - 60
 AREA OF HIGH LAND 80.3 AC.
 ALL CORNER RADII ARE 20'
 ACCURACY OF PERIMETER SURVEY
 ONE (1) PART IN (4,270)
 PROPERTY OF SEA ISLAND LAND CO., INC.
 SUBDIVIDER

BY THE RECORDING OF THIS PLAT, SEA ISLAND LAND CO., INC. DOES
 HEREBY DEDICATE ALL STREETS, RIGHTS-OF-WAY, EASEMENTS,
 TO THE USE OF THE PUBLIC FOREVER. SEA ISLAND LAND CO., INC.
 BEING THE SUBDIVIDER.

I, H. EXO HILTON, A REGISTERED SURVEYOR OF THE STATE OF SOUTH CAROLINA,
 CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN ON THIS PLAT,
 AND SHOWS THE TRUE DIMENSIONS OF THE PROPERTY, AND THAT ALL
 NECESSARY WARNERS AND MONUMENTS HAVE BEEN INSTALLED.

SEA ISLAND LAND CO., INC.
 FOR FUTURE DEVELOPMENT

PARISHVILLE ROAD 50'



PART I OF
PARISH POINT SUBDIVISION

ST. PAULS PARISH, CHARLESTON COUNTY, S. C.
 SCALE 1" = 100' MARCH 1966
 BY: H. EXO HILTON REG. L.S. NO. 2552
H. Exo Hilton, P.E.

Charles H. Eddy
 H. H. Davidson
 T. W. S.