



Case # BZAV-4-12-13513

Charleston County BZA Meeting of June 4, 2012

Applicant/Property Owner: Timothy Ascue &
T. Christi Ascue Kershaw

Representative: S2Engineering
Jake M. Serrano, P.E.

Property Location: 3802 Clarksville Court – East Area

TMS#: 614-00-00-461

Zoning District: Single Family Residential 4 Zoning District
(R-4)

Request: Variance request to increase the required
30% maximum building cover of the lot by 3%
to 33%.

Requirement:

Article 4.10 R-4, Single Family Residential 4 District, §4.10.3 Density/Intensity and Dimensional Standards states: Maximum Building Cover, 30% of lot.

Article 4.2 Measurements, Computations and Exceptions, §4.2.5 Building Coverage: "Building coverage refers to the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than open porches, fire escapes, canopies and the first two feet of a roof overhang."

Chapter 12 Definitions defines "Building Cover" as: "The proportion, expressed as a percentage, of the area of a Zoning lot covered by all buildings located thereon, including the area covered by all overhanging roofs."

CASE # BZAV-4-12-13513
TMS # 614-00-00-461



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BZA Meeting of June 4, 2012

Subject Property: 3802 Clarksville Court – East Area

**Proposal: Variance request to increase the required 30%
maximum building cover of the lot by 3% to 33%.**



Staff Review:

The applicants, Timothy Ascue and Christi Ascue Kershaw, are requesting a variance to increase the required 30% maximum building cover of the subject property by 3% to 33%. The subject property is located at 3802 Clarksville Court (TMS: 614-00-00-461) in the East Area of Charleston County and is 20,874.7 square feet (0.479 acres) in size.

The subject property and surrounding properties are located in the Single Family Residential 4 (R-4) Zoning District. The applicants are proposing to build a single family residence with a building coverage of 6,969.6 square feet (0.16 acres), per the submitted site plan. Ingress/egress to the property is through the Clarksville Court easement off of Gadsdenville Road, per the current approved and recorded plat. Previously, a preliminary plat including the subject property and Tract P (TMS: 614-00-00-063), as noted on the submitted plat, had been submitted on March 4, 2008, and approved for 17 lots. A final plat was never approved for the subdivision. The current configuration of the subject property was approved and recorded on November 18, 2011. The residual Tract P is 6.872 acres in size. On December 1, 2011, Tract P was purchased by Charleston County through the Greenbelts Program.

Article 4.10 R-4, Single Family Residential 4 District, §4.10.3 Density/Intensity and Dimensional Standards allows a Maximum Building Cover of 30% of a lot. Article 4.2 Measurements, Computations and Exceptions, §4.2.5 Building Coverage states, *"Building coverage refers to the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than open porches, fire escapes, canopies and the first two feet of a roof overhang."* Chapter 12 Definitions defines "Building Cover" as, *"The proportion, expressed as a percentage, of the area of a Zoning lot covered by all buildings located thereon, including the area covered by all overhanging roofs."*

Staff conducted a site visit of the subject property on May 18 and 23, 2012. Please review the attached documents for further information regarding this request.

Findings of Fact:

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 the following findings (§3.10.6B):

§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 property is irregular in shape and is located at the end of a cul-de-sac. Additionally, there are three Grand Trees, 41" DBH Live Oak, 27" DBH Live Oak, and 26" DBH Live Oak, located along the western rear property line. Furthermore, the subject property is surrounded along the front and side property lines by property owned and maintained through the Charleston County Greenbelts Program.

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

Response: These unique property conditions, irregular shape and location of Grand Trees, may not generally apply to other property in the vicinity.

§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* would not prohibit the use of the subject property. However, because of the irregular shape of the property and the location and spacing of the Grand Trees, the application of this Ordinance may unreasonably restrict the design alternatives for the proposed residence.

§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: The proposed residence should not harm the residential character of the surrounding community. Therefore, authorization of this request may not be of substantial detriment to adjacent properties or to the public good.

§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.

§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. The house may be designed to be in compliance with the building coverage requirements. However, the applicant's supplement to the letter of intent states, *"The location of the existing 41" Live Oak tree near the middle of the property makes it necessary to split the house design in two main areas, resulting in a larger overall building coverage for the site."*

§3.10.6(7): *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance;*

Response: Urban/Suburban Guideline 5 of the *Comprehensive Plan* states, *"Respect the scale and site placement of adjacent existing development to maintain established community characteristics where appropriate."* Granting of the variance may not substantially conflict with the *Comprehensive Plan* or the purposes of the *Ordinance*, if the Board finds that the scale and placement of the proposed residence is compatible with the character of the adjacent community.

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).

Action:

The Board of Zoning Appeals may approve, approve with conditions or deny Case # BZAV-4-12-13513 (Variance request to increase the required 30% maximum building cover of the lot by 3% to 33% at 3802 Clarksville Court in the East Area) based on the "Findings of Fact" listed above, unless additional information is deemed necessary to make an informed decision.

Variance Application

County of Charleston Board of Zoning Appeals

Public Services Building
Zoning/Planning Department
4045 Bridge View Drive
North Charleston, SC 29405
Phone 843-202-7200
Fax 843-202-7222
www.charlestoncounty.org



This application must be complete and submitted in person to the Zoning/Planning Department in order to apply for a Variance. Please read the entire form prior to completing the application. The applicant shall receive a copy of this completed form at the time the application is filed. **This application will be returned to the applicant within fifteen (15) working days if these items are not submitted with the application or if any are found to be inaccurate:**

- 1) Copy of **Current Recorded Deed** to the property (Owner's signature must match documentation). If the applicant is not the owner of the property, the **Current Property Owner(s)** must sign and print the **Designation of Agent** found below.
- 2) **Restrictive Covenants Affidavit(s)** signed by the applicant or current property owner(s).
- 3) A **letter of intent** signed by the applicant or property owner(s) stating the reason for the request that explains why this request should be granted and how it meets the Approval Criteria of §3.10.6. All proposed Variances, except single family, shall satisfy the Site Plan Review process and attend at least one Site Plan Review meeting prior to submitting this application.
- 4) An accurate, legible **Site Plan** drawn to **Engineers Scale** must be attached. The site plan must show property dimensions, dimensions and locations of all existing and proposed structures and improvements, 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), holding basins and buffers when applicable.
One 24 x 36 copy & twenty (20) 11 x 17 copies.
- 5) Copy of a legible **Approved and Recorded Plat** showing present boundaries of property.
- 6) Check made out to "Charleston County" or cash. See current fee schedule.

Applicant Name: Timothy Ascue, T. Christi Ascue Kershaw
Mailing Address: 977 Gadsdenville Road
City, State, Zip Code: Awendaw SC 29429 Daytime Phone: (843) 276-0888
Subject Property Address: TMS 614-00-00-461 / Clarskville Court Awendaw, SC 29429
Variance Description: Lot Coverage
Timothy Ascue C. Kershaw 4/19/12
Applicant Signature Date

Designation of Agent (Complete only if owner is not applicant): I hereby appoint the person named as Applicant above as my (our) agent to represent me (us) in this application.

Owner Print Name	Date	Owner Mailing Address
Owner Signature		City, State, Zip Code

FOR OFFICE USE ONLY:

Application #: <u>BZAV 4-12-13513</u>	Flood Zone: <u>VE-16 ; 365J</u>
Zoning District: <u>R-4</u>	Fee Paid: <u>\$250 #62520</u>
Date Filed: <u>4.20.12</u>	Zoning Officer: <u>SB</u>
TMS#: <u>614-00-00-461</u>	

Timothy Ascue

977 Gadsdenville Road, Awendaw, South Carolina 29429

April 17, 2012

Mr. Joel Evans
Land Resource Planner
Charleston County Planning Department
Lonnie Hamilton III Public Service Building
4045 Bridge View Drive
North Charleston, SC 29405-7464

RE: Letter of Intent for Lot Coverage Variance
Residential House Project on TMS No. 614-00-00-461
Charleston County, South Carolina

Dear Mr. Evans:

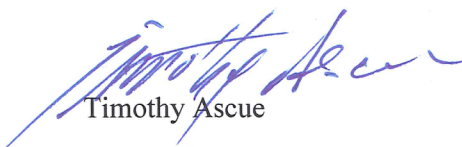
My family and I are intending to build a residential house on a 0.48 acre site at the end of Clarksville Court in the Ten Mile Community, near Awendaw, South Carolina. The cul-de-sac shape of the lot originated from the original subdivision layout of the "Grand Vista Development". However, that subdivision development has been superseded by the "VCR" rezoning of the 6.87 residual acreage of what is now known as the Heritage Farms tract and no future development is expected from that tract. The Heritage Farms tract is located to the east and south side of our 0.48 acre site. The property of Thomas & Corrie T. Tisdale borders our site to the north and the property of Lillie Glover Jackson borders our site to the west.

Our intent is to build a residential house with my wife and I occupying the north portion of the home and our daughter occupying the south portion of the home. Due to the odd shape of the property our architect, Mr. Byron Geddings has drawn up a unique house plan to avoid the existing 41" Live Oak and 26" Live Oak grand trees on the site, while satisfying the lot setbacks of the "R4" zoning and the maximum height requirement of 35' above the base flood elevation of 16.0 msl. In order to comply with the requirements of the proposed house plan, we are requesting a variance of the building lot coverage totaling 6,879 SF (33%) from the maximum lot coverage of 30% as required in the R4 Zoning.

We have engaged Mr. Jake Serrano of S² Engineering to provide the engineering site plan and calculations for the BZA application. Should you need additional information regarding the intent of our project, please feel free to contact Mr. Jake Serrano at (843) 478-6170.

Thank you for your attention.

With kind regards,



Timothy Ascue



T. Christi Ascue Kershaw

Attachments
cc: Jake M. Serrano

SUPPLEMENT TO LETTER OF INTENT

Timothy Ascue and T. Chisti Ascue Kershaw – TMS# 614-00-00-461

Variance Request for Lot Coverage

Page 1 of 2

APPROVAL CRITERIA FOR VARIANCE REQUEST:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property: *The property is located at the end of the cul-de-sac. Because of the irregular shape of the boundary lines and the presence of three (3) existing grand trees on the property, there exist extraordinary and exceptional conditions on the house design and construction. The location of the existing 41" Live Oak tree near the middle of the property makes it necessary to split the house design in two main areas, resulting in a larger overall building coverage for the site. The proposed design exceeds the building coverage requirement by 3%.*
2. These conditions do not generally apply to other property in the vicinity: *The properties in the vicinity of the site are generally larger, more regular in shape and have lot frontages along the road.*
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: *Because of the irregular shape of the property, as well as location and spacing of the existing grand trees, the application of the ordinance would unreasonably restrict the utilization of the property.*
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: *We affirm that 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. Surface water runoff from the property drains directly to the marshes of the state and the excess in building coverage will not be detrimental to adjacent properties.*

SUPPLEMENT TO LETTER OF INTENT

Timothy Ascue and T. Chisti Ascue Kershaw – TMS# 614-00-00-461

Variance Request for Lot Coverage

Page 2 of 2

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 profitable if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance: *The proposed residential house conforms with the "R4" zoning of the property.*
6. The need for the variance is not the result of the applicant's own actions: *We affirm that the need for the variance is not the result of the applicant's own actions.*
7. Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance. *We affirm that the granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance.*

[illegible]

TRACT P
TMS 614-00-00-063
299,318.91 sq.ft.
6,872 acres
(RESIDUAL)

LOT X-3D
PROPERTY OF
LILLIE GLOVER
JACKSON
TMS 614-00-00-369

N 64°49'49" E 199.91

DHEC/OCRM
CRITICAL LINE

GRAPHIC SCALE

(IN FEET)

1 inch = 20 ft.

C:\PROJECTS\S2 ENGINEERING\HERITAGE FARMS_ASCUE HOUSE PLOT PLAN 4-19-12.DWG

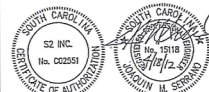
CONCEPTUAL
SITE PLAN
RESIDENTIAL HOUSE

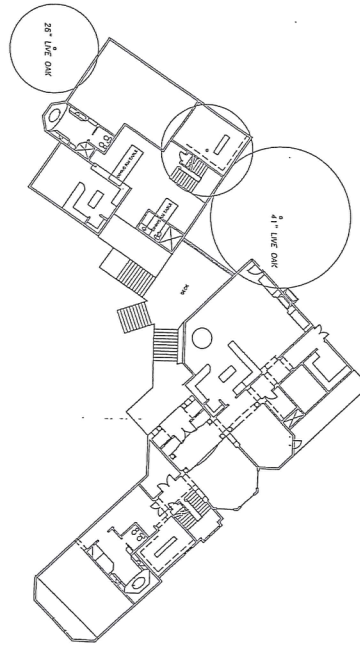
MR. TIMOTHY ASCUE
OWNER
GADSDENVILLE ROAD
CHARLESTON COUNTY, SOUTH CAROLINA
LOCATION

MR. TIMOTHY ASCUE
RESIDENTIAL HOUSE

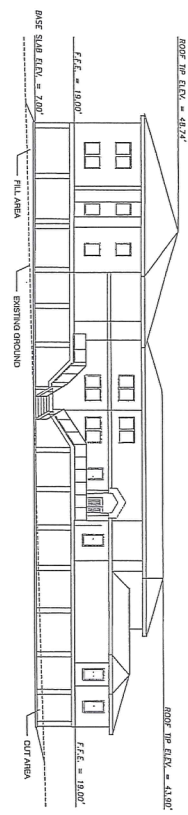
S² ENGINEERING
DESIGN • PLANNING

100-A Central Avenue, Suite 200
Goose Creek, South Carolina 29445
(843) 559-7992 Phone
(843) 818-0840 Fax

[illegible]



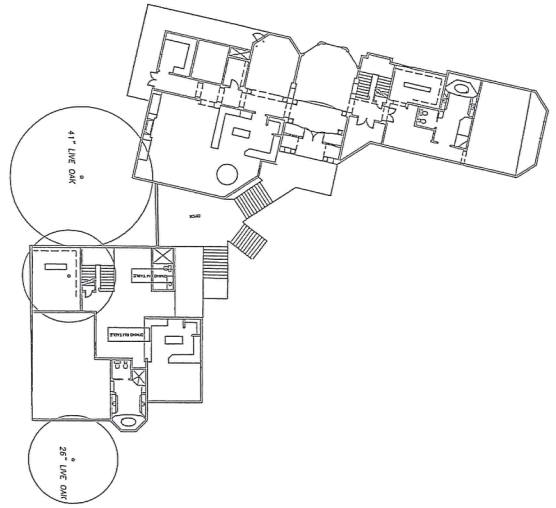
1 PLAN
1/16"=1'-0"



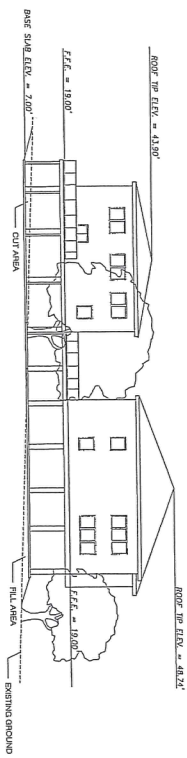
1 EAST FRONT ELEVATION
1/16"=1'-0"

C-2 2 3	DATE: 02/20/2012 BY: SSI REVISION: 1000.00 PROJECT: HERITAGE FARMS CLIENT: SSI DESIGNER: SSI APPROVED BY: JMS	CONCEPTUAL SITE PLAN RESIDENTIAL HOUSE DRAWING TITLE	MR. TIMOTHY ASCUE OWNER GADSDENVILLE ROAD CHARLESTON COUNTY, SOUTH CAROLINA LOCATION	MR. TIMOTHY ASCUE RESIDENTIAL HOUSE PROJECT TITLE	S² ENGINEERING DESIGN • PLANNING 100-A Central Avenue, Suite 200 Goose Creek, South Carolina 29445 (843) 566-7892 Phone (843) 518-0840 Fax	SOUTH CAROLINA S2 INC. No. C02251 REPUBLIC OF AUTHORITY JOSEPH M. SERRANO
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1 PLAN
1/16"=1'-0"



1 WEST REAR ELEVATION
1/16"=1'-0"



C-3 3 0	JOB NUMBER: 1000.00 DATE: FEBRUARY 20, 2012 DRAWN BY: SS1 CHECKED BY: SS1 DESIGNED BY: SS1 APPROVED BY: JLS	CONCEPTUAL SITE PLAN RESIDENTIAL HOUSE	DRAWING TITLE	
	MR. TIMOTHY ASCUE OWNER GADSDENVILLE ROAD CHARLESTON COUNTY, SOUTH CAROLINA LOCATION	MR. TIMOTHY ASCUE RESIDENTIAL HOUSE PROJECT TITLE		

S² ENGINEERING DESIGN • PLANNING 100-A Central Avenue, Suite 200 Goose Creek, South Carolina 29445 (843) 559-7592 Phone (843) 518-0540 Fax	SOUTH CAROLINA S2 INC. No. 002551 EXPIRATION DATE OF AUTHORIZATION: 12/31/13 J. H. S.
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