

### Case # BZA-08-25-00891

### Charleston County BZA Meeting of October 6, 2025

Applicant/Property Owner: Austin Franklin of Coastline Builders LLC

Property Location: 5014 Reese Lane – Johns Island

TMS#: 215-00-00-181

Zoning District: Agricultural Residential (AGR) Zoning District

### Request:

Variance request to reduce the required 30' rear setback by 25' to 5' for a proposed swimming pool.

### 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.



### **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			

<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.

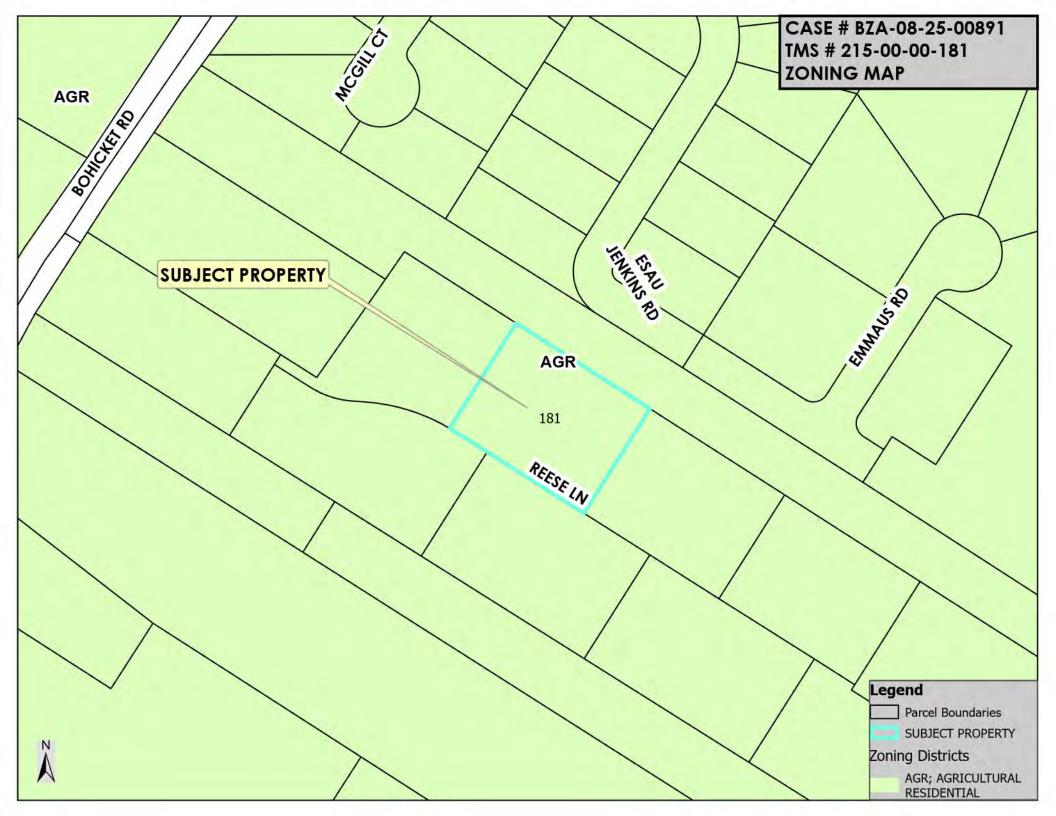
Effective on: 9/10/2017, as amended

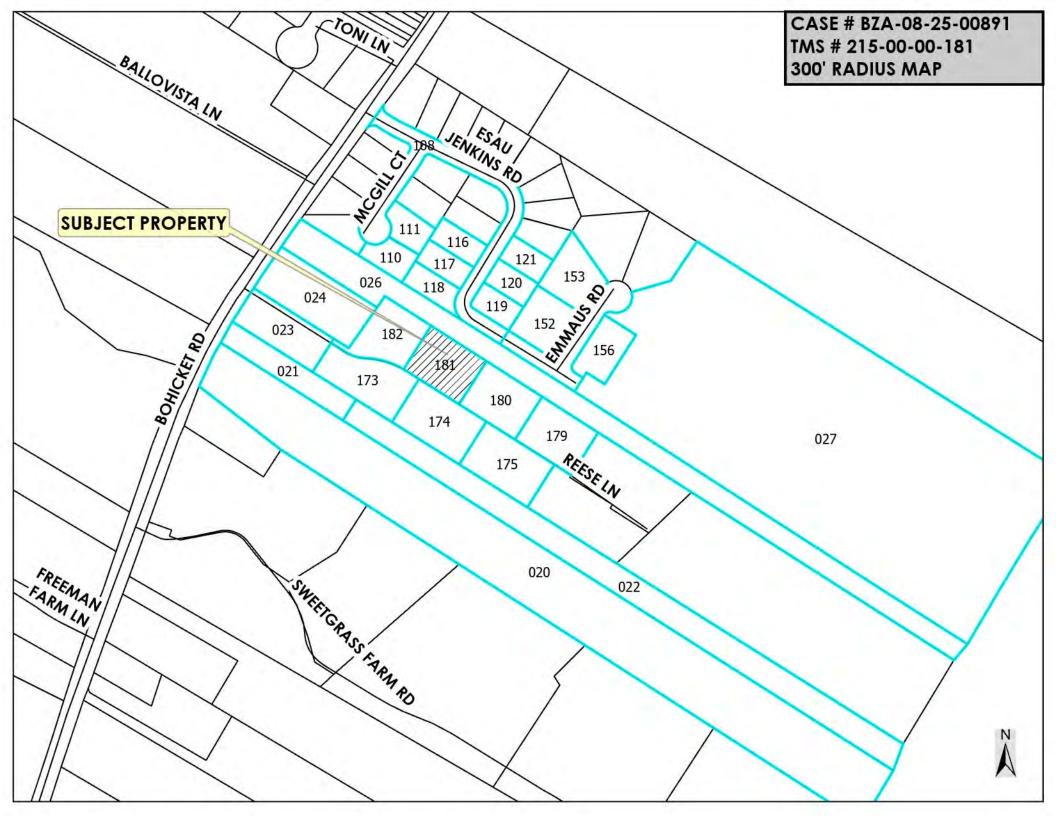
### Sec. 4.9.4 Other Regulations

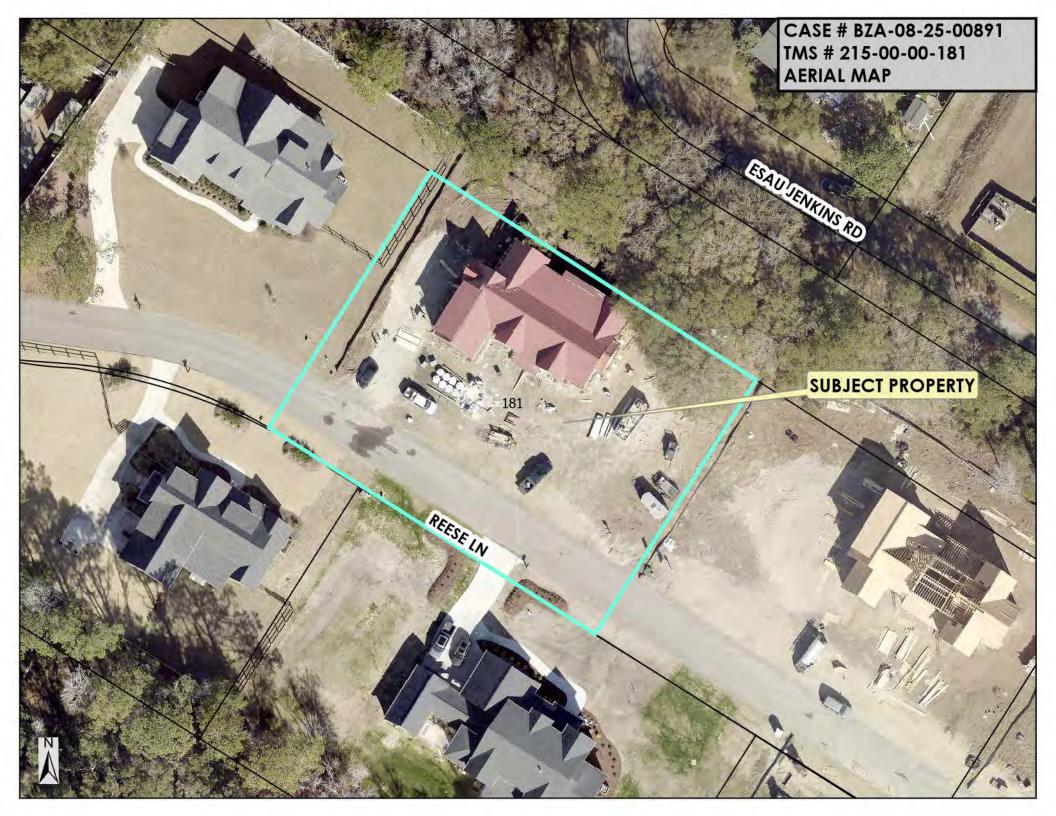
Development in the AGR District shall comply with all other applicable regulations of this Ordinance, including the standards of CHAPTER 9, *Development Standards*.

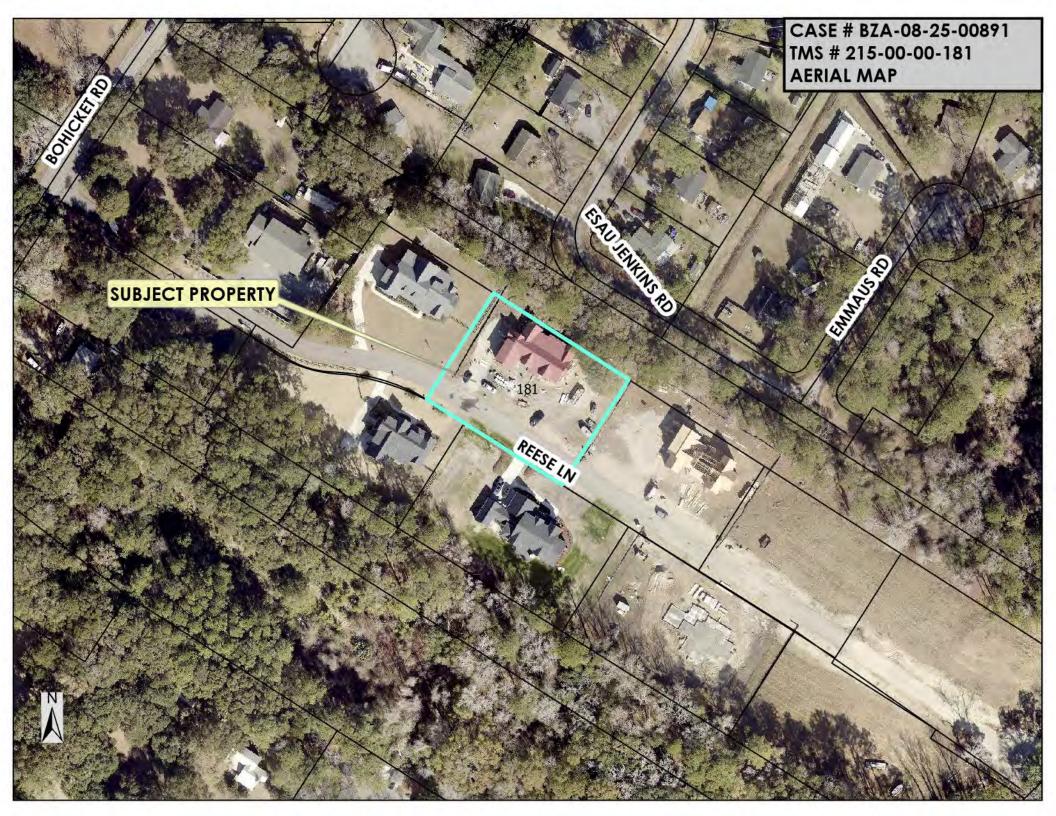
#### Sec. 4.9.5 Settlement Areas

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-08-25-00891
BZA Meeting of October 6, 2025
Subject Property: 5014 Reese Lane — Johns Island

Proposal: Variance request to reduce the required 30' rear setback by 25' to 5' for a proposed swimming pool.



# Subject Property Rear Yard Proposed Pool Location





# Subject Property

### **Front Yard**

Side Yard Septic Drain Field





### Staff Review:

The applicant and property owner, Austin Franklin of Coastline Builders, LLC, requests a variance to reduce the required 30' rear setback by 25', resulting in a 5' rear setback, for the installation of a proposed swimming pool at 5014 Reese Road (TMS # 215-00-00-181) on Johns Island in Charleston County. The subject property and surrounding properties are within the Agricultural Residential (AGR) Zoning District.

The 0.75-acre subject property contains a 3,301 sq. ft. single-family residence, which began construction in 2024. The home is consistent in size and character with others in the vicinity and complies with the requirements of the AGR Zoning District. However, due to the reduced buildable depth of the lot caused by changes in setback regulations, the remaining rear yard is too shallow to accommodate a swimming pool without a variance. The applicant's letter of intent explains, "Due to recent adjustments in setback regulations following the subdivision of our lots, there is currently inadequate space for a pool that meets the existing requirements. This has created a significant hardship for homeowners looking to enjoy such amenities. To elaborate on this hardship, the original subdivision of the lots occurred many years ago, and the setback rules for single-family homes on AGR parcels have since changed. Initially, the setbacks were set at 50 feet from the property line, which was located in the middle of Reese Lane. However, current regulations now state that setbacks must be measured 50 feet from the edge of the right-of-way, or in this case 15 feet from the property line into our front yard. As a result, under the current AGR zoning regulations, I now have only 62 feet of buildable setback area in which to construct my home. This limitation severely restricts our ability to utilize the yard for a pool, that now must be inside the same setbacks as the house. If the original property line had been used as the starting point for these setbacks—as shown in the old surveys—I would have been able to position my house 15 feet closer to the front of the lot, thereby allowing me more space to position a pool. This is where we are facing our hardship."

### 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.

Staff conducted a site visit of the subject property on September 17, 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:

The 0.75-acre subject property is located within the Agricultural Residential (AGR) Zoning District and was subdivided in 2006, along with several other parcels along Reese Lane (formerly Fairdale Lane). At the time of subdivision, front setbacks were measured 50 feet from the property line located at the centerline of Reese Lane. Subsequent revisions to the setback regulations now measure front setbacks from the edge of the right-of-way, which extends into the front yard. This regulatory change reduced the buildable depth of the lot by approximately 15 feet, creating an unusually shallow rear yard compared to what was originally intended and permitted when the subdivision occurred. As a result, there is inadequate space in the rear yard to accommodate a swimming pool within the required setback. Therefore, the request meets this criterion.

§3.10.6(2): Response: These conditions do not generally apply to other property in the vicinity; These conditions apply only to the properties along Reese Lane that were subdivided under the prior setback regulations. At least seven properties on this street share this unusual configuration, which now prevents the construction of backyard pools due to the shallower buildable area. Other nearby parcels, which are larger or were not subject to the same subdivision timing, are not affected by this condition and retain adequate rear yard depth for accessory improvements. 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 5014 Reese Lane would prohibit installation of a swimming pool, because the revised front setback reduces the depth of the rear yard. The strict application of the current AGR setback requirements prevents the reasonable use of the property for common residential improvements such as a swimming pool. Without a variance, the property owner would be denied a use that is customary and typical for residential properties of this size and character. 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:

The proposed pool will be located in the rear yard and screened by existing vegetation and fencing. The reduced rear setback will not adversely affect neighboring properties, as the pool will not create additional noise, traffic, or visual impacts beyond what is typical for residential development. The variance, if granted, will maintain the residential character of the AGR district and will not impair the intent of the zoning ordinance. **The applicant's letter of intent states,** "We believe that an inground swimming pool in our back yard would not disrupt our neighbors or impact the character of the zoning district. Additionally, there is a 60 ft strip of unbuildable land behind our property. The pool would be situated on our side of an 8-ft privacy fence, ensuring it remains discreet **and out of view from neighboring lofs."** Therefore, 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 <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 hardship arises from changes to the AGR setback regulations that occurred after the subdivision of Reese Lane in 2006. At the time the lots were created, the front setback was measured from the centerline of Reese Lane, leaving a deeper buildable area in the rear yard. The regulatory change requiring setbacks to be measured from the edge of the right-of-way reduced the effective depth of the lot, leaving insufficient space for a pool in the rear yard. This condition was not created by the applicant but is the direct result of subsequent ordinance changes outside the applicant's control. 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 variance supports the reasonable residential use of the property and is consistent with the **Comprehensive Plan's** goals of supporting rural residential character while allowing for compatible accessory uses. The requested reduction of the rear setback for a swimming pool does not undermine the intent of setback requirements, which are primarily

intended to ensure adequate spacing, access, and safety. 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 the Case # BZA-08-25-00891 [Variance request to reduce the required 30' rear setback by 25', resulting in a 5' rear setback, for the installation of a proposed swimming pool at 5014 Reese Road (TMS # 215-00-00-181) on Johns Island in Charleston County] based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

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

Property Information			
Subject Property Address:	5014 Reese L	n. Johns	Island, SC 29455
	5-00-00-		
Current Use of Property: Le	sidential Sir	gle Famil	ly Home
Proposed Use of Property: Ves	idential Single	e Family H	ome with Swimming Pool
Zoning Variance Description:	3		
Applicant Information (Requ	ired)		i i
Applicant Name (please print):	Austin Fra	nklin	
Name of Company (if applicable):	^	Builders	(Sole member LLC)
Mailing Address:			
City:	State:		Zip Code:
Email Address:		PI	none #:
Applicant Signature:	with DOi	1	Date: 8-13-25
Representative Information	(Complete only if applicabl	e. Attorney, Builder, Er	ngineer, Surveyor etc.)
Print Representative Name and Na	ame of Company:		
Mailing Address:			
City:	State:		Zip Code:
Email Address:		Ph	none #:
Designation of Agent (Comple	ete only if the Applicant liste	ed above is not the Pro	perty Owner.)
I hereby appoint the person name	d as Applicant and/or Repre	esentative as my (our)	agent to represent me (us) in this application.
Property Owner(s) Name(s) (pleas	e print):		
Name of Company (if applicable, L	LC etc.):		
Property Owner(s) Mailing Addres	s:		
City:	State:	Zip Code:	Phone #:
Property Owner(s) Email Address:			
Property Owner(s) Signature:			Date:
		FFICE USE ONLY:	
Zoning District: AGR	Flood Zone:	645K) Date F	led: 8/29/25 Fee Paid: \$250
Application #: BZA-08	25-008 TMS #: 6	215-00-00	Staff Initials: yw
		11 12 12 12 12	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.)

Please See the attached photographs, pool plan and request letter for more details.

### 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:

The Setback rules for AGR parcels on Single-Family homes have changed Since our Small neighborhood's lots were Subdivided in 2006. Previously, the Setbacks were measured at 50 ft from the property line, located at/in the Center of Reese lane, but the new rules now measure setbacks at 50 ft from the edge of right-of-way which is in our front yard. As a result, we have lost 15 ft from our backyard leaving a small buildable setback area for our home and no space for a pool.

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

only the properties that were previously subdivided that are now too shallow to allow a pool in the backyard due to Current AGR setback rules.

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:

without this variance there is no way to add a pool to our 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:

We believe that an inground Swimming pool in our back yard would not disrupt our neighbors or impact the Character of the Zoning district. Additionally, there is a 60 Ft Strip of unwildable land behind our property. The pool would be situated on our side of a 8-Ft privacy Pence ensuring it remains

discreet and out of view from neighboring lots.

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?

We believe this variance request meets the necessary Criteria, as our intention is to make the best use of our backyard space.

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

This variance request is made for our personal plans, and we would greatly appreciate your approval to allow us the opportunity to install a Swimming pool.

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

This variance request closs not Conflict with the Charleston County Comprehensive Plan.

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.

### Dear Charleston County Zoning Department,

I hope this letter finds you well. I am reaching out to formally request a variance that would permit the installation of a swimming pool in the backyard at 5014 Reese Ln, Johns Island, SC 29455. Due to recent adjustments in setback regulations following the subdivision of our lots, there is currently inadequate space for a pool that meets the existing requirements. This has created a significant hardship for homeowners looking to enjoy such amenities.

To elaborate on this hardship, the original subdivision of the lots occurred many years ago, and the setback rules for single-family homes on AGR parcels have since changed. Initially, the setbacks were set at 50 feet from the property line, which was located in the middle of Reese Lane. However, current regulations now state that setbacks must be measured 50 feet from the edge of the right-of-way, or in this case 15 feet from the property line into our front yard. As a result, under the current AGR zoning regulations, I now have only 62 feet of buildable setback area in which to construct my home. This limitation severely restricts our ability to utilize the yard for a pool, that now must be inside the same setbacks as the house. Current AGR zoning for single family homes also requires all lots to be at least 1 acre in size but ours is only 0.748 acres since it was subdivided so long ago.

If the original property line had been used as the starting point for these setbacks—as shown in the old surveys—I would have been able to position my house 15 feet closer to the front of the lot, thereby allowing me more space to position a pool. This is where we are facing our hardship.

Below are the other key reasons for my variance request:

- 1. Family Health and Safety: A pool would provide a vital recreational area for our family, encouraging physical fitness and offering a secure environment for leisure activities in the hot summer months.
- 2. Minimal Impact on Neighbors: I have thoughtfully selected the proposed location of the pool to minimize disruption, if any, to neighboring properties. Additionally, I will ensure the pool design incorporates landscaping and fencing to enhance privacy and safety.
- 3. Commitment to Compliance: I am dedicated to adhering to all relevant safety and fencing regulations related to pool installations in the Charleston area. I will obtain the necessary permits and comply with any inspections mandated by the county.

Given the unique circumstances surrounding the changed setback regulations that limit my ability to utilize my property effectively, I believe a variance would be an appropriate solution. Additionally, having a pool onsite would help alleviate traffic on our already busy roads, as it would eliminate the need for residents to travel elsewhere to cool off.

We would appreciate the opportunity to discuss this variance request in further detail and provide any additional information you may require supporting our application. Thank you for your consideration.

## Austin Franklin

N RESIDENCE
REESE LANE - LOT 9
IS ISLAND, SC

501 JOF

ARCHITECTURAL SITE PLAN

Project number 2266.9

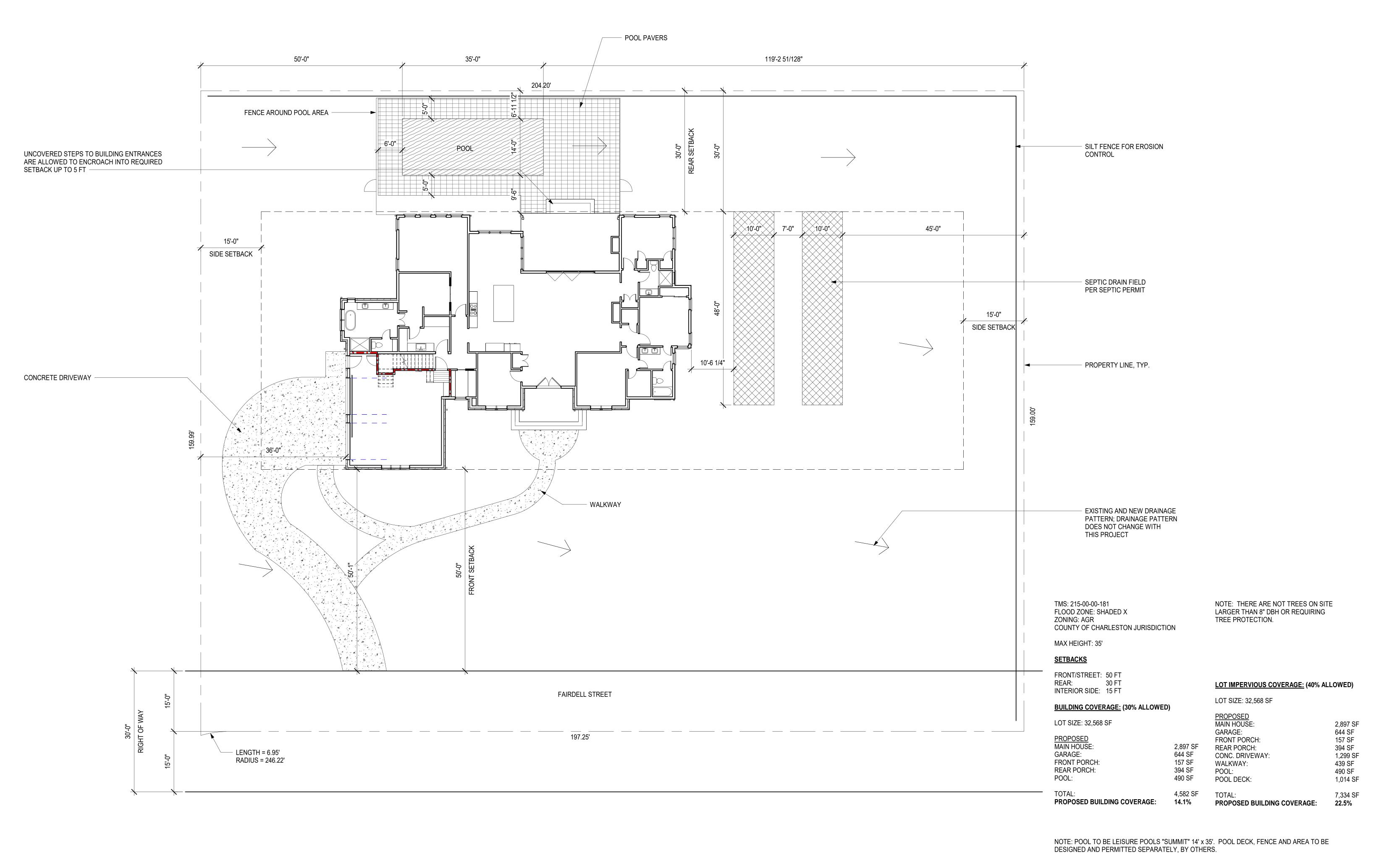
Project number 2266.5

Date 07/09/2024

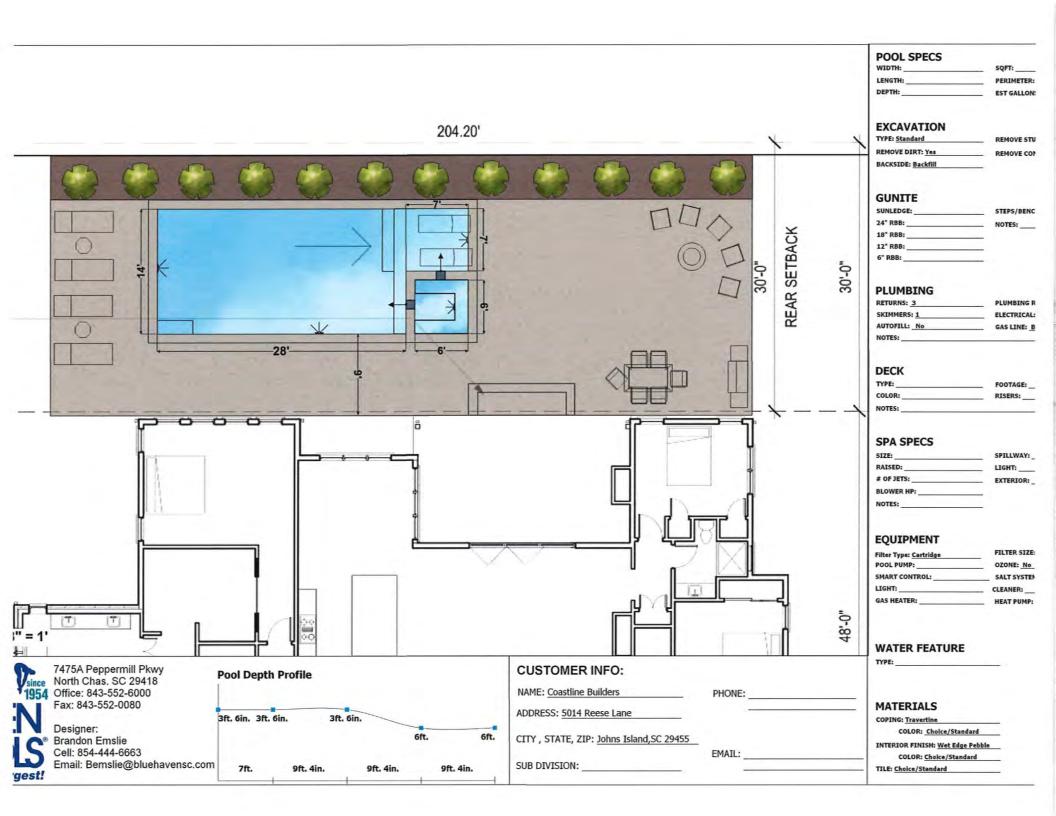
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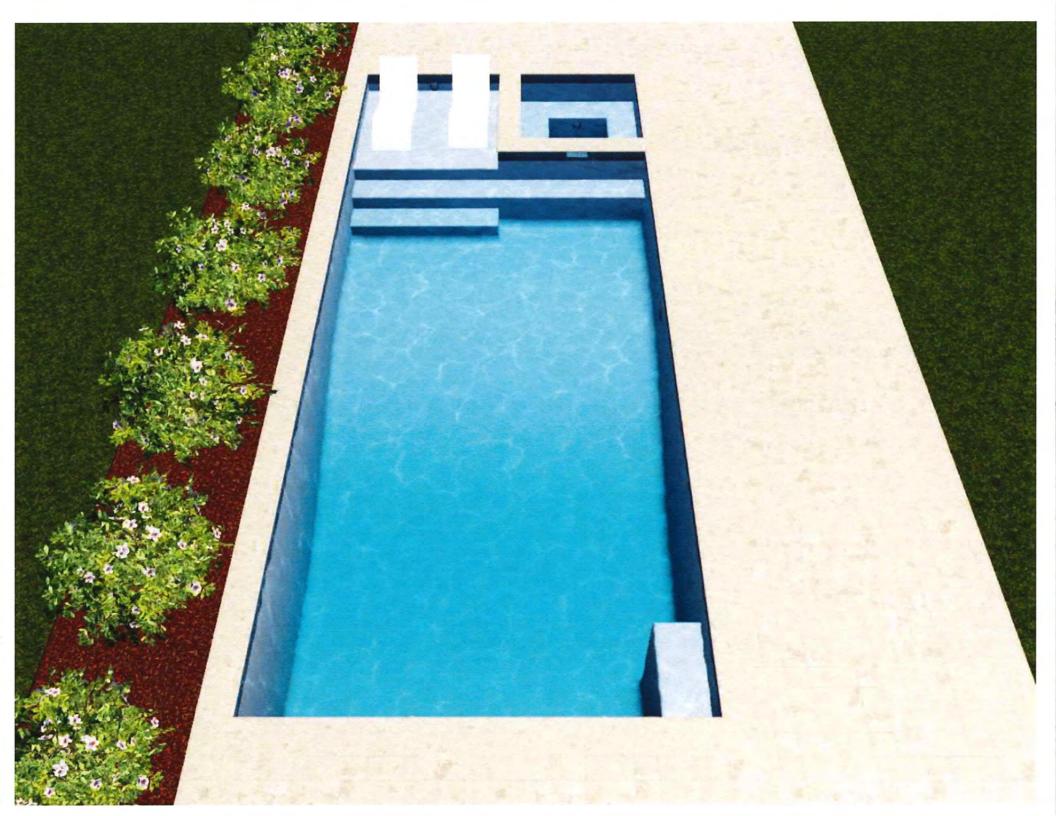
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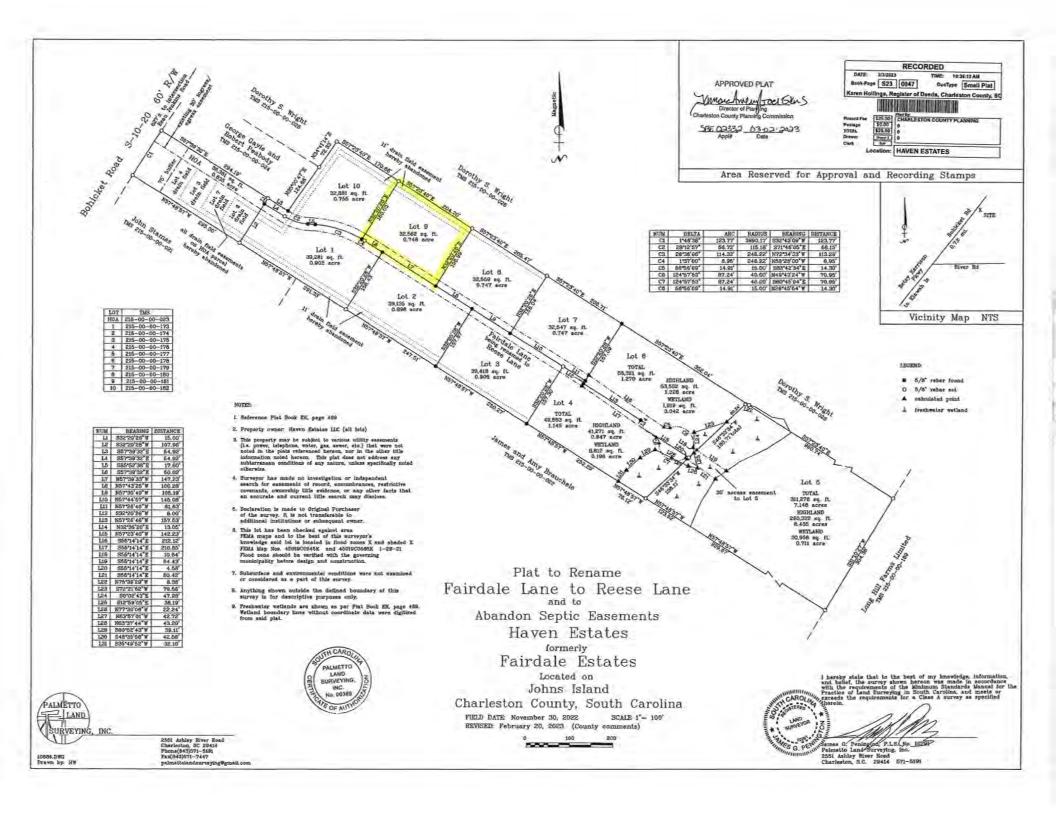
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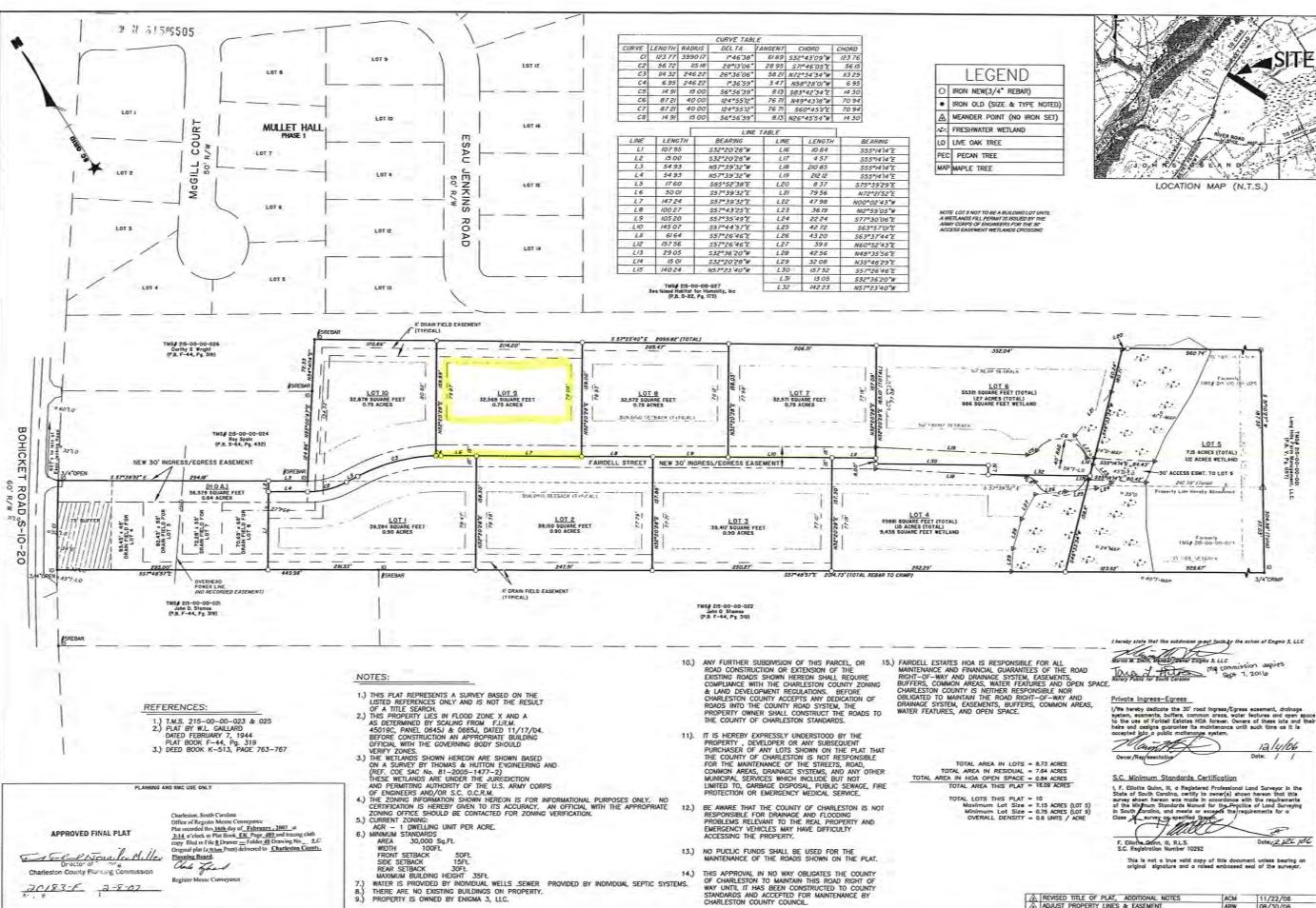












WATER IS PROVIDED BY INDIVIDUAL WELLS .SEWER PROVIDED BY INDIVIDUAL SEPTIC SYSTEMS.
 THERE ARE NO EXISTING BUILDINGS ON PROPERTY.
 PROPERTY IS OWNED BY ENIGMA 3, LLC.

Ü S ш S ESTAT ISLAND COUNTY.

FAIRDELL JOHN'S I

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AC CREATE 60.84 40 AREA ( FINALSUBDIVISION PLAT O PARCELS BEING COMBINED T LOTS 1 THROUGH 10 ANI E OWNERS ASSOCIATION AREA OWNED BY ENIGMA 3, LL

HOME

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SHEET OF

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