



Case # BZA-08-22-00609

Charleston County BZA Meeting of October 3, 2022

Applicant & Property Owner - 20' utility easement: Donald E. Benjamin of Charleston Water System

Representative: Tammy L. Huggins of Ardurra Group, Inc.

Project Location: The Grand Tree is located on CWS's 20' wide utility easement on TMS # 315-00-00-014 – Johns Island

TMS#: 315-00-00-014

Zoning District: Low Density Residential (R-4) Zoning District

Request: Variance request to encroach more than twenty-five percent (25%) of the protected area of a 25" DBH Grand Live Oak Tree for proposed Charleston Water System (CWS) utility construction.

Requirement: *The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.4.E. Required Tree Protection states, "Limited encroachments into the area located within Tree barricades may be allowed by the Zoning and Planning Director provided that encroachments do not constitute more than 25 percent of the protected area beneath a Tree and do not occur in the area located within three times the DBH in inches from the trunk of the Tree unless otherwise approved by the BZA. Any paving, Grading, trenching, or filling of the protected area must be pre-approved by the Zoning and Planning Director or the Board of Zoning Appeals, as required by this Ordinance, and may require specific construction techniques to preserve the health of the Tree. When grading and construction within the protected area of a Tree has been approved, all damaged roots shall be severed clean."*

Sec. 9.2.5.B. Tree Removal states, "Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees."



CHAPTER 9 | DEVELOPMENT STANDARDS

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(Ord. No. 2177, 10/26/2021)

ARTICLE 9.1 PURPOSE AND APPLICABILITY

- A. Unless expressly stated, the articles in this Chapter apply to Development occurring on property within unincorporated Charleston County.
- B. The regulations contained in this Chapter are intended to:
 - 1. Protect the public health, safety, and general welfare;
 - 2. Promote harmonious, orderly, sustainable, and resilient Development;
 - 3. Foster civic beauty by improving the appearance, character and economic value of civic, commercial and industrial Development within the unincorporated areas.
 - 4. Implement the goals, objectives, and policies of the Comprehensive Plan;
 - 5. Facilitate safe transportation, access, vehicular circulation, and parking;
 - 6. Assure the protection and preservation of natural resources, such as Trees and wetlands;
 - 7. Implement the use of vegetated buffers in order to mitigate the effects of incompatible adjacent uses, to provide transition between neighboring properties and Streets, to moderate climatic effects, and to minimize noise and glare;
 - 8. Prioritize low-impact design strategies in order to increase the resilience of Charleston County and preserve the landscape and character of the Lowcountry;
 - 9. Implement basic architectural standards, Right-of-Way buffer standards, and Sign standards that will promote attractive, well-designed Development, foster balanced streetscapes, and reduce visual clutter along major Roadways, thus enhancing safe traffic flow; and
 - 10. Ensure protection from fire, flood and other dangers, and furthering the public welfare in any regard specified by a local governing body.
- C. At the discretion of the Zoning and Planning Director, the land use buffer and other Development standards contained in this Chapter may be modified for properties in the Industrial Zoning District that contain existing development on multiple Parcels.

ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

Sec. 9.2.1 General



- A. Trees are essential natural, invaluable economic, and priceless aesthetic resources. They play a critical role in purifying air and water, providing wildlife habitat, enhancing natural drainage, and managing stormwater and sediment. They also help conserve energy by providing shade and shield against noise and glare. Trees promote commerce and tourism by buffering different land uses and beautifying the landscape. For these and other reasons, this Article is intended to enhance the health, safety and welfare of Charleston County and its citizens and visitors.
- B. Applicability and Exemptions.**
1. The provisions of this Article apply to all real property in unincorporated Charleston County, except as otherwise expressly exempted.
 2. The following are exempt from the provisions of this Article:
 - a. Single family detached residential Lots of record are exempt except for those relating to Grand Tree documentation, protection and replacement. This does not exempt applications for Major or Minor Subdivisions from the requirements of Sec. 9.4.4, *Landscape Buffers*.
 - b. This Article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines, and existing Easements in accordance with applicable state laws. Siting and construction of future gas, telephone, communications, electrical lines, or other Easements shall not be exempt from the provisions of this Article.
 - c. Removal of Trees for "bona fide forestry operations" shall comply with state law.
 - d. Removal of Trees for Bona Fide Agricultural Uses pursuant to Sec. 3.8.2, *Exemptions, Sub-Paragraph A*, provided this exemption does not apply to the Grand Tree documentation, protection, and replacement requirements of this Ordinance.
 - e. Removal of trees for safe clearance of aircraft as required by federal law or the establishment of facilities exclusively dedicated to Aviation operations are exempt.
 - f. Removal of Trees on properties in the Industrial (IN) District pursuant to the following conditions:
 - i. Tree removal shall not occur prior to Site Plan Review approval;
 - ii. This exemption does not apply to Live Oak species of Grand Trees or any Protected Trees within required buffers and Parking Lots; and
 - iii. A mitigation plan for Grand Trees, Protected Trees, and any Trees removed in violation of this Ordinance is required pursuant to Sec. 9.2.6, *Tree Replacement*, prior to Site Plan Review approval.
 3. The South Carolina Department of Transportation (SCDOT) and Charleston County Public Works (CCPW) are hereby exempt from the provisions of this Article with the following exceptions:
 - a. All Tree species measuring six inches or greater Diameter at Breast Height (DBH) that are located in Rights-of-Way along Scenic Highways shall be protected and where necessary, may require a variance from the BZA for removal pursuant to Sec. 9.2.5, *Tree Removal, Sub-Paragraph B* and Sec. 9.2.6, *Tree Replacement*.
 - b. Grand Tree Live Oak species in all present and proposed Rights-of-Way and Easements shall be protected and where necessary, may require a variance from the BZA.
 - c. All Grand Trees other than Live Oak species in all present and proposed Rights-of-Way and Easements not located on a Scenic Highway are protected but may be permitted administratively for removal when mitigated pursuant to Sec. 9.3.5, *Tree Replacement*.
- C. **Definition of "Tree Removal."** For the purpose of this Article, the term "Tree Removal" shall include, but not be limited to, damage inflicted to the root system by machinery; girdling; storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk; damage inflicted on the Tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; excessive paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree; excessive grading; or any act of malicious damage to a Tree. Pruning or thinning more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature Tree that is pruned within a growing season shall be considered excessive. Paving or grading more than 25 percent of the root zone of the Tree protection area shall also be considered excessive. Additionally, one-half of the foliage of a mature Tree is to remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning. The final determination of Tree Removal shall be made by the Zoning and Planning Director.
- D. **Measurements and Definitions.**



1. If a tree trunk splits at ground level and the trunks do not share a common base (separated by earth at natural grade), then each trunk shall be measured as a separate Tree. If a multi-trunk Tree splits below the four and one half foot mark and the trunks share a common base, all trunks shall be measured separately, added together, and counted as one tree, unless the trunks are of different species. Any trunk measuring less than eight inches DBH is not included in the calculation.
2. For trees between a four-inch and 12-inch caliper, the trunk is measured 12 inches above the ground.
3. All Grand Trees are prohibited from removal unless otherwise exempted by this Ordinance, a Grand Tree Removal Permit is issued, or if the removal is part of an approved Bona Fide Forestry Operation.
4. Limited removal is allowed only when specified in this Article.

Sec. 9.2.2 Administration

A. Zoning Permit Required.

1. Removal of Grand and Protected Trees is prohibited prior to the issuance of a Zoning Permit, which may be issued after a Tree plan is approved by the Zoning and Planning Director, pursuant to Sec. 9.2.3, *Tree Plans and Surveys*.
 2. *Excess Canopy (Limb) Removal*.
 - a. Removal of three or more limbs with an individual diameter of six inches or greater requires a Zoning Permit.
 - b. Removal of any size limbs contributing to more than 100 continuous linear feet of canopy over public Roadways requires Variance approval from the BZA. This requirement does not preclude SCDOT, CCPW, or other entities from maintaining height clearances at a minimum of 14 feet, width clearances within designated travel ways, and removing unprotected Trees along Rights-of-Way for road widening projects.
- B. Tree plans prepared by a licensed surveyor, civil engineer, forester, arborist, or landscape architect are required on all non-exempt Parcels before Zoning Permit is issued.

Sec. 9.2.3 Tree Plans and Surveys

A. General.

1. Tree plans of the same scale as, and superimposed on, a Development site plan or Preliminary Plat shall include location, number, size (DBH), and species with a scaled graphic representation of each Grand Tree, along with the canopy size and shape, and trunk location.
2. Tree surveys shall include the name, phone number, address, signature, and seal of a licensed surveyor, civil engineer, forester, arborist, or landscape architect registered in the State of South Carolina.
3. The survey shall include all Trees to be protected or preserved, and those scheduled to be removed, including dead and damaged Trees. In cases where a previously approved recorded Plat is utilized for the purpose of Tree plans, the name, address, phone number, signature, and seal of the licensed surveyor, civil engineer, or landscape architect registered in the State of South Carolina shall be provided. A scaled infrared or high resolution black-and-white aerial photograph or print of equal quality may be substituted in cases where the Director determines that it would provide the same information as a Tree plan. However, all Grand Trees within 40 feet of proposed construction and land disturbance areas and Trees within required buffers must be surveyed and mapped.

B. Refer to Sec. 8.4.2, *Application*, Sub-Paragraph A.4.

C. Commercial, Industrial, and Multi-Family, Civic/Institutional, and Other Uses.

1. All Tree surveys must show the location, number, size, and species of all Trees with eight or more inches DBH, including those scheduled to be removed.
2. When there are no Trees that are eight or more inches DBH, documentation to that effect shall be provided from a licensed surveyor, civil engineer, forester, arborist, or registered landscape architect.

D. Agricultural and Single-Family Detached Residential Uses must show all Grand Trees within 40 feet of the area of construction land disturbance, Rights-of-Way, and Easements, and in conjunction with the Subdivision regulations at the time a Zoning or Building Permit application is made.

Sec. 9.2.4 Required Tree Protection



A. General.

1. All Grand Trees and any other Trees required to remain on a site must be protected during construction and Development of a Parcel. Tree protection must be shown on all Development plans prior to site plan approval. A site inspection of the Tree barricades must be scheduled by the Applicant with the Zoning and Planning Department for approval prior to the issuance of permits or the start of Development activities.
 2. Prior to issuance of a Zoning Permit, a pre-construction planning conference is required for on-site Tree preservation with the Zoning and Planning Director or staff representative, the Applicant(s), and any appropriate parties for determining if there is need for additional Tree protection techniques and for designating placement of Tree barricades, construction employee parking, temporary construction office, and dumpsters.
- B. Prior to the start of Land Development activities, protective Tree barricades shall be placed around all Required Trees in or near Development areas. The barricades shall be constructed of wood, metal, or plastic fencing or other materials approved by the Zoning and Planning Director, and include a top rail. Tree barricades shall be placed beneath the canopy Drip Line or one-and -one-half feet times the DBH of the Tree as a radius from the trunk, whichever is greater. Other protective devices or construction techniques may be used as approved by the Zoning and Planning Director. Three inches of mulch shall be installed and maintained within all Tree barricade areas. The mulch shall remain in place throughout Development activities. The area within the Tree barricade shall remain free of all Building materials, dirt, fill, and other construction debris, vehicles, and Development activities. All Required Trees are also subject to the requirements of Sec. 9.4.6, *Landscape Materials Standards*, and Article 11.3, *Enforcement Responsibility and Complaints*.
- C. In no case shall any paving, filling, grading, Building, or construction footing occur or be placed within three times the DBH in inches from the trunk of the Tree, unless otherwise approved by the Board of Zoning Appeals.
- D. Limited Clearing and Grubbing may be authorized by the Zoning and Planning Director prior to the installation of Tree barricades on sites that exhibit unusually heavy undergrowth and where access to the interior of the site and its Protected Trees is impractical. Limited Clearing shall be for the express purpose of accessing the property and Protected Trees to erect the Required Tree barricades and silt fencing. Such limited Clearing shall be done with hand tools, push or walk -behind equipment, or lightweight bush-hog type equipment designed for brush and undergrowth Clearing and which is not capable of removing vegetation greater than three inches in diameter. Under no circumstances may metal-tracked bulldozers, loaders, or similar rider/operator equipment be allowed on site until the Tree barricades are erected and a Zoning Permit is issued.
- E. Limited encroachments into the area located within Tree barricades may be allowed by the Zoning and Planning Director provided that encroachments do not constitute more than 25 percent of the protected area beneath a Tree and do not occur in the area located within three times the DBH in inches from the trunk of the Tree unless otherwise approved by the BZA. Any paving, Grading, trenching, or filling of the protected area must be pre-approved by the Zoning and Planning Director or the Board of Zoning Appeals, as required by this Ordinance, and may require specific construction techniques to preserve the health of the Tree. When grading and construction within the protected area of a Tree has been approved, all damaged roots shall be severed clean.
- F. Prior to issuance of a Zoning Permit for uses other than Single-Family Detached Residential, the following numbers of Trees with a DBH of eight inches or greater shall be preserved and protected pursuant to the requirements of this Ordinance. Preservation and protection of native Trees is to be prioritized.
1. 20 Trees per acre; or
 2. Any number of Trees with a combined DBH of at least 160 inches per acre.
- G. When Lots lack a sufficient number of Trees to meet the requirement for DBH/number of Trees per acre, this requirement shall be fulfilled by existing Trees and must equal 40 inches per acre combined DBH. On Lots with less than 40 inches per acre combined DBH, additional Trees shall be planted on the Lot equaling or exceeding 40 inches per acre combined DBH. Planting schedules shall be approved by the Zoning and Planning Director.
- H. Required drainage improvements, such as Detention and retention ponds and wetlands, may be subtracted from the area used to calculate Tree preservation requirements.

Sec. 9.2.5 Tree Removal

- A. Permits for Tree removal may be approved where one or more of the following conditions are deemed to exist by the Zoning and Planning Director:
1. Trees are not required to be retained by the provisions of this Article.



2. Trees are diseased, dead, or dying. Documentation may be submitted by a qualified tree care professional and approved by the Zoning and Planning Director;
 3. Trees pose an imminent safety hazard to nearby Buildings, pedestrian, or vehicular traffic (as determined by the Zoning and Planning Director or a qualified construction professional); or
 4. Removal of Required Trees has been approved by the Board of Zoning Appeals.
- B. Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees.
- C. In the event that a Tree poses a serious and imminent threat to public safety due to death, disease, or damage resulting from emergencies including, but not limited to, fires, flooding, storms, and natural disasters, the Zoning and Planning Director may waive requirements of this Article. Documentation shall later be submitted for review outlining the threat to public safety which initiated the removal. Documentation must include any written findings by a qualified professional and photographs supporting the Tree Removal emergency.
- D. The Zoning and Planning Director may require replacement of Required Trees that are removed where it is determined that death or disease resulted from negligence.
- E. Violations and penalties are specified in **CHAPTER 11, *Violations, Penalties, and Enforcement***, of this Ordinance.

Sec. 9.2.6 Tree Replacement

- A. Tree replacement shall be required accompanying Development on all non-exempt properties in the manner described below:
1. When replacement Canopy Trees are required in fulfillment of the requirements of this Article, they shall be no smaller than two and one-half-inch Caliper.
 2. The Zoning and Planning Director or Board of Zoning Appeals is empowered to require Trees of larger Caliper as determined appropriate for site-specific conditions and the circumstances, lawful or illegal, under which removal occurred.
- B. When Trees of eight inches DBH or greater have been removed in violation of this Ordinance, replacement Trees shall be planted in the same general area according to a replacement schedule approved by the Zoning and Planning Director.
- C. Where sites were cleared of Trees prior to the adoption of this Article or have been cleared subsequently for activities exempted from this Article, replacement Trees shall be planted, the combined Caliper of which equals or exceeds 40 inches per acre. Replacement schedules, including number, species, Caliper, and placement shall be approved by the Zoning and Planning Director.
- D. The Tree Fund is established to receive monies exacted from tree removal violation fines or other Tree removal mitigation, to include, but not limited to, removal, damage, destruction, or as defined in Sec. 9.2.1.C of this Chapter, and as a form of mitigation when planting of the Required Trees is determined to be detrimental to the overall health of existing Trees or impractical for the intended site design. The Zoning and Planning Director shall impose a Tree Mitigation fee based on the current market retail value of two-and one-half inch Caliper Trees installed to the American Association of Nurserymen Standards. The Applicant shall provide a minimum of two quotes from local (tri-county area) contractors for review and fee determination by the Zoning and Planning Director. If the Applicant disagrees with the amount of the Tree Mitigation fee imposed, they may file appeal with the Board of Zoning Appeals in accordance with the provisions contained in this Ordinance. All Tree Mitigation fees collected shall be paid to the County Treasurer and placed in an account established exclusively for public beautification through the planting of trees in Charleston County.
- E. When Trees have been removed through an approved mitigation program and the project will not be completed for any reason (i.e., bankruptcy, abandonment, change in ownership, etc.), the owners of the Subject Property are responsible for the mitigation of the removed Trees as outlined and agreed or subject to Sec. 9.2.6.D of this Chapter.

Sec. 9.2.7 Inspections and Final Approval



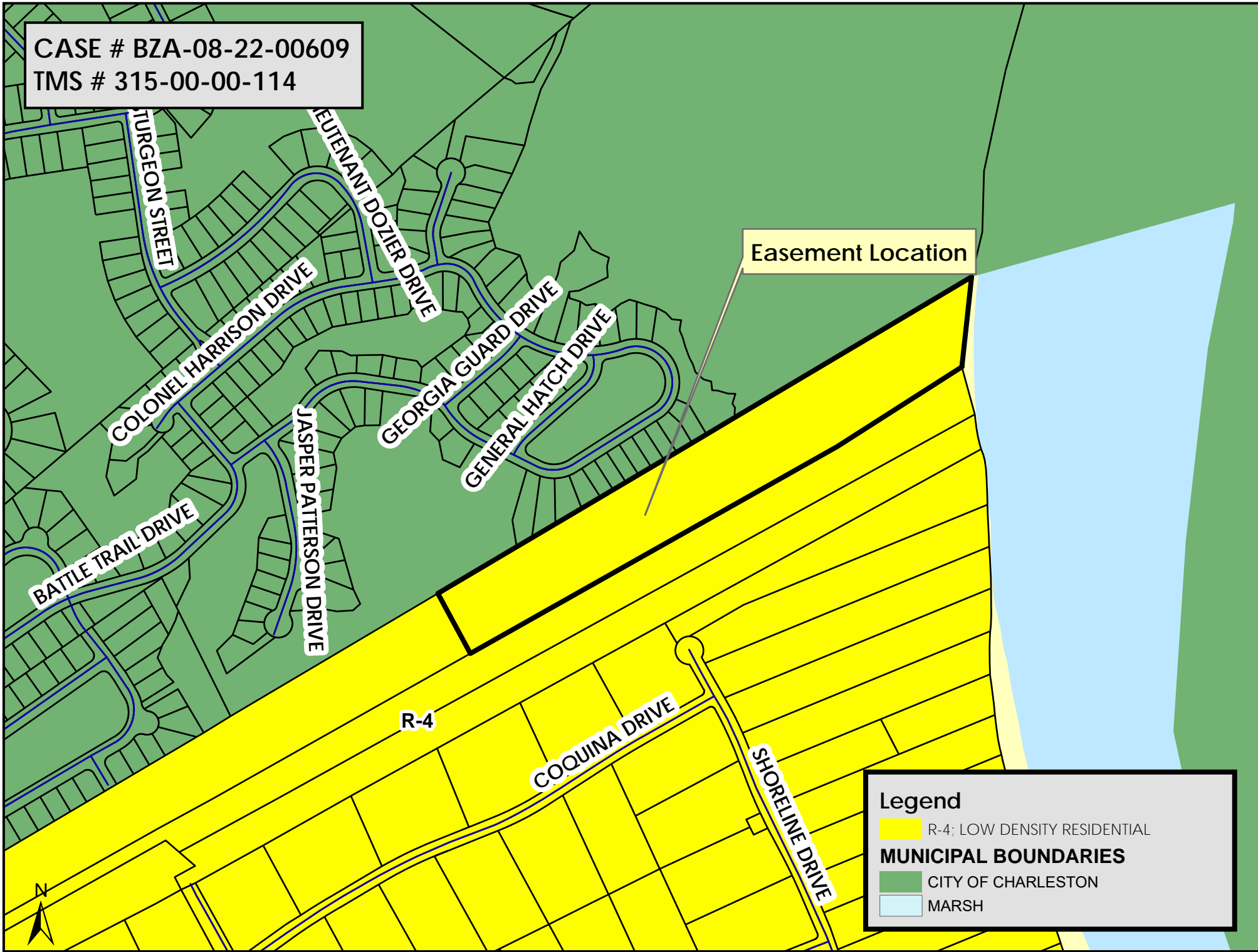
- A. The Zoning and Planning Director may periodically visit Development sites prior to completion to monitor compliance with the Tree plan approved for a project.
- B. Prior to issuance of a Certificate of Occupancy by the Director of Building Services, the Zoning and Planning Director shall issue a statement of approval attesting to the Developer's compliance with the site plan approved for the project (including landscaping, parking, drainage, etc.). The Director of Building Services shall withhold Certificates of Occupancy pending verification of compliance. It is the responsibility of the owner or agent to contact the Zoning and Planning Director regarding the compliance inspection, which will occur within five working days of contact. Failure to obtain a Certificate of Occupancy prior to occupying or using the Building for its intended purpose will result in ticketing and fines.
- C. The Zoning and Planning Director may approve a delayed schedule for planting materials (provided by the Applicant's contractor) when the immediate planting schedule would impair the health of the Plants. When a delayed planting schedule is approved, the Applicant shall provide a bond equivalent to one and one-half times the projected cost of the planting materials and installation in accordance with the American Association of Nurserymen Standards. This is designed to include severe weather, such as droughts, heat waves, and floods. The Applicant shall provide a minimum of two quotes from local (tri-county area) contractors for review and the bond amount shall be determined by the Zoning and Planning Director.
- D. Within three years of the issuance of the Certificate of Occupancy, the Zoning and Planning Director may perform a site inspection to verify the health of Trees and landscaping that were retained to meet the requirements of this Article and which may have suffered damage due to insufficient protective measures during Development.
- E. Each Required Tree or Plant determined by the Zoning and Planning Director to be diseased or injured to an extent it is irreparably damaged shall be approved for removal. The burden of proof of the extent of disease or injury shall rest with the Applicant, who must provide documentation from a qualified landscaping professional. Any Tree or landscaping damaged during or as a result of construction shall be repaired to the satisfaction of the Zoning and Planning Director and in accordance with accepted ANSI A300 or International Society of Arboriculture practices. Tree or landscaping damage must be repaired prior to issuance of a Certificate of Occupancy.
- F. The owners of a non-exempt property or properties shall be responsible for the maintenance of all Required Trees. No department or agent of the County of Charleston is in any way responsible for the maintenance of Required Trees on private property. All approved and required landscaping must be maintained throughout occupancy of site.

ARTICLE 9.3 OFF-STREET PARKING AND LOADING

Sec. 9.3.1 General

- A. **Applicability.**
 - 1. *New Development.* The off-street parking and loading standards of this Article apply to the establishment of new uses/businesses, new Building construction, redevelopment, or reconstruction pursuant to Art. 3.7, *Site Plan Review*, of this Ordinance.
 - 2. *Expansions and Alterations.* The standards of this Article apply when an existing Structure or use is expanded, enlarged, or substantially improved pursuant to Art. 3.7, *Site Plan Review*, of this Ordinance. Additional off-street parking and loading spaces will be required only to serve the enlarged, expanded, or substantially improved area, provided that in all cases, the number of off-street parking and loading spaces provided for the entire use (pre-existing and expanded) must equal at least 75 percent of the minimum ratio established in Table 9.3.2, *Off-Street Parking Requirements*.
- B. **Timing.** Required Parking spaces and drives shall be ready for use and approved by the Zoning and Planning Director prior to issuance of a Certificate of Occupancy.
- C. **Reductions.** The Zoning and Planning Director is authorized to reduce the number of Required Parking spaces by no more than 10 percent when ten or more spaces are required, and the following conditions exist:
 - 1. All parking utilizes pervious materials. This excludes required parking outlined in Sec. 9.3.6, *Accessible Parking*;
 - 2. The site can support the minimum number of required parking spaces and meet the buffering and landscaping requirements and all other Development standards in this Ordinance; or
 - 3. The reduction in parking is necessary to meet the regulations contained in Article 9.2, *Tree Protection and Preservation*.

CASE # BZA-08-22-00609
TMS # 315-00-00-114



Easement Location

Legend

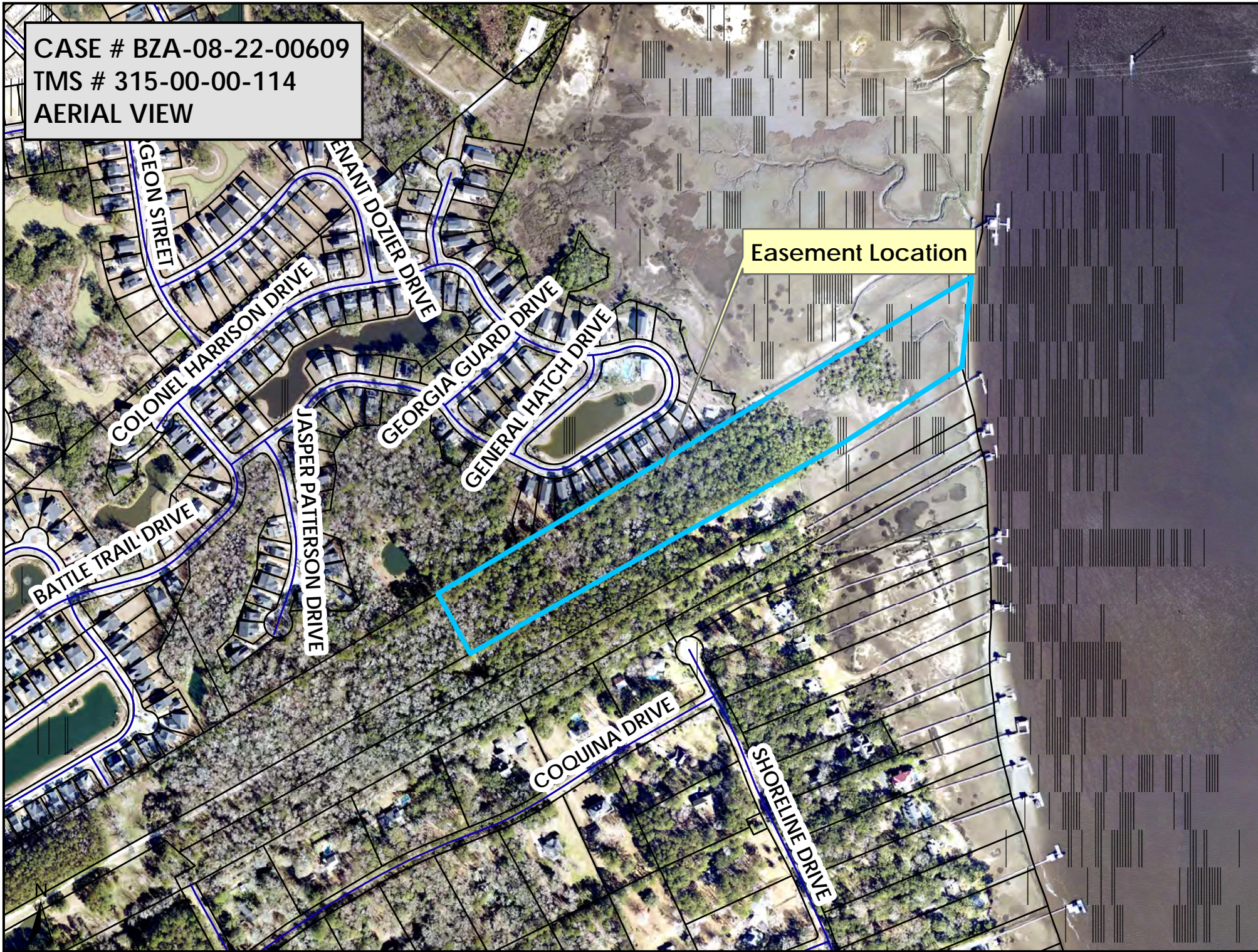
 R-4; LOW DENSITY RESIDENTIAL

MUNICIPAL BOUNDARIES

 CITY OF CHARLESTON

 MARSH

CASE # BZA-08-22-00609
TMS # 315-00-00-114
AERIAL VIEW



Easement Location

GEON STREET

COLONEL HARRISON DRIVE

ENANT DOZIER DRIVE

GEORGIA GUARD DRIVE

GENERAL HATCH DRIVE

JASPER PATTERSON DRIVE

BATTLE TRAIL DRIVE

COQUINA DRIVE

SHORELINE DRIVE



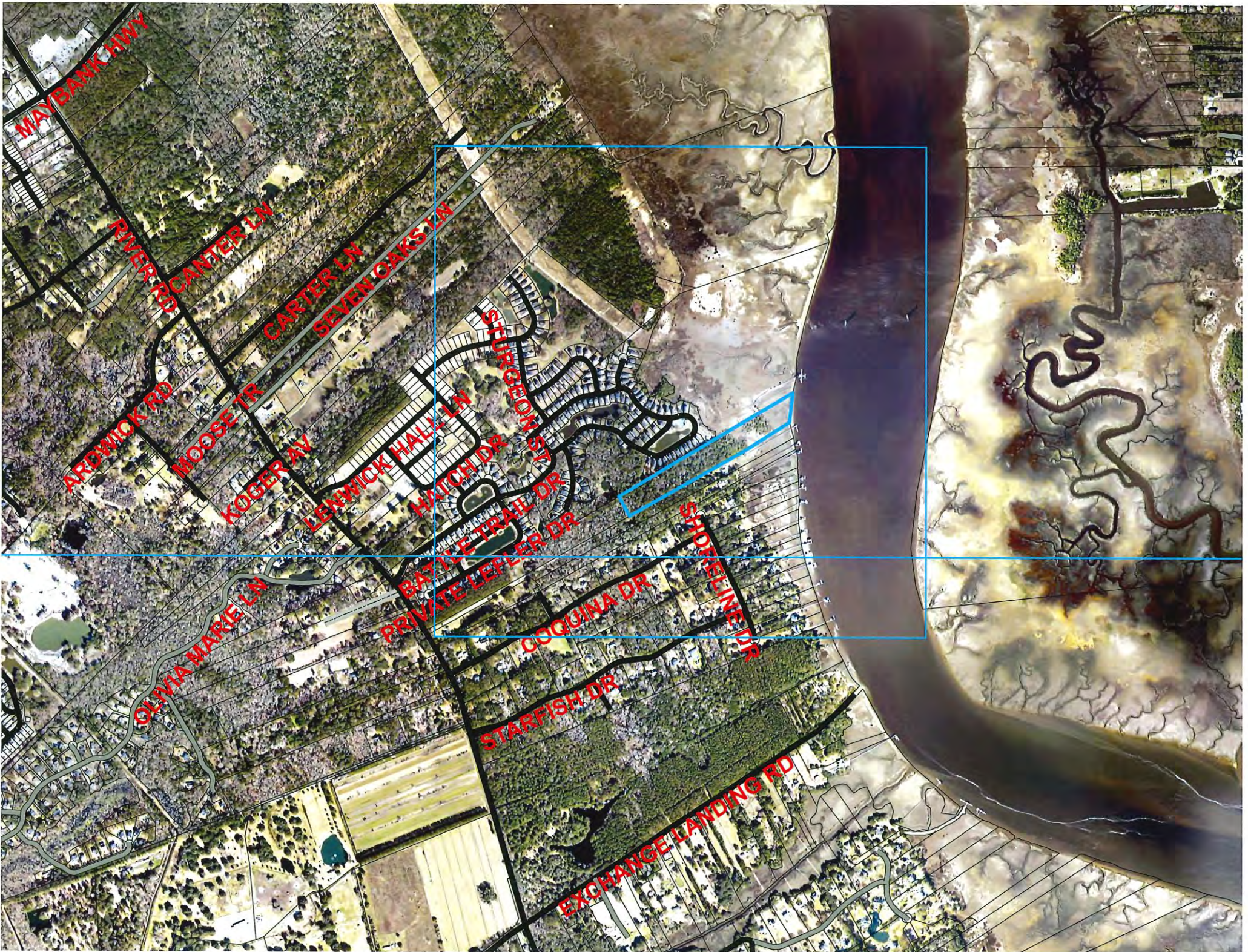
COLONEL HARRISON DR

GEORGIA GUARD DR

GENERAL HATCH DR

COQUINA DR

SHORELINE DR



Case # BZA-08-22-00609

BZA Meeting of October 3, 2022

Project Location: The Grand Tree is located on CWS's 20' wide utility easement on TMS # 315-00-00-114, Johns Island

Proposal: Variance request to encroach more than 25% of the protected area of a 25" DBH Grand Live Oak Tree for proposed CWS utility construction.



Project Location



25" DBH Grand Live Oak tree



Colonel Harrison Drive



Staff Review:

The applicant, Donald E. Benjamin of Charleston Water System, represented by Tammy L. Huggins of Ardurra Group, Inc., is requesting a variance to encroach more than twenty-five percent (25%) of the protected area of a 25" Diameter Breast Height (DBH) Grand Live Oak Tree for proposed Charleston Water System (CWS) utility construction within CWS's utility easement off of River Road on Johns Island. The Grand Tree is located on CWS's 20' wide utility easement on TMS # 315-00-00-114, located in the Low Density Residential (R-4) Zoning District. Properties adjacent to the impacted tree to the north are located within the Stonoview subdivision under the City of Charleston jurisdiction.

The project, Johns Island Wastewater Extension Phase 3 (sanitary sewer force main), is currently being reviewed by Staff in the Site Plan Review Process, ZSPR-04-21-00595. The applicant's letter of intent explains, *"The proposed project will provide sanitary sewer service to the southern portion of CWS's service area on Johns Island within the Urban Growth Boundary. The project... generally extends from Bullock Guard Drive in the Stonoview subdivision south to the Charleston County Aviation Authority on River Road."*

The installation and associated ground disturbance requires encroaching more than 25% under the canopy and critical root zone of the tree. The impacted tree (# 58 on Sheet C37) is a healthy 25" DBH Grand Live Oak Tree (Grade B).

Applicable ZLDR requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.4.E. Required Tree Protection states, *"Limited encroachments into the area located within Tree barricades may be allowed by the Zoning and Planning Director provided that encroachments do not constitute more than 25 percent of the protected area beneath a Tree and do not occur in the area located within three times the DBH in inches from the trunk of the Tree unless otherwise approved by the BZA. Any paving, Grading, trenching, or filling of the protected area must be pre-approved by the Zoning and Planning Director or the Board of Zoning Appeals, as required by this Ordinance, and may require specific construction techniques to preserve the health of the Tree. When grading and construction within the protected area of a Tree has been approved, all damaged roots shall be severed clean."*

Sec. 9.2.5.B. Tree Removal states, *"Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees."*

Applicable ZLDR Chapter 12 Definitions, Article 12.1 Terms and Uses Defined:

Arborist, Certified A Person certified by the International Society of Arboriculture.

Diameter Breast Height (DBH) The total diameter, in inches, of a Tree trunk or trunks measured at a point four and one-half feet above existing Grade (at the base of the Tree). In measuring DBH, the circumference of the Tree shall be measured with a standard diameter tape, and the circumference shall be divided by 3.14.

Grand Tree Any Tree with a diameter breast height of 24 inches or greater, with the exception of Pine Tree and Sweet Gum Tree (*Liquidambar styraciflua*) species.

Staff conducted site visits at the project location on March 17, 2022 and September 16, 2022. 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 project area due to the limited ability to shift the project away from the tree. The applicant's letter of intent states, "The proposed property is a Charleston Water System easement located along the northern boundary of TMS# 315-00-00-114. In the location of the tree impact, the permanent easement width is limited to 20-feet and the temporary easement width is limited to 20-feet." Therefore, the request may meet this criterion.**

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

Response: **These conditions do not generally apply to other properties in the vicinity. These conditions could apply to other areas along the easement but do not generally apply to adjacent properties. The applicant's letter of intent states, "While there are other properties in the area with Charleston Water System easements, the location of the easement is unique to this property as required by the sewer force main routing." 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 applicant's letter of intent states that, "Work within the drip line (encroaching greater than 25%) is necessary for installation of the sanitary sewer force main." However, the application of this Ordinance, Article 9.2**

Tree Protection and Preservation to the project location may not prohibit the installation of this utility if alternate construction methods could be utilized. Therefore, the request may not 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: **Authorization of this request may not be of substantial detriment to adjacent properties or to the public good, because potential negative impacts will be mitigated through treatment and monitoring by a Certified Arborist throughout construction as recommended in Staff's suggested conditions of approval below. The applicant's letter of intent states, "Authorization of a variance will not be a substantial detriment to the adjacent property or the public good will. This purpose of this project is to provide sanitary sewer service to the southern portion of Charleston Water System's service area along the River Road corridor supplying a necessary and beneficial service to the residents of Johns Island."** 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 applicant states, "The need for the variance is necessary for installation of the sanitary sewer force main that will serve Johns Island residents. It is not the result of the applicant's own actions." However, the need for the variance may be a result of the applicant's own action based on the proposed location and installation method. Therefore, the request may not 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: **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 states, "The purpose of this project is**

to provide utility service to portions of the Charleston Water System service area within the Urban Growth boundary.” 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-08-22-00609 [Variance request to encroach more than twenty-five percent (25%) of the protected area of a 25" DBH Grand Live Oak Tree for proposed CWS utility construction] 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 conditions recommended by Staff:

1. **The applicant shall complete the Site Plan Review process.**
2. **The applicant shall retain a Certified Arborist to monitor and treat the requested Grand Tree through the duration of construction. The applicant shall provide a copy of the treatment plan to Zoning Staff for review and approval prior to Site Plan Review approval.**
3. **If the requested tree dies within 3 years of the installation of the sewer force main, the applicant shall mitigate the 25" DBH of the tree by either (a) submitting a mitigation plan for review and approval indicating the installation of canopy trees no smaller than two and one-half (2.5) inches in caliper equaling inch per inch replacement, (b) by depositing funds into the Charleston County Tree Fund as described in *Sec. 9.2.6 of the ZLDR*, or (c) a combination of both (a) and (b). The allotted mitigation shall be in place prior to its removal.**
4. **Prior to construction, the applicant shall install tree barricades around all Grand and Protected Trees to be preserved within 40' of disturbance, pursuant to *Sec.***

9.2.4 of the ZLDR. All barricades shall be inspected and approved by Planning Staff prior to construction. The requested tree should be carefully protected during clearing and construction, with fencing extending a minimum of 6.25' from the trunk.



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

Property Information			
Subject Property Address: River Road (No address assigned)			
Tax Map Number(s): 315-00-00-114			
Current Use of Property: Residential			
Proposed Use of Property: Utility Easement			
Applicant Information (Required)			
Applicant Name (please print): Donald E. Benjamin, PE			
Name of Company (if applicable): Charleston Water System			
Mailing Address: 103 St. Philip Street			
City: Charleston	State: SC	Zip Code: 29403	
Email Address: benjamind@charlestoncpw.com		Phone #: 843-727-6876	
Applicant Signature: <i>[Signature]</i>		Date: 8/11/22	
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company: Tammy L. Huggins, PE - Ardurra Group, Inc.			
Mailing Address: 4000 Faber Place Drive, Suite 330			
City: North Charleston	State: SC	Zip Code: 29405	
Email Address: thuggins@ardurra.com		Phone #: 843-209-7714	
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): See enclosed letter from Charleston Water System's Attorney			
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: R-4	Flood Zone: n/a	Date Filed: 8/23/2022	Fee Paid: \$250 check #
Application #: BZA-08-22-00609	TMS #: 201 eWS easement 0 n	Staff Initials: jfw	

TMS # 315-00-00-114

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.)

CWS retains a 20-foot wide permanent easement and a 20-foot wide temporary easement for access and construction of a sanitary sewer force main. Proposed utility construction will encroach upon the drip line of a 25" Live Oak(Grade B) more than 25%. This tree is identified as Tree #58 on enclosed plan sheet C37. The tree is located in the temporary easement and overhangs the permanent easement.

Encroachment upon drip line is necessary for easement access and installation of the sanitary sewer force main.

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 proposed property is a Charleston Water System easement located along the northern boundary of TMS# 315-00-00-114. In the location of the tree impact, the permanent easement width is limited to 20-feet and the temporary easement width is limited to 20-feet.

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

While, there are other properties in the area with Charleston Water System easements, the location of the easement is unique to this property as required by the sewer force main routing.

3. Because of these extraordinary and exceptional conditions, does the application of this Ordinance to the subject property effectively prohibit or unreasonably restrict the utilization of the property? Explain:

Work within the drip line (encroaching greater than 25%) is necessary for installation of the sanitary sewer force main.

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:

Authorization of a variance will not be a substantial detriment to the adjacent property or the public good will. This purpose of this project is to provide sanitary sewer service to the southern portion of Charleston Water System's service area along the River Road corridor supplying a necessary and beneficial service to the residents of Johns Island.

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 variance meets this criterion as it does not alter the current use or zoning district of the property or adjacent property.

6. Is the need for the variance the result of applicant's own actions? Explain:

The need for the variance is necessary for installation of the sanitary sewer force main that will serve Johns Island residents. It is not the result of the applicant's own actions.

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

No. The purpose of this project is to provide utility service to portions of the Charleston Water System service area within the Urban Growth boundary.

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.



August 15, 2022

Jenny J. Werking, AICP
Charleston County Board of Zoning Appeals
Zoning/Planning Department
4045 Bridge View Drive
North Charleston, SC 29405

Subject: Request For Variance Article 9.2.1.C, Grand Tree
Johns Island Wastewater Extension Phase 3
Johns Island, SC
Job No.: 100341.15

Dear Ms. Werking,

On behalf of Charleston Water System (CWS), we respectfully submit the enclosed Charleston County Variance Application for the Johns Island Wastewater Extension Phase 3 project. The proposed project will provide sanitary sewer service to the southern portion of CWS's service area on Johns Island within the Urban Growth Boundary. The project is located on Johns Island and generally extends from Bullock Guard Drive in the Stonoview subdivision south to the Charleston County Aviation Authority on River Road. CWS has submitted plans to Charleston County Planning and Zoning for review of a proposed sanitary sewer force main project and was recommended for application to the Board of Zoning Appeals per the enclosed email dated August 5, 2022.

Installation of the force main requires 25% or more encroachment upon the drip line of a grand tree, Tree #58 – 25" Live Oak (Grade B) as shown on enclosed Plan Sheet C37. The tree is located in a temporary easement and overhangs the permanent easement on TMS# 315-00-00-114 located on River Road. CWS owns the easement and their attorney has provided the enclosed letter indicating that CWS is the designated agent for the easement. Per the enclosed application CWS respectfully requests variance from Charleston County Zoning Ordinance Article 9.2.1.C to allow for encroachment upon the tree.

Enclosed as required by the application are the following documents:

- Zoning Variance Application
- Deed and Plat for subject parcels
- Signed Restricted Covenants Affidavit
- Signed Posted Notice Affidavit
- One Full Size Plan Sheet C37
- One 11x17 Plan Sheet C37
- Check for \$250,000



A digital copy of this submittal has been emailed to the Board of Zoning Appeals.

Please contact me at 843-209-7714 or via email at thuggins@ardurra.com should you have any questions or require additional information.

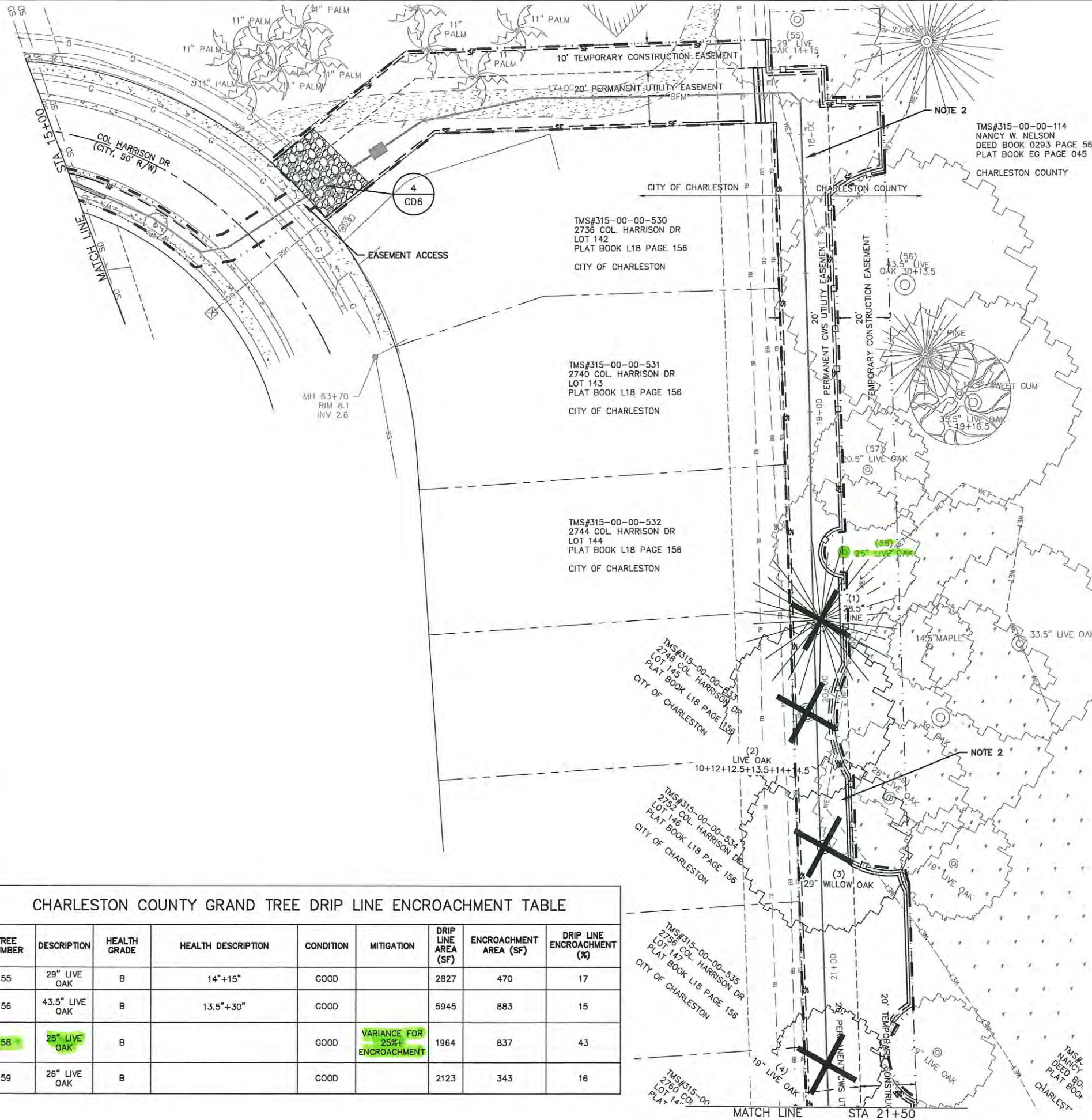
Very truly yours,

Tammy L. Huggins, PE
Senior Project Engineer

cc: Donald E. Benjamin, Jr., PE, CWS
Tony Martin, PE, CWS

Enclosures: Site Plan Review Email Dated August 5, 2022
Zoning Variance Application
Letter from CWS's Attorney (Designation of Agent)
Deed and Plat for subject parcels
Signed Restricted Covenants Affidavit
Signed Posted Notice Affidavit
One Full Size Plan Sheet C37
One 11x17 Plan Sheet C37
Check for \$250.000

H:\PROJECT FILES\100341- CHARLESTON COMMISSIONERS OF PUBLIC WORKS\100341.15 JI SS MASTER PLAN\300 DESIGN\355 PRELIMINARY DRAWINGS\01 CIVIL & DEMO\100341.15.J3-TP_ESPCP.DWG
 REUSE OF DOCUMENTS: THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF CONSULTING ENGINEERING. HOWEVER, THIS SHALL NOT PROHIBIT THE REUSE OF THIS DOCUMENT BY THE CLIENT AS PROVIDED FOR BY THE CONTRACT AUGUST 4, 2022



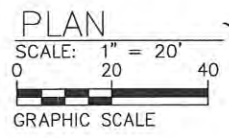
LEGEND

- LIMITS OF CONSTRUCTION/ LIMITS OF DISTURBANCE
- SILT FENCE SF
- TREE BARRICADE

**CHARLESTON COUNTY
TREE REMOVAL / REPLACEMENT TABLE**

TREE NUMBER	DESCRIPTION	HEALTH GRADE	HEALTH DESCRIPTION	CONDITION	MITIGATION
1	28.5" PINE	D	HOLLOW, BROKEN TOP	POOR	
2	MULTI-STEM LIVE OAK	C	DECLINE, MULT-STEM 10"+12"+12.5"+13.5"+14"+14.5"	FAIR	APPROVED FOR REMOVAL
3	29" WILLOW OAK	D	HOLLOW BASE, STORM DAMAGE	POOR	
4	19" LIVE OAK	B		GOOD	

- NOTES:**
- TREES SURVEY AND HEALTH GRADES COMPLETED BY NATURAL DIRECTIONS, LLC DATED JULY 27, 2020.
 - IMPACTS TO WETLANDS ARE TEMPORARY. WETLANDS SHALL BE RESTORED IN ACCORDANCE WITH THE USAGE AND SCDHEC JOINT PERMIT.



CHARLESTON COUNTY GRAND TREE DRIP LINE ENCROACHMENT TABLE

TREE NUMBER	DESCRIPTION	HEALTH GRADE	HEALTH DESCRIPTION	CONDITION	MITIGATION	DRIP LINE AREA (SF)	ENCROACHMENT AREA (SF)	DRIP LINE ENCROACHMENT (%)
55	29" LIVE OAK	B	14"+15"	GOOD		2827	470	17
56	43.5" LIVE OAK	B	13.5"+30"	GOOD		5945	883	15
58	25" LIVE OAK	B		GOOD	VARIANCE FOR 25%+ ENCROACHMENT	1964	837	43
59	26" LIVE OAK	B		GOOD		2123	343	16



NO.	DATE	DESIGNED BY:	TLH	DRAWN BY:	TLH	REVISION	CHECKED BY:	MAB	APPROVED BY:	MAB
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TREE PROTECTION AND
 EROSION AND SEDIMENT CONTROL
 STA 15+00 TO STA 21+50
**JOHNS ISLAND WASTEWATER
 EXTENSION PHASE 3**



FILE	SEE LEFT
VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING	
DATE	JUNE 2020
PROJ.	100341.15
DWG.	C37

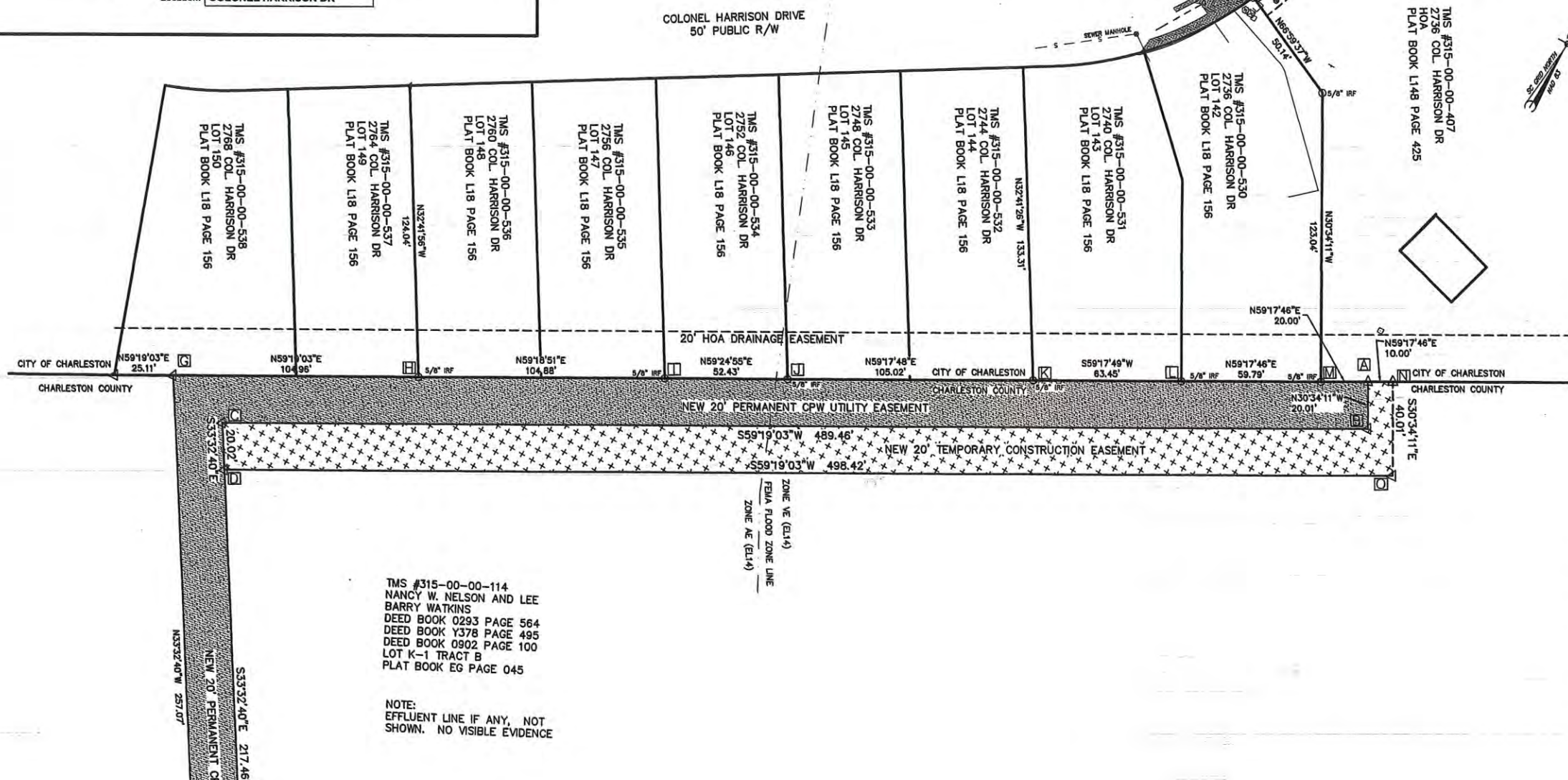
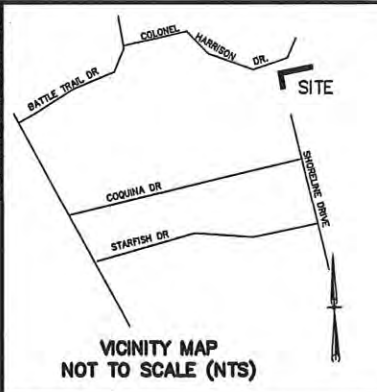


FOR AGENCY APPROVAL

RECORDED
 DATE: 2/9/2021 TIME: 3:13:59 PM
 Book-Page: L21 0044 DocType: Large Plat
 Michael Miller, Registrar, Charleston County, SC

Record Fee: \$25.00
 Postage: \$2.00
 TOTAL: \$27.00
 Drawn: [Signature]
 Clerk: [Signature]
 Location: COLONEL HARRISON DR

NO.	DATE	REVISION	BY
5	9/21/2020	SHOW ADDITIONAL OWNER AND DEED	FLH
4	5/29/2020	ATTORNEY COMMENTS, ADD TITLE NOTES	FLH
3	2/20/2020	CPW COMMENTS	FLH
2	2/19/2020	CHANGE TEMPORARY EASEMENT TO 20'	FLH
1	2/18/2020	REVISED EASEMENT TO CPW UTILITY	FLH



LEGEND

	WATER METER		POINT LABEL FOR NEW EASEMENT POINTS
	LAMP POST		COMPUTED POINT
	SEWER CLEANOUT		IRON ROD OR PIPE FOUND OR SET
	FIRE HYDRANT		IRON ROD FOUND
	WATER VALVE		PKF PK (MAG) NAIL FOUND
	GASLINE MARKER		R/W RIGHT OF WAY
			CMF CONCRETE MONUMENT FOUND
			NEW EASEMENT LINES
			BOUNDARY OR R/W LINE
			TEMPORARY EASEMENT
			MISC. OTHER EASEMENT (AS DESCRIBED)
			CURB OR SIDEWALK LINE
			PERMANENT UTILITY EASEMENT
			TEMPORARY CONSTRUCTION EASEMENT

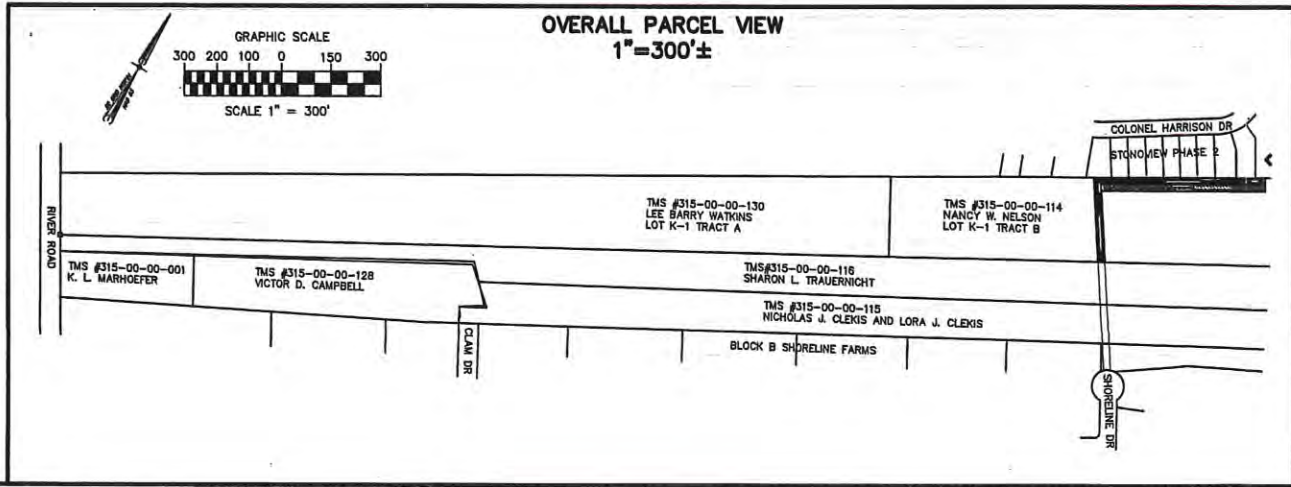
- SURVEYORS NOTES:**
- NORTH ORIENTATION BASED ON SCVRS REDUCTION OF SITE CONTROL USING CELLULAR PHONE AND SURVEY GRADE RECEIVERS.
 - DISTANCES SHOWN HEREON ARE GROUND DISTANCES. ONLY CORNERS SHOWN WERE SURVEYED. OTHER DISTANCES AND BEARINGS TAKEN FROM RECORD DATA
 - WETLANDS, IF ANY ARE NOT SHOWN
 - HGS HAS PERFORMED NO ENVIRONMENTAL OR ARCHAEOLOGICAL SURVEYS ON THIS PARCEL
 - A FULL BOUNDARY SURVEY OF THIS PARCEL WAS NOT PERFORMED FOR THIS EASEMENT PLAT
 - THIS PARCEL LIES IN FLOOD ZONE AE(EL14) AND VE(EL 14) AS DEPICTED ON FEMA (FEDERAL EMERGENCY MANAGEMENT AGENCY) FIRM (FLOOD INSURANCE RATE MAP) 45019C 0860 J WITH AN EFFECTIVE DATE OF NOVEMBER 17, 2004, AND IS SCALED THERE FROM
 - ALL IMPROVEMENTS NOT SHOWN
 - TITLE REPORT NOT SUPPLIED. THIS PARCEL SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 - ALL PLAT AND DEED REFERENCES ARE TO CHARLESTON COUNTY REGISTER OF DEEDS OFFICE
 - THIS PLAT IS INVALID UNLESS IT BEARS THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE SURVEYOR

- TITLE NOTES:**
- EASEMENT AND RIGHT OF WAY ACROSS LOT K-1 TRACT A FOR A SEPTIC TANK, SEWER LINES AND THE NECESSARY DRAIN FIELD LINES IN DEED BOOK G429 AT PAGE 403. SUBJECT PARCEL IS TRACT K-1 TRACT B AND EASEMENT DOES NOT RUN ACROSS THE SUBJECT PARCEL. NO VISIBLE EVIDENCE OF LINE WAS FOUND

TMS #315-00-00-114
 NANCY W. NELSON AND LEE
 BARRY WATKINS
 DEED BOOK 0293 PAGE 564
 DEED BOOK Y378 PAGE 495
 DEED BOOK 0902 PAGE 100
 LOT K-1 TRACT B
 PLAT BOOK EG PAGE 045

NOTE:
 EFFLUENT LINE IF ANY, NOT SHOWN. NO VISIBLE EVIDENCE

APPROVED PLAT
 CPW OFFICER
 Date: 2/9/21
 Commissioners of Public Works of the City of Charleston
 APPROVAL ONLY FOR WATER AND WASTEWATER UTILITIES EASEMENT ACQUISITION



PARCEL INFORMATION
 TMS #315-00-00-114
 NANCY W. NELSON AND LEE
 BARRY WATKINS
 DEED BOOK 0293 PAGE 564
 DEED BOOK Y378 PAGE 495
 DEED BOOK 0902 PAGE 100
 LOT K-1 TRACT B
 PLAT BOOK EG PAGE 045

AREA TABLE

PARCEL	SQ. FT.	ACRES
NEW 20' TEMPORARY CONSTRUCTION EASEMENT	10,179 SQ. FT. ±	0.234
NEW 20' PERMANENT CPW UTILITY EASEMENT	14,934 SQ. FT. ±	0.343
TOTAL NEW EASEMENT AREA	25,113 SQ. FT. ±	0.577
TOTAL AREA PER RECORD DATA	370,260 SQ. FT. ±	8.50

G:\MS-DATA\HIS-PROJECT\667-1 ASPD\DWG\EASEMENT MAPS\315-00-00-114-NELSON-EASEMENT-RS.DWG Thu Feb 4 16:28:49 2021

HOWELL GEOSPATIAL SURVEYING, LLC

191 LARISSA DRIVE
 CHARLESTON, SC 29414
 OFFICE(843) 647-5563
 CELL (843) 819-7496
 FAX (843)-647-5563
 HG-SURVEYING@COMCAST.NET

EASEMENT PLAT OF
 A NEW 20' PERMANENT CPW UTILITY EASEMENT, CONTAINING 0.343 ACRES AND A 20' TEMPORARY CONSTRUCTION EASEMENT CONTAINING 0.234 ACRES. LOCATED ON PROPERTY OF NANCY W. NELSON AND LEE BARRY WATKINS, BEING SHOWN IN PLAT BOOK EG AT PAGE 045, CURRENTLY BEING TMS #315-00-00-114, DESCRIBED IN DEED BOOK 0293 AT PAGE 564, DEED BOOK Y378 AT PAGE 495, AND DEED BOOK 0902 AT PAGE 100, LOCATED NEAR THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA
 SURVEY REQUESTED BY CHARLESTON WATER SYSTEM

CITY: NEAR CHARLESTON TOWNSHIP/PARISH: COUNTY: CHARLESTON STATE: SOUTH CAROLINA

SURVEY DATE:
 MARCH-APRIL 2019

MAP DATE:
 2/14/2020

FIELD BK 11

DRAWN BY: FLH

SCALE: 1" = 30'

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, MEETS OR EXCEEDS THE REQUIREMENTS FOR AN EASEMENT SURVEY AS SPECIFIED THEREIN.

[Signature] 2/9/2021
 F. LEE HOWELL, SC PLS 9316 / SIGNATURE DATE

PROJECT \ CLIENT NO.
 6671-1

SHEET
 1 OF 1

**New Business
Case # 8 and # 9
BZA-08-22-00609
and
BZA-08-22-00610**

**Public Comment in
Opposition
Received by
noon on 9/23**

Jennifer Werking

From: kristin petri <kmpetri@yahoo.com>
Sent: Sunday, September 18, 2022 1:43 PM
To: BZA
Subject: Trees - No Excuse

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

There is no excuse for removing the trees. If you think about the age of them and the fact that people move here BECAUSE of the beauty of SC nature, it is a disgrace on the part of the planners to believe that removing the trees is at all an acceptable solution - to destroy the trees for utilities. There are many areas in the world that come up with creative solutions that protect nature every day, and still accomplish what is needed for the community. Why can't we be one of those - let's be a region that is creative solution oriented AND nature loving. With the proper investigation of alternative solutions you could be heros. Currently the only vision seems to be - cut the trees and make room. No respect for our planet. There is nothing resourceful or creative about that thinking. That thinking is destructive - it is the thinking that wiped out so many beautiful areas in our country. Those areas are now paved and are filled with endless apartments, strips plazas, Walmart, malls etc. This is not progress, it's corporate greed. When that type of thinking rules (also the cheapest way to do it rules), there is no longer a reason to visit. Nothing special left to see. Just the shame of narrow minded 'progress' ruling the day. Makes me want to move away. I don't want to be witness to this destruction in the area.

Kristin Petri
1549 Thoroughbred Blvd, Johns Island, SC 29455