

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE JANUARY 6, 2025 MEETING
5:00 P.M.**

In compliance with the Freedom of Information Act (FOIA), notice of meetings and agendas were posted and furnished to all news media and persons requesting notification.

Members Present

Chair, Mr. William H. Ray, Mr. Brad Brown, Mr. Roy Neal, Mr. Robert Siedell, Ms. Shana Smith, and Mr. Doug Truslow

Members Absent

Vice Chair, Mr. Ross Nelson and Mr. AD Jordan

Staff Members Present

Mr. Kelvin Huger, BZA Attorney; Sally Brooks Planner III and Acting Secretary for BZA, Genesis Clark, Planning Technician II; Kyle Foster, Planner I/Arborist; and Andrea Melocik- White, Deputy Director of the Zoning & Planning Department

Notification Procedures

Staff has met the requirements of state law and *Section 3.1.6* of the *Charleston County Zoning and Land Development Regulations Ordinance* for notification for all cases to be heard by the BZA at this meeting. The notification procedures were completed by staff 15 calendar days prior to this meeting as follows:

- December 20th: Site Visits and Postings were completed by this date.
- December 20th: Letters were mailed to property owners within 300' for all other requests, and to Parties in interest for all cases. These notifications are above and beyond the state requirements.
- December 20th: Notice of this meeting was published in the *Post and Courier*.

The January 6, 2025 BZA meeting was called to order at 5:00 p.m. by the Chair, Mr. William Ray.

Minutes

Mr. Truslow made a motion to approve the December 2, 2024 public hearing meeting minutes. Mr. Neal seconded the motion and the motion carried unanimously.

New Business

CASE# BZA-11-24-00819

Linda Tupe ("the Applicant" and "the Property Owner") filed a Special Exception request for the placement of a manufactured housing unit in the Low Density Residential (R-4) Zoning District at 652 Riley Road on James Island in Charleston County (TMS # 340-07-00-068). Low Density Residential (R-4) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.6 Special Exceptions, §3.6.5 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Truslow made a motion to approve the Special Exception with the following condition: (1) The manufactured home shall comply with Sec. 6.4.24.B of the Charleston County Zoning and Land Development Regulations Ordinance. Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced condition.

CASE# BZA-11-24-00820

Taylor Lentz of Travel Charleston ("the Applicant") and Matthew McDowell ("the Property Owner") filed a Special Exception request to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Low Density

Residential (R-4) Zoning District at 333 Curtiss Avenue in the St. Andrews Area of Charleston County (TMS # 350-09-00-097). Low Density Residential (R-4) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board decided to defer the application. Mr. Neal made a motion to defer the Special Exception application. Mr. Truslow seconded the motion. The motion passed unanimously. Therefore, the Special Exception application was deferred for up to 90 days.

CASE# BZA-11-24-00821

Maurice Reid ("the Applicant" and "the Property Owner") filed a Variance request to reduce the required 25' rear/freshwater wetland setback by 5.5' to 19.5' at the closest point for a proposed deck and patio at 2007 Syreford Court in the St. Andrews Area of Charleston County (TMS # 286-13-00-376). Planned Development (PD-73-E, Hunt Club) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board decided to defer the application. Mr. Truslow made a motion to defer the Variance application. Mr. Brown seconded the motion. The motion passed unanimously. Therefore, the Variance application was deferred for up to 90 days.

CASE# BZA-11-24-00822

Leonard L. Newton and Annie M. Newton ("the Applicants" and "the Property Owners") filed a Variance request to reduce the required 30' rear setback by 23' to 7' and to reduce the required 15' interior side setback by 4' to 11' for an existing unpermitted detached accessory structure (pole shed building) at 7224 Commodore Road in the St. Pauls Area of Charleston County (TMS # 127-10-00-040). Agricultural Residential (AGR) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Siedell made a motion to approve the Variance request with the following condition: (1) The applicant/property owner shall obtain all required zoning and building permits for the unpermitted detached accessory structure (pole shed building). Mr. Truslow seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced condition.

CASE# BZA-11-24-00823

J. Marshall Milligan of Tiger Devil, LLC ("the Applicant" and "the Property Owner") filed a Variance request to remove three (3) Grand Trees for a proposed single-family residence at 311 Papa Charlie Way on James Island in Charleston County (TMS # 334-12-00-016). Special Management (S-3) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board decided to defer the application. Mr. Brown made a motion to defer the Variance application. Mr. Truslow seconded the motion. The motion passed unanimously. Therefore, the Variance application was deferred for up to 90 days.

The BZA had a 10-minute recess

CASE# BZA-11-24-00824

Sagar Barot ("the Applicant" and "the Property Owner"), and Brandon Emslie of Blue Haven Pools ("the Representative") filed a Variance request reduce the required 25' rear setback by 4.4' to 20.6' at the closest point for a proposed swimming pool at 1547 Gator Trak in the St. Andrews Area of Charleston County (TMS # 286-13-00-166). Planned Development (PD-73E, Hunt Club) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had

been satisfied. Mr. Siedell made a motion to approve the Variance request with the following condition: (1) The encroachment area shall be limited to the footprint shown on the submitted site plan. Mr. Neal seconded the motion. Mr. Ray, Mr. Brown, Mr. Neal, Mr. Siedell, and Ms. Smith voted in favor of the motion. Mr. Truslow voted against the motion. The majority of the members present, and voting (5 to 1) voted in favor of motion and therefore the application was granted with the above referenced condition.

CASE# BZA-11-24-00825

Jessica Luzier of Stone Castings of Charleston ("the Applicant"), Russell Luzier of 2177 Ashley River Road Holdings, LLC ("the Property Owner"), and Herbert W. Gilliam, P.E. ("the Representative") filed a Variance request to reduce the required buffers for a proposed building and vehicular maneuverability at 2177 Ashley River Road in the St. Andrews Area of Charleston County (TMS # 354-12-00-006). Ashley River Road Corridor Overlay (Neighborhood Commercial, NC) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Siedell made a motion to approve the Variance request with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; and (2) The proposed 6' high fence shall be located outside of the 35' right-of-way buffer measured from the front property line along Highway 61. Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-11-24-00826

Jessica Luzier of Stone Castings of Charleston ("the Applicant"), Russell Luzier of 2177 Ashley River Road Holdings, LLC ("the Property Owner"), and Herbert W. Gilliam, P.E. ("the Representative") filed a Variance request to eliminate the required parking lot tree/landscape islands for vehicular maneuverability at 2177 Ashley River Road in the St. Andrews Area of Charleston County (TMS # 354-12-00-006). Ashley River Road Corridor Overlay (Neighborhood Commercial, NC) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Siedell made a motion to approve the Variance request with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; and (2) The proposed 6' high fence shall be located outside of the 35' right-of-way buffer measured from the front property line along Highway 61. Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-11-24-00827

Chris Orman, Development Manager of Pavilion Development Company ("the Applicant"), Kenneth E. Smalls and Ernest Kinloch ("the Property Owner"), and Jessica Myers, PE of C Baker Engineering, LLC ("the Representative") filed a Variance request remove two (2) Grand Trees for a proposed vehicle service use at 3675 Savannah Highway in the St. Andrews Area of Charleston County (TMS # 285-00-00-018). Industrial (IN) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Neal made a motion to approve the Variance request with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; (2) The applicant shall mitigate the removal of the 52 DBH inches 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; (3) Tree barricades constructed of chain link fencing shall be installed around all protected trees within 40' of disturbance prior to any construction, pursuant to Sec. 9.2.4 of the Charleston County Zoning and Land Development Regulations; and (4) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees within 40' of disturbance through the duration of construction. The applicant shall provide a copy of the Tree Preservation Plan to Zoning Staff for review and approval prior to Zoning Permit approval for construction. Mr. Ray seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-11-24-00828

William and Mary Ann Ridenour (“the Applicants” and “the Property Owners”), filed a Variance request to remove a 40” DBH codominant-stemmed Grand Live Oak Tree for a proposed 27.3’ x 65’ single-family residence at 1636 Terns Nest Road on James Island in Charleston County (TMS # 331-07-00-072). Low-Density Manufactured Housing Subdivision (MHS) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant’s presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Truslow made a motion to approve the Variance request. Mr. Siedell seconded the motion. Mr. Brown, Mr. Siedell, Ms. Smith, and Mr. Truslow voted in favor of the motion. Mr. Ray and Mr. Neal voted against the motion. The majority of the members present, and voting (4 to 2) voted in favor of motion and therefore the application was granted.

Additional Business

The BZA will hear six (6) new business cases at the February 3, 2025 BZA Public Hearing that will be held in-person in Council Chambers at 5:00 p.m. Ms. Brooks reminded the board members that the annual continuing education training is self-study and the deadline to finish the training is December 31, 2025.

Adjournment

There being no further business, the board adjourned at 8:58 p.m.

Respectfully submitted,

Jenny J. Werking, AICP
Secretary to the BZA