

**CHARLESTON COUNTY  
BOARD OF ZONING APPEALS (BZA)  
SUMMARY OF THE DECEMBER 2, 2024 MEETING  
4:00 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, Vice Chair, Mr. Ross Nelson, Mr. AD Jordan, Mr. Marc Marchant, Mr. Roy Neal, Mr. Robert Siedell, Ms. Tonnia Switzer-Small, and Mr. Doug Truslow

**Staff Members Present**

Mr. Kelvin Huger, BZA Attorney; Genesis Clark, Planning Technician II; Joshua Downey, Planning Technician II, Kyle Foster, Planner I/Arborist; and Jenny Werking, Planner III and Secretary for BZA

**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:

- November 15th: Site Visits and Postings were completed by this date.
- November 15th: 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.
- November 15th: Notice of this meeting was published in the *Post and Courier*.

The December 2, 2024 BZA meeting was called to order at 4:10 p.m. by the Chair, Mr. William Ray.

**Minutes**

Mr. Marchant made a motion to approve the November 4, 2024 public hearing meeting minutes. Mr. Jordan seconded the motion and the motion carried unanimously.

**Mr. Neal and Mr. Siedell arrived after the vote for the minutes.**

**New Business**

**CASE# BZA-10-24-00808**

Paul Spies ("the Applicant" and "the Property Owner"), filed a Variance request to reduce the required 50' front/street side setback by 13.2' to 36.8' and to reduce the required 15' interior side setback by 3.8 to 11.2' for an existing unpermitted detached accessory structure (garage/carport) at 4170 Pritchard Green Road in the East Area of Charleston County (TMS # 615-00-00-013). Rural Residential (RR) 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 with the following condition: (1) The applicant/property owner shall obtain all required zoning and building permits for the unpermitted accessory structure (garage/carport). Mr. Jordan seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced condition.

**CASE# BZA-10-24-00809**

Jerson Valencia ("the Applicant"), and Jorge Mendoza Alvarez ("the Property Owner") filed a Variance request to reduce the required 3' interior side setback for an existing unpermitted detached accessory structure (shed) and to reduce the required 20' front/street side setback along South Oakridge Circle for an existing unpermitted attached accessory building (garage) at 7106 Crossgate Boulevard in the North Area of Charleston County (TMS # 484-10-00-205). 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 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Nelson made a motion to approve the Variance request with the following conditions: (1) The applicant/property owner shall obtain all required zoning and building permits for the unpermitted structures (shed and garage/carport); and (2) The applicant/property owner shall move the shed so that it is at least 3' away from the side property line. Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

**Ms. Switzer-Small arrived after the vote for the minutes and the hearing of cases BZA-10-24-00808 and BZA-10-24-00809.**

**CASE# BZA-10-24-00810**

David A. Willis ("the Applicant" and "the Property Owner") filed a Variance request to reduce the required 30' rear setback by 20' to 10' for an existing unpermitted detached accessory structure (garage/carport) at 4423 Borrow Pit Road in the St. Pauls Area of Charleston County (TMS # 247-00-00-164). 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 accessory structure (garage/carport). 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-10-24-00811**

Lizbeth Castrejon ("the Applicant" and "the Property Owner") filed a Variance request to encroach within a restricted area three times the DBH (Critical Root Zone) of a 24" DBH Grand Live Oak Tree for an existing unpermitted detached accessory structure (shed) at 1410 Joy Avenue in the St. Andrews Area of Charleston County (TMS # 352-10-00-038). 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 3.10 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) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees onsite. The applicant shall provide a copy of the treatment plan to Zoning Staff for review and approval prior to Zoning Permit approval. (2) If the 24" DBH Live Oak Tree dies within up to three (3) years from the date the structure is permitted, the applicant shall mitigate the 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; and (3) The applicant/property owner shall obtain all required zoning and building permits for the unpermitted accessory structures. Mr. Neal seconded the motion. Mr. Nelson, Mr. Jordan, Mr. Neal, Mr. Siedell, and Mr. Truslow voted in

favor of the motion. Mr. Ray, Mr. Marchant and Ms. Switzer-Small voted against the motion. The majority of the members present, and voting (5 to 3) voted in favor of motion and therefore the application was granted with the above referenced conditions.

### **The BZA had a 10-minute recess**

#### **CASE# BZA-10-24-00812**

Pamela Verdery Comport ("the Applicant" and "the Property Owner") filed a Variance request to reduce the required 50' Critical Line setback by 14.84' to 35.16' for a proposed addition at 7813 Russell Creek Drive on Edisto Island in Charleston County (TMS # 066-00-00-053). 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. Neal made a motion to approve the Variance request with the following conditions: (1) Prior to commencing construction, silt fencing shall be installed along the Critical Line. The silt fencing shall be maintained for the duration of the construction; (2) The required 35' Critical Line buffer shall be maintained pursuant to the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Sec. 4.24.7; (3) The applicant shall coordinate with Public Works Stormwater Division to address stormwater mitigation measures, such as the use of rain barrels or rain gardens, to reduce the flow of stormwater into the marsh. Documentation of the approved measures shall be submitted as part of the Zoning Permit application; and (4) The encroachment areas shall be limited to the footprint areas shown on the submitted site plan. Mr. Nelson seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

#### **CASE# BZA-10-24-00813**

Steve Hubrich of Hubrich Contracting Inc. ("the Applicant"), John Clendaniel, CEO of Orange Grove Elementary Charter School ("the Property Owner"), and Kyle Neff of HLA, Inc ("the Representative) filed a Special Exception request to exceed the maximum building footprint of 10,000 sq. ft. for a proposed 20,450 sq. ft. building to be used for the Orange Grove Elementary Charter School Gymnasium in the Ashley River Road Corridor Overlay (Community Commercial [CC]) Zoning District at 1796 Elm Road in the St. Andrews Area of Charleston County (TMS # 355-11-00-005). Ashley River Road Corridor Overlay (Community Commercial [CC]) Zoning District Village Commercial Area (William Kennerty Drive to Church Creek) 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, Sec. 3.6.5 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Marchant made a motion to approve the Special Exception request with the following conditions: (1) Prior to obtaining Zoning Permits for site development, the applicant shall complete the Site Plan Review process. 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-10-24-00814**

Steve Hubrich of Hubrich Contracting Inc. ("the Applicant"), John Clendaniel, CEO of Orange Grove Elementary Charter School ("the Property Owner"), and Kyle Neff of HLA, Inc ("the Representative) filed a Variance request to change the natural grade above or below the root system or around the trunk of a 26" DBH Grand Live Oak Tree for parking lot drive aisles for the proposed Orange Grove Elementary Charter School Gymnasium at 1796 Elm Road in the St. Andrews Area of Charleston County (TMS # 355-11-00-005). Ashley River Road Corridor Overlay (Community Commercial [CC]) Zoning District Village Commercial Area (William Kennerty Drive to Church Creek) 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. Marchant made a motion to approve the Variance request with the following

conditions: (1) If the Grand Tree requested for encroachment (26" DBH Live Oak) dies within 3 years of the installation of completion of the project, the applicant shall mitigate 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; (2) 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 (3) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees onsite through the duration of construction. The applicant shall provide a copy of the treatment plan to Zoning Staff for review and approval prior to zoning approval. Mr. Truslow seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

**CASE# BZA-10-24-00815**

Samira and David Albenberg of Access Holdings, LLC ("the Applicants"), Robert B. Vanness ("the Property Owner"), and Josh Lily, PE of Stantec ("the Representative) filed a Special Exception request for an establishment of a Medical Office use in the Rural Residential (RR) Zoning District at 2043 Bohicket on Johns Island in Charleston County (TMS # 278-00-00-029). Rural Residential (RR) 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, Sec. 3.6.5 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Nelson made a motion to approve the Special Exception request with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; (2) The Medical Use shall be restricted to by appointment only office visits between the hours of 8:00 a.m. to 6:00 p.m. Monday thru Friday, except for exigent circumstances; (3) The buildings on the site shall not exceed the current footprints. Proposed expansions to the buildings will require Special Exception approval; and (4) Any intensification of the approved Medical Office Use or future Medical Office Uses will require authorization from the BZA. Mr. Neal seconded the motion. Mr. Ray, Mr. Nelson, Mr. Jordan, Mr. Marchant, Mr. Neal, and Mr. Truslow voted in favor of the motion. Mr. Siedell and Ms. Switzer-Small's voted against the motion. The majority of the members present, and voting (6 to 2) voted in favor of motion and therefore the application was granted with the above referenced conditions.

**CASE# BZA-10-24-00816**

Samira and David Albenberg of Access Holdings, LLC ("the Applicants"), Robert B. Vanness ("the Property Owner"), and Josh Lily, PE of Stantec ("the Representative) filed a Variance request for an access drive to encroach within the required 35' Critical Line buffer for a proposed Medical Office use at 2043 Bohicket Road on Johns Island in Charleston County (TMS # 278-00-00-029). Rural Residential (RR) 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. Nelson made a motion to approve the Variance request with the following conditions: (1) Prior to obtaining Zoning Permits for site development, the applicant shall complete the Site Plan Review process; and (2) Pursuant to ZLDR, Sec. 4.24.8 Restoration of Buffer: When the Buffer has been disturbed or destroyed, the Buffer shall be replaced utilizing native species plant material suitable for saltwater tolerance and in compliance with the Buffer Depth and Landscaping Standards of Table 9.4.4-3 and Landscape Material Standards of Sec. 9.4.6. A landscape plan shall be submitted to the Zoning and Planning Director for review and approval prior installation. Mr. Jordan seconded the motion. Mr. Nelson, Mr. Jordan, Mr. Marchant, Mr. Neal, and Mr. Truslow voted in favor of the motion. Mr. Ray, Mr. Siedell, and Ms. Switzer-Small's voted against the motion. The majority of the members present, and voting (5 to 3) voted in favor of motion and therefore the application was granted with the above referenced conditions.

**CASE# BZA-10-24-00817**

Samira and David Albenberg of Access Holdings, LLC (“the Applicants”), Robert B. Vanness (“the Property Owner”), and Josh Lily, PE of Stantec (“the Representative”) filed a Variance request for an access drive that is less than 20’ wide for a proposed Medical Office use at 2043 Bohicket Road on Johns Island in Charleston County (TMS # 278-00-00-029). Rural Residential (RR) 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. Nelson made a motion to approve the Variance request with the following condition: (1) Prior to obtaining Zoning Permits for site development, the applicant shall complete the Site Plan Review process. Mr. Jordan seconded the motion. Mr. Nelson, Mr. Jordan, Mr. Marchant, and Mr. Truslow voted in favor of the motion. Mr. Ray, Mr. Neal, Mr. Siedell, and Ms. Switzer-Small voted against the motion. The motion failed because it was a tie vote (4 to 4). Mr. Neal made a motion to defer the Variance request. Ms. Switzer-Small seconded the motion. Mr. Jordan, Mr. Neal, Mr. Siedell, and Ms. Switzer-Small voted in favor of the motion. Mr. Ray, Mr. Nelson, Mr. Marchant, and Mr. Truslow voted against the motion. The motion failed because it was a tie vote (4 to 4). Mr. Neal made a motion to reconsider the original motion to approve the Variance request. Mr. Jordan seconded the motion and the motion to reconsider carried unanimously. Mr. Nelson made a motion to approve the Variance request with the following condition: (1) Prior to obtaining Zoning Permits for site development, the applicant shall complete the Site Plan Review process. Mr. Truslow seconded the motion. Mr. Ray, Mr. Nelson, Mr. Jordan, Mr. Marchant, Mr. Neal, and Mr. Truslow voted in favor of the motion. Mr. Siedell and Ms. Switzer-Small voted against the motion. The majority of the members present, and voting (6 to 2) voted in favor of motion and therefore the application was granted with the above referenced condition.

**CASE# BZA-10-24-00818**

Jake Weidie of Blossman Gas, Inc. (“the Applicant” and “the Property Owner”), and Donald “Tripp” West III, PE of Cypress Engineering (“the Representative”) filed a Variance request to remove a 10”/16” Grand Magnolia Tree and to encroach more than twenty-five percent (25%) of the protected root zone area and to encroach within a restricted area three times the DBH (Critical Root Zone) of two (2) Grand Trees for a proposed liquified petroleum gas dealer at 10620 Highway 78 in the North Area of Charleston County (TMS # 379-00-00-071). Community Commercial (CC) 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 with the following conditions: (1) The applicant shall mitigate the removal of the 10”/16” DBH Grand Magnolia 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; (2) If any of the two (2) trees die within up to three (3) years of the completion of construction, the applicant shall mitigate the DBH of each 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 Charleston County Zoning and Land Development Regulations, or (c) a combination of both (a) and (b). The allotted mitigation shall be in place for each tree 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. Jordan seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

**Additional Business**

The BZA will hear ten (10) new business cases at the January 6, 2025 BZA Public Hearing that will be held in-person in Council Chambers at 5:00 p.m. Mrs. Werking announced that all board members have completed annual continuing education training. Staff member, Joshua Downey, was recognized for 5 years of service to the Charleson County Zoning and Planning Department. Staff presented plaques to Mr. Marchant and Ms. Switzer-Smallis for their service on the BZA since February 2021. Their terms expire on December 31, 2024.

**Adjournment**

There being no further business, the board adjourned at 10:15 p.m.

Respectfully submitted,

Jenny J. Werking, AICP  
Secretary to the BZA

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