

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE OCTOBER 7, 2024 MEETING
4:30 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. Roy Neal, and Mr. Doug Truslow

Members Absent

Mr. Marc Marchant, Mr. Robert Siedell, and Ms. Tonnia Switzer-Small were absent. Mr. Jesse Williams resigned from the board.

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:

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

The October 7, 2024 BZA meeting was called to order at 4:30 p.m. by the Chair, Mr. William Ray.

Minutes

Mr. Neal made a motion to approve the September 9, 2024 public hearing meeting minutes. Mr. Truslow seconded the motion and the motion carried unanimously.

Old Business

CASE# BZA-04-24-00775

Jose Vazquez ("the Applicant" and "the Property Owner"), filed a Variance request to remove a 28" DBH Grand Red Oak Tree and to remove an 18"/32" DBH Grand codominant-stemmed Live Oak Tree for a proposed (50' x 70') Accessory Dwelling Unit (ADU)/storage building at 4683 Lazy Creek Lane on Wadmalaw Island in Charleston County, (TMS # 217-00-00-079). Agricultural Preservation (AG-15) 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, §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 78 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; (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 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. Mr. Ray, Mr. Nelson, Mr. Jordan, and Mr. Truslow voted in favor of the motion. Mr. Neal voted against the motion. The majority of the members present, and voting (4 to 1) voted in favor of motion and therefore the application was granted with the above referenced conditions.

CASE# BZA-06-24-00792

Joseph Todd Manley and Meredith Hastings Manley (“the Applicants” and “the Property Owners”), filed a Variance request to reduce the required 50’ Critical Line setback by 22.4’ to 27.6’ and the required 35’ Critical Line buffer by 7.4’ to 27.6’ for an unpermitted swimming pool at 7753 Blue House Lane on Edisto Island in Charleston County, (TMS # 069-00-00-013). Agricultural Preservation (AG-10) 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, §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) The applicant shall use stormwater mitigation measures, such as the use of rain barrels or rain gardens, to reduce the flow of stormwater into the marsh; (2) The applicant shall provide an as built survey of the existing house, swimming pool, pool deck/patio, vehicular parking layout. The survey shall include all vegetation in the 35’ Critical Line buffer and the Critical Line within 40’ of the house and pool. (3) The applicant shall provide a planting plan showing the reestablishment of the 35’ Critical Line buffer with native vegetation within the as built survey area for review and approval by Zoning and Planning Staff. The applicant shall install landscaping based on the approved landscape plan within 6 months of BZA approval; and (4) The applicant/property owner shall obtain all required zoning and building permits for the swimming pool within 6 months of this variance approval. Mr. Nelson seconded the motion. Mr. Ray, Mr. Neal, and Mr. Nelson voted in favor of the motion. Mr. Jordan and Mr. Truslow voted against the motion. The majority of the members present, and voting (3 to 2) voted in favor of motion and therefore the application was granted with the above referenced conditions.

The BZA had a 5-minute recess.

New Business

CASE# BZA-07-24-00799

Christina L. Johnson (“the Applicant” and “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 4435 Betsy Kerrison Parkway on Johns Island in Charleston County, TMS # 204-00-00-019. 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 6.8 Short-Term Rentals, §6.8.2 Operating Standards and Requirements, C. Special Exception 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 conditions: (1) Prior to zoning permit approval, the applicant shall complete the STRP, Limited Site Plan Review process; (2) The use shall comply with all requirements of Article 6.8; (3) This property shall not be used as a Short-Term Rental for more than 144 days in aggregate during any calendar year; and (4) The property owner shall be responsible for ensuring that tenants comply with the Charleston County Noise Ordinance. 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-08-24-00802

Robert G. Roll (“the Applicant” and “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 2040 Wappoo

Drive on James Island in Charleston County, TMS # 343-03-00-141. 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 6.8 Short-Term Rentals, §6.8.2 Operating Standards and Requirements, C. Special Exception of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Neal made a motion to approve the Special Exception with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the STRP, Limited Site Plan Review process; (2) The use shall comply with all requirements of Article 6.8; (3) This property shall not be used as a Short-Term Rental for more than 144 days in aggregate during any calendar year; and (4) The property owner shall be responsible for ensuring that tenants comply with the Charleston County Noise Ordinance. 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-08-24-00801

William Johnson ("the Applicant" and "Property Owner"), filed a Variance request to locate a proposed detached accessory structure (swimming pool) to the side, not wholly to the rear, of the existing principal structure and to reduce the required 35' Critical Line setback by 8.6' to 26.4' for the proposed swimming pool at 2315 Spearfish Circle on James Island in Charleston County, (TMS # 328-03-00-070). 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, §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. Mr. Jordan seconded the motion. The motion to approve the application was unanimous and therefore granted.

CASE# BZA-08-24-00803

Richard and Angela Baughman ("the Applicants" and "the Property Owners") filed a Variance request to reduce the required 15' interior side setback by 8' to 7' for an existing unpermitted accessory building/porch at 5335 Log Bridge Road in the St. Pauls Area of Charleston County, (TMS # 246-00-00-111). 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, §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) The applicants/property owners shall obtain all required zoning and building permits for the unpermitted structure. Mr. Neal seconded the motion. Mr. Ray, Mr. Nelson, Mr. Jordan, and Mr. Neal voted in favor of the motion. Mr. Truslow voted against the motion. The majority of the members present, and voting (4 to 1) voted in favor of motion and therefore the application was granted with the above referenced condition.

CASE# BZA-08-24-00804

Leona and Theodore Forbes ("the Applicants" and "the Property Owners"), filed a Variance request to reduce the required 50' front/street side setback, the required 15' interior side setback, and the required 30' rear setback for existing unpermitted accessory structures at 5732 and 5728 Anglers Pond Lane on Johns Island in Charleston County, (TMS # 281-00-00-205 and 281-00-00-206). 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, §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) Th applicants/property owners shall obtain all required zoning and building permits for the

unpermitted structures. Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced condition.

Additional Business

The BZA will hear three (3) new business cases at the November 4, 2024 BZA Public Hearing that will be held in-person in Council Chambers at 5:00 p.m. Ms. Werking reminded the board members that the annual continuing education training is self-study and the deadline to finish the training is December 31, 2024.

Adjournment

There being no further business, the board adjourned at 8:15 p.m.

Respectfully submitted,

Jenny J. Werking, AICP
Secretary to the BZA

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