

Case # BZA-01-25-00842

Charleston County BZA Meeting of March 3, 2025

Applicant: Shaun Stroble of Stroble B&D Scrap Yard

Property Owner: Donna Stroble

Representative: Barry Whalen of HLA, Inc.

Property Location: 1951 Stokes Avenue – North Area

TMS#: 475-04-00-006

Zoning District: Industrial (IN) Zoning District

#### Request:

Variance request to waive the required 8' vehicular use perimeter buffer and to waive the required 40' (Type F) land use buffer for an existing salvage yard.

## Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.23 IN, Industrial District, Sec. 4.23.3 Density/Intensity and Dimensional Standards, Table 4.23.3, IN Density/Intensity and Dimensional Standards states, "Minimum Setbacks shall be vegetated buffers as required in CHAPTER 9, Development Standards, of this Ordinance."

Chapter 9 Development Standards, Article 9.4 Landscaping, Screening, and Buffers, Sec. 9.4.3 Parking, Loading, and Vehicular Use Area Landscaping, A. Parking, Loading, and Vehicular Use Area Perimeters, 3.a. Standards states, "A perimeter landscape area at least eight feet in depth shall be provided at the perimeter of all off-street parking, loading, and vehicular use areas, except when permitted driveway openings are to be provided. Where drainage or other utility Easements exist along property lines, the perimeter landscape area shall be located adjacent to the Easement. No buffer plantings will be allowed within any Easement of record, without written approval of the Easement holder." See 3.b. Standards for planting requirements.

Sec. 9.4.4 Landscape Buffers, B. Land Use Buffers, Table 9.4.4-2, Land Use Buffers and Table 9.4.4-3, Buffer Depth and Landscaping Standards



## **CHAPTER 4 | BASE ZONING DISTRICTS**

## **ARTICLE 4.23 IN, INDUSTRIAL DISTRICT**

#### Sec. 4.23.1 Purpose and Intent

The IN, Industrial Zoning District implements the Industrial policies of the Comprehensive Plan.

## Sec. 4.23.2 Use Regulations

Uses are allowed in the IN District in accordance with the Use Regulations of CHAPTER 6, Use Regulations.

## Sec. 4.23.3 Density/Intensity and Dimensional Standards

All Development in the IN District shall be subject to the following Density/Intensity and Dimensional Standards:

Tabl4.23.3, IN Density/Intensity and Dimensional Standards								
	Non-Waterfront Development Standards Waterfront Development Standard							
MINIMUM LOT AREA	15,000 square feet							
MINIMUM LOT WIDTH	70 f	eet						
MINIMUM SETBACKS	Minimum Setbacks shall be the vegetated buffers as required in CHAPTER 9, <i>Development Standards</i> , of this Ordinance.							
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A 50 feet							
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	35 feet						
MAXIMUM BUILDING COVERAGE	No Maximum							
MAXIMUM HEIGHT	55 feet/3.5 stories, whichever is less, in the Urban/Suburban Area as defined in the Charles  County Comprehensive Plan.  35 feet in the Rural Area, as defined by the Charleston County Comprehensive Plan.							

Effective on: 9/10/2017, as amended

#### Sec. 4.23.4 Other Regulations

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

## Sec. 4.23.5 Residential Uses

A. Single-Family Detached Dwellings in the IN Zoning District shall be subject to Sec. 6.4.25, *Single-Family Detached Dwelling Units*, of this Ordinance.

B. Multi-Family Dwellings, Single-Family Attached Dwellings, Duplexes, Triplexes, and Fourplexes in the IN Zoning District shall comply with the Density/Intensity and Dimensional Standards of the UR Zoning District.

Effective on: 12/6/2022, as amended



## **CHAPTER 9 | DEVELOPMENT STANDARDS**

## **ARTICLE 9.4 LANDSCAPING, SCREENING, AND BUFFERS**

## Sec. 9.4.3 Parking, Loading, and Vehicular Use Area Landscaping

#### A. Parking, Loading and Vehicular Use Area Perimeters.

1. *Required*. Unless otherwise expressly stated, perimeter landscaping shall be required around the outer perimeter of all off-street surface parking, loading, and vehicular use areas.

#### Exemptions.

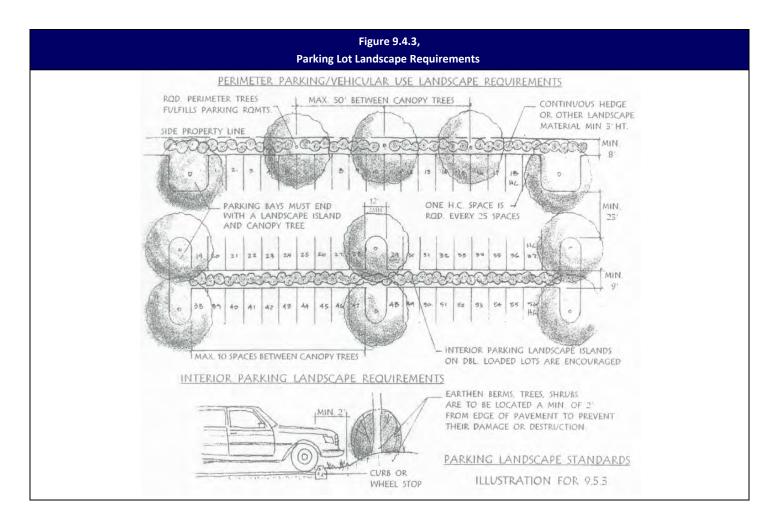
- a. Parking areas for the exclusive use of Single-Family Detached Dwelling Units or agricultural uses where there are no on-site customers and less than 10 employees are exempt from these requirements.
- b. Any off-street parking, loading, or vehicular use area that is or will be entirely screened from view by an intervening Building or Structure or by a buffer on the Subject Property provided to satisfy the standards of this Article are exempt from the perimeter landscaping requirements.

## 3. Standards.

- a. A perimeter landscape area at least eight feet in depth shall be provided at the perimeter of all off-street parking, loading, and vehicular use areas, except where permitted driveway openings are to be provided. Where drainage or other utility Easements exist along property lines, the perimeter landscape area shall be located adjacent to the Easement. No buffer plantings will be allowed within any Easement of record, without written approval of the Easement holder.
- b. Required perimeter landscape areas shall be planted as follows:
  - 1. One Canopy Tree shall be provided for each 50 linear feet along the perimeter of all parking, loading, or vehicular use areas. These Trees may be used to satisfy the interior Parking Lot landscaping requirements outlined below.
  - 2. A combination of a hedge with Trees, Shrubs, ornamental grasses, or an approved Fence, Wall, or earthen Berm shall be used to form a continuous landscape screen of at least three feet in height (at maturity) within the perimeter landscape area;
  - 3. All portions of the perimeter landscape area not planted with Shrubs or Trees or covered by a Wall or Fence barrier shall be planted in grass or wood-based mulch and inorganic Ground Cover, including rock and wood chips; and
  - 4. Parked vehicles may overhang a landscaped area provided curbing or wheel stops are installed to prevent damage to any plants within the required perimeter landscape area. Landscaping, Walls, Fences, or earth Berms will be so located as to prevent their damage and/or destruction by overhanging vehicles.
- B. **Interior Areas.** The following interior Parking Lot landscaping requirements apply to all Parking Lots except those exclusively serving single-family residential or agricultural uses.
  - 1. Each single- or double-loaded Parking Lot bay must terminate with a Tree island. A minimum of one landscape island shall be provided and evenly disbursed for maximum canopy coverage for each 10 parking spaces within an off-street parking area. Required landscape islands shall have a minimum of 162 square feet (minimum nine feet x 18 feet) or 324 square feet (minimum 9 feet x 36 feet).
  - 2. Each required landscaping island shall contain at least one Canopy Tree per each 162 square feet. Canopy Trees in these islands must be planted in line with the parking stripes (between vehicles) and may be used to satisfy the Parking Lot Tree requirements, subject to all Parking Lot bays terminating with a Tree island. (See Figure 9.4.3, *Parking Lot Landscape Requirements*)
  - 3. All Parking Lot islands shall be landscaped with a combination of mulch and/or Ground Cover. Pavers, Pavement, and similar hard surfacing shall not be permitted within a Parking Lot island.



- 4. Curbs, wheel stops, or other protective barriers shall be installed around all required landscape islands, as approved by the Zoning and Planning Director. Protective barriers, such as Curbs, wheel stops or other edging material, must complement on-site drainage patterns. This may require utilizing Curb Cuts, open Fencing, and appropriate placement of Berms.
- 5. Landscaping provided to meet the standards of Sec. 9.4.4, Landscape Buffers, shall not satisfy the interior Parking Lot landscaping requirements. Canopy Trees planted to meet the Landscape Buffer requirements may be counted toward the interior Parking Lot landscaping requirements provided the buffer is immediately adjacent to the Parking Lot perimeter.





## **CHAPTER 9 | DEVELOPMENT STANDARDS**

## **ARTICLE 9.4 LANDSCAPING, SCREENING, AND BUFFERS**

## Sec. 9.4.4 Landscape Buffers

#### A. Right-of-Way Buffers.

- 1. Applicability. Right-of-Way buffers shall be required adjacent to road Rights-of-Way and ingress/egress Easements for all uses except for agricultural and Residential Uses existing on or prior to November 20, 2001. Minor Subdivisions may not have to comply with the requirements of this Section if the Zoning and Planning Director determines that compliance is not necessary to satisfy the purposes of this Ordinance.
- 2. *Buffer Types by Roadway*. Landscape Buffers are required along Roadways in accordance with Table 9.4.4-1, *Buffer Types by Roadway*. Streets, Rights-of-Way, and ingress/egress Easements not indicated in this table shall comply with the Type B buffer requirements.
- 3. Development within Buffer Areas.
  - a. No Development, storage, or display may occur within required buffer areas except for sidewalks and permitted drives and Signs;
  - b. All buffer areas shall accommodate the required Plant materials;
  - c. Drainage swales and stormwater Detention ponds may be placed in the buffer only when Protected Trees and Grand Trees are not endangered and when they meander through the buffer in a natural manner; and

d. Stormwater ponds and swales may not occupy more than 25 percent of the buffer depth.

Table 9.4.4-1, Buffer Ty		•	
Abbapoola Road	G	Main Road (Limehouse Bridge to Maybank Hwy.)	1
Ashley Hall Road	В	Main Road Corridor Overlay Zoning District	[3]
Hwy. 61/Ashley River Road (Saint Andrews Boulevard to Sam Rittenberg Boulevard)	В	Main Road (Bees Ferry Road to Limehouse Bridge)	G
Hwy. 61/Ashley River Road (Mark Clark Expressway to Church Creek)	Ε	Manse Road	G
Hwy. 61/Ashley River Road (Church Creek to Muirfield Parkway/MacLaura Hall Ave.) [1]	I	Mark Clark Expressway	1
Hwy. 61/Ashley River Road (Muirfield Parkway/ MacLaura Hall Avenue intersection to Charleston County Line) [1]	J	Mary Ann Point Road	E
Bears Bluff Road	-	Mathis Ferry Road [1]	G
Bees Ferry Road	G	Maybank Highway Corridor Overlay Zoning District [Johns Island]	[2]
Belvedere Road	G	Maybank Highway Corridor Overlay Zoning District [James Island]	[4]
Betsy Kerrison Parkway [1]	I	Maybank Highway (Main Road to Rockville)	_
Bohicket Road [1]	ı	Meeting Street	В
Botany Bay Road [1]	I	Murraywood Road	G
Brownswood Road	G	Old Georgetown Road	G
Cane Slash Road	G	Liberia Road	G



			_
Chisolm Road	G	Old Georgetown Road in the "Loop" area (designated on the Mount Pleasant Overlay map)	В
Chuck Dawley Boulevard	В	Old Jacksonboro Road	G
Coleman Boulevard	В	Old Pond Road	G
Doar Road	G	Old Towne Road	В
Dorchester Road	А	Orange Grove Road	В
Eddingsville Beach Road	G	Orleans Road	В
Edenvale Road	G	Parkers Ferry Road	G
Fort Johnson Road [1]	Е	Patton Avenue/Fickling Hill Road	G
Hamlin Road	Е	Peters Point Road	G
Harborview Road	В	Pine Landing Road	G
Highway 162	G	Plow Ground Road	G
Highway 165	G	Raccoon Island Road	G
Highway 17 (Hwy. 41 to County Line)	ı	Rifle Range Road	Е
Highway 17 (east of Isle of Palms Connector to Hwy. 41, not including Old Georgetown Hwy "Loop" Area)	G	River Road [1]	ı
Highway 17 in the Old Georgetown Road "Loop" area (as designated on the Mount Pleasant Overlay map)	В	Riverland Drive [1]	G
Highway 17 (west of Isle of Palms Connector including bypass)	В	Rivers Avenue	В
Highway 174 (Highway 164 to Edisto Beach) [1]	ı	Rutledge Road	G
Highway 174 (Highway 17 to Highway 164)	Ε	Saint Andrews Boulevard	В
Highway 41	G	Savannah Highway [Bees Ferry Rd. to County Line] otherwise C	Е
Highway 45	G	Seewee Road	G
Humbert Road	Е	South Santee Road	G
Hyde Park Road	G	Steamboat Landing Road (Jenkins Hill to Steamboat Creek)	G
James Island Bridge/Highway 61 Connector	С	Tibwin Road	G
James Island Expressway	G	Toogoodoo Road	G
Liberia Road	G	Venning Road	Е
Long Point Road (SPA Wando Terminal to I-526)	В	Wappoo Road	В
Long Point Road (Outside of MP-O District) [1]	G	Wescott Road	G
Magwood Road	E	Willtown Road	G



- [1] Denotes Scenic Road designation that shall require protection under the provisions of this Ordinance of all Trees 6 inches or greater in Diameter Breast Height (DBH) which are located within Rights-of-Way.
- [2] Buffer type as described in the Johns Island Maybank Highway Corridor Overlay Zoning District.
- [3] Buffer type as described in the Main Road Corridor Overlay District.
- [4] Buffer type as described in the James Island Maybank Highway Corridor Overlay Zoning District.
- 4. Buffer Depth and Planting Standards. (See Table 9.4.4-3)
  - 5. The Zoning and Planning Director is authorized to reduce the depth of a required Right-of-Way buffer as follows:
    - a. A required Right-of-Way buffer not within an Overlay Zoning District may be reduced by up to one-third its depth when the following circumstance exist:
      - 1. The Parcel is located on a Corner Lot with required Right-of-Way buffers of 35 feet or more; or
      - 2. The area of all the required buffers, including land use buffers and Tree protection areas, exceeds 30 percent of the site.
    - b. A required Right-of-Way buffer of 35 feet or less located within the Urban/Suburban Area defined by the Urban Growth Boundary (UGB) and not within an Overlay Zoning District may be reduced as follows:
      - 1. When no parking or vehicular use area is located between the building and the Right-of-Way, the required buffer may be reduced to no less than eight feet (Type A land use buffer) provided the site layout and building elevations meet all applicable sections of Article 9.5, *Architectural and Landscape Design Standards*.
      - 2. When no more than 10 parking spaces are located between the Building and the Right-of-Way the required buffer may be reduced to no less than 15 feet (Type B buffer) provided the site layout and Building elevations meet all applicable sections of Article 9.5, *Architectural and Landscape Design Standards*.
      - 3. Buffers required on Parcels that are part of redevelopment that preserves existing Structures may be reduced up to a depth no less than 10 feet (Type A land use buffer) in order to meet the parking and Tree preservation requirements of this Ordinance.
      - 4. Buffers are not required along newly created internal Rights-of-Way and ingress/egress Easements on Parcels containing exclusively Duplex, Triplex, Fourplex, or Single Family Attached Dwellings.
    - c. The Zoning and Planning Director may require additional site improvements., including but not limited to, enhanced Building architecture and materials and/or increased plant material sizes and density when a buffer reduction is granted.

#### B. Land Use Buffers.

- 1. *Applicability.* Land use buffers shall be provided in accordance with the standards of this Section. In the case of conflict between the land use buffer requirements of this section and those contained in CHAPTER 6, *Use Regulations*, of this Ordinance, the land use buffer requirements contained in CHAPTER 6, *Use Regulations*, shall govern.
- 2. Single-Family Detached Dwelling Units on individual Lots are exempt from the land use buffer requirements of this Section.
- 3. The Zoning and Planning Director is authorized to modify or waive the buffer or landscape planting requirements and may require that additional plant material be added within remaining buffers or elsewhere on the site, as described below:
  - a. When buffers will not serve any useful purpose due to the location of the following as determined by the Zoning and Planning Director: fences, walls, berms, or landscaping of at least equivalent height, opacity, and maintenance; uses; vehicles; buildings; structures; or storage; parking; loading; display or service areas; or
  - b. The Zoning and Planning Director is authorized to allow a one-third reduction of required buffers, if all required buffers would exceed 25 percent of the site proposed for Development.
- 4. Determination of Required Buffers. The following procedure shall be used in determining which of the buffer types in Table 9.4.4-2, Land Use Buffers, apply:
  - a. Determine the type of proposed use for the site being developed. (Column 1);
  - b. Determine the residential use type (if residential) or the Zoning District that exists on the adjacent Parcel. This is the "Adjacent Site's Use or Zoning";



- c. At the intersection of the proposed use and the use or zoning of the adjacent site, identify the land use buffer type (A, B, C, D, E, or F) required along the developing site's boundary(ies); and
- d. Lastly, refer to Table 9.4.4-3, *Buffer Depth and Landscaping Standards*, for the applicable buffer type.
- 5. Land Use Buffer Table. Land use buffers are required along Side and Rear Yards in accordance with the requirements of the following table:

Table 9.4.4-2, Land Use Buffers									
	Use or Zoning of Adjacent Site								
Proposed Use	Residential Type		Гуре	Civia/Institutional	Commerci	al Type	Industr	ial Type	Agricultural
	1	2	3	Civic/Institutional	1	2	1	2	Agricultural
Agricultural	В	В	В	-	-	-	-	-	-
Residential Type 1	-	-	-	-	•	1	1	-	-
Residential Type 2	Α	-	Α	В	В	С	E	F	В
Residential Type 3	В	А	-	А	В	С	Е	F	В
Civic/Institutional	В	В	Α	=	В	С	D	Е	В
Commercial Type 1	В	В	В	А	-	С	D	Е	В
Commercial Type 2	D	D	С	D	-	-	D	D	D
Industrial Type 1	Н	Н	Н	F	Е	В	-	А	G
Industrial Type 2	J	J	J	J	G	В	А	-	<u> </u>

#### General Notes:

#### Residential Use Types:

Type 1 = Single family Detached and undeveloped Residential Lots; Type 2 = Duplex and Single family Attached; Type 3 = Triplexes, Fourplexes, and Multi-Family and all other residential use types, including Manufactured Housing Parks

#### Commercial Use Types:

Type 1 = Any commercial use allowed by right in an RO, GO, or NC district and undeveloped Commercial Lots; Type 2 = all other commercial uses Industrial Use Types:

Type 1 = Any industrial or commercial use that is first allowed in an industrial (IN) Zoning District and undeveloped Industrial Lots; Type 2 = Waste-Related uses and Recycling Centers.

#### 6. Buffer Depth and Landscaping Standards.

6. Bujjer Bepen and Bandscaping Standards.												
Table 9.4.4-3, Buffer Depth and Landscaping Standards												
Standard		Buffer Type										
Standard	Α	В	С	D	E	F	G	Н	- 1	J		
MINIMUM BUFFER DEPTH (feet from property line) [1]	10	15	20	25	35	40	50	60	75	100		
MINIMUM LAND USE BUFFER LANDSCAPING (Plants per 100 linear feet) [2] [3]												
Canopy Trees [4]	2	2	2	3	4	5	6	7	9	12		
Understory Trees (at least 50 percent evergreen)	3	3	4	4	6	7	9	10	12	15		
Shrubs	20	25	30	35	40	45	50	55	60	75		



#### TABLE NOTES:

- 1. Buffers may be traversed by permitted driveways and pedestrian ways.
- 2. The retention of natural buffers is required along all road or street Rights-of-Way of Buffer Type C designation or greater. The Zoning and Planning Director is authorized to waive or modify the minimum buffer planting requirements when an undisturbed natural buffer exists that is the same depth and amount of plant material as that which is required.
- 3. Bradford Pears cannot be used to fulfill any of the Tree requirements of this Ordinance. Any exotic species proposed by a designer are subject to approval by the Zoning and Planning Director.
- 4. Palmetto Trees may be substituted to fulfill the Canopy Tree requirements. These Trees are to be planted at a ratio of three Palmetto Trees for each Canopy Tree and are to be planted in groupings of three.

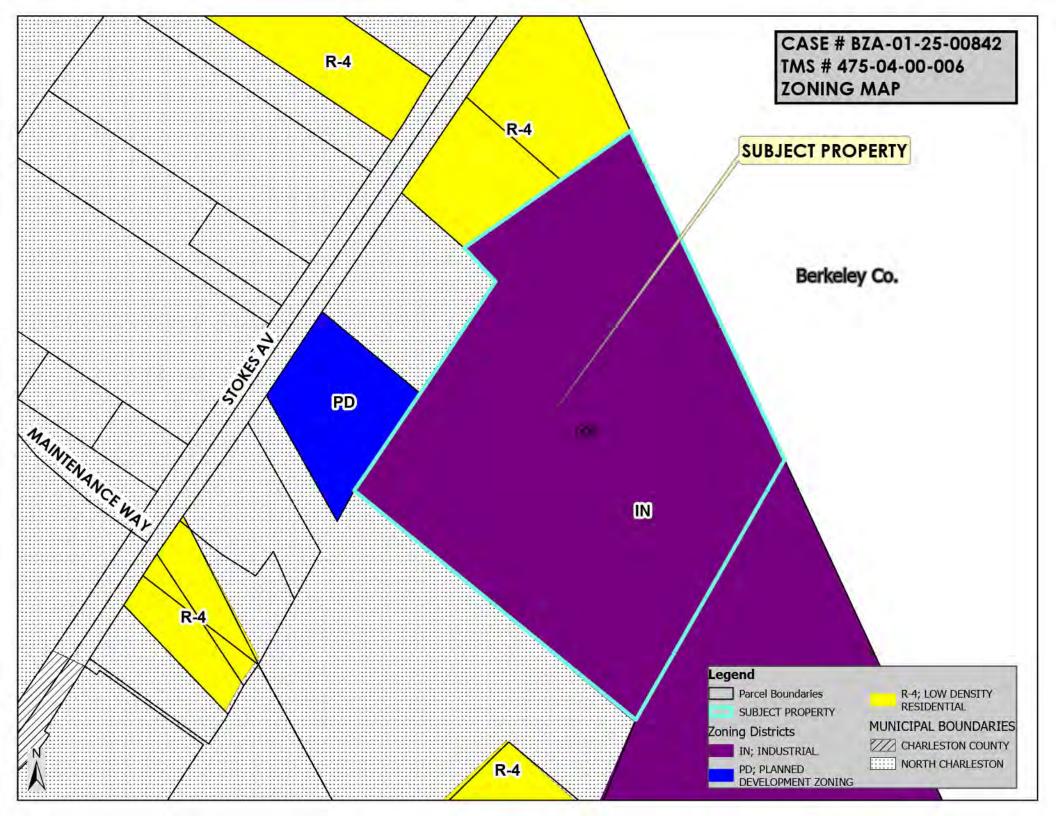
#### **GENERAL NOTES:**

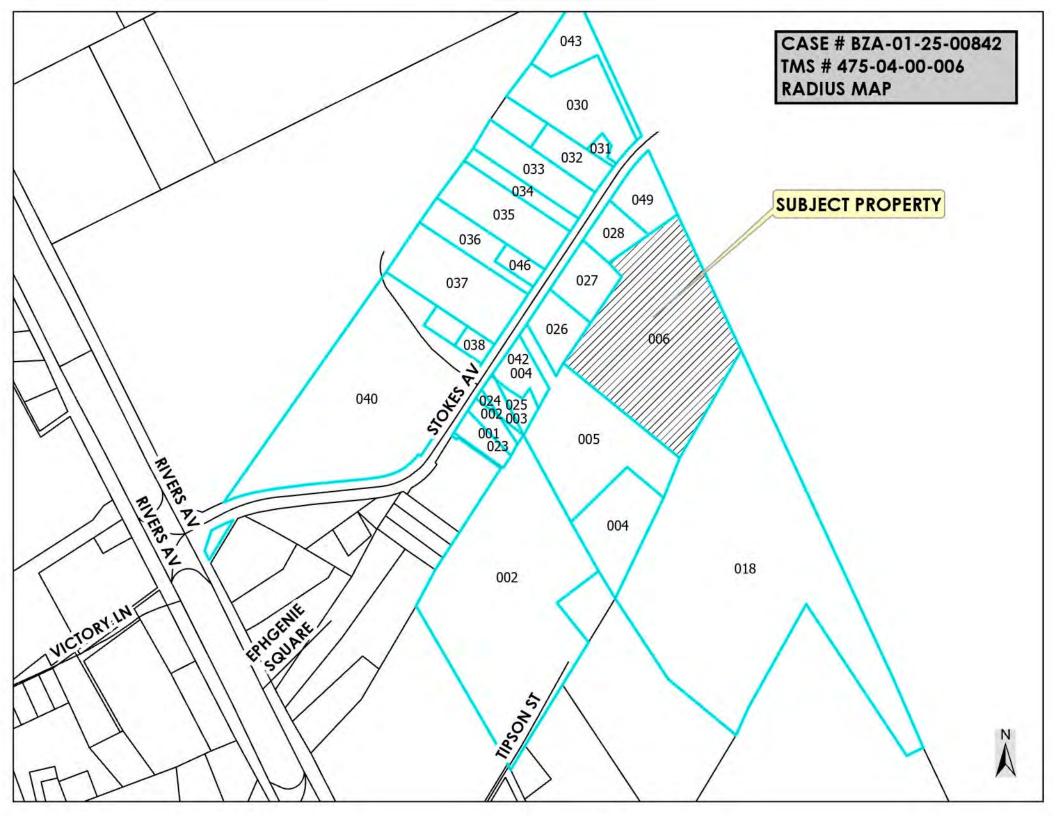
- 1. The Zoning and Planning Director shall be authorized to require the installation of Berms within required buffers where deemed necessary to protect the visual quality of a road corridor or ensure land use compatibility.
- 2. All Trees with a Diameter Breast Height (DBH) of eight inches or greater within buffers shall be preserved.

#### C. General.

- 1. Location of Buffers. Buffers shall be located along the perimeter of a Lot or Parcel and shall extend to the boundary of the Lot or Parcel. They shall not be located on any portion of public Right-of-Way. Where drainage or other utility Easements exist along property lines, required Landscape Buffers shall be located adjacent to the Easement and may be reduced in width by the width of the Easement, but in no case shall the buffer width be less than 10 feet and shall be located adjacent to the Easement. Required buffers shall be noted on all Plats, plans and permit requests submitted for review and approval under this Ordinance.
- 2. Plant Material within Buffers. Plant material shall be selected and spaced properly to allow the Plants to thrive considering site specific conditions. Plant materials located adjacent to public Drainage Easements and Right-of-Ways shall be selected and placed so as not to impede access or maintenance, including low-lying lateral branches. Additionally, plant material within required buffers that contain Utility Easements shall be selected and located to minimize pruning for future maintenance and clearance of such Utilities. All selections are subject to the review and approval of the Zoning and Planning Director and may also require modifications (substitutions and relocation) of plant materials on proposed landscape plans when necessary to assure access and ease of maintenance to any Easements or Rights-of-Way and to preserve the public health, safety, and welfare.
- 3. *Use of Buffers.* The Zoning and Planning Director is authorized to allow On-Premises Signs, Fences, Walls, Berms, mailboxes, access to community Boat Ramps, permitted driveways, and sidewalks within required buffers. Other improvements may be allowed within buffers if the Zoning and Planning Director determines that such improvements will not detract from the intended purpose and function of the buffer or have any adverse effect on adjacent property.

Effective on: 12/6/2022, as amended









Case # BZA-01-25-00842
BZA Meeting of March 3, 2025
Subject Property: 1951 Stokes Avenue — North Area

Proposal: Variance request to waive the required vehicular use perimeter buffer and to waive the land use buffer for an existing salvage yard.



# Subject Property





## Subject Property





## Staff Review:

The applicant, Shaun Stroble of Stroble B&D Scrap Yard, and the property owner, Donna Stroble, represented by Barry Whalen of HLA, Inc. are requesting a variance to waive the required 8' vehicular use perimeter buffer and to waive the required 40' (Type F) land use buffer for an existing salvage yard at 1951 Stokes Avenue (TMS # 475-04-00-006) in the North Area of Charleston County.

The 5.42-acre subject property is located in the Industrial (IN) Zoning District. It is bordered to the southeast by industrial zoning. The adjacent properties to the north are located in the Low Density Residential (R-4) Zoning District. The adjacent properties to the east are located in Berkeley County and contain railroad tracks and the adjacent property to the south is located in the City of N. Charleston's jurisdiction. The Planned Development (PD-161 The Stokes Tract Parking) property to the west is the approved entrance to and parking lot for the subject property.

The proposed project is currently in the Site Plan Review process (ZSPR-09-22-00780). The applicant's letter of intent explains, "This application concerns a salvage yard located in North Charleston at 1951 Stokes Avenue. The salvage yard was established in 1984. In 2007, the rights were transferred to Donna Stroble due to death of previous owner. At that time the salvage yard was transformed into B&D Scrap. Currently, it is operated by the owner and her son. The site is to remain a salvage yard. Prior to the salvage yard, the site was used as a medical waste landfill.

The applicant requests BZA approval for relief from the following:

- ZLDR Table 4.23.3 Density/Intensity and Dimensional Standards, Minimum Setbacks the required setback being the width of required buffers per ZLDR 9.4.4
- ZLDR 9.4 Landscaping, Screening, and Buffers

The site is a medical landfill capped and currently operating as a salvage yard. The owners have been making changes to the site throughout the years, adding and removing structures (refer to EX SSE for the details). The site has never maintained planted buffers, as these were not required at the time of the business establishment. The Zoning and Land Development Regulations were not adopted until November 20, 2001. Additionally, incorporating a planted buffer would impose a danger of disturbing the existing landfill cap, which could potentially release contaminants and produce environmental exposure.

The setback and buffers issue were raised when the current owner applied for a new structure on site. The new structure proposal was since abandoned. After the Site Plans Review, the applicant was issued a list of comments from the planning department stating that there were a number of non-conformities with the current zoning regulations.

The applicant was asked to remove a number of structures that were never previously permitted on site and to obtain permits for other existing structures. The applicant has been actively working to demolish unpermitted site structures and obtain the proper required building permits. However, the applicant cannot meet the requirements of the planted buffers due to the cap on the previous medical landfill use. At this time, the applicant is asking for relief from the requirement of planting any required vegetation on site.

The applicant is also requesting relief to the setback requirements regarding existing structures on-site that are proposed to remain. The one-story scale house added to the site in 2010 is an example of an existing structure that is currently encroaching into the required setbacks. The required setback/buffer measures 40'. Since buffer planting was not an initial requirement, the owner has been using that space for storage and the location of some structures."

## Applicable ZLDR requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.23 IN, Industrial District, Sec. 4.23.3 Density/Intensity and Dimensional Standards, Table 4.23.3, IN Density/Intensity and Dimensional Standards states, "Minimum Setbacks shall be vegetated buffers as required in CHAPTER 9, Development Standards, of this Ordinance."

Chapter 9 Development Standards, Article 9.4 Landscaping, Screening, and Buffers, Sec. 9.4.3 Parking, Loading, and Vehicular Use Area Landscaping, A. Parking, Loading, and Vehicular Use Area Perimeters, 3.a. Standards states, "A perimeter landscape area at least eight feet in depth shall be provided at the perimeter of all off-street parking, loading, and vehicular use areas, except when permitted driveway openings are to be provided. Where drainage or other utility Easements exist along property lines, the perimeter landscape area shall be located adjacent to the Easement. No buffer plantings will be allowed within any Easement of record, without written approval of the Easement holder." See 3.b. Standards for planting requirements.

Sec. 9.4.4 Landscape Buffers, B. Land Use Buffers, Table 9.4.4-2, Land Use Buffers and Table 9.4.4-3, Buffer Depth and Landscaping Standards

Staff conducted a site visit on the subject property on February 12, 2025. Please review the attachments for further information regarding this request.

## Planning Director Review and Report regarding Approval Criteria of §3.10.6:

§3.10.6(1): There are extraordinary and exceptional conditions pertaining to the

particular piece of property;

Response: There are extraordinary and exceptional conditions pertaining to the 5.42-

acre property. The applicant's letter of intent states, "Yes, the site's previous use was a medical landfill, which has been capped to contain environmental exposures or contaminate releases. As such, it is not suitable for most commercial/industrial land uses or new landscape plantings. New planting would require disturbing the landfill cap and polluting medical waste into the surrounding areas and water." Therefore, the request meets

this criterion.

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

Response: These conditions do not generally apply to other property in the vicinity. The

applicant's letter of intent states, "These conditions generally do not apply to the parcels in the vicinity, except the parcel adjacent to the rear property line, which was also used in the past as a landfill. However, different types of waste were contained in that location, and natural succession took over since the area ceased to be utilized for active disposal. Due to the medical waste fill on-site, natural succession or planting large trees or shrubs is

**inadvisable."** Therefore, the request <u>meets</u> this criterion.

§3.10.6(3): Because of these conditions, the application of this Ordinance to the

particular piece of property would effectively prohibit or unreasonably

restrict the utilization of the property:

Response: The application of this Ordinance, Article 9.4 Landscaping, Screening, and

Buffers to 1951 Stokes Avenue would unreasonably restrict the utilization of the property. **The applicant's letter of intent states, "The site is an existing** salvage yard. It has been used as a salvage yard since 1984. The setbacks **and buffers were not required when the business was created. Applying 40'** setbacks/buffers that cannot be planted would significantly and unnecessarily restrict the parcel's existing use by reducing available

**acreage."** Therefore, the request meets this criterion.

§3.10.6(4): The authorization of a variance will not be of substantial detriment to

adjacent property or to the public good, and the character of the zoning

district will not be harmed by the granting of the variance;

Response: The authorization of this variance request may not be of substantial detriment to the adjacent properties and to the public good, and the

character of the Industrial (IN) Zoning District may not be harmed if the variance is granted. **The applicant's letter of intent states**, "The site has been

Page 3 of 5

in the same condition and utilized the same land use for years. Granting the variance will not be substantially detrimental to adjacent property or public **goods or change the character of the zoning district."** 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. In addition, the applicant's letter of intent states, "The site is zoned Industrial. Salvage Yard use has been utilized on this parcel since 1984. This use is permitted in the Industrial zoning." Therefore, the request meets this criterion.

§3.10.6(6): Response: The need for the variance is not the result of the applicant's own actions; The need for the variance may not be the result of the applicant's own actions. The applicant's letter of intent states, "Before the salvage yard was established, the site was used as a medical landfill. The issue of planting the buffers is not a result of the applicant's own actions." Therefore, the request may meet this criterion.

§3.10.6(7):

Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance;

Response:

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. In addition, the applicant's letter of intent states, "Charleston County is currently in the process of 5-year review of the Comprehensive Plan. The Comprehensive Plan placed the site within an Urban/Suburban Mixed-Use area. Preservation of natural resources and County rural areas are some of the main goals of the comprehensive plan. The Salvage Yard is located in the Urban Growth Boundary of the future land use map. This location ensures the preservation of rural areas of the County. Salvage Yard also contributes to the conservation of natural resources, reduction of carbon emissions, less landfill waste, Energy efficiency, reduction of demand for new mining projects, and reusability. As such, it does not conflict with the Charleston County Comprehensive Plan or the purpose of the ordinance." 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-01-25-00842 [Variance to waive the required 8' vehicular use perimeter buffer and to waive the required 40' (Type F) land use buffer for an existing salvage yard at 1951 Stokes Avenue (TMS # 475-04-00-006) in the North Area of Charleston County] based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision. In the event the BZA decides to approve the application, Staff recommends the following condition:

1. Prior to zoning permit approval, the applicant shall complete the Site Plan Review process.

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

Property Information					
Subject Property Address: 1951 Stokes	Avenue, North Char	rleston. Charlesto	n County		
Tax Map Number(s): 475-04-00-006 an	d -026				
Current Use of Property: Parking and S	crap Yard				
Proposed Use of Property: Current use to	remain the same				
Zoning Variance Description: Variance f	or setbacks and but	ffers Table 4.23.3	, ZLDR 9	0.4.42	
Applicant Information (Required)					
Applicant Name (please print): Shauri S	troble				
Name of Company (If applicable): Stroble	e B&D Scrap Yard				
Mailing Address: 1951 Stokes Ave					
City: North Charleston	State: SC			Zip Code: 29406	
Email Address: shaun@bdscrapmetal.c	com		Phone #:	843-553-8836	
Applicant Signature:		_		Date: \\ 14 25	
Representative Information (Compl			Engineer,	Surveyor etc.)	
Print Representative Name and Name of C	company: HLA, Inc.	- Barry Whalen			
Mailing Address: 29A Leingbach Dr					
City: Charleston	State: SC			Zip Code: 29407	
mail Address: bwhalen@hlainc.com			Phone #:	843-763-1166	
Designation of Agent (Complete only	if the Applicant lister	d above is not the	roperty C	Owner.)	
hereby appoint the person named as Ap	plicant and/or Repres	sentative as my (or	r) agent to	o represent me (us) in this application	in.
Property Owner(s) Name(s) (please print)	Donna Stroble				
Name of Company (if applicable, LLC etc.)	i i				
Property Owner(s) Malling Address: 195	1 Stokes Avenue				
City: North Charleston	State: SC	Zip Code: 2	9406	Phone #: 843-2910-0	titld
Property Owner(s) Email Address:	tro1959	@Gmail	.cc	)m	
Property Owner(s) Signature: 0 ma	a Stable	)		Date: 1-14-25	
	FOR OF	FICE USE ONLY:	1 1		Ę
Zoning District: TN + TP Flood	Zone: 1 20	15K) Dat	e Filed:	Fee Paid:	25
Application #: BZA-Q-25-C	0842ms#: 4	175-04	,00,	Staff Initials:	-
00100	~ '-		026		DANIO CONTUR

Page 1 of 3

## **Description of Request**

Please describe your proposal in detail. You may att supporting materials that are applicable to your requ	ach a separate sheet if necessary. Additionally, you may provide any est (photographs, letter of support, etc.)
Refer to the Variance Letter Enclosed.	

## 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:

Refer to the Variance Letter Enclosed		

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

Refer to the Variance Letter Enclosed

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

Refer to the Variance Letter Enclosed

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:
F	tefer to the Variance Letter Enclosed
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?
Re	fer to the Variance Letter Enclosed
6.	Is the need for the variance the result of your own actions? Explain:
Ref	er to the Variance Letter Enclosed
7.	Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain
Ref	er to the Variance Letter Enclosed

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.

29A Leinbach Drive Charleston, SC 29407-6988 Tel. 843.763.1166 www.hlainc.com



January 14, 2025

Zoning & Planning Department Attn: BZA Lonnie Hamilton III Public Services Building 4045 Bridge View Drive North Charleston, SC 29405

RE: 1951 Stokes Ave, Parking and salvage yard – Letter of Intent for BZA Variance Request (TMS # 475-04-00-006 and -026)

Board of Zoning Appeals,

This application concerns a salvage yard located in North Charleston at 1951 Stokes Avenue. The salvage yard was established in 1984. In 2007, the rights were transferred to Donna Stroble due to death of previous owner. At that time the salvage yard was transformed into B&D Scrap. Currently, it is operated by the owner and her son. The site is to remain a salvage yard. Prior to the salvage yard, the site was used as a medical waste landfill.

The applicant requests BZA approval for relief from the following:

- ZLDR Table 4.23.3 Density/Intensity and Dimensional Standards, Minimum Setbacks the required setback being the width of required buffers per ZLDR 9.4.4
- ZLDR 9.4 Landscaping, Screening, and Buffers

The site is a medical landfill capped and currently operating as a salvage yard. The owners have been making changes to the site throughout the years, adding and removing structures (refer to EX SSE for the details). The site has never maintained planted buffers, as these were not required at the time of the business establishment. The Zoning and Land Development Regulations were not adopted until November 20, 2001. Additionally, incorporating a planted buffer would impose a danger of disturbing the existing landfill cap, which could potentially release contaminants and produce environmental exposure.

The setback and buffers issue were raised when the current owner applied for a new structure on site. The new structure proposal was since abandoned. After the Site Plans Review, the applicant was issued a list of comments from the planning department stating that there were a number of non-conformities with the current zoning regulations. The applicant was asked to remove a number of structures that were never previously permitted on site and to obtain permits for other existing structures. The applicant has been actively working to demolish unpermitted site structures and obtain the proper required building permits. However, the applicant cannot meet the requirements of the planted buffers due to the cap on the previous medical landfill use. At this time, the applicant is asking for relief from the requirement of planting any required vegetation on site.

29A Leinbach Drive Charleston, SC 29407-6988 Tel. 843.763.1166 www.hlainc.com



The applicant is also requesting relief to the setback requirements regarding existing structures on-site that are proposed to remain. The one-story scale house added to the site in 2010 is an example of an existing structure that is currently encroaching into the required setbacks. The required setback/buffer measures 40'. Since buffer planting was not an initial requirement, the owner has been using that space for storage and the location of some structures.

#### Are there extraordinary and exceptional conditions pertaining to the subject property?

Yes, the site's previous use was a medical landfill, which has been capped to contain environmental exposures or contaminate releases. As such, it is not suitable for most commercial/industrial land uses or new landscape plantings. New planting would require disturbing the landfill cap and polluting medical waste into the surrounding areas and water.

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

These conditions generally do not apply to the parcels in the vicinity, except the parcel adjacent to the rear property line, which was also used in the past as a landfill. However, different types of waste were contained in that location, and natural succession took over since the area ceased to be utilized for active disposal. Due to the medical waste fill on-site, natural succession or planting large trees or shrubs is inadvisable.

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

The site is an existing salvage yard. It has been used as a salvage yard since 1984. The setbacks and buffers were not required when the business was created. Applying 40' setbacks/buffers that cannot be planted would significantly and unnecessarily restrict the parcel's existing use by reducing available acreage.

4. Will 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 the variance is granted.

The site has been in the same condition and utilized the same land use for years. Granting the variance will not be substantially detrimental to adjacent property or public goods or change the character of the zoning district.

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 site is zoned Industrial. Salvage Yard use has been utilized on this parcel since 1984. This use is permitted in the Industrial zoning.

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

Before the salvage yard was established, the site was used as a medical landfill. The issue of planting the buffers is not a 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?

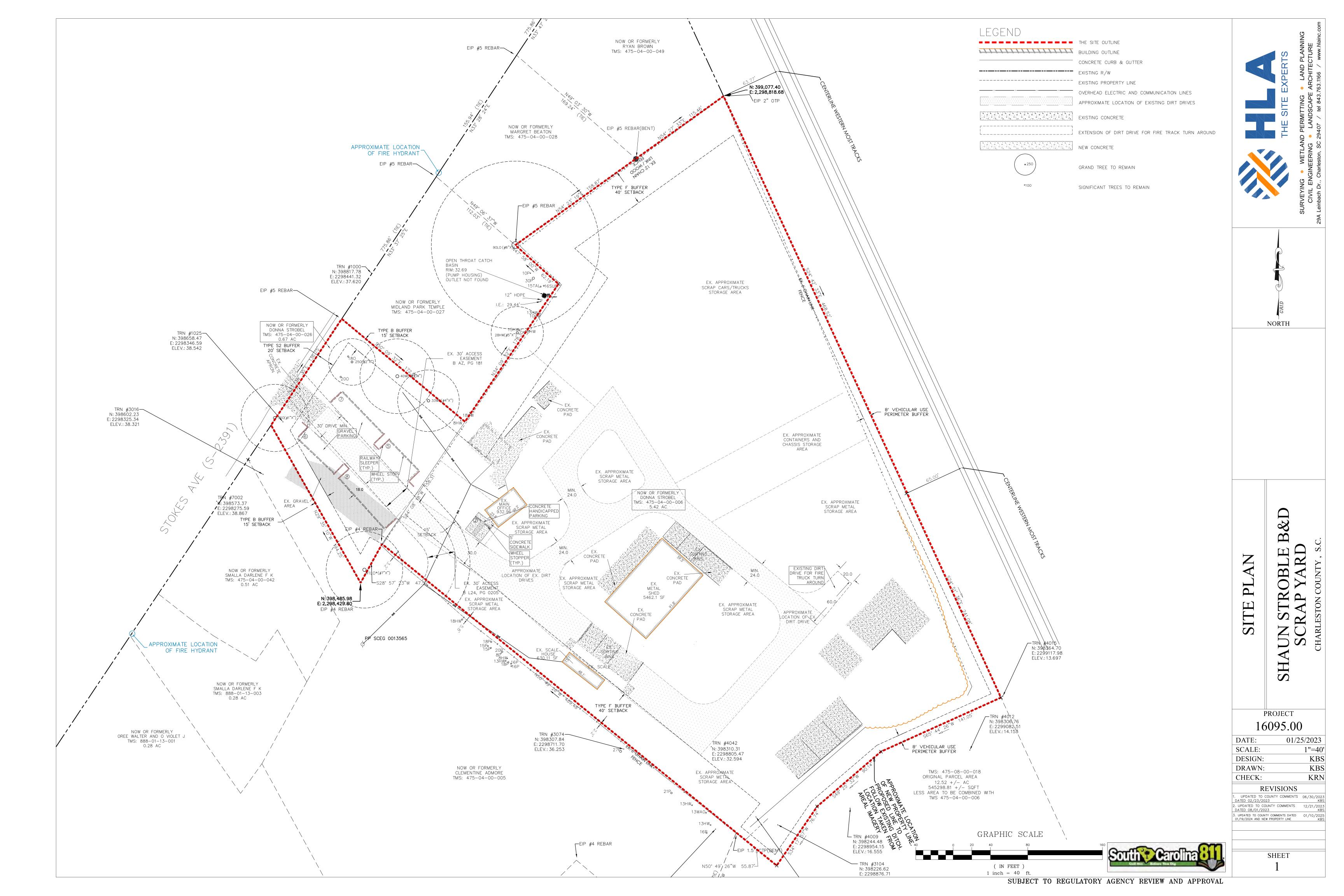
Charleston County is currently in the process of 5-year review of the Comprehensive Plan. The Comprehensive Plan placed the site within an Urban/Suburban Mixed-Use area. Preservation of natural resources and County rural areas are some of the main goals of the comprehensive plan. The Salvage Yard is located in the Urban Growth Boundary of the future land use map. This location ensures the preservation of rural areas of the County. Salvage Yard also contributes to the conservation of natural resources, reduction of carbon emissions, less landfill waste, Energy efficiency, reduction of demand for new mining projects, and reusability. As such, it does not conflict with the Charleston County Comprehensive Plan or the purpose of the ordinance.

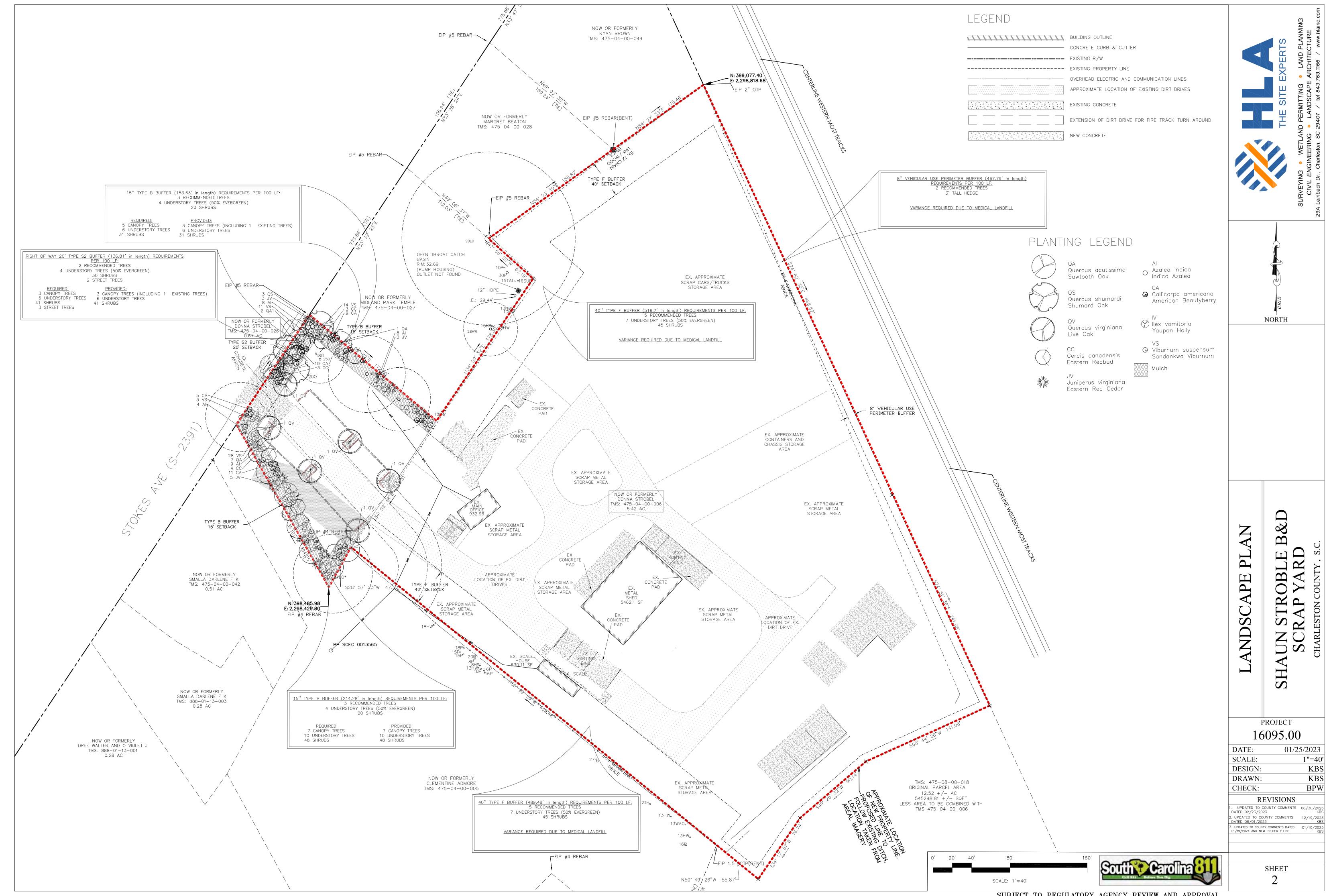
After careful review, I believe you will agree that this proposed development meets all criteria for approval. Please let me know if you have any questions or require additional information. Please feel free to contact me at 843-763-1166.

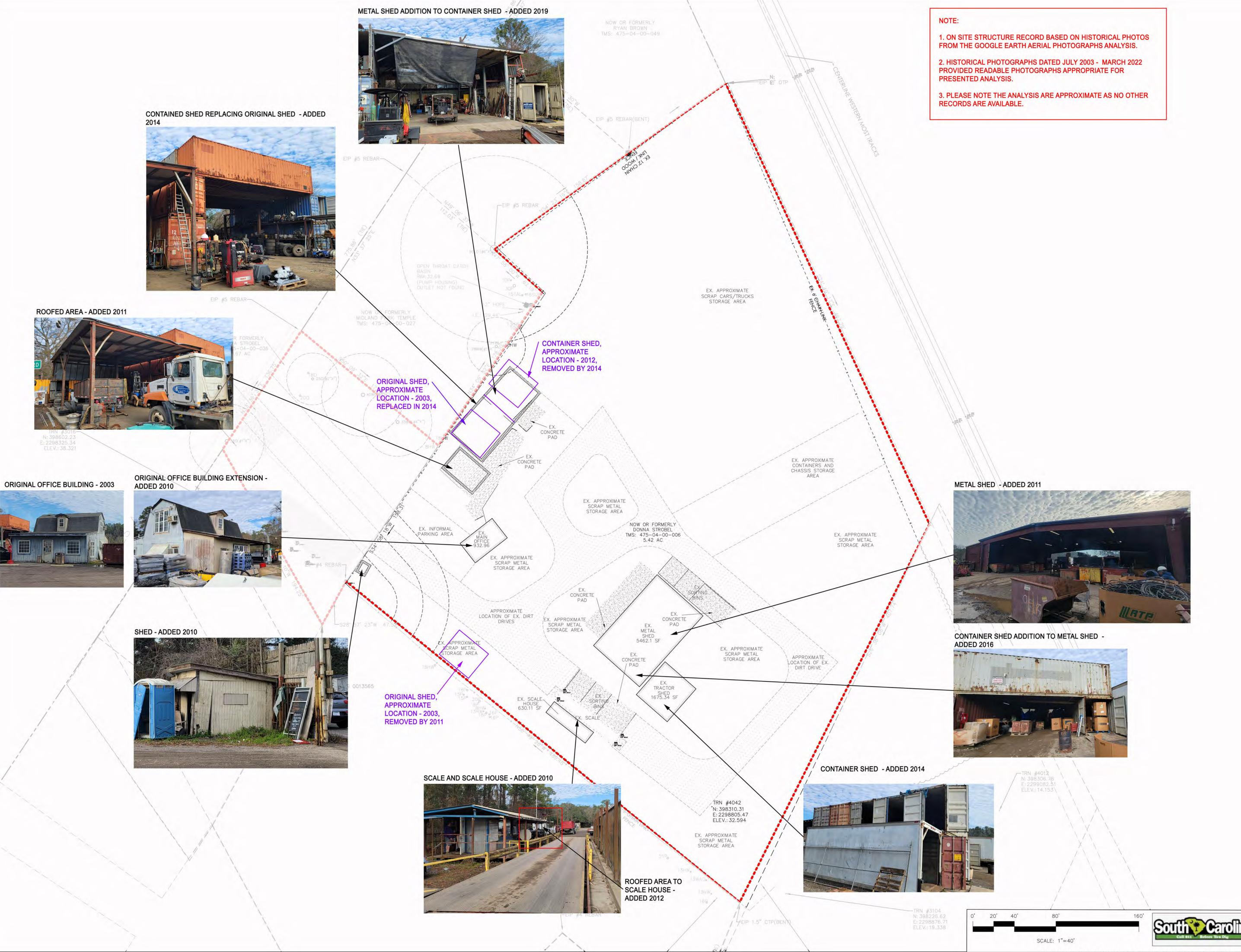
Sincerely,

Kat Stafford, PLA

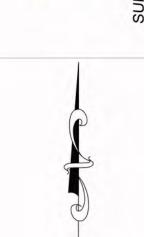
Project Manager











NORTH

STRUCTURES EXHIBIT OBLE B&D
YARD

PROJECT

16095.00 DATE:

SITE

01/25/2023 1"=40' SCALE: KBS **DESIGN:** KBS DRAWN: BPW CHECK:

**REVISIONS** 

SHEET

EX SSE

SUBJECT TO REGULATORY AGENCY REVIEW AND APPROVAL

