

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE MARCH 4, 2024 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, Vice Chair, Mr. Ross Nelson, Mr. AD Jordan, Mr. Roy Neal, Mr. Robert Siedell, Ms. Tonia Switzer- Smalls, Mr. Doug Truslow, and Mr. Jesse Williams.

Members Absent

Mr. Marc Marchant

Staff Members Present

Mr. Kelvin Huger, BZA Attorney; Grayson Anderson, Planner II; Sally Brooks, Planner IV; Genesis Clark, Planning Technician II; and Joshua Downey, Planning Technician II and Acting 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:

- February 16th: Site Visits and Postings were completed by this date.
- February 16th: 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.
- February 16th: Notice of this meeting was published in the *Post and Courier*.

The March 4, 2024 BZA meeting was called to order at 5:00 p.m. by the Chair, Mr. William Ray.

Minutes

Mr. Siedell made a motion to approve the February 5, 2024 public hearing meeting minutes. Mr. Jordan seconded the motion. The motion carried unanimously.

Election of Acting Secretary for the BZA

Mr. Ray announced that Mrs. Werking was absent tonight. Mr. Neal made a motion to nominate Mr. Joshua Downey for Acting Secretary for the BZA. Mr. Jordan seconded the motion. The motion carried unanimously.

Old Business

CASE# BZA-11-23-00724

Chet Carter of Inspirations Stations LLC ("the Applicant" and "Property Owner") and Andrew Bajoczky of Barrier Island Engineering & Consulting ("the Representative") filed a Variance request to reduce the required 50' OCRM Critical Line setback and to reduce the required 35' OCRM Critical Line buffer for the encroachment of three proposed hotel/motel buildings at 2594 Ashley River Road in the St. Andrews Area of Charleston County, (TMS # 355-07-00-009). Ashley River Road Corridor Overlay (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, §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 zoning permit approval, the applicant shall complete the Site Plan Review process; (2) 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; (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; (4) The encroachment areas shall be limited to the footprint areas shown on the submitted site plan; and (5) The applicant shall work with staff to develop a plan to prevent parking under the 36" DBH Willow Oak. Mr. Truslow seconded the motion. Mr. Ray, Mr. Nelson, Mr. Jordan, Mr. Neal, Mr. Siedell, Ms. Switzer-Small, and Mr. Truslow voted in favor of the motion. Mr. Williams voted against the motion. The majority of the members present, and voting (7 to 1) voted in favor of motion and therefore the application was granted with the above referenced conditions.

CASE# BZA-11-23-00727

Chet Carter of Inspirations Stations LLC ("the Applicant" and "Property Owner") and Andrew Bajoczky of Barrier Island Engineering & Consulting ("the Representative") filed a Variance request to waive the requirement to plant canopy trees in the required 8' perimeter landscape area at 2594 Ashley River Road in the St. Andrews Area of Charleston County, (TMS # 355-07-00-009). Ashley River Road Corridor Overlay (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, §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 zoning permit approval, the applicant shall complete the Site Plan Review process; and (2) The applicant shall work with staff to develop a plan to prevent parking under the 36" DBH Willow Oak. Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

New Business

CASE# BZA-01-24-00744

Douglas Hickerson ("the Applicant"), and Mark Lipsmeyer of Nest Coastal LLC ("the Property Owner") filed a Variance request to remove a 31" DBH Grand Live Oak Tree for a proposed single-family residence at 1552 N Avalon Circle in the St. Andrews Area of Charleston County, (TMS # 352-13-00-101). 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. Siedell made a motion to approve the Variance request with the following conditions: (1) The applicant shall mitigate the removal of the 31" DBH Grand Live Oak 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. Mr. Truslow seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced condition.

The BZA had a 10-minute recess and Mr. Williams left the meeting early due to an emergency.

CASE# BZA-01-24-00745

Hudson Rogers (“the Applicant”), and Dolores and Doayne Love (“the Property Owners”), filed a Variance request to remove a 28” DBH Grand Red Oak Tree for a proposed commercial development at 1169 Highway 41 in the East Area of Charleston County, (TMS # 580-00-00-035). Mount Pleasant Overlay (Commercial) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant’s presentation, and any public comments concerning the 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) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; and (2) The applicant shall mitigate the removal of the 28” DBH Grand Red Oak 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. 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-01-24-00746

Robert E. Bennett Jr (“the Applicant” and “Property Owner”), and Mike Petrini of Aquatica Pools (“the Representative”) filed a Variance request to reduce the required 50’ OCRM Critical Line setback by 15’ to 35’ at the closest point for a proposed swimming pool at 3948 Gift Boulevard on Johns Island in Charleston County, (TMS # 249-01-00-013). 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. Switzer-Small 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’ OCRM 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. Siedell seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-01-24-00747

Lyndia M. Harrison (“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 2324 Eagle Drive in the North Area of Charleston County, TMS # 475-05-00-082. 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. Nelson 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. Jordan seconded the

motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-01-24-00748

Mary Ellen Williams ("the Applicant" and "the Property Owner") filed a Variance request to remove a 37" DBH Grand Live Oak Tree adjacent to an existing single-family residence at 2628 Rifle Range Road in the East Area of Charleston County, (TMS # 578-00-00-063). Mount Pleasant Overlay (Residential) 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. Siedell made a motion to approve the Variance request. Mr. Truslow seconded the motion. Mr. Ray, Mr. Nelson, Mr. Jordan, Mr. Siedell, Ms. Switzer-Small, and Mr. Truslow voted in favor of the motion. Mr. Neal voted against the motion. The majority of the members present, and voting (6 to 1) voted in favor of motion. Therefore, the application was approved.

CASE# BZA-01-24-00749

Ken Wroblewski of Leland Park, LLC ("the Applicant"), James Cone, CFO of Leland Park, LLC ("the Property Owner"), and Marshall Badeaux of Charleston Tree Experts ("the Representative") filed a Variance request for a proposed 20' wide ingress/egress easement to encroach into portions of the required 15' OCRM Critical Line buffer at 2535 Jack Leland Drive in the East Area of Charleston County, (TMS # 614-00-00-004). Low Density Residential (R-4) Zoning District standards apply.

CASE# BZA-01-24-00750

Ken Wroblewski of Leland Park, LLC ("the Applicant"), James Cone, CFO of Leland Park, LLC ("the Property Owner"), and Marshall Badeaux of Charleston Tree Experts ("the Representative") filed a Variance request for a proposed 20' wide ingress/egress easement to encroach more than twenty-five percent (25%) of the protected area of a 36" DBH Grand Live Oak Tree at 2535 Jack Leland Drive in the East Area of Charleston County, (TMS # 614-00-00-004). Low Density Residential (R-4) Zoning District standards apply.

Findings: After hearing the applicant's and the representative's request to defer the cases, the board discussed deferring the applications to allow the applicant to submit additional information. Mr. Truslow made a motion to defer the two variance applications. Mr. Switzer-Small seconded the motion. The motion passed unanimously. Therefore, the two variance applications were deferred for up to 90 days.

Additional Business

The BZA will hear two (2) old business cases and five (5) new business cases at the April 1, 2024 BZA Public Hearing that will be held in-person in Council Chambers at 5:00 p.m.

Adjournment

There being no further business, the board adjourned at 8:20 p.m.

Respectfully submitted,



Jenny J. Werking, AICP
Secretary to the BZA