

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE APRIL 1, 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. Marc Marchant, Mr. Robert Siedell, Ms. Tonnia Switzer- Smalls, and Mr. Doug Truslow.

Members Absent

Mr. Roy Neal and Mr. Jesse Williams

Staff Members Present

Mr. Kelvin Huger, BZA Attorney; Sally Brooks, Planner IV; Genesis Clark, Planning Technician II; Joshua Downey, Planning Technician II and Jenny Werking, Planner III 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:

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

The April 1, 2024 BZA meeting was called to order at 5:00 p.m. by the Chair, Mr. William Ray.

Minutes

Mr. Nelson made a motion to approve the March 4, 2024 annual business meeting minutes and the March 4, 2024 public hearing meeting minutes. Mr. Siedell seconded the motion. The motion carried unanimously.

CASE# BZA-03-24-00759

Phil Spitz of Grantham Homes, LLC ("the Applicant"), Timothy D. Arnold and Cheryl A. Arnold ("the Property Owners"), and Marshall Badeaux of Charleston Tree Experts ("the Representative") filed a Variance request to construct a driveway and detached garage within three times the DBH (Critical Root Zone) of a Grand Live Oak Tree at 3234 Johnstowne Street on Johns Island in Charleston County, (TMS # 203-10-00-084). Planned Development (PD) Zoning District standards apply. **WITHDRAWN FROM THE AGENDA**

Old Business

CASE# BZA-12-23-00741

Andrew Greenspan of GHP Main LLC ("the Applicant" and "Property Owner") and Jake Serrano of Live Oak Consultants, LLC ("the Representative") filed a Variance request to exceed the maximum seventy percent (70%) impervious surface coverage for proposed commercial flex space use at 860 Main Road on Johns Island in Charleston County, (TMS # 250-00-00-002). Main Road Corridor Overlay (Belvedere-Main Commercial [BMC]) Zoning District standards apply.

Findings: After hearing the representative's request to withdraw the case, the board discussed deferring the application to allow time for staff to review the revised site plan. Mr. Marchant made a motion to defer the variance application. Mr. Nelson seconded the motion. The motion passed unanimously. Therefore, the variance application was deferred for up to 90 days.

CASE# BZA-12-23-00742

Andrew Greenspan of GHP Main LLC (“the Applicant” and “Property Owner”) and Jake Serrano of Live Oak Consultants, LLC (“the Representative”) filed a Variance request to omit or to reduce the required 8’ perimeter vehicular use landscape area adjacent to other commercial/industrial type use, and land use buffers 50’ Type G at AGR parcel (-036) and 60’ Type H where adjacent to AGR parcel with dwelling on site (-135) for proposed commercial flex space use at 860 Main Road on Johns Island in Charleston County, (TMS # 250-00-00-002). Main Road Corridor Overlay (Belvedere-Main Commercial [BMC]) 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. Ms. Switzer-Small made a motion to approve the Variance request with the following condition: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process. Mr. Jordan seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced condition.

New Business

CASE# BZA-02-24-00751

Igor Shevchuk and Zoryana Kakhnovets (“the Applicants” and “Property Owners”) filed a Variance request to reduce the required 35’ OCRM Critical Line setback by 10.6’ to 24.4’ at the closest point and to reduce the required 20’ front/street side setback by 12.7’ to 7.3’ at the closest point for a proposed single-family residence at 3935 James Bay Road in the St. Andrews Area of Charleston County, (TMS # 285-00-00-196). 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. Truslow 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 15’ 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. Jordan seconded the motion. Mr. Ray, Mr. Nelson, Mr. Jordan, Mr. Marchant, Mr. Siedell, and Mr. Truslow voted in favor of the motion. Ms. Switzer-Small voted against the motion. The majority of the members present, and voting (6 to 1) voted in favor of motion and therefore the application was granted with the above referenced conditions.

CASE# BZA-02-24-00752

M. Donald Alexander, Jr. of Old dominion Plantation, LLC (“the Applicant”), and Jeff Tibbals of Bybee & Tibbals (“the Representative”), filed a Variance request for a connection to a saltwater impoundment dike and pond to encroach within the required 35’ OCRM Critical Line buffer at 8925 and 8917 Pine Landing Road on Edisto Island in Charleston County, (TMS # 010-00-00-001 and 010-00-00-003). Resource Management (RM) 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. Nelson made a motion to approve the Variance request with the following conditions: (1) The applicant shall keep adjacent OCRM Critical Areas free of construction materials, litter, debris, chemical contaminants, etc. and use best management practices during construction as required by SCDHEC-OCRM and other applicable agencies; and (2) Once the project has commenced, it shall be carried out to completion in an expeditious manner in order to minimize the period of disturbance to the

environment. 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-02-24-00754

Christopher Tift Mitchell (“the Applicant” and “the Property Owner”) and Laura Lee Worrell (“the Representative”) 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 2151 and 2151A Welch Avenue on James Island in Charleston County, TMS # 343-06-00-049. 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. Marchant seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-03-24-00758

Clayton Stoddard of Mitchell Construction Co. (“the Applicant”), Truss Johnson, Fire Chief of St. Paul’s Fire District (“the Property Owner”), and Kelsey Santiago of Hussey Gay Bell (“the Representative”) filed a Variance request for a new Fire Station:

- To reduce the required 50’ Type G right-of-way landscape buffer along Hyde Park Road;
- To reduce the required 15’ Type B land use buffer adjacent to a residential use/AGR Zoning District; and
- To reduce of plantings in the required Type G buffer adjacent to Hyde Park Road

at 5536 and 5228 Hyde Park Road in the St. Pauls Area of Charleston County, (TMS # 233-00-00-049 and 233-00-00-051). Agricultural Residential (AGR) 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. Siedell made a motion to approve the Variance request with the following condition: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process and the applicant shall complete the subdivision process to combine the two properties. Mr. Marchant seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced condition.

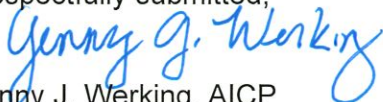
Additional Business

The BZA will hear nine (9) new business cases at the May 6, 2024 BZA Public Hearing that will be held in-person in Council Chambers at 4:00 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 7:07 p.m.

Respectfully submitted,



Jenny J. Werking, AICP
Secretary to the BZA