

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE MAY 6, 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

Acting Chair, Mr. Ross Nelson, Mr. AD Jordan, Mr. Marc Marchant, Mr. Roy Neal, Mr. Robert Siedell, Mr. Doug Truslow, and Mr. Jesse Williams.

Members Absent

Mr. William Ray and Ms. Tonia Switzer-Small

Staff Members Present

Mr. Kelvin Huger, BZA Attorney; Sally Brooks, Planner IV; Genesis Clark, Planning Technician II; Joshua Downey, Planning Technician II, Kyle Foster, Planner I/Arborist; 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:

- April 19th: Site Visits and Postings were completed by this date.
- April 19th: 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.
- April 19th: Notice of this meeting was published in the *Post and Courier*.

The May 6, 2024 BZA meeting was called to order at 4:10 p.m. by the Acting Chair, Mr. Ross Nelson.

The meeting was scheduled to begin at 4:00 p.m., however there was an accident on I-526 and road closures that affected travel to the Public Services Building for the BZA members, the applicants, and the citizens that attended.

Minutes

Mr. Truslow made a motion to approve the April 1, 2024 public hearing meeting minutes. Mr. Jordan seconded the motion. The motion carried unanimously.

New Business

CASE# BZA-02-24-00753

Paul St. Clair ("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 1935 Culver Avenue in the St. Andrews Area of Charleston County, TMS # 350-13-00-118. 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.

Mr. Marchant arrived after the vote for the minutes and Case # BZA-02-24-00753

CASE# BZA-03-24-00760

Kevin Sellon (“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 2128 Golfview Drive on James Island in Charleston County, TMS # 343-06-00-010. 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; (4) The property owner shall be responsible for ensuring that tenants comply with the Charleston County Noise Ordinance; and (5) The applicant shall submit a revised site plan for Staff’s review and approval, that shows all required Short-Term Rental off-street parking located off Hinson Avenue and not located on Golfview Drive. 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-03-24-00761

Samuel Britton (“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 2160 Golfview Drive on James Island in Charleston County, TMS # 343-06-00-019. 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. Siedell 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. 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-03-24-00762

Joseph Bayless, EIT of Earthsource Engineering (“the Applicant”) and Dora Brazelton of Southern Image Landscape, LLC (“the Property Owner”) filed a Variance request to waive the pedestrian way (sidewalk) installation requirement for a proposed warehouse at 3252 Benchmark Drive in the North Area of Charleston County, (TMS # 390-00-00-456). Industrial (IN) 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. Truslow 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.

Marchant seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced condition.

CASE# BZA-03-24-00763

Hermelindo Menolez Leyva and Araceli Ruiz (“the Applicants” and “the Property Owners”) filed a Variance request for an impervious driveway that was constructed within three times the DBH (Critical Root Zone) of a 44” DBH Grand Live Oak Tree at 2414 Midland Park Road in the North Area of Charleston County, (TMS # 478-15-00-022). 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) If the Grand Tree requested for encroachment (44” DBH Live Oak) dies within 3 years of the date of the approval, 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; and (2) The applicant shall retain a Certified Arborist to monitor and treat the 44” DBH Live Oak. The applicant shall provide a copy of the Tree Preservation Plan to Zoning Staff for review and approval. Mr. Williams seconded the motion. The motion to approve application was unanimous and therefore granted with the above referenced conditions.

The BZA had a 10-minute recess.

CASE# BZA-03-24-00764

James Ellis (“the Applicant” and “the Property Owner”), filed a Variance request for construction within a restricted area three times the DBH (Critical Root Zone) of a 25.5” DBH Grand Laurel Oak Tree for an accessory building at 244 Riverland Drive on James Island in Charleston County, (TMS # 343-06-00-127). 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 decided to defer the application to allow the Applicant time to amend the application and/or provide additional information to Staff and the BZA. Mr. Truslow made a motion to defer the variance application. Mr. Siedell seconded the motion. The motion passed unanimously. Therefore, the variance application was deferred for up to 90 days.

CASE# BZA-03-24-00765

Jodi Crosby of Crosby Creations (“the Applicant”), and Joseph and Gail Dunn (“the Property Owners”), filed a Variance request to encroach a multi-stem 59” DBH Grand Live Oak Tree more than twenty-five percent (25%) of the protected root zone area for a proposed porch expansion at 3375 Westphal Drive on Johns Island in Charleston County, (TMS # 202-00-00-191). 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. Marchant made a motion to approve the Variance request with the following conditions: (1) If the Grand Tree requested for encroachment (59” DBH Live Oak) Tree dies within 3 years of the 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 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. Williams seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-03-24-00766

Jennifer Berwick Slater and Mark W. Slater ("the Applicants" and "Property Owners") filed a Variance request to remove a 24" DBH Grand Live Oak Tree adjacent to an existing single-family residence at 20 Lolandra Avenue in the St. Andrews Area of Charleston County, (TMS # 418-13-00-202). St. Andrews Area Overlay (Community Commercial [CC]) 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 no conditions. Mr. Truslow seconded the motion. During discussion, the board deliberated Staff's recommended condition. The Chair called to question to vote on the motion to determine how many board members support approving the application without Staff's recommended condition. Mr. Siedell and Mr. Truslow voted in favor of the motion. Mr. Nelson, Mr. Jordan, Mr. Marchant, Mr. Neal, and Mr. Williams voted against the motion. The majority of the members present, and voting (2 to 5) voted against the motion. Therefore, the motion failed. Mr. Siedell made a motion to approve the Variance request with the following condition recommended by Staff: (1) The applicant shall mitigate the removal of the 24" 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 ZLDR, or (c) a combination of both (a) and (b). The allotted mitigation shall be in place prior to its removal. Mr. Jordan seconded the motion. The motion to approve the application with a condition was unanimous and therefore the application was granted with the above referenced condition.

CASE# BZA-03-24-00767

Tim and Kathryn Luwis ("the Applicants"), Timothy and Lisa Broadbent ("the Property Owners"), and Charlie Miraziz of Drafted Architecture ("the Representative") filed a Variance request to encroach a 30" DBH Grand Live Oak Tree and a 17"/18" DBH Grand Live Oak Tree more than twenty-five percent (25%) of the protected root zone area and to construct within a restricted area three times the DBH (Critical Root Zone) of the 17"/18" DBH Grand Live Oak Tree for a proposed single-family residence at 200 Black Tupelo Lane on Johns Island in Charleston County, (TMS # 205-00-00-074). 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 not been satisfied. Mr. Neal made a motion to deny the application because it does not meet criteria # 6. Mr. Williams seconded the motion. Mr. Marchant, Mr. Neal, Mr. Siedell, and Mr. Williams voted in favor of the motion. Mr. Nelson, Mr. Jordan, and Mr. Truslow voted against the motion. The majority of the members present, and voting (4 to 3) voted in favor of motion. Therefore, the application was denied.

Additional Business


The BZA will hear ten (10) new business cases at the June 3, 2024 BZA Public Hearing that will be held in-person in Council Chambers. The board discussed changing the June meeting start time due to the number of cases. Mr. Neal made a motion to change the meeting start time to 4:00pm. Mr. Truslow seconded the motion. The motion passed unanimously.

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 8:00 p.m.

Respectfully submitted,


Jenny J. Werking, AICP
Secretary to the BZA