

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE JUNE 3, 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

Chair, Mr. William H. Ray, Vice 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

Ms. Tonnia 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:

- May 17th: Site Visits and Postings were completed by this date.
- May 17th: Letters were mailed to property owners within 500' for the Special Exception request for the sale of alcoholic beverages (retail liquor store), within 300' for all other requests, and to Parties in interest for all cases. These notifications are above and beyond the state requirements.
- May 17th: Notice of this meeting was published in the *Post and Courier*.

The June 3, 2024 BZA meeting was called to order at 4:00 p.m. by the Chair, Mr. William Ray.

Minutes

Mr. Siedell made a motion to approve the May 6, 2024 public hearing meeting minutes. Mr. Neal seconded the motion. Mr. Ray, Mr. Nelson, Mr. Neal, Mr. Siedell, and Mr. Truslow voted in favor of the motion. Therefore, the motion carried unanimously.

Mr. Jordan and Marchant arrived after the vote for the minutes.

New 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 and 18"/32" DBH Grand codominant-stemmed Live Oak Tree for a proposed (60' x 80') 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. **Planning Staff informed the board that this case was postponed.**

CASE# BZA-04-24-00769

Thomas A. Kozik ("the Applicant" and "the Property Owner") filed a Variance to reduce the required 10' rear setback by 6.5' to 3.5' and the required 5' interior side setback by 1.5' to 3.5 for a proposed addition at 2125 Saint Lukes Drive on James Island in Charleston County, (TMS # 343-01-00-122). 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. Mr. Truslow seconded the motion. Mr. Williams abstained from the vote. The motion to approve the application was unanimous and therefore granted.

Mr. Williams arrived after the vote for the minutes and Case # BZA-04-24-00769

CASE# BZA-04-24-00770

Stephanie Sykora ("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 105 Hickory Street in the St. Andrews Area of Charleston County, TMS # 418-13-00-094. 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. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-04-24-00771

Amitkumar Kantibhai Patel ("the Applicant") and Ruby Halteh ("the Property Owner") filed a Special Exception request for the sale of alcoholic beverages (retail liquor store) in the Community Commercial (CC) Zoning District at 10053-B Highway 78 in the North Area of Charleston County, TMS # 388-06-00-302. Community Commercial (CC) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, Mr. Neal made a motion to deny the application stating that the request does not meet criteria # 2. Mr. Jordan seconded the motion. Mr. Jordan, Mr. Neal, and Mr. Williams voted in favor of the motion. Mr. Marchant, Mr. Nelson, Mr. Ray, Mr. Siedell, and Mr. Truslow voted against the motion. The majority of the members present, and voting (3 to 5) voted against the motion. Therefore, the motion failed. The board determined that all items in Article 3.6 Special Exceptions, §3.6.5 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 recommended by Staff: (1) The applicant shall meet all requirements of the State of South Carolina for alcoholic beverage sales and provide proof of State approval to Zoning/Planning Staff, prior to Zoning Permit approval to establish the proposed business; and (2) The applicant shall provide a plan for Planning Staff's review and approval that provides an adequate buffer along the rear of the property line adjacent to or along all residential properties, and along Berrywood Drive starting at the Berrywood Drive curb cut and ending at the rear property line to screen the proposed use. Mr. Marchant seconded the motion. Mr. Jordan, Mr. Marchant, Mr. Nelson, Mr. Ray, Mr. Siedell, and Mr. Truslow voted in favor of the motion. Mr. Neal and Mr. Williams voted against the motion. The majority of the members present, and voting (6 to 2) voted in favor of the motion. Therefore, the motion to approve the application was granted with the above referenced conditions.

CASE# BZA-04-24-00772

James Duggan of AMDG 17N LP (“the Applicant” and “Property Owner”), and Kyle A. Taylor of Taylor Consulting Group, LLC (“the Representative”) filed a Variance request to reduce/eliminate the 8’ perimeter landscape area required along the property line adjacent to TMS # 578-00-00-028 and to eliminate the 15’ landscape right-of-way buffer required along the ingress/egress easement for existing and proposed parking at 2521 Highway 17 North in the East Area of Charleston County, (TMS # 580-14-00-031). Mount Pleasant Overlay (Village Commercial Area [from Isle of Palms Connector to Hamlin Road]) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant’s presentation, and any public comments concerning this application, Mr. Truslow made a motion to defer the variance application for up to 90 days to give the Applicant a chance to meet and communicate better with the community for a possible resolution. Mr. Neal seconded the motion. Mr. Jordan, Mr. Neal, and Mr. Truslow voted in favor of the motion. Mr. Marchant, Mr. Nelson, Mr. Siedell, and Mr. Williams voted against the motion. The majority of the members present, and voting (3 to 4) voted against the motion. The motion to defer the case failed. 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. Williams made a motion to deny the application stating that the request does not meet criteria # 6. Mr. Jordan seconded the motion. Mr. Jordan, Mr. Neal, Mr. Truslow, and Mr. Williams voted in favor of the motion to deny the request. Mr. Marchant, Mr. Nelson, and Mr. Siedell voted against the motion. The majority of the members present, and voting (4 to 3) voted in favor of the motion. Therefore, the application was denied.

The Chair, Mr. Ray left before the vote for CASE # BZA-04-24-00772. The Vice Chair, Mr. Nelson was the Chair for the remainder of the meeting.

The BZA had a 10-minute recess.

CASE# BZA-04-24-00773

William Brodsky of Cedar Brook Holmes (“the Applicant”) and Ashby Johnson (“the Property Owner”) filed a Variance request to remove a 27” DBH Grand Pecan Tree located within an existing ingress/egress easement for a proposed four lot subdivision at 1742 Habersham Road in the East Area of Charleston County, (TMS # 583-00-00-383). Special Management (S-3) 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 27” DBH Grand Pecan 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*; (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; and (4) Prior to zoning permit approval, the applicant shall obtain a Certificate of Historic Appropriateness from the Charleston County Historic Preservation Commission and receive final Plat approval from the Charleston County Planning Commission. Mr. Marchant seconded the motion. Mr. Jordan, Mr. Marchant, Mr. Nelson, Mr. Siedell, Mr. Truslow, and Mr. Williams 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 motion to approve the application was granted with the above referenced conditions.

CASE# BZA-04-24-00776

Blake Greco and Keith Saltzman of Drayton-Parker Companies, LLC (“the Applicants”), Michael A. Kocak of Ladson Road LLC (“the Property Owner”) and Andrew Todd-Burke, PLA, ASLA of Kimley-Horn & Associates (“the Representative”) filed a Variance request to locate the gasoline pump dispensers in front of the proposed gas station building at 9581 Highway 78 in the North Area of Charleston County, (TMS # 390-00-00-089). 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. Truslow 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 install a 36-48” architectural wall in the right-of-way buffer. Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

Mr. Williams left after the hearing of Case # BZA-04-24-00776.

CASE# BZA-04-24-00774

Bennett Rogers of DRB Group South Carolina LLC (“the Applicant” and “the Property Owner”), filed a Variance request to reduce the required 25’ front/street side setback along an ingress/egress easement for a proposed detached two-car garage at 3104 Sandy Pearl Way in the East Area of Charleston County, (TMS # 561-00-00-652). Special Management (S-3) 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 stating that the request does not meet criteria # 6. Mr. Marchant seconded the motion. The motion to disapprove the application was unanimous and therefore, the application was denied.

CASE# BZA-04-24-00777

Michael Melton of Melton & Katz Ventures, LLC (“the Applicant” and “the Property Owner”) filed a Variance request to reduce the required 75’ access drive separation by 8.5’ to 66.5’ from the Gunn Avenue and Saint Andrews Boulevard intersection and to reduce/eliminate the required land use buffer along the property line adjacent to TMS # 418-06-00-083 for a proposed parking lot at 1100 Saint Andrews Boulevard in the St. Andrews Area of Charleston County, (TMS # 418-06-00-084). Saint 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 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. Marchant 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. Truslow seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced condition.

CASE# BZA-04-24-00778

Michael Melton of Melton & Katz Ventures, LLC (“the Applicant” and “the Property Owner”) filed a Variance request to reduce the 8’ perimeter landscape area required along the property line adjacent to TMS # 418-06-00-086 for proposed parking at 1100 Saint Andrews Boulevard in the St. Andrews Area of Charleston County, (TMS # 418-06-00-084). Saint 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 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. Marchant 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. Truslow 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 one old business case and nine (9) new business cases at the July 1, 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 8:30 p.m.

Respectfully submitted,


Jenny J. Werking, AICP
Secretary to the BZA