

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE JULY 1, 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. Roy Neal, Mr. Robert Siedell, Ms. Tonnia Switzer-Small, and Mr. Jesse Williams

Members Absent

Mr. AD Jordan, Mr. Marc Marchant, and Mr. Doug Truslow

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; Gracen Herrin, Intern, 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:

- June 14th: Site Visits and Postings were completed by this date.
- June 14th: 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.
- June 14th: Notice of this meeting was published in the *Post and Courier*.

The July 1, 2024 BZA meeting was called to order at 4:30 p.m. by the Chair, Mr. William Ray.

Minutes

Mr. Neal made a motion to approve the June 3, 2024 public hearing meeting minutes. Mr. Williams seconded the motion. Mr. Ray, Mr. Nelson, Mr. Neal, Mr. Siedell, and Mr. Williams voted in favor of the motion. Therefore, the motion carried unanimously.

Old Business:

CASE# BZA-04-24-00772 – Reconsideration Request

Variance request to reduce/eliminate the 8' perimeter landscape area required along the property line adjacent to TMS # 578-00-000-028 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) was denied on June 3, 2024. Request from Kyle A. Taylor of Taylor Consulting Group on behalf of the Applicant/Property Owner, James Duggan of AMDG 17NLP for the BZA to reconsider this case at the next available BZA public hearing.

Findings: Staff presented the reconsideration request. Mr. Neal and Mr. Williams stated they would not make a motion to reconsider the hearing of the CASE # BZA-04-24-00772. Therefore, the case will not be reconsidered.

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 224 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 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) If the Grand Tree requested for encroachment (25.5" DBH) Grand Laurel 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) The tree barricade for the 25.5" DBH Laurel Oak shall be installed around the tree to the property lines, constructed of chain link fencing, and inspected by staff prior to Zoning Permit approval for construction. All objects/materials shall be removed from around the tree and 3" of mulch shall be added within the barricade area; (3) The applicant/property owner shall hire a third-party Certified Arborist to monitor and treat the Tree onsite during and after construction. The applicant shall provide a Tree Preservation Plan prepared by the Arborist to the staff for review and approval prior to Zoning Permit approval for construction; (4) The applicant/property owner shall apply for all required zoning and building permits for the accessory building; and (5) The detached accessory building shall be used as a garage, personal workshop, and storage only. It shall not be used as an Accessory Dwelling Unit. 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-05-24-00779

Leticia De La Cruz Gonzalez ("the Applicant" and "the Property Owner"), filed a Variance request for existing structures to encroach more than twenty-five percent (25%) of the protected root zone area and to encroach within a restricted area three times the DBH (Critical Root Zone) of three (3) Grand Willow Oak Trees at 2818 Waldman Drive in the North Area of Charleston County, (TMS # 486-05-00-106). University Boulevard Overlay (Residential Area) 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. Neal made a motion to approve the Variance request with the following conditions: (1) If any of the Grand Trees requested for encroachment 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) The applicant shall retain a Certified Arborist to monitor and treat the Grand Trees onsite for 1.5 years. The applicant shall provide a copy of the Tree Preservation Plan to Zoning Staff for review and approval; and (3) The applicant/property owner shall obtain all required zoning and building permits for unpermitted structures. Mr. Nelson seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-05-24-00780

Leticia De La Cruz Gonzalez (“the Applicant” and “the Property Owner”), filed a Variance request to reduce the required 5’ interior side setback by 4’ to 1’ for an existing unpermitted covered porch at 2818 Waldman Drive in the North Area of Charleston County, (TMS # 486-05-00-106). University Boulevard Overlay (Residential Area) 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. Neal made a motion to approve the Variance request with the following conditions: (1) If any of the Grand Trees requested for encroachment 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) The applicant shall retain a Certified Arborist to monitor and treat the Grand Trees onsite for 1.5 years. The applicant shall provide a copy of the Tree Preservation Plan to Zoning Staff for review and approval; and (3) The applicant/property owner shall obtain all required zoning and building permits for unpermitted structures. Mr. Siedell seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-05-24-00781

Jonathan L. Yates & Brian Hellman of Hellman Yates, PA (“the Applicants”) and Ron Patti of Crown Enterprises, INC (“the Property Owner”), filed a Variance request for a distribution facility:

- To waive the required minimum thirty percent (30%) of parking spaces that must have a pervious surface and to exceed the maximum seventy percent (70%) impervious surface coverage; and
- To waive the pedestrian way installation requirement.

at 1923 Stromboli Avenue in the North Area of Charleston County, (TMS # 466-08-00-455). 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. Mr. Williams 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) The applicant shall install the masonry wall and aluminum fencing as shown on the site plan and extend the masonry wall along the parking area adjacent to residences to mitigate the buffer reduction; and (3) The applicant shall provide seven (7) pervious parking spaces in the standard employee parking area located in the southwest corner of the property. Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-05-24-00782

Jonathan L. Yates & Brian Hellman of Hellman Yates, PA (“the Applicants”) and Ron Patti of Crown Enterprises, INC (“the Property Owner”), filed a Variance request to reduce the required 15’ right-of-way landscape buffer along Stromboli Avenue and to reduce the required 60’ land use buffer for a distribution facility at 1923 Stromboli Avenue in the North Area of Charleston County, (TMS # 466-08-00-455). 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. Mr. Williams 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) The applicant shall install the masonry wall and aluminum fencing as shown on the site plan and extend the masonry wall along the parking area adjacent to residences to mitigate the buffer reduction; and (3) The applicant shall provide seven (7) pervious parking spaces in the standard employee parking area located in the southwest corner of the property. Mr. Nelson seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-05-24-00783

Jonathan L. Yates & Brian Hellman of Hellman Yates, PA (“the Applicants”) and Ron Patti of Crown Enterprises, INC (“the Property Owner”), filed a Variance request to waive the requirement that the site comprises of at least 10 percent undisturbed open space that is either part of, or contiguous with, the perimeter buffer and to eliminate foundation planting for a distribution facility at 1923 Stromboli Avenue in the North Area of Charleston County, (TMS # 466-08-00-455). 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. Mr. Williams 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) The applicant shall install the masonry wall and aluminum fencing as shown on the site plan and extend the masonry wall along the parking area adjacent to residences to mitigate the buffer reduction; and (3) The applicant shall provide seven (7) pervious parking spaces in the standard employee parking area located in the southwest corner of the property. Mr. Nelson seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

Ms. Switzer-Small arrived at 6:15 p.m. and did not vote on the agenda items above.

The BZA had a 10-minute recess.

CASE# BZA-05-24-00785

Edith DuBose Schaller of CLUBICW, LLC (“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 136 Plymouth Avenue on James Island in Charleston County, TMS # 343-02-00-102. 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. 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-05-24-00786

Emily Glen (“the Applicant”), and John Glen (“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 844 Trent Street in the St. Andrews Area of Charleston County, TMS # 310-02-00-102. 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. 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-05-24-00788

Hank Walpole ("the Applicant"), and Guerry Glover of Long Hill Farms Limited Partnership, L.P. ("the Property Owner"), filed a Special Exception request for the establishment of a Resource Extraction/Mining use in the Rural Agricultural (AG-8) Zoning District at 3621 Bonche Road on Johns Island in Charleston County, (TMS # 215-00-00-190). Rural Agricultural (AG-8) 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 3.6 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 Special Exception request with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; and (2) The days and hours of operation for this project shall not exceed Monday through Friday, 7:00 am to 5:00 pm. Mr. Siedell seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-05-24-00789

Jeffery McLain ("the Applicant" and "the Property Owner"), and Jenna Nelson of Bowman Consulting Group Ltd. ("the Representative") filed a Special Exception request for the establishment of a Resource Extraction/Mining use in the Resource Management (RM) Zoning District at 7200 Highthorne Road in the St. Pauls Area of Charleston County, (TMS # 175-00-00-023). Resource Management (RM) 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 3.6 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 Special Exception request with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; (2) The days and hours of operation for this project shall not exceed Monday through Friday, 7:00 am to 5:00 pm.; (3) The applicant shall maintain the travel way of Hyde Park Road for a distance of 300 feet in each direction from the truck entrance free of all dirt, gravel, or other debris associated with the resource extraction at least twice during each workday, and once at the end of each workday to maintain a safe travel way; (4) The applicant shall the 25' ingress/egress easement on Highthorne Road to include water application as required for dust mitigation on Highthorne Road. The applicant shall use fifty-seven (57) stone and fine sands to maintain the road starting at a minimum from where Hyde Park Road meets Highthorne Road continuing past the house located on TMS # 175-00-00-066; (5) The applicant shall be responsible for any damage to roads associated with the resource extraction and coordinate with the State in maintaining and repairing the roads as necessary; (6) The applicant shall post an all-weather sign on the haul road entrance visible from the Hyde Park Road Right-of-Way listing the name and contact information, including a phone number, of the local contact. This person listed will serve as a contact for this project in case there are any compliance issues that arise during the mining operation; (7) The Applicant shall provide documentation from an Environmental Engineer Geologist, Hydrogeologist, or other similarly qualified professional outlining the effect/impact on well and groundwater within 1000' of the subject property. The Applicant shall work with County Staff to

determine how the Owner will mitigate any negative impacts, if found; (8) There shall be no more than 100 trucks per day during the operational hours; (9) All Resource Extraction will be completed no later than 30 months from the date of the commencement of work. The applicant will have the option to request a one-year extension from the Planning Director or return to the BZA to request a one-year extension; and (10) Mining shall be limited to no more than twenty-five (25) acres. Mr. Neal seconded the motion. Mr. Ray, Mr. Nelson, Mr. Neal, Mr. Siedell, and Ms. Switzer-Small voted in favor of the motion. Mr. Williams voted against the motion. The majority of the members present, and voting (5 to 1) voted in favor of motion and therefore the application was granted with the above referenced conditions.

Additional Business

The BZA will hear ten (10) new business cases at the August 5, 2024 BZA Public Hearing that will be held in-person in Council Chambers at 4:30 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 8:48 p.m.

Respectfully submitted,



Jenny J. Werking, AICP
Secretary to the BZA