

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE AUGUST 26, 2024 MEETING
4:30 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. Tonnia Switzer-Smallis, and Mr. Doug Truslow

Members Absent

Mr. Marc Marchant and Mr. Jessie Williams

Staff Members Present

Mr. Kelvin Huger, BZA Attorney; Genesis Clark, Planning Technician II; Joshua Downey, Planning Technician II, Secretary for BZA, Kyle Foster, Planner I/Arborist; and Jenny Werking, 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:

- August 9th: Site Visits and Postings were completed by this date.
- August 9th: 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.
- August 9th: Notice of this meeting was published in the *Post and Courier*.

The August 26, 2024 BZA meeting was called to order at 4:30 p.m. by the Chair, Mr. William Ray.

Minutes

Mr. Siedell made a motion to approve the July 1, 2024 public hearing meeting minutes. Mr. Neal seconded the motion. Mr. Ray, Mr. Jordan, Mr. Neal, Mr. Siedell, and Mr. Truslow voted in favor of the motion. Therefore, the motion carried unanimously.

Mr. Ross Nelson and Ms. Tonnia Switzer-Smallis arrived after the vote of 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 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.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board decided to defer the application. Mr. Truslow made a motion to defer the variance application. Mr. Neal seconded the motion. The motion passed unanimously. Therefore, the variance application was deferred for up to 90 days.

CASE# BZA-05-24-00784

Caroline Edwards of Flyway Management (“the Applicant”), Taylor Garrigan (“the Property Owner”), and Erika Harrison (“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 2104 Medway on James Island in Charleston County, TMS # 343-03-00-032. 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. 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-05-24-00787

Sarah McCord (“the Applicant”) and Richard Huss (“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 1644 Wading Heron Road on James Island in Charleston County, TMS # 331-07-00-130. Manufacturing Housing Subdivision (MHS) 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. 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 and therefore the application was granted with the above referenced conditions.

CASE# BZA-06-24-00791

Zachary English (“the Applicant”) and Eugene E. Forney (“the Property Owner”), filed a Variance request to reduce the required 50’ front/street side setback by 23’ to 27’ at the closest point and to reduce the required 15’ interior side setback by 10.5’ to 4.5’ at the closest point for an unpermitted detached accessory building at 6084 Overlook Road on Johns Island in Charleston County, (TMS # 253-00-00-036). 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 not been satisfied. Mr. Truslow made a motion to deny the application because it did not meet criterion 3 and criterion 6. Mr. Neal seconded the motion. The motion to disapprove the application was unanimous and therefore the application was denied.

CASE# BZA-06-24-00792

Joseph Todd Manley and Meredith Hastings Manley (“the Applicants” and “the Property Owners”), filed a Variance request to reduce the required 50’ OCRM Critical Line setback by 22.4’ to 27.6’ and the required 35’ OCRM Critical Line buffer by 7.4’ to 27.6’ for an unpermitted swimming pool at 7753 Blue House Lane on Edisto Island in Charleston County, (TMS # 069-00-00-013). Agricultural Preservation (AG-10) 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. Mr. Truslow made a motion to defer the variance application. Mr. Neal seconded the motion. The motion passed unanimously. Therefore, the variance application was deferred for up to 90 days.

The BZA had a 10-minute recess.

CASE# BZA-06-24-00793

Ross Appel, Esquire of McCollough, Khan, Appel (“the Applicant”) and Ronald GW Teed and Margaret G. Redmond (“the Property Owners”), filed a Variance request to reduce the required 35’ OCRM Critical Line setback by 20’ to 15’ for a proposed swimming pool at 1319 River Road on Johns Island in Charleston County, (TMS # 311-00-00-116). 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) 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 applicant shall use stormwater mitigation measures, such as the use of rain barrels or rain gardens, to reduce the flow of stormwater into the marsh; (3) The encroachment areas shall be limited to the footprint areas shown on the submitted site plan; and (4) The applicant shall provide a landscape plan using native plants within the required 15’ OCRM Critical Line buffer for review and approval by Zoning and Planning Staff. The buffer shall be maintained pursuant to ZLDR, Article 4.24, Sec. 4.24.7. Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-06-24-00794

Brian K. Eouzan (“the Applicant” and “the Property Owner”), filed a Variance request:

- to reduce the required 5’ interior side setback for an attached carport;
- to reduce the required 3’ interior side/rear setback for an existing unpermitted shed; and
- to reduce the required 6’ separation (between the existing dwelling and the detached shed) for an existing unpermitted shed

at 1615 Refuge Run on James Island in Charleston County, (TMS # 331-07-00-116). Low-Density Manufactured Housing Subdivision (MHS) 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. Nelson seconded the motion. The motion to approve the application was unanimous and therefore granted.

CASE# BZA-06-24-00795

Zach Carmel ("the Applicant") and Josh Teat of Taylor Built Construction ("the Property Owner"), filed a Variance request to reduce the required 50' OCRM Critical Line setback and the required 35' OCRM Critical Line buffer for a proposed residence, covered porch, and pervious driveway at 1539 Murphys Island Court in the East Area of Charleston County, (TMS # 617-14-00-009). Rural Residential (RR) 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 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 applicant shall use stormwater mitigation measures, such as the use of rain barrels or rain gardens, to reduce the flow of stormwater into the marsh; (3) The encroachment areas shall be limited to the footprint areas shown on the submitted site plan; and (4) The applicant shall use pervious materials for the areas of the driveway that encroach into the OCRM Critical Line buffer. The pervious materials shall be approved by Charleston County Zoning and Planning Department and Charleston County Stormwater. Mr. Jordan seconded the motion. Mr. Ray, Mr. Nelson, Mr. Jordan, Mr. Siedell, and Ms. Switzer-Small's voted in favor of the motion. Mr. Neal and Mr. Truslow voted against the motion. The majority of the members present, and voting (5 to 2) voted in favor of motion and therefore the application was granted with the above referenced conditions.

CASE# BZA-06-24-00796

Wilson Walpole of Axis Construction LLC ("the Applicant") and Brian O'Neil ("the Property Owner"), filed a Variance request to reduce the required 30' rear setback by 27.2' to 2.8' for a screened-in porch and to reduce the required 30' rear setback by 22.3' to 7.7' for a detached garage at 2484 Marina Road on Wadmalaw Island in Charleston County, (TMS # 150-00-00-002). 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. Ms. Switzer-Small's made a motion to approve the Variance request. Mr. Siedell seconded the motion. The motion to approve the application was unanimous and therefore granted.

Additional Business


The BZA will hear four (4) new business cases at the September 9, 2024 BZA Public Hearing that will be held in-person in Council Chambers at 5:00 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 8:17 p.m.

Respectfully submitted,


Jenny J. Werking, AICP
Secretary to the BZA