

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE MARCH 3, 2025 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. Brad Brown, Mr. AD Jordan, Mr. Roy Neal, Mr. Robert Siedell, Ms. Jessica Smith, Ms. Shana Smith, and Mr. Doug Truslow

Staff Members Present

Mr. Kelvin Huger, BZA Attorney; Sally Brooks, Planner IV; Genesis Clark, Planning Technician II; Kyle Foster, Planner I/Arborist; Lee Ziegler, Planner I; and Jenny Werking, Planner III and 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:

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| February 14th: | Site Visits and Postings were completed by this date. |
| February 14th: | Letters were mailed to property owners within 300' for all other requests, and to Parties in interest for all cases. These notifications are above and beyond the state requirements. |
| February 14th: | Notice of this meeting was published in the <i>Post and Courier</i> . |

The March 3, 2025 BZA meeting was called to order at 5:00 p.m. by the Chair, Mr. William H. Ray.

Minutes

Mr. Neal made a motion to approve the January 6, 2025 and the February 3, 2025 public hearing meeting minutes. Mr. Brown seconded the motion and the motion carried unanimously.

Old Business

CASE# BZA-11-24-00820

Taylor Lentz of Travel Charleston ("the Applicant") and Matthew McDowell ("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 333 Curtiss Avenue in the St. Andrews Area of Charleston County (TMS # 350-09-00-097). 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. Neal 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) This approval is limited to three (3) bedrooms, four (4) concrete parking spaces, and one gravel parking space. The applicant shall revise the tenant notice to depict the three (3) bedrooms that will be rented. Mr. Siedell seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-11-24-00821

Maurice Reid ("the Applicant" and "the Property Owner") filed a Variance request to reduce the required 25' rear/freshwater wetland setback by 3.1' to 21.9' at the closest point for a proposed deck at 2007 Syreford Court in the St. Andrews Area of Charleston County (TMS # 286-13-00-376). Planned Development (PD-73-E, Hunt Club) 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, Sec. 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 condition: (1) The encroachment area shall be limited to the footprint shown on the submitted site plan. Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced condition.

New Business

CASE# BZA-01-25-00835

Demetrius Potts ("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 428 Riverland Drive on James Island in Charleston County (TMS # 343-10-00-026). 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; (4) The property owner shall be responsible for ensuring that tenants comply with the Charleston County Noise Ordinance; and (5) The property owner shall install a privacy fence that is a minimum of four feet in height. 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-01-25-00836

Emily Peters ("the Applicant") and John Peters of JAP Holdings LLC ("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 1632 Dogwood Road in the St. Andrews Area of Charleston County (TMS # 353-03-00-067). 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-01-25-00837

R. Chamberlain Chesnut of RCC Properties ("the Applicant"), Michael O'Laughlin of MJO Enterprises LLC ("the Property Owner"), and Andy Bajoczky, PE of Barrier Island Engineering & Consultants ("the Representative") filed a Variance request for a 25' wide ingress/egress easement to encroach within a restricted area three times the DBH (Critical Root Zone) of a 54" DBH Grand Live Oak Tree for a proposed four (4) lot subdivision at 2060 River Road on Johns Island in Charleston County (TMS # 345-00-00-061). 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. Mr. Brown made a motion to defer the Variance application. Mr. Jordan seconded the motion. Mr. Ray, Mr. Brown, Mr. Jordan, Mr. Siedell, Ms. J. Smith, Ms. S. Smith, and Mr. Truslow voted in favor of the motion. Mr. Nelson and Mr. Neal voted against the motion. The majority of the members present, and voting (7 to 2) voted in favor of motion and therefore, the Variance application was deferred for up to 90 days.

The BZA had a 10-minute recess

CASE# BZA-01-25-00838

Adam Steen of Steen Properties, LLC ("the Applicant" and "the Property Owner") and Thomas M. Durante, P.E. of Empire Engineering, LLC filed a Variance request to waive the required 35' (Type E) right-of-way buffer along Savannah Highway for existing gravel and chain link fence to remain and to waive the required 15' (Type B) land use buffer for existing gravel and chain link fence to remain on TMS # 121-00-00-048 at 7634 Savannah Highway in the St. Pauls Area of Charleston County (TMS # 121-00-00-048). Parkers Ferry Community Overlay (Commercial) 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, Sec. 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 resolve the encroachment issue by one of the following methods: (a) The portion of the chain link fence that encroaches onto TMS# 121-00-00-008 shall be relocated to the commercial side of the property line on TMS # 121-0-00-048 within 6 months of this approval; or (b) Within 1 year of this approval, the applicant shall submit a plat in approvable state that adjusts the property line through the subdivision process, and they shall successfully complete the rezoning process for that portion of -008 to commercial; (2) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process. The site plan will not be approved until the encroachment issue referenced in condition #1 is resolved; (3) The applicant shall add a canopy tree island as shown in the February 5, 2025 email from Staff; and (4) The portion of TMS # 121-00-00-048 that is located west of the easement (formerly TMS # 121-00-00-047) shall meet the required 35' (Type E) right-of-way buffer along Savannah Highway, pursuant to ZLDR, Chapter 9, Article 9.4, Sec. 9.4.4.A., Table 9.4.4.1 and Table 9.4.4-3. The proposed fence shall not encroach into the required 35' buffer. Mr. Neal seconded the motion. Mr. Ray, Mr. Nelson, Mr. Brown, Mr. Jordan, Mr. Neal, Mr. Siedell, Ms. S. Smith, and Mr. Truslow voted in favor of the motion. Ms. J. Smith voted against the motion. The majority of the members present, and voting (8 to 1) voted in favor of motion and therefore the application was granted with the above referenced conditions.

CASE# BZA-01-25-00839

Charles Steven Shellnut and Kimberly White Shellnutt ("the Applicants" and "the Property Owners") filed a Variance request to reduce the required 50' Critical Line setback by 14' to 36' at the closest point for a proposed swimming pool 1432 Dupre Creek Drive in the East Area of Charleston County (TMS # 617-15-00-030). 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, Sec. 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) The required 35' Critical Line buffer shall be maintained pursuant to *ZLDR Article 4.24 Waterfront Development Standards, Sec. 4.24.7 Prohibited Activities*; (2) 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; (3) 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; and (4) The swimming pool encroachment area shall be limited to the footprint shown on the submitted site plan. Mr. Nelson seconded the motion. Mr. Ray, Mr. Nelson, Mr. Brown, Mr. Neal, Mr. Siedell, and Ms. S. Smith voted in favor of the motion. Mr. Jordan, Ms. J. Smith, and Mr. Truslow voted against the motion. The majority of the members present, and voting (6 to 3) voted in favor of motion and therefore the application was granted with the above referenced conditions.

CASE# BZA-01-25-00840

Will Waterhouse of Mungo Homes ("the Applicant"), Nancy Nelson and Elizabeth Watkins ("the Property Owners"), and Buddy Pusser of SeamonWhiteside ("the Representative") filed a Variance request to remove two (2) Grand Trees for a proposed fifty-eight (58) lot subdivision at 2183 River Road on Johns Island in Charleston County (TMS # 315-00-00-114 and 315-00-00-130). Low 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, Sec. 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 mitigate the removal of the 63 DBH inches 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. Neal seconded the motion. Mr. Ray, Mr. Nelson, Mr. Neal, Mr. Siedell, and Mr. Truslow voted in favor of the motion. Mr. Brown, Mr. Jordan, Ms. J. Smith and Ms. S. Smith voted against the motion. The majority of the members present, and voting (5 to 4) voted in favor of motion and therefore the application was granted with the above referenced conditions.

CASE# BZA-01-25-00841

Jennifer Schroder ("the Applicant") and Ted Patrick Schroder Jr of 1095 Main Road LLC ("the Property Owner") filed a Variance request to reduce the required 3' interior side setback by 1.8' to 1.2' at the closest point for existing unpermitted detached accessory structures (shipping container and lean-to) at 1092 Main Road on Johns Island in Charleston County (TMS # 282-00-00-107). 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, Sec. 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 condition: (1) The applicant/property owner shall obtain all required zoning and building permits for the unpermitted detached accessory structures (shipping container and lean-to). Mr. Jordan seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced condition.

CASE# BZA-01-25-00842

Shaun Stroble of Stroble B & D Scrap Yard ("the Applicant"), Donna Stroble ("the Property Owner") and Barry Whalen of HLA, Inc. ("the Representative") filed a Variance request to waive the required 8' vehicular use perimeter buffer and to waive the required 40' (Type F) land use buffer for an existing salvage yard at 1951 Stokes Avenue in the North Area of Charleston County (TMS # 475-04-00-006). Industrial (IN) Zoning District standards apply.

Findings: After hearing the representative's request to defer the case, Mr. Truslow made a motion to defer the variance application. Mr. Brown seconded the motion. The motion passed unanimously. Therefore, the variance application was deferred for up to 90 days.

Additional Business

The BZA will hear one old business case and seven (7) new business cases at the April 7, 2025 BZA Public Hearing that will be held in-person in Council Chambers at 4:00 p.m. Mrs. Werking reminded the board members that the annual continuing education training is self-study and the deadline to finish the training is December 31, 2025.

Adjournment

There being no further business, the board adjourned at 9:33 p.m.

Respectfully submitted,



Jenny J. Werking, AICP
Secretary to the BZA