



Case # BZA-02-24-00752

Charleston County BZA Meeting of April 1, 2024

Applicant/Property Owner: M. Donald Alexander, Jr. of Old Dominion Plantation, LLC

Representative: Jeff Tibbals of Bybee & Tibbals

Property Location: 8925 and 8917 Pine Landing Road – Edisto Island

TMS#: 010-00-00-001 and 010-00-00-003

Zoning District: Resource Management (RM) Zoning District

Request:

Variance request for a connection to a saltwater impoundment dike and pond to encroach within the required 35' OCRM Critical Line buffer.

Requirement:

The *Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.5 RM, Resource Management District, Sec. 4.5.3 Density/Intensity and Dimensional Standards* requires a 35' Wetland, Waterway, and OCRM Critical Line buffer.

*Article 4.24 Waterfront Development Standards, Sec. 4.24.7 Prohibited Activities* states, "The following activities are specifically prohibited in a buffer area: A. Removal excavation, or disturbance of the soil, except for minimal disturbance associated with the planting of shrubs or trees for landscaping; B. Grassed lawns requiring regular maintenance such as herbicides; pesticides, fertilizers and frequent mowing; C. Gardens, fences, or Structures, except for permitted crossings; D. Paved or other impervious surfaces; E. Destruction or addition of plant life that would alter the existing pattern of vegetation; and F. Driveways of any surface type."

**ARTICLE 4.5 RM, RESOURCE MANAGEMENT DISTRICT**

**Sec. 4.5.1 Purpose and Intent**

The RM, Resource Management Zoning District implements the Resource Management policies of the *Comprehensive Plan*.

**Sec. 4.5.2 Use Regulations**

Uses are allowed in the RM District in accordance with the Use Regulations of CHAPTER 6, Use Regulations.

**Sec. 4.5.3 Density/Intensity and Dimensional Standards**

All Development in the RM District shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.5.3, RM Density/Intensity and Dimensional Standards		
	Non-Waterfront Development Standards	Waterfront Development Standards
<b>MAXIMUM DENSITY [1]</b>	1 Principal Dwelling Unit per 25 acres	
<b>MINIMUM LOT AREA</b>	1 acre	
<b>MINIMUM LOT WIDTH</b>	135 feet	200 feet
<b>MINIMUM LOT WIDTH AVERAGE</b>	N/A	250 feet
<b>MINIMUM SETBACKS</b>		
Front/Street Side	50 feet	
Interior Side	15 feet	
Rear	30 feet	
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK</b>	N/A	50 feet
<b>WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER</b>	N/A	35 feet
<b>MAXIMUM BUILDING COVERAGE [2]</b>	30% of Lot	
<b>MAXIMUM IMPERVIOUS SURFACE COVERAGE [2]</b>	40% of Lot or as allowed by the current edition of the Charleston County Stormwater Manual	
<b>MAXIMUM HEIGHT</b>	35 feet	
<p>[1] On tracts of 100 or more acres, where lots ranging from one to three acres are created, a bonus of one Principal Dwelling Unit shall be allowed on the residual area of the parent tract.</p> <p>[2] Maximum Impervious Surface Coverage applies only to Residential Development on Parcels less than 30,000 square feet in size. When the Maximum Impervious Surface Coverage requirement applies, the Maximum Building Coverage requirement shall not apply.</p>		

Effective on: 9/10/2017, as amended

**Sec. 4.5.4 Other Regulations**

Development in the RM District shall comply with all other applicable regulations of this ordinance, including the Development standards of CHAPTER 9, Development Standards.

## ARTICLE 4.24 WATERFRONT DEVELOPMENT STANDARDS

### Sec. 4.24.1 Minimum Lot Width (ft)

The minimum Lot Width (ft) is measured and maintained from the Front Lot Line through the entire depth of the parcel to the OCRM Critical Line. All Lots within a Subdivision must meet the minimum Lot Width average. (Exception: Flag Lots and Lots served by Cul-de-Sacs). Lots fronting on cul-de-sacs shall meet the minimum Lot Width at the required minimum Front Setback. Flag Lots are designed with a "flag pole" area with a minimum width of 20'. The flag pole area is not required to meet the minimum Lot Width nor does this area count towards the minimum Lot size or area. Flag lots must meet the minimum Lot Width at the end of the flag pole area/base of Lot. All Lots within a Subdivision must meet the required minimum Lot Width average for the applicable Zoning District.

Reductions from minimum Lot Width average requirements for Parcels which contain or abut an OCRM Critical Line may be permitted if the Zoning and Planning Director determines that one of the following criteria has been met:

- A. No more than three waterfront Lots are being created from the original Parcel and that a reduction of no more than 10 percent of Lot Width average is required for any resulting Lot; or
- B. Where two Lots of record (Lots existing prior to April 21, 1999) have been combined, the resulting Lot may be subdivided into the original configuration shown on the previously approved, recorded plat of record, even if the original Lots do not meet the minimum Lot Width requirement of this Section, provided that the Subdivision meets all other requirements of this Ordinance.

(Ord. No. 2239, 12/06/2022)

Effective on: 12/6/2022, as amended

### Sec. 4.24.2 Minimum Lot Standards for Accessory Dwelling Units on Parcels Which Contain or Abut an OCRM Critical Line

In order to establish an Accessory Dwelling Unit on a parcel that contains or abuts an OCRM Critical Line the following standards shall apply:

- A. When an Accessory Dwelling Unit is to be located in front of the Principal Dwelling Unit (between the street and the front of Principal Dwelling Unit) the minimum Lot Area shall be 50% larger than the minimum Lot Area requirement for waterfront Lots of the base Zoning District.
- B. When the Accessory Dwelling Unit is to be located to the side or rear of the Principal Dwelling Unit (between the OCRM critical line and the Principal Dwelling Unit) the minimum Lot Width shall be two times the minimum Lot Width required for waterfront Lots in the applicable base Zoning District.
- C. The Accessory Dwelling Unit shall meet the minimum Setbacks of the Zoning District where it will be located. The distance between the Accessory Dwelling Unit and the Principal Dwelling Unit shall not be less than the sum of the minimum setbacks as required for the Zoning District. If the Accessory Dwelling Unit is to be placed to the side of the Principal Dwelling Unit, the sum of the two side setbacks shall be applied. If the Accessory Dwelling Unit is to the rear of the Principal Dwelling Unit, the sum of the front and rear setbacks shall be applied.
- D. The Zoning Lot and Accessory Dwelling Unit shall comply with all other requirements of this Ordinance, including but not limited to the requirements of Sec. 6.5.9, Accessory Dwelling Units.

(Ord. No. 2239, 12/06/2022)

Effective on: 12/6/2022, as amended

### Sec. 4.24.3 Minimum Lot Standards for Dwelling Groups on Parcels Which Contain or Abut an OCRM Critical Line

The number of Dwelling Units shall not exceed the maximum number permitted by the Density/Intensity and Dimensional Standards of the base Zoning District. In addition, the Dwelling Groups shall comply with the requirements of Article 4.24, Waterfront Development Standards, of this Ordinance, and shall comply with the minimum Lot Area and Lot Width requirements of waterfront Lots in the applicable Zoning District.

#### **Sec. 4.24.4 Reduction, Modifications, and Waivers of OCRM Critical Line Setbacks and Buffers**

- A. The Zoning and Planning Director shall be authorized to reduce OCRM Critical Line Setbacks to a distance not less than the buffer depth, when deemed necessary by the Director to accommodate reasonable Development of the Parcel when it is determined by the Director that the Setback reduction will not have a significant adverse impact on public health or safety.
- B. The Zoning and Planning Director shall be authorized to modify the OCRM Critical Line Setbacks and buffers when DHEC-OCRM has granted approval to modify or alter OCRM jurisdictional wetlands within public or private Rights-of-Way and drainage easements.
- C. The Zoning and Planning Director shall be authorized to waive or modify the existing OCRM Critical Line Setback and Buffer requirements when there is an alteration that results in an overall expansion of the OCRM Critical Line into existing highland and freshwater wetland areas for the creation of a Mitigation Bank and the following conditions are met:
1. DHEC-OCRM, U.S. Army Corps of Engineers and any other state or federal agency having jurisdiction has granted approval to alter the jurisdictional wetlands; and
  2. The OCRM Critical Line Setback and Buffer of the relocated OCRM Critical Line shall at minimum be that of the corresponding zoning district; and
  3. An OCRM Critical Line Buffer planting plan is submitted for review and approval by the Zoning and Planning Director and planted within one year of the completion of the alteration.

Effective on: 11/16/2022, as amended

#### **Sec. 4.24.5 Reduction of Buffers and Setbacks on Parcels Created Prior to April 21, 1999**

When the application of buffer/Setback requirements contained within this Ordinance render a parcel that existed prior to April 21, 1999, unbuildable, the Zoning and Planning Director shall be authorized to reduce front, side, and rear yard buffers/Setbacks as necessary to make a Parcel buildable. The Zoning and Planning Director cannot reduce any front and/or rear yard buffer in an amount which would result in the placement of a Structure closer to either the front or rear property line than any Structure on an adjacent property. Any further reduction in any required buffer shall be made by appeal to the Board of Zoning Appeals.

#### **Sec. 4.24.6 Measurement**

Required OCRM Critical Line buffers and setbacks shall be measured from the OCRM Critical Line, whether the Critical Line or wetland/waterway is located on, adjacent to, or near the subject Parcel.

#### **Sec. 4.24.7 Prohibited Activities**

The following activities are specifically prohibited in a buffer area:

- A. Removal, excavation, or disturbance of the soil, except for minimal disturbance associated with the planting of shrubs or trees for landscaping;
- B. Grassed lawns requiring regular maintenance such as herbicides, pesticides, fertilizers, and frequent mowing;
- C. Gardens, fences, or Structures, except for permitted crossings;
- D. Paved or other impervious surfaces;
- E. Destruction or addition of plant life that would alter the existing pattern of vegetation; and
- F. Driveways of any surface type.

(Ord. No. 2239, 12/06/2022)

Effective on: 12/6/2022, as amended

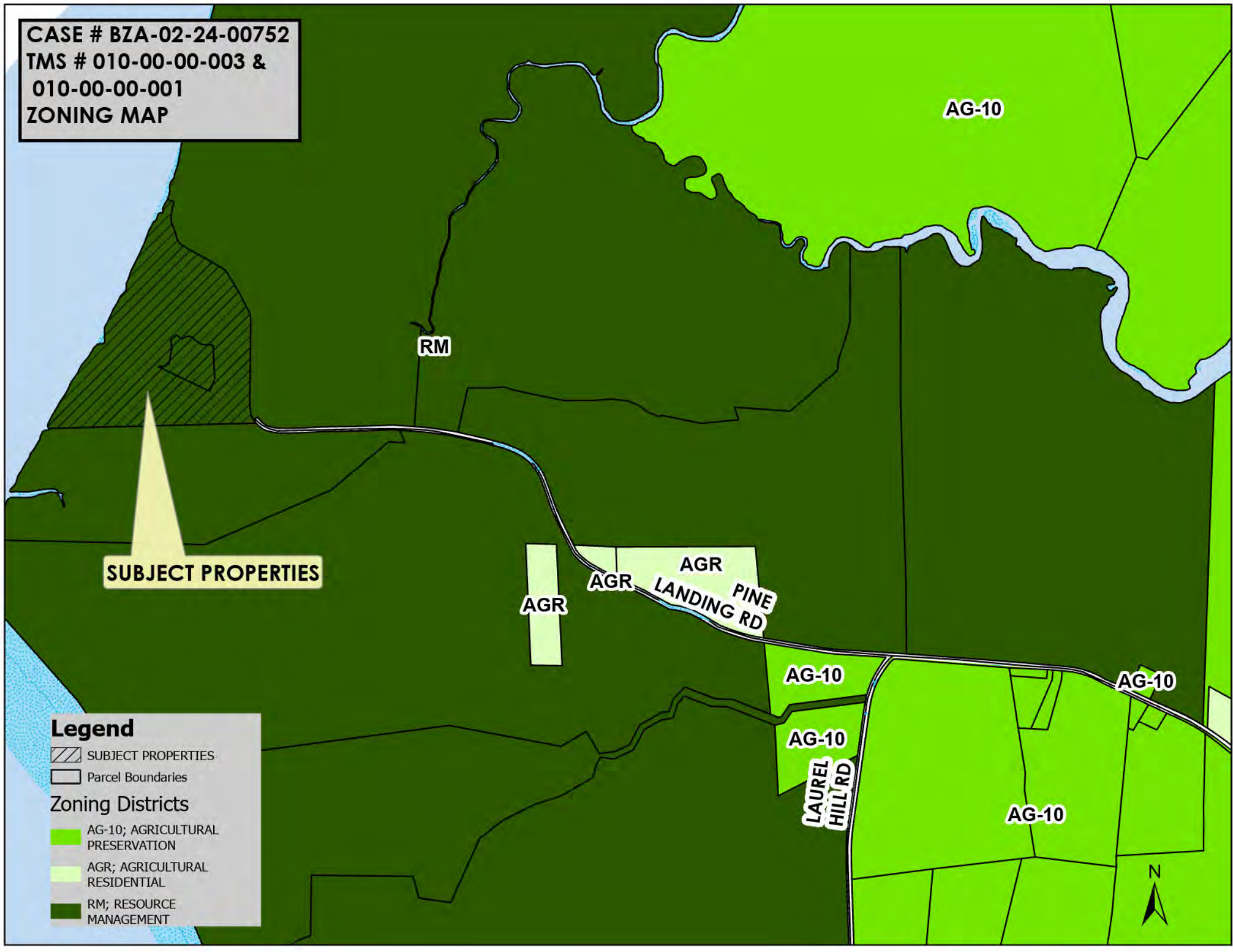
#### **Sec. 4.24.8 Restoration of Buffer**

When the Buffer has been disturbed or destroyed, the Buffer shall be replaced utilizing native species plant material suitable for saltwater tolerance and in compliance with the Buffer Depth and Landscaping Standards of Table 9.4.4-3 and Landscape Material Standards of Sec. 9.4.6. A landscape plan shall be submitted to the Zoning and Planning Director for review and approval prior installation.

(Ord. No. 2239, 12/06/2022)



Effective on: 12/6/2022, as amended

CASE # BZA-02-24-00752  
TMS # 010-00-00-003 &  
010-00-00-001  
ZONING MAP






SUBJECT PROPERTIES

**Legend**

-  SUBJECT PROPERTIES
-  Parcel Boundaries

**Zoning Districts**

-  AG-10; AGRICULTURAL PRESERVATION
-  AGR; AGRICULTURAL RESIDENTIAL
-  RM; RESOURCE MANAGEMENT



**CASE # BZA-02-24-00752**  
**TMS # 010-00-00-003 &**  
**010-00-00-001**  
**300' RADIUS MAP**

**SUBJECT PROPERTIES**

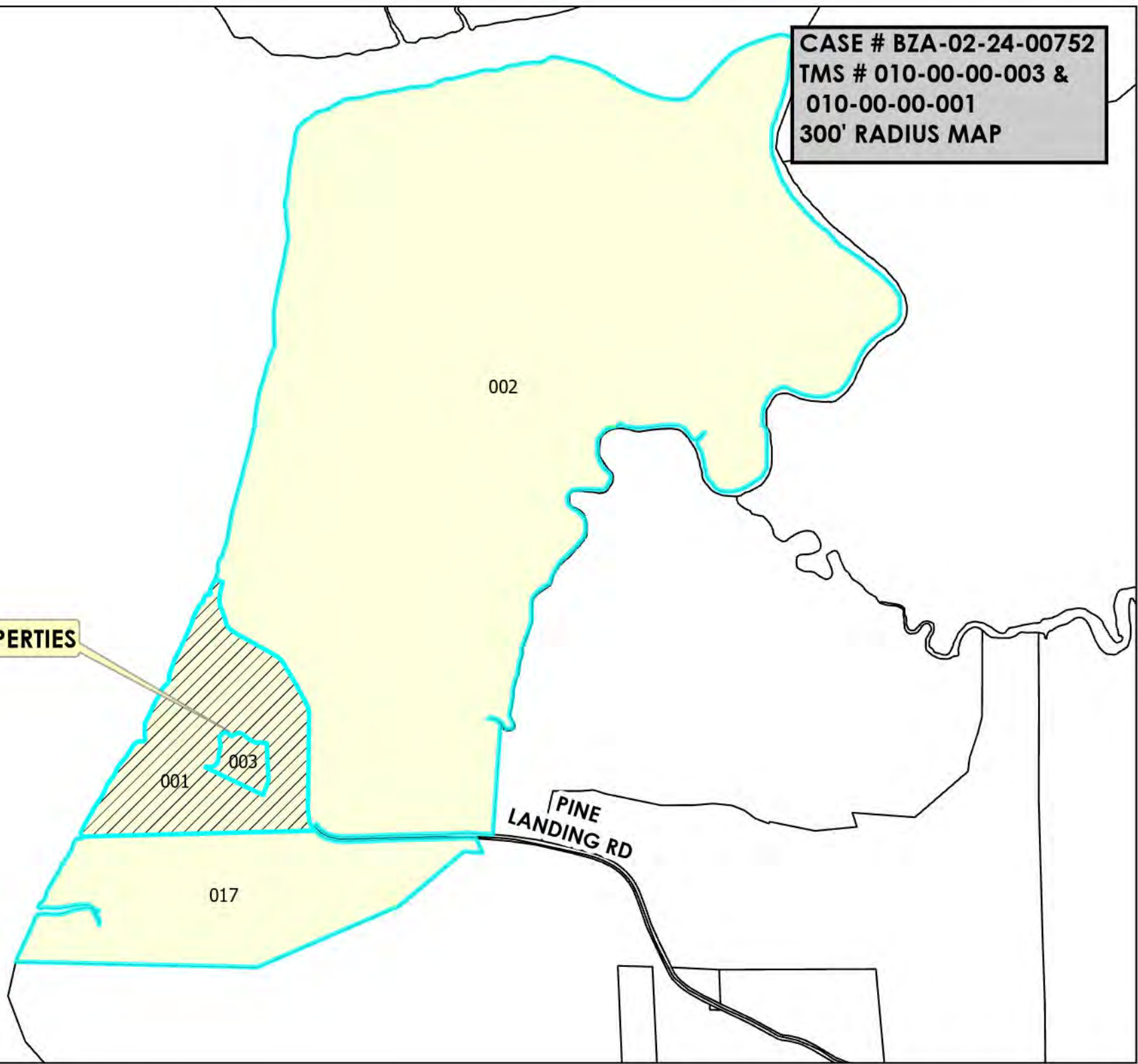
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**PINE  
LANDING RD**



CASE # BZA-02-24-00752  
TMS # 010-00-00-003 &  
010-00-00-001  
AERIAL VIEW

SUBJECT PROPERTIES

PINE LANDING RD



CASE # BZA-02-24-00752  
TMS # 010-00-00-003 &  
010-00-00-001  
AERIAL VIEW

SUBJECT PROPERTIES



JE

CAROL ANN DR  
RUSSELL CREEK DR

MIDDLE TREE LN

HIGHWAY 174

PINE LANDING RD

HIRSCHFIELD WAY

LAUREL HILL RD

CREEK FARM RD

BRICK HOUSE RD

GUN BLUFF RD

PASTURE VW



**Case # BZA-02-24-00752**

**BZA Meeting of April 1, 2024**

**Subject Property: 8925 & 8917 Pine Landing Road – Edisto Island**

**Proposal: Variance request for a connection to a saltwater impoundment dike and pond to encroach within the required 35' OCRM Critical Line buffer.**



# Subject Property - Area 1



# Subject Property - Area 2



# Subject Property

## Photographs of Pond



# Subject Property



2017 Aerial



2023 Aerial



Photographs provided by  
the Applicant







Staff Review

The applicant and property owner, M. Donald Alexander, Jr. of Old Dominion Plantation, LLC, and the representative, Jeff Tibbals of Bybee & Tibbals, are requesting a variance for a connection to a saltwater impoundment dike and pond to encroach within the required 35' OCRM (Office of Ocean and Coastal Resource Management) Critical Line buffer. The subject properties associated with this request are located in the Resource Management (RM) Zoning District at 8925 and 8917 Pine Landing Road (TMS # 010-00-00-001 and 010-00-00-003) on Edisto Island in Charleston County. The properties to the north, south, and east are also located in the Resource Management (RM) Zoning District. The property to the west is the South Edisto River.

The applicant is currently in the Site Plan Review process (ZSPR-07-23-00917). The applicant's letter of intent "*Description of the Request,*" explains,

*"The property owner, Old Dominion Plantation, LLC ("Owner" or "Applicant"), seeks a variance for an existing condition on the property, a pond that was originally located partially within the Charleston County 50' OCRM setback. Due to the flourishing growth of plant life surrounding the pond, it is now located within the OCRM critical area, according to the most recent delineation of the OCRM critical line in July 2023. However, OCRM has verified that the pond was not within the critical area at the time of its origination (see attached March 10, 2023 email from OCRM DHEC Critical Area Project Manager). Pursuant to the direction of Charleston County planning staff, and in connection with a site plan application, Owner submits this application for a post-dated temporary variance for the limited time period of the pond's inception until the pond became within the jurisdiction of the OCRM critical line and its resulting governance.*

The applicant's letter of intent "*Necessary Background,*" explains, "

*The subject property is a single deeded tract of 71.218 acres and was assigned Tax Map Number 010-00-00-001 when Applicant purchased it in 1999. When Charleston County issued a building permit for the barn structure (currently Owner's primary residence) in or around 2007/08, the County created a new Tax Map number 010-00-00-003 for the 5.04 acres surrounding the barn structure. Although the County has designated the 5.04 acres with a separate tax map number, the larger parcel has not been subdivided and has a single owner pursuant to the 1999 deed.*

*When Owner purchased the subject property, an existing saltwater impoundment dike was located thereon. In 2020, Owner obtained a permit granted by the US Army Corps of Engineers, with OCRM's concurrence, for a new saltwater impoundment dike and the restoration and repair of a previous breach in the existing one. Charleston County Planning instructed the Applicant to include the areas where the dike touches the highlands in its variance application. As noted by the Charleston County Arborist, the places where the dike touches the highlands resulted in minimal disturbance. No negative effects have resulted. Rather, these dikes have multiple benefits to the environment and ecosystem including, but not limited to, protecting the grand trees around the perimeter of the property from further saltwater intrusion and from the natural increasing higher tides. The positive effects on the grand trees are already evident. See attached photographs.*

*This variance application is made at the direction of County planning staff as part of the effort by Owner's principal, Don Alexander, and his wife Lisa, to build a residential home for themselves on the subject property. Owner has appreciated the cooperation and assistance of staff in this unusual circumstance. Although the pond is now conforming, and currently lies in the OCRM critical area, the County has requested Owner to make this variance application to clean up old issues. Owner reserves all rights as to jurisdictional questions. In any event, Owner can show clear entitlement to a variance in this case.*

*The saltwater impoundment dike that touches the land and the pond technically are separate matters but are included together in this application at the advice of County planning staff."*

Applicable ZLDR requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.5 RM, Resource Management District, Sec. 4.5.3 Density/Intensity and Dimensional Standards requires a 35' Wetland, Waterway, and OCRM Critical Line buffer.

Article 4.24 Waterfront Development Standards, Sec. 4.24.7 Prohibited Activities states, "The following activities are specifically prohibited in a buffer area: A. Removal excavation, or disturbance of the soil, except for minimal disturbance associated with the planting of shrubs or trees for landscaping; B. Grassed lawns requiring regular maintenance such as herbicides; pesticides, fertilizers and frequent mowing; C. Gardens, fences, or Structures, except for permitted crossings; D. Paved or other impervious surfaces; E. Destruction or addition of plant life that would alter the existing pattern of vegetation; and F. Driveways of any surface type."

Staff conducted a site visit on March 13, 2024. Please review the attachments for further information regarding this request.

Planning Director Review and Report regarding Approval Criteria of §3.10.6:

§3.10.6(1): *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

Response: There are extraordinary and exceptional conditions pertaining to the subject properties. **The applicant's letter of intent** states, "This is a very remote, unique, and isolated property. The property is bordered by a saltwater impoundment that has existed for decades, marsh, and the Edisto River. The pond has become part of the ecosystem of the property and may not now be disturbed or altered due to its location in the OCRM critical zone." Therefore, the request meets this criterion.

§3.10.6(2): *These conditions do not generally apply to other property in the vicinity;*

Response: These conditions do not generally apply to other property in the vicinity. The **applicant's** letter of intent states, "These conditions do not generally apply to other properties in this vicinity. This is a very rural and unique property surrounded by a saltwater impoundment, the Edisto River, marshland, and a dirt road. Owner is

unaware of any similar conditions on any nearby property, i.e., the existence of a pond in an area which was once within the County buffer zone and is now in the OCRM critical area.” Therefore, the request meets this criterion.

§3.10.6(3): *Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;*

Response: The application of this Ordinance, Chapter 4, Article 4.5, Sec. 4.5.3 and Article 4.24, Sec. 4.24.7 to the subject properties would unreasonably restrict the utilization of the property. **The applicant’s letter** of intent states, “Due to the flourishing plant life which resulted from the pond’s creation, the pond is in the new 2023 OCRM critical line delineation, and OCRM now has governance of this area. If the variance is not granted, the pond still cannot be returned to its former condition (a low lying, muddy area that accumulated stagnant water at times). OCRM will not permit Owner to fill the pond, because it would adversely affect the critical area as seen in the 2023 OCRM critical line delineation. With regard to the points where the dike touches the highlands, those are necessary to prevent leaving a gap between the two land structures which would allow a breach in the dike making it ineffective. Therefore, if a variance is required for any site development, as the Owner has been instructed by County staff, the subject property would be permanently and completely restricted from any further utilization or future improvements absent the granting of the variance. This is because the prior non-conforming use cannot be cured, as it is no longer non-conforming, but now forms part of the OCRM critical **area and cannot be disturbed.**” Therefore, the request meets this criterion.

§3.10.6(4): *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;*

Response: Authorization of this request may not be of substantial detriment to adjacent properties or to the public good, and the character of the Resource Management (RM) Zoning District may not be harmed. **The applicant’s letter of intent states,** “The authorization of the variance will not be of substantial (or even minimal) detriment to adjacent properties or the public good. The pond has enhanced vegetation surrounding its perimeters and wildlife habitat. The character of this zoning district will not be harmed if this variance is granted. Keeping the pond intact brings substantial benefit to the property and has no discernable impact on other nearby properties. The variance would be consistent with the public good in allowing the environmentally beneficial pond to remain as a now conforming condition to the property that lies within the protected OCRM critical area.” Therefore, the request may meet this criterion.

§3.10.6(5): *The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district*

*boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;*

Response: The variance does not allow a use that is not permitted in this zoning district, nor does it extend physically a nonconforming use of land or change the zoning district boundaries. **In addition, the applicant's letter of intent states,** "The Owner is not seeking a variance for any monetary or profitability reasons, and the variance would not allow a use that is not permitted in this zoning district, nor would it extend physically a nonconforming use of the land or change any zoning district boundaries." Therefore, the request meets this criterion.

§3.10.6(6): *The need for the variance is not the result of the applicant's own actions;*

Response: The need for the variance may not **be the result of the applicant's** own actions. The **applicant's letter of intent states,** "Not entirely. The area where the pond is located was a low, lying area where rainwater and run-off water would frequently create stagnant mud and cause topsoil erosion. However, the Owner takes responsibility for deepening the natural depression in order to create a pond. Unbeknownst to the Owner, a substantial portion of the pond was formerly within the County's buffer adjacent to the critical area. However, at this point, the pond has become part of the OCRM critical area and is no longer a non-conforming condition. The area where the dike touches the highlands is necessary to make the dike effective and was necessitated due to the natural increasing higher tides and for the re-establishment of a previous breach in the existing saltwater impoundment dike, and was created with a permit from the U.S. Army Corps of Engineers, with OCRM's concurrence." Therefore, the request may meet this criterion.

§3.10.6(7): *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance;*

Response: Granting of the variance may not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance. **The applicant's letter of intent states,** "The variance would not change the zoning or use of the property, and since this request is for an existing pond, its current condition demonstrates its benefits to the ecological surrounding area. The pond has resulted in enhanced vegetation and wildlife. There has been no detrimental effect on that area. Rather, there have only been positive effects. Likewise, the points where the dike simply touches the highland have also provided multiple benefits including, but not limited to, its protection of the grand trees around the perimeter of the property. Finally, the granting of the variance in this case would not set a precedent or encourage others to perform work in the County buffer zone. The net result of the existence of Owner's pond is (1) increased critical area, and (2) less developable area. While the pond does enhance the attractiveness of the subject property, it resulted in less usable property, and more conservation of property, consistent with the County's Comprehensive Plan and the purposes of the Ordinance." Therefore, the request may meet this criterion.

**Board of Zoning Appeals' Action:**

According to Article 3.10 Zoning Variances, Section §3.10.6 Approval Criteria of the *Charleston County Zoning and Land Development Regulations Ordinance (ZLDR)*, (adopted July 18, 2006), The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship (§3.10.6A). A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing their findings (§3.10.6B Approval Criteria).

In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare (§3.10.6C).

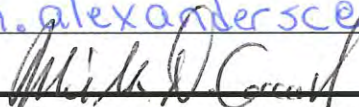
The Board of Zoning Appeals may approve, approve with conditions or deny Case # BZA-02-24-00752 [Variance request for a connection to a saltwater impoundment dike and pond to encroach within the required 35' OCRM Critical Line buffer at 8925 and 8917 Pine Landing Road (TMS # 010-00-00-001 and 010-00-00-003) on Edisto Island in Charleston County] based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision. In the event the Board decides to approve the application, the Board should consider the following conditions recommended by Staff:

1. The applicant shall keep adjacent OCRM Critical Areas free of construction materials, litter, debris, chemical contaminants, etc. and use best management practices during construction as required by SCDHEC-OCRM and other applicable agencies.
2. Once the project has commenced, it shall be carried out to completion in an expeditious manner in order to minimize the period of disturbance to the environment.

**Old Dominion Plantation, LLC**  
**Zoning Variance Application dated January 18,**  
**2024**

1. Zoning Variance Application, Description of Request, Applicant's response to Article 3.10 Zoning Variance, §3.10.6 Approval Criteria, & Letter from Attorney
-

**ZONING VARIANCE APPLICATION**  
**Charleston County Board of Zoning Appeals (BZA)**

<b>Property Information</b>			
Subject Property Address: 8917 Pine Landing Road Edisto Island, S.C. 29438			
Tax Map Number(s): 010-00-00-003 (part of a larger tract 010-00-00-001)			
Current Use of Property: Primary Residence			
Proposed Use of Property: Same			
<b>Zoning Variance Description:</b>			
<b>Applicant Information</b> (Required)			
Applicant Name (please print): Milton D. Alexander, aka M. Donald Alexander, Jr.			
Name of Company (if applicable): Old Dominion Plantation, LLC			
Mailing Address: 8917 Pine Landing Road			
City: Edisto Island	State: S.C.	Zip Code: 29438	
Email Address: don.alexandersc@gmail.com		Phone #: 803-606-2729	
Applicant Signature: 			Date: 12-15-2023
<b>Representative Information</b> (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company: Bybee & Tibbals / Jeff Tibbals			
Mailing Address: 735 Johnnie Dodds Blvd. Suite 104			
City: Mt. Pleasant	State: S.C.	Zip Code: 29464	
Email Address: jst@bybeetibbals.com		Phone #: 843-881-1623	
<b>Designation of Agent</b> (Complete only if the Applicant listed above is not the Property Owner.)			
I hereby appoint the person named as Applicant and/or Representative as my (our) agent to represent me (us) in this application.			
Property Owner(s) Name(s) (please print):			
Name of Company (if applicable, LLC etc.):			
Property Owner(s) Mailing Address:			
City:	State:	Zip Code:	Phone #:
Property Owner(s) Email Address:			
Property Owner(s) Signature:			Date:
<b>FOR OFFICE USE ONLY:</b>			
Zoning District: RM	Flood Zone: AE-9/AE-10 <sup>VE1</sup> 735K	Date Filed: 2/20/24	Fee Paid: 250.00 <sup>CG</sup>
Application #: BZA-02-24-00752	TMS #: 010-00-00-001 <sup>shaded X</sup> & 010-00-00-003	Staff Initials: jju	



**Description of Request**

*Please describe your proposal in detail. You may attach a separate sheet if necessary. Additionally, you may provide any supporting materials that are applicable to your request (photographs, letter of support, etc.)*

See attached.

**Applicant's response to Article 3.10 Zoning Variances, §3.10.6 Approval Criteria**

**Zoning Variances may be approved only if the Board of Zoning Appeals finds that the proposed use meets all 7 of the approval criteria. In evaluating your request, the members of the board will review the answers below as a part of the case record. You may attach a separate sheet if necessary.**

1. Are there extraordinary and exceptional conditions pertaining to the subject property? Explain:

See attached.

2. Do these conditions generally apply to other property in the vicinity or are they unique to the subject property? Explain:

See attached.

3. Because of these extraordinary and exceptional conditions, would the application of this Ordinance to the subject property effectively prohibit or unreasonably restrict the utilization of the property? Explain:

See attached.

4. Will the authorization of a variance be a substantial detriment to adjacent property or to the public good? Will the character of the zoning district be harmed if this variance is granted? Explain:

See attached.

5. The BZA shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a Nonconforming Use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance. Does the variance request meet this criterion?

See attached.

6. Is the need for the variance the result of your own actions? Explain:

See attached.

7. Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain

see attached.

**In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.**

### **Description of the Request**

The property owner, Old Dominion Plantation, LLC (“Owner” or “Applicant”), seeks a variance for an existing condition on the property, a pond that was originally located partially within the Charleston County 50’ OCRM setback. Due to the flourishing growth of plant life surrounding the pond, it is now located within the OCRM critical area, according to the most recent delineation of the OCRM critical line in July 2023. However, OCRM has verified that the pond was not within the critical area at the time of its origination (see attached March 10, 2023 email from OCRM DHEC Critical Area Project Manager). Pursuant to the direction of Charleston County planning staff, and in connection with a site plan application, Owner submits this application for a post-dated temporary variance for the limited time period of the pond’s inception until the pond became within the jurisdiction of the OCRM critical line and its resulting governance.

### **Necessary Background**

The subject property is a single deeded tract of 71.218 acres and was assigned Tax Map Number 010-00-00-001 when Applicant purchased it in 1999. When Charleston County issued a building permit for the barn structure (currently Owner’s primary residence) in or around 2007/08, the County created a new Tax Map number 010-00-00-003 for the 5.04 acres surrounding the barn structure. Although the County has designated the 5.04 acres with a separate tax map number, the larger parcel has not been subdivided and has a single owner pursuant to the 1999 deed.

When Owner purchased the subject property, an existing saltwater impoundment dike was located thereon. In 2020, Owner obtained a permit granted by the US Army Corps of Engineers, with OCRM’s concurrence, for a new saltwater impoundment dike and the restoration and repair of a previous breach in the existing one. Charleston County Planning instructed the Applicant to include the areas where the dike touches the highlands in its variance application. As noted by the Charleston County Arborist, the places where the dike touches the highlands resulted in minimal disturbance. No negative effects have resulted. Rather, these dikes have multiple benefits to the environment and ecosystem including, but not limited to, protecting the grand trees around the perimeter of the property from further saltwater intrusion and from the natural increasing higher tides. The positive effects on the grand trees are already evident. See attached photographs.

This variance application is made at the direction of County planning staff as part of the effort by Owner’s principal, Don Alexander, and his wife Lisa, to build a residential home for themselves on the subject property. Owner has appreciated the cooperation and assistance of staff in this unusual circumstance. Although the pond is now conforming, and currently lies in the OCRM critical area, the County has requested Owner to make this variance application to clean up old issues. Owner reserves all rights as to jurisdictional questions. In any event, Owner can show clear entitlement to a variance in this case.

The saltwater impoundment dike that touches the land and the pond technically are separate matters, but are included together in this application at the advice of County planning staff.

1. Are there extraordinary and exceptional conditions pertaining to the subject property? Explain:

Yes. This is a very remote, unique, and isolated property. The property is bordered by a saltwater impoundment that has existed for decades, marsh, and the Edisto River. The pond has become part of the ecosystem of the property and may not now be disturbed or altered due to its location in the OCRM critical zone.

2. Do these conditions generally apply to other property in the vicinity or are they unique to the subject property? Explain:

No. These conditions do not generally apply to other properties in this vicinity. This is a very rural and unique property surrounded by a saltwater impoundment, the Edisto River, marshland, and a dirt road. Owner is unaware of any similar conditions on any nearby property, *i.e.*, the existence of a pond in an area which was once within the County buffer zone and is now in the OCRM critical area.

3. Because of these extraordinary and exceptional conditions, would the application of this Ordinance to the subject property effectively prohibit or unreasonably restrict the utilization of the property? Explain:

Yes. Due to the flourishing plant life which resulted from the pond's creation, the pond is in the new 2023 OCRM critical line delineation, and OCRM now has governance of this area. If the variance is not granted, the pond still cannot be returned to its former condition (a low lying, muddy area that accumulated stagnant water at times). OCRM will not permit Owner to fill the pond, because it would adversely affect the critical area as seen in the 2023 OCRM critical line delineation. With regard to the points where the dike touches the highlands, those are necessary to prevent leaving a gap between the two land structures which would allow a breach in the dike making it ineffective.

Therefore, if a variance is required for any site development, as the Owner has been instructed by County staff, the subject property would be permanently and completely restricted from any further utilization or future improvements absent the granting of the variance. This is because the prior non-conforming use cannot be cured, as it is no longer non-conforming, but now forms part of the OCRM critical area and cannot be disturbed.

4. Will the authorization of a variance be a substantial detriment to adjacent property or to the public good? Will the character of the zoning district be harmed if this variance is granted? Explain:

The authorization of the variance will not be of substantial (or even minimal) detriment to adjacent properties or the public good. The pond has enhanced vegetation surrounding its perimeters and wildlife habitat. The character of this zoning district will not be harmed if this variance is granted. Keeping the pond intact brings substantial benefit to the property and has no discernable impact on other nearby properties. The variance would be consistent with the public good in allowing the

environmentally beneficial pond to remain as a now conforming condition to the property that lies within the protected OCRM critical area.

5. The BZA shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a Nonconforming Use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance. Does this variance request meet this criterion?

Yes. The Owner is not seeking a variance for any monetary or profitability reasons, and the variance would not allow a use that is not permitted in this zoning district, nor would it extend physically a nonconforming use of the land or change any zoning district boundaries.

6. Is the need for the variance the result of your own actions? Explain:

Not entirely. The area where the pond is located was a low, lying area where rainwater and runoff water would frequently create stagnant mud and cause topsoil erosion. However, the Owner takes responsibility for deepening the natural depression in order to create a pond. Unbeknownst to the Owner, a substantial portion of the pond was formerly within the County's buffer adjacent to the critical area. However, at this point, the pond has become part of the OCRM critical area and is no longer a non-conforming condition. The area where the dike touches the highlands is necessary to make the dike effective and was necessitated due to the natural increasing higher tides and for the re-establishment of a previous breach in the existing saltwater impoundment dike, and was created with a permit from the U.S. Army Corps of Engineers, with OCRM's concurrence.

7. Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain.

No. The variance would not change the zoning or use of the property, and since this request is for an existing pond, its current condition demonstrates its benefits to the ecological surrounding area. The pond has resulted in enhanced vegetation and wildlife. There has been no detrimental effect on that area. Rather, there have only been positive effects. Likewise, the points where the dike simply touches the highland have also provided multiple benefits including, but not limited to, its protection of the grand trees around the perimeter of the property.

Finally, the granting of the variance in this case would not set a precedent or encourage others to perform work in the County buffer zone. The net result of the existence of Owner's pond is (1) increased critical area, and (2) less developable area. While the pond does enhance the attractiveness of the subject property, it resulted in less usable property, and more conservation of property, consistent with the County's Comprehensive Plan and the purposes of the Ordinance.



Donald Alexander &lt;don.alexandersc@gmail.com&gt;

**OCRM Request to Have a Critical Area Line Established - HPR-FD37-M6N3A**

2 messages

Jaynes, Bradley J. &lt;JaynesBJ@dhec.sc.gov&gt;

To: "mdthird@gmail.com" &lt;mdthird@gmail.com&gt;, "don.alexandersc@gmail.com" &lt;don.alexandersc@gmail.com&gt;

Fri, Mar 10, 2023 at 10:34 AM

Gentlemen,

I flagged the portion of the property at 8917 Pine Landing Road that you mentioned needing attention at the request of Charleston County.

The pond that was created on the property was not excavated within Critical Area, based on a review of historical aerial photography, though it now is part of the Critical Area Line, as a result of the existence of plants that indicate a saline influence growing on the shoreline.

The flags I placed will need to be located and represented on a signed, professional surveyor plat. They can simply be added to the line that was certified in October of 2021, as that line is currently active.

I have contacted the surveyor with whom you worked on the existing, certified line, and let him know of the additional flagging.

I hope that this helps, and please let me know if you need anything further.

Brad Jaynes  
Critical Area Project Manager  
Ocean and Coastal Resource Management  
S.C. Dept. of Health & Environmental Control  
1362 McMillan Avenue, Suite 400  
Charleston, SC 29405  
Office: 843-953-0236  
jaynesbj@dhec.sc.gov

Connect: [www.scdhec.gov](http://www.scdhec.gov) Facebook Twitter

Donald Alexander <don.alexandersc@gmail.com>  
To: MDIII <mdthird@gmail.com>

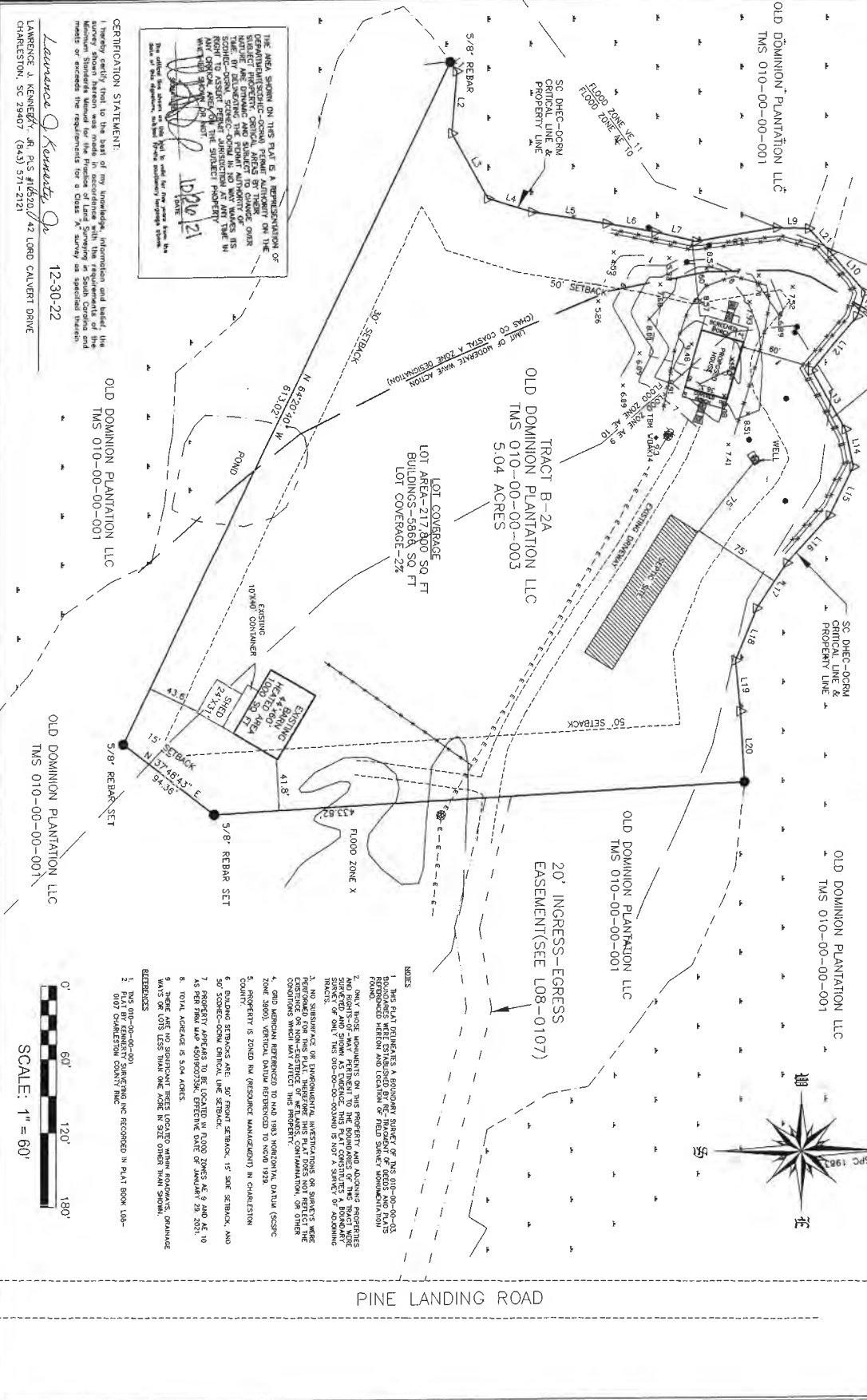
Fri, Mar 10, 2023 at 3:04 PM

[Quoted text hidden]

**LEGEND**

- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- - - EXISTING EASEMENT LINE
- - - NEW EASEMENT LINE
- - - SETBACK LINE
- ADJACENT F/W LINE
- PROPERTY CORNER FOUND AS NOTED
- PROPERTY CORNER, 5/8" REBAR SET
- WATER METER
- ELECTRICAL PEDestal
- STORAGE DRAIN MANHOLE
- TELECOMMUNICATIONS PEDestal
- CALCULATED PROPERTY CORNER
- POWER POLE
- TEMPORARY BENCH MARK
- DOUBLE CONSTRUCTION BENCH MARK
- TEMPORARY BENCH MARK

LINE	BEARING	DISTANCE
L1	S 54°10'15" W	97.2
L2	S 53°15'15" W	52.4
L3	S 60°52'30" W	60.6
L4	S 17°09'02" W	38.1
L5	S 09°20'18" W	61.8
L6	S 09°53'44" W	40.8
L7	S 12°57'35" W	34.4
L8	S 09°02'53" E	57.0
L9	N 41°13'55" W	53.6
L10	S 49°06'00" W	42.5
L11	N 71°41'19" W	20.5
L12	N 49°51'52" W	57.1
L13	S 60°08'16" W	55.2
L14	S 28°28'49" W	31.4
L15	N 41°13'55" W	53.6
L16	N 41°13'55" W	53.6
L17	N 56°02'53" W	44.2
L18	N 68°05'53" W	45.8
L19	S 84°28'02" W	41.7
L20	S 68°43'05" W	57.5
L21	S 47°08'39" W	26.9



THE AREA SHOWN ON THIS PLAN IS A REPRESENTATION OF THE PROPERTY AND ADJACENT PROPERTIES AS SHOWN BY THE RECORD PLANS AND SURVEY DATA. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND ADJACENT PROPERTIES AND HAS FOUND THAT THE INFORMATION SHOWN ON THIS PLAN IS ACCURATE AND CORRECT. THE SURVEYOR HAS NOT CONDUCTED A FIELD SURVEY OF THE PROPERTY AND ADJACENT PROPERTIES. THE SURVEYOR HAS NOT CONDUCTED A FIELD SURVEY OF THE PROPERTY AND ADJACENT PROPERTIES. THE SURVEYOR HAS NOT CONDUCTED A FIELD SURVEY OF THE PROPERTY AND ADJACENT PROPERTIES.

**CERTIFICATION STATEMENT:**

I hereby certify that to the best of my knowledge, information and belief, the information shown on this plan is true and correct. I have conducted a visual inspection of the property and adjacent properties and have found that the information shown on this plan is accurate and correct. The surveyor has not conducted a field survey of the property and adjacent properties. The surveyor has not conducted a field survey of the property and adjacent properties. The surveyor has not conducted a field survey of the property and adjacent properties.

Lawrence J. Kennedy, Jr. 12-30-22

OLD DOMINION PLANTATION LLC  
TMS 010-00-00-001

OLD DOMINION PLANTATION LLC  
TMS 010-00-00-001

SCALE: 1" = 60'

1" OPEN PIPE

RESERVED FOR STAMPING

**SITE PLAN**  
**TMS 010-00-00-003**  
**PINE LANDING ROAD**  
 LOCATED ON EDISTO ISLAND, CHARLESTON COUNTY SC  
 PREPARED DON & LISA ALEXANDER

**SOUTH CAROLINA REGISTERED LAND SURVEYOR**  
 LAWRENCE J. KENNERTY, JR.  
 12520  
 REG. NO. 12520

**SOUTH CAROLINA CERTIFICATE OF AUTHORIZATION**  
 KENNERTY SURVEYING INC.  
 NO. C02101

**KENNERTY SURVEYING INC.**  
 42 LORD CALVERT DRIVE  
 CHARLESTON, SC 29407  
 843-571-2121  
 EMAIL: lkennerty@comcast.net

**Old Dominion Plantation, LLC**  
**Zoning Variance Application dated January 18,**  
**2024**

5. Site Plan drawn to Engineers Scale

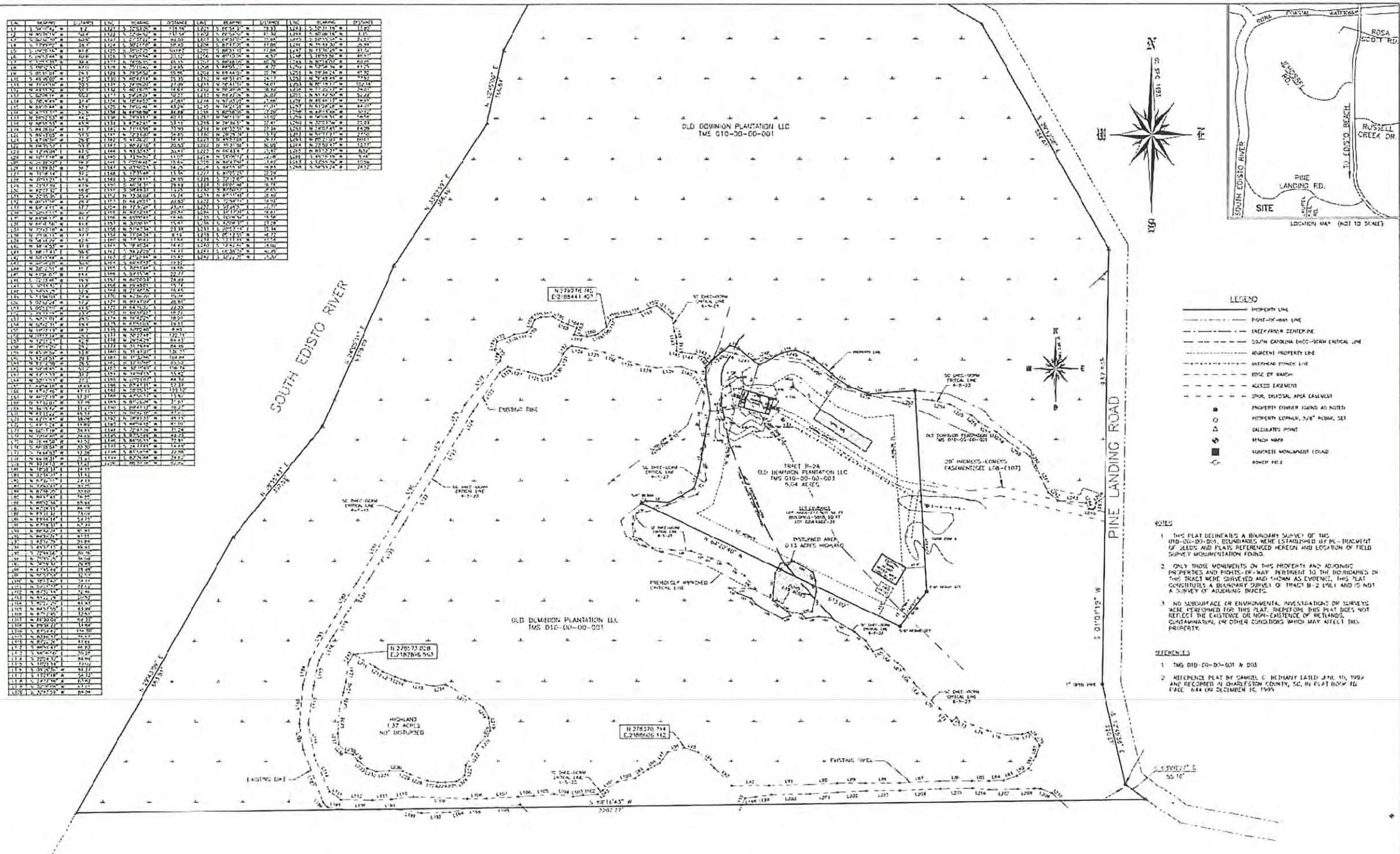
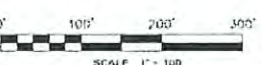


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200	S 89° 58' 12" E	11.21	1121.110			

**CERTIFICATION STATEMENT**  
 I, Lawrence J. Kennedy, Jr., do hereby certify that the foregoing information and data were obtained from a personal inspection and that the same are true and correct to the best of my knowledge and belief. I am a duly licensed Professional Land Surveyor in the State of South Carolina, No. 10000, and I am duly sworn to the requirements of the National Standards Manual for the Practice of Land Surveying in South Carolina and hereby certify that the requirements of the National Standards Manual have been met.  
 Lawrence J. Kennedy, Jr. 7-12-23  
 LAWRENCE J. KENNEDY, JR., PLS. #12525-02 (OLD ELEMENT D.M.)  
 CHARLESTON, SC 29407 (843) 571-2121

THE TOTAL VOLUME OF 920 CU YDS OF MATERIAL REMOVED FROM CREATION OF POND, 735 CU YDS UTILIZED FOR HOUSE BUILDING PAD, 180 CU YDS SCATTERED IN LOW AREAS AROUND SITE. 5 CU YDS USED TO BUILD BARRIERS AROUND GRAND LIVE OAKS TO PROTECT THEM FROM SALT WATER INTRUSION.  
 Lawrence J. Kennedy, Jr. 06/07/2023

ESTIMATED 920 TOTAL CU YDS OF MATERIAL REMOVED FROM CREATION OF POND, 735 CU YDS UTILIZED FOR HOUSE BUILDING PAD, 180 CU YDS SCATTERED IN LOW AREAS AROUND SITE. 5 CU YDS USED TO BUILD BARRIERS AROUND GRAND LIVE OAKS TO PROTECT THEM FROM SALT WATER INTRUSION.



- LEGEND**
- PROPERTY LINE
  - FRONT-YARD LINE
  - CENTERLINE
  - SOUTH CAROLINA DMC-300M CRITICAL LINE
  - ADJACENT PROPERTY LINE
  - INTERIOR PROPERTY LINE
  - EDGE OF WASH.
  - ACCESS EASEMENT
  - DMC-300M CRITICAL LINE
  - PROPERTY CORNER (AS NOTED)
  - PROPERTY CORNER, 3/4" ALUM. SET
  - CALCULATED POINT
  - BENCH MARK
  - SURVEY MONUMENT (ON)
  - POWER POLE

- NOTES**
- THIS PLAT DELINEATES A BOUNDARY SURVEY OF THE 010-00-001-001 BOUNDARIES WERE ESTABLISHED BY PL-1 TRACTMENT OF DEEDS AND PLATS REFERENCED HEREIN AND LOCATION OF FIELD SURVEY MONUMENTATION FOUND.
  - ONLY THOSE MONUMENTS ON THIS PROPERTY AND ADJACENT PROPERTIES AND RIGHTS-OF-WAY REFERRED TO IN THE INSTRUMENTS IN THIS TRACT WERE SURVEYED AND SHOWN AS EVIDENCE. THIS PLAT CONSTITUTES A BOUNDARY SURVEY OF TRACT B-24 AND IS NOT A SURVEY OF ADJACENT TRACTS.
  - NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE, THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NON-EXISTENCE OF UNDEVELOPED CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.

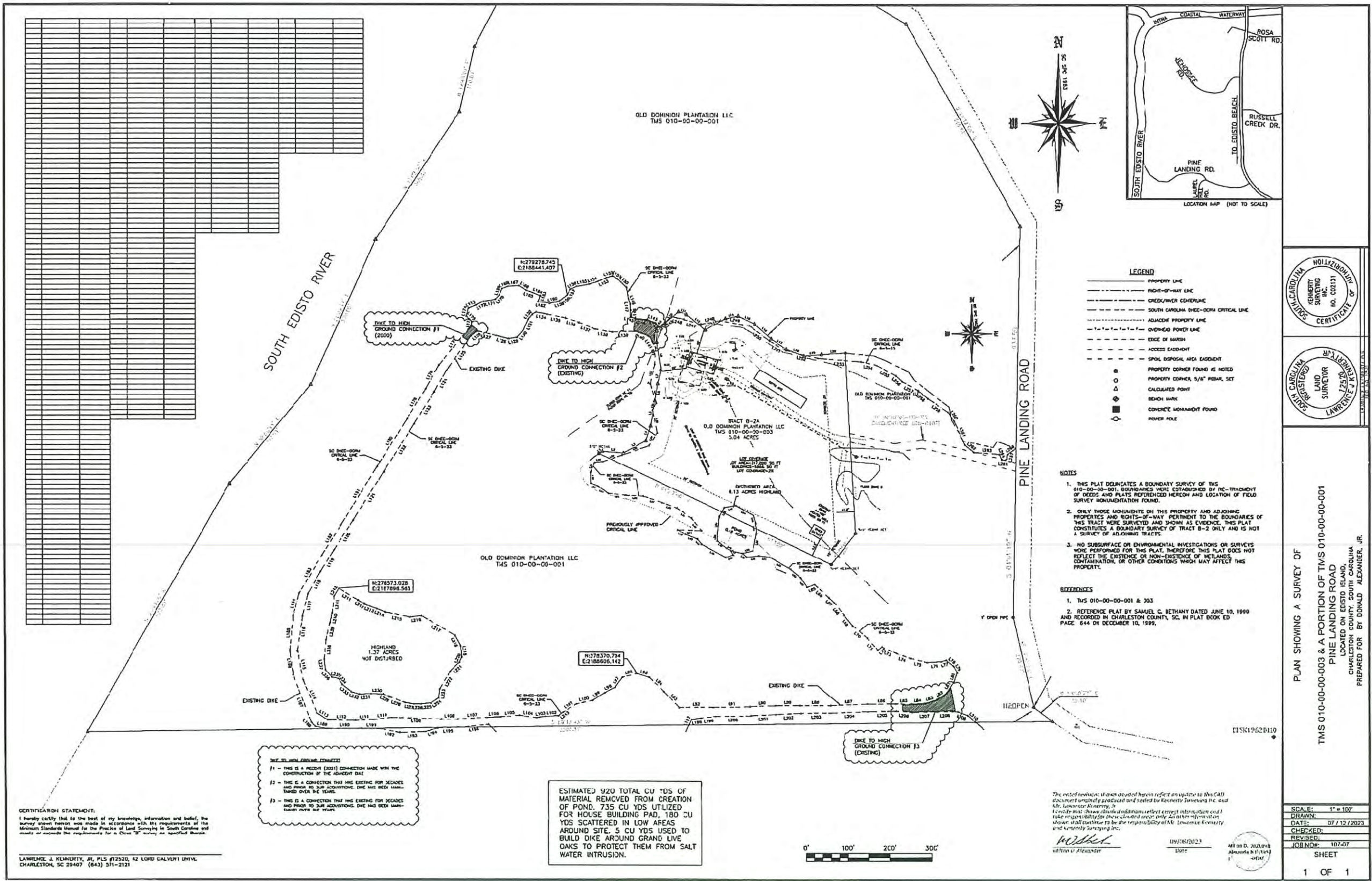
- REFERENCES**
- TMS 010-00-001-001 & D.M.
  - REFERENCE PLAT BY SAMUEL C. BISHOP DATED JAN. 10, 1909 AND RECORDED IN CHARLESTON COUNTY, SC, IN PLAT BOOK 10, PAGE 644 ON DECEMBER 10, 1909.

**KENNERTY SURVEYING INC.**  
 42 LORD CALVERT DRIVE  
 CHARLESTON, SC 29407  
 843-571-2121  
 EMAIL: lkennerty@comcast.net



PLAN SHOWING A SURVEY OF  
 TMS 010-00-001-003 & A PORTION OF TMS 010-00-001-001  
 PINE LANDING ROAD  
 LOCATED IN EDISTO TOWNSHIP,  
 CHARLESTON COUNTY, SOUTH CAROLINA  
 PREPARED FOR: BY DONALD ALTYMEER, JR.

SCALE 1" = 100'  
 DRAWN  
 DATE 07/12/2023  
 CHECKED  
 REVISED 107-07  
 SHEET  
 1 OF 1



**CERTIFICATION STATEMENT:**  
 I hereby certify that to the best of my knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina and meets or exceeds the requirements for a Class "B" survey as specified therein.

LAWRENCE J. KEMPLET, JR., PLS #12520, 62 LORD CALVERT DRIVE,  
 CHARLESTON, SC 29407 (843) 571-2121

**DIKE TO HIGH GROUND CONNECTIONS:**

- F1 - THIS IS A RECENT (2021) CONNECTION MADE WITH THE CONSTRUCTION OF THE ADJACENT DIKE.
- F2 - THIS IS A CONNECTION THAT HAS EXISTED FOR DECADES AND PRIOR TO OUR ACQUISITION, DIKE HAS BEEN MAINTAINED OVER THE YEARS.
- F3 - THIS IS A CONNECTION THAT HAS EXISTED FOR DECADES AND PRIOR TO OUR ACQUISITION, DIKE HAS BEEN MAINTAINED OVER THE YEARS.

ESTIMATED 920 TOTAL CU YDS OF MATERIAL REMOVED FROM CREATION OF POND. 735 CU YDS UTILIZED FOR HOUSE BUILDING PAD, 180 CU YDS SCATTERED IN LOW AREAS AROUND SITE. 5 CU YDS USED TO BUILD DIKE AROUND GRAND LIVE OAKS TO PROTECT THEM FROM SALT WATER INTRUSION.



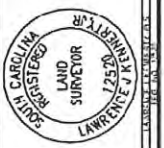
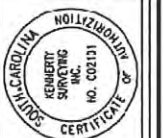
The reader should be advised herein that this is a CAD document originally generated and plotted by the author, Mr. Lawrence Kemple, Jr. The author is not responsible for any errors or omissions in this document. The user assumes all responsibility for the accuracy of the information shown. If all information is to be the responsibility of Mr. Lawrence Kemple, Jr., please contact him at the address above.

*Lawrence Kemple, Jr.*  
 Surveyor

DATE: 07/12/2023  
 SHEET: 107-07

- LEGEND**
- PROPERTY LINE
  - - - RIGHT-OF-WAY LINE
  - - - CREEK/RIVER CENTERLINE
  - - - SOUTH CAROLINA DHEC-DOCM CRITICAL LINE
  - - - ADJACENT PROPERTY LINE
  - - - OVERHEAD POWER LINE
  - - - EDGE OF MARCH
  - - - ACCESS EASEMENT
  - - - SPILL DISPOSAL AREA EASEMENT
  - PROPERTY CORNER FOUND AS NOTED
  - PROPERTY CORNER FOUND AS NOTED
  - CALCULATED POINT
  - BEACH MARK
  - CONCRETE MONUMENT FOUND
  - POWER POLE

- NOTES**
- THIS PLAT DELINEATES A BOUNDARY SURVEY OF THIS 610-00-00-001. BOUNDARIES WERE ESTABLISHED BY THE WITHDRAWAL OF DEEDS AND PLATS REFERENCED HEREON AND LOCATION OF FIELD SURVEY MONUMENTATION FOUND.
  - ONLY THOSE MONUMENTS ON THIS PROPERTY AND ADJACENT PROPERTIES AND RIGHTS-OF-WAY PERTINENT TO THE BOUNDARIES OF THIS TRACT WERE SURVEYED AND SHOWN AS EVIDENCE. THIS PLAT CONSTITUTES A BOUNDARY SURVEY OF TRACT B-2 ONLY AND IS NOT A SURVEY OF ADJACENT TRACTS.
  - NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATIONS OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
- REFERENCES**
- TMS 010-00-00-001 & 303
  - REFERENCE PLAT BY SAMUEL C. BETHANY DATED JUNE 10, 1999 AND RECORDED IN CHARLESTON COUNTY, SC, IN PLAT BOOK ED PAGE 644 ON DECEMBER 10, 1999.



PLAN SHOWING A SURVEY OF  
 TMS 010-00-00-003 & A PORTION OF TMS 010-00-00-001  
 PINE LANDING ROAD  
 LOCATED ON EDISTO ISLAND,  
 CHARLESTON COUNTY, SOUTH CAROLINA  
 PREPARED FOR BY DONALD ALEXANDER, JR.

SCALE:	1" = 100'
DRAWN:	
DATE:	07/12/2023
CHECKED:	
REVISION:	
JOB NO.:	107-07
SHEET:	

**LEGEND**

- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- - - EXISTING EASEMENT LINE
- - - NEW EASEMENT LINE
- - - SETBACK LINE
- - - ADJACENT R/W LINE
- PROPERTY CORNER FOUND AS NOTED
- PROPERTY CORNER, 5/8" REBAR, SET
- ⊕ WATER METER
- ⊙ ELECTRICAL PEDESTAL
- ⊙ STORM DRAIN MANHOLE
- ⊙ TELECOMMUNICATIONS PEDESTAL
- △ CALCULATED PROPERTY CORNER
- ⊙ POWER POLE
- ⊕ TEMPORARY BENCH MARK
- ⊕ TEMPORARY BENCH MARK
- ⊕ TEMPORARY BENCH MARK

LINE	BEARING	DISTANCE
L1	S 54°10'42" W	9.2'
L2	N 85°36'19" W	50.4'
L3	S 60°52'30" W	60.6'
L4	S 17°09'02" W	38.1'
L5	S 09°20'16" W	61.8'
L6	S 09°53'44" W	40.8'
L7	S 12°57'35" W	34.4'
L8	S 09°02'53" E	67.0'
L9	S 01°51'04" W	26.1'
L10	S 49°06'00" W	42.5'
L11	N 71°41'19" W	20.5'
L12	N 49°51'52" W	57.1'
L13	S 60°08'16" W	55.2'
L14	S 78°28'49" W	31.4'
L15	N 54°15'44" W	43.6'
L16	N 47°37'37" W	52.5'
L17	N 56°02'53" W	44.2'
L18	N 68°05'53" W	45.8'
L19	S 84°28'02" W	41.7'
L20	S 86°43'05" W	57.5'
L21	S 47°06'39" W	26.9'

RESERVED FOR STAMPING

**KENNERTY SURVEYING INC.**  
 42 LORD CALVERT DRIVE  
 CHARLESTON, SC 29407  
 843-571-2121  
 EMAIL: kennerty@comcast.net

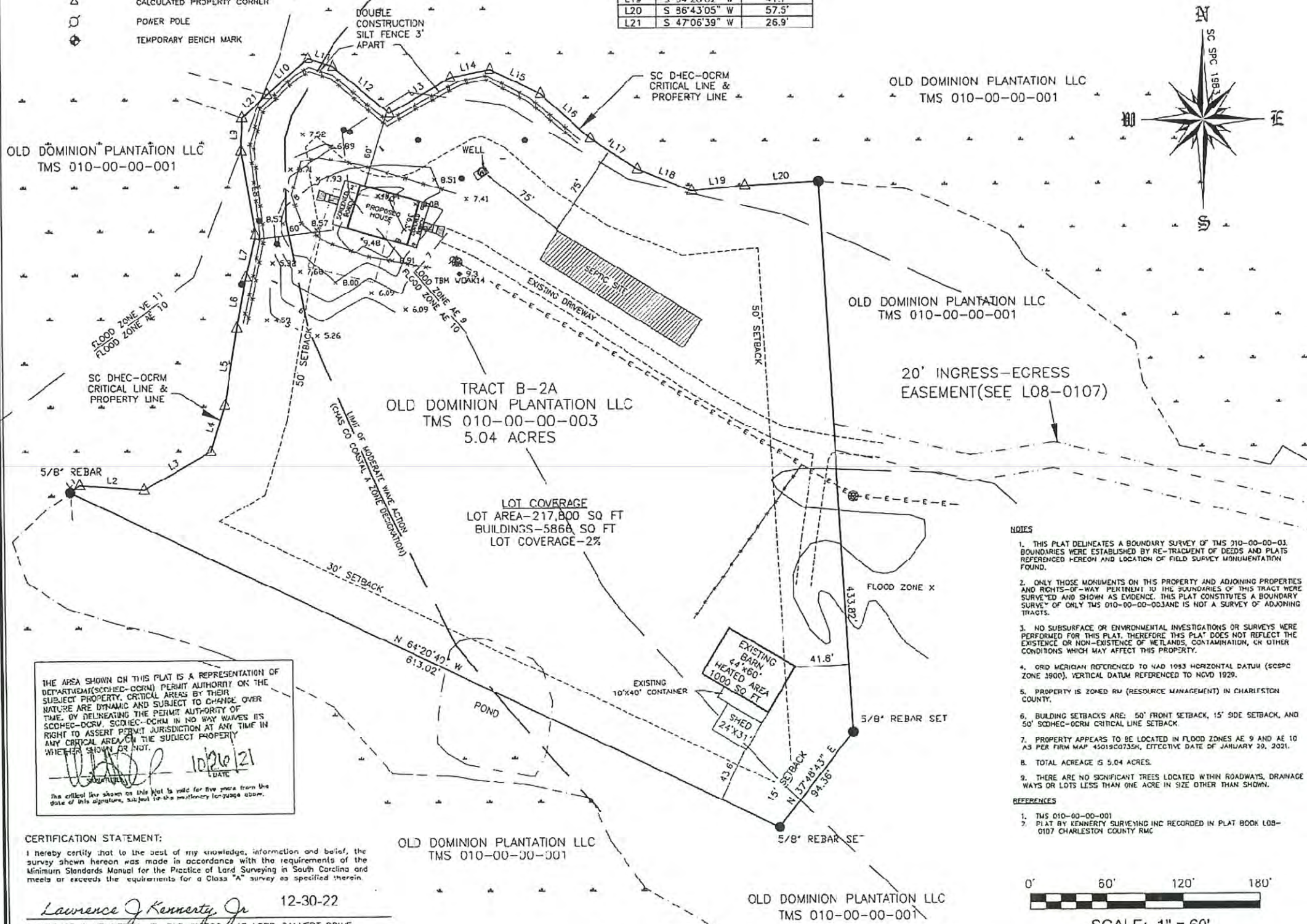


LAWRENCE J. KENNERTY, JR.  
 REG. NO. 12500

**SITE PLAN**  
**TMS 010-00-00-003**  
**PINE LANDING ROAD**  
 LOCATED DON EDISTO ISLAND, CHARLESTON COUNTY SC  
 PREPARED DON & LISA ALEXANDER

SCALE:	1" = 60'
DRAWN:	
DATE:	07/21/21
CHECKED:	
REVISED:	12/29/22
JOB NO.:	107-07

SHEET  
 1 OF 1



- NOTES**
1. THIS PLAT DELINEATES A BOUNDARY SURVEY OF TMS 010-00-00-003. BOUNDARIES WERE ESTABLISHED BY RE-TRACED DEEDS AND PLATS REFERENCED HEREON AND LOCATION OF FIELD SURVEY MONUMENTATION FOUND.
  2. ONLY THOSE MONUMENTS ON THIS PROPERTY AND ADJOINING PROPERTIES AND RIGHTS-OF-WAY PERTINENT TO THE BOUNDARIES OF THIS TRACT WERE SURVEYED AND SHOWN AS EVIDENCE. THIS PLAT CONSTITUTES A BOUNDARY SURVEY OF ONLY TMS 010-00-00-003 AND IS NOT A SURVEY OF ADJOINING TRACTS.
  3. NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATIONS OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
  4. GRID MERIDIAN REFERENCED TO NAD 1983 HORIZONTAL DATUM (SCSPC ZONE 1900). VERTICAL DATUM REFERENCED TO NVD 1929.
  5. PROPERTY IS ZONED RM (RESOURCE MANAGEMENT) IN CHARLESTON COUNTY.
  6. BUILDING SETBACKS ARE: 50' FRONT SETBACK, 15' SIDE SETBACK, AND 50' SC-DHEC-OCRM CRITICAL LINE SETBACK.
  7. PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONES AE 9 AND AE 10 AS PER FIRM MAP 45019C07356, EFFECTIVE DATE OF JANUARY 20, 2021.
  8. TOTAL ACREAGE IS 5.04 ACRES.
  9. THERE ARE NO SIGNIFICANT TREES LOCATED WITHIN ROADWAYS, DRAINAGE WAYS OR LOTS LESS THAN ONE ACRE IN SIZE OTHER THAN SHOWN.
- REFERENCES**
1. TMS 010-00-00-001
  2. PLAT BY KENNERTY SURVEYING INC RECORDED IN PLAT BOOK L08-0107 CHARLESTON COUNTY RMC

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT (SC-DHEC-OCRM) PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF SC-DHEC-OCRM, SC-DHEC-OCRM IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY WHETHER SHOWN OR NOT.

*Lawrence J. Kennedy, Jr.*  
 10/26/21  
 DATE

The critical line shown on this plat is valid for five years from the date of this signature, subject to the mandatory language above.

**CERTIFICATION STATEMENT:**  
 I hereby certify that to the best of my knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina and meets or exceeds the requirements for a Class "A" survey as specified therein.

*Lawrence J. Kennedy, Jr.* 12-30-22  
 LAWRENCE J. KENNERTY, JR., PLS #10520, 42 LORD CALVERT DRIVE  
 CHARLESTON, SC 29407 (843) 571-2121



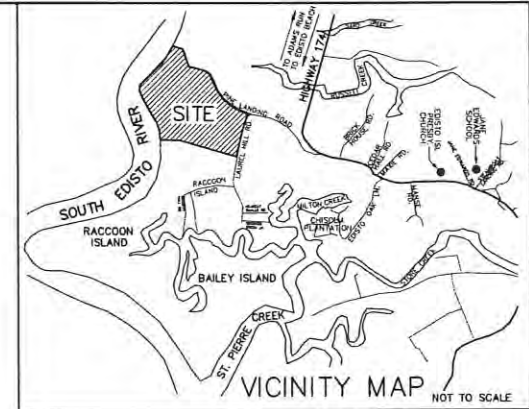
**Old Dominion Plantation, LLC**  
**Zoning Variance Application dated January 18,**  
**2024**

6. Copy of Approved and Recorded Plat



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO VISIBLE ENCUMBRANCES OR PROJECTIONS OTHER THAN SHOWN.

Samuel C. Betway, P.E.  
SARIEL C. BETWAY, P.E., No. 4490



SOUTH EDISTO RIVER

PINE LANDING ROAD

REFERENCE PLAT BY GEORGE A.Z. JOHNSON, JR., INC. DATED SEPT. 8, 1976 AND RECORDED IN THE CHAS. CO. RMC OFFICE IN PLAT BOOK AG PAGE 109.  
REFERENCE PLAT BY H. EXO HILTON DATED JUNE 1971 AND RECORDED IN THE CHAS. CO. RMC OFFICE IN PLAT BOOK AC PAGE 58.

**TRACT A**  
TMS 10-00-00-001  
PREVIOUSLY APPROVED  
69.656 AC. TOTAL  
BEFORE ADJUSTMENT  
71.218 AC. TOTAL  
AFTER ADJUSTMENT

**TRACT B**  
TMS 11-00-00-017  
PREVIOUSLY APPROVED  
98.394 AC. TOTAL  
BEFORE ADJUSTMENT  
96.832 AC. TOTAL  
AFTER ADJUSTMENT

**TRACT F**  
PREVIOUSLY APPROVED

RIGHT-OF-WAY DEPICTED ON PLATS RECORDED IN THE CHARLESTON CO. RMC OFFICE IN PLAT BOOKS AC PAGE 58 & BOOK AG PAGE 109. WIDTH & OWNERSHIP WERE NOT DEPICTED ON SAID REFERENCES.

**SETBACK REQUIREMENTS**  
ACCORDING TO CHARLESTON COUNTY PLANNING DEPARTMENT THE SETBACK REQUIREMENTS FOR THIS PROPERTY ARE:  
50' FRONT/STREET SIDE, 15' INTERIOR SIDE, 30' REAR SIDE, 35' WETLAND, AND 50' DORM OPTICAL LINE.

Charleston, South Carolina  
Office of Register Mease Conveyance  
Plat recorded this 11th day of June, 1999 at 1:28 o'clock in the PM Book ED 1989-001 and tracing sheet 18 of 102 pages in File # 12 Drawing # 18 Drawing No. 18-102  
Original plat in Public Possession of FORSBERG ENGINEERING  
*Chas. Mease*  
Register Mease Conveyance

CENTERLINE UNIMPROVED CHARLESTON COUNTY ROAD RIGHT-OF-WAY VARIES. 25' MINIMUM EXISTS BETWEEN CENTERLINE OF EXISTING DIRT & PROPERTY LINE SHOWN HEREON.

REFERENCE PLAT BY FORSBERG ENGINEERING DATED FEB. 2, 1999 AND RECORDED IN THE CHAS. CO. RMC OFFICE IN PLAT BOOK ED PAGE 129.

**PROPERTY LINE ADJUSTMENT PLAT**

OF  
**TRACT A AND B**  
**RIVERSIDE AND PROSPECT HILL PLANTATION**

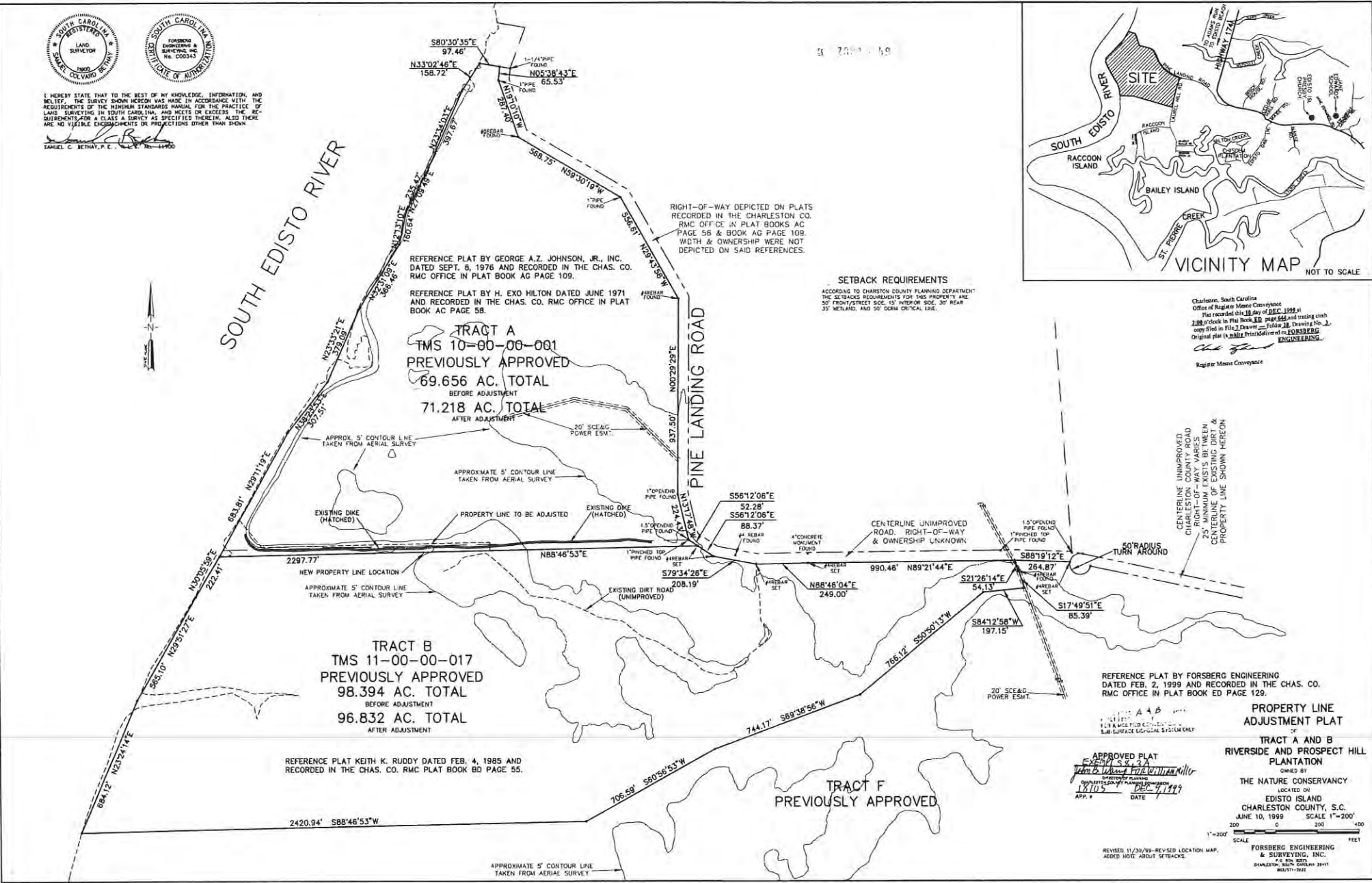
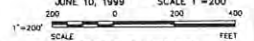
THE NATURE CONSERVANCY  
LOCATED ON  
EDISTO ISLAND  
CHARLESTON COUNTY, S.C.

JUNE 10, 1999 SCALE 1"=200'

FORSBERG ENGINEERING & SURVEYING, INC.  
100 S. 20th ST.  
CHARLESTON, SOUTH CAROLINA 29401  
803/771-2922

APPROVED PLAT  
EX-119 58-33A  
*John B. Williams*  
REGISTERED PROFESSIONAL ENGINEER  
18-102 DATE 06-17-99  
APP. #

REVISED 11/30/99-REVISED LOCATION MAP, SEEED NOTE ABOUT SETBACKS.



CHARLESTON COUNTY  
PREVIOUSLY APPROVED

REFERENCE PLAT BY THOMAS W. CARROL  
1930 & PROVIDED BY CHAS. CO. PUBLIC

DN. AND  
TH THE  
ICE OF  
HE RE-  
I THERE  
IWN.

SOUTH EDISTO RIVER

S80°30'35"E  
97.46'

N33°02'46"E  
158.72'

1-1/4" PIPE  
FOUND

N05°38'43"E  
65.53'

1" PIPE  
FOUND

N19°10'10"W  
287.40'

#5 REBAR  
FOUND

568.75' N59°30'19"W

1" PIPE  
FOUND

556.61' N29°43'58"W

RIGHT-OF-  
RECORDE  
RMC OI  
PAGE 5  
WIDTH  
DEPICT

REFERENCE PLAT BY GEORGE A.Z. JOHNSON, JR., INC.  
DATED SEPT. 8, 1976 AND RECORDED IN THE CHAS. CO.  
RMC OFFICE IN PLAT BOOK AG PAGE 109.

REFERENCE PLAT BY H. EXO HILTON DATED JUNE 1971  
AND RECORDED IN THE CHAS. CO. RMC OFFICE IN PLAT  
BOOK AC PAGE 58.

#4 REBAR  
FOUND

TRACT A  
TMS 10-00-00-001  
PREVIOUSLY APPROVED

69.656 AC. TOTAL

BEFORE ADJUSTMENT

71.218 AC. TOTAL

AFTER ADJUSTMENT

20' SCE&G  
POWER ESMT.

N00°29'29"E  
937.50'

PINE LANDING ROAD

OLD DIKE/EASEMENT

APPROXIMATE 5' CONTOUR LINE  
TAKEN FROM AERIAL SURVEY

PROPERTY LINE TO BE ADJUSTED

1" OPEN END  
PIPE FOUND

1.5" OPEN END  
PIPE FOUND

1" PINCHED TOP  
PIPE FOUND

#4 REBAR  
SET

S79°34'26"

208.19'

2297.77'

NEW PROPERTY LINE LOCATION

APPROXIMATE 5' CONTOUR LINE  
TAKEN FROM AERIAL SURVEY



**Case # 2**  
**New Business**  
**BZA-02-24-00752**  
**Public Comments in**  
**Support**  
**Received by**  
**noon on 3/21**



1010 BANKTON CIRCLE, SUITE 200 • HANAHAN, SOUTH CAROLINA 29410 • (843) 789-0417 • mbaldwin@ducks.org

*Malcolm Baldwin*  
*Engineering Manager • South Atlantic Field Office*

March 19, 2024

To whom it may concern:

**Re: Old Dominion Plantation, Charleston County, SC**

As the South Atlantic Region Engineering Manager for Ducks Unlimited, Inc I was contacted to look at an area where a pond now exists at Old Dominion Plantation. Old Dominion Plantation is under a conservation easement with Ducks Unlimited and this office has designed and implemented habitat enhancement projects on site in the past, so I am familiar with the site.

I made a site visit on March 12, 2024, as well as reviewed historic aerial photographs. A small pond area was found near the existing barn. This area is adjacent to critical wetlands which are part of a managed tidal impoundment.

A remnant dike that parallels the wetland line along the edge of the impoundment was re-established. This dike was historically part of the managed tidal impoundment system used to control water within the system and water entering the system. Re-establishing this dike is considered normal maintenance and standard practice in our work and is allowed under the Managed Tidal Impoundment General Permit. Ducks Unlimited take no exception to the work performed here as an easement holder nor sees any issue from a permitting perspective.

As to environmental impact, the pond area in no way negatively impacts the adjoining wetlands. It in fact, being located where it is, provides some level of treatment for the runoff from the minimal development (buildings, drives and other impervious surfaces) in this area. Looking at this tract as a whole, placing the property in a conservation easement and preserving it as well as maintaining the impounded wetland habitat provides a tremendous environmental benefit to the area.

Please contact me if you have any questions.

Sincerely,

*Malcolm Baldwin*

Malcolm Baldwin, PE  
Engineering Manager  
Ducks Unlimited, Inc.  
South Atlantic Field Office



## Jennifer Werking

---

**From:** paulwilsonwright <will@brooklandpointe.com>  
**Sent:** Wednesday, March 20, 2024 10:45 AM  
**To:** BZA  
**Subject:** Fwd: BZA-02-24-00752

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Subject : BZA-02-24-00752

Old Dominion ( 8925 and 8917 Pine Landing Rd) has been in existence for many years. The Alexander family's acquisition has provided for a path of continued preservation not provided for in previous years. They have invested more hours of individual , professional and environmental service than can ever be imagined. The property being under a Ducks Unlimited Conservation Easement is a perfect example . Above and beyond that easement, the property has been selected for wildlife studies and programs. An overview of the immediate geographic area will reflect three specific delineations : Historic plantations under conservation easements, Charleston County owned tracts donated by families who valued the public's ability to enjoy the pristine area of Edisto and other tracts under various conservation easements. The nature of the overview /surrounding area will provide for a constant guarantee of the Ace Basin's continued success and public benefit . The issues that are at hand with Zoning and Planning are of note. However the big picture should be considered as far as the best future and the highest and best management of Old Dominion. Granting of the request variance provides for the assurance of continued and permanent occupancy of the subject property by the owners. This is so in that the approval of the variance allows the permitting process to resume for them building their primary dwelling on the subject property. To block this process would be a serious road block to the owners. Please weigh the landowners rights in comparison to the seemingly minor magnitude of the issues at hand.

Respectfully ,

P. Wilson Wright  
8340 Shingle Creek Rd.  
Edisto Island, S.C. 29438

Sent from Will's iPhone