



Case # BZA-02-22-00560

Charleston County BZA Meeting of July 11, 2022

Applicant/Property Owner: Brad Hawkins of Hunter Holdings LLC

Property Location: 1101 Quiet Road – East Area

TMS#: 535-00-00-385

Zoning District: Low Density Residential (R-4) Zoning District

Request: Variance request to prune more than twenty-five percent (25%) of the leaf surface of a 37" DBH Grand Laurel Oak tree.

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.1 General, C. Definition of 'Tree Removal' states, "For the purpose of this Article, the term 'Tree Removal' shall include, but not be limited to,....excessive pruning. Pruning or thinning more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature Tree that is pruned within a growing season shall be considered excessive...Additionally, one-half of the foliage of a mature Tree is to remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning. The final determination of Tree Removal shall be made by the Zoning and Planning Director."

Sec. 9.2.5.B. Tree Removal states, "Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees."



CHAPTER 9 | DEVELOPMENT STANDARDS

Contents:

ARTICLE 9.1 PURPOSE AND APPLICABILITY

ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

ARTICLE 9.3 OFF-STREET PARKING AND LOADING

ARTICLE 9.4 LANDSCAPING, SCREENING, AND BUFFERS

ARTICLE 9.5 ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS

ARTICLE 9.6 TRAFFIC IMPACT STUDIES

ARTICLE 9.7 VISION CLEARANCE AND SIGHT DISTANCE VISIBILITY

ARTICLE 9.8 SIGNS

ARTICLE 9.9 DRAINAGE DESIGN

CHAPTER 9 EXHIBITS

(Ord. No. 2177, 10/26/2021)

ARTICLE 9.1 PURPOSE AND APPLICABILITY

- A. Unless expressly stated, the articles in this Chapter apply to Development occurring on property within unincorporated Charleston County.
- B. The regulations contained in this Chapter are intended to:
 - 1. Protect the public health, safety, and general welfare;
 - 2. Promote harmonious, orderly, sustainable, and resilient Development;
 - 3. Foster civic beauty by improving the appearance, character and economic value of civic, commercial and industrial Development within the unincorporated areas.
 - 4. Implement the goals, objectives, and policies of the Comprehensive Plan;
 - 5. Facilitate safe transportation, access, vehicular circulation, and parking;
 - 6. Assure the protection and preservation of natural resources, such as Trees and wetlands;
 - 7. Implement the use of vegetated buffers in order to mitigate the effects of incompatible adjacent uses, to provide transition between neighboring properties and Streets, to moderate climatic effects, and to minimize noise and glare;
 - 8. Prioritize low-impact design strategies in order to increase the resilience of Charleston County and preserve the landscape and character of the Lowcountry;
 - 9. Implement basic architectural standards, Right-of-Way buffer standards, and Sign standards that will promote attractive, well-designed Development, foster balanced streetscapes, and reduce visual clutter along major Roadways, thus enhancing safe traffic flow; and
 - 10. Ensure protection from fire, flood and other dangers, and furthering the public welfare in any regard specified by a local governing body.
- C. At the discretion of the Zoning and Planning Director, the land use buffer and other Development standards contained in this Chapter may be modified for properties in the Industrial Zoning District that contain existing development on multiple Parcels.

ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

Sec. 9.2.1 General



- A. Trees are essential natural, invaluable economic, and priceless aesthetic resources. They play a critical role in purifying air and water, providing wildlife habitat, enhancing natural drainage, and managing stormwater and sediment. They also help conserve energy by providing shade and shield against noise and glare. Trees promote commerce and tourism by buffering different land uses and beautifying the landscape. For these and other reasons, this Article is intended to enhance the health, safety and welfare of Charleston County and its citizens and visitors.
- B. **Applicability and Exemptions.**
1. The provisions of this Article apply to all real property in unincorporated Charleston County, except as otherwise expressly exempted.
 2. The following are exempt from the provisions of this Article:
 - a. Single family detached residential Lots of record are exempt except for those relating to Grand Tree documentation, protection and replacement. This does not exempt applications for Major or Minor Subdivisions from the requirements of Sec. 9.4.4, *Landscape Buffers*.
 - b. This Article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines, and existing Easements in accordance with applicable state laws. Siting and construction of future gas, telephone, communications, electrical lines, or other Easements shall not be exempt from the provisions of this Article.
 - c. Removal of Trees for "bona fide forestry operations" shall comply with state law.
 - d. Removal of Trees for Bona Fide Agricultural Uses pursuant to Sec. 3.8.2, *Exemptions, Sub-Paragraph A*, provided this exemption does not apply to the Grand Tree documentation, protection, and replacement requirements of this Ordinance.
 - e. Removal of trees for safe clearance of aircraft as required by federal law or the establishment of facilities exclusively dedicated to Aviation operations are exempt.
 - f. Removal of Trees on properties in the Industrial (IN) District pursuant to the following conditions:
 - i. Tree removal shall not occur prior to Site Plan Review approval;
 - ii. This exemption does not apply to Live Oak species of Grand Trees or any Protected Trees within required buffers and Parking Lots; and
 - iii. A mitigation plan for Grand Trees, Protected Trees, and any Trees removed in violation of this Ordinance is required pursuant to Sec. 9.2.6, *Tree Replacement*, prior to Site Plan Review approval.
 3. The South Carolina Department of Transportation (SCDOT) and Charleston County Public Works (CCPW) are hereby exempt from the provisions of this Article with the following exceptions:
 - a. All Tree species measuring six inches or greater Diameter at Breast Height (DBH) that are located in Rights-of-Way along Scenic Highways shall be protected and where necessary, may require a variance from the BZA for removal pursuant to Sec. 9.2.5, *Tree Removal, Sub-Paragraph B* and Sec. 9.2.6, *Tree Replacement*.
 - b. Grand Tree Live Oak species in all present and proposed Rights-of-Way and Easements shall be protected and where necessary, may require a variance from the BZA.
 - c. All Grand Trees other than Live Oak species in all present and proposed Rights-of-Way and Easements not located on a Scenic Highway are protected but may be permitted administratively for removal when mitigated pursuant to Sec. 9.3.5, *Tree Replacement*.
- C. **Definition of "Tree Removal."** For the purpose of this Article, the term "Tree Removal" shall include, but not be limited to, damage inflicted to the root system by machinery; girdling; storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk; damage inflicted on the Tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; excessive paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree; excessive grading; or any act of malicious damage to a Tree. Pruning or thinning more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature Tree that is pruned within a growing season shall be considered excessive. Paving or grading more than 25 percent of the root zone of the Tree protection area shall also be considered excessive. Additionally, one-half of the foliage of a mature Tree is to remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning. The final determination of Tree Removal shall be made by the Zoning and Planning Director.
- D. **Measurements and Definitions.**



1. If a tree trunk splits at ground level and the trunks do not share a common base (separated by earth at natural grade), then each trunk shall be measured as a separate Tree. If a multi-trunk Tree splits below the four and one half foot mark and the trunks share a common base, all trunks shall be measured separately, added together, and counted as one tree, unless the trunks are of different species. Any trunk measuring less than eight inches DBH is not included in the calculation.
2. For trees between a four-inch and 12-inch caliper, the trunk is measured 12 inches above the ground.
3. All Grand Trees are prohibited from removal unless otherwise exempted by this Ordinance, a Grand Tree Removal Permit is issued, or if the removal is part of an approved Bona Fide Forestry Operation.
4. Limited removal is allowed only when specified in this Article.

Sec. 9.2.2 Administration

A. Zoning Permit Required.

1. Removal of Grand and Protected Trees is prohibited prior to the issuance of a Zoning Permit, which may be issued after a Tree plan is approved by the Zoning and Planning Director, pursuant to Sec. 9.2.3, *Tree Plans and Surveys*.
 2. *Excess Canopy (Limb) Removal.*
 - a. Removal of three or more limbs with an individual diameter of six inches or greater requires a Zoning Permit.
 - b. Removal of any size limbs contributing to more than 100 continuous linear feet of canopy over public Roadways requires Variance approval from the BZA. This requirement does not preclude SCDOT, CCPW, or other entities from maintaining height clearances at a minimum of 14 feet, width clearances within designated travel ways, and removing unprotected Trees along Rights-of-Way for road widening projects.
- B. Tree plans prepared by a licensed surveyor, civil engineer, forester, arborist, or landscape architect are required on all non-exempt Parcels before Zoning Permit is issued.

Sec. 9.2.3 Tree Plans and Surveys

A. General.

1. Tree plans of the same scale as, and superimposed on, a Development site plan or Preliminary Plat shall include location, number, size (DBH), and species with a scaled graphic representation of each Grand Tree, along with the canopy size and shape, and trunk location.
 2. Tree surveys shall include the name, phone number, address, signature, and seal of a licensed surveyor, civil engineer, forester, arborist, or landscape architect registered in the State of South Carolina.
 3. The survey shall include all Trees to be protected or preserved, and those scheduled to be removed, including dead and damaged Trees. In cases where a previously approved recorded Plat is utilized for the purpose of Tree plans, the name, address, phone number, signature, and seal of the licensed surveyor, civil engineer, or landscape architect registered in the State of South Carolina shall be provided. A scaled infrared or high resolution black-and-white aerial photograph or print of equal quality may be substituted in cases where the Director determines that it would provide the same information as a Tree plan. However, all Grand Trees within 40 feet of proposed construction and land disturbance areas and Trees within required buffers must be surveyed and mapped.
- B. Refer to Sec. 8.4.2, *Application*, Sub-Paragraph A.4.
- C. **Commercial, Industrial, and Multi-Family, Civic/Institutional, and Other Uses.**
1. All Tree surveys must show the location, number, size, and species of all Trees with eight or more inches DBH, including those scheduled to be removed.
 2. When there are no Trees that are eight or more inches DBH, documentation to that effect shall be provided from a licensed surveyor, civil engineer, forester, arborist, or registered landscape architect.
- D. Agricultural and Single-Family Detached Residential Uses must show all Grand Trees within 40 feet of the area of construction land disturbance, Rights-of-Way, and Easements, and in conjunction with the Subdivision regulations at the time a Zoning or Building Permit application is made.

Sec. 9.2.4 Required Tree Protection



A. General.

1. All Grand Trees and any other Trees required to remain on a site must be protected during construction and Development of a Parcel. Tree protection must be shown on all Development plans prior to site plan approval. A site inspection of the Tree barricades must be scheduled by the Applicant with the Zoning and Planning Department for approval prior to the issuance of permits or the start of Development activities.
 2. Prior to issuance of a Zoning Permit, a pre-construction planning conference is required for on-site Tree preservation with the Zoning and Planning Director or staff representative, the Applicant(s), and any appropriate parties for determining if there is need for additional Tree protection techniques and for designating placement of Tree barricades, construction employee parking, temporary construction office, and dumpsters.
- B. Prior to the start of Land Development activities, protective Tree barricades shall be placed around all Required Trees in or near Development areas. The barricades shall be constructed of wood, metal, or plastic fencing or other materials approved by the Zoning and Planning Director, and include a top rail. Tree barricades shall be placed beneath the canopy Drip Line or one-and-one-half feet times the DBH of the Tree as a radius from the trunk, whichever is greater. Other protective devices or construction techniques may be used as approved by the Zoning and Planning Director. Three inches of mulch shall be installed and maintained within all Tree barricade areas. The mulch shall remain in place throughout Development activities. The area within the Tree barricade shall remain free of all Building materials, dirt, fill, and other construction debris, vehicles, and Development activities. All Required Trees are also subject to the requirements of Sec. 9.4.6, *Landscape Materials Standards*, and Article 11.3, *Enforcement Responsibility and Complaints*.
- C. In no case shall any paving, filling, grading, Building, or construction footing occur or be placed within three times the DBH in inches from the trunk of the Tree, unless otherwise approved by the Board of Zoning Appeals.
- D. Limited Clearing and Grubbing may be authorized by the Zoning and Planning Director prior to the installation of Tree barricades on sites that exhibit unusually heavy undergrowth and where access to the interior of the site and its Protected Trees is impractical. Limited Clearing shall be for the express purpose of accessing the property and Protected Trees to erect the Required Tree barricades and silt fencing. Such limited Clearing shall be done with hand tools, push or walk-behind equipment, or lightweight bush-hog type equipment designed for brush and undergrowth Clearing and which is not capable of removing vegetation greater than three inches in diameter. Under no circumstances may metal-tracked bulldozers, loaders, or similar rider/operator equipment be allowed on site until the Tree barricades are erected and a Zoning Permit is issued.
- E. Limited encroachments into the area located within Tree barricades may be allowed by the Zoning and Planning Director provided that encroachments do not constitute more than 25 percent of the protected area beneath a Tree and do not occur in the area located within three times the DBH in inches from the trunk of the Tree unless otherwise approved by the BZA. Any paving, Grading, trenching, or filling of the protected area must be pre-approved by the Zoning and Planning Director or the Board of Zoning Appeals, as required by this Ordinance, and may require specific construction techniques to preserve the health of the Tree. When grading and construction within the protected area of a Tree has been approved, all damaged roots shall be severed clean.
- F. Prior to issuance of a Zoning Permit for uses other than Single-Family Detached Residential, the following numbers of Trees with a DBH of eight inches or greater shall be preserved and protected pursuant to the requirements of this Ordinance. Preservation and protection of native Trees is to be prioritized.
1. 20 Trees per acre; or
 2. Any number of Trees with a combined DBH of at least 160 inches per acre.
- G. When Lots lack a sufficient number of Trees to meet the requirement for DBH/number of Trees per acre, this requirement shall be fulfilled by existing Trees and must equal 40 inches per acre combined DBH. On Lots with less than 40 inches per acre combined DBH, additional Trees shall be planted on the Lot equaling or exceeding 40 inches per acre combined DBH. Planting schedules shall be approved by the Zoning and Planning Director.
- H. Required drainage improvements, such as Detention and retention ponds and wetlands, may be subtracted from the area used to calculate Tree preservation requirements.

Sec. 9.2.5 Tree Removal

- A. Permits for Tree removal may be approved where one or more of the following conditions are deemed to exist by the Zoning and Planning Director:
1. Trees are not required to be retained by the provisions of this Article.



2. Trees are diseased, dead, or dying. Documentation may be submitted by a qualified tree care professional and approved by the Zoning and Planning Director;
 3. Trees pose an imminent safety hazard to nearby Buildings, pedestrian, or vehicular traffic (as determined by the Zoning and Planning Director or a qualified construction professional); or
 4. Removal of Required Trees has been approved by the Board of Zoning Appeals.
- B.** Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees.
- C.** In the event that a Tree poses a serious and imminent threat to public safety due to death, disease, or damage resulting from emergencies including, but not limited to, fires, flooding, storms, and natural disasters, the Zoning and Planning Director may waive requirements of this Article. Documentation shall later be submitted for review outlining the threat to public safety which initiated the removal. Documentation must include any written findings by a qualified professional and photographs supporting the Tree Removal emergency.
- D.** The Zoning and Planning Director may require replacement of Required Trees that are removed where it is determined that death or disease resulted from negligence.
- E.** Violations and penalties are specified in **CHAPTER 11, Violations, Penalties, and Enforcement**, of this Ordinance.

Sec. 9.2.6 Tree Replacement

- A.** Tree replacement shall be required accompanying Development on all non-exempt properties in the manner described below:
1. When replacement Canopy Trees are required in fulfillment of the requirements of this Article, they shall be no smaller than two and one-half-inch Caliper.
 2. The Zoning and Planning Director or Board of Zoning Appeals is empowered to require Trees of larger Caliper as determined appropriate for site-specific conditions and the circumstances, lawful or illegal, under which removal occurred.
- B.** When Trees of eight inches DBH or greater have been removed in violation of this Ordinance, replacement Trees shall be planted in the same general area according to a replacement schedule approved by the Zoning and Planning Director.
- C.** Where sites were cleared of Trees prior to the adoption of this Article or have been cleared subsequently for activities exempted from this Article, replacement Trees shall be planted, the combined Caliper of which equals or exceeds 40 inches per acre. Replacement schedules, including number, species, Caliper, and placement shall be approved by the Zoning and Planning Director.
- D.** The Tree Fund is established to receive monies exacted from tree removal violation fines or other Tree removal mitigation, to include, but not limited to, removal, damage, destruction, or as defined in Sec. 9.2.1.C of this Chapter, and as a form of mitigation when planting of the Required Trees is determined to be detrimental to the overall health of existing Trees or impractical for the intended site design. The Zoning and Planning Director shall impose a Tree Mitigation fee based on the current market retail value of two-and one-half inch Caliper Trees installed to the American Association of Nurserymen Standards. The Applicant shall provide a minimum of two quotes from local (tri-county area) contractors for review and fee determination by the Zoning and Planning Director. If the Applicant disagrees with the amount of the Tree Mitigation fee imposed, they may file appeal with the Board of Zoning Appeals in accordance with the provisions contained in this Ordinance. All Tree Mitigation fees collected shall be paid to the County Treasurer and placed in an account established exclusively for public beautification through the planting of trees in Charleston County.
- E.** When Trees have been removed through an approved mitigation program and the project will not be completed for any reason (i.e., bankruptcy, abandonment, change in ownership, etc.), the owners of the Subject Property are responsible for the mitigation of the removed Trees as outlined and agreed or subject to Sec. 9.2.6.D of this Chapter.

Sec. 9.2.7 Inspections and Final Approval



- A. The Zoning and Planning Director may periodically visit Development sites prior to completion to monitor compliance with the Tree plan approved for a project.
- B. Prior to issuance of a Certificate of Occupancy by the Director of Building Services, the Zoning and Planning Director shall issue a statement of approval attesting to the Developer's compliance with the site plan approved for the project (including landscaping, parking, drainage, etc.). The Director of Building Services shall withhold Certificates of Occupancy pending verification of compliance. It is the responsibility of the owner or agent to contact the Zoning and Planning Director regarding the compliance inspection, which will occur within five working days of contact. Failure to obtain a Certificate of Occupancy prior to occupying or using the Building for its intended purpose will result in ticketing and fines.
- C. The Zoning and Planning Director may approve a delayed schedule for planting materials (provided by the Applicant's contractor) when the immediate planting schedule would impair the health of the Plants. When a delayed planting schedule is approved, the Applicant shall provide a bond equivalent to one and one-half times the projected cost of the planting materials and installation in accordance with the American Association of Nurserymen Standards. This is designed to include severe weather, such as droughts, heat waves, and floods. The Applicant shall provide a minimum of two quotes from local (tri-county area) contractors for review and the bond amount shall be determined by the Zoning and Planning Director.
- D. Within three years of the issuance of the Certificate of Occupancy, the Zoning and Planning Director may perform a site inspection to verify the health of Trees and landscaping that were retained to meet the requirements of this Article and which may have suffered damage due to insufficient protective measures during Development.
- E. Each Required Tree or Plant determined by the Zoning and Planning Director to be diseased or injured to an extent it is irreparably damaged shall be approved for removal. The burden of proof of the extent of disease or injury shall rest with the Applicant, who must provide documentation from a qualified landscaping professional. Any Tree or landscaping damaged during or as a result of construction shall be repaired to the satisfaction of the Zoning and Planning Director and in accordance with accepted ANSI A300 or International Society of Arboriculture practices. Tree or landscaping damage must be repaired prior to issuance of a Certificate of Occupancy.
- F. The owners of a non-exempt property or properties shall be responsible for the maintenance of all Required Trees. No department or agent of the County of Charleston is in any way responsible for the maintenance of Required Trees on private property. All approved and required landscaping must be maintained throughout occupancy of site.

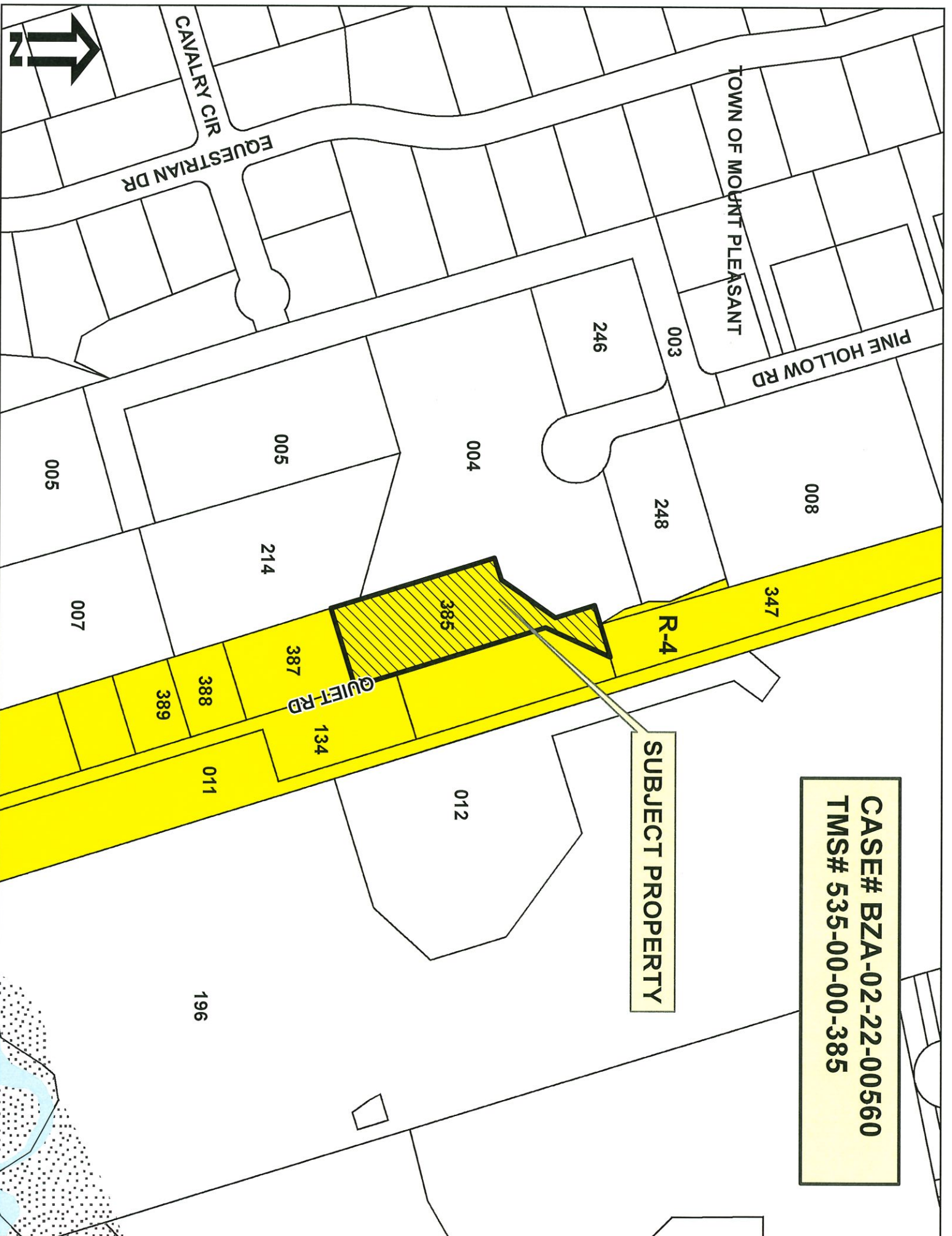
ARTICLE 9.3 OFF-STREET PARKING AND LOADING

Sec. 9.3.1 General

- A. **Applicability.**
 - 1. *New Development.* The off-street parking and loading standards of this Article apply to the establishment of new uses/businesses, new Building construction, redevelopment, or reconstruction pursuant to Art. 3.7, *Site Plan Review*, of this Ordinance.
 - 2. *Expansions and Alterations.* The standards of this Article apply when an existing Structure or use is expanded, enlarged, or substantially improved pursuant to Art. 3.7, *Site Plan Review*, of this Ordinance. Additional off-street parking and loading spaces will be required only to serve the enlarged, expanded, or substantially improved area, provided that in all cases, the number of off-street parking and loading spaces provided for the entire use (pre-existing and expanded) must equal at least 75 percent of the minimum ratio established in Table 9.3.2, *Off-Street Parking Requirements*.
- B. **Timing.** Required Parking spaces and drives shall be ready for use and approved by the Zoning and Planning Director prior to issuance of a Certificate of Occupancy.
- C. **Reductions.** The Zoning and Planning Director is authorized to reduce the number of Required Parking spaces by no more than 10 percent when ten or more spaces are required, and the following conditions exist:
 - 1. All parking utilizes pervious materials. This excludes required parking outlined in Sec. 9.3.6, *Accessible Parking*;
 - 2. The site can support the minimum number of required parking spaces and meet the buffering and landscaping requirements and all other Development standards in this Ordinance; or
 - 3. The reduction in parking is necessary to meet the regulations contained in Article 9.2, *Tree Protection and Preservation*.

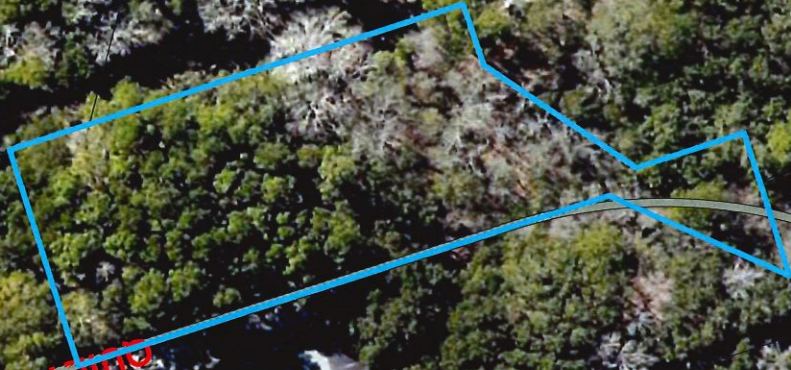
**CASE# BZA-02-22-00560
TMS# 535-00-00-385**

SUBJECT PROPERTY



PINE HOLLOW RD

QUIET RD





Case # BZA-02-22-00560

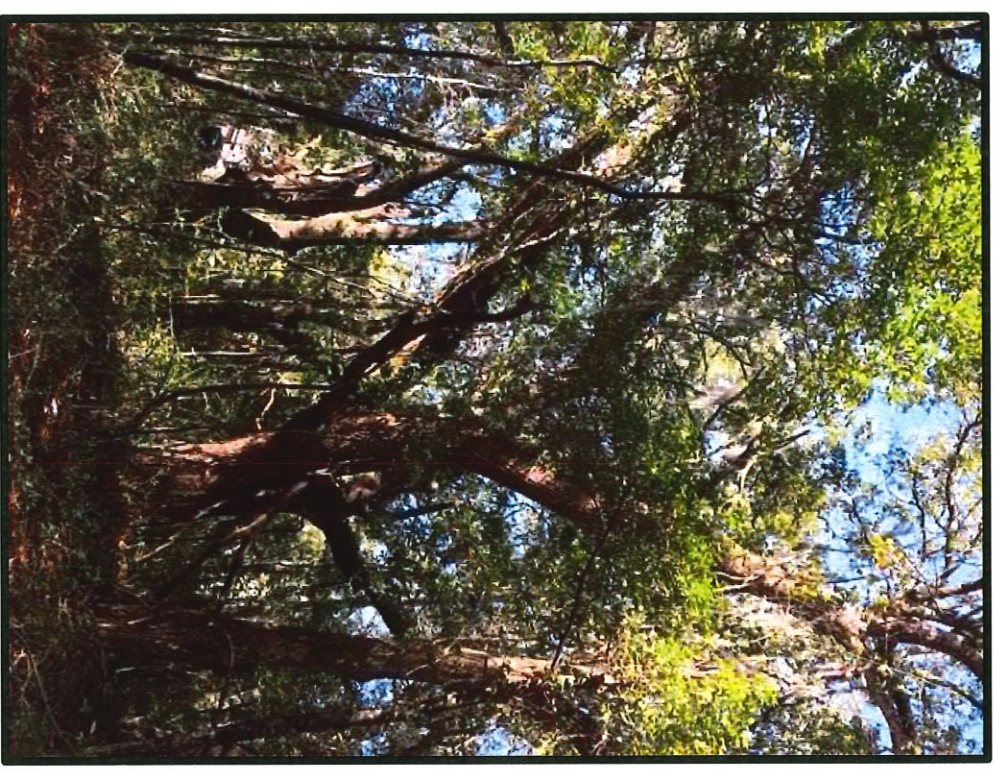
BZA Meeting of July 11, 2022

Subject Property: 1101 Quiet Road – East Area

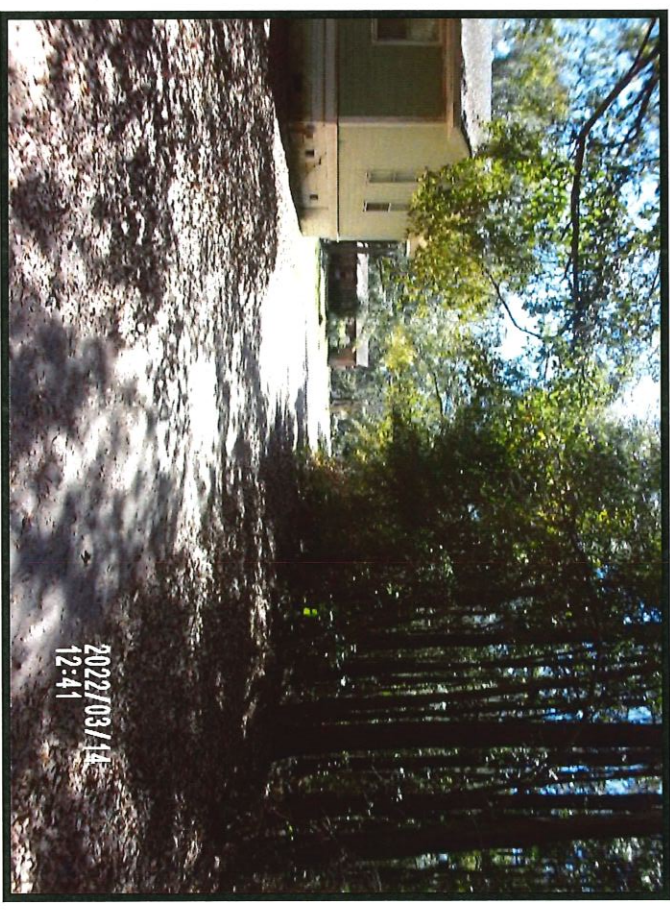
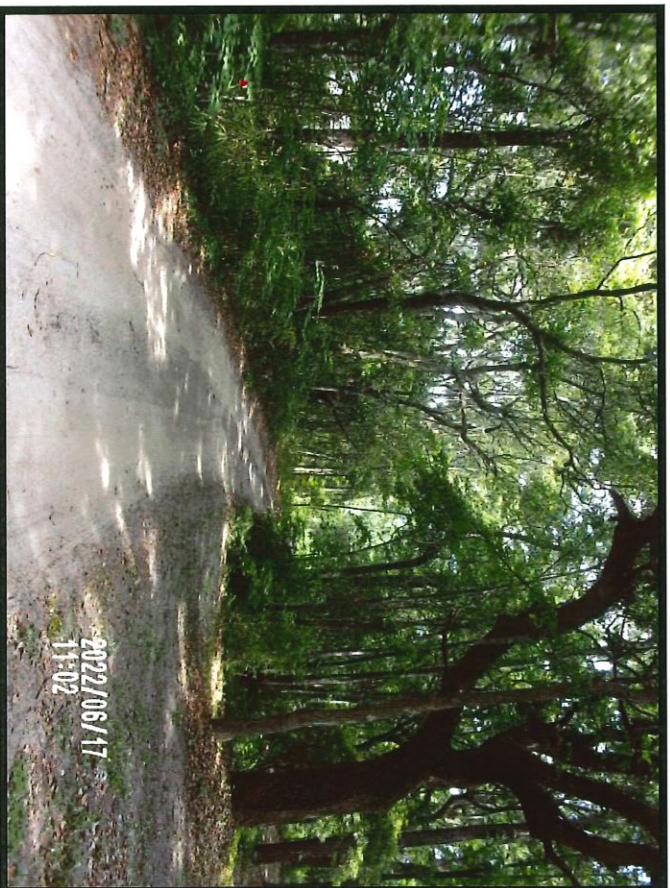
Proposal: Variance request to prune more than twenty-five percent (25%) of the leaf surface of a 37" DBH Grand Laurel Oak tree.



37" DBH Grand Laurel Oak tree



Quiet Road



Staff Review:

The applicant and property owner, Brad Hawkins of Hunter Holdings LLC, is requesting a variance to prune more than twenty-five percent (25%) of the leaf surface of a 37" DBH Grand Laurel Oak tree at 1101 Quiet Road (TMS # 535-00-00-385) in the East Area of Charleston County. The subject property and adjacent properties to the northeast, east, and southeast are located in the Low Density Residential (R-4) Zoning District. The adjacent properties to the west are located in the Town of Mount Pleasant's jurisdiction.

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.1 General, C. Definition of 'Tree Removal' states, "For the purpose of this Article, the term 'Tree Removal' shall include, but not be limited to,....excessive pruning. Pruning or thinning more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature Tree that is pruned within a growing season shall be considered excessive...Additionally, one-half of the foliage of a mature Tree is to remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning. The final determination of Tree Removal shall be made by the Zoning and Planning Director."

Sec. 9.2.5.B. Tree Removal states, "Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees."

Staff conducted site visits on the subject property on March 14, 2022 and June 17, 2022. 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 may be extraordinary and exceptional pertaining to the 0.83-acre property because the property contains six Grand trees. The applicant is requesting to "trim an oak tree more than the 25% allowed in order to run the electrical lines have a 15' clearance required by Dominion Energy." In addition, the applicant's letter of intent states, "I have been working to complete this minor subdivision which includes 5 home sites, for the last 3 years. Currently, there is overhead service all the way down the ingress/egress. Now that we have the proposed homesites Identified, Dominion Energy has informed me that the current electrical plan will not work to service all the homes." Since the April BZA meeting, the applicant provided a letter from Dominion Energy that states, "Dominion does not like to dip down underground for a section of line then come back up overhead**

as it is confusing to find which side is the feed and would like to have a tie to create a loop for the underground. We can do a bore for a single transformer, but that will not get rid of the line that is going through the lot as that is the feed for the rest of the line serving other customers." Please see Dominion Energy's letter for more information. Therefore, the request may meet this criterion.

§3.10.6(2): *These conditions do not generally apply to other property in the vicinity;*
Response: **These conditions may not generally apply to other properties in the vicinity. The applicant's letter of intent states, "It is unique to the subject property. The tree at issue is located on our property. The proposed power plan addresses service to the 5 homes on the adjacent property which I also own." Therefore, the request may meet 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, Article 9.2 Tree Protection and Preservation, Sec. 9.2.1 General, C. Definition of 'Tree Removal' and Sec. 9.2.5.B. Tree Removal to the subject property may unreasonably restrict the utilization of the property. Therefore, the request may meet 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 R-4 Zoning District may not be harmed. The applicant's letter of intent states, "The tree is on my property, placement of the pole will be on my property to service 5 lots which I own. Authorization will not affect adjacent property, public good or the character of the zoning district." In addition, since the April BZA meeting, the applicant provided a letter of support from the adjacent property owner of TMS # 535-00-00-004. 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. 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 be the result of the applicant's own actions. However, the applicant's letter of intent contends, "This is a preexisting tree that was there when the property was purchased in 2019. I am requesting to trim the tree beyond the Charleston County tree limits of 25% to provide power to the homes." 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 if the Board finds that the strict application of the provisions of the Ordinance results in an unnecessary hardship. 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-02-22-00560 [Variance request to prune more than twenty-five percent (25%) of the leaf surface of a 37" DBH Grand Laurel Oak tree at 1101 Quiet Road (TMS # 535-00-00-385) in the East Area of 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. **If the requested tree dies within 3 years of BZA approval, the applicant shall mitigate the DBH of the tree by either (a) submitting a mitigation plan for review and approval indicating the installation of canopy trees no smaller than two and one-half (2.5) inches in caliper equaling inch per inch replacement, (b) by depositing funds into the Charleston County Tree Fund as described in Sec. 9.2.6 of the Charleston County Zoning and Land Development Regulations, or (c) a**

combination of both (a) and (b). The allotted mitigation shall be in place prior to its removal.

- 2. The applicant shall utilize a Certified Arborist to perform the pruning work.**



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

Property Information

Subject Property Address: 1101 Quiet rd Mount pleasant Sc 29464

Tax Map Number(s): 535-00-00-385

Current Use of Property: Raw land

Proposed Use of Property: 5 lot Minor Subdivision

Applicant Information (Required)

Applicant Name (please print): Brad Hawkins

Name of Company (if applicable):

Mailing Address: 995 Ashley ave

City: Charleston

State: SC

Zip Code: 29403

Email Address: Hawkinsdevelopments@gmail.com

Phone #: 478-335-1808

Applicant Signature: *Brad Hawkins*

Date: 10 Feb 22

Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)

Print Representative Name and Name of Company:

Mailing Address:

City:

State:

Zip Code:

Email Address:

Phone #:

Designation of Agent (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.): Hunter Holdings LLC

Property Owner(s) Mailing Address: 995 Ashley ave

City: Charleston

State: SC

Zip Code: 29403

Phone #: 478-335-1808

Property Owner(s) Email Address: Hawkinsdevelopments@gmail.com

Property Owner(s) Signature: *Hunter Holdings LLC, Site member*

Date: 10 Feb 22

FOR OFFICE USE ONLY:

Zoning District: *R-4*

Flood Zone: *X*

536 K

Date Filed: *2/25/2022*

Fee Paid: *\$250 check # 1338*

Application #: *BZA-02-22*

MS #: *535-00-00385*

Staff Initials: *jpi*

-00560

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.)

Respectfully requesting to trim an oak tree more than the 25% allowed in order to run the electrical lines and have a 15' clearance required by dominion energy.

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:

I have been working to complete this minor subdivision, which includes 5 home sites, for the last 3 years. Currently, there is overhead service all the way down the ingress/egress. Now that we have the proposed homesites Identified Dominion Energy has informed me that the current electrical plan will not work to service all the homes.

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

It is unique to the subject property. The tree at issue is located on our property. The proposed power plan addresses service to the 5 home on the adjacent property which I also own.

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

Yes. Due to the lack of available electrical service it will unreasonably restrict the full use of the property.

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:

No to both questions. The tree is on my property, placement of the pole will be on my property to service 5 lots which I own. Authorization will not affect adjacent property, public good or the character of the zoning district.

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?

Yes it meets the criteria and does not change the use of the land or affect any of the zoning requirements.

6. Is the need for the variance the result of applicant's own actions? Explain:

No, this is a pre existing tree that was there when the property was purchased in 2019. I am requesting to trim the the tree beyond the Charleston county tree limits of 25% to provide power to the homes.

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

No, because strict application of the provisions of the ordinance results in and unnecessary hardship.

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.



Brad,

Dominion does not like to dip down underground for a section of line then come back up overhead as it is confusing to find which side is the feed and would like to have a tie to create a loop for the underground. We can do a bore for a single transformer, but that will not get rid of the line that is going through the lot as that is the feed for the rest of the line serving other customers. The lots can also be served with the existing overhead lines at the rear but, will not be able to remove the line going through the lot. In order to get rid of the line going through the lot we would need to be able to tie the lines coming from a different direction and this would require an easement from property owners whose property we would be crossing. Let me know if there are any more questions.

Thanks,

A handwritten signature in black ink that reads "Timothy S. Smith". The signature is written in a cursive, flowing style.

Timothy S. Smith

Technician

Jennifer Werking

From: Bradley Hawkins <hawkinsdevelopments@gmail.com>
Sent: Thursday, May 26, 2022 12:07 PM
To: Jennifer Werking
Cc: Sally Brooks; Tamara M. Avery; Savannah D. Murray
Subject: Re: July 11th BZA
Attachments: Electrical existing and proposed..png; scannedimage061739.pdf

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.

Thank you very much for the info. I am attaching a folder that includes Dominion's letter from our April 6 meeting which states their refusal to bore because they don't like to do it in certain areas. I am also attaching a copy of the same proposal as before but I have marked it up and made it clearer in identifying the current path of the electrical line and the proposed power lines.

Thank you very much for the help and following up with me on this. I hope the counsel members are able to understand the severity of this and difficulties in trying to service these lots.

Brad

On Wed, May 25, 2022 at 1:15 PM Jennifer Werking <JWerking@charlestoncounty.org> wrote:

Mr. Hawkins,

Here is a link to the April BZA meeting. If you haven't listened to it yet, I think it would be good to listen to it, so you know what information/documentation the board requested.

<https://www.youtube.com/watch?v=jSCy0N6rAcY>

Your case starts at 1 hour 15 minutes.

Discussion starts around 1 hour 18 minutes and ends around 1 hour 35 minutes. They requested a layout of the grid and documentation or a statement from Dominion, so we need an email or letter from Dominion in order to schedule this case for a BZA public hearing.

Thank you,

Jenny J. Werking, AICP

Planner II

Charleston County Zoning & Planning Department

4045 Bridge View Drive

N. Charleston, SC 29405

843-202-7213 wk phone

jwerking@charlestoncounty.org



Charleston County Mission

We will promote and protect the quality of life in Charleston County by delivering services of value to the community.

From: Bradley Hawkins <hawkinsdevelopments@gmail.com>

Sent: Friday, May 20, 2022 12:08 PM

To: Jennifer Werking <JWerking@charlestoncounty.org>

Cc: Sally Brooks <SBrooks@charlestoncounty.org>; Tamara M. Avery <TAvery@charlestoncounty.org>; Savannah D. Murray <SMurray@charlestoncounty.org>

Subject: Re: July 11th BZA

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.

I met with Dominion after the BZA meeting. Once again, Dominion is refusing to bore, so my only option is to go the route that was presented before the BZA board. I don't know what new information I can provide since nothing has changed in regards to Dominion's position since before or at the time of the BZA hearing. Do I need to submit another application for the July hearing or am I automatically put back on the roster?

On Fri, May 20, 2022 at 11:51 AM Jennifer Werking <JWerking@charlestoncounty.org> wrote:

Hi Mr. Hawkins,

I need to know the status of your case on/by next Friday, May 27th.

Your options are as follows:

1. Provide new information on/by 5/27 to be scheduled for your case to be heard at the July 11th BZA meeting; or
2. Submit an email/letter requesting another deferral – up to 90 days; or
3. Withdraw the case.

Thank you,

Jenny J. Werking, AICP

Planner II

Charleston County Zoning & Planning Department

4045 Bridge View Drive

N. Charleston, SC 29405

843-202-7213 wk phone

jwerking@charlestoncounty.org



Charleston County Mission

We will promote and protect the quality of life in Charleston County by delivering services of value to the community.

From: Jennifer Werking

Sent: Tuesday, April 19, 2022 11:20 AM

To: Bradley Hawkins <hawkinsdevelopments@gmail.com>

Cc: Sally Brooks <SBrooks@charlestoncounty.org>; Tamara M. Avery <TAvery@charlestoncounty.org>; Savannah D. Murray <SMurray@charlestoncounty.org>

Subject: RE: April 4th BZA 4:00 pm Council Chambers

Mr. Hawkins,

We will be finalizing the June BZA agenda early next week and need to know how you wish to proceed.

What is the status of your case?

Thank you,

Jenny J. Werking, AICP

Planner II

Charleston County Zoning & Planning Department

4045 Bridge View Drive

N. Charleston, SC 29405

843-202-7213 wk phone

jwerking@charlestoncounty.org



Charleston County Mission

We will promote and protect the quality of life in Charleston County by delivering services of value to the community.

From: Bradley Hawkins <hawkinsdevelopments@gmail.com>

Sent: Monday, April 04, 2022 5:14 PM

To: Jennifer Werking <JWerking@charlestoncounty.org>

Subject: Re: April 4th BZA 4:00 pm Council Chambers

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.

Hello, I am sorry for the last min submission but Mr JD Madison just sent me the letter in support of my request.

March 23, 2022

Re: Quiet Road TMS # 535-00-00-385 Tree Variance Request

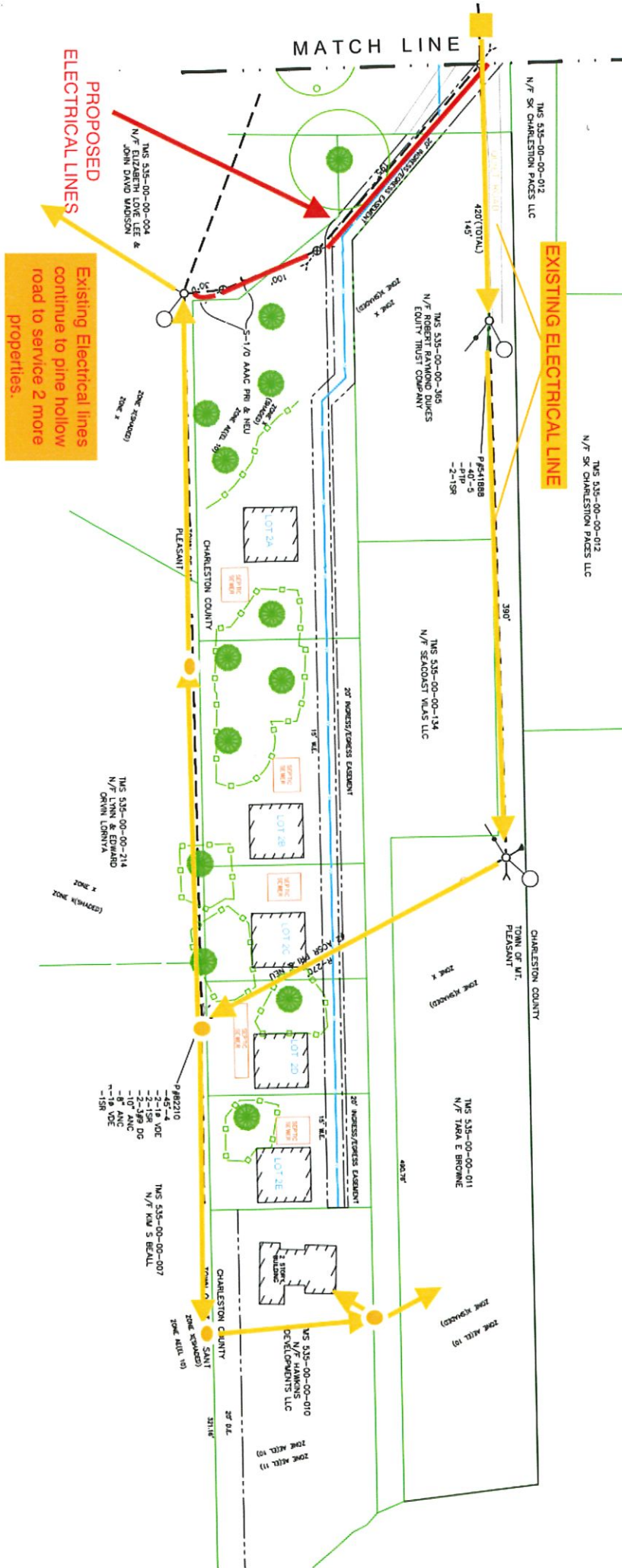
Board of Zoning Appeals:

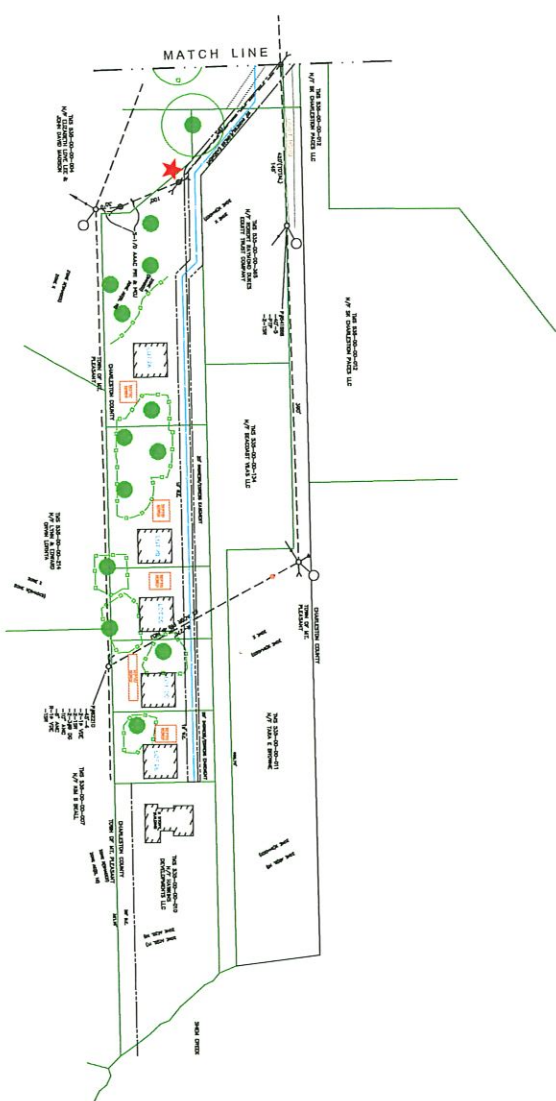
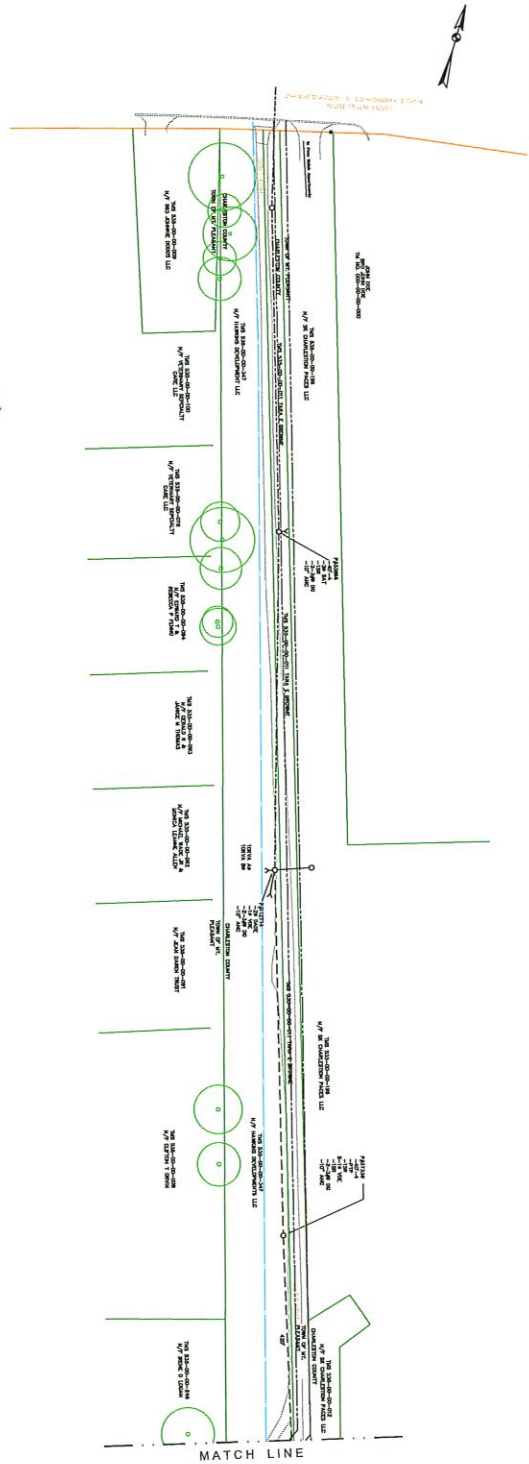
My name is J.D. Madison, and I am the owner of TMS # 535-00-00-004, which is adjacent to TMS # 535-00-00-385. I am aware of Brad Hawkins' request to encroach more than twenty-five percent (25%) of the protected area beneath a Grand Laurel Oak Tree, in which the trunk of said tree is located on Mr. Hawkins' property (TMs # 535-00-00-385). I have no objections to Mr. Hawkins' encroaching more than 25% into the protected area, and, therefore I am in support Mr. Hawkins' variance request.

Sincerely,



J.D. Madison



[illegible]

PRELIMINARY

DOMINION ENERGY SOUTH CAROLINA, INC.

DETAIL	SINGLE PHASE OVERHEAD SERVICE	010 90222
--------	-------------------------------	-----------

[illegible]

DATE	SCALE: 1" = 30'	D-8-170	PLANTED 02/22/21
BY: J. M. BROWN	004170-01.0MG		

ELECTRONIC DRAWING—DO NOT REVISE MANUAL.

THE UNIVERSITY OF CHICAGO

WILS

- | | | |
|------|---|----------------|
| 1. | TOTAL ACRES FOR THE AREA DISCLOSED BY THIS LIST IS 139 ACRES (TOTAL) | 14,000 SQ. FT. |
| 2. | ACRES TO LOT# 24, 28, 30, 32 AND 36 WILL BE THROUGH THE E33-00-00-34. | 14,000 SQ. FT. |
| 3. | WATER AND SEWER ARE AVAILABLE BY UT PLACING DRAIN SEWER. | 14,000 SQ. FT. |
| 4. | PERMIT/STREET 26FT 25 FEET | |
| 5. | WATER MAIN 24" 25 FEET | |
| 6. | SEWER 24" 25 FEET | |
| 7. | CEMENT DRIVE 15 FEET | |
| 8. | CEMENT DRIVE 15 FEET | |
| 9. | CEMENT DRIVE 15 FEET | |
| 10. | CEMENT DRIVE 15 FEET | |
| 11. | CEMENT DRIVE 15 FEET | |
| 12. | CEMENT DRIVE 15 FEET | |
| 13. | CEMENT DRIVE 15 FEET | |
| 14. | CEMENT DRIVE 15 FEET | |
| 15. | CEMENT DRIVE 15 FEET | |
| 16. | CEMENT DRIVE 15 FEET | |
| 17. | CEMENT DRIVE 15 FEET | |
| 18. | CEMENT DRIVE 15 FEET | |
| 19. | CEMENT DRIVE 15 FEET | |
| 20. | CEMENT DRIVE 15 FEET | |
| 21. | CEMENT DRIVE 15 FEET | |
| 22. | CEMENT DRIVE 15 FEET | |
| 23. | CEMENT DRIVE 15 FEET | |
| 24. | CEMENT DRIVE 15 FEET | |
| 25. | CEMENT DRIVE 15 FEET | |
| 26. | CEMENT DRIVE 15 FEET | |
| 27. | CEMENT DRIVE 15 FEET | |
| 28. | CEMENT DRIVE 15 FEET | |
| 29. | CEMENT DRIVE 15 FEET | |
| 30. | CEMENT DRIVE 15 FEET | |
| 31. | CEMENT DRIVE 15 FEET | |
| 32. | CEMENT DRIVE 15 FEET | |
| 33. | CEMENT DRIVE 15 FEET | |
| 34. | CEMENT DRIVE 15 FEET | |
| 35. | CEMENT DRIVE 15 FEET | |
| 36. | CEMENT DRIVE 15 FEET | |
| 37. | CEMENT DRIVE 15 FEET | |
| 38. | CEMENT DRIVE 15 FEET | |
| 39. | CEMENT DRIVE 15 FEET | |
| 40. | CEMENT DRIVE 15 FEET | |
| 41. | CEMENT DRIVE 15 FEET | |
| 42. | CEMENT DRIVE 15 FEET | |
| 43. | CEMENT DRIVE 15 FEET | |
| 44. | CEMENT DRIVE 15 FEET | |
| 45. | CEMENT DRIVE 15 FEET | |
| 46. | CEMENT DRIVE 15 FEET | |
| 47. | CEMENT DRIVE 15 FEET | |
| 48. | CEMENT DRIVE 15 FEET | |
| 49. | CEMENT DRIVE 15 FEET | |
| 50. | CEMENT DRIVE 15 FEET | |
| 51. | CEMENT DRIVE 15 FEET | |
| 52. | CEMENT DRIVE 15 FEET | |
| 53. | CEMENT DRIVE 15 FEET | |
| 54. | CEMENT DRIVE 15 FEET | |
| 55. | CEMENT DRIVE 15 FEET | |
| 56. | CEMENT DRIVE 15 FEET | |
| 57. | CEMENT DRIVE 15 FEET | |
| 58. | CEMENT DRIVE 15 FEET | |
| 59. | CEMENT DRIVE 15 FEET | |
| 60. | CEMENT DRIVE 15 FEET | |
| 61. | CEMENT DRIVE 15 FEET | |
| 62. | CEMENT DRIVE 15 FEET | |
| 63. | CEMENT DRIVE 15 FEET | |
| 64. | CEMENT DRIVE 15 FEET | |
| 65. | CEMENT DRIVE 15 FEET | |
| 66. | CEMENT DRIVE 15 FEET | |
| 67. | CEMENT DRIVE 15 FEET | |
| 68. | CEMENT DRIVE 15 FEET | |
| 69. | CEMENT DRIVE 15 FEET | |
| 70. | CEMENT DRIVE 15 FEET | |
| 71. | CEMENT DRIVE 15 FEET | |
| 72. | CEMENT DRIVE 15 FEET | |
| 73. | CEMENT DRIVE 15 FEET | |
| 74. | CEMENT DRIVE 15 FEET | |
| 75. | CEMENT DRIVE 15 FEET | |
| 76. | CEMENT DRIVE 15 FEET | |
| 77. | CEMENT DRIVE 15 FEET | |
| 78. | CEMENT DRIVE 15 FEET | |
| 79. | CEMENT DRIVE 15 FEET | |
| 80. | CEMENT DRIVE 15 FEET | |
| 81. | CEMENT DRIVE 15 FEET | |
| 82. | CEMENT DRIVE 15 FEET | |
| 83. | CEMENT DRIVE 15 FEET | |
| 84. | CEMENT DRIVE 15 FEET | |
| 85. | CEMENT DRIVE 15 FEET | |
| 86. | CEMENT DRIVE 15 FEET | |
| 87. | CEMENT DRIVE 15 FEET | |
| 88. | CEMENT DRIVE 15 FEET | |
| 89. | CEMENT DRIVE 15 FEET | |
| 90. | CEMENT DRIVE 15 FEET | |
| 91. | CEMENT DRIVE 15 FEET | |
| 92. | CEMENT DRIVE 15 FEET | |
| 93. | CEMENT DRIVE 15 FEET | |
| 94. | CEMENT DRIVE 15 FEET | |
| 95. | CEMENT DRIVE 15 FEET | |
| 96. | CEMENT DRIVE 15 FEET | |
| 97. | CEMENT DRIVE 15 FEET | |
| 98. | CEMENT DRIVE 15 FEET | |
| 99. | CEMENT DRIVE 15 FEET | |
| 100. | CEMENT DRIVE 15 FEET | |

Symbol	Quantity	Unit	Description
○	1	EA	IRON PIPE SET 5/8" REBAR
●	1	EA	IRON PIPE FOUND
△	1	EA	CALCULATED POINT

3329 BUSINESS CIRCLE, NORTH CHARLESTON, SC 29418
PHONE (843) 203-3401 FAX (843) 408-4645



DATE :	MAY 11, 2021
REMOVED :	DECEMBER 17, 2021
DRAWN BY :	bj/cmr
PROJECT :	2020-532
SCALE :	1" = 40'
SHEET:	2 OF 2

