



Case # BZA-02-23-00650

Charleston County BZA Meeting of April 3, 2023

Applicant/Property Owner: Matthew Alt

Representative: Ryan Mattie of JMT, Inc.

Property Location: 4230 River Road – Johns Island

TMS#: 259-00-00-018

Zoning District: Planned Development (PD) Zoning District

Request:

Variance request to encroach more than twenty-five percent (25%) of the protected area of five (5) Grand Trees.

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.4.C states, "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."

Sec. 9.2.4.E. Required Tree Protection states, "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."



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



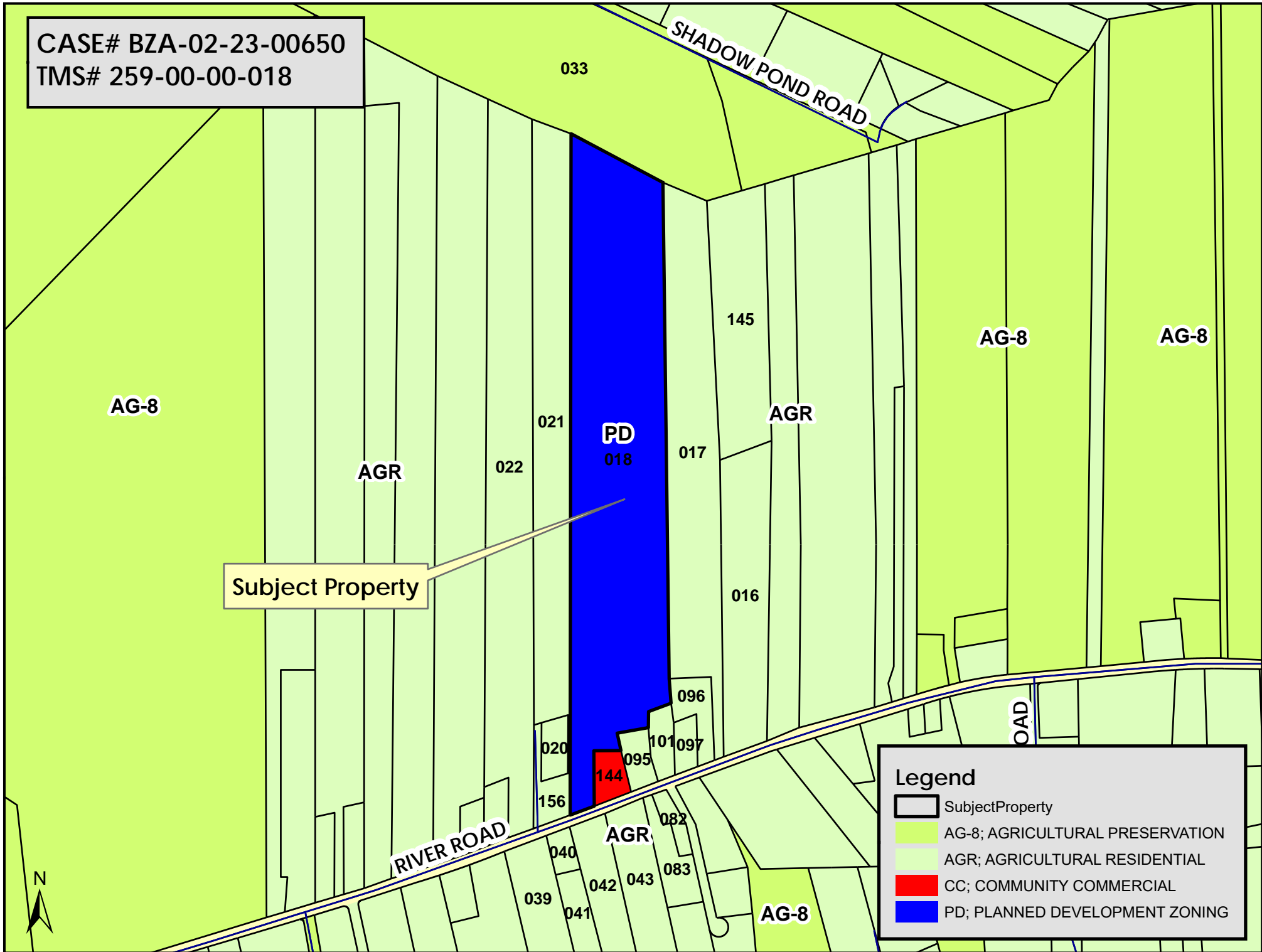
A. General.

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.

CASE# BZA-02-23-00650
TMS# 259-00-00-018



Subject Property

Legend

- SubjectProperty
- AG-8; AGRICULTURAL PRESERVATION
- AGR; AGRICULTURAL RESIDENTIAL
- CC; COMMUNITY COMMERCIAL
- PD; PLANNED DEVELOPMENT ZONING

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TMS# 259-00-00-018
AERIAL VIEW

Subject Property

SHADOW POND ROAD

RIVER ROAD

BLIND ROAD





SHADOW POND RD

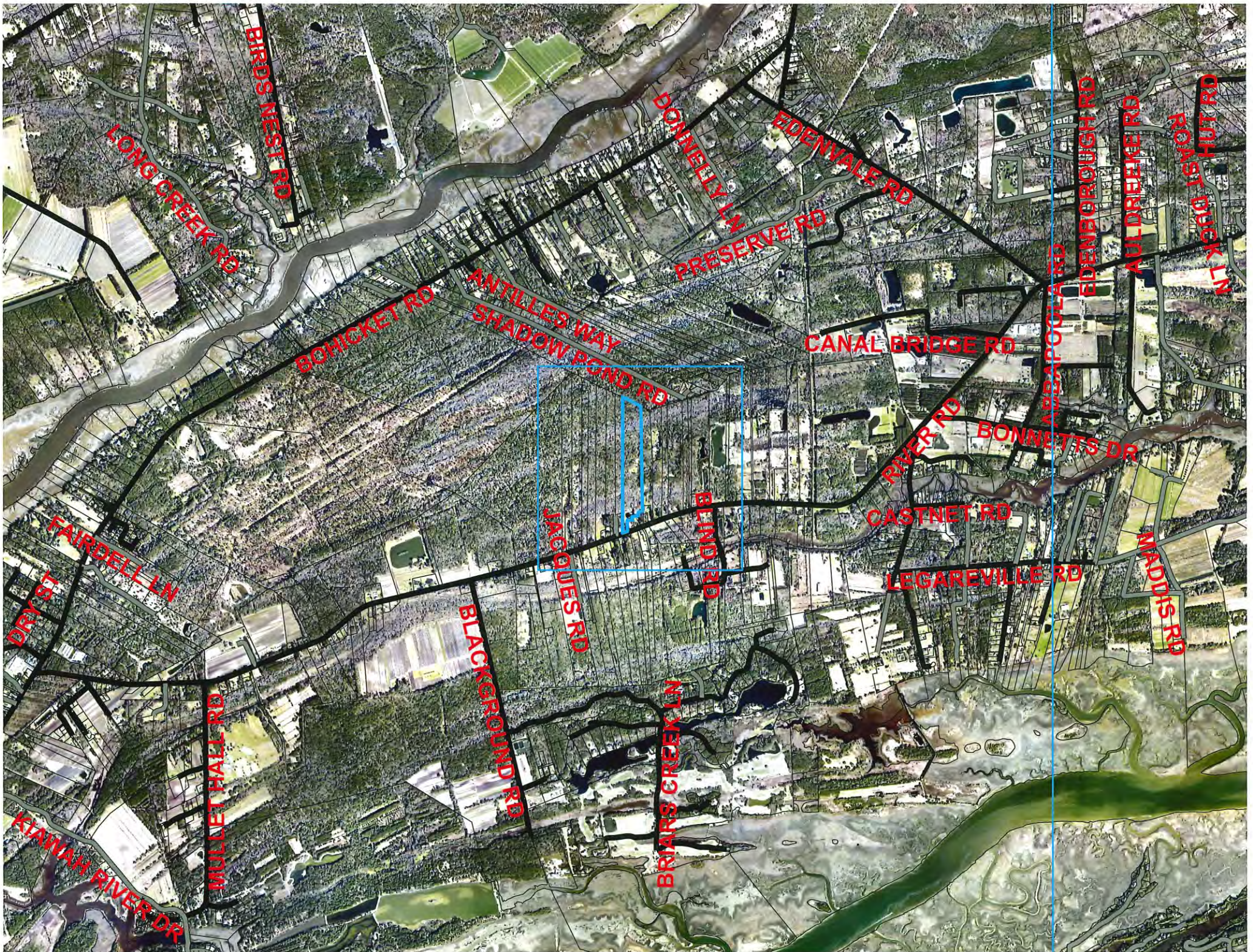
JACQUES RD

RIVER RD

BLIND RD

BLIND RD

SHORAN LN



Case # BZA-02-23-00650

BZA Meeting of April 3, 2023

Subject Property: 4230 River Road - Johns Island

Proposal: Variance request to encroach more than 25% of the protected area of five (5) Grand Trees for a proposed driveway.



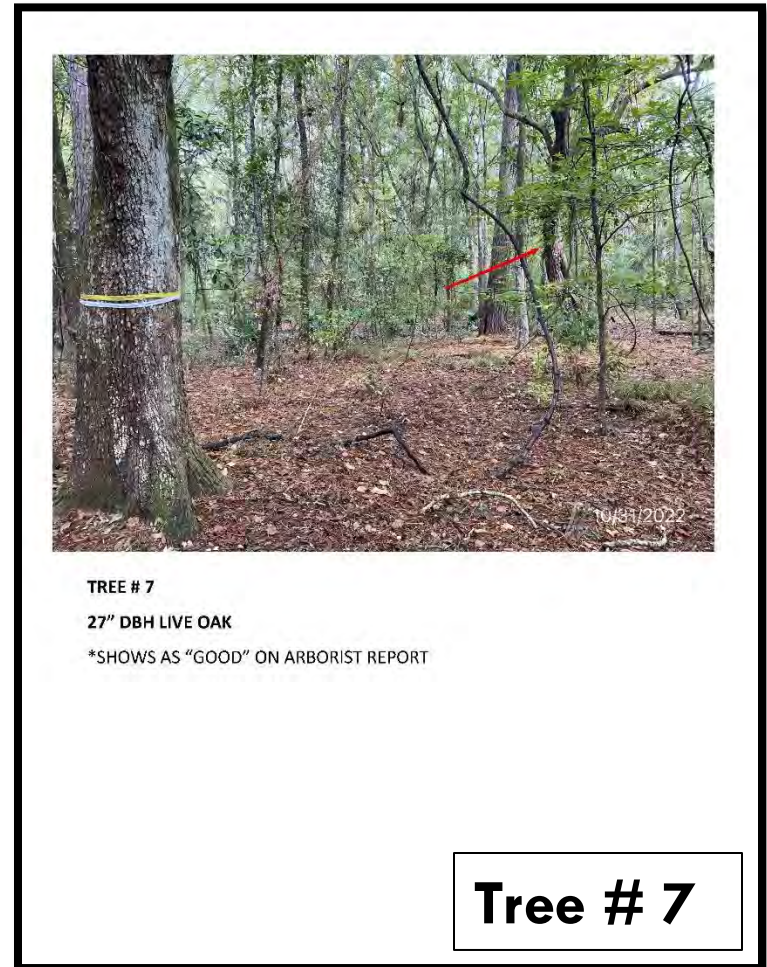
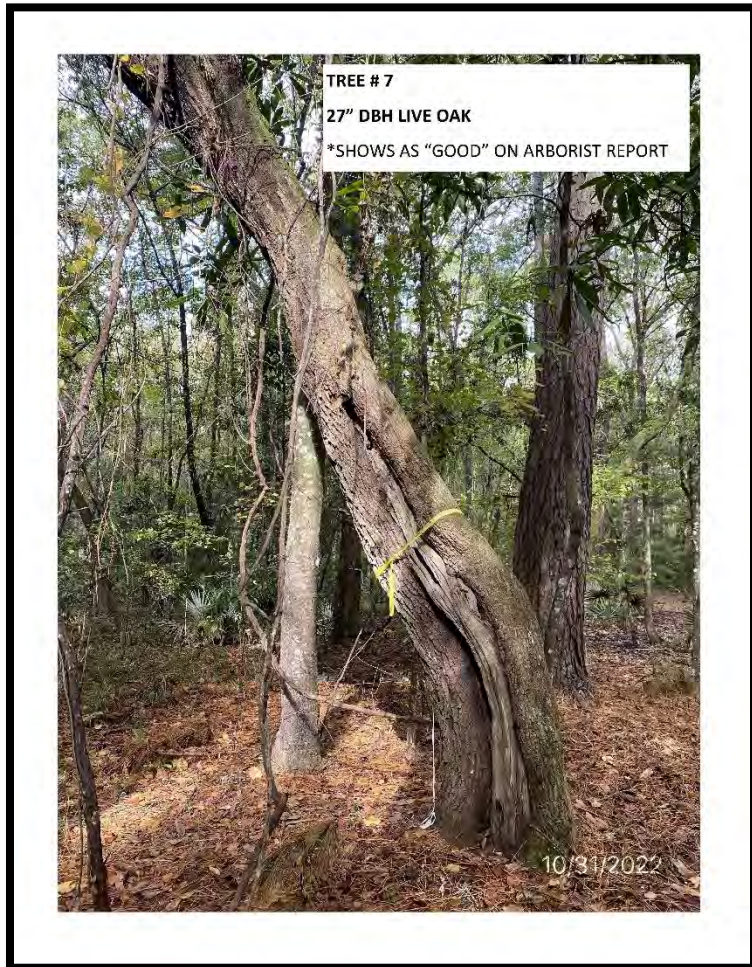
40" DBH Live Oak (Encroach)



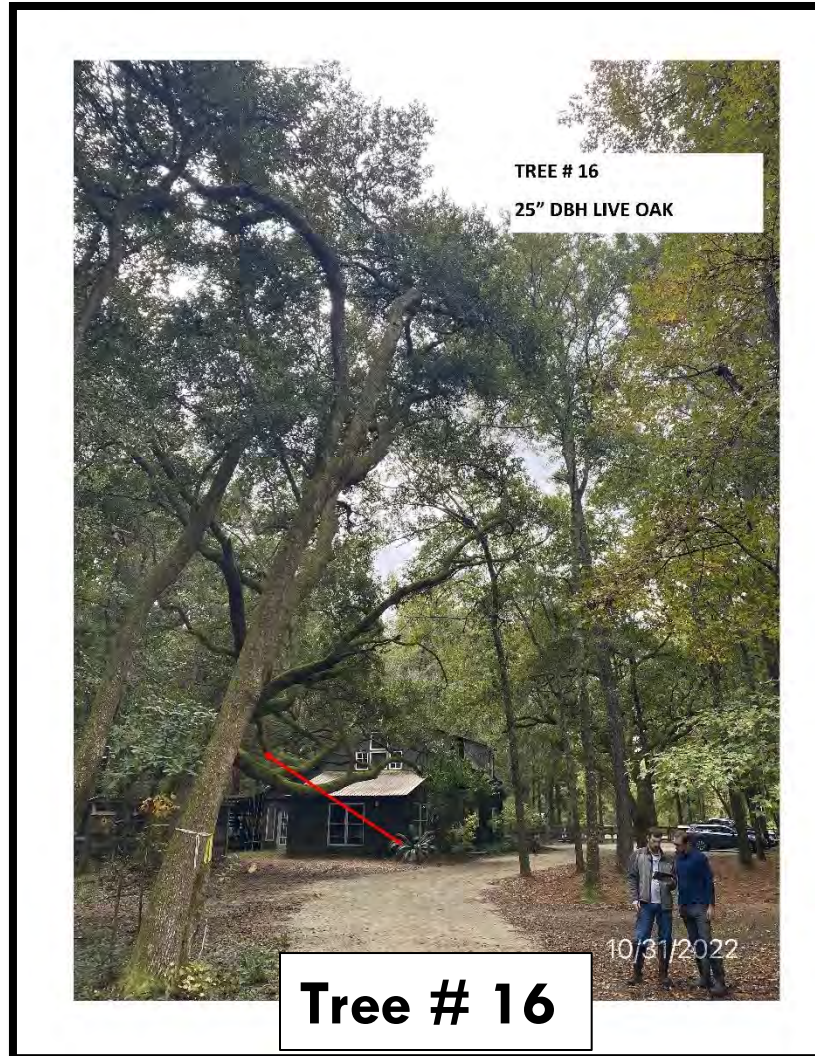
42" DBH Live Oak (Encroach)



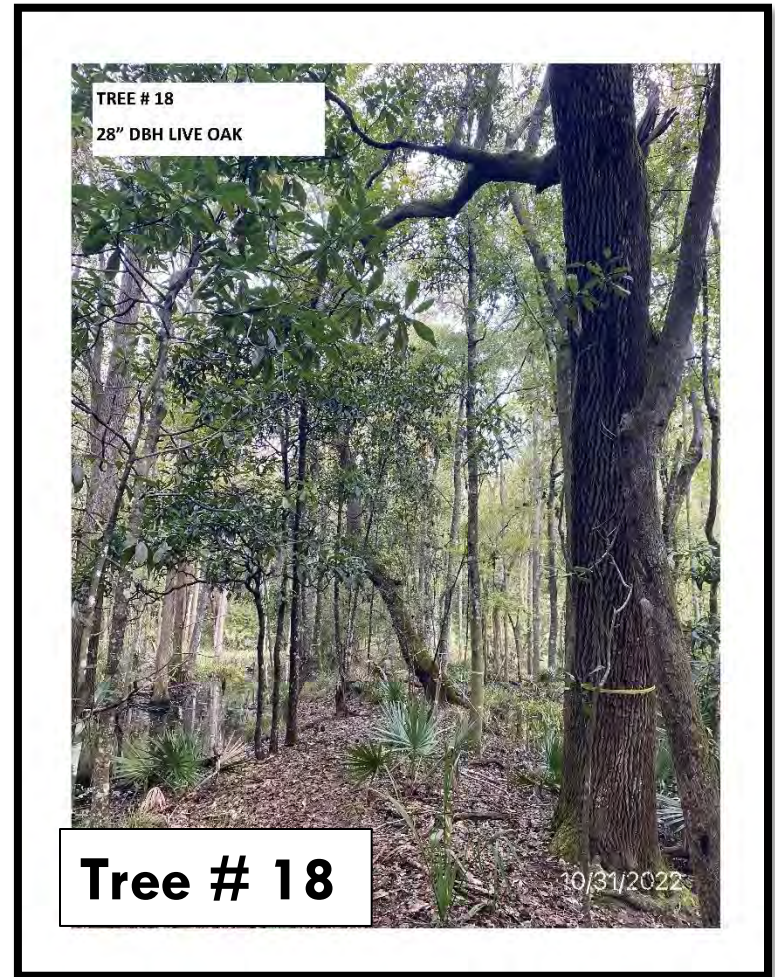
27" DBH Live Oak (Encroach)



25" DBH Live Oak (Encroach)



28" DBH Live Oak (Encroach)



Subject Property

Pavilion



Fire Pit



Subject Property

Workshop



Main House



Subject Property Existing Driveway



Staff Review:

The applicant and property owner, Matthew Alt, represented by Ryan Mattie of JMT, Inc., is requesting a variance to encroach more than twenty-five percent (25%) of the protected area of five (5) Grand Trees for a proposed driveway at 4230 River Road (TMS # 259-00-00-018) on Johns Island in Charleston County. The subject property is located in the Planned Development (PD) Zoning District, PD-177, "Three Rivers Respite." Adjacent properties to the north are located in the Rural Agricultural (AG-8) Zoning District. Adjacent properties to the east and west are located in the Agricultural Residential (AGR) Zoning District, and there is one adjacent property to the southeast that is located in the Community Commercial (CC) Zoning District.

The 35-acre property currently contains a house, workshop, chicken coop, pavilion, and fire pit. The applicant is currently in the Site Plan Review process (ZSPR-02-22-00701) for a proposed foster camp. The applicant proposes to build a driveway leading to the rear of the lot for the proposed foster camp: a clubhouse, two cabins, two storage buildings, and a parking lot.

The following is a detailed list of Grand Trees that would be impacted by the proposed driveway:

| Tree # | Tree description | Request | Percent Encroachment |
|--------|-----------------------------|----------|----------------------|
| 2 | 40" DBH Grand Live Oak Tree | Encroach | 38% |
| 4 | 42" DBH Grand Live Oak Tree | Encroach | 38% |
| 7 | 27" DBH Grand Live Oak Tree | Encroach | 58% |
| 16 | 25" DBH Grand Live Oak Tree | Encroach | 31% |
| 18 | 28" DBH Grand Live Oak Tree | Encroach | 36% |

Applicable ZLDR requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.4.C states, "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."

Sec. 9.2.4.E. Required Tree Protection states, "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."

Applicable ZLDR Chapter 12 Definitions, Article 12.1 Terms and Uses Defined:

Arborist, Certified A Person certified by the International Society of Arboriculture.

Diameter Breast Height (DBH) The total diameter, in inches, of a Tree trunk or trunks measured at a point four and one-half feet above existing Grade (at the base of the Tree). In measuring DBH, the circumference of the Tree shall be measured with a standard diameter tape, and the circumference shall be divided by 3.14.

Grand Tree Any Tree with a diameter breast height of 24 inches or greater, with the exception of Pine Tree and Sweet Gum Tree (*Liquidambar styraciflua*) species.

The applicant's letter of intent explains the request, "We are requesting to encroach into the canopies of several grand trees on the property in order to construct a road to the rear of the property which will provide access to the proposed camp location. Included in this package is an exhibit with the trees highlighted which require variances (#2,4,7,16,18). We hired an arborist to advise on the proposed road layout and it he believes that the trees will be able to survive with proper care as noted in the arborist's report which is included in this submission. There are many grand trees on the property, and we have worked with the County and arborist to avoid impacts to the greatest extent possible, while still maintaining some of the existing features on site such as the shop, pavilion and adjacent fire pit/gathering area. For tree 18 in the wetland area, we would need to fill and impact more wetlands to further avoid impacts as requested by the County. The proposed road is located as much as possible on an existing berm going through the wetlands in order to avoid wetland impacts."

"As of July 2022, there were 3,945 children placed in foster homes in South Carolina, including 2,404 children between the ages of 7 and 17 years old. In the tri-county region (Charleston, Berkeley, and Dorchester counties) there were 500 children in foster care.

Three Rivers Respite is a registered 501(c)(3) nonprofit organization with a mission to provide respite care for children in foster care. Respite care is often provided for foster parents to provide them a break and a time of rest from the foster children in their care. "This type of foster situation is key to keeping families energized, empowering them to provide stability and permanency to the children in their care." Consistent and frequent respite care can help marriages and the core family unit as well as help sustain child placement in foster homes.

We believe that providing a consistent, overnight respite outlet for children in foster care and their foster families could help alleviate the hardships and provide a necessary interval of relief. Respite care is a critical ingredient to successful placements and it is our hope that Three Rivers Respite can help reduce the number of disrupted placements and encourage foster families to continue in the foster care journey through the trials.

Foster Care is challenging for both the foster parents and children. Children in foster care live in an uncertain, ever shifting reality with little stability and questions of an unknown future. Foster parents are challenged with caring for these children's physical and emotional needs and at some point everyone needs a time of rest. We want to provide families the needed support, encouragement, and hope to endure the journey.

Three Rivers Respite provides the community an opportunity to be involved in the lives of precious children that need hope, encouragement and love.

The Mission of Three Rivers Respite:

At Three Rivers Respite, we understand the joys and challenges of foster care. We understand that foster parents and children in foster care both need a break and all parents need a time of rest. Three Rivers Respite serves South Carolina foster parents by providing year-round, overnight respite opportunities. Children in foster care will enjoy a fun-filled camp experience with peers from similar circumstances alongside counselors trained to meet their unique needs."

Staff conducted a site visit to evaluate the trees on October 31, 2022, and the BZA site visit on March 14, 2023. 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 conditions pertaining to 35-acre property. The applicant's letter of intent states, "Relocating the road to avoid impacts to the tree canopies would directly impact both existing infrastructure and would create more impacts to the adjacent wetlands. As stewards of this property, it is our desire to preserve as much of the wetlands and natural vegetation (including grand trees) as possible since the camp experience is meant to immerse kids in nature. With the proposed plan and with the help of the arborist, we believe that **we can still do this while maintaining the current alignment.**" Therefore, the request may meet this criterion.**

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

Response: **These conditions do not generally apply to other properties in the vicinity. The applicant's letter of intent states, "The impacts to the trees in the**

wetlands are unique to this property as the proposed road is located along an old existing berm/access through the wetlands to the rear of the property. Any other alignment would cause more direct impacts to the **wetlands.** 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 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.4.C. and Sec. 9.2.4.E. Required Tree Protection to 4230 River Road may not unreasonably restrict the utilization of the property. The proposed camp disturbance area is less than 3 acres of the 35-acre subject property. Approximately 19-acres of highland exists closer to the front of the property and is accessible by the existing driveway. Therefore, the request may not meet this criterion. However, the application of this Ordinance could prohibit or restrict utilization of the rear acreage of the property until a driveway is installed. The applicant's letter of intent states, "Yes, disapproval of the variance would not allow vehicular access to the rear of the property/future camp location without more impacts to the wetlands. It would also require existing infrastructure proposed for use in camp events to be removed in lieu of a new road alignment which would also bring vehicular traffic closer to the pavilion/gathering area which is not preferable from a safety standpoint."**

§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: **The authorization of a variance may not be of substantial detriment to the adjacent properties or to the public good, and the character of the Planned Development (PD) Zoning District, PD-177, "Three Rivers Respite." may not be harmed if the board approves this request with the conditions recommended by Staff below. The applicant's letter of intent states, "No. It is our belief and that of the arborist that the variance/encroachment on the tree canopies in question would still allow for the trees to survive if properly cared for as laid out in the arborist's report. We would argue that the authorization of the variance would only improve the public good as the purpose of this project is to provide a respite to foster parents in the community." 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 not be the result of the applicant's own actions. The applicant states, "We are going through this process to ensure that we are following the correct actions for a project like this prior to beginning work." 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 and if the board approves this request with the conditions recommended by Staff below. In addition, the applicant states, "No. In fact, the property owners went through extensive coordination with the County to get this property approved for the planned development." 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-02-23-00650 [Variance request to encroach more than twenty-five percent (25%) of the protected area of five (5) Grand Trees for a proposed driveway at 4230 River Road (TMS # 259-00-00-018) on Johns Island in Charleston County] based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

Please note: each tree may be considered separately for approval, approval with conditions, or denial.

In the event the Board decides to approve the application, the Board should consider the following conditions recommended by Staff:

1. **Prior to zoning permit approval for site construction, the applicant shall install tree barricades around all Grand Trees to be preserved pursuant to Sec. 9.2.4 of the *Charleston County Zoning and Land Development Regulations*.**
2. **The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees onsite through the duration of construction. The applicant shall provide a copy of the treatment plan to Zoning Staff for review and approval prior to Zoning Permit approval.**
3. **If any of the five (5) trees die within up to three (3) years of the completion of construction, the applicant shall mitigate the DBH of each 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 for each tree prior to its removal.**

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

| | | | |
|--|--------------------------|-----------------------|-----------------------------|
| Property Information | | | |
| Subject Property Address: 4230 River Road | | | |
| Tax Map Number(s): 259-00-00-018 | | | |
| Current Use of Property: Residence | | | |
| Proposed Use of Property: Residence / Foster Camp | | | |
| Zoning Variance Description: Grand Tree Encroachment | | | |
| Applicant Information <small>(Required)</small> | | | |
| Applicant Name (please print): Matthew Alt | | | |
| Name of Company (if applicable): | | | |
| Mailing Address: 4230 River Road | | | |
| City: Johns Island | State: SC | Zip Code: 29455 | |
| Email Address: matthewalt@gmail.com | | Phone #: 443-939-4433 | |
| Applicant Signature:  | | Date: 1/22/2023 | |
| Representative Information <small>(Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)</small> | | | |
| Print Representative Name and Name of Company: Ryan Mattie, JMT Inc. | | | |
| Mailing Address: 235 Mcgrath Darby Blvd, Suite 275 | | | |
| City: Mount Pleasant | State: SC | Zip Code: 29464 | |
| Email Address: rmattie@imt.com | | Phone #: 843-779-3705 | |
| Designation of Agent <small>(Complete only if the Applicant listed above is not the Property Owner.)</small> | | | |
| 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: |
| FOR OFFICE USE ONLY: | | | |
| Zoning District: PD-177 | Flood Zone: AE-10 (665K) | Date Filed: 2/18/23 | Fee Paid: \$450 credit card |
| Application #: BZA-02-23-00650 | TMS #: 259-00-00-018 | 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.)

We are requesting to encroach into the canopies of several grand trees on the property in order to construct a road to the rear of the property which will provide access to the proposed camp location. Included in this package is an exhibit with the trees highlighted which require variances (#2,4,7,16,18). We hired an arborist to advise on the proposed road layout and it he believes that the trees will be able to survive with proper care as noted in the arborist's report which is included in this submission. There are many grand trees on the property and we have worked with the County and arborist to avoid impacts to the greatest extent possible, while still maintaining some of the existing features on site such as the shop, pavilion and adjacent fire pit / gathering area. For tree 18 in the wetland area, we would need to fill and impact more wetlands to further avoid impacts as requested by the County. The proposed road is located as much as possible on an existing birm going through the wetlands in order to avoid wetland impacts.

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:

Relocating the road to avoid impacts to the tree canopies would directly impact both existing infrastructure and would create more impacts to the adjacent wetlands. As stewards of this property, it is our desire to preserve as much of the wetlands and natural vegetation (including grand trees) as possible since the camp experience is meant to immerse kids in nature. With the proposed plan and with the help of the arborist, we believe that we can still do this while maintaining the current alignment.

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

The impacts to the trees in the wetlands are unique to this property as the proposed road is located along an old existing birm / access through the wetlands to the rear of the property. Any other alignment would cause more direct impacts to the wetlands.

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, disapproval of the variance would not allow vehicular access to the rear of the property / future camp location without more impacts to the wetlands. It would also require existing infrastructure proposed for use in camp events to be removed in lieu of a new road alignment which would also bring vehicular traffic closer to the pavilion / gathering area which is not preferable from a safety standpoint.

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. It is our belief and that of the arborist that the variance / encroachment on the tree canopies in question would still allow for the trees to survive if properly cared for as laid out in the arborist's report. We would argue that the authorization of the variance would only improve the public good as the purpose of this project is to provide a respite to foster parents in the community.

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, the variance would still allow this property to meet this criterion.

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

Not necessarily. We are going through this process to ensure that we are following the correct actions for a project like this prior to beginning work.

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

No. In fact, the property owners went through extensive coordination with the County to get this property approved for the planned development.

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.

As of July 2022, there were 3,945 children placed in foster homes in South Carolina, including 2,404 children between the ages of 7 and 17 years old. In the tri-county region (Charleston, Berkeley, and Dorchester counties) there were 500 children in foster care.¹

Three Rivers Respite is a registered 501(c)(3) nonprofit organization with a mission to provide respite care for children in foster care. Respite care is often provided for foster parents to provide them a break and a time of rest from the foster children in their care. "This type of foster situation is key to keeping families energized, empowering them to provide stability and permanency to the children in their care."² Consistent and frequent respite care can help marriages and the core family unit as well as help sustain child placement in foster homes.

We believe that providing a consistent, overnight respite outlet for children in foster care and their foster families could help alleviate the hardships and provide a necessary interval of relief. Respite care is a critical ingredient to successful placements and it is our hope that Three Rivers Respite can help reduce the number of disrupted placements and encourage foster families to continue in the foster care journey through the trials.

Foster Care is challenging for both the foster parents and children. Children in foster care live in an uncertain, ever shifting reality with little stability and questions of an unknown future. Foster parents are challenged with caring for these children's physical and emotional needs and at some point everyone needs a time of rest. We want to provide families the needed support, encouragement, and hope to endure the journey.

Three Rivers Respite provides the community an opportunity to be involved in the lives of precious children that need hope, encouragement and love.

The Mission of Three Rivers Respite:

At Three Rivers Respite, we understand the joys and challenges of foster care. We understand that foster parents and children in foster care both need a break and all parents need a time of rest. Three Rivers Respite serves South Carolina foster parents by providing year-round, overnight respite opportunities. Children in foster care will enjoy a fun-filled camp experience with peers from similar circumstances alongside counselors trained to meet their unique needs.

¹ Nearly 4 Thousand Children in Foster Care Across South Carolina. Live 5 News. Melissa Rademaker. July 13, 2022. <https://www.live5news.com/2022/07/13/nearly-4-thousand-children-foster-care-across-south-carolina/>

² Fostering Together, Foster Care, Greatest Needs, Respite Care. <http://fosteringtogether.org/foster-care/unique-needs/respice-care/>



F.A. Bartlett Tree Experts Company

2285 Technical Parkway
North Charleston, South Carolina 29406

843-556-8696 Office
843-556-7581 Fax

www.Bartlett.com

TREE PRESERVATION REPORT: 4230 River Rd

LOCATION: 4230 River Rd. Johns Island, SC 29445

ARBORIST: Steven Lane ISA Certified Arborist #SO-10938A

FINDINGS & RECOMMENDATIONS:

LIMIT OF DISTURBANCE & SEDIMENT CONTROL

The limit of disturbance (LOD) shall be staked out prior to beginning any work. Actual on-site marking by arborist should govern placement of tree protection fence along the LOD. Fence must be installed before any excavation or other construction begins.

Successful tree preservation will require an on-going commitment to care for these trees both during and after construction. Communication between builder, property manager and arborist is critical for the long-term survival of these trees. A pre-construction meeting should be held with the property manager, builder and arborist to ensure that everyone understands the critical nature of following these tree preservation guidelines.

The following sequence gives the order in which to proceed with your project to ensure the best possible tree survival:

Scientific Knowledge, Professionalism, Established Safety Practices, and Environmental Stewardship.

Bartlett Tree Experts was founded in 1907 with the mission to further the science of arboriculture and to provide scientific tree and shrub care using preventive techniques. This mission has not changed through three generations of family management.

ORDER OF TREE PRESERVATION/CONSTRUCTION

- 1) Tree Removal.
- 2) Install tree preservation fencing.
- 3) Treat critical trees that will suffer root loss with fertilizer and beneficial amendments.
- 4) Begin excavation and construction and have arborist inspect site every other month.
- 5) Apply fertilizer and beneficial amendments treatments during construction process as specified.
- 6) Risk reduction pruning.
- 7) Disturbed trees should be carefully monitored after construction.

SPECIFIC RECOMMENDATIONS

TREE REMOVAL – Two Trees (1) 22” Black Gum will need to be removed due to its location in the proposed driveway. (1) 29” Sweet Gum will need to be removed due to its location in the proposed driveway.

TREE PRESERVATION FENCE – Fencing should be installed along LOD. The tree preservation fence is not to be crossed or damaged. If damage to the fence occurs, it must be repaired immediately. No activity or equipment and/or supply storage will be allowed in the preservation areas.

FERTILIZATION AND BENEFICIAL AMENDMENTS –Seventeen (17) trees, listed in the Summary, which will lose roots from excavation, compaction and/or grade changes will need help recovering from the loss. Treat these trees as follows:

- Prior to start of construction – fertilizer and any pH adjustments deemed necessary per soil analysis.
- Six month intervals after the start of construction – fertilizer and any pH adjustments deemed necessary per soil analysis.

Fertilizer used will be Bartlett Boost Coastal 29-0-6 mixed at 20 pounds per 100 gallons water. Application rate will be 40-50 gallons per 1,000 square feet of treatment area. Post-construction treatment area to extend from the trunk to radius of 20 feet in all directions or the furthest extent of branch spread, which ever is greater.

Scientific Knowledge, Professionalism, Established Safety Practices, and Environmental Stewardship.

Treatments will be applied by liquid soil injection at 150 psi, three (3) feet on center, four (4) - six (6) inches deep over the entire treatment area.

ROOT INVIGORATION – Seven (7) trees listed in the summary should be Root Invigorated. This process uses an Air Spade in order to break up compaction and incorporate organic matter. It stimulates more vigorous root growth by increasing pore space, nutrient retention capabilities, and water holding capacity.

RISK REDUCTION PRUNING – Seventeen (17) trees listed in the Summary should be pruned to reduce risk of branch failure and provide clearance for construction. Risk reduction pruning will include the removal of dead or damaged branches two inches in diameter and larger.

SUMMARY OF TREES TO BE GIVEN SPECIAL ATTENTION FOR PRESERVATION

Key – DBH = diameter in inches; RRP = risk reduction pruning; FERT = fertilization; RI = root invigoration TR = tree removal

| Tree Species | DBH | RRP | FERT | TR | RI | Comments |
|--------------|-----|-----|------|----|----|--|
| 1 Live Oak | 35" | X | X | | | Good Condition |
| 2 Live Oak | 40" | X | X | | | Good Condition |
| 3 Sweetgum | 29" | | | X | | Unable to save due to its location in proposed driveway. |
| 4 Live Oak | 42" | X | X | | | Good Condition |
| 5 Live Oak | 27" | X | X | | X | Fair Condition |
| 6 Live Oak | 24" | X | X | | X | Fair Condition |
| 7 Live Oak | 27" | X | X | | X | Good Condition |
| 8 Laurel Oak | 25" | X | X | | X | Good Condition |
| 9 Black Gum | 22" | | | X | | Unable to save due to its location in proposed driveway. |
| 10 Red Maple | 27" | X | X | | | Good Condition |
| 11 Live Oak | 33" | X | X | | | Fair Condition- noticed decay on backside |
| 12 Live Oak | 32" | X | X | | | Good Condition |
| 13 Live Oak | 32" | X | X | | | Good Condition |
| 14 Live Oak | 35" | X | X | | | Good Condition |
| 15 Live Oak | 31" | X | X | | | Good Condition |
| 16 Live Oak | 25" | X | X | | | Good Condition |
| 17 Water Oak | 27" | X | X | | | Good Condition |
| 18 Live Oak | 28" | X | X | | X | Good Condition |

ADDITIONAL CONSIDERATIONS

Scientific Knowledge, Professionalism, Established Safety Practices, and Environmental Stewardship.

Bartlett Tree Experts was founded in 1907 with the mission to further the science of arboriculture and to provide scientific tree and shrub care using preventive techniques. This mission has not changed through three generations of family management.

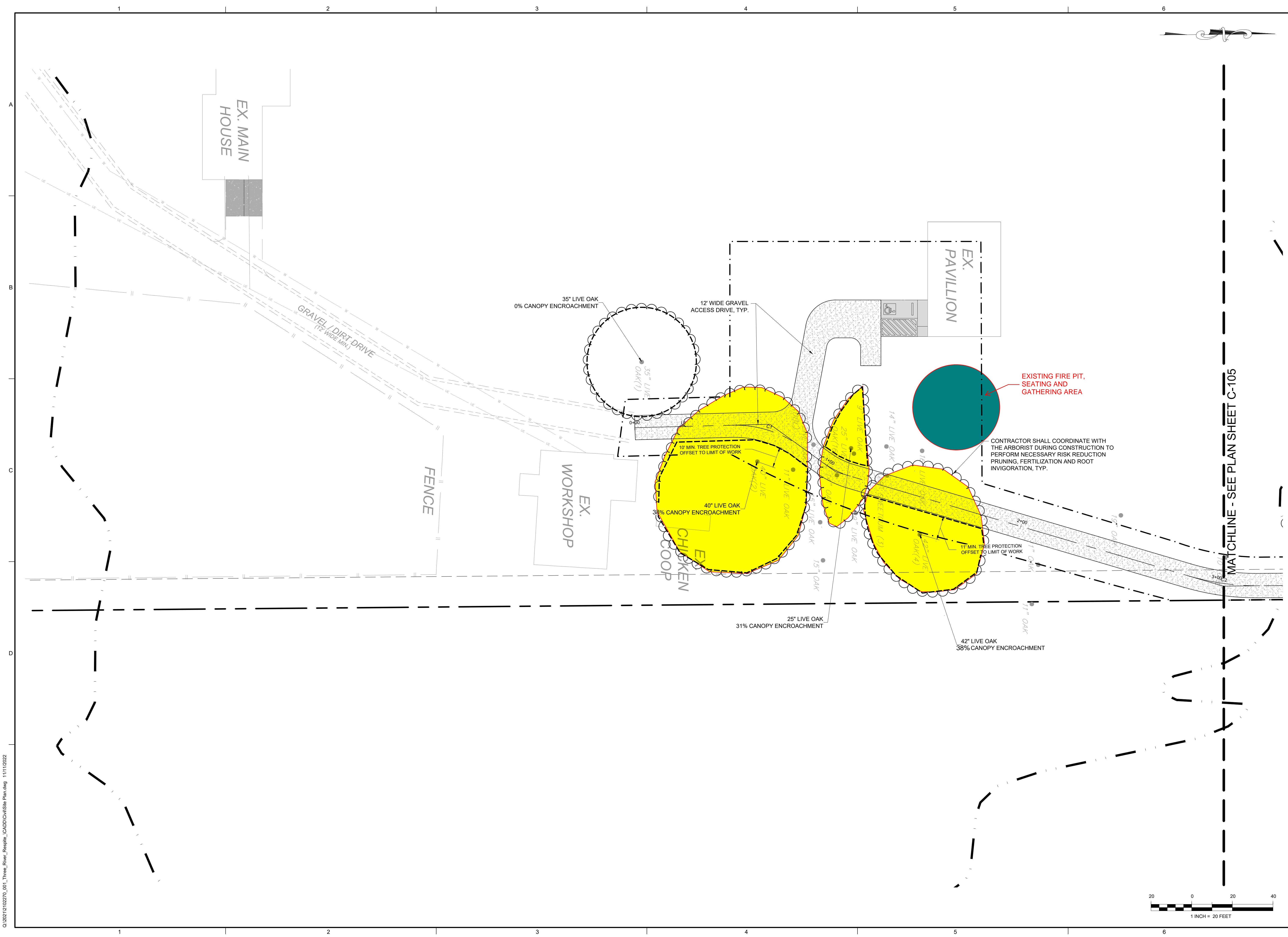
MONITORING – Arborist should check site conditions every other month during construction to make sure tree preservation is being carried out, damage to trees has not occurred, and soil moisture levels are adequate. It is recommended that owner have arborist follow-up with annual inspections after construction is complete.

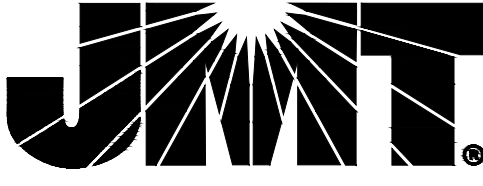
LONG-TERM SURVIVAL AND SAFETY –The full implementation of these specifications will give your trees the best possible chance of survival. However, these treatments will not guarantee that the trees will not die, fall over or split during a storm. Recommendations are based upon readily observable conditions and the construction plans made available to us. The practical technology does not exist to provide a comprehensive analysis of all root, trunk and limb conditions. Even the strongest trees when exposed to great forces or slow decay will fail.

The trees that have been selected for preservation are the ones that in my experience have the best chance of continuing healthy growth after construction is completed. All trees present a certain amount of risk. We seek to minimize risk by removing those trees that have obvious defects and targets, but every tree has the potential of causing personal injury and/or property damage. It is up to the property owner to decide how much risk can be tolerated.


Scientific Knowledge, Professionalism, Established Safety Practices, and Environmental Stewardship.

Bartlett Tree Experts was founded in 1907 with the mission to further the science of arboriculture and to provide scientific tree and shrub care using preventive techniques. This mission has not changed through three generations of family management.





2235 MAGRATH DARBY BLVD., SUITE 275
MOUNT PLEASANT, SC 29464
P: (843) 556-2624 | F: (843) 556-4329 | www.jmt.com



THREE RIVERS
RESPITE

SEAL:

PREPARED FOR:
THREE RIVERS RESPITE
PO BOX 733
JOHNS ISLAND, SC 29455
PHONE: (443) 939-4433

| REVISIONS | | |
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| NO. | DATE | DESCRIPTION |
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PROJECT:
THREE RIVERS RESPITE

PROJECT LOCATION:
4230 RIVER ROAD
JOHNS ISLAND, SOUTH
CAROLINA 29455

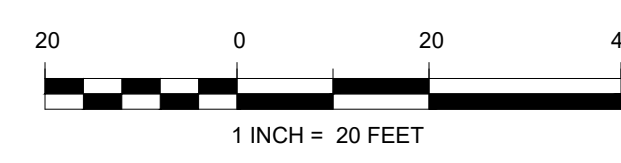
PROJECT NUMBER:
21-02270-001

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| DATE: 11/10/2022 | SCALE: 1" = 20' |
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PLAN SET:
CONSTRUCTION PLAN

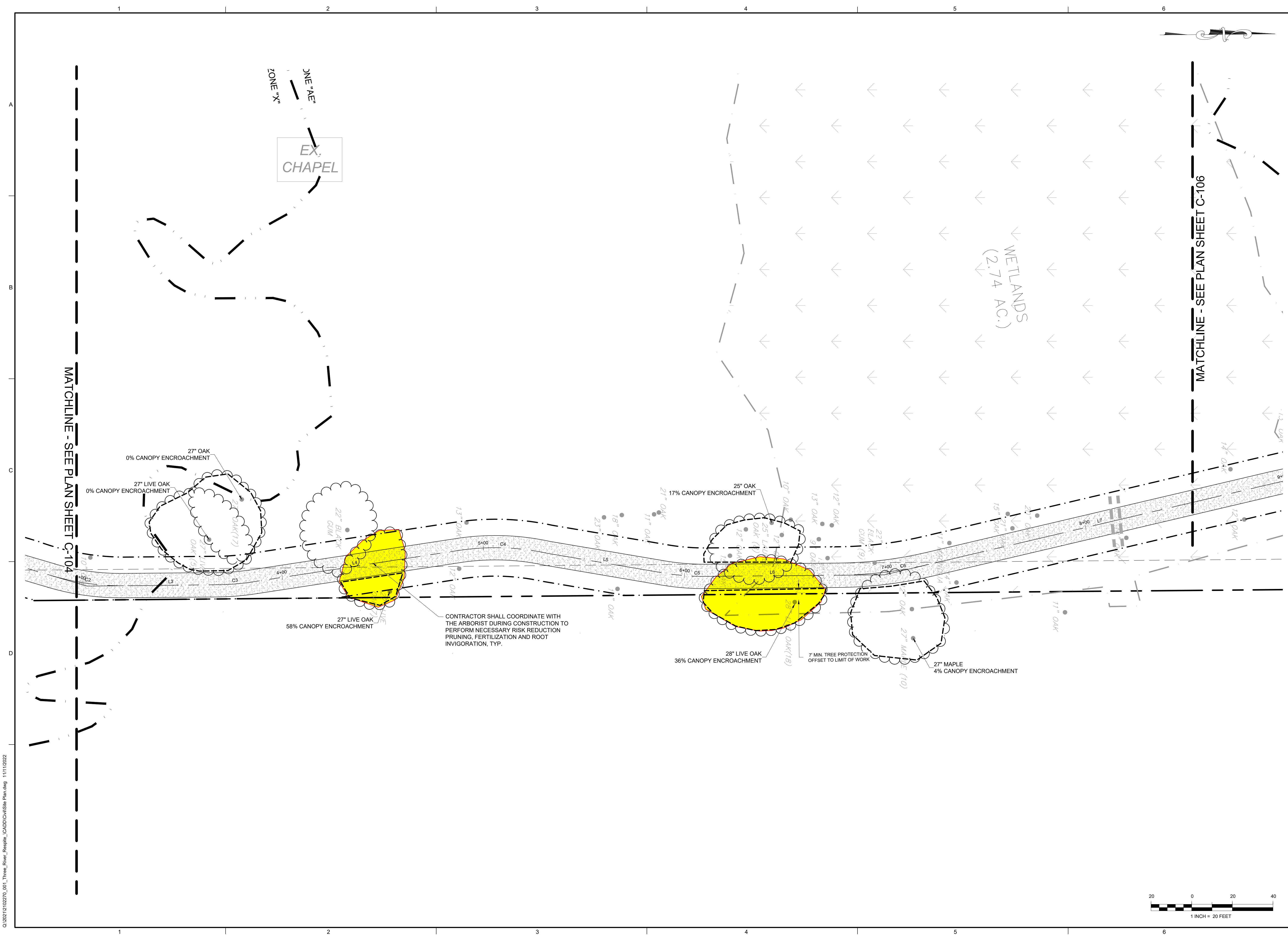
DRAWING TITLE:
SITE PLAN

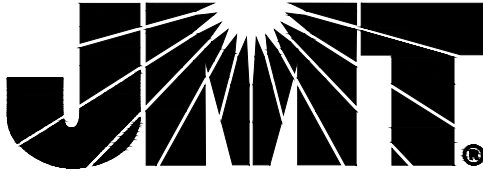
DRAWING NUMBER:
C-104




1 INCH = 20 FEET

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2235 MAGRATH DARBY BLVD., SUITE 275
MOUNT PLEASANT, SC 29464
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THREE RIVERS
RESPITE

SEAL:

PREPARED FOR:
THREE RIVERS RESPITE
PO BOX 733
JOHNS ISLAND, SC 29455
PHONE: (443) 939-4433

| REVISIONS | | |
|-----------|------|-------------|
| NO. | DATE | DESCRIPTION |
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PROJECT:
THREE RIVERS RESPITE

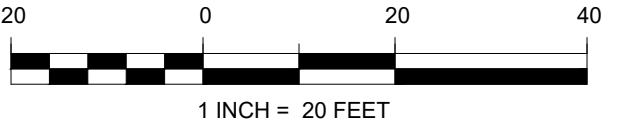
PROJECT LOCATION:
4230 RIVER ROAD
JOHNS ISLAND, SOUTH CAROLINA 29455
PROJECT NUMBER:
21-02270-001

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|---------------------|--------------------|
| DATE: 11/10/2022 | SCALE: 1" = 20' |
|---------------------|--------------------|

PLAN SET:
CONSTRUCTION PLAN

DRAWING TITLE:
SITE PLAN

DRAWING NUMBER:
C-105



C:\2021\2102270_001_Three_Rivers_Respite_CADD\Civil\Site Plan.dwg 11/11/2022

Since 1991



A.H. SCHWACKE & ASSOCIATES

LAND SURVEYING & CONSTRUCTION LAYOUT
1975 FRAMPTON AVE PH: 843-762-7005 FAX 843-762-0109
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

REFERENCE:

1. PLAT BY: SIMONS B. HOLMES
DATED: MARCH 1992
BOOK: F PAGE: 124
RMC CHAS. CO.
2. PLAT BY: GEORGE D. SAMPLE
DATED: FEBRUARY 12, 1980
BOOK: AP PAGE: 076
RMC CHAS. CO.
3. PLAT BY: JAME G. PENNINGTON
DATED: JULY 7, 1988
BOOK: BS PAGE: 130
RMC CHAS. CO.
4. PLAT BY: THOMAS V. BESSENT, JR.
DATED: JULY 19, 2001
BOOK: DC PAGE: 935
RMC CHAS. CO.
5. PLAT BY: JOSEPH O. EELMAN
DATED: AUGUST 8, 2017
BOOK: S18 PAGE: 0078
RMC CHAS. CO.

TAX MAP No. 259-00-00-018

Requested by: MATTHEW ALT

ZONING:

AG-B (AGRICULTURAL PRESERVATION DISTRICT)

SETBACKS:

- FRONT/STREET SIDE: 50 FL.
- INTERIOR SIDE: 15 FL.
- REAR: 30 FL.
- OCRM CRITICAL LINE: 50 FL.

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 63°32'16" E | 134.33 |
| L2 | S 68°49'00" W | 208.73 |
| L3 | S 00°27'49" E | 290.46 |
| L4 | N 89°27'13" E | 141.98 |
| L5 | N 12°19'16" E | 93.02 |
| L6 | S 79°58'03" W | 166.09 |
| L7 | S 00°31'03" W | 84.28 |
| L8 | N 89°42'47" E | 126.45 |

NOTES:

BEARING SHOWN ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83.

AREA DETERMINED BY COORDINATE METHOD.

THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.

THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED BY THE CHARLESTON COUNTY BUILDING AND PLANNING DEPARTMENT. THE BUILDING AND PLANNING DEPARTMENT RESERVES THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.

NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS CONTAMINATION OR OTHER NONVISIBLE CONDITIONS WHICH MAY AFFECT THIS PROPERTY.

PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE X, X500 & AE (EL 12') AS PER FEMA FLOOD MAPS. PANEL No. 45019C 0865J DATED: NOVEMBER 17, 2004 COMMUNITY No. 455413

FLOOD ZONE DETERMINATIONS ARE SCALED FROM CURRENT FEMA RATE MAPS. SCALES VARY FROM 1"=500' TO 1"=2,000' AND ARE NOTED AS BEING APPROXIMATE ON SAID MAPS. A.H. SCHWACKE & ASSOCIATES DOES NOT CERTIFY TO OR ASSUME RESPONSIBILITY FOR THE ACCURACY OF THE FLOOD ZONE LINES.

A UNITED STATES ARMY CORPS OF ENGINEERS (USACE) JURISDICTIONAL DETERMINATION IS NOT REQUIRED FOR APPROVAL OF A SUBDIVISION PLAT APPLICATION EXCEPT THAT AN ACCURATE-APPROVED JURISDICTIONAL DETERMINATION IS REQUIRED FOR AREAS LOCATED WITHIN PROPOSED PUBLICLY DEDICATED RIGHTS-OF-WAY AND/OR EASEMENTS PRIOR TO PRELIMINARY PLAT APPROVAL. WHEN A USACE JURISDICTIONAL DETERMINATION FOR THE ENTIRE PROPERTY IS NOT PROVIDED AS PART OF THE SUBDIVISION APPLICATION, THE FOLLOWING NOTES SHALL BE PLACED ON THE PLAT:
I. THE UNITED STATES ARMY CORPS OF ENGINEERS HAS NOT MADE A DETERMINATION OF THE PRESENCE OR ABSENCE OF WETLANDS AND/OR WATER OF THE UNITED STATES ON THIS PROPERTY/THESE PROPERTIES AS OF THE DATE OF APPROVAL/RECORDING OF THIS PLAT.
II. CHARLESTON COUNTY MAY REQUIRE A JURISDICTIONAL DETERMINATION BY THE UNITED STATES ARMY CORPS OF ENGINEERS ON THIS PROPERTY/THESE PROPERTIES PRIOR TO THE ISSUANCE OF ZONING PERMITS FOR LAND DEVELOPMENT ACTIVITIES.

- * SETBACKS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION BY CONTROLLING AUTHORITY.
- * THIS PLAT WAS CREATED BASED ON THE REFERENCES PROVIDED, AND BASED ON EVIDENCE FOUND IN THE FIELD TO CREATE THE BEST FIT.

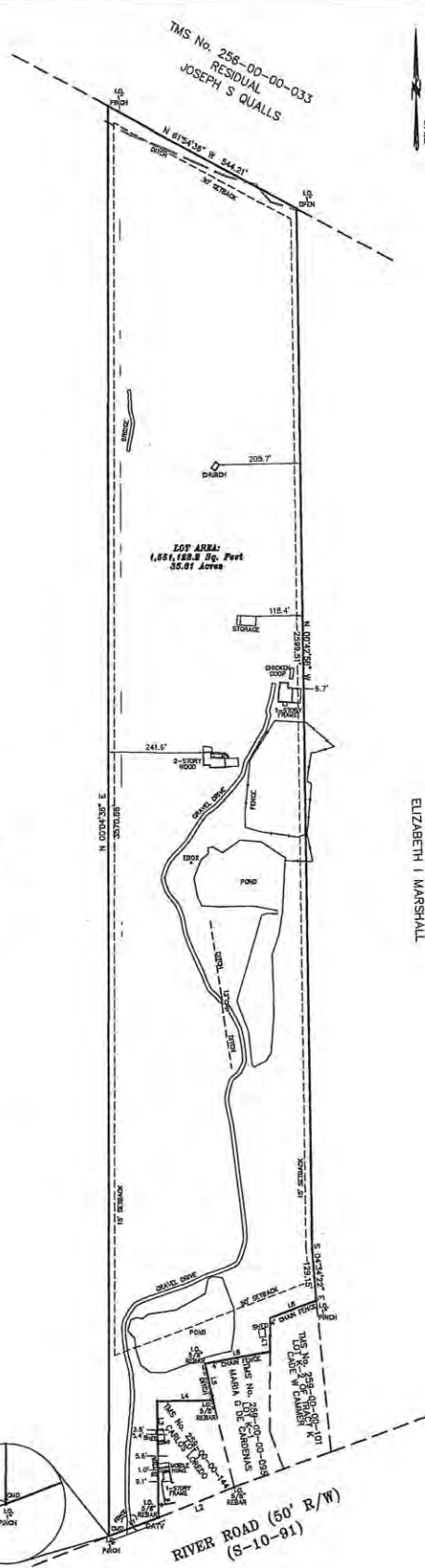
SURVEYOR'S CERTIFICATION

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 Standards of Practice Manual for Surveying in South Carolina, and it exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections other than shown.

KEVIN M. SCHWACKE, SR. PLS
S.C. Registration Number 20468



CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HEREON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH. KM20 / 20198



APPROVED PLAT

Director of Planning
Charleston County Planning Commission
SAC JAMES J. MARSHALL
April 11, 2021
Date

Required By: Char. Co. PNC

RECORDED

DATE: 4/16/2021 TIME: 3:40:16 PM
Book: Page S21 0005 DocType: Small Plat
Michael Miller, Register, Charleston County, SC

Record Fee: \$55.00
Total Fee: \$55.00
Drawn: 0
Check: 0

Location: RIVER RD

- LEGEND:
- I.O. IRON OLD (FOUND)
 - CATV CABLE & TV BOX
 - CI CURB INLET
 - EBOX ELECTRIC BOX
 - GI GRATE INLET
 - PT PROPANE TANK
 - SS SPLUT SYSTEM

PLAT OF
TMS No. 259-00-00-018
LOCATED ON JOHNS ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA



DATE: SEPTEMBER 15, 2020 SCALE: 1" = 200'