

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE APRIL 7, 2025 MEETING
4:00 P.M.**

In compliance with the Freedom of Information Act (FOIA), notice of meetings and agendas were posted and furnished to all news media and persons requesting notification.

Members Present

Chair, Mr. William H. Ray, Vice Chair, Mr. Ross Nelson, Mr. Brad Brown, Mr. AD Jordan, Mr. Roy Neal, Mr. Robert Siedell, Ms. Jessica Smith, Ms. Shana Smith, and Mr. Doug Truslow

Staff Members Present

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

Notification Procedures

Staff has met the requirements of state law and *Section 3.1.6 of the Charleston County Zoning and Land Development Regulations Ordinance* for notification for all cases to be heard by the BZA at this meeting. The notification procedures were completed by staff 15 calendar days prior to this meeting as follows:

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

The April 7, 2025 BZA meeting was called to order at 4:00 p.m. by the Chair, Mr. William H. Ray.

Minutes

Mr. Nelson made a motion to approve the March 3, 2025 annual business meeting minutes and the March 3, 2025 public hearing meeting minutes. Mr. Brown seconded the motion. The motion carried unanimously.

Old Business

CASE# BZA-11-24-00823

J. Marshall Milligan of Tiger Devil, LLC ("the Applicant" and "the Property Owner") filed a Variance request to remove two (2) Grand Trees for a proposed single-family residence at 311 Papa Charlie Way on James Island in Charleston County (TMS # 334-12-00-016). Special Management (S-3) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Siedell made a motion to approve the Variance request with the following conditions: (1) The applicant shall mitigate the removal of the 76 DBH inches by either (a) submitting a mitigation plan for review and approval indicating the installation of canopy trees no smaller than two and one-half (2.5) inches in caliper equaling inch per inch replacement, (b) by depositing funds into the Charleston County Tree Fund as described in Sec. 9.2.6 of the ZLDR, or (c) a combination of both (a) and (b). The allotted mitigation shall be in place prior to its removal; (2) Tree barricades constructed of chain link fencing shall be installed around all protected trees within 40' of disturbance prior to any construction, pursuant to Sec. 9.2.4 of the Charleston County Zoning and Land Development Regulations; and (3) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees within 40' of disturbance through the duration of construction. The applicant shall provide a copy of the Tree Preservation Plan to Zoning Staff for review and approval prior to Zoning Permit approval for construction. Mr. Truslow seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

Mr. Neal arrived after the vote of the minutes and after Case BZA-11-24-00823 was heard.

New Business

Mr. Nelson excused himself from hearing Case # BZA-12-24-00834

CASE# BZA-12-24-00834

Tyler Spears of Bessemer Road, LLC ("the Applicant"), Nancy Lynn Martin (property owner of TMS # 583-00-00-007), Daniel A. Martin (property owner of TMS # 583-00-00-008), and Priscilla Lynn Martin (property owner of TMS # 583-00-00-236) ("the Property Owners") and Bob Almirall of Reeve Group ("the Representative") filed a Variance request to remove two (2) Grand Trees for a proposed subdivision at 1572 and 1576 Joe Rouse Road and 3037 Julius Robertson Road in the East Area of Charleston County (TMS # 583-00-00-007, 583-00-00-008 and 583-00-00-236). Special Management (S-3) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, Ms. J. Smith made a motion to disapprove the Variance request stating that the request did not meet criteria 6. Mr. Brown seconded the motion. During discussion, the board deliberated the motion on the floor and requested Ms. J. Smith withdraw her motion because the board wanted to vote on each Grand Tree separately. Ms. J. Smith agreed to withdraw her motion.

Mr. Neal stated that the Variance request to remove a 14"/16" DBH Grand Live Oak Tree meets all criteria in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR). His motion included the following conditions: (1) The applicant shall mitigate the removal of the 30 DBH inches by either (a) submitting a mitigation plan for review and approval indicating the installation of canopy trees no smaller than two and one-half (2.5) inches in caliper equaling inch per inch replacement, (b) by depositing funds into the Charleston County Tree Fund as described in Sec. 9.2.6. of the ZLDR, or (c) a combination of both (a) and (b). The allotted mitigation shall be in place prior to its removal; (2) Tree barricades constructed of chain link fencing shall be installed around all protected trees within 40' of disturbance prior to any construction, pursuant to Sec. 9.2.4 of the Charleston County Zoning and Land Development Regulations; and (3) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees within 40' of disturbance through the duration of construction. The applicant shall provide a copy of the Tree Preservation Plan to Zoning Staff for review and approval prior to Zoning Permit approval for construction. Mr. Jordan seconded the motion. Mr. Ray, Mr. Jordan, Mr. Neal, Ms. S. Smith, and Mr. Truslow voted in favor of the motion. Mr. Brown, Mr. Siedell, Ms. J. Smith voted against the motion. The majority of the members present, and voting (5 to 3) voted in favor of the motion and therefore the request to remove the 14"/16" DBH Grand Live Oak Tree was granted with the above referenced conditions.

Ms. J. Smith made a motion to disapprove the Variance request to remove a 27" DBH Grand Willow Oak Tree stating that the request did not meet criteria 6. Mr. Brown seconded the motion. The motion to disapprove the request to remove the 27" DBH Grand Willow Oak was unanimous and therefore the request to remove the 27" DBH Grand Willow Oak Tree was denied.

CASE# BZA-02-25-00843

Colin Garner of Garner & McCulloch LLC ("the Applicant" and "the Property Owner") and Kimberly Sayre ("the Representative") filed a Special Exception request to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Low Density Residential (R-4) Zoning District at 2173 Welch Avenue on James Island in Charleston County (TMS # 343-06-00-063). Low Density Residential (R-4) Zoning District standards apply.

Findings: After hearing the Staff Review, the representative's presentation, and any public comments concerning this application, the board decided to defer the application. Mr. Truslow made a motion to defer the

Special Exception application. Mr. Neal seconded the motion. The motion passed unanimously. Therefore, the Special Exception application was deferred for up to 90 days.

The BZA had a 12-minute recess

CASE# BZA-02-25-00844

Luis Javier Garcia ("the Applicant" and "the Property Owner") filed a Special Exception request to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Low Density Residential (R-4) Zoning District at 2117 Chancellory Lane in the St. Andrews Area of Charleston County (TMS # 355-14-00-120). Low Density Residential (R-4) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 6.8 Short-Term Rentals, §6.8.2 Operating Standards and Requirements, C. Special Exception of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Truslow made a motion to approve the Special Exception with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the STRP, Limited Site Plan Review process; (2) The use shall comply with all requirements of Article 6.8; (3) This property shall not be used as a Short-Term Rental for more than 144 days in aggregate during any calendar year; (4) The property owner shall be responsible for ensuring that tenants comply with the Charleston County Noise Ordinance; and (5) The property owner shall provide a local point of contact. Ms. J. Smith seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

Mr. Neal recused himself from the hearing Case # BZA-02-25-00845

CASE# BZA-02-25-00845

Robert and Crystal Dorner ("the Applicants" and "the Property Owners") filed a Variance request to reduce the required 30' rear setback and the required 15' interior side setback for existing unpermitted detached accessory structures at 7810 Oakville Road in the St. Pauls Area of Charleston County (TMS # 096-00-00-038). Agricultural Residential (AGR) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Nelson made a motion to approve the Variance request with the following condition: (1) The applicant/property owner shall obtain all required zoning and building permits for the unpermitted detached accessory structures. Mr. Siedell seconded the motion. Mr. Ray, Mr. Brown, Mr. Jordan, Mr. Nelson, Mr. Siedell, Ms. J. Smith, and Ms. S. Smith voted in favor of the motion. Mr. Truslow voted against the motion. The majority of the members present, and voting (7 to 1) voted in favor of motion and therefore the application was granted with the above referenced condition.

CASE# BZA-02-25-00846

Bryan Weatherford of Ion Venture, LLC ("the Applicant" and "the Property Owner") filed a Variance request to remove a 33" DBH Grand Live Oak Tree for a proposed single-family residence 216 Shady Lane in the St. Andrews Area of Charleston County (TMS # 350-14-00-083). Low Density Residential (R-4) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Siedell made a motion to approve the Variance request with the following conditions: (1) The applicant shall mitigate the removal of the 33 DBH inches by either (a) submitting a mitigation plan for review and approval indicating the installation of canopy trees no smaller than two and one-half (2.5) inches in caliper equaling inch per inch replacement, (b) by depositing funds into the Charleston

County Tree Fund as described in Sec. 9.2.6. of the ZLDR, or (c) a combination of both (a) and (b). The allotted mitigation shall be in place prior to its removal; (2) Tree barricades constructed of chain link fencing shall be installed around all protected trees within 40' of disturbance prior to any construction, pursuant to Sec. 9.2.4 of the Charleston County Zoning and Land Development Regulations; and (3) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees within 40' of disturbance through the duration of construction. The applicant shall provide a copy of the Tree Preservation Plan to Zoning Staff for review and approval prior to Zoning Permit approval for construction. Mr. Nelson seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-02-25-00847

Macario Lopez Ramirez ("the Applicant" and "the Property Owner") filed a Variance request to reduce the required 5' interior side setback for an existing unpermitted attached carport and to reduce the required 3' interior side setback for an existing unpermitted detached accessory structure (pavilion) at 4453 Clovewood Street in the North Area of Charleston County (TMS # 388-06-00-152). Low Density Residential (R-4) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Nelson made a motion to approve the Variance request with the following condition: (1) The applicant/property owner shall obtain all required zoning and building permits for the unpermitted attached carport and the unpermitted detached accessory structure (pavilion). Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced condition.

CASE# BZA-02-25-00848

Gary J. and Susan E. Gilberti ("the Applicants" and "the Property Owners") filed a Variance request to remove a 46" DBH Grand Live Oak Tree near an existing single-family residence at 1159 River Road on Johns Island in Charleston County (TMS # 311-00-00-057). Low Residential (R-4) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Truslow made a motion to approve the Variance request with the following conditions: (1) The applicant shall mitigate the removal of the 46 DBH inches by either (a) submitting a mitigation plan for review and approval indicating the installation of canopy trees no smaller than two and one-half (2.5) inches in caliper equaling inch per inch replacement, (b) by depositing funds into the Charleston County Tree Fund as described in Sec. 9.2.6. of the ZLDR, or (c) a combination of both (a) and (b). The allotted mitigation shall be in place prior to its removal; (2) Tree barricades constructed of chain link fencing shall be installed around all protected trees within 40' of disturbance prior to any construction, pursuant to Sec. 9.2.4 of the Charleston County Zoning and Land Development Regulations; and (3) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees within 40' of disturbance through the duration of construction. The applicant shall provide a copy of the Tree Preservation Plan to Zoning Staff for review and approval prior to Zoning Permit approval for construction. Mr. Nelson seconded the motion. Mr. Ray, Mr. Brown, Mr. Jordan, Mr. Neal, Mr. Nelson, Mr. Siedell, Ms. S. Smith, and Mr. Truslow voted in favor of the motion. Ms. J. Smith voted against the motion. The majority of the members present, and voting (8 to 1) voted in favor of motion and therefore the application was granted with the above referenced conditions.

Additional Business

The BZA will hear eight (8) new business cases at the May 5, 2025 BZA Public Hearing that will be held in-person in Council Chambers at 4:00 p.m. Mrs. Werking reminded the board members that the annual continuing education training is self-study and the deadline to finish the training is December 31, 2025.

Adjournment

There being no further business, the board adjourned at 8:03 p.m.

Respectfully submitted,

Jenny J. Werking, AICP
Secretary to the BZA

DRAFT

RECUSAL STATEMENT

Member Name: ROY NEAL

Meeting Date: April 7th 2025

Agenda Item: # 4 Section _____ Number: Case # 02-25-00845

Topic: Variances for Setbacks

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

_____ Professionally employed by or under contract with principal

_____ Owns or has vested interest in principal or property

X Other: Applicant is Sales Manager for a meat company
Vendor (Halpern's) that one of my companies I own
and want to be clear of any issue.

Date: 4/7/2025 _____ ROY D. NEAL
Member

Received by Chair:

[Signature] 4/7/2025
Signature Date