

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE JUNE 6, 2022 MEETING
5:00 P.M.**

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

Members Present

Chair, Mr. William H. Ray, Vice Chair, Mr. Joseph A. Boykin, Mrs. Morgan Asbell, Mr. Ross Nelson, Ms. Tonnia Switzer-Small, Mr. Jesse Williams, and Mr. Robert Woodul

Members Absent

Mr. Bernard Freeman and Mr. Marc Marchant

Staff Members Present

Kelvin Huger, BZA Attorney; Sally Brooks, Planner III; Joshua Downey, Planning Technician II; Savannah Murray, Planner I; Jennifer Stiles, Planner II; and Jenny Werking, Planner II and Secretary for the 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:

- May 20th: Site Visits and Postings were completed by this date.
- May 20th: Letters were mailed to property owners within 300' and to Parties in interest for all cases. These notifications are above and beyond the state requirements.
- May 20th: Notice of this meeting was published in the *Post and Courier*.

The June 6, 2022 BZA meeting was called to order at 5:00 p.m. by Mr. Ray.

Minutes

Mrs. Asbell made a motion to approve the April 4, 2022 meeting minutes. Mr. Nelson seconded the motion. The motion carried unanimously.

Mr. Boykin made a motion to approve the May 2, 2022 meeting minutes. Mrs. Asbell seconded the motion. The motion carried unanimously.

Old Business:

CASE# BZA-01-22-00547

James Southard, Jr. of Bay Light LLC ("the Applicant") and Terri Southard of Bay Light LLC ("the Property Owner") filed a Variance request to allow a 20' wide vehicular accessway from a proposed bridge and a 4' wide walkway to a proposed dock to encroach within the required 35' OCRM Critical Line buffer at 4450 Hagan Road in the St. Pauls Area of Charleston County, TMS # 096-00-00-071. Agricultural Residential (AGR) Zoning District standards apply.

Findings: Staff recommended the board defer the application for up to 90 days. Mr. Nelson made a motion to defer the application for up to 90 days. Mr. Boykin seconded the motion. The motion to defer the application was unanimous and therefore granted.

Ms. Switzer-Small arrived after the vote for the minutes and the vote for the old business case.

New Business:

CASE# BZA-08-21-00516

Julius Brown ("the Applicant" and "the Property Owner") and Ardean Buggs of Acute Construction Group ("the Representative") filed a Variance request to remove eight (8) Grand trees (retroactive request) at 7076 Old Jacksonboro Road in the St. Pauls Area of Charleston County, TMS # 169-00-00-008. Parkers Ferry Community Overlay (Residential Area) 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, §3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Boykin made a motion to approve the Variance with the following conditions: (1) The applicant/property owner shall obtain final plat approval, Zoning Permits, Building Permits, and any other necessary permits/approvals to install the manufactured homes within 90 days of this approval. If permits are not issued within 90 days, the manufactured homes shall be removed from the property until all required permits are obtained; (2) All remaining Grand Trees on the property shall be preserved pursuant to the Charleston County Zoning and Land Development Regulations Ordinance, Article 9.2 Tree Protection and Preservation, Sec. 9.2.4 Required Tree Protection; and (3) The applicant shall mitigate the removal of each tree by replanting at least eight (8) Live Oak Trees with a trunk diameter no less than four inches (4") each. The placement of where these trees are planted on the property will be subject to approval of Staff. The additional total of inches for mitigation may be made up of other such trees as approved by Staff. If it is impracticable to restore the total residual inches beyond those initial eight (8) trees, Staff may negotiate and approve a monetary arrangement in lieu of the additional trees, to deposit funds into the Charleston County Tree Fund as described in Sec. 9.2.6 of the Charleston County Zoning and Land Development Regulations. Mr. Woodul seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-04-22-00573

Craig Condon of Salt Grass Investments, LLC ("the Applicant" and "the Property Owner") and Cameron Baker of CBaker Engineering, LLC ("the Representative") filed a Variance request to remove two (2) Grand Trees for a proposed office/warehouse development at 933 and 925 Dupont Road in the St. Andrews Area of Charleston County, TMS # 351-09-00-008 and 351-09-00-052. Community Commercial (CC) 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, §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 with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; and (2) The applicant shall mitigate the removal 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). Mr. Boykin seconded the motion. Mr. Ray, Mr. Boykin, Mrs. Asbell, Mr. Nelson, Ms. Switzer-Small, and Mr. Woodul voted in favor of the motion. Mr. Williams voted against the motion. Two thirds of the members present and voting (6 to 1), voted in favor of the motion to approve the application. Therefore, the application was approved with the above referenced conditions.

CASE# BZA-04-22-00574

Colleen Lester ("the Applicant" and "the Property Owner") and Chris Bonner of b Studio Architecture ("the Representative") filed a Variance request to reduce the required 35' OCRM Critical Line setback by 20' to 15' at the closest point for a total encroachment area of 1,690 square feet for a proposed elevated swimming pool, proposed decks and steps, and a portion of the proposed residence at 2363 Sol Legare Road on James Island in Charleston

County, TMS # 330-08-00-025. Sol Legare Community Overlay (Residential Area, 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, §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 with the following conditions: (1) Prior to commencing construction, silt fencing shall be installed along the Critical Line. The silt fencing shall be maintained for the duration of the construction; (2) The OCRM Critical Line buffer shall be maintained per Sec. 4.24.7 of the Charleston County Zoning and Land Development Regulations Ordinance; (3) The applicant shall use stormwater mitigation measures, such as the use of rain barrels or rain gardens, to reduce the flow of stormwater into the marsh; and (4) This variance approval shall be limited to the footprint areas of the structures that encroach into the required setback as shown on the submitted site plan. Mrs. Asbell seconded the motion. Mr. Ray, Mr. Boykin, Mrs. Asbell, Mr. Nelson, and Mr. Woodul voted in favor of the motion. Ms. Switzer-Small and Mr. Williams voted against the motion. Two thirds of the members present and voting (5 to 2), voted in favor of the motion to approve the application. Therefore, the application was approved with the above referenced conditions.

CASE# BZA-04-22-00575

Colleen Lester ("the Applicant" and "the Property Owner") and Chris Bonner of b Studio Architecture ("the Representative") filed a Variance request to locate a detached accessory structure (swimming pool) in front of the principal structure at 2363 Sol Legare Road on James Island in Charleston County, TMS # 330-08-00-025. Sol Legare Community Overlay (Residential Area, 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, §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 with the following condition: (1) The proposed swimming pool shall be screened from the road by maintaining the existing vegetation along Sol Legare Road. Mr. Boykin seconded the motion. Mr. Ray, Mr. Boykin, Mrs. Asbell, Mr. Nelson, and Mr. Woodul voted in favor of the motion. Ms. Switzer-Small and Mr. Williams voted against the motion. Two thirds of the members present and voting (5 to 2), voted in favor of the motion to approve the application. Therefore, the application was approved with the above referenced condition.

CASE# BZA-04-22-00576

Paul St. Clair (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 10 Rosedale Drive in the St. Andrews Area of Charleston County, TMS # 418-14-00-171. 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. Mrs. Asbell made a motion to approve the Special Exception with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the STRP, Limited Site Plan Review process; (2) The use shall comply with all requirements of Article 6.8; (3) This property shall not be used as a Short-Term Rental for more than 144 days in aggregate during any calendar year; and (4)The property owner shall be responsible for ensuring that tenants comply with the Charleston County Noise Ordinance. Mr. Woodul seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

The BZA had a 10-minute recess

CASE# BZA-04-22-00577

Lilibeth C. Souvannarat ("the Applicant" and "the Property Owner") filed a Special Exception request to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Special Management (S-3) Zoning District at 1564 Highway 41 in the East Area of Charleston County, TMS # 583-00-00-118. 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 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. Boykin 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 73 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; (5) The applicant shall receive approval from the Charleston County Historic Preservation Commission before the property can be used as a Short-Term Rental; and (6) The applicant must install a fence, or other physical barrier such as a landscape buffer, to obstruct ingress/egress between the subject property and the adjacent property (TMS # 583-00-00-010), to prevent ongoing conflicts and any potential conflicts regarding renters trying to access the subject property through the adjacent property. In addition, the subject property driveway must be accessible to renters to prevent renters from trying to access through the adjacent property. Mr. Nelson seconded the motion. Mr. Boykin, Mr. Nelson, Ms. Switzer-Small, and Mr. Woodul voted in favor of the motion. Mr. Ray, Mrs. Asbell, and Mr. Williams voted against the motion. The majority of the members present, and voting voted in favor of the motion. Therefore, the application was approved with the above referenced conditions.

CASE# BZA-04-22-00578

Jeanie Bennee Wallace ("the Applicant" and "the Property Owner") and Joy Harkins ("the Representative") filed a Variance request to reduce the required 50' front/street setback measured from the edge of the ingress/egress line by 15' to 35' for a proposed residence at 1420 Chandler Road in the East Area of Charleston County, TMS # 615-00-00-371. Rural Residential (RR) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, §3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mrs. Asbell made a motion to approve the Variance. Mr. Nelson seconded the motion. The motion to approve the application was unanimous and therefore granted.

Additional Business

The BZA will hear one old business case and ten new business cases at the July 11, 2022 BZA public hearing that will be held in-person in Council Chambers. The board agreed to change the start time to 4:00 p.m. contingent on the Planning Commission changing their start time on July 11th. 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, 2022.

Adjournment

There being no further business, the board adjourned at 8:24 p.m.

Respectfully submitted,

Jenny J. Werking, AICP
Secretary to the BZA