

**CHARLESTON COUNTY  
BOARD OF ZONING APPEALS (BZA)  
SUMMARY OF THE MARCH 6, 2023 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. Ross Nelson, Mr. AD Jordan, Mr. Marc Marchant, Mr. Robert Siedell, Ms. Tonnia Switzer-Small, Mr. Doug Truslow, and Mr. Jesse Williams

**Staff Members Present**

Kelvin Huger, BZA Attorney; Sally Brooks, Planner III; Genesis Clark, Planning Technician II; Joshua Downey, Planning Technician II; Trent Simmons, Intern; Jennifer Stiles, Planner II; and Jenny Werking, Planner III 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:

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| February 17 <sup>th</sup> : | Site Visits and Postings were completed by this date.  |
| February 17 <sup>th</sup> : | Letters were mailed to property owners within 500' for the Special Exception request for the sale of alcoholic beverages onsite (beer, wine, and liquor), within 300' for all other requests, and to Parties in interest for all cases. These notifications are above and beyond the state requirements. |
| February 17 <sup>th</sup> : | Notice of this meeting was published in the <i>Post and Courier</i> .  |

The March 6, 2023 BZA meeting was called to order at 5:00 p.m. by the Chair, Mr. William H. Ray.

**Minutes**

Mr. Siedell made a motion to approve the February 6, 2023 meeting minutes. Mr. Williams seconded the motion. The motion carried unanimously.

**Old Business**

**CASE# BZA-07-22-00594**

Joyce Capers ("the Applicant" and "the Property Owner"), and Capers G. Barr III of Barr, Unger and McIntosh LLC ("the Representative") filed a Variance request for retroactive Grand Tree removal and to eliminate or to substantially reduce the mitigation required pursuant to the *Charleston County Zoning and Land Development Regulations Ordinance* for a 36" DBH Grand Live Oak Tree that was removed in violation of the Ordinance at 2182 Gulf Drive in the East Area of Charleston County, TMS # 577-05-00-004. MP-O, Mount Pleasant Overlay, Sweetgrass Basket Stand Special Consideration Area (Residential Area) Zoning District standards apply.

Findings: Mrs. Werking stated that on November 7, 2022, the BZA deferred this Variance request for up to 90 days to allow the applicant to submit a survey of the property showing all existing Grand Trees, the Grand Tree removed, and the Grand Tree canopies (existing and removed), and all required setbacks. In addition, the board requested a property value appraisal estimate of the property with the Grand Tree in the center, versus the worth of the property now the tree has been removed. Mrs. Werking stated that she supports the request to defer the application but plans on scheduling the case for the April or May BZA agenda even if the applicant does not provide the information requested by the board in November. Mr. Nelson made a motion to defer the Variance application. Mr. Siedell seconded the motion. The motion passed unanimously. Therefore, the application was deferred for up to 90 days.



## **New Business**

### **CASE# BZA-01-23-00643**

Brenda Faulk of Devine Child Care Center ("the Applicant" and "Property Owner") and Shane Seagraves of CDI Head Start ("the Representative") filed a Variance request to install a fence (6' high chain link fence) within the required right-of-way landscape buffer at 4004 Dorchester Road in the North Area of Charleston County, TMS # 411-11-00-188. Community Commercial (CC) Zoning District standards apply.

Findings: After hearing the Staff Review, 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. Williams made a motion to approve the Variance request. Mr. Siedell seconded the motion. Mr. Ray, Mr. Nelson Mr. Jordan, Mr. Siedell, Ms. Switzer-Small, Mr. Truslow, and Mr. Williams voted in favor of the motion to approve the variance. Mr. Marchant abstained. A majority of the members present, and voting (7 to 1), voted in favor of the motion to approve the application. Therefore, the application was granted.

### **CASE# BZA-01-23-00644**

William Donahue of Riverbend Property Owner's Association, Inc., c/o Toll Southeast LP Company, Inc. ("the Applicant" and Property Owner") and Mark Fields of Toll Southeast LP Company, Inc. ("the Representative") filed a Variance request to remove one Grand Tree and to encroach more than twenty-five percent (25%) of the protected area of four (4) Grand Trees. The Grand Trees are located within the Riverbend Drive Right-of-way near TMS # 334-04-00-026, 334-04-00-027, 334-04-00-028, and 334-04-00-029 on James Island in Charleston County. Manufactured Housing Park (MHP) 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 request with the following conditions: (1) The applicant shall mitigate the removal of the 28" DBH Grand Live Oak 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 removal; (2) 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 Regulation*; (3) 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; and (4) If any of the four (4) 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. Ms. Switzer-Small seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

### **CASE# BZA-01-23-00648**

Tripp Moyer ("the Applicant"), Richard McCaskill ("the Property Owner"), and Bob Almirall of the Reveer Group ("the Representative") filed a variance request to prune four (4) Grand Trees more than 25% for proposed soccer fields at 5050 Highway 17 North in the East Area of Charleston County, TMS # 629-00-00-206. Highway 17 North Corridor Overlay Zoning District: Seewee Road Business/Service Node 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. Marchant made a motion to approve the Variance request with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; (2) Prior to the zoning permit approval for site construction, the applicant shall install tree barricades around all Grand and Protected trees to be preserved pursuant to Sec. 9.2.4 of the Charleston County Zoning and Land Development Regulations; and 3) The applicant shall mitigate the pruning of the four (4) requested trees by providing documentation from a Certified Arborist engaged by the applicant to treat and prune these trees as prescribed. If any of these trees die within up to 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. Ms. Switzer-Small seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

**CASE# BZA-01-23-00647**

Tripp Moye ("the Applicant"), Richard McCaskill ("the Property Owner"), and Bob Almirall of the Reveer Group ("the Representative") filed a variance request for proposed soccer fields: To allow ingress/egress access from Highway 17 North, and access drive width to exceed 30' wide; To exceed the maximum 19' pole height requirement by 51' to 70' for soccer field lighting; and To locate off-street parking spaces in front of the proposed soccer fields along Highway 17 North and Guerins Bridge Road at 5050 Highway 17 North Road in the East Area of Charleston County, TMS # 629-00-00-206. Highway 17 North Corridor Overlay Zoning District: Seewee Road Business/Service Node 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. Marchant made a motion to approve the Variance request with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; (2) The applicant shall install an architectural wall or fence a minimum of 36 inches in height around the perimeter of the parking area that fronts Highway 17 North. The Planning Director shall review and approve the wall or fence design before installation and prior to Site Plan Review approval; and (3) The 50' right-of-way buffer from Highway 17 North and 20' right-of-way buffer from Guerins Bridge Road shall be installed and maintained as required by Ordinance. Mr. Jordan 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-01-23-00646**

Kevin Coffey of Lowcountry Land Development Consultants, LLC ("the Applicant"), and Pierce Cauthen and Brian Harvin of River Run Development, LLC ("the Property Owners") filed a Variance request to reduce the required 75' right-of-way landscape buffer along River Road by 40' to 35' for a proposed 10 lot subdivision at 2501 River Road on Johns Island in Charleston County, TMS # 317-00-00-012. 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, §3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had not been satisfied. Ms. Switzer-Small made a motion to deny the Variance request stating that the



application did not meet criteria 6. Mr. Williams seconded the motion. The motion to deny the application was unanimous. Therefore, the application was disapproved.

**CASE# BZA-01-23-00649**

John Douglas Allison of CHS Golf LLC ("the Applicant"), Teddy M. Hendricks of Expressway Center LLC ("the Property Owner") and Mark Peper of Peper Law Firm ("the Representative") filed a Special Exception request for the sale of alcoholic beverages onsite (beer, wine, and liquor) located at 1919 Savannah Highway in the St. Andrews Area of Charleston County, TMS # 350-05-00-056. Dupont-Wappoo Area Overlay (Community Commercial) 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 3.6 Special Exceptions, §3.6.5 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Ms. Switzer-Small made a motion to approve the Special Exception with the following conditions: (1) The applicant shall meet all requirements of the State of South Carolina for alcoholic beverage sales and provide proof of State approval to Zoning and Planning Staff, prior to Zoning Permit approval for the use; and (2) The days and hours of operation for alcohol sales shall not exceed Monday to Thursday from 11:00 a.m. to 9:00 p.m., Friday and Saturday 11:00 a.m. to 10:00 p.m., and Sunday 11:00 a.m. to 7:00 p.m. Mr. Williams seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

**Additional Business**

The BZA will hear eight (8) new business cases at the April 3, 2023, BZA Public Hearing that will be held in-person in the Council Committee Room at 5:00 p.m. Mrs. Werking recognized Mr. Jordan for completing the mandatory 6-hour orientation training. New members, that are not exempt, are required to finish the mandatory 6-hour orientation training within a year of their appointment date. Mrs. Werking stated that the board members and staff received 1.5 hours of continuing education training at the BZA's Annual Business Meeting held prior to the public hearing. She reminded the board members that the annual continuing education (CE) training is self-study and the deadline to finish the training is December 31, 2023. The board adopted the revised 2023 application filing deadlines and public hearing schedule adding a Special BZA meeting on June 26, 2023, to hear STRP Amortization Special Exception cases only.

**Adjournment**

There being no further business, the board adjourned at 8:33 p.m.

Respectfully submitted,

Jenny J. Werking, AICP  
Secretary to the BZA