

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE SEPTEMBER 12, 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, Mr. Bernard Freeman, Mr. AD Jordan, Mr. Marc Marchant, Mr. Ross Nelson, Ms. Tonnia Switzer-Small, Mr. Jesse Williams, and Mr. Robert Woodul

Members Absent

Staff Members Present

Kelvin Huger, BZA Attorney; Leah Applewhite, Planning Technician II; 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:

- August 26th: Site Visits and Postings were completed by this date.
- August 26th: 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.
- August 26th: Notice of this meeting was published in the *Post and Courier*.

The September 12, 2022 BZA meeting was called to order at 5:00 p.m. by Mr. Ray.

Minutes

Mr. Woodul made a motion to approve the August 1, 2022 meeting minutes. Mr. Marchant seconded the motion. The motion carried unanimously.

Old Business:

CASE# BZA-05-21-00497

Carly Paume of Maison Paume LLC ("the Applicant" and "the Property Owner") requests an amendment to condition # 3 (hours of operation 10:00 a.m. to 10:00 p.m.) to change the hours of operation to 8:00 a.m. to 10:00 p.m. at 652 Saint Andrews Boulevard (TMS # 418-15-00-032) in the St. Andrews Area of Charleston County. A Special Exception application for the sale of alcoholic beverages onsite (beer, wine, and liquor) in a restaurant in the St. Andrews Area Overlay (Community Commercial, CC) Zoning District was approved with conditions on July 12, 2021.

Findings: Mr. Nelson made a motion to amend condition # 3 to state: "The days and hours of operation for the restaurant shall not exceed Sunday through Saturday 8:00 a.m. to 10:00 p.m." The motion was seconded by Mr. Boykin. The motion to amend condition # 3 carried unanimously.

New 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 "to eliminate or to substantially reduce" the mitigation required pursuant to the Charleston County Zoning and Land Development Regulations Ordinance for a Grand 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
Zoning District standards apply.

Findings: Mrs. Werking announced that the applicant has requested to have the case postponed until November.

CASE# BZA-07-22-00595

Kory Kitchens ("the Applicant" and "the Property Owner") filed a Special Exception request to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Sol Legare Community Overlay (Residential Area, Special Management [S-3]) Zoning District at 2173 Sol Legare Road on James Island in Charleston County, TMS # 330-09-00-008. Sol Legare Community Overlay (Residential Area, Special Management [S-3]) Zoning District 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. Ms. Switzer-Small 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. Marchant seconded the motion. The motion to approve the application was unanimous. Therefore, the application was approved with the above referenced conditions.

CASE# BZA-07-22-00596

Eugene J. Villeponteaux ("the Applicant" and "the Property Owner") filed a Variance request to reduce the required 10' rear setback by 2.6' to 7.4' and the required 5' interior side setback by 0.7' to 4.3' to convert an existing detached accessory structure (garage) into an Accessory Dwelling Unit (ADU) at 2157 Coker Avenue on James Island in Charleston County, TMS # 343-01-00-068. 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 been satisfied. Mr. Freeman made a motion to approve the Variance request. Mr. Woodul seconded the motion. The motion to approve the application was unanimous. Therefore, the application was approved.

CASE# BZA-07-22-00597

Eugene J. Villeponteaux ("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 2159 Coker Avenue on James Island in Charleston County, TMS # 343-01-00-068. 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. Marchant made a motion to approve the Special Exception request 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) If the ADU setback Zoning Variance (BZA-07-22-00597) is approved and all applicable permits are obtained to convert the structure, the applicant/property owner may apply for Limited Site Plan Review and a Special Exception if they would like to use the ADU as a Short-Term Rental in the future. Mr. Nelson seconded the motion.

The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-08-22-00599

Michael McAlhany of MMJO, LLC ("the Applicant" and "the Property Owner") and Thomas Martin of Earthsource Engineering ("the Representative") filed a Variance request to reduce the required 25' (Type C land use buffer) by 12.5' to 12.5' (Type B land use buffer) on both sides of the property for the encroachment of a proposed building, parking, and vehicular use area at 2851 Maybank Highway on Johns Island in Charleston County, TMS # 313-00-00-151. JO-MHC-O, Johns Island Maybank Highway Corridor Overlay (Mixed-Use) 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. Mr. Boykin made a motion to deny the Variance request stating that the application did not meet criteria 1, 3, 4, or 6. Mr. Williams seconded the motion. Mr. Ray, Mr. Boykin, Mr. Freeman, Mr. Marchant, Ms. Switzer-Small, and Mr. Williams voted in favor of the motion. Mr. Jordan, Mr. Nelson, and Mr. Woodul voted against the motion. Two thirds of the members present, and voting (6 to 3), voted in favor of the motion to deny the application. Therefore, the application was disapproved.

The BZA had a 10-minute recess

CASE# BZA-08-22-00600

Katherine A. McDonald and Bobbie M. Tumbleston of MTG Properties, LLC ("the Applicants" and "the Property Owners") 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 1778 Hazan Court in the East Area of Charleston County, TMS # 558-00-00-370. 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. Nelson made a motion to approve the Special Exception request 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; 9; (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. Boykin seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-08-22-00601

Tom Butz of Latitude Holdings, LLC ("the Applicant" and "the Property Owner") and Scott Varn ("the Representative") filed a Variance request to reduce the required 50' OCRM Critical Line setback by 15' to 35' at the closest point for a portion of the proposed swimming pool at 3750 Gnarled Oaks Lane on Johns Island in Charleston County, TMS # 260-00-00-112. Rural Agricultural (AG-8) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, Mr. Boykin made a motion to have discussion before making a motion. Mr. Williams seconded the motion and it carried unanimously. Following discussion, 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. Mr. Boykin made a motion to deny the Variance request stating that the application did not meet criteria 3 or 6. Mr. Marchant seconded the motion. The motion to deny the application was unanimous. Therefore, the application was disapproved.

Additional Business

The BZA will hear nine new business cases at the October 3, 2022 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, 2022.

Adjournment

There being no further business, the board adjourned at 7:52 p.m.

Respectfully submitted,

Jenny J. Werking, AICP
Secretary to the BZA