



Case # BZA-05-25-00865

Charleston County BZA Meeting of July 7, 2025

Applicant/Property Owner:	Roger Hunt of Stanley Martin Homes, LLC
Representative:	Andrew Todd-Burke of Kimley-Horn
Property Location:	10165 and 10191 Highway 78 and 3221 Von Ohsen Road – North Area
TMS#:	388-00-00-116, -118, -119, -139, -163, -177 -178, -443, and -581
Zoning District:	Elms Glen Planned Development (PD-184) Zoning District

Request:

Variance request to remove three (3) Grand Trees and to encroach a Grand Tree more than twenty-five percent (25%) of the protected root zone area and within a restricted area three times the DBH (Critical Root Zone) for a proposed subdivision (Elms Glen Subdivision, Phase 2).

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.1 General states,

C. Definition of "Tree Removal." For the purpose of this Article, the term "Tree Removal" shall include, but not be limited to, damage inflicted to the root system by machinery; girdling; storage of materials and soil compaction, changing the natural Grade above or below the root system or around the trunk; damage inflicted on the Tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; excessive paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the Tree; excessive grading; or any act of malicious damage to a Tree. Pruning or thinning more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature Tree that is pruned within a growing season shall be considered excessive. Paving or grading more than 25 percent of the root zone of the Tree protection area shall also be considered excessive. Additionally, one-half of the foliage of a mature Tree is to remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning. The final determination of Tree Removal shall be made by the Zoning and Planning Director."

Sec. 9.2.4.C. Required Tree Protection 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."

Sec. 9.2.5.B. Tree Removal states, "Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees."



CHAPTER 9 | DEVELOPMENT STANDARDS

ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

Sec. 9.2.1 General

A. Trees are essential natural, invaluable economic, and priceless aesthetic resources. They play a critical role in purifying air and water, providing wildlife habitat, enhancing natural drainage, and managing stormwater and sediment. They also help conserve energy by providing shade and shield against noise and glare. Trees promote commerce and tourism by buffering different land uses and beautifying the landscape. For these and other reasons, this Article is intended to enhance the health, safety and welfare of Charleston County and its citizens and visitors.

B. Applicability and Exemptions.

1. The provisions of this Article apply to all real property in unincorporated Charleston County, except as otherwise expressly exempted.
2. The following are exempt from the provisions of this Article:
 - a. Single-family detached residential Lots of record are exempt except for those relating to Grand Tree documentation, protection and replacement. This does not exempt applications for Major or Minor Subdivisions from the requirements of Sec. 9.4.4, *Landscape Buffers*.
 - b. This Article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing Utility lines, and existing Easements in accordance with applicable state laws. Siting and construction of future gas, telephone, communications, electrical lines, or other Easements shall not be exempt from the provisions of this Article.
 - c. Removal of Trees for “bona fide forestry operations” shall comply with state law.
 - d. Removal of Trees for Bona Fide Agricultural Uses pursuant to Sec. 3.8.2, *Exemptions, Sub-Paragraph A*, provided this exemption does not apply to the Grand Tree documentation, protection, and replacement requirements of this Ordinance.
 - e. Removal of Trees associated with relocating the OCRM Critical Line pursuant to 4.24.4.C, except Grand Tree removal, shall be mitigated inch per inch pursuant to section 9.2.6 of this Ordinance.
 - f. Removal of Trees for safe clearance of aircraft as required by federal law or the establishment of facilities exclusively dedicated to Aviation operations are exempt.
 - g. Removal of Trees on properties in the Industrial (IN) District pursuant to the following conditions:
 - i. Tree removal shall not occur prior to Site Plan Review approval;
 - ii. This exemption does not apply to Live Oak species of Grand Trees or any Protected Trees within required buffers and Parking Lots; and
 - iii. A mitigation plan for Grand Trees, Protected Trees, and any Trees removed in violation of this Ordinance is required pursuant to Sec. 9.2.6, *Tree Replacement*, prior to Site Plan Review approval.
3. The South Carolina Department of Transportation (SCDOT), when exercising its authority over the construction, maintenance, and operation of the state highway system, shall be exempt from the provisions of this Article. Notwithstanding the foregoing exemption, SCDOT, when using real property as owner or tenant, is subject to the provisions of this Article.
4. The Charleston County Public Works Department (CCPW) shall be exempt from the provisions of this Article except Section 9.2.3, *Tree Plans and Surveys*, and Section 9.2.4, A, B, D, and E, *Required Tree Protection*, with the following conditions:
 - a. Grand Trees other than Live Oak species in all present and proposed Rights-of-Way and Easements not located on a Scenic Highway are protected but may be permitted administratively for removal.
 - b. Protected Trees located on a Scenic Highway and Live Oak species of Grand Trees may be approved for removal by Charleston County Council as part of a CCPW initiated road or drainage project. In such cases, County Council shall hold a Public Hearing for the request prior to final approval.



- c. The project is under review within the County's Limited Site Plan Review Process and in an approvable state.
- d. Protected Trees located on a Scenic Highway that are Impacted within CCPW road projects shall be mitigated pursuant to Section 9.2.6.D, *Tree Replacement*. To the greatest extent possible, the replacement trees shall be planted in the same general area to provide a replacement tree canopy. A tree mitigation plan shall be provided as part of the County Council approval process.
- e. Grand Trees that are Impacted within CCPW road projects shall be mitigated pursuant to Section 9.2.6.D, *Tree Replacement*. To the greatest extent possible, the replacement trees shall be planted in the same general area to provide a replacement tree canopy. A tree mitigation plan shall be provided as part of the County Council approval process.

C. Definition of "Tree Removal." For the purpose of this Article, the term "Tree Removal" shall include, but not be limited to, damage inflicted to the root system by machinery; girdling; storage of materials and soil compaction, changing the natural Grade above or below the root system or around the trunk; damage inflicted on the Tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; excessive paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the Tree; excessive grading; or any act of malicious damage to a Tree. Pruning or thinning more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature Tree that is pruned within a growing season shall be considered excessive. Paving or grading more than 25 percent of the root zone of the Tree protection area shall also be considered excessive. Additionally, one-half of the foliage of a mature Tree is to remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning. The final determination of Tree Removal shall be made by the Zoning and Planning Director.

D. Measurements and Definitions.

- 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.
- 5. All Trees six inches DBH and greater located within a designated Scenic Road Right-of-Way shall require protection as Protected Trees pursuant to the Protected Tree requirements of this Ordinance.

Effective on: 2/27/2024, as amended



CHAPTER 9 | DEVELOPMENT STANDARDS

ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

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 foot 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. Properties within the Industrial (IN) District may elect to mitigate the removal of these Protected Trees, as described in Sec. 9.2.6.D, with the exception that all Grand trees and any required Buffer tree measuring eight inches (8") or greater shall be preserved. On properties in the IN District that elect to mitigate the removal of these Protected Trees and where the planting of canopy trees is required within Buffers and other landscaping, screening, and buffer areas, canopy trees shall be a minimum of four inch (4") caliper.

1. 20 Trees per acre; or
2. Any number of Trees with a combined DBH of at least 160 inches per acre.



CHAPTER 9 | DEVELOPMENT STANDARDS

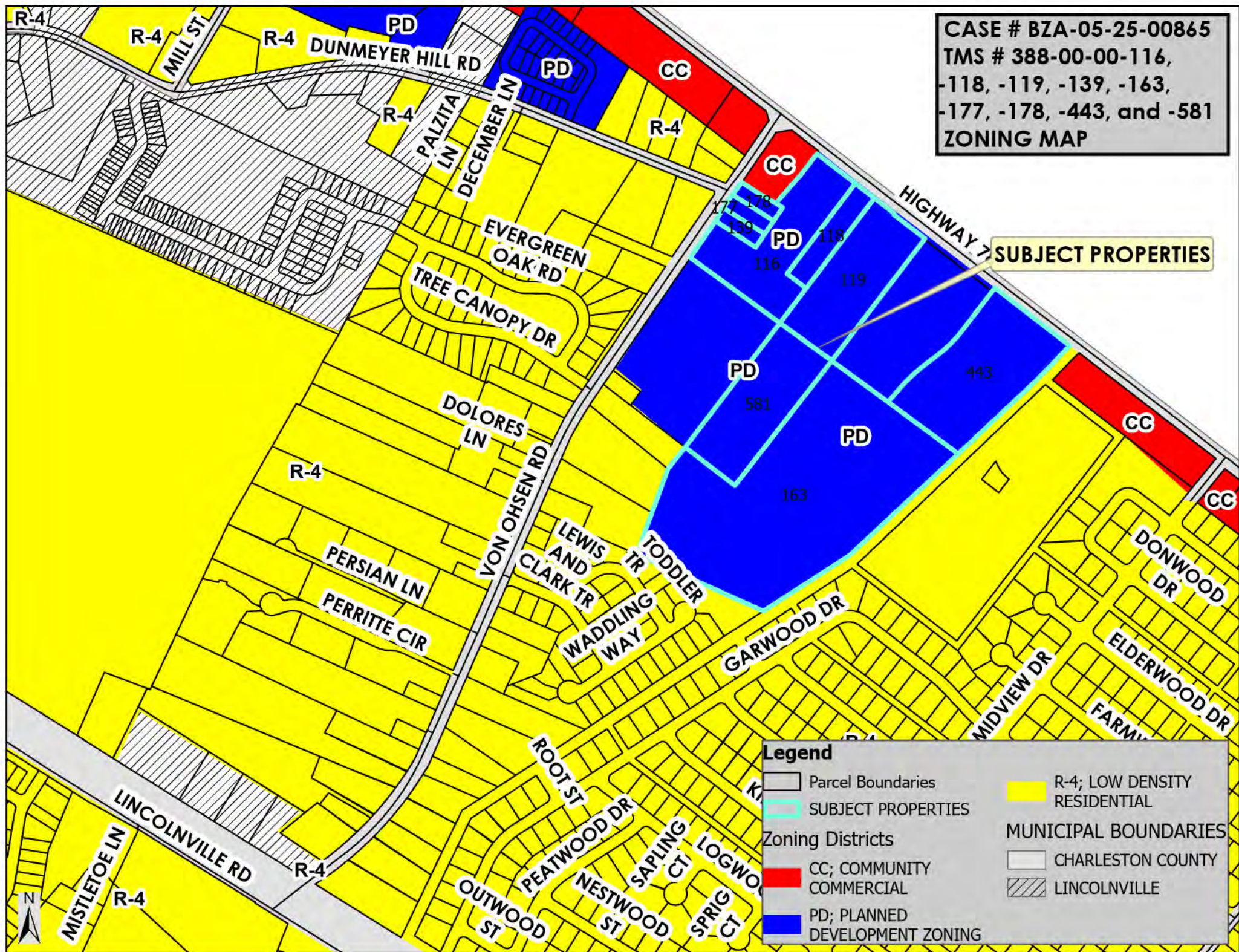
ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

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.
 - 2. Trees are diseased, dead, or dying. Documentation may be submitted by a qualified tree care professional and approved by the Zoning and Planning Director;
 - 3. Trees pose an imminent safety hazard to nearby Buildings, pedestrian, or vehicular traffic (as determined by the Zoning and Planning Director or a qualified construction professional); or
 - 4. Removal of Required Trees has been approved by the Board of Zoning Appeals.
- B. Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees.
- C. In the event that a Tree poses a serious and imminent threat to public safety due to death, disease, or damage resulting from emergencies including, but not limited to, fires, flooding, storms, and natural disasters, the Zoning and Planning Director may waive requirements of this Article. Documentation shall later be submitted for review outlining the threat to public safety which initiated the removal. Documentation must include any written findings by a qualified professional and photographs supporting the Tree Removal emergency.
- D. The Zoning and Planning Director may require replacement of Required Trees that are removed where it is determined that death or disease resulted from negligence.
- E. Violations and penalties are specified in [CHAPTER 11, Violations, Penalties, and Enforcement](#), of this Ordinance.

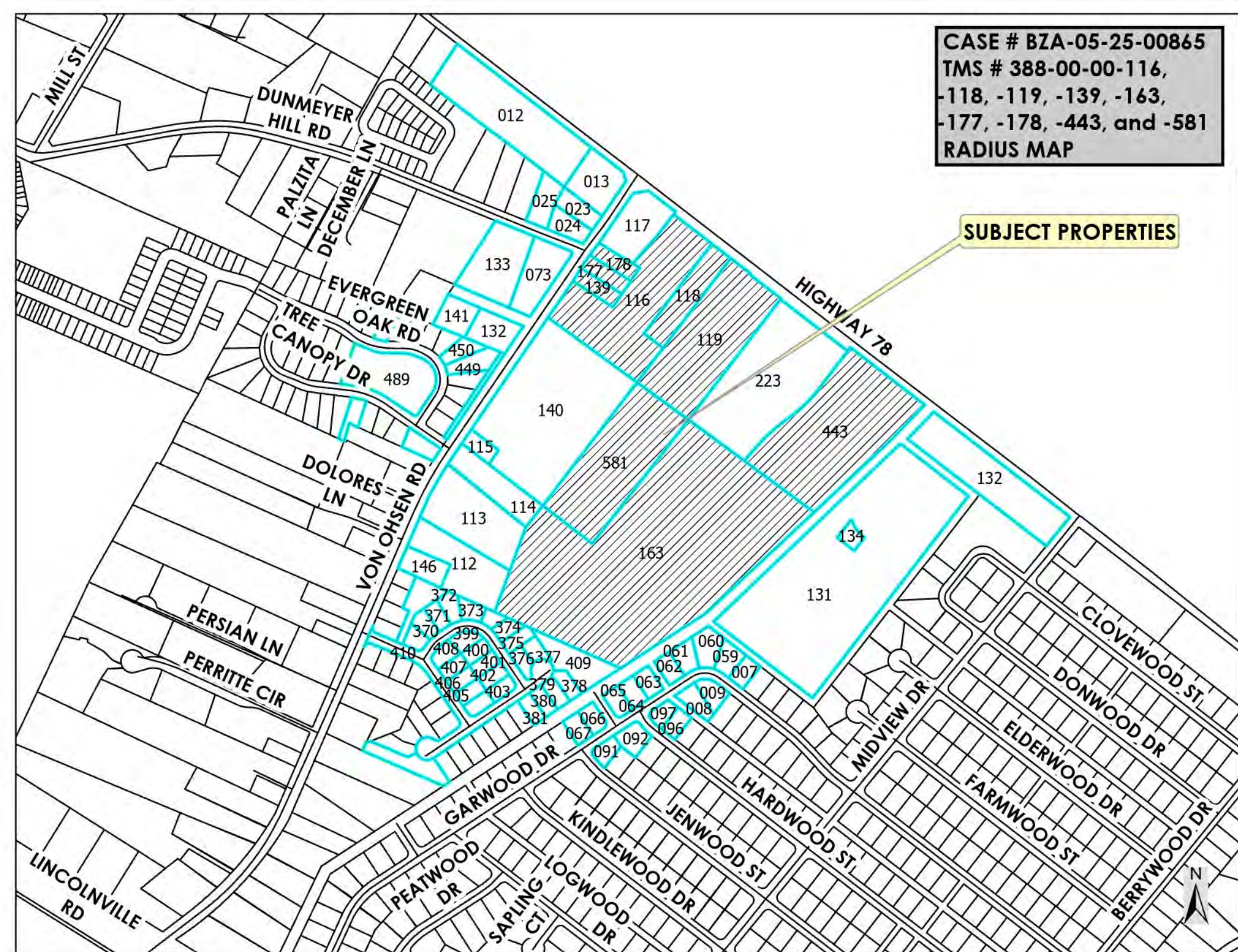
CASE # BZA-05-25-00865
TMS # 388-00-00-116,
-118, -119, -139, -163,
-177, -178, -443, and -581
ZONING MAP

SUBJECT PROPERTIES



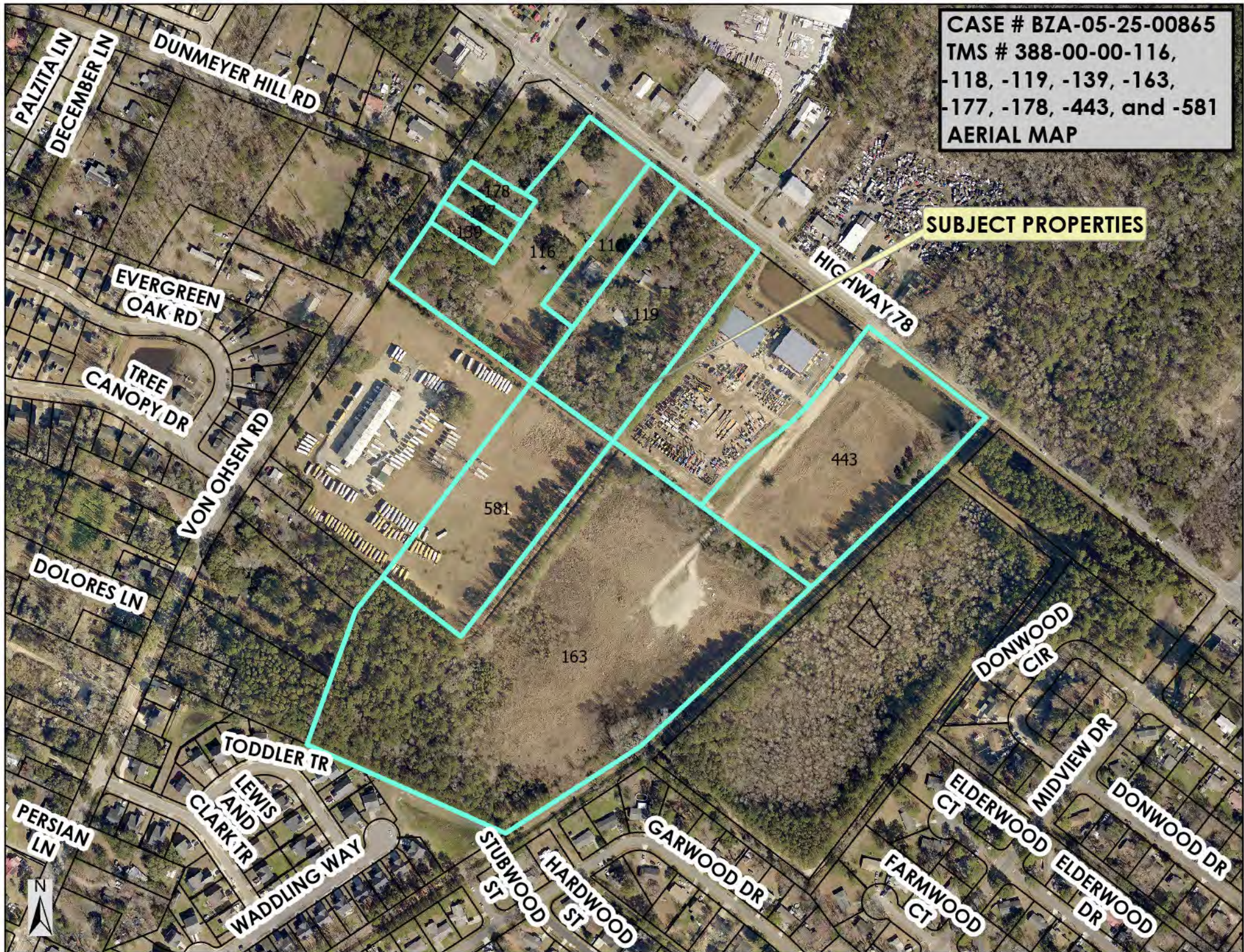
CASE # BZA-05-25-00865
TMS # 388-00-00-116,
-118, -119, -139, -163,
-177, -178, -443, and -581
RADIUS MAP

SUBJECT PROPERTIES



CASE # BZA-05-25-00865
TMS # 388-00-00-116,
-118, -119, -139, -163,
-177, -178, -443, and -581
AERIAL MAP

SUBJECT PROPERTIES



Case # BZA-05-25-00865

BZA Meeting of July 7, 2025

Subject Property: 10165 & 10191 Hwy 78 & 3221 Von Ohsen Rd – North Area

Proposal: Variance request to remove three (3) Grand Trees and to encroach a Grand Tree more than 25% of the protected root zone area and within a restricted area 3 x's the DBH (Critical Root Zone) for a proposed subdivision (Elms Glen Subdivision, Phase 2).



24" DBH Laurel Oak - Remove Grade B per Staff Arborist

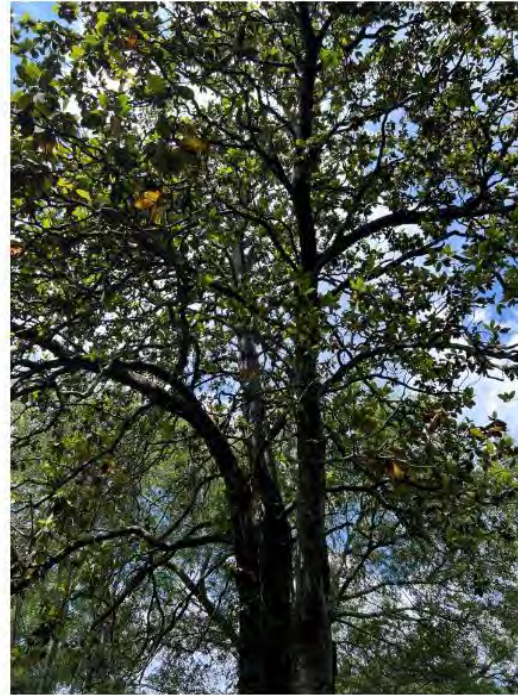
TREE PICTURE INVENTORY
ELMS GLEN



#13 – “C” 24” LAUREL OAK - REMOVE

36.5" DBH Magnolia - Remove Grade C+ per Staff Arborist

TREE PICTURE INVENTORY
ELMS GLEN



#37 – “C+” 36.5” MAGNOLIA - REMOVE

27"/37.5" DBH Live Oak - Remove Grade B per Staff Arborist

TREE PICTURE INVENTORY
ELMS GLEN



#80 – “C” 27/37.5” LIVE OAK - REMOVE

23"/25"/35" DBH Live Oak – Encroach 91% Grade B per Staff Arborist



Subject Properties



Subject Properties



Staff Review:

The applicant and property owner, Roger Hunt of Stanley Martin Homes, LLC, represented by Andrew Todd-Burke of Kimley-Horn, are requesting a variance to remove three (3) Grand Trees and to encroach a Grand Tree more than twenty-five percent (25%) of the protected root zone area and within a restricted area three times the DBH (Critical Root Zone) for a proposed subdivision (Elms Glen Subdivision, Phase 2) at 10165 and 10191 Highway 78 and 3221 Von Ohsen Road (TMS # 388-00-00-116, -118, -119, -139, -163, -177, -178, -443, and -581) in the North Area of Charleston County.

The subject properties are located in the Elms Glen Planned Development (PD-184) Zoning District. Surrounding properties are located in the Community Commercial (CC) and Low Density Residential (R-4) Zoning Districts.

<u>Tree # and Location</u>	<u>Tree Size & Species</u>	<u>Tree Grade</u> <u>Staff / Applicant's Arborist</u>
Tree # 13, TMS # -163 REMOVE	24" Laurel Oak	B / C
Tree # 37, TMS # -119 REMOVE	36.5" Magnolia	C+ / C+
Tree # 80, TMS # -177 REMOVE	27"/37.5" Live Oak	B / C
Tree # 75, TMS # -177/-178 ENCROACH 91%	23"/25"/35" Live Oak	B

The applicant is currently in the site plan review process (ZSPR-10-24-01080) and the subdivision process (SBDV-01-24-0266) for review of 217 proposed lots (Elms Glen Subdivision, Phase 2) on a combined 38.71-acre tract.

The applicant's letter of intent explains, *"The proposed development for the currently vacant site consists of single-family residences, which requires the removal of 2 mature trees with a "C" rating and 1 mature tree with a "B" rating to accommodate construction and infrastructure. Other impacts to Grand Trees will not exceed 25%, except where the existing impacts are already above that threshold. The plan strategically integrates amenity spaces where the preservation of significant trees is prioritized. A variance is requested to permit the necessary initial tree removal for site development, allowing for the intended residential use while retaining mature trees within designated amenity areas. See attached Tree Impacts Exhibit and Photo Inventory as reference."*

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. 9.2.1 General states, C. Definition of "Tree Removal." For the purpose of this Article, the term "Tree Removal" shall include, but not be limited to, damage inflicted to the root system by machinery; girdling; storage of materials and soil compaction, changing the natural Grade above or below the root system or around the trunk; damage inflicted on the Tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; excessive paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the Tree; excessive grading; or any act of malicious damage to a Tree. Pruning or thinning more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature Tree that is pruned within a growing season shall be considered excessive. Paving or grading more than 25 percent of the root zone of the Tree protection area shall also be considered excessive. Additionally, one-half of the foliage of a mature Tree is to remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning. The final determination of Tree Removal shall be made by the Zoning and Planning Director."

Sec. 9.2.4.C. Required Tree Protection 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."**

Sec. 9.2.5.B. Tree Removal states, **"Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees."**

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.

Staff conducted a site visit of the subject property on June 16, 2025. 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 are no extraordinary and exceptional conditions pertaining to the 38.71-acre tract. Therefore, the request does not meet this criterion. However, the **applicant's letter of intent** contends, *"The existing vacant property necessitates the removal of mature trees to facilitate the proposed residential development. This is a consequence of the site's present condition and the spatial requirements for the planned single-family dwellings, internal circulation, and essential infrastructure. Although the development strategy incorporates the retention of significant trees within strategically designed amenity areas, the initial transformation of this currently unoccupied land represents an exceptional circumstance where tree removal is a prerequisite for any comprehensive site development plan to occur."*

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

Response: These conditions generally apply to other properties in the vicinity. Therefore, the request does not meet this criterion. However, the **applicant's** letter of intent contends, *"These conditions are unique to the subject property. The surrounding vicinity has already undergone development, and therefore does not present the same situation of requiring the removal of mature trees to facilitate initial construction."*

§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. 9.2.1.C. Definition of “Tree Removal, Sec. 9.2.4.C. and Sec. 9.2.4.E. Required Tree Protection and Sec. 9.2.5.B. Tree Removal to the subject properties does not unreasonably restrict the utilization of the properties because the 38.71-acre tract can be subdivided/developed without Grand Tree removal and encroachment variances. Therefore, the request does not meet this criterion. However, the **applicant's letter of intent** contends, “The vacant subject property requires the removal of grand trees for its development, unlike the already developed surrounding area; therefore, strictly applying a tree preservation ordinance without considering this condition would unreasonably restrict the property's viable use for its intended purpose of single-family housing.”

§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: Authorization of this variance request may not be of substantial detriment to adjacent properties or to the public good if the Grand Trees are mitigated. Therefore, the character of the Elms Glen Planned Development (PD-184) Zoning District may not be harmed. However, since Tree # 75 (23”/25”/35” **Live Oak**) measures 91% encroachment it meets the ZLDR definition of “Tree Removal” and it is unlikely to survive. **The applicant's** letter of intent states, “Authorizing a variance for this property will not be a substantial detriment to adjacent properties or the public good, nor will it harm the character of the zoning district. The surrounding developed context indicates that the proposed single-family housing aligns with the area's character. The site plan's strategic integration of amenity spaces with tree preservation demonstrates a commitment to mitigating the impact of the unavoidable initial tree removal. Therefore, granting this variance to enable the reasonable development of the vacant land will not negatively affect neighboring properties or the public interest within the established zoning framework.” 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. In **addition, the applicant's letter of intent states**, *"Yes, the variance request meets this criterion. The proposal is for single-family housing, which is a permitted use within a residential zoning district. The variance is necessitated by the unique conditions of the vacant site requiring tree removal for initial development, not to introduce a non-permitted use, extend a nonconforming use, or alter zoning district boundaries. The rationale for the variance is based on the exceptional site conditions hindering reasonable utilization under strict ordinance application, not solely on potential increased profitability."* 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 is the **result of the applicant's own actions** because the applicant can redesign the subdivision to save the Grand Trees. Therefore, the request does not meet this criterion. However, the **applicant's letter of** intent contends, *"The need for the variance is not a result of the applicant's actions. Instead, it stems from the inherent characteristics of the vacant property and the spatial demands of developing it for residential use. The presence of mature trees on land requiring modification for construction and infrastructure creates the necessity for the variance. This pre-existing site condition, rather than any action by the applicant, necessitates the request to allow reasonable utilization of the land, while still aiming to preserve trees within amenity spaces where possible."*

§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 the Grand Trees are mitigated. **The applicant's** letter of intent states, *"No, the variance will not substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance. The need for the variance arises from the exceptional condition of developing a currently vacant site, and the proposed plan includes dedicated amenity spaces that prioritize tree preservation indicating an effort to align with environmental considerations while enabling reasonable*

land use consistent with residential zoning. Therefore, it does not represent a substantial conflict with the overall goals of the Comprehensive Plan or the general intent of the Ordinance." 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-05-25-00865 [Variance to remove three (3) Grand Trees and to encroach a Grand Tree more than twenty-five percent (25%) of the protected root zone area and within a restricted area three times the DBH (Critical Root Zone) for a proposed subdivision (Elms Glen Subdivision, Phase 2) at 10165 and 10191 Highway 78 and 3221 Von Ohlen Road (TMS # 388-00-00-116, -118, -119, -139, -163, -177, -178, -443, and -581) in the North Area of 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 BZA decides to approve the application, Staff recommends the following conditions:

1. The applicant shall mitigate the removal of the 125 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*.
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.
4. If the 83" DBH Live Oak Tree dies within up to three (3) years from the date the structure is permitted, the applicant shall mitigate the DBH of the 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 its removal.

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

Property Information			
Subject Property Address: US Hwy 78 & Von Ohsen Rd			
Tax Map Number(s): 388-00-00-443, -163, -581, -119, -118, -116, -139, -177, -178			
Current Use of Property: Vacant			
Proposed Use of Property: Residential			
Zoning Variance Description: A variance to remove protected trees			
Applicant Information (Required)			
Applicant Name (please print): Roger Hunt			
Name of Company (if applicable): Stanley Martin Homes			
Mailing Address: 774 S Shelmore Blvd - Suite 111			
City: Mount Pleasant	State: South Carolina	Zip Code: 29464	
Email Address: HuntRB@stanleymartin.com		Phone #: 843.751.4348	
Applicant Signature:			Date: March 17, 2025
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company: Andrew Todd-Burke - Kimley-Horn			
Mailing Address: 1080 Morrison Drive - Suite 240			
City: Charleston	State: South Carolina	Zip Code: 29403	
Email Address: andrew.todd-burke@kimley-horn.com		Phone #: 843.823.6793	
Designation of Agent (Complete only if the Applicant listed above is not the Property Owner.)			
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): Roger B. Hunt			
Name of Company (if applicable, LLC etc.): Stanley Martin Homes, LLC			
Property Owner(s) Mailing Address: 774 S Shelmore Blvd			
City: Mt. Pleasant	State: SC	Zip Code: 29464	Phone #: 843-751-4348
Property Owner(s) Email Address:			
Property Owner(s) Signature: 			Date: 5/21/2025
FOR OFFICE USE ONLY:			
Zoning District: PD-184	Flood Zone: X(120K)	Date Filed: 5/28/25	Fee Paid: \$350
Application #: BZA-05-25-00865	TMS #: 388-00-00-116, -118, -119, -139, -163, -177, -178, -443, & -581	Staff Initials: jhw	

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.)

The proposed development for the currently vacant site consists of single-family residences, which requires the removal of 2 mature trees with a "C" rating and 1 mature tree with a "B" rating to accommodate construction and infrastructure. Other impacts to Grand Trees will not exceed 25%, except where the existing impacts are already above that threshold. The plan strategically integrates amenity spaces where the preservation of significant trees is prioritized. A variance is requested to permit the necessary initial tree removal for site development, allowing for the intended residential use while retaining mature trees within designated amenity areas. See attached Tree Impacts Exhibit and Photo Inventory as reference.

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:

The existing vacant property necessitates the removal of mature trees to facilitate the proposed residential development. This is a consequence of the site's present condition and the spatial requirements for the planned single-family dwellings, internal circulation, and essential infrastructure. Although the development strategy incorporates the retention of significant trees within strategically designed amenity areas, the initial transformation of this currently unoccupied land represents an exceptional circumstance where tree removal is a prerequisite for any comprehensive site development plan to occur.

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

These conditions are unique to the subject property. The surrounding vicinity has already undergone development, and therefore does not present the same situation of requiring the removal of mature trees to facilitate initial construction.

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:

The vacant subject property requires the removal of grand trees for its development, unlike the already developed surrounding area; therefore, strictly applying a tree preservation ordinance without considering this condition would unreasonably restrict the property's viable use for its intended purpose of single-family housing.

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:

Authorizing a variance for this property will not be a substantial detriment to adjacent properties or the public good, nor will it harm the character of the zoning district. The surrounding developed context indicates that the proposed single-family housing aligns with the area's character. The site plan's strategic integration of amenity spaces with tree preservation demonstrates a commitment to mitigating the impact of the unavoidable initial tree removal. Therefore, granting this variance to enable the reasonable development of the vacant land will not negatively affect neighboring properties or the public interest within the established zoning framework.

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 request meets this criterion. The proposal is for single-family housing, which is a permitted use within a residential zoning district. The variance is necessitated by the unique conditions of the vacant site requiring tree removal for initial development, not to introduce a non-permitted use, extend a nonconforming use, or alter zoning district boundaries. The rationale for the variance is based on the exceptional site conditions hindering reasonable utilization under strict ordinance application, not solely on potential increased profitability.

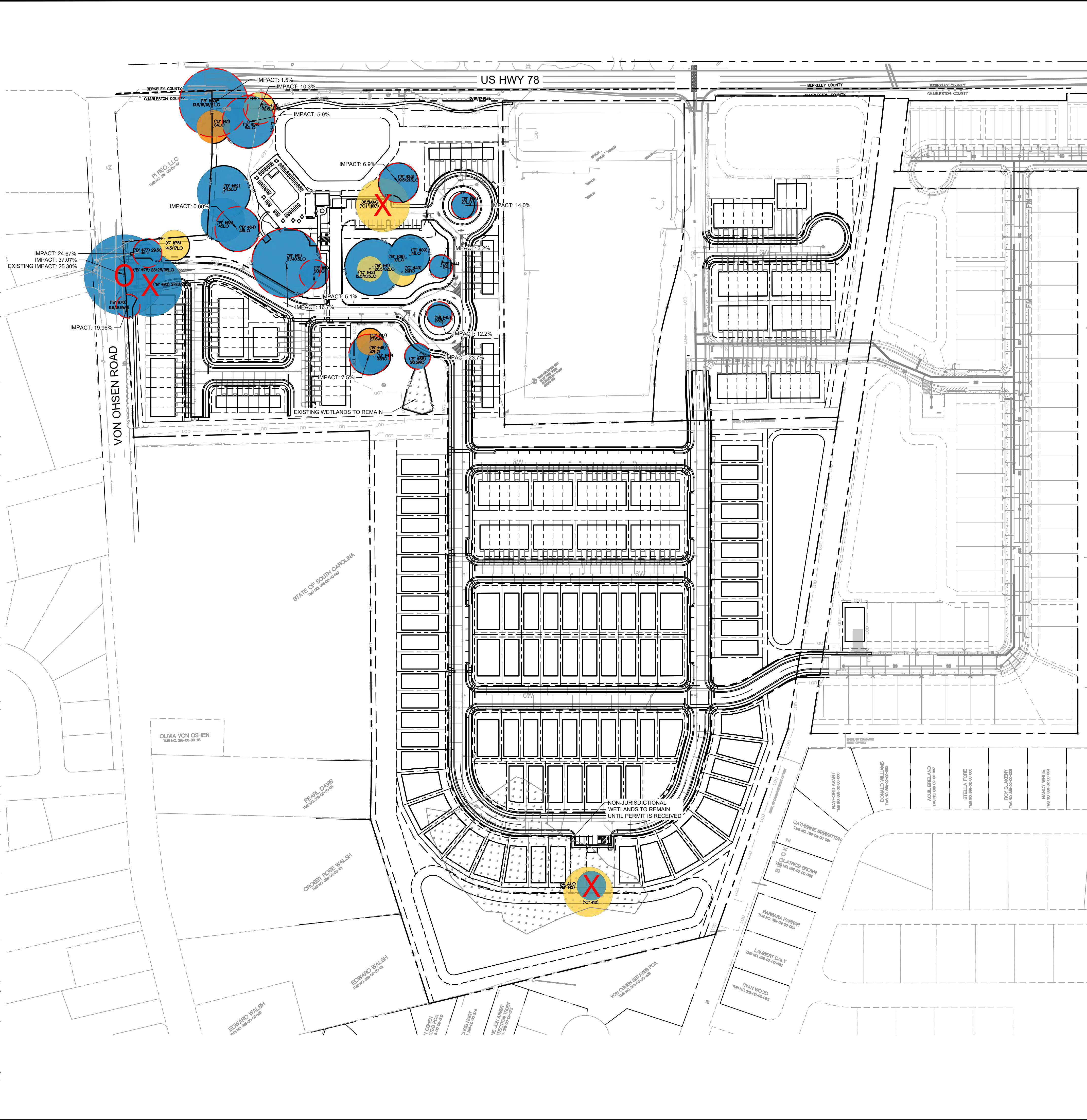
6. Is the need for the variance the result of your own actions? Explain:

The need for the variance is not a result of the applicant's actions. Instead, it stems from the inherent characteristics of the vacant property and the spatial demands of developing it for residential use. The presence of mature trees on land requiring modification for construction and infrastructure creates the necessity for the variance. This pre-existing site condition, rather than any action by the applicant, necessitates the request to allow reasonable utilization of the land, while still aiming to preserve trees within amenity spaces where possible.

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

No, the variance will not substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance. The need for the variance arises from the exceptional condition of developing a currently vacant site, and the proposed plan includes dedicated amenity spaces that prioritize tree preservation, indicating an effort to align with environmental considerations while enabling reasonable land use consistent with residential zoning. Therefore, it does not represent a substantial conflict with the overall goals of the Comprehensive Plan or the general intent of the Ordinance.

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.



DEMOLITION LEGEND:

--- TREE PROTECTION FENCE

X REMOVE EXISTING GRAND TREE

O GRAND TREE IMPACT EXCEEDS 25%, PRESERVE IN PLACE

TREE CONDITION LEGEND

GRAND TREE - GRADE 'A'	(EXCELLENT CONDITION)
GRAND TREE - GRADE 'B'	(GOOD CONDITION)
GRAND TREE - GRADE 'C'	(FAIR CONDITION)
GRAND TREE - GRADE 'D'	(POOR CONDITION)
GRAND TREE - GRADE 'F'	(DEAD)

TREE EVALUATION TABLE:

Tree Number	DBH	Speices	Grade	Comments	Condition
13	24	Laurel Oak	B		Fair
37	36.5	Magnolia	C+	V-Shaped Crotch	Fair
80	27/37.5	Live Oak	C		Fair

TREE PROTECTION NOTES:

- EXISTING CONDITIONS SHOWN HEREON ARE FROM A SURVEY FILE PROVIDED BY HLA, INC. DATED 03/22/2022.
- UTILITIES MAY EXIST WHICH ARE NOT SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL UTILITY COMPANIES HAVING UTILITIES WITHIN OR ADJACENT TO THE WORK AREA. THE CONTRACTOR SHALL HAVE THE UTILITIES FIELD LOCATED AND COORDINATE WITH THE UTILITY COMPANIES TO HAVE CONFLICTS RELOCATED WHEN NECESSARY OR ADAPTED FOR TIE-INS.
- REMOVAL OF EXISTING TREES, STRUCTURES, FENCING, UTILITIES, ETC. SHOWN WITHIN TREE PROTECTION FENCE TO BE COMPLETED PRIOR TO INSTALLATION OF TREE PROTECTION FENCE.
- TREE PROTECTION TO BE IN PLACE AND INSPECTED PRIOR TO ANY LAND DISTURBANCE.
- RECEIPT OF ALL PERMITS AND APPROVALS IS REQUIRED BEFORE ANY CONSTRUCTION ACTIVITY.
- EXISTING SOIL SERIES IS HoA, Qu, WgB, Rg, & Ra FOR ENTIRE DISTURBED AREA.
- TREES TO REMAIN MUST BE PROTECTED DURING DEMOLITION AND CONSTRUCTION PHASE. REFERENCE TREE PROTECTION AND REPLACEMENT PLANS FOR TREE REMOVAL AND PROTECTION.
- THE PROJECT SITE DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER FIRM PANEL 45019C0120K DATED 01/29/2021.
- CONTRACTOR SHALL FOLLOW ALL PROCEDURES AND RECOMMENDATIONS FROM ENVIRONMENTAL ASSESSMENTS PROVIDED BY THE OWNER.

PROJECT: ELMS GLEN SUBDIVISION - PHASE 2 CHARLESTON COUNTY, SC 29466	CLIENT: STANLEY MARTIN HOMES 774 S SHELMORE BLVD, SUITE 111 MOUNT PLEASANT, SC 29464 PHONE: 843.602.2286	SCALE: AS SHOWN	AS SHOWN
		DRAWN BY: KHA	KHA
		DESIGNED BY: KHA	KHA
		CHECKED BY: KHA	KHA
TITLE: BZA SITE PLAN			
DATE 12/20/2023			
PROJECT NO. 012437026			
SHEET NUMBER ---			

Kimley»Horn

© 2025 KIMLEY-HORN AND ASSOCIATES, INC.
1080 MORRISON DRIVE, SUITE 240
CHARLESTON, SOUTH CAROLINA 29403
PHONE (843) 737-6390
WWW.KIMLEY-HORN.COM

SOUTH CAROLINA
KIMLEY-HORN
AND
ASSOCIATES,
INC.
No. C00166
STATE OF ARCHITECTURE

4	REVISED FOR CWS AND CHARLESTON COUNTY REVIEW	04-30-2025	KHA
3	REVISED FOR CWS AND CHARLESTON COUNTY REVIEW	02-14-2025	KHA
2	RESUBMIT TO CHARLESTON COUNTY, NCSD, AND CWS	09-20-2024	KHA
1	CHARLESTON COUNTY AND CWS RESUBMISSION #1	08-02-2024	KHA
0	ISSUED FOR PERMIT REVIEW	12-20-2023	KHA
No.	REVISIONS	DATE	BY

REFERENCES

- PLAT BY W. MICHAEL LINES JANUARY 19, 1978. RECORDED IN PLAT BOOK S PAGE 100. CHARLESTON COUNTY ROD.
- PLAT BY JMS LAND PLANNING & SURVEYING, DATED FEBRUARY 8, 1980. RECORDED IN PLAT BOOK AP, PAGE 45. CHARLESTON COUNTY ROD.
- PLAT BY E. M. SEABROOK, JR., INC. DATED FEBRUARY 9, 1981. RECORDED IN PLAT BOOK AS, PAGE 22. CHARLESTON COUNTY ROD.
- PLAT BY CORNERSTONE SURVEYING AND ENGINEERING, INC., DATED FEBRUARY 4, 1992. RECORDED IN PLAT BOOK CG, PAGE 78. CHARLESTON COUNTY ROD.
- PLAT BY HOFFMAN LESTER ASSOCIATES, DATED MAY 15, 1998. RECORDED IN PLAT BOOK EC, PAGE 624. CHARLESTON COUNTY ROD.
- PLAT BY ROBERT J. SAMPLE DATED SEPTEMBER 10, 2004. RECORDED IN PLAT BOOK DE, PAGE 323. CHARLESTON COUNTY ROD.
- PLAT BY HEG ENGINEERING CONSULTANTS, DATED DECEMBER 25, 2006. RECORDED IN PLAT BOOK L10, PAGE 0143. CHARLESTON COUNTY ROD.
- PLAT BY SINCLAIR & ASSOCIATES, INC., DATED APRIL 1, 2011. RECORDED IN PLAT BOOK L13, PAGE 0362. CHARLESTON COUNTY ROD.
- PLAT BY HLA, INC., DATED APRIL 28, 2011. RECORDED IN PLAT BOOK L11, PAGE 0225. CHARLESTON COUNTY ROD.
- PLAT BY HLA, INC., DATED JANUARY 23, 2023. RECORDED IN PLAT BOOK L23, PAGE 0021. CHARLESTON COUNTY ROD.

NOTES

- TMS NO. 388-00-00-116, 118 & 119.
- AREAS DETERMINED BY COORDINATE METHOD.
- NO UNDERGROUND EXPLORATION PERFORMED FOR THIS SURVEY.
- PROPERTY IS LOCATED IN FLOOD ZONE X, AS PER FEMA MAP NUMBER 45019C0120K, COMMUNITY PANEL 455413 0120 K. EFFECTIVE DATE JANUARY 29, 2021.
- ANY FUTURE SUBDIVISION OF THIS PARCEL, OR ROAD CONSTRUCTION OF THE EXISTING ROADS SHOWN HEREON SHALL REQUIRE COMPLIANCE WITH THE CHARLESTON COUNTY ORDINANCES. CHARLESTON COUNTY WILL CONSIDER ACCEPTANCE OF ANY DEDICATION OF ROADS INTO THE COUNTY ROAD SYSTEM, THE PROPERTY OWNER(S) SHALL CONSTRUCT THE ROADS TO THE COUNTY OF CHARLESTON COUNTY ROAD CONSTRUCTION STANDARDS.
- IT IS HEREBY EXPRESSLY UNDERSTOOD BY THE PROPERTY OWNER, DEVELOPER OR ANY SUBSEQUENT PURCHASER OF ANY LOTS SHOWN ON THE PLAT THAT THE COUNTY OF CHARLESTON IS NOT RESPONSIBLE FOR THE MAINTENANCE OF THE STREETS, ROADS, COMMON AREAS, DRAINAGE SYSTEMS AND ANY OTHER MUNICIPAL SERVICES WHICH INCLUDE BUT ARE NOT LIMITED TO, GARBAGE DISPOSAL, PUBLIC SEWAGE, FIRE PROTECTION OR EMERGENCY MEDICAL SERVICE.
- BE AWARE THAT THE COUNTY OF CHARLESTON IS NOT RESPONSIBLE FOR DRAINAGE AND FLOODING PROBLEMS RELEVANT TO THE REAL PROPERTY, AND THAT EMERGENCY VEHICLES MAY HAVE DIFFICULTY ACCESSING THE PROPERTY.
- NO PUBLIC FUNDS SHALL BE USED FOR THE MAINTENANCE OF THE ROADS SHOWN ON THIS PLAT.
- THIS APPROVAL IN NO WAY OBLIGATES THE COUNTY OF CHARLESTON TO MAINTAIN THE 50-FOOT RIGHT-OF-WAY UNTIL IT HAS BEEN CONSTRUCTED TO COUNTY STANDARDS AND ACCEPTED FOR MAINTENANCE BY CHARLESTON COUNTY COUNCIL.
- EXISTING AND PROPOSED INGRESS/EGRESS EASEMENTS AND/OR PRIVATE RIGHTS-OF-WAY THAT PROVIDE ACCESS TO THE LOTS CREATED BY THIS PLAT MUST BE CONSTRUCTED, INSPECTED AND APPROVED IN COMPLIANCE WITH THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE IN THE LOCATION SHOWN ON THIS PLAT AND SHALL BE CONSTRUCTED FROM THEIR POINT OF CONNECTION TO AN EXISTING PUBLICLY OWNED AND MAINTAINED RIGHTS-OF-WAY TO THE LOT(S) PROPOSED FOR DEVELOPMENT PRIOR TO THE ISSUANCE OF ZONING PERMITS FOR NEW CONSTRUCTION OF STRUCTURES, WITH THE EXCEPTION OF ADDITIONS/RENOVATIONS TO EXISTING STRUCTURES THAT ARE LEGALLY PERMITTED AND NEW CONSTRUCTION OF ACCESSORY STRUCTURES. IN ADDITION, STREET SIGNS ON NAMED INGRESS/EGRESS EASEMENTS AND PRIVATE RIGHTS-OF-WAY SHALL BE INSTALLED AND INSPECTED IN COMPLIANCE WITH THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE.
- MAXIMUM IMPERVIOUS SURFACE SURFACE COVERAGE: 40% OF LOT OR AS ALLOWED BY THE CURRENT EDITION OF THE CHARLESTON COUNTY STORMWATER MANUAL.
- THIS PLAT IS PART OF PD-184 APPROVED BY COUNTY COUNCIL 1/31/23.

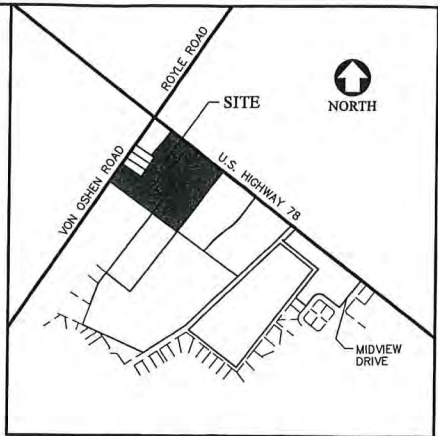
LINE	BEARING	DISTANCE
L1	N 34°17'32" E	70.23'
L2	N 34°03'03" E	69.58'
L3	N 34°30'48" E	69.63'
L4	N 57°11'20" W	35.30'
L5	S 37°29'25" W	23.01'
L6	S 44°43'57" W	5.02'
L7	N 37°35'04" E	15.00'
L8	N 37°05'33" E	15.00'
L9	N 37°05'33" E	15.00'
L10	N 37°39'13" E	5.00'
L11	S 37°20'22" W	20.00'

TREE LEGEND

LAU - LAUREL OAK
LO - LIVE OAK
MA - MAPLE

DEVELOPMENT SUMMARY PRIOR TO SCDOT ACQUISITION	
TMS NO. 388-00-00-116	4.547 ACRES
TMS NO. 388-00-00-118	1.226 ACRES
TMS NO. 388-00-00-119	4.452 ACRES

DEVELOPMENT SUMMARY POST SCDOT ACQUISITION	
TMS NO. 388-00-00-116	4.474 ACRES
TMS NO. 388-00-00-118	1.190 ACRES
TMS NO. 388-00-00-119	4.335 ACRES



LOCATION MAP
NOT TO SCALE

SPECIAL NOTE

PRESENT 25' R/W IS FROM SCDOT FILE NO. 10.363A & 8.363A US ROUTE 78, ROAD S-196 AND ROAD S-8-535. PRESENT 30' R/W IS WHAT WAS SURVEYED.

LEGEND

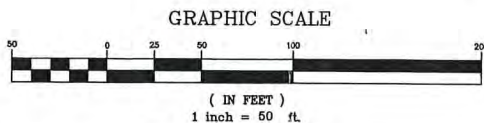
IPF	BOUNDARY LINE & CORNER FOUND (AS DESCRIBED)
IPS	BOUNDARY LINE & CORNER SET (5/8" REBAR)
---	ADJACENT BOUNDARY LINE
---	RIGHT OF WAY LINE
---	EASEMENT LINE (AS DESCRIBED)
---	CENTERLINE
XXXXXX	AREA OF SCDOT ACQUISITION
SCDOT	SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
105+00	SCDOT STATIONING PER PLAN
(P.B. BF, PG. 93, 211.56' R)	PLAT BOOK/PAGE/DISTANCE OF RIGHT-OF-WAY PER PLAT

STATE OF SOUTH CAROLINA
TMS NO. 388-00-00-140

STANLEY MARTIN HOMES, LLC
TMS NO. 388-00-00-581

STANLEY MARTIN HOMES, LLC
TMS NO. 388-00-00-119
4.335 ACRES
POST R/W ACQUISITION

STANLEY MARTIN HOMES, LLC
TMS NO. 388-00-00-163



PLANNING AND ROD USE

RECORDED	
DATE: 7/12/2024	TIME: 10:45:59 AM
Book-Page: L24 0312	DocType: Large Plat
Karen Hollings, Register of Deeds, Charleston County, SC	
<div> <div>Record Fee</div> <div>\$25.00</div> </div> <div> <div>Postage</div> <div>\$0.00</div> </div> <div> <div>TOTAL</div> <div>\$25.00</div> </div> <div> <div>Drawer</div> <div>0</div> </div> <div> <div>Clerk</div> <div>BLW</div> </div>	
<div> <div>Filed By:</div> <div>CHARLESTON COUNTY PLANNING</div> </div> <div> <div>Location:</div> <div>U S HWY 78</div> </div>	

APPROVED PLAT

Director of Planning
Charleston County Planning Commission
SBOV-02800 7-11-2024
Appl# Date

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 MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

RICHARD D. LACEY S.C.P.L.S. 16120

PLAT SHOWING
SCDOT R/W ACQUISITIONS
0.073 ACRES FROM TMS NO. 388-00-00-116
0.036 ACRES FROM TMS NO. 388-00-00-118
AND
0.116 ACRES FROM TMS NO. 388-00-00-119
PREPARED FOR
STANLEY MARTIN HOMES, LLC
LOCATED IN
CHARLESTON COUNTY SOUTH CAROLINA
DATE: SEPTEMBER 27, 2023 SCALE: 1" = 50'
REVISED: FEBRUARY 15, 2024
HLA SURVEYING CIVIL ENGINEERING
LAND PLANNING LANDSCAPE ARCHITECTURE
29 Leinbach Drive, A2, Charleston SC 29407-6988
tel: 843.763.1166 fax: 843.763.1909 web: www.hla-inc.com

LEGEND

CP	BOUNDARY LINE & CALCULATED POINT
CMF	BOUNDARY LINE & 4" x 4" CONC. MONUMENT
IPF	BOUNDARY LINE & CORNER FOUND (AS DESCRIBED)
IPS	BOUNDARY LINE & CORNER SET (5/8" REBAR)
---	ADJACENT BOUNDARY LINE
---	RIGHT OF WAY LINE
---	EASEMENT LINE (AS DESCRIBED)
---	CENTERLINE
P	OVERHEAD POWER LINE
PP	EX. POWER POLE
CM	GAS MARKER
CM	GAS VALVE
SP	EX. SERVICE POLE
SP	FIRE HYDRANT
SP	WATER VALVE

CURVE	RADIUS	DELTA	TANGENT	LENGTH	BEARING	CHORD
C1	577.40	15°31'38"	78.72	156.48	N50°19'05"E	156.00
C2	763.31	12°01'21"	80.38	160.17	S52°04'13"W	159.87
C3	637.40	15°31'38"	86.90	172.74	N50°19'05"E	172.21
C4	703.31	12°01'21"	74.06	147.58	S52°04'13"W	147.31

LINE	BEARING	LENGTH
L1	N 43°49'36" E	120.51
L2	S 58°04'53" W	59.76
L3	N 46°03'33" E	76.51
L4	S 58°04'53" W	59.76
L5	N 46°03'33" E	71.79
L6	S 48°26'06" E	60.19

REFERENCES

- TMS NO. 388-00-00-163
- PLAT BY WM. LINES DATED JANUARY, 1978. RECORDED IN PLAT BOOK S, PAGE 100. CHAS. CO. RMC
- PLAT BY JAMES F. BENNETT DATED SEPTEMBER 5, 1979. RECORDED IN PLAT BOOK U, PAGE 127. CHAS. CO. RMC
- PLAT BY E.M. SEABROOK DATED FEBRUARY 9, 1981. RECORDED IN PLAT BOOK AC, PAGE 22. CHAS. CO. RMC
- PLAT BY W.M. LINES DATED OCTOBER 14, 1985. RECORDED IN PLAT BOOK BE, PAGE 11. CHAS. CO. RMC
- PLAT BY HLA, INC. DATED MAY 15, 1998. RECORDED IN PLAT BOOK EC, PAGE 624. CHAS. CO. RMC
- PLAT BY ROBERT J. SAMPLE DATED JANUARY 16, 2005. RECORDED IN PLAT BOOK DE, PAGE 537. CHAS. CO. RMC
- PLAT BY HBG ENGINEERING CONSULTANTS DATED DECEMBER 2008. RECORDED IN PLAT BOOK L10, PAGE 0143. CHAS. CO. RMC

NOTES

- AREA DETERMINED BY COORDINATE METHOD.
- PROPERTY IS LOCATED IN FLOOD ZONE X, AS PER FEMA MAP NUMBER 45019C0120J, COMMUNITY PANEL 45513 0120 J. EFFECTIVE NOVEMBER 17, 2004. FLOOD ZONE X HAS BEEN DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
- NO UNDERGROUND EXPLORATION PERFORMED FOR THIS SURVEY.
- SMALLEST LOT - LOT B (5.087 ACRES)
LARGEST LOT - RESIDUAL (18.122 ACRES)
- LOT B NOT APPROVED FOR BUILDING PURPOSES, APPROVED FOR AGUCULTURAL PURPOSES ONLY.
- LOT B WAS NOT EVALUATED BY SCDHEC.
- THERE ARE NO 24" DBH TREES LOCATED WITHIN THE INGRESS/EGRESS EASEMENT.



LOCATION MAP
NOT TO SCALE

SPECIAL NOTES

- ANY FUTURE SUBDIVISION OF THIS PARCEL, OR ROAD CONSTRUCTION OR EXTENSION OF THE EXISTING ROADS SHOWN HEREON SHALL REQUIRE COMPLIANCE WITH THE CHARLESTON COUNTY ZONING & LAND DEVELOPMENT REGULATIONS. BEFORE CHARLESTON COUNTY ACCEPTS ANY DEDICATION OF ROADS INTO THE COUNTY ROAD SYSTEM, THE PROPERTY OWNER SHALL CONSTRUCT THE ROADS TO THE COUNTY OF CHARLESTON STANDARDS.
- IT IS HEREBY EXPRESSLY UNDERSTOOD BY THE PROPERTY OWNER, DEVELOPER OR ANY SUBSEQUENT PURCHASER OF ANY LOTS SHOWN ON THE PLAT THAT THE COUNTY OF CHARLESTON IS NOT RESPONSIBLE FOR THE MAINTENANCE OF THE STREETS, ROAD, COMMON AREAS, DRAINAGE SYSTEMS AND ANY OTHER MUNICIPAL SERVICES WHICH INCLUDE BUT NOT LIMITED TO, GARBAGE DISPOSAL, PUBLIC SEWAGE, FIRE PROTECTION OR EMERGENCY MEDICAL SERVICE.
- BE AWARE THAT THE COUNTY OF CHARLESTON IS NOT RESPONSIBLE FOR DRAINAGE AND FLOODING PROBLEMS RELEVANT TO THE REAL PROPERTY AND EMERGENCY VEHICLES MAY HAVE DIFFICULTY ACCESSING THE PROPERTY.
- NO PUBLIC FUNDS SHALL BE USED FOR THE MAINTENANCE OF THE ROADS SHOWN ON THE PLAT.
- THIS APPROVAL IN NO WAY OBLIGATES THE COUNTY OF CHARLESTON TO MAINTAIN THE 60' INGRESS/EGRESS EASEMENT UNTIL IT HAS BEEN CONSTRUCTED TO COUNTY STANDARDS AND ACCEPTED FOR MAINTENANCE BY CHARLESTON COUNTY COUNCIL.

PLAT SHOWING
THE SUBDIVISION OF TMS NO. 388-00-00-163
CONTAINING 23.209 ACRES
INTO
LOT B, CONTAINING 6.029 ACRES
AND
RESIDUAL, CONTAINING 17.180 ACRES

PROPERTY OF
DESIGN STREET PROPERTIES, LLC.

SITUATED NEAR LADSON
CHARLESTON COUNTY SOUTH CAROLINA

DATE: APRIL 28, 2011
REVISED JULY 27, 2011

SCALE: 1" = 100'

HLA INC LAND PLANNING LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING SURVEYING
29 Leinbach Drive, A2. Charleston SC 29407-6988
tel 843.763.1166 fax 843.763.1909

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 MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN

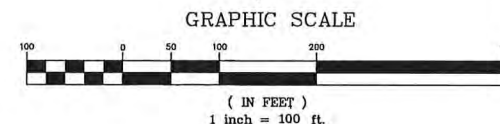
RICHARD D. LACEY S.C.P.L.S. 16120

FOR RMC & PLANNING USE ONLY

APPROVED FINAL PLAT

John B. Wang For *Daniel P. Primmer*
Director of Planning
Charleston County Planning Commission
SBN-11245 AUG 4, 2011
Appl. # Date

RECORDED	
DATE: August 5, 2011	TIME: 3:23:44 PM
Book-Page L11-0225	DocType Large Plat
Charlie Lybrand, Registrar, Charleston County, SC	
Filed By: CHARLESTON COUNTY PLANNING	
Record Fee \$ 10.00	
Postage \$ -	
TOTAL \$ 10.00	
Drawer 2	
Clerk SLW	
Location: US HWY 78	



NOTES

1. AREA DETERMINED BY COORDINATE METHOD.
2. PROPERTY IS LOCATED IN FLOOD ZONE X, AS PER FEMA MAP NUMBER 45019C0120K, COMMUNITY PANEL 455413 0120 K. EFFECTIVE DATE JANUARY 29, 2021.
FLOOD ZONE X HAS BEEN DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
3. NO UNDERGROUND EXPLORATION PERFORMED FOR THIS SURVEY.
4. SMALLEST LOT - LOT A (4.310 ACRES)
LARGEST LOT - RESIDUAL (APPROX. 6.9 ACRES)
5. THERE ARE NO GRAND TREES LOCATED WITHIN THE 24' INGRESS/EGRESS EASEMENT.
6. ANY FUTURE SUBDIVISION OF THIS PARCEL, OR ROAD CONSTRUCTION OF THE EXISTING ROADS SHOWN HEREON SHALL REQUIRE COMPLIANCE WITH THE CHARLESTON COUNTY ORDINANCES. CHARLESTON COUNTY WILL CONSIDER ACCEPTANCE OF ANY DEDICATION OF ROADS INTO THE COUNTY ROAD SYSTEM, THE PROPERTY OWNER(S) SHALL CONSTRUCT THE ROADS TO THE COUNTY OF CHARLESTON COUNTY ROAD CONSTRUCTION STANDARDS.
7. IT IS HEREBY EXPRESSLY UNDERSTOOD BY THE PROPERTY OWNER, DEVELOPER OR ANY SUBSEQUENT PURCHASER OF ANY LOTS SHOWN ON THE PLAT THAT THE COUNTY OF CHARLESTON IS NOT RESPONSIBLE FOR THE MAINTENANCE OF THE STREETS, ROADS, COMMON AREAS, DRAINAGE SYSTEMS AND ANY OTHER MUNICIPAL SERVICES WHICH INCLUDE BUT ARE NOT LIMITED TO, GARBAGE DISPOSAL, PUBLIC SEWAGE, FIRE PROTECTION OR EMERGENCY MEDICAL SERVICE.
8. BE AWARE THAT THE COUNTY OF CHARLESTON IS NOT RESPONSIBLE FOR DRAINAGE AND FLOODING PROBLEMS RELEVANT TO THE REAL PROPERTY, AND THAT EMERGENCY VEHICLES MAY HAVE DIFFICULTY ACCESSING THE PROPERTY.
9. NO PUBLIC FUNDS SHALL BE USED FOR THE MAINTENANCE OF THE ROADS SHOWN ON THIS PLAT.
10. THIS APPROVAL IN NO WAY OBLIGATES THE COUNTY OF CHARLESTON TO MAINTAIN THE 50-FOOT RIGHT-OF-WAY UNTIL IT HAS BEEN CONSTRUCTED TO COUNTY STANDARDS AND ACCEPTED FOR MAINTENANCE BY CHARLESTON COUNTY COUNCIL.
11. EXISTING AND PROPOSED INGRESS/EGRESS EASEMENTS AND/OR PRIVATE RIGHTS-OF-WAY THAT PROVIDE ACCESS TO THE LOTS CREATED BY THIS PLAT MUST BE CONSTRUCTED, INSPECTED AND APPROVED IN COMPLIANCE WITH THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE IN THE LOCATION SHOWN ON THIS PLAT AND SHALL BE CONSTRUCTED FROM THEIR POINT OF CONNECTION TO AN EXISTING PUBLICLY OWNED AND MAINTAINED RIGHTS-OF-WAY TO THE LOT(S) PROPOSED FOR DEVELOPMENT PRIOR TO THE ISSUANCE OF ZONING PERMITS FOR NEW CONSTRUCTION OF STRUCTURES, WITH THE EXCEPTION OF ADDITIONS TO EXISTING STRUCTURES THAT ARE LEGALLY PERMITTED AND NEW CONSTRUCTION OF ACCESSORY STRUCTURES. IN ADDITION, STREET SIGNS ON NAMED INGRESS/EGRESS EASEMENTS AND PRIVATE RIGHTS-OF-WAY SHALL BE INSTALLED AND INSPECTED IN COMPLIANCE WITH THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE.

PLANNING AND ROD USE

APPROVED PLAT

James A. Anderson
Director of Planning
Charleston County Planning Commission
App# 02283 Date 01-26-2023

RECORDED	
DATE: 1/27/2023	TIME: 9:53:22 AM
Book-Page: L23 0021	DocType: Large Plat
Karen Hollings, Register of Deeds, Charleston County, SC	
Record Fee: \$25.00 Postage: \$0.00 TOTAL: \$25.00 Drawer: 0 Clerk: BLV	
Location: VON OSHEN RD	

DEDICATION STATEMENT

BY THE RECORDING OF THIS PLAT, I HEREBY DEDICATE THE 24' INGRESS/EGRESS EASEMENT TO THE USE OF THE PUBLIC FOREVER. THE 24' INGRESS/EGRESS EASEMENT IS TO BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION.

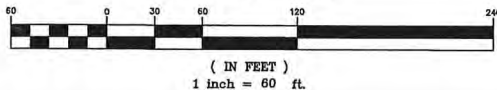
Byron B. Hale
OWNER/REPRESENTATIVE

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 MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



RICHARD D. LACEY S.C.P.L.S. 16120

GRAPHIC SCALE



LINE	BEARING	DISTANCE
L1	S 44°43'57" W	5.02'
L2	S 53°38'00" E	60.02'
L3	S 37°34'33" W	74.35'
L4	S 22°37'12" E	28.90'
L5	N 40°52'36" E	71.79'
L6	S 36°01'19" W	161.18'
L7	N 22°37'12" W	26.90'
L8	N 37°34'33" E	74.35'
L9	S 37°34'33" W	74.35'
L10	S 22°37'12" E	26.90'

CURVE	RADIUS	DELTA ANGLE	TANGENT	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	88.00'	60°11'44"	51.01'	92.45'	S 07°28'41" W	88.28'
C2	88.00'	81°27'20"	75.77'	125.11'	S 63°20'52" E	114.83'
C3	138.00'	39°54'09"	50.09'	96.11'	N 55°58'24" E	94.18'
C4	162.00'	39°54'09"	58.81'	112.82'	S 55°58'24" W	110.56'
C5	112.00'	81°27'20"	96.43'	159.23'	N 63°20'52" W	146.15'
C6	112.00'	60°11'44"	64.92'	117.67'	N 07°28'41" W	112.33'
C7	100.00'	60°11'44"	57.96'	105.06'	S 07°28'41" W	100.30'
C8	100.00'	81°27'20"	86.10'	142.17'	S 63°20'52" E	130.49'
C9	150.00'	39°54'09"	54.45'	104.46'	N 55°58'24" E	102.37'
C10	703.31'	7°22'39"	45.34'	90.56'	N 44°33'56" E	90.50'
C11	751.72'	12°12'25"	80.38'	160.15'	N 46°53'59" E	159.85'

REFERENCES

1. TMS NO. 388-00-00-140
2. PLAT BY WM. LINES DATED JANUARY, 1978. RECORDED IN PLAT BOOK S, PAGE 100. CHAS. CO. ROD.
3. PLAT BY JAMES F. BENNETT DATED SEPTEMBER 5, 1979. RECORDED IN PLAT BOOK U, PAGE 127. CHAS. CO. ROD.
4. PLAT BY E.M. SEABROOK DATED FEBRUARY 9, 1981. RECORDED IN PLAT BOOK AC, PAGE 22. CHAS. CO. ROD.
5. PLAT BY WM LINES DATED JANUARY 1976. RECORDED IN PLAT BOOK W, PAGE 116. CHAS. CO. ROD.
6. PLAT BY HLA, INC. DATED MAY 15, 1998. RECORDED IN PLAT BOOK EC, PAGE 624. CHAS. CO. ROD
7. PLAT BY HLA, INC. DATED APRIL 28, 2011. RECORDED IN PLAT BOOK L11, PAGE 0225. CHAS. CO. ROD

LEGEND

- IPF ——— BOUNDARY LINE & CORNER FOUND (AS DESCRIBED)
- IPS ——— BOUNDARY LINE & CORNER SET (5/8" REBAR)
- ADJACENT BOUNDARY LINE
- RIGHT OF WAY LINE
- EASEMENT LINE (AS DESCRIBED)
- CENTERLINE
- EASEMENT LINE (AS DESCRIBED)

LOCATION MAP

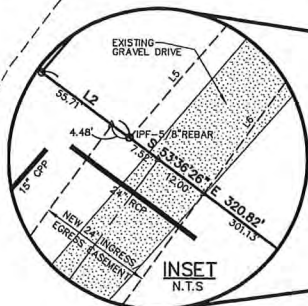
NOT TO SCALE



RESIDUAL
BOARD OF EDUCATION
STATE OF SOUTH CAROLINA
A PORTION OF TMS NO. 388-00-00-140
APPROX. 6.9 ACRES

LOT A
BOARD OF EDUCATION
STATE OF SOUTH CAROLINA
A PORTION OF TMS NO. 388-00-00-140
4.310 ACRES

FIP MASTER FUNDING II, LLC
TMS NO. 388-00-00-223



DESIGN STREET
TMS NO. 388-00-00-163
17.180 ACRES

PLAT SHOWING
THE SUBDIVISION OF TMS NO. 388-00-00-140
CONTAINING 11.252 ACRES
INTO
LOT A CONTAINING 4.310 ACRES
AND
RESIDUAL CONTAINING APPROX. 6.9 ACRES
PROPERTY OF
BOARD OF EDUCATION
STATE OF SOUTH CAROLINA
AND SHOWING
A NEW 24' INGRESS/EGRESS EASEMENT
ACROSS A PORTION OF TMS NO. 388-00-00-163
AND TMS NO. 388-00-00-443

DESIGN STREET

SITUATED NEAR LADSON
CHARLESTON COUNTY SOUTH CAROLINA
DATE: JANUARY 17, 2023 SCALE: 1" = 60'



HLA
THE SITE EXPERTS
29 Leinbach Drive, A2, Charleston SC 29407-6988
tel: 843.763.1166 fax: 843.763.1909 web: www.hlainc.com

DEVELOPMENT SUMMARY PRIOR TO SUBDIVISION	
TMS NO. 388-00-00-140	11.252 ACRES

DEVELOPMENT SUMMARY POST SUBDIVISION	
RESIDUAL LOT A	APPROX. 6.9 ACRES 4.310 ACRES