

Case # BZA-06-25-00873

Charleston County BZA Meeting of August 4, 2025

Applicant/Property Owner: Inga George

Property Location: 3801 Tim Ascue Lane – East Area

TMS#: 614-00-00-755

Zoning District: Special Management (S-3) Zoning District

Request:

Variance request to reduce the required 25' rear setback by 15' to 10' at the closest point for a proposed single-family residence, deck, and steps.

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.11 S-3, Special Management District, Sec. 4.11.3 Density/Intensity and Dimensional Standards requires a 25' rear setback.



CHAPTER 4 | BASE ZONING DISTRICTS

ARTICLE 4.11 S-3, SPECIAL MANAGEMENT DISTRICT

Sec. 4.11.1 Purpose and Intent

The S-3, Special Management Residential Zoning District implements the Urban/Suburban Cultural Community Protection policies of the *Comprehensive Plan*.

Sec. 4.11.2 Use Regulations

Uses are allowed in the S-3 District in accordance with the Use Regulations of CHAPTER 6, Use Regulations.

Sec. 4.11.3 Density/Intensity and Dimensional Standards

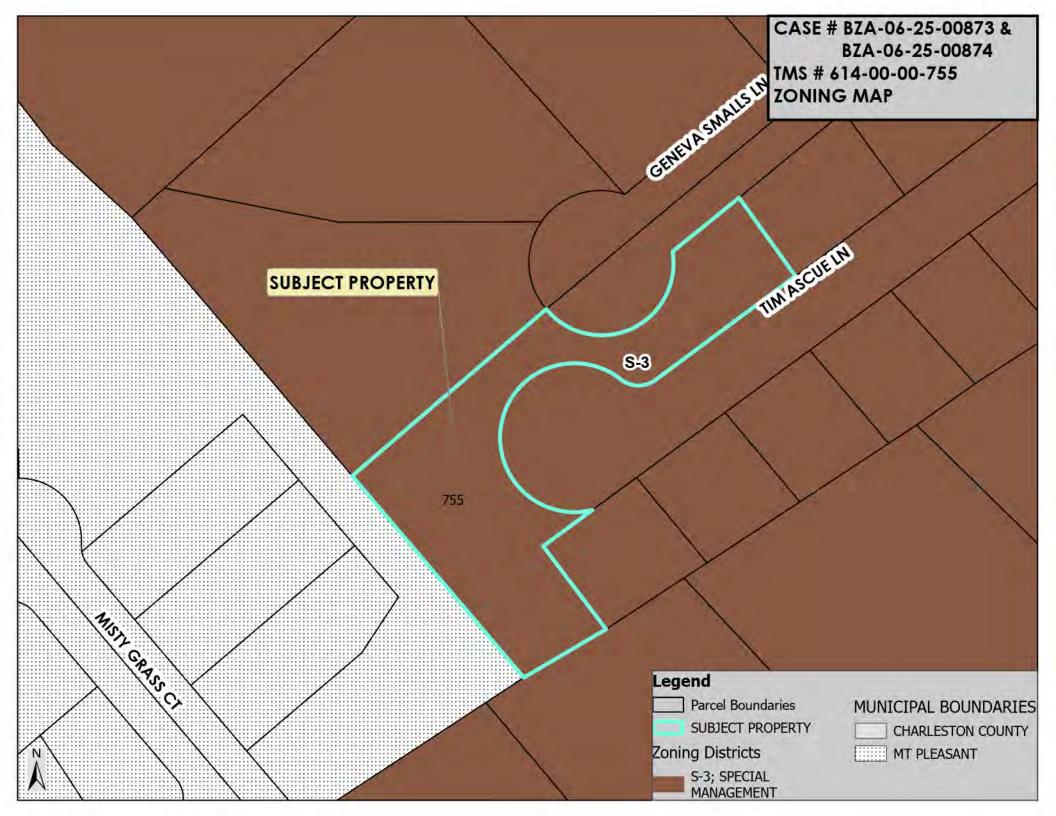
All Development in the S-3 District shall be subject to the following Density/Intensity and Dimensional Standards:

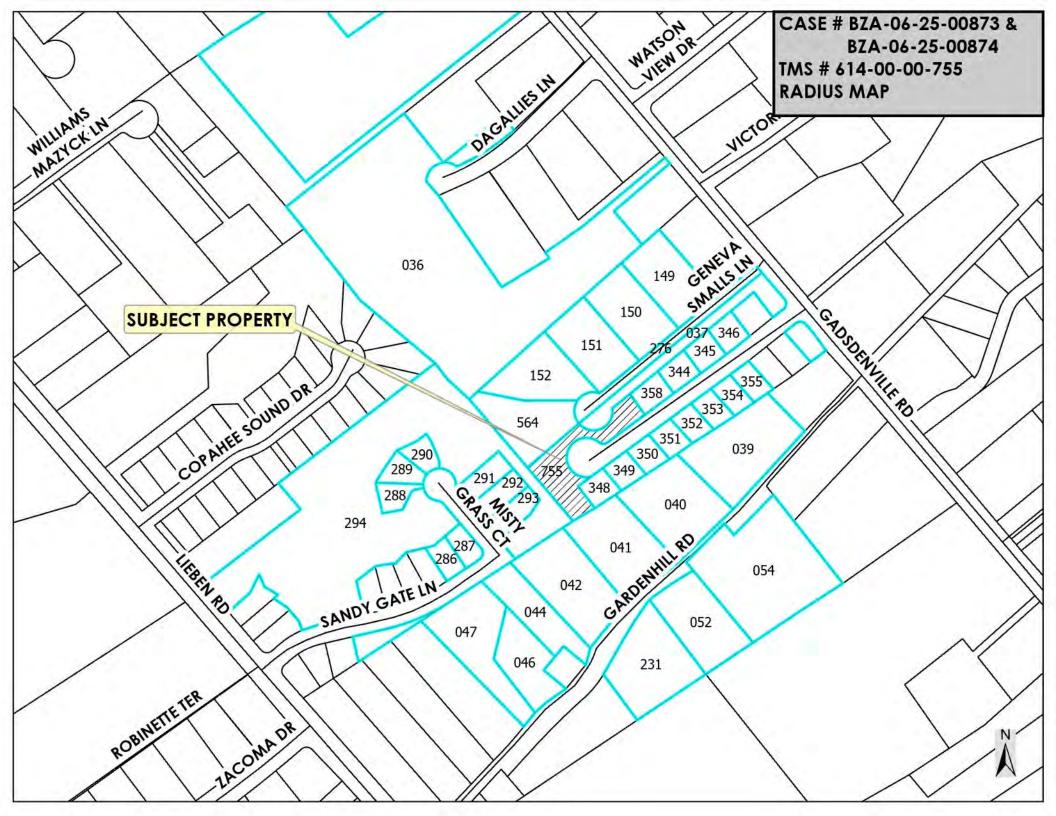
Table 4.11.3, S-3 Density/Intensity and Dimensional Standards				
	Non-Waterfront Development Standards Waterfront Development Standa			
MAXIMUM DENSITY	3 Principal Dwelling Units per acre			
MINIMUM LOT AREA	14,500 square feet if no water or sewer is available 12,500 square feet if water or sewer is available 0.5 acre			
MINIMUM LOT WIDTH	70 feet with public water and public sewer 80 feet without public water and/or public sewer	100 feet		
MINIMUM LOT WIDTH AVERAGE	N/A 125 feet			
MINIMUM SETBACKS				
Front/Street Side	25 feet			
Interior Side	15 feet			
Rear	25 feet			
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	35 feet		
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	15 feet		
MAXIMUM IMPERVIOUS SURFACE COVERAGE	40% of Lot or as allowed by the current edition of the Charleston County Stormwater Manual			
MAXIMUM HEIGHT	35 feet			

Effective on: 9/10/2017, as amended

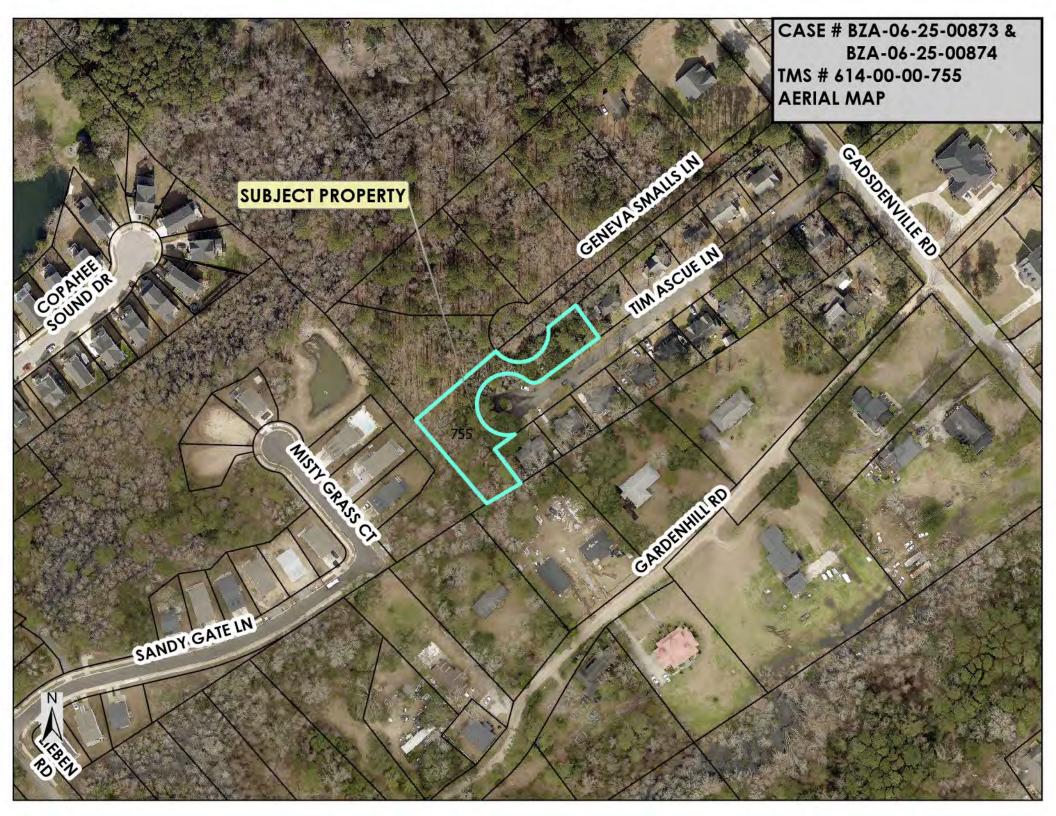
Sec. 4.11.4 Other Regulations

Development in the S-3 District shall comply with all other applicable regulations of this Ordinance, including the standards of CHAPTER 9, *Development Standards*.









Case # BZA-06-25-00873
BZA Meeting of August 4, 2025
Subject Property: 3801 Tim Ascue Lane — East Area

Proposal: Variance request to reduce the required 25' rear setback by 15' to 10' at the closest point for a proposed single-family residence, deck, and steps.



Subject Property





Subject Property





Staff Review:

The applicant and property owner, Inga George, is requesting variances to reduce the required 25' rear setback by 15' to 10' and to encroach a Grand Live Oak Tree located on the adjacent property more than twenty-five percent (25%) of the protected root zone area for a proposed single-family residence, deck, and steps at 3801 Tim Ascue Lane (TMS # 614-00-00-755) in the East Area of Charleston County. The subject property and adjacent properties to the north, east, and south are located in the Special Management (S-3) Zoning District. The adjacent properties to the east are located in the Town of Mount Pleasant's jurisdiction.

More specifically the applicant is requesting two (2) variances:

- 1. Case # BZA-06-25-00873: Variance request to reduce the required 25' rear setback by 15' to 10' at the closest point for a proposed single-family residence, deck, and steps; and
- 2. Case # BZA-06-25-00874: Variance request to encroach a 46" DBH Grand Live Oak Tree located on the adjacent property, TMS # 614-00-00-348, by more than twenty-five percent (25%) of the protected root zone area for a proposed single-family residence on TMS # 614-00-00-755.

The County Arborist evaluated the tree, and it is a Grade A tree. The proposed encroachment ins 35.5%. Three (3) of the Grand Trees on site were identified as dead, diseased, or dying and were permitted to be removed.

The property and surrounding properties were designated as the Ten Mile Community Historic District Designation (HIST-05-25-00140) on June 21, 2022. On January 11, 2024, the properties were rezoned from Low Density Residential (R-4) Zoning District to Special Management (S-3) Zoning District. The 0.59-acre property was previously HOA open/green space. However, the HOA dissolved, and the applicant purchased the property at a tax sale in February 2023.

	R-4 setbacks	S-3 setbacks
Front/Street Side	20'	25'
Interior Side	5'	15'
Rear	10'	25'

The applicant's letter of intent explains the request, "In the 2 ½ years since I purchased the 614-00-00-755 residential lot at 3801 Tim Ascue Ln, Awendaw SC 29429, I have had discussions, meetings, phone calls, and interactions with almost every department which has an approval or application requirement within the Charleston County Government to obtain approval for an elevated 1192 sf SFH house. I have completed the process to obtain Developmental Rights for this lot and had the legal Deed Description changed to Page 1 of 6

reflect those changes and requirements. During the last 2 ½ years I have worked with several departments and offices within the County and submitted several applications to comply with the County requirements in my attempt to obtain a building permit. The list of departments and groups contacted include the GIS mapping, Tax map, subdivision, ROD, Historical Preservation Commission, Tree review, Storm and Wastewater, Plat department, and BZA. I have also worked extensively and often with my Architect along with the Survey company during this 2 ½ year timespan. I designed my building plans to ensure I would only have a minimum impact on the surrounding environment. The building plan is for an elevated SFH with the garage underneath to minimize impact and the impervious area percentage. In addition to a reduced footprint, I am also using permeable materials whenever possible for the access, driveway, and parking area by the house. The Tree Review Department has recently walked the lot and reviewed the grand trees identified on the survey. He deemed 3 trees as unhealthy and dangerous so verbally approved removal. I have already submitted the required Tree Removal Application and documents to this office and am waiting on review and official approval. The current building plans will require a Septic and well system. I have contacted a Septic Company to have soil testing completed (6-12-25) to determine the best place to install the septic system leach field. After my meeting with Kyle Foster from the Tree Department, I reviewed my current build site plan to see what I could do further reduce the impact to the grand tree which is not located on my lot. Attached is a new build site plan to further reduce the tree root and canopy disturbance percentage. Also, attached with my application is the original build site plan. Both build sites are identical in the footprint, however, on the proposed build site, the house and parking area have been moved closer to the center of the lot reducing the length of the driveway. Moving the build site to reduce the impact on the grand tree not on my property, will require the County approval of this setback variance application. Please review and approve both the Tree and Setback Variances. Thank you in advance."

Applicable ZLDR requirement Case # BZA-06-25-00873:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.11 S-3, Special Management District, Sec. 4.11.3 Density/Intensity and Dimensional Standards requires a 25' rear setback.

Applicable ZLDR requirement Case # BZA-06-25-00874:

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

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 July 17, 2025. Please review the attachments for further details 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 extraordinary and exceptional conditions pertaining to the property because the property was given an Historic District designation (Ten Mile Community Historic District) in June 2022. In January 2024, the property was rezoned from Low Density Residential (R-4) Zoning District to Special Management (S-3) Zoning District. The S-3 setbacks are more restrictive than the R-4 setbacks. The 0.59-acre property was previously HOA open/green space. However, the HOA dissolved, and the applicant purchased the property at a tax sale in February 2023. **The applicant's letter** of intent states, "I am only asking for the minimum setback variance in order **to build my small house."** Therefore, the request meets this criterion.

§3.10.6(2): These conditions do not generally apply to other properties in the vicinity; Response: These conditions do not generally apply to other properties in the vicinity because this is the only vacant property on Tim Ascue Lane. **The applicant's** letter of intent states, "All other houses were built using the original R-4 zoning setbacks. The County recently changed area zoning to S-3."

Therefore, the request <u>meets</u> this criterion.

§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 4 Base Zoning Districts, Article

4.11 S-3, Special Management District, Sec. 4.11.3 Density/Intensity and Dimensional Standards and Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.4.E. Required Tree Protection to 3801 Tim Ascue Lane unreasonably restricts the utilization of the property. The remainder of the property will be used for the septic field/tank. In addition, the applicant's letter of intent states, "The current S-3 zoning unreasonably restricts the ability for me to build a small SFH on the lot. Previous zoning at R-4 did not prevent or restrict my plans to build as the build site was well within the original R-4 setbacks." Therefore, the requests

meets this criterion.

§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: The authorization of this variance may not be of substantial detriment to the

adjacent properties and the public good, and the character of the Special Management (S-3) Zoning District may not be harmed. The adjacent property owner that owns the property the Grand Tree in question is located on, reviewed the proposed plan and submitted a letter allowing Ms. George to apply for the Grand Tree encroachment variance. **The applicant's letter** of intent states, "There will not be any substantial detriment to adjacent properties or to the public good. If variances are approved, the character of the zoning district will not be harmed. My building plans for a SFH are **similar to other houses in the area."** Therefore, the requests <u>may meet</u> 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. Therefore, the requests <u>meets</u> 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 may not the **result of the applicant's own actions**.

The **applicant's letter of intent** states, "No: Setback Variance – When I bought the lot in Feb 2023, the lot was zoned R-4. I developed my house plans using these setbacks. Since then, the County rezoned my lot to S-3, thus changing the setbacks. No: Tree Variance – The canopy and roots from a Grand Tree not on my property, extends into my lot and abuts proposed

build site." Therefore, the requests <u>may meet</u> this criterion.

§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 if the board approves this request with the conditions recommended by Staff below. In addition, the applicant states, "No, the tree and setback variance requests are consistent with the surrounding lots and houses already built. The purpose of the zoning will still be for a SFH, the same as surrounding lots and homes" Therefore, the

requests <u>may meet</u> 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-06-25-00873 and BZA-06-25-00874 [Variances to reduce the required 25' rear setback by 15' to 10' and to encroach a Grand Live Oak Tree located on the adjacent property more than twenty-five percent (25%) of the protected root zone area for a proposed single-family residence, deck, and steps at 3801 Tim Ascue Lane (TMS # 614-00-00-755) in the East Area of Charleston County] based on the BZA's "Findings of Fact", unless

additional information is deemed necessary to make an informed decision. In the event the Board decides to approve the application, the Board should consider the following conditions recommended by Staff:

- 1. The applicant shall retain a Certified Arborist to monitor and treat the 46" DBH Live Oak Tree 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.
- 2. If the 46" **DBH Live Oak T**ree 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.
- 3. The driveway shall be constructed using pervious materials.

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

Property Information				
Subject Property Address: 3801 Tim Ascue Ln, Awendaw 50,29429				
Tax Map Number(s): 614-00-00-755				
Current Use of Property: Vacant	- no Structu	res		
Proposed Use of Property: Resident	tial SFH			
Zoning Variance Description: Tree V	lariance and	Setback V	ariance	
Applicant Information (Required)				
Applicant Name (please print): Inge	George			
Name of Company (if applicable): N	9			
Mailing Address:				
City:	State:		Zip Code:	
Email Address:		Phone #:		
Applicant Signature:	Teorse		Date: 6-10-25	
Representative Information (Complete		orney, Builder, Engineer		
Print Representative Name and Name of Co	mpany: N/A			
Mailing Address:				
City:	State:		Zip Code:	
Email Address:		Phone #:		
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): N/A				
Name of Company (if applicable, LLC etc.):				
Property Owner(s) Mailing Address:				
City:	State:	Zip Code:	Phone #:	
Property Owner(s) Email Address:				
Property Owner(s) Signature:		Date:		
	FOR OFFICE	USE ONLY:		
Zoning District: S-3 Flood Zone: AE-11 (365K) Date Filed: 6 24 25 Fee Paid: 250				
Application #: BZA-06-25-00918 MS #6 (4, 00-00-755) Staff Initials: 1500				

Zoning Tree and Setback Variance Description of Request

In the 2½ years since I purchased the 614-00-00-755 residential lot at 3801 Tim Ascue Ln, Awendaw SC 29429, I have had discussions, meetings, phone calls, and interactions with almost every department which has an approval or application requirement within the Charleston County Government to obtain approval for an elevated 1192 sf SFH house.

I have completed the process to obtain Developmental Rights for this lot and had the legal Deed Description changed to reflect those changes and requirements.

During the last 2½ years I have worked with several departments and offices within the County and submitted several applications to comply with the County requirements in my attempt to obtain a building permit. The list of departments and groups contacted include the GIS mapping, Tax map, subdivision, ROD, Historical Preservation Commission, Tree review, Storm and Wastewater, Plat department, and BZA. I have also worked extensively and often with my Architect along with the Survey company during this 2½ year timespan.

I designed my building plans to ensure I would only have a minimum impact on the surrounding environment. The building plan is for an elevated SFH with the garage underneath to minimize impact and the impervious area percentage. In addition to a reduced footprint, I am also using permeable materials whenever possible for the access, driveway, and parking area by the house.

The Tree Review Department has recently walked the lot and reviewed the grand trees identified on the survey. He deemed 3 trees as unhealthy and dangerous so verbally approved removal. I have already submitted the required Tree Removal Application and documents to this office and am waiting on review and official approval.

The current building plans will require a Septic and well system. I have contacted a Septic Company to have soil testing completed (6-12-25) to determine the best place to install the septic system leach field.

After my meeting with Kyle Foster from the Tree Department, I reviewed my current build site plan to see what I could do further reduce the impact to the grand tree which is not located on my lot. Attached is a new build site plan to further reduce the tree root and canopy disturbance percentage. Also, attached with my application is the original build site plan. Both build sites are identical in the footprint, however, on the proposed build site, the house and parking area have been moved closer to the center of the lot reducing the length of the driveway. Moving the build site to reduce the impact on the grand tree not on my property, will require the County approval of this setback variance application.

Please review and approve both the Tree and Setback Variances. Thank you in advance.

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.)

Please see attached Description of Request,

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:

No extraordinary or exceptional conditions pertaining to subject property. I am only asking for the minimum Setback Variance in order to build my small house.

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

Conditions generally apply to other properties in the vicinity. All other houses were built using the original R-4 zoning set backs. The County recently changed area zoning to 5-3.

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 current 5-3 zoning does unreasonably restrict the ability for me to build a small SFH on the lot. Previous zoning at R-4 did not prevent or restrict my plans to bailed as the build site was well within the original R-4 setbacks.

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:

There will not be any substantial detriment to adjacent properties or to the public good. If variances are approved, the character of the zoning district will not be harmed. My building plans for a SFH is similar to other houses in the area.

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?

If variances are approved, the proposed use of the lot is the same as the surrounding properties, non would it change use of Land or zoning district boundaries.

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

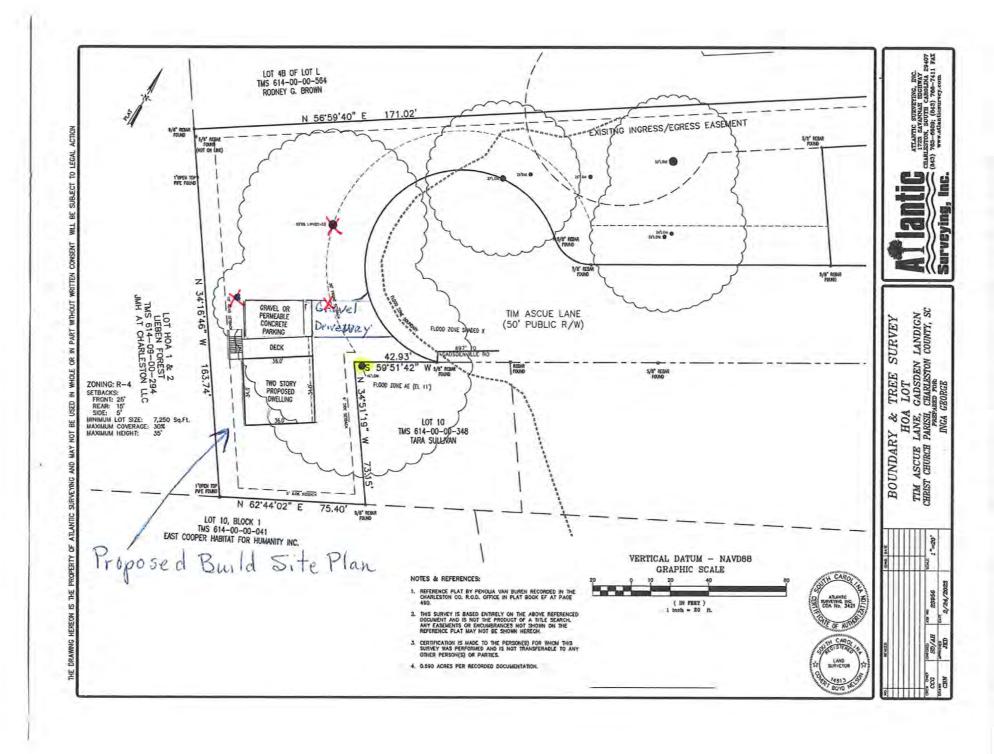
No: Tree Variance- The canopy and roots from a grand tree not on my property, extends into my lot and abouts proposed build site.

No: Setback Variance-When I bought the lot in Feb 2023, the lot was zoned R-4. I developed my house plans using these setbacks, Since then the County Rezoned my lot to S-3, thus changing the Setbacks.

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

No: The Tree and Betback Variance Request is consistent with the surrounding lots and houses already built. The purpose of the zoning will still be for a SFH, the same as surrounding lots and homes.

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.



Rodgers - 25-364 Tim Ascue Rd



High Resolution 30cm Imagery

Citations

Water

Distance/Setback Driveway

Drain Lines

