

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE NOVEMBER 4, 2024 MEETING
5:00 P.M.**

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

Members Present

Chair, Mr. William H. Ray, Mr. AD Jordan, Mr. Marc Marchant, Mr. Roy Neal, Mr. Robert Siedell, and Ms. Tonnia Switzer-Small

Members Absent

Mr. Ross Nelson and Mr. Doug Truslow

Staff Members Present

Mr. Kevin DeAntonio, Assistant County Attorney; Genesis Clark, Planning Technician II; Kyle Foster, Planner I/Arborist; and Jenny Werking, Planner III and Secretary for BZA

Notification Procedures

Staff has met the requirements of state law and *Section 3.1.6* of the *Charleston County Zoning and Land Development Regulations Ordinance* for notification for all cases to be heard by the BZA at this meeting. The notification procedures were completed by staff 15 calendar days prior to this meeting as follows:

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| October 18th: | Site Visits and Postings were completed by this date. |
| October 18th: | Letters were mailed to property owners within 500' for the Special Exception request for the sale of alcoholic beverages onsite (beer, wine, and liquor), within 300' for all other requests, and to Parties in interest for all cases. These notifications are above and beyond the state requirements. |
| October 18th: | Notice of this meeting was published in the <i>Post and Courier</i> . |

The November 4, 2024 BZA meeting was called to order at 5:00 p.m. by the Chair, Mr. William Ray.

Minutes

Mr. Siedell made a motion to approve the October 7, 2024 public hearing meeting minutes. Mr. Jordan seconded the motion. The motion carried unanimously.

Mr. Neal arrived after the vote for the minutes.

New Business

CASE# BZA-09-24-00805

Chris MacDougal of Pluff Mutt LLC ("the Applicant") and Paul D. MacDougal of Equizetum LLC ("the Property Owner"), filed a Variance request to encroach more than twenty-five percent (25%) of the protected root zone area and to encroach within a restricted area three times the DBH (Critical Root Zone) of nine (9) Grand Trees for a proposed dog daycare, boarding, and training facility at 1575 Folly Road on James Island in Charleston County, (TMS # 334-11-00-001). Folly Road Corridor Overlay (Community Commercial ([CC]) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Siedell made a motion to approve the Variance request with the following conditions: (1) Prior to zoning permit approval for site construction, the applicant shall install tree barricades around all Grand Trees to be preserved pursuant to Sec. 9.2.4 of the Charleston County Zoning and Land Development Regulations; (2) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees onsite through the duration of construction. The applicant shall provide a copy of the

treatment Plan to Zoning Staff for review and approval prior to Zoning Permit approval; and (3) If any of the nine (9) trees die within up to three (3) years of the completion of construction, the applicant shall mitigate the DBH of each tree by either (a) submitting a mitigation plan for review and approval indicating the installation of canopy trees no smaller than two and one-half (2.5) inches in caliper equaling inch per inch replacement, (b) by depositing funds into the Charleston County Tree Fund as described in Sec. 9.2.6 of the *Charleston County Zoning and Land Development Regulations*, or (c) a combination of both (a) and (b). The allotted mitigation shall be in place for each tree prior to its removal. Mr. Jordan seconded the motion. Mr. Ray, Mr. Jordan, Mr. Marchant, Mr. Siedell, and Ms. Switzer-Small voted in favor of the motion. Mr. Neal voted against the motion. The majority of the members present, and voting (5 to 1) voted in favor of motion and therefore the application was granted with the above referenced conditions.

CASE# BZA-09-24-00806

Sameka M. Jenkins of Sweetgrass Hall, LLC ("the Applicant") and Daniel and Diane Ruegg ("the Property Owners"), filed a Special Exception request for the sale of alcoholic beverages onsite (beer, wine, and liquor) in a proposed event venue in the Ashley River Road Corridor Overlay (Community Commercial [CC]) Zoning District in the St. Andrews Area of Charleston County, TMS # 353-02-00-191. Ashley River Road Corridor Overlay (Community Commercial [CC]) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.6 Special Exceptions, Sec. 3.6.5 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Ms. Switzer-Small made a motion to approve the Special Exception request with the following conditions: (1) The applicant shall meet all requirements of the State of South Carolina for alcoholic beverage sales and provide proof of State approval to Zoning/Planning Staff, prior to Zoning Permit approval for the use; and (2) The days and hours of operation for alcohol sales shall not exceed Monday to Sunday from 10:00 a.m. to 1:00 a.m. Mr. Siedell seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-09-24-00807

Kevin J. Coffey of Lowcountry Land Development Consultants ("the Applicant", "the Property Owner" and "the Representative") and Mark A. Woodall of MWKC, LLC ("the Property Owner") filed a Variance request to remove a 27" DBH Grand Red Oak Tree for a proposed eleven (11) lot subdivision at 2146 and 2150 Pierpont Avenue in the St. Andrews Area of Charleston County, (TMS # 353-03-00-042). Low Density Residential (R-4) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Marchant made a motion to approve the Variance request with the following conditions: (1) The applicant shall mitigate the removal of the 27" DBH Grand Red Oak Tree by either (a) submitting a mitigation plan for review and approval indicating the installation of canopy trees no smaller than two and one-half (2.5) inches in caliper equaling inch per inch replacement, (b) by depositing funds into the Charleston County Tree Fund as described in Sec. 9.2.6 of the 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; and (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. Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.


Additional Business

The BZA will hear ten (10) new business cases at the December 2, 2024 BZA Public Hearing that will be held in-person in Council Chambers at 4:00 p.m. Ms. Werking reminded the board members that the annual continuing education training is self-study and the deadline to finish the training is December 31, 2024. The proposed 2025 meeting schedule was presented to the Board. Mr. Marchant made a motion to approve the 2025 meeting schedule. Mr. Neal seconded the motion and the motion passed unanimously.

Adjournment

There being no further business, the board adjourned at 6:55 p.m.

Respectfully submitted,


Jenny J. Werking, AICP
Secretary to the BZA