**Video and microphone is currently disabled for all attendees.** This meeting is being recorded.
Virtual Meeting Protocol

Staff will control the slides displayed throughout the meeting.

Applicants, staff, Board members and members of the public should give their name first whenever speaking.

Applicants and members of the public must be sworn in before speaking for the first time.

Only attendees who have registered to speak before the deadline at noon today may speak during the meeting.

Video and microphone have been disabled for all attendees. Attendees will only be given the capabilities to speak when they are called on during the public comment period.

Board members who need to recuse themselves from voting will be temporarily removed from the meeting and re-admitted prior to addressing the next item.

If the Board needs to go into Executive Session, they will call into a separate conference line and all video and audio on Zoom will be temporarily turned off until they are ready to return to the regular meeting.

Chat has been disabled for everyone.

This meeting is being recorded.

Go to www.charleston-sc.gov/bza-sd for instructions to join. Call (843) 724-3770 if you are experiencing technical difficulties.
Board of Zoning Appeals—Site Design

Your Board of Zoning Appeals—Site Design Members are:

Joel Adrian—Chair, Architectural Designer
Amanda Graham Barton, Landscape Architect
Jennifer DeCiantis, Landscape Architect/Certified Arborist

Paula Murphy, Layperson, Previously in land Development
Ruthie Ravenel, Real Estate
Jeff Webb, Civil Engineer

Your City of Charleston Staff are:

Eric Schultz, Board Administrator
Lee Batchelder, Zoning Administrator
Scott Valentine, TRC Coordinator
Bethany Whitaker, Clerk

The Board of Zoning Appeals—Site Design has the authority to do three things:

1. Hear appeals to decisions of the Zoning Administrator;
2. Grant special exceptions, a fact finding function of the Board; and

3. Grant variances to the Zoning Ordinance if the application meets the hardship test outlined in Section 54-924 of the ordinance.
Board of Zoning Appeals-Site Design

Requirements for Granting a Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes the following findings:

a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;

b. these conditions do not generally apply to other property in the vicinity;

c. because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

d. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
Public Comment

Order on Each Application:

- Chair announces each application followed by staff presentation and recommendation.
- Staff will call on applicant to present their application after being sworn in by Chair.
- Staff will open the public comment period to receive comments from registered attendees in favor (first spoken, then written). Each speaker will be sworn in by the Chair.
- Staff will then recognize registered attendees for public comments in opposition after speaker is sworn in (first spoken, then written).
- Staff will recognize the applicant for a short rebuttal.
- Chair will then close the public comment period and begin Board discussion.

Providing Comment:

- If you submitted a request to speak on an item before the deadline, staff will call your name when it is your turn to speak and enable your microphone.
- Your microphone will be disabled after you are done speaking.
- You may only speak once for each item and you must state your name and address for the record or you will not be permitted to provide comment.
Board Discussion

- Following public comment period, Board members can make comments, ask questions and make motions.

- After a motion and second, Board members will vote “Aye, in favor” or “Nay, not in favor”. If vote is not unanimous, Chair will poll each member for their vote. The Chairman shall announce the vote on the motion and the final decision on the application.

- If a Board member needs to recuse, he will be temporarily removed from the meeting and placed back in the meeting at the start of the next agenda item.

- If the Board needs to go into Executive Session, they will call into a separate conference line and all video and audio on Zoom will be temporarily turned off until they are ready to return to the regular meeting.

Go to www.charleston-sc.gov/bza-sd for instructions to join. Call (843) 724-3770 if you are experiencing technical difficulties.
Agenda Item #A-1
Approval of the December 1, 2021 BZA-SD Meeting Minutes.
Agenda Item #B-1

CLEMENTS FERRY ROAD
(Cainhoy)

TMS # 268-00-00-129 & 130
Request a variance from Sec 54-327 to allow the removal of two grand trees.
Zoned PUD
Applicant for Variance, Special Exception, Recodification, or Extension to the Board of Zoning Appeals – Site Design (BZA-SD)
City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals-Site Design. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board. An appeal to the Board during the five (5) business day appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
☒ A Variance and/or Special Exception as explained on page 2 of this form.
☒ Free Removal ☐ Landscaping/surfaces ☐ Parking surface ☐ Other ☐
☒ Reconsideration of a decision of the Board or action of a zoning official (Attach Appeal form).
☒ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: January 5, 2022

Property Address: Portions of Lots 7 & 8 Clements Ferry Road
TMS #: 268-00-00-120 & 130

Property Owner: Abbington Charleston, LP
Daytime Phone: 843-377-1226

Applicant: Capezi & Barr, III
Daytime Phone: 843-377-1226

Applicant’s Mailing Address: 11 Broad Street, 2nd Floor, Charleston, SC 29401

E-mail Address: cjdb@barangumengmont.com

Relationship of applicant to owner (same, representative, prospective buyer, other) Attorney
Zoning of property: LI

Information required with application (check information submitted):
☒ Scaled site plans or plat showing the variance(s) or special exception(s) being requested (3 sets)
☒ Photographs of the site, ground to be removed, quality trees to be removed, etc.
☒ For requests to remove trees, evaluations/reports from certified or qualified arborists
☒ Check credit card or cash (make checks payable to the City of Charleston)
☒ Yes ☒ No: is this property removed on any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use as stated in this permit application? 

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 54-502, Sec. 54-511(b), or Sec. 54-513 (add as an attachment if necessary):

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the Zoning Ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

See Attached Memorandum

Variance Test: The Board of Zoning Appeals-Site Design is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board must attach to such conditions regarding the location, character, or other features of the proposed building, structure, or use 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. (SC Code of Laws Section 6-29-800)

Date: 12-08-2021

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
(843) 724-3781 FAX (843) 724-3772 www.charleston.sc.gov
The issue before the BZA-SD.

This application seeks a variance from the City’s tree ordinance to approve the removal of two “grand” trees.

History and Background.

The applicant, Abington Charleston, LP, plans to construct a ninety-unit affordable housing project on a 7.3 acre tract on Daniel Island at Benesford Hall. The 7.3 acre tract is part of the Benefesford Hall PUD Master Plan, portions of two outparcel properties adjacent to Clements Ferry Road. Attached as Exhibit “A” is a schematic rendering entitled “Aberdeen Hall Community Map” depicting the relationship between the outparcels adjacent to Clements Ferry Road and the gated, residential community within the PUD.

The outparcel is designated in the PUD Master Plan and is a “C3” commercial section of the Benesford Hall PUD, and is subject to the City’s Light Industrial zoning classification. Attached as Exhibit “E” is a copy of the City ordinance adopted November 22, 2000, approving the PUD Master plan, with its associated plat.

Because the property is within the Benesford Hall PUD and is subject to the scrutiny of the Benesford Hall Design Review Board, the project has undergone extensive scrutiny and redesign over the past 15 months through the Benesford Hall DRB process. It has received the conditional approval of the Benesford Hall DRB, and now is in the process of review through the necessary City Boards and Commissions.

The 7.3 acre tract at issue is completely wooded and is believed to have not been occupied or improved.

The affordable housing project to be constructed on the site has received significant approval and support from the City of Charleston through the Mayor’s Office and the Office of Community Development because of the public policy interests involved in creating affordable housing throughout the community, and particularly within the area of Daniel Island and Cainhoy.

Multiple commercial uses have been established on the PUD’s outparcels, most of them to the west of the subject property, and including a firearm munitions facility, the Hard Scoop Distillery, a Subway Restaurant, a gymnastics academy, Terminiex pest control, Charleston Cremation Center and Funeral Home, Devon Self-Storage, Indigo Reef Brewing Co., Donovan Marine and Carolina Office Center. At the eastern end of the outparcels is Kings Cross Church and Kindercare.

Whereas the above described activities are somewhat remote and less visible to the homes within the gated community, the Abington project is more visible, and located in a high-profile area. Thus, at least as Abington believes, it has been subjected to extraordinary scrutiny by the DRB, but approvals have been reached. Approvals have been obtained, and Abington now seeks to complete the City’s review approvals. Importantly, Abington suggests that its planned uses presents a “softer,” residential use than the harder commercial uses existing on the other outparcels.

Abington has received an award of Low Income Housing Tax Credits for the project from the South Carolina State Housing Finance and Development Authority. This tax credit program is competitive, with only about twenty projects approved each year, and is project-specific. That is to say, the tax credits are not transferrable to another project.

The issue before the BZA-SD.

Attached as Exhibit “C” is the building site plan for the Abington project, as approved by the Benesford Hall DRB following an extensive 15 month review process. The exhibit is superimposed on a tree survey. (Note that Exhibit “C” consists of three pages, each showing the location of the subject trees in different formats.)

Note that the footprint of “D”, the eastern end of the project, overlaps the two trees at issue in this application. (The building numbers are not printed on Ex. “C” page 1, but note the hand written notation, and the specific building numbers on page 2.) Both trees are “multi-stemmed”; that is to say, they consist of multiple “leaders” or small trunks, growing from the same root base. One tree, with four “leaders” is shown on the photo marked Exhibit “D”. No single trunk measures the requisite 24 inches DBH to constitute a grand tree, but the four leaders measure 7, 10, 10, and 12 inches DBH, so that they cumulatively exceed the 24 inch diameter measurement, DBH, for a grand tree. A second tree, depicted in the photo attached as Exhibit “E” consists of leaders measuring 6, 9, and 9 inches, DBH, respectively, thus cumulatively exceeding the benchmark 24 inches DBH.

Notably, the attached site plan was approved by the Benesford Hall DRB following extensive negotiation. The DRB required the project to relocate the buildings to the south side of the access road, to accommodate their aesthetic interests in the residential view perspectives of the subject project.

By this application, Abington seeks variance approval by the BZA-SD to remove the two multi trunk trees. Abington’s request connotes with the criteria for a variance as hereafter discussed.

The Variance Request: Discussion.
The criteria for granting a variance are expressed in City Ordinance Section 54-324, and are discussed below.

A variance may be granted in an individual case of unnecessary hardship if the Board finds and explains in writing the following findings:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

In this case there are multiple extraordinary and exceptional conditions, also discussed in the introductory paragraphs of this memorandum. First, is the existence of the property in a PUB requiring multiple layers of public and private approvals, with particularly rigid scrutiny applied by the residential components of the PUB, who also control the DRB. The applicant and the DRB have together gone great lengths to reconcile and to satisfy joint and several interests.

The applicant’s residential use, as was previously stated, is a “softer” use in a Light Industrial zone district, accommodating the interests of both the applicant and its residential neighbors behind the gates.

Importantly, the proposed affordable housing use addresses a real need in the Charleston Metropolitan Area. The planned use is not to be confused with low income housing in the nature of “projects”, but rather housing opportunities for retail, office and clerical personnel who can thus afford to live near the place where they work.

A “condition of the property” that is also exceptional is that the two trees at issue are located on the property where they would necessarily interfere with just about any foreseeable use of the property.

b. These conditions do not apply to other property in the vicinity.

Whereas much of the surrounding property is also wooded just as is the subject property, the proximity and visibility of the subject property to the residential, gated community, and the DRB’s requirements for separation and screening from the gated community, necessitated building placement as far to the north as possible. Indeed, the applicant’s initial plan was to site four buildings to the south of its access road. However, the DRB required the placement where they are now shown on the site plan.

The result was the conflict with the multi-trunked trees that are the subject of this application. Applicant is neither complaining about, nor critical of, the DRB for protecting its own interests; and is satisfied with the result. However, none of these factors or conditions can be said to apply to other property in the vicinity.

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unnecessarily restrict the utilization of the property.

Because of the location of the two multi-stemmed trees at issue on the property it is likely that they would interfere with any other reasonable use of the property. The trees are located, with only a slight deviation, squarely within the most logical use or access corridor, with reference to the property’s only access to a public thoroughfare, Clements Ferry Road. Stated differently, to require that the property be utilized so as to avoid conflict with the two trees would unnecessarily and unreasonably restrict utilization of the property.

The key point of this element of the variance test is that it is not one of impossibility. An applicant is not required to prove that use of the property is impossible because of the conflicts. Rather, the standard is whether the condition presents an “unreasonable” impediment to the property’s use. The location of these two trees does exactly that.

d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

As for that final element for consideration of a variance, it must be observed that, although the trees at issue are technically defined as “grand”, they are in no way “grand” as in the context of a single trunk 25 inch DBH live oak, or even a single trunk laurel oak, for that matter. The attached exhibit “C” is a report from Registered Arborist Forrest S. Evans dated 11/2/2021, who characterizes both of the trees at issue as “D Grade” and in poor condition. Mr. Evans opines that both trees will likely suffer from decay and poor growth structure as they mature, primarily because of their multi-stemmed character. Notably, laurel oaks are not in the City’s highest classification category. See City Ordinance Section 54-331 (table), as described in City Ordinance Section 54-331 (table), as derived from the March 2001 Tree Species Rating Guide.

The entire property in this case is profusely grown with trees, most surpassing in quality the deformed examples presented here for removal. Whereas the trees at issue may fit the definition of “grand” by technical definition, the attached photographs (Exs “D” and “E”) speak a thousand words. The trees are unworthy of true “grand” designation, at all.

Conclusion.

Mitigation: Aylburnton Charleston will agree to any reasonable mitigation measures that may be suggested by City Planning staff, or alternatively if requested will propose a mitigation plan be developed by its arborist.

Respectfully, the compelling public policy need for affordable housing and the relative condition of the trees at issue and the configuration of the property should override any marginal interests in protecting these otherwise naturally vulnerable trees.

The application for variance should be approved.
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, January 5, 2022

ITEM B 1
Clements Ferry Rd
(Cainhoy)
TMS# 268-00-00-129 & 130
ZONED PUD

[Map showing the location of the properties mentioned in the text]
AN ORDINANCE

TO AMEND CHAPTER 24 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING THE HARPER TRACT (BERESFORD HALL) MASTER PLAN FOR THAT PLANNED UNIT DEVELOPMENT LOCATED ON CLEMENTS FERRY ROAD (547.0 ACRES) (MASTER TM# 265-00-00-048).

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL MEMBERS, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by amending the Harper Tract (Beresford Hall) Planned Unit Development Master Plan to make Clements Ferry Road the baseline elevation from which building heights shall be measured in the C1, C2, and C3 commercial districts.

Section 2. The Harper Tract (Beresford Hall) Master Plan be amended for property described as follows:

Property located on Clements Ferry Road (547.0 acres) (Master TM# 265-00-00-048).

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council the 29th day of November, in the year of Our Lord, 2009, in the 230th Year of the Independence of the United States of America.

[Signature]
Mayor

ATTEST:
[Signature]
Vanessa Turner-Mayberry
Clerk of Council
LEGEND

- Commercial 1 (C1)
- Commercial 2 (C2)
- Commercial 3 (C3)
- Residential
- Limited Open Space (protection included in Residential)
- Buffer
- Wetland
- Marsh

Note: Residential Master Plan shown is conceptual in nature and subject to change.
Dear Mrs. Wilkinson,

As requested, the following is my assessment of the 3 trees at the Abington project on Clements Ferry Road. Below is the condition report for each tree that includes size, grade, and species.

Tree #1: 7.5"/10'/17.5'/12" Laurel Oak – D Grade. Poor Condition: This tree has four dominant leaders. These leaders are the result of sprouting from the trunk. These leaders join at multiple v-shaped crotches (weak joints). In my professional opinion this will lead to decay on the trunk in the future and leads to poor growth structure of the tree.

Tree #2: 6'/9'/5'/205'-20'/50' Laurel Oak – D Grade, Poor Condition: This tree has 3 co-dominant leaders. These leaders are the result of sprouting from one stump. In my professional opinion this will lead to poor growth structure and decay when the tree matures.

Tree #3: 205'-20'/50' Laurel Oak. This tree is not grand and is thus not protected.

Please let me know if you have any questions or concerns or would like to meet on site to discuss this tree further.

Sincerely,

Forest S. Evans
Certified Arborist SD-101734
Agenda Item #B-2

PRIOLEAU STREET  
(French Quarter)

TMS # 458-09-04-075

Request a variance from Section 54-327 to allow the removal of one grand tree.

Zoned PUD
Application for Variance: Special Exception, Reconsideration, or Extension

City of Charleston

Instructions: Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals—Site Design. Permits authorized by the Board cannot be issued during a five (5) business day appeals period following the decision of the Board. An appeal to the Board during this five (5) business day appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
- A Variance and/or Special Exception as explained on page 2 of this form.
- Tree Removal □ Landscaping/buffers □ Parking surface □ Other
- Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
- Extension of an expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: January 9, 2022
Property Address: 6 Prioleau Street
TMS #: 548-008-04-007
Property Owner: Van Isking, LLC (proprietor and owner)
Daytime Phone: 843-722-3774
Applicant: Van Isking
Daytime Phone: 843-822-4606
Applicant’s Mailing Address: 1 Calhoun Street Unit 106 Charleston, SC 29401

Relationship of applicant to owner: [same, representative, prospective buyer, other] Representative, architect

Zoning of property: Approved by the City of Charleston P.U.D.

Information required with application: (check information submitted)
- Site plan or plat showing the variance(s) or special exception(s) being requested (3 sets)
- Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
- For request to remove trees, evaluations reports from certified or qualified arborists
- Check, credit card or cash (make checks payable to the City of Charleston)
- YES or NO. Is this property adjacent to any other property in the vicinity?

Optional but very helpful information:
- Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of hearing before the Board and inspected.

Applicant: ___________________________ Date: 12-04-21

For office use only
Date application received ____________________
Received ____________________ Time application received ____________________

BZA-SD Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

1. The tree in question poses a threat to the city sidewalk or the access (Cavalier Street as well as the adjacent property of 214 Exchange Street due to the deteriorating health of the tree.

2. There are no other comparable trees along the west side of Cavalier Street in the vicinity of this property.

3. The arborist's diagnosis states the tree's health is beyond mitigation. If the removal is approved, the proposed building can abide by the zero feet setback covenant with the street.

4. In the event the tree would contribute to the aesthetic of the adjacent property, whether the building is or is not a part of the landscape, it would promote the health of the neighborhood.

Variance Test: The Board of Zoning Appeals—Site Design is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
4. The authorizations of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use 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. (SC Code of Laws Section 6-29-800)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 54-329, Sec. 54-511(b), or Sec. 54-513 (add as an attachment if necessary).

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
December 5, 2021

Dear Members of the Board,

In response to the hardship test requirements, here are the ways in which we believe the protected tree at 6 Pr Maritime pertains.

1. The tree in question has been diagnosed by a certified arborist and a representative on behalf of the city as being in poor health. We feel this constitutes an extraordinary or exceptional condition as it poses a potential risk to the adjacent property of 2 and 4 Exchange Street as well as the city maintained trees across Concord Street.

2. There are no comparable trees along the west side of Concord Street in the vicinity of this property. The density of the neighboring buildings along with the zoning regulations create a uniform streetscape that is interrupted by the existing conditions at 6 Pr Maritime.

3. The arborist report states the tree’s health is beyond mitigation. If the removal is approved, the proposed building would abide by the zero foot street setback concurrent with the streetscape. Alternatively, if we are to limit the footprint to adhere to the tree protection. The arborist’s summation predicts the tree’s health will continue to deteriorate, and the proposed building will appear at odds with it's context.

4. Removing the tree will eliminate the risk to the adjacent properties, and the Board should note 6 Pr maritime is governed by a F.U.D. that stipulates a fifteen-foot buffer along the south side of the property line. Thus the tree will be mitigated well beyond caliper inch typically required. The arborist letter also states that the removal of this tree will promote the health of the neighboring trees along Waterfront Park.
Story for not sending this sooner. Below is the report from my inspector. The tree that is infected under the City's tree protection regulations is the 26" live oak on Concord and adjacent to the house that is under construction. To impact or remove the tree would require approval of the City’s Board of Adjustment Site Design. Based on Craig’s report on this tree, that may not be possible. However, a method statement would need to impact and report on the actual health of the tree and the report along with development plans for the site would need to be submitted to the Board for review and approval if they deemed that the tree impact is necessary or not.

Let me know if you have any questions.

Itu L. Hartshorne A.R.P. Senior Planner
City of Charleston Department of Planning, Preservation and Sustainability
2 George Street, Room 3001, Charleston, SC 29401
T (843) 724-7590 F (843) 724-7576 - bamharts@charlestonsc.gov www.charlestonsc.gov

From: B. Hartshorne A.R.P. Senior Planner
Cc: L. Hartshorne A.R.P. Senior Planner
B. Hartshorne A.R.P. Senior Planner
S. Hartshorne A.R.P. Senior Planner
R. Hartshorne A.R.P. Senior Planner
S. Hartshorne A.R.P. Senior Planner
To: B. Hartshorne A.R.P. Senior Planner
S. Hartshorne A.R.P. Senior Planner
R. Hartshorne A.R.P. Senior Planner
S. Hartshorne A.R.P. Senior Planner
Subject: 16th Street (TPE 455-06-437)
Date: 11/16/2021 11:10 AM

Lin

Good morning, I visited 16th Street NPE 455-04-075 (the parking lot adjacent to 16th Street) yesterday and took the attached photo. My notes are shown on the producer menu in a red color:

1. 16" Live Oak (subject of concern on parking lot)
   a. Medium-sized trunk and greater than 50% crown loss
   b. Letter grade = A-
   c. Good growth
   d. No insect or disease problems
   e. No signs of or damage from plant material
2. 16" Live Oak (tree line parking lot on Concord St)
   a. Medium-sized trunk, greater than 50% crown loss
   b. Letter grade = B-
   c. Good growth
   d. No insect or disease problems
   e. No signs of or damage from plant material
3. 18" Live Oak (tree line parking lot on Concord St)
   a. Medium-sized trunk, greater than 50% crown loss
   b. Letter grade = C+
   c. Good growth
   d. No insect or disease problems
   e. No signs of or damage from plant material
4. 26" Live Oak (tree line parking lot on Concord St)
   a. Medium-sized trunk, greater than 50% crown loss
   b. Letter grade = C+
   c. Good growth
   d. No insect or disease problems
   e. No signs of or damage from plant material

Please let me know (you) the desire to discuss these trees further.

Have a good day.

Craig
Craig Branson, A.R.P. Senior Planner
City of Charleston Department of Planning, Preservation and Sustainability
2 George Street, Charleston, SC 29401
T (843) 724-7590 F (843) 724-7576 - bamharts@charlestonsc.gov www.charlestonsc.gov

MT Pleasant Tree Service
2265 Daniel Island Drive
Charleston, South Carolina 29412
Phone: (843) 573-2263
Fax: (843) 573-2265
Lie: mtpleasanttrees@gmail.com
WEBSITE: mtpleasanttrees.com

November 30, 2021
Alberiten Ament LLC
1 Costil Way
Unit 12l
Charleston, SC 29403
albert@alberten.com
588 6th Pine Street

Dear Mrs. Ament,

In conjunction with the city's report, this 10" oak tree at the property is suffering severe 50% crown loss that can be mitigated with pruning and fertilization methods. The health of the tree depends upon the removal of dead and hazardous limbs, which will allow more sunlight to contribute to healthier growth and canopy development. Additionally, the tree will require Injectons at the root zone.

The 26" oak located at the northeast corner of the property has a fungal disease, likely a golden fungus, a shatter tree, and black root rot disease to tree health. Soil infestation is also present along with associated areas throughout. This tree is the only one on the lot under city protection; however, it is in my judgment that the request for removal be granted.

I asked the disease to the 26" oak but granted to the adjacent 10" oak on the northwest corner of the property. Although the crown loss is not as severe, the soil infestation is present on this tree as well. This concern is that these diseases may spread to the City-maintained oaks of Waterfront Park across Concord Street.

Should you or any City officials have any questions or wish to discuss the detail of these conditions, please contact me.

Sincerely,

Jason Boals
November 30, 2021

Amber Aument LLC
1 Cool Blow St.
Unit 136
Charleston, SC 29403
amber@amberaument.com

Re: 6 Prioleau Street

Dear Mrs. Aument,

In conjunction with the city’s report. The 19” oak tree at the entry to the property is suffering crown loss that can be mitigated with pruning and fertilization methods. The health of the tree depends upon the removal of dead and hazardous limbs, which will allow more sunlight to contribute to healthier growth and canopy development. Additionally, the tree will require injections at the root zone.

The 28” oak located at the southeast corner of the property has a fungus, likely bracket fungus, a contagious and debilitating disease to tree health. Gal infestation is also present along with parasitic wasps throughout. This tree is the only on the lot under city protection, however it is my strong encouragement that the request for removal be granted.

As stated the disease to the 28” oak has spread to the adjacent 18.8” oak on the northeast corner of the property. Although the crown loss is not as severe, the gal infestation is present on this tree as well. The concern is that these diseases may spread to the City mainainted oaks of Waterfront Park across Concord Street.

Should you or any City officials have any questions or wish to discuss the detail of these conditions, please contact me.

Sincerely,

Jason Boals
Agenda Item #B-3

337 PRESIDENT STREET
(Hampton Park Terrace)

TMS # 460-02-04-095

Request a variance from Section 54-327 to allow the removal of one grand tree.

Zoned DR-1F
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Site Design (BZA-SD)

City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals-Site Design. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board. An appeal to the Board during this five (5) business day appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
☐ A Variance and/or Special Exception as explained on page 2 of this form.
☐ Tree Removal
☐ Landscaping/buffer
☐ Parking surface
☐ Other
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED:
December 1, 2021

Property Address: 337 President Street
TMS #: 460-02-04-005

Property Owner: Scott Cheney
Daytime Phone: 843-718-5218

Applicant: Scott Cheney
Daytime Phone: 843-718-5218

Applicant’s Mailing Address: PO Box 31014, Charleston, SC 29417

E-mail Address: Scott@indigoCharleston.com

Relationship of applicant to owner (same, representative, prospective buyer, other) same

Zoning of property: DR-1F

Information required with application: (check information submitted)
☐ Scaled site plan or plat showing the variance(s) or special exception(s) being requested (3 sets)
☐ Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
☐ For requests to remove trees, evaluations/reports from certified or qualified arborists
☐ Check credit card or cash (make checks payable to the City of Charleston)
☐ Yes or No – Is the property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful Information:
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the hearing before the Board and inspected.

Applicant: [Signature]
Date: 12/31/21

For office use only
Date application received
Staffer signature
[Stamp]
Date received

Page 2 of 2

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

The variance request is to remove a 24" Laurel Oak that sits on our property line. Currently the house is under renovation including the addition of a screened porch in the backyard. The current location of the proposed porch does not provide the 12' minimum distance from the tree. The current plan was designed with direct access from the back door of the house and also opposite of the driveway access to the backyard. Shifting the porch to the back will restrict the value of our backyard by creating unusable space. There are several large trees adjacent to our yard so the removal of this tree would not be of substantial detriment to our property and the adjacent properties.

Variance Test: The Board of Zoning Appeals-Site Design is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use 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. (SC Code of Laws Section 6-29-900)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 54-329, Sec. 54-511(b), or Sec. 54-513 (add as an attachment if necessary):

For all approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the Zoning Ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, January 5, 2022

ITEM B 3
337 President St
(Hampton Park Terrace)
TMS# 460-02-04-095
ZONED DR-1F
Tree Removal

Jennifer F <jf@eatatverde.com>
Wed 10/20/2021 9:45 AM
To: Scott Cheney <scott@indigocharleston.com>

Hi,

I am Scott Cheney's neighbor and we live at 341 President Street. We have discussed the removal of the tree between our properties since it has limbs overhanging our house as well. Based on safety and not causing future incidents, we agree and feel best if this tree would be removed.

Please let me know if you have any questions.

Thank you,
Jennifer and Sam Ferrebee
341 President Street
Charleston, SC 29403
Reference: 337 President Street Tree Removal Request

To Whom it May Concern,

This letter is in reference to a 24” Laurel Oak located in the backyard of 337 President Street. The owner has requested the removal of the tree due to the size and location to the house as well as the adjacent neighbor’s driveway and house.

The tree is in fair condition at this time. There are areas of concern. The tree currently leans towards the house already. All branches and limbs are pruned above the rootline of the 2-story house. There is visible co-dominance in the remaining branches. The raising of the canopy also creates a sail effect during storm events.

The root zone of the tree is impacted by the neighbor’s driveway and recent construction to their home.

Typically Laurel Oaks display the same growth characteristics and concerns similar to water oaks. While the tree is in fair condition today, there are signs of decline and recent impacts that indicate the tree will require removal in the next couple of years.

Pictures are included for the board to review. Please feel free to contact me if you have any questions concerning this letter or this property.

Sincerely,

Jamie Hairfield
ISA Certified Arborist SO-5719A
jamie_hairfield@gmail.com
843.708.7593
Picture 2: This is from the rear of the neighbor's driveway looking towards President Street. The tree's location in relation to the residence and fence as well as the neighbor's driveway. Also shows a lean towards the residence.

Picture 3: Tree canopy – The canopy and branches are limb above roof line of the 2-story residence.
Picture 4: Base of tree from neighbor's driveway.

Picture 5: Tree's acorns

Picture 6: Tree's leaves
Agenda Item #B-4

2112 ROOKERY LANE
(Croghan Landing)

TMS # 308-01-00-050

Request a variance from Section 54-327 to allow the removal of one grand tree.

Zoned DR-1F
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Site Design (BZA-SD)

City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals–Site Design. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board. An appeal to the Board during this five (5) business day appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
☐ Variance and/or Special Exception as explained on page 2 of this form.
☐ Tree Removal
☐ Landscaping/buffers
☐ Parking surface
☐ Other
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form)
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: JAN 5, 2022

Property Address: 2112 Reddick Ln. Charleston, SC 29414
Property Owner: BOB WILLIAMS/CHARLOTTE PERAL
Daytime Phone: 720-579-6181

Applicant: ROBERT HAKE
Daytime Phone: 548-557-3253

Applicant’s Mailing Address: 3111 N. HARBOR DR. CHARLESTON, SC 29407

E-mail Address: aaron@tobacco.com

Relationship of applicant to owner (same, representative, prospective buyer, other) CONTRACTOR

Zoning of property: A-E9 I R-2

Information required with application: (check information submitted)
☐ Scaled site plan or plot showing the variance(s) or special exception(s) being requested (3 sets)
☐ Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
☐ For requests to remove trees, evaluations/reports from certified or qualified arborists
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ Yes ☐ No ☐ – Is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? ☐ 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the hearing before the Board and inspected.

Applicant: KE HAKE

Date: 1/3/01

For office use only:
Date application was received: Time application received: Staff Initials

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401 843-724-3781 FAX 843-724-3772 www.charlestonsc.gov

BZA-SD Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Variance Test: The Board of Zoning Appeals–Site Design is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property, and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use 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. (SC Code of Laws Section 6-29-800)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 54-329, Sec. 54-511(b), or Sec. 54-513 (add as an attachment if necessary).

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401 843-724-3781 FAX 843-724-3772 www.charlestonsc.gov

6/15
We have consulted with the representative of the Croghan Landing ARB and he agrees to removing the 24 " oak if the board approves this request. He had no issue with the trees in the building envelope.

3. The arborist consulted concluded that disease or tree condition was not a reason for removal so an arborists report is not included in the application.

1. Remove 1 Southern Red Oak 26" DBA and 1 Double Southern Red Oak 20"/10" DBA. These trees are located in the building envelope as shown on the site plan. This request is essential to the development of the property.

The proposed home and lot size are typical of the Croghan Landing Neighborhood. The home is too deep to avoid the trees by moving it forward and remain within setbacks. The rear of the lot is low lying and moving the house rearward would create drainage issues and require excessive fill. This fill would negatively impact the transition to the critical line buffer. Additionally, it would eliminate a back yard and any options for a future pool or other features. Reversing the plan would not avoid the trees either. Due to their central location on the lot, no other reasonable alternative exists.

2. Remove 1 Southern Red Oak 24" DBA located in the right front as shown on the Site Plan. This tree interferes with the driveway as proposed on the site plan.

The original site plan was drawn making a sharp S turn around the tree. This will create significant difficulty accessing the garage area and driving to and from the street. The tree has a major broken fork as shown in the photos. Because of the broken fork and growth of adjacent trees, this tree does not have a broadly spreading canopy and will not be that attractive when isolated.

The preliminary design required the driveway pavement to be within 5 feet of the tree. Paving the driveway very near the trunk of the tree and over the main root ball will likely cause further harm to the tree. The proximity of the tree to the driveway will cause future damage to the driveway as the tree continues to grow. The owners are asking to remove the tree and adjust the driveway per the proposed site plan to improve access to the home and avoid potential damage to the tree and driveway.

Reversing the plan is unsatisfactory for the following reasons. The homes on either side have driveways on the right. While there are some lots in the development with adjacent driveways, the ARB is trying to avoid this as it detracts from the neighborhood appearance. Additionally, because the property is low lying with drainage to the back toward the water feature, when the driveways are nearly touching on adjacent lots, it creates significant drainage issues as the large run off from the driveways and front of the lot is channeled into the narrow space between the drives. The ARB specifically asked to reverse this plan to ensure that driveways were not adjacent. The setback of the home on lot 37 was also a consideration in the proposed site plan.

There is a natural area of trees which will be preserved immediately to the right of the driveway on the Lot 38-Lot 37 property line. This includes a 20' oak and gum (lot 37 property line) and several smaller oaks and gums as seen in the photographs.
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, January 5, 2022

ITEM B 4
2112 Rookery
(Croghan Landing)
TMS# 308-01-00-050
ZONED SR-1

Subject Property
Agenda Item #B-5

FOLLY ROAD BOULEVARD
(Old Windemere)

TMS # 421-11-00-002

Request a variance from Section 54-327 to allow the removal of one grand tree.

Zoned SR-2
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Site Design (BZA-SD)

City of Charleston

Instructions – Submit the application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals-Site Design. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board. An appeal to the Board during this five (5) business day appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
- A variance and/or Special Exception as explained on page 2 of this form.
- Tree removal
- Landscape buffers
- Parking surface
- Other ________________
- Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
- Extension of an expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: January 5, 2022

Property Address: 20 Folly Rd
TMS #: 421-11-000-062

Property Owner: Richard Vargo
Daytime Phone: 706-691-1991

Applicant: Nathan Harris
Daytime Phone: 706-691-1991

Applicant's Mailing Address: 584 Godfrey Park Pl, Charleston SC 29407

E-Mail Address: nharris691@gmail.com

Relationship of applicant to owner (same, representative, prospective buyer, other, prospective buyer)

Zoning of property: R1-2

Information required with application: (check information submitted)
- Site plan or plat showing the variance(s) or special exception(s) being requested (3 sets)
- Photographs of the site; good trees to be removed, quality trees to be saved by removing others, etc.
- For requests to remove trees, evaluations/reports from certified or qualified arborists
- Check, credit card or cash (make checks payable to the City of Charleston)

- Yes or NO: is this Property rectified by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use? See ecpmmurated in this permit application: § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:
- Letters or petitions from neighbors or organizations affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the hearing before the Board and inspected.

Applicant ___________________________ Date: 11-11-21

For Office Use Only
Data application received: ____________ Time application received: ____________
Staffing: ____________ Fee: $ ____________
Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
(843) 724-3791 FAX (843) 724-3772 www.charleston-sc.gov

BZA-SD Application (continued) for Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance will affect the lot. See attached statement

Variance Test: The Board of Zoning Appeals-Site Design is authorized to approve a variance from the requirements of the Zoning Ordinance when the strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property:
2. These conditions do not generally apply to other property in the vicinity:
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property:
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions respecting the location, character, or other features of the proposed building, structure, or use 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. (SC Code of Laws Section 6-29-800)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 54-329, Sec. 54-311(b), or Sec. 54-313 (add as an attachment if necessary)

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Department of Planning, Preservation & Sustainability
2 George Street Charleston, South Carolina 29401
(843) 724-3791 FAX (843) 724-3772 www.charleston-sc.gov
Respectfully request City permission to remove a 27” DBH pecan tree in the middle of the lot on the property 421-11-00-002, a vacant lot between 89 Folly Road and 47 Fenwick Dr in West Ashley.

This tree is near the center of a 50’ x 150’ lot and prohibits the placement of a house of a home on this lot designated for single family residential use. We intend to build a single family home on this lot of modest size similar to neighboring homes, roughly 2200 sq ft total, 1500 sq ft footprint.

Further, this lot will be accessed by a driveway on Folly Road, a busy state road. It is very unsafe and likely impermissible to have vehicles back onto the road, providing sufficient parking and a turnaround area will be essential.

Alternative placement of the house on the lot deep in the rear setback (which would also require a variance) a) is not as fitting with the neighborhood and b) would impede family parking and turnaround.

The bigger priority should be protecting any encroachment of the grand 31” DBH magnolia tree at the front of the lot, providing garden scenery along Folly Road.
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, January 5, 2022

ITEM B 5
Folly Road Blvd
(Old Windemere)
TMS# 421-11-00-002
ZONED SR-2

[Map showing the location of the property]
Request to remove 27" DBH non-native pecan tree to develop lot with. Single family residence.

FOLLY ROAD

27" DBH Pecan tree
13" exclusion zone

 Neighbor
89 Folly Rd., Charleston SC 29407
421-11-00-001

31" DBH Magnolia tree
TO BE PRESERVED

14" exclusion zone

Neighbor
47 Fenwick Dr., Charleston SC 29407
421-11-00-003

Lot Boundaries and Grand Tree Overview
Scale: 1/16":1"
Access to this lot will come from Folly Road. A driveway with a designated turnaround should be essential for traffic safety.

Removal of the 27" DBH pecan tree will allow for minimal disturbance of the grander, native, Magnolia tree closer to the road.

Proposed home would be ~2300 sq ft, detached single family residence with a 1450 sq ft footprint and 168 sq ft porch. This is a modest-sized home appropriate to the lot, and prevented by the location of the non-native 27" DBH pecan tree.
July 2, 2021

To Whom It May Concern:

Enclosed is a report ordered by Richard Vargo based on my independent field investigation of a 27" Pecan located in the middle of the property located at 0 Folly Road Boulevard, Charleston, SC 29407. It has been prepared for the consideration of his desire to determine the health and safety of the tree and to meet the requirements outlined in the municipal ordinance for removal of protected trees. I have included my assessment of the tree’s current conditions, as well as my recommendations for removal.

Please feel free to contact me with any questions you may have about this report, or any other service we can provide.

Best regards,

[Signature]

Marshall Badeaux
Consulting Arborist
(843) 501-4297
marshall@charlestonreeexperts.com
2851 Maybank Hwy
Johns Island, SC 29455
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SUMMARY

After Richard Vargo had become concerned with the condition of a 27" pecan growing in the middle of the property, my firm was contacted to provide an independent, objective opinion regarding the health and structural stability of the trees located on the site. I performed a Level 2: Basic Tree Risk Assessment (BTRA).

Based on this level 2 evaluation, I have determined that the tree outlined in this report is hazardous, beyond repair and should be removed as soon as possible to reduce unnecessary risk or spread of disease and pest.

INTRODUCTION

Background

In June 2021, David Saari with Carolina One Real Estate contacted my firm and expressed concerns about trees on the middle of the property. My qualified arborist, Elora Palmer, inspected and felt that the tree could be beyond repair and provided a proposal to remove the tree further. She discussed the terms of our engagement and upon approval of the Arborist Report line item, I was scheduled for site inspection to perform a BTRA.

Assignment

After discussing the terms of my engagement and the levels of assessment with Richard Vargo, he agreed that I would conduct the following:

1. Identify the tree species.
2. Measure and determine the diameter at breast height (DBH).
3. Assess and provide a health grade and risk rating to the tree.
4. Provide my findings in a booklet style report.

Limits of Assignment

My inspection was performed at ground level using visual observations, and my knowledge of the site's history was limited to the past-history details provided by David Saari and Richard Vargo. These were my only limitations in addition to the normal restrictions of a Level 2: BTRA.

Purpose and Use of the Report

The purpose of this report is to provide an accurate depiction of defective or hazardous conditions of the tree and site, and develop recommendations based on that data. This report is intended to be used by Richard Vargo to request a tree removal permit. Upon submission, this report will become the property of Richard Vargo and its use will be at his discretion. Reproduction or making of additional copies without explicit consent by the preparing Arborist is strictly prohibited.

OBSERVATIONS

Site

The tree is growing in the middle of the property. The tree poses a threat to the surrounding structures and their inhabitants. These are the only targets within 1x the height of the tree. Most of these targets are constant and cannot be moved or mitigated.

ANALYSIS AND TESTING

The tree is approximately 50 feet in height with a crown spread of 40 feet.

Tree Inventory

<table>
<thead>
<tr>
<th>Tree #</th>
<th>DBH</th>
<th>Species</th>
<th>Health</th>
<th>Risk</th>
<th>Rating</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>27&quot;</td>
<td>Carya</td>
<td>D</td>
<td>High</td>
<td></td>
<td>Pecan, Carya illinoinensis, Hypoxylon canker, broken limbs</td>
</tr>
</tbody>
</table>

DISCUSSION

Trees provide numerous benefits to the urban environment. These benefits increase as the age and size of the trees increase. However, as trees become larger and more mature, they are likely to shed branches or develop decay or other conditions that can predispose it to failure. In assessing and managing trees, we strive to strike a balance between the risk that a tree poses and the benefits that individuals and communities derive from trees.

Risk assessment (TRA) is the systematic approach used to identify, analyze, and evaluate tree risk. By identifying the tree risk, mitigation can be conducted to reduce risk while preserving the tree that meets acceptable levels of risk.

A primary goal of TRA is to provide the tree owner with resourceful information about the level of risk posed by a tree over a period of time. This is accomplished by conducting a qualitative analysis and determining the likelihood and consequences of a tree failure. If the risk rating defined for a tree exceeds the level of acceptable risk, mitigation is recommended.

Upon inspection of this tree, I observed multiple lesions along the tree's limbs. These lesions are a sign of Hypoxylon canker. Hypoxylon canker is a disease that in advanced stages causes a white rot decay of the sapwood. This decay contributes to tree mortality, compromises the structural integrity of the tree, and makes it a danger to life and property. Unfortunately, there is no cure or treatment for this disease and it will result in total tree failure. This tree also showed signs of termite and other insect infestation determined by the insect frass seen along the buttress roots and trunk, as well as active insects within the trunk. Since termites consume dead cellulose, this is an indication that at least parts of the tree are dead, weakening the structure. There were multiple broken limbs within the canopy with signs of decay at the breakage point. The fallen limbs were observed around the tree. There were multiple cavities observed along the trunk and limbs. Cavities act as an entry point for dangerous diseases and pests that can accelerate the decline of the tree.
Tree Grading System

A - Specimen tree exhibiting vigorous growth and showing little or no sign of disease or storm damage.

B - Healthy tree, exhibiting vigorous growth, showing minimal signs of disease, but having suffered notable storm damage.

C - Semi-healthy tree, showing some signs of decline which are perhaps correctable (i.e. some insect infestations, some diseases, root compaction, etc.); still shows signs of growth, but suffered significant storm damage.

D - Tree in declining health; has suffered extensive storm damage; tree may still live for many years without posing a hazard but may not be successfully treated to again become a healthy specimen tree.

F - Tree which is determined to be irreparably damaged, diseased or hazardous.

CONCLUSION

This tree is hazardous beyond repair and should be removed to eradicate hazard as well as inhibit disease and pest spread to surrounding trees and plants.

RECOMMENDATIONS

1. Complete removal utilizing ANSI A300 Standards for Tree Care Operations.
Note the insect frass on the buttress roots indicating a termite infestation.
Additional insect frass and decay present along the buttress roots.

Active insect infestation along the trunk of the tree.
Multiple cavities along the trunk and limbs as well as broken, decaying limbs within the canopy.

Note the broken limb and the dark lesions seen here. These lesions are indicative of Hypoxylon canker.
Appendix C - Assumptions and Limiting Conditions

1. Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable.

2. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible for the accuracy of information provided by others.

3. The consultant/appraiser shall not be required to give testimony or attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services described in the fee schedule and contract of engagement.

4. Loss or alteration of any report invalidates the entire report.

5. Possession of this report of a copy thereof does not imply right of publication or use for any purpose by any person other than to whom it is addressed, without the prior expressed written consent of the consultant/appraiser.

6. This report and values expressed herein represent the opinion of the consultant/appraiser, and the consultant/appraiser’s fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

7. Sketches, diagrams, graphs, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports.

8. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the tree or property in question may not arise in the future.
Appendix D - Certification of Performance

I, Marshall Badeux, certify:

1. That I have personally inspected the tree referred to in the report, and have stated my findings accurately. The extent of the evaluation is stated in the attached report;

2. That I have no bias with respect to the parties involved;

3. That the analysis, opinion and conclusions stated herein is my own and is based on current scientific procedures and facts;

4. That my analysis, opinion and conclusions were developed and this report has been prepared according to commonly accepted Arboriculture practices;

5. That no one provided significant professional assistance to me, except as indicated within the report;

6. That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party nor upon the results of the assignment of stipulated results, or the occurrence of any subsequent events.

I furthermore certify that I am a member in good standing of the American Society of Arboriculture and the International Society of Arboriculture. I have been involved in the practice of Arboriculture and the care of tree for over 20 years.

Signed: [signature]

Date: 07/02/2021
Agenda Item #B-6

MAYBANK HIGHWAY
(Johns Island)

TMS # 279-00-00-029, 030, 031 & 035

Request a variance from Section 54-327 to allow the removal of five grand trees.
Request a special exception from Sec 54-327 to allow the removal of ten grand trees.
Request a variance from Sec 54-330 to allow reduced impervious construction setbacks near the base of 16 grand trees.
Zoned PUD
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Site Design (BZA-SD)

City of Charleston

Instructions - Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be accompanied by any required plans or information. A site review will be conducted by the Board of Zoning Appeals. Permits issued by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board. An appeal to the Board during this five (5) business day appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
- A Variance and/or Special Exception as explained on page 2 of this form.
- A Tree Removal/Landscape Plan
- Parking surface/Other
- A Reconsideration of a decision of the Board or another zoning official
- A Extension of an expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: 01/05/2022

Property Address - Malden Highway, Johns Island, SC
TMS # - 279200-6920-6-309-493-895
Property Owner - Stanley Martin Companies, LLC, Reg. Real Estate Attorney
Daytime Phone - (803) 751-4348
Applicant - MRA, Inc., Reg. Real Estate Attorney
Daytime Phone - (803) 263-1166
Applicant’s Mailing Address - 284 Lonnie St, Charleston, SC 29407
E-Mail Address - Info@MRA.com

Relationship of applicant to owner (name, representative, prospective buyer, other)

Zoning of property: P-10, Zoning Code 200

Information required with application: (check information submitted)
- Site plan and plot showing the variance (if any) or special exceptions, being requested (3 sets)
- Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
- For requests to remove trees, evaluations/reports from certified or qualified arborists
- Check (credit card or cash) made payable to the City of Charleston

Yes or NO - Is the property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? Section 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:
- Letters of support from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct. That the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the hearing before the Board and Inspected.

Applicant

Date: 12/31/2021

For office use only
Date application received
Time application received
Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
(803) 724-3781 FAX (803) 724-3772 www.charleston.gov

BZA-SD Application (continued)

For Variance requests, the applicant should list the specific variance(s) being requested and, if possible, explain how the variance will be met (add as an attachment if necessary)

The applicant's fee is variability assessed from section 54-329 to be equal to the sale of a 2.5 (Category 1A) in the resulting BZA-SD Application. Additional, the applicant requests a variance from section 54-20 to reduce the size of the impervious surface of the site. Grand Trees and Bartramia dica induced in the attached plan.

See attached plan for further description.

Variance Text: The Board of Zoning Appeals is authorized to issue a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use 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. (SC Code of Laws Section 6-29-8001)

For Special Exception requests, the applicant should list the specific approval(s) being requested and include documentation to demonstrate compliance or the relevant special exception requirements of the Zoning Ordinance, such as Sec. 54-329, Sec. 54-511(b), or Sec. 54-513 (add as an attachment if necessary)

The applicant's fee is $2,500.00 per special exception (see section 54-329 to be equal to the sale of the attached plan).

See attached plan for further description.

Please see attached plan. Please see attached plan for further description.

All approvals of the Board shall remain valid for up to two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the Zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
December 13, 2021
City of Charleston Board of Zoning Appeals
C/o Eric Schultz – Principal Planner
Planning, Preservation, and Sustainability
75 Calhoun St.
Charleston, SC 29401

RE: Special Exception Request for the proposed Rhett’s Cove Development.

Dear Mr. Schultz,

Per the attached application for a Special Exception to the Board of Zoning Appeals – Site Design, please find below the applicant’s documentation of compliance with section 54-329 regarding relevant special exception requirements for removing the 10 requested Category III Grand Trees as indicated on the attached exhibit.

1. The site was designed originally with exceptional care to avoid the removal of every grand tree, while still providing a feasible single-family attached community with a commercial component. Through the City’s PUD and Concept Plan review and approval process, the site layout was redesigned several times to accommodate the City Staff’s requirements, regarding the location of the road connectivity to neighboring parcels, on street parking, and project access. The approved site concept resulted in a design that requires excessive grading and fill to accommodate the required stormwater detention and the removal of Grade ‘D’ Grand Trees.

2. The Grand Trees in question are in poorer health than the surrounding trees. The Landscape Architect and the Arborist reviewed and reported on the health and condition of the project’s Grand Trees. Per the review, the Grand Trees referenced by this request for a special exception are rated “D” (on an “A”-“F” scale, A being the best health and condition). The applicant feels that the retention of the trees in better health and condition and the higher category is of more long-term benefit.

3. The Grand Trees are located within an area that will require extensive grading and fill to allow for the interconnecting road required by City and required drainage. The Grand Trees are also located within the proposed buildings, roads, and drainage ponds. No other reasonable alternative of the site design exists to accommodate the City’s requirements for the road and drainage and save the trees. By using the evaluation provided by the Landscape Architect and the Arborist to determine which trees are of lower category and health, we are enabling the preservation of trees of higher category and health.

Would you please call me if you have any questions or need any additional information regarding this submittal?

Sincerely,

Katharyn Stafford
Some trees requested for removal already pose safety risks, and they will only worsen with adjacent development.

b. these conditions do not generally apply to other property in the vicinity; The conditions described do not generally exist in this combination on adjacent properties.

c. because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

Due to the restrictions on the site and requests presented by the City with regards to the location of the interconnection road, strict application of the ordinance would limit the flexibility of the site. The granting of the variance will allow the project to react to the constrained conditions of the site and focus on saving healthier trees of higher value.

d. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

On behalf of our client, HLA, Inc., contacted Mr. Eric Shultz with the request of an on-site meeting to conduct the tree evaluation. Mr. Shultz advises applying for the EZA-5D approval on December 6th with the possibility of meeting on-site in the week commencing on December 6th. The applicant visited the site and conducted a separate evaluation of the trees. Additionally, the trees were evaluated by the Natural Arborist. The arborist and applicant visit outcomes agree on the tree's conditions and grades. The trees were given a grade A, B, C, D, or F, with "A" being the best and "F" being the poorest condition and possibly dead or dying. Throughout the initial site design efforts, the applicant has worked to preserve the higher quality trees for the benefit of the site and the adjacent property. The design focused on keeping small groups of trees together and undisturbed, limiting the removal to single lower grade trees. The change of design per the City's request for interconnectivity road rendered saving more trees impossible. The trees requested for removal are grade "C," "D," and "F." Also considered in the selection of trees for removal is the long-term ability of a tree to survive the proposed constructed environment and remain safe for future development users. The authorization of the variance will allow the development of the site similar to the surrounding commercial and residential uses while allowing for the removal of mostly lesser grade potentially hazardous trees.

Would you please call me if you have any questions or need any additional information regarding this submittal?

Sincerely,

Katarzyna Stafford
Landscape Designer
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, January 5, 2022

ITEM B 6
Maybank Hwy
(Johns Island)
TMS#279-00-00-029, 030, 031, 035
ZONED PUD

Subject Property
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<th>Tree List</th>
<th>#</th>
<th>DBH</th>
<th>SPECIES</th>
<th>GRADE</th>
<th>ARBORIST COMMENTS</th>
<th>ORDINANCE CATEGORY</th>
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<td>27</td>
<td>Poplar</td>
<td>O</td>
<td>Stump Sprouts - Included Bark</td>
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<td>#</td>
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### Variance List

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**Staff Removal**

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### Special Exception

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Rhett's Cove - Variance for Encroachment
12-03-2021

#1-8 B/11.5/17/20.5 Live Oak - Cat B (Lean)
#2-16/23.5 Water Oak - Cat C (Possible Speratos)
#3-43 Live Oak - Cat B

#4-28.5 Live Oak - Cat B
#5-28 Live Oak - Cat B
#6-48.5 Live Oak - Cat B

#7-32.5 Live Oak - Cat B
#8-27 Water Oak - Cat C (Decay, Storm)
#9-38.5 Live Oak - Cat B

#11-18/21.5 Magnolia - Cat D (Hollow, Forked)
#13-35.5 Live Oak - Cat B (Storm Damage)