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.
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.
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.

Go to www.charleston-sc.gov/bza-sd for instructions to join. Call (843) 724-3770 if you are experiencing technical difficulties.
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.
Agenda Item #A-1
Approval of the February 2, 2022 BZA-SD Meeting Minutes.
Agenda Item #B-1

4000 WEST WILDCAT BOULEVARD
(West Ashley)

TMS # 306-00-00-012
Request a variance from Section 54-327 to allow the removal of four grand trees.

Zoned GB
Application for Variance, Special Exception, Reconsideration of Extension, or Reconsideration 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.
- 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: March 2, 2022

Property Address: 1300 West Wildcat Blvd, Charleston, SC

Property Owner: The Spinnaker Company

Applicant: Hilaire & Kat Stafford

Applicant's Mailing Address: 26A Leinbach Dr, Charleston, SC 29407

E-mail Address: katstafford@halinc.com

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

Zoning of property: MR

Information required with applications (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 or NO – This Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed use as 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: ____________________________ Date: ____________________________

For office use only

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
(843) 724-3781 FAX (843) 724-3743 www.charleston-sc.gov
February 2, 2022

City of Charleston Board of Zoning Appeals
C/o Eric Schultz – Principal Planner
Planning, Preservation, and Sustainability
2 George St.
Charleston, SC 29401

RE: Grand Tree Removal Variance Request for the proposed Spinn - West Wildcat.

Dear Mr. Schultz,

Please find attached our request, on behalf of our client, for a variance to allow the removal of 5 category I and II grade "D" and "F" grand trees as indicated on the attached exhibit. The design team has worked to keep the best trees on site. Following, are the reasons for our requested tree variance.

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

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

The General Business zoned site is located along the commercial corridor of Glenn McConnell Hwy., within a City's stormwater drainage Special Protection Area. The site's development area is constrained by grand trees spread across the site, an existing drainage easement, a more stringent drainage standard for stormwater requirements, and the DRB's desire to have the front of the buildings along the existing roadway.

The 5.66-acre property has a total of eleven (11) grand trees that are spread out across the site, making it difficult to save a cluster of grand trees. There is also an existing 26' wide City of Charleston Drainage Easement and a small detention pond that bisect the site. Due to the existing drainage easement and SPA designation, the site is required to accommodate the stormwater runoff from the adjacent roads and hold a larger drainage capacity on-site, which results in proposing a more significant than an average stormwater pond combined with other required stormwater mitigation measurements. These existing site features and City requirements restrict the proposed site configuration/layout and tree retention possibilities. In addition, the property falls under the review of the City of Charleston's Design Review Board ("DRB"). DRB has purview and approval authority of the project's layout and the resulting site plan. The DRB has indicated the desire for the site to have an architectural presence along the front corner of

the property. This limits the placement of the buildings on the site and establishes the pattern for the site layout and areas available for tree preservation.

We have worked with the City TRC and DRB staff through numerous meetings to confirm a site plan layout on behalf of our client. The agreed-upon site layout makes it challenging to save all eleven (11) grand trees. With a local arborist, the grand trees' health and safety were evaluated. We have adjusted the site layout to request the removal of five (5) grand trees that have been determined to pose the highest safety risks.

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

The exact location of grand trees in varying conditions, the placement of required drainage ponds, and controlled outfall structures are site-specific. Other properties in the vicinity may exhibit similarities but not in the exact configuration 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, the strict application of the ordinance would limit the flexibility of the site to react to the site's constraints in order to create a design that complements the surrounding vicinity, adherence to other applicable ordinances, and respond to the TRC and DRB meetings comments and requests. 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.

The trees in the subject were evaluated by the licensed arborist from Natural Directions. Additionally, the applicant went to the site and conducted a separate evaluation of the trees. The two outcomes agreed on the tree's conditions and grade. The trees were given grade A, B, C, D, and F, with "A" being the best and the "F" being the poorest condition and possibly dead or dying. Through the design efforts, the applicant has worked to preserve the higher quality trees for the benefit of the site and the adjacent property. The trees requested for removal are grade "D" and "F". Also, a consideration in the selection of trees for removal is a 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 development for the site similar to the surrounding commercial uses
while allowing for the removal of lesser grade potentially hazardous trees.

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, March 2, 2022

ITEM B 1
4000 West Wildcat Blvd.
(West Ashley)
TMS# 306-00-00-012
ZONED GB
<table>
<thead>
<tr>
<th>Tree Number</th>
<th>DBH (inches)</th>
<th>Species</th>
<th>Grade</th>
<th>Comments</th>
<th>Comments</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>7-8-10-10-10-12</td>
<td>maple</td>
<td>D</td>
<td>Uprooted</td>
<td>Stump sprouts</td>
<td>Poor</td>
</tr>
<tr>
<td>2</td>
<td>24.5</td>
<td>red oak</td>
<td>F</td>
<td>Decay</td>
<td></td>
<td>Poor</td>
</tr>
<tr>
<td>3</td>
<td>8-17.5</td>
<td>maple</td>
<td>D</td>
<td>Hollow base</td>
<td>Poor form</td>
<td>Poor</td>
</tr>
<tr>
<td>4</td>
<td>10-19</td>
<td>water oak</td>
<td>C</td>
<td>Leaning</td>
<td></td>
<td>Fair</td>
</tr>
<tr>
<td>5</td>
<td>6.5-11.5-13</td>
<td>maple</td>
<td>D</td>
<td>Included</td>
<td>Stump sprouts</td>
<td>Poor</td>
</tr>
<tr>
<td>6</td>
<td>27</td>
<td>red oak</td>
<td>B</td>
<td></td>
<td></td>
<td>Good</td>
</tr>
</tbody>
</table>
Agenda Item #B-2

3527 MEEKS FARM ROAD
(Johns Island)

TMS # 313-00-00-299

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

Zoned BP
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 unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: March 2022

Property Address: 3527 Meeks Farm Road
TMS #: 310-000-0028

Property Owner: Holley Worldwide Inc
Daytime Phone: 804-849-0084

Applicant: Cline Engineering, Inc (Matt Cline)
Daytime Phone: 435-991-7239

Applicant’s Mailing Address: PO Box 21204
Charleston, SC 29416
Email Address: matt@clineeng.com

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

Zoning of property ________________ BP

Information required with application: (check information submitted)
☒ Scale drawing or photo showing the variance(s) or special exception(s) being requested (3 sets)
☒ Photograph 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 and use encompassed in this permit application? ☒ Yes ☐ No ☐ unable to determine

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 improvements(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: 02/07/2022

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 finds the following:
1. There are extraordinary or 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 6-29-600)

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).

Special exception to remove triple stem 7 8 13 oak tree from within building pad. The project is retaining several very large oak trees and the site plan is situated to give the most room to these larger trees. This smaller tree will need to be removed for the building pad location.

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.charleston-sc.gov
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, March 2, 2022

ITEM B 2
3257 Meeks Farm Rd
(Johns Island)
TMS# 313-00-00-299
ZONED BP
Agenda Item #B-3

275 HUGER STREET
(East Central)

TMS # 463-16-04-018, 054 & 055

Request a variance from Section 54-327 to allow the removal of four grand trees.
Request a variance from Section 54-327 to omit the 15 protected trees per acre requirement.
Request a variance from Section 54-330 to allow a reduced impervious construction setback near the bases of two grand trees.

Zoned GB & DR-2
Application for Variance, Special Exception, Reclassification, 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 denial 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: March 2022

Property Address: 212 Hayes Street Property Owner: Charleston Housing Authority Daytime Phone: 803-274-4827

Applicant: Forsberg Engineering & Surveying, Inc ( Trey W. Forsberg, P.E.) Daytime Phone: 843-671-2622

Applicant’s Mailing Address: PO BOX 3657, CHARLESTON, SC 29417

E-mail Address: tforsberg@forsberg-engineering.com

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

Zoning of property: DN-2

Information required with application: (check Information submitted)
- Staked 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 arborist
- 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 and 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 any 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: 2/1/2023

For Special Exception requests, applicants shall 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.
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, March 2, 2022

ITEM B 3
275 Huger St
(East Central)
TMS# 460-16-04-054, 463-16-04-018 & 463-16-04-055
ZONED GB & DR-2
Tree #1
34" Live Oak
Request to Encroach in Protection Zone

Tree #2
29.5" Magnolia
Request to Encroach in Protection Zone

Tree #3
16.5/17.5" Pecan
Request to Remove Grand Tree

Tree #4
Live Oak
Remove and Tree
TREE #2 - 29 IN. MAGNOLIA
GRADE D

TREE #1 - 34 IN. OAK
GRADE B
TREE #5 - 34 in. OAK
GRADE B
Agenda Item #B-4

32 STOCKER DRIVE
(Old Windemere)

TMS # 421-06-00-123

Request a special exception from Section 54-327 to allow the removal of two grand trees.

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 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/phenacis
☐ 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: Next Available [DT LT 107 2KL 13]

Property Address: 32 Stocker Drive, Charleston, SC 29407
Property Owner: John & Mary Mulvey
Daytime Phone: 843-224-7065
Applicant: John Mulvey
Daytime Phone: 843-224-7065
Applicant's Mailing Address: 32 Stocker Drive, Charleston, SC 29407

Email Address: John_mulvey10@live.com

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

Zoning of property Commercial

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.
☐ Or 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 Restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? Yes

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: ____________________________
Date: ____________

For use only
Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
(843) 724-3781 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 test that follows is met (add as an attachment if necessary):

See Attached

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 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, etc. or 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(8), or Sec. 54-513 (add as an attachment if necessary):

Optional but very helpful information:

☐ Letters or petitions from neighbors or organizations directly affected by your request

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 12 months has lapsed.
For Variance to Remove Tree #1

This 80-90 year old water oak is about to go into its "senescence period of decay and ultimate death" according to the master arborist, Chris Gerards, who inspected the tree. Its removal under a controlled and structurally safe environment, as we have now, will mitigate unneeded risks not only to people that live there and adjacent structures but also to the employees of the tree company that will eventually have to remove the tree. If there is an event that compromises the structure of the tree the risks to all increase dramatically.

Specifically to the the 4 variance test Questions
1. This is an exceptionally large tree that is higher than its surrounding canopy. It is in extremely close proximity to nearby structures (3ft). It also hinders the ability to improve the garage structure due to its tilt over the existing garage (at present height 3 feet at higher elevations it directly interferes.)
2. These trees are pertinent to this property and when removed will improve the safety to surrounding properties.
3. Given the current tilt of the trunk it prohibits the building improvements.
4. The authorization of this variance will not be a detriment to other properties in fact it will only make the whole condition safer for all.

For Variance to Remove Tree #2

This is another large specimen of a water oak. Given its proximity to the other tree it has grown asymmetrically and hangs over the existing house as well as structures on the neighbors property. It also is moving towards its senescence period of decay and ultimate death according to the master arborist that inspected the tree. In a high wind event it poses a serious risk to people and structures on this property and adjacent properties.

Specifically to the the 4 variance test Questions
1. This is an exceptionally tall tree second highest to #1 but is still higher than its surrounding canopy. It is in extremely close proximity to nearby structures. Without nearby buffers it will be more susceptible to wind events.
2. These trees are pertinent to this property and when removed will improve the safety to surrounding properties.
3. The conditions pertain to the age and eventual decay of the tree.
4. The authorization of this variance will not be a detriment to other properties in fact it will only make the whole condition safer for all.
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, March 2, 2022

ITEM B 4
32 Stocker Dr
(Old Windemere)
TMS# 421-06-00-123
ZONED SR-2

Subject Property
A.H. SCHWACKE & ASSOCIATES
LAND SURVEYING & CONSTRUCTION LAYOUT
1975 FRAMPTON AVE PH: 843-782-7005 FAX 843-782-0109
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-2077

REFERENCE:
PLAT BY: RICHARD C. RHETT
DATED: JUNE 1927
BOOK: E PAGE: 969
RMC CHAS. CO. Requested by JOHN MULVEY

LOT AREA
6820.0 Sq. Feet
0.20 Acres

NOTES:
BEARING SHOWN ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83.
AREA DETERMINED BY COORDINATE METHOD.

THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY
THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF
THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT
CONSTITUTE A TITLE SEARCH. ANYTHING SHOWN OUTSIDE THE
DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE
PURPOSES ONLY.

THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED
BY THE CITY OF CHARLESTON. ARCHITECTURAL REVIEW BOARD.
THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO
GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO
EXPAND THE "BUILDABLE" AREA.

THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF
ENGINEERS JURISDICTIONAL WETLANDS IS UNDERTAKEN AS OF
THE DATE OF THIS SURVEY.

NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS
WERE PERFORMED FOR THIS PLAT. THEREFORE, THIS PLAT
DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF
WETLANDS CONTAMINATION OR OTHER NONVITAL CONDITIONS
WHICH MAY
AFFECT THIS PROPERTY.

PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE SHADED X
AS PER FEMA FLOOD MAPS.

AS-BUILT SURVEY
PART LOT 107 OF BLOCK B
WINDERMERE SUBDIVISION
CITY OF CHARLESTON
CHARLESTON COUNTY, SOUTH CAROLINA

DATE: MAY 13, 2021 SCALE: 1" = 30'

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

K.M. SCHWACKE, SR. PLS
A.H. SCHWACKE & ASSOCIATES INC.
G.S. Registration Number 20468

DATE: MAY 13, 2021 SCALE: 1" = 30'

INSTRUMENT No. 21171

NOTES:
BEARING SHOWN ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83.
AREA DETERMINED BY COORDINATE METHOD.

THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY
THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF
THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT
CONSTITUTE A TITLE SEARCH. ANYTHING SHOWN OUTSIDE THE
DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE
PURPOSES ONLY.

THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED
BY THE CITY OF CHARLESTON. ARCHITECTURAL REVIEW BOARD.
THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO
GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO
EXPAND THE "BUILDABLE" AREA.

THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF
ENGINEERS JURISDICTIONAL WETLANDS IS UNDERTAKEN AS OF
THE DATE OF THIS SURVEY.

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DATE: MAY 13, 2021 SCALE: 1" = 30'

INSTRUMENT No. 21171
1/21/2022
John Mulvey
32 Stocker Drive
Charleston SC
843.224.7009

Hi John,
It was nice meeting with you today to discuss 2 water oaks in your rear yard. Trees in question are as follows:

Tree number one is a,
- 38-inch DBH water oak, located in the backyard between fence and garage.
- Tree has a bifurcated crown with a U crotch connection that shows no visible decay (tree was inspected from the ground).
- Some deadwood is evident in the crown but not excessively so.
- Tree has an infestation of mistletoe.
- Tree has received regular maintenance according to the homeowner.
- Estimated age is a tree is approximately 80 to 90 years old and tree is becoming overly mature.
- No hollow was sounded in the trunk during trunk sounding with mallet.
- Tree is in good condition.

Tree number 2 is a,
- 29-inch DBH water oak located left side of the rear yard.
- Tree has asymmetrical crown consisting of multiple leaders.
- Leader attachments appear to be solid and free of decay.
- No hollow was detected during trunk sounding with a mallet.
- Tree is in good condition.

Speaking to the upcoming construction and the trees’ role in the landscape, this arborist is conflicted. Both trees are healthy specimens of their kind and provide valuable functions in the landscape, not least of which are habitat, shade, and water regulation. However, this species grows taller than any other tree in the surrounding canopy and therefore is most exposed to severe weather events. The size of both trees, in comparison to the yard in which it grows, are out of proportion and therefore they have multiple targets within their potential risk area.

As discussed, the new construction brings tenants to a structure just a few feet away from the tree, a structure that would otherwise have been unoccupied.

Conclusion:
Two outsized trees about to go into senescence with several occupied buildings a few feet away in an area prone to hurricane force winds; these factors add up and serious consideration should be given to their removal.

Sincerely Yours,
Chris CM Gerards
BCMA #SO-1165BM
Tree #2. Note asymmetrical crown

Canopy of tree #1 towering over garage/ guest room.
Quality Remaining Trees on and around the property
Feb 4, 2022

To: City of Charleston

From: James and Jane Anderson  
545 Savannah Hwy  
Charleston 29407

Re: Tree Removal

Please find this letter of support for granting permission for removal of the water oaks for 32 Stocker Drive. We are the neighbors that border the back end of the property directly under the water oak and have been the Mulvey's neighbors for 20 years.

We have discussed the removal of the trees with the Mulvey's and concur that the trees provide not only a safety issue to their living spaces but to ours as well. The trees are nearing the end of their life and need to be removed. We have a structure that is used on a regular basis and the tree is a potential hazard. Given the size of the limbs if one fell it could be catastrophic. Please let us know if you have any questions. We can be reached at 843-729-4203

Sincerely,

James Anderson
Agenda Item #B-5

1325 FOLLY ROAD
(James Island)

TMS # 334-00-00-150

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

Zoned GB
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. Permissions 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/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: _3/2/22_

Property Address: 1325 Polly Road TMS #: 3351-00-00-150

Property Owner: AAA Car Wash, LLC Daytime Phone: (702) 569-3600

Applicant: Empire Engineering Daytime Phone: (804) 308-0800

Applicant’s Mailing Address: 4930 Richmond Avenue

Nemi (Charleston), SC 29406 Email Address: crp100684@gmail.com

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

Zoning of property: G-15

Information required with application: (check information submitted)
☐ Scanned 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? Yes No

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. If the proposed improvements 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: 2/14/22

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 its decision 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. (RC 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).

In order to Save a Larger Oak/Grand Tree on the Site, we Request Removal of a Smaller Tree on the Site.

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 6 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.charleston-sc.gov

6/15
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, March 2, 2022

ITEM B 5
1325 Folly Rd
(James Island)
TMS# 334-00-00-150
ZONED GB

Subject Property