City of Charleston

BOARD OF ZONING APPEALS-SITE DESIGN

April 6, 2022
5:00 PM

DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY
www.charleston-sc.gov/bza-sd

**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.
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.

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 March 2, 2022 BZA-SD Meeting Minutes.
Agenda Item #B-1

HIGHTIDE DRIVE
(McLaura Bluff)

TMS # 338-00-00-008

Request a variance from Section 54-327 to allow the removal of three grand trees.
Request a variance from Section 54-330 to allow a reduced impervious construction setback near the bases of four grand trees.

Zoned PUD & C
Application for Variance, Special Exception, Reconsideration, or Extension Page 1 of 2
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/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: 4/6/2022
Property Address: High Tide Dr., Charleston, SC 29414 TMS #: 55B-00-00-008
Property Owner: Steve Chappell
Daytime Phone: ______
Applicant: HTA
Daytime Phone: (803) 763-1146
Applicant’s Mailing Address: 29A Leimbach Dr.
E-mail Address: willard@banc.com
Relationship of applicant to owner (same, representative, prospective buyer, other) Representative
Zoning of property: PUD

Information required with application: (check information submitted)
☐ Scale 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 – 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 positions 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 Special Exception 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):

Variances 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 site 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.
March 1, 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 and Impervious Setback Zone Variance Request of the proposed McLaura Bluff development.

Dear Mr. Schultz,

On behalf of our client, I am attaching our request for a variance to allow the removal of 3 category I- II grand trees and allow the encroachment into the impervious setback zones of 4 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 site is situated in the back of an existing PUD development with a existing road and public right-of-way. There are grand trees sprinkled throughout the site mostly consisting of good quality grand trees. The trees we are requesting to remove are “D” quality grand trees, denoting that they are in poor health and a threat to future residential conflicts, such as storm damaged limbs and leaders or weak crotches that could lead to falling trees or limbs that would be in close proximity to future residences and personal property.

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 existing infrastructure, 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.

The trees requested for removal are grade “D”, 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 residential uses while maintaining the character and designed intent of the neighborhood and adjacent property.

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

Sincerely,

Nick Allport
Landscape Designer
Agenda Item #B-2

539 HARBORVIEW CIRCLE
(James Island)

TMS # 424-00-00-007

Request a variance from Section 54-347 to allow a reduction in the required OCRM Critical Lien Buffer.

Zoned C
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.
☐ Completion of a Land Use Analysis.
☐ 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.

April 1, 2022

MEETING DATE REQUESTED:
Meeting Date

Property Address

Property Owner

Daytime Phone

Applicant

Applicant’s Mailing Address

E-mail Address

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

Zoning of property

Conservation

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, including trees to be removed, quality trees to be saved by removing others, etc.
☐ For requests to remove trees, evaluation/reports from certified arborists
☐ Trees to be removed
☐ 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 ☑ 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, 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) 724-3788 FAX (843) 724-3772 www.charleston-sc.gov

Page 2 of 2

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):

A Buffer Variance is being requested for work related to the Phase 4 Capital Improvements at the Plum Island Water Pollution Control Plant. Work in the buffer includes grading and construction of critical treatment structures. The work in the buffer will provide critical infrastructure improvements for continued treatment of wastewater at the facility.

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

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 the public health, safety, or general welfare. (SC Code of Laws Section 6-29-800)

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.
Agenda Item #B-3

MAYBANK HIGHWAY
(Johns Island)

TMS # 313-00-00-306, 307, 031

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 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 free (5) business day appeal period following the decision of the Board. An appeal to the Board during this free (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 unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: 04-06-2022
Property Address: Marybank Highway

313-00-00-307,306,031

Property Owner: Mark Goldberg

Daytime Phone: 843-343-9092

Applicant: MLA Inc. c/o Kat Stafford

Daytime Phone: 843-789-1166

Applicant's Mailing Address: 27A Lichtman Drive Charleston, SC 29407

E-mail Address: kstafford@hbninc.com

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

Zoning of property: PLU

Information required with application: (check information submitted)
- Site plan, photo 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 subject to a prior 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

Date: 3-11-2022

For office use only

Date application received

Time application received

Stafferson

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401

(843) 724-3781 Fax (843) 724-3772 www.charleston.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):

The applicant asks for a variance from section 54-327 to allow for the removal of 1 grand tree as illustrated on attached plan.

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 unnecessarily 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 of the property, and such 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 approach(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.
March 11, 2020

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 of the proposed Road and Ditch Redirection within South Station Planned Unit Development.

Dear Mr. Schultz,

Please find attached our request, on behalf of our client, for a variance to allow the removal of 1 category I grand tree indicated on the attached exhibit. The design team has worked to omit the best trees on site where possible. 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 distribution of the Grand Trees on this site, the location of the wetlands, combined with proper grading and drainage design and SIA stormwater detention needs, decrease the amount of flexibility available for manipulating the design to work around some of the existing trees. In order to make drainage work for the gravity sewer while avoiding having a submerged drainage system, while ensuring positive drainage for the site, the existing elevation for the road and utilities will need to be adjusted (raised, especially where adjacent to the wetlands to avoid flooding and where the existing ditches must be filled). All resulting in a situation where, in many cases, no other reasonable design alternative exists to avoid the tree.

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, the strict application of the ordinance would limit the flexibility of the site to react to the site’s constraints in order to locate the required access road. The granting of the variance will allow the project to react to the constrained conditions of the site.

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.

A local certified arborist, Mike Russell of Natural Directions, was employed to review and evaluate all the conditions and health of the grand trees on site. The trees were given a grade A, B, C, D, or F, with "A" being the best and "F" being the poorest condition, meaning, possibly dead or dying. Throughout the development, we have worked to preserve the higher quality trees for the benefit of the site and the adjacent property. We focused on keeping groups of trees together and undisturbed, trying to limit all removals of grand trees. We have adjusted the cross-connection road layout from the concept plan in order to preserve the Grand Magnolia that was previously slated to be removed. The Live Oak requested for removal is grade "B", however, it exhibits structural damage and decay (please refer to attached photographs). 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 Live Oak was also evaluated by City Staff and Staff agreed with the damage and decay findings.

Please call me if you have any questions or need any additional information regarding this submittal.

Sincerely,

Kat Stafford
Landscape Designer
#84 – 25.5” LO
Grade “B”
Variance for removal
#84 - 25.5" LO

Grade "B"

Variance for removal
Agenda Item #B-4

BOARD MEMBER WORKSHOP