

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE DECEMBER 1, 2025 MEETING
4:00 P.M.**

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

Members Present

Chair, Mr. William Ray, Vice Chair, Mr. Ross Nelson, Mr. Brad Brown, Mr. AD Jordan, Mr. Roy Neal, Mr. Robert Siedell, Ms. Jessica Smith, Ms. Shana Smith, and Mr. Douglas Truslow

Staff Members Present

Mr. Kelvin Huger, BZA Attorney; Sally Brooks, Planner IV; Genesis Clark, Planning Technician III; Cole Hair, Planner I; Kyle Foster, Planner I/Arborist; Karie Vasché, Landscape Architect; and Jenny Werking, Planner III and Secretary for BZA

Notification Procedures

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

- November 14th: Site Visits and Postings were completed by this date.
- November 14th: Letters were mailed to property owners within 300' and to Parties in interest for all cases. These notifications are above and beyond the state requirements.
- November 14th: Notice of this meeting was published in the *Post and Courier*.

The December 1, 2025 BZA meeting was called to order at 4:00 p.m. by the Chair, Mr. William Ray.

Minutes

Mr. Nelson made a motion to approve the November 3, 2025 public hearing meeting minutes. Mr. Brown seconded the motion. The motion carried unanimously.

Mr. Jordan, Mr. Siedell, and Ms. S. Smith arrived.

New Business

CASE# BZA-10-25-00907

Eran Maron of MI 2, LLC ("the Applicant" and "the Property Owner") filed a Special Exception request to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Low Density Residential (R-4) Zoning District at 1527 S Pinebark Lane in the St. Andrews Area of Charleston County (TMS # 353-15-00-011). Low Density Residential (R-4) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 6.8 Short-Term Rentals, §6.8.2 Operating Standards and Requirements, C. Special Exception of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Siedell made a motion to approve the Special Exception with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the STRP, Limited Site Plan Review process; (2) The use shall comply with all requirements of Article 6.8; (3) This property shall not be used as a Short-Term Rental for more than 144 days in aggregate during any calendar year; and (4) The property owner shall be responsible for ensuring that tenants comply with the Charleston County Noise Ordinance. Mr. Nelson seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-10-25-00908

Eran Maron of MI 1, LLC (“the Applicant” and “the Property Owner”) filed a Special Exception request to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Low Density Residential (R-4) Zoning District at 3291 Walter Drive on Johns Island in Charleston County (TMS # 277-08-00-011). Low Density Residential (R-4) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant’s presentation, and any public comments concerning this application, the board determined that all items in Article 6.8 Short-Term Rentals, §6.8.2 Operating Standards and Requirements, C. Special Exception of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Nelson made a motion to approve the Special Exception with the following conditions: (1) Prior to zoning permit approval, the applicant shall complete the STRP, Limited Site Plan Review process; (2) The use shall comply with all requirements of Article 6.8; (3) This property shall not be used as a Short-Term Rental for more than 144 days in aggregate during any calendar year; and (4) The property owner shall be responsible for ensuring that tenants comply with the Charleston County Noise Ordinance. Ms. J. Smith seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-10-25-00914

Heather Hall of Windy Construction, LLC (“the Applicant”) and Gretchen Gintz (“the Property Owner”) filed a Variance request to allow the removal of a 24-inch DBH Grand Live Oak Tree for a proposed detached accessory structure (two-story garage apartment) at 1521 S Pinebark Lane in the St. Andrews Area of Charleston County (TMS # 353-15-00-012) Low Density Residential (R-4) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant’s presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had not been satisfied. Ms. J. Smith made a motion to deny the Variance request stating that the request does not meet criteria # 3 and criteria # 6. Mr. Truslow seconded the motion. The motion to disapprove the application was unanimous and therefore it was denied.

Mr. Neal arrived.

CASE# BZA-10-25-00915

Bryan Heatherly of HH Action LLC (“the Applicant”) filed a Variance request to allow the removal of a 40-inch DBH Grand Sand Live Oak Tree located within the Richardson Road Right-of-Way to facilitate the subdivision of TMS # 330-12-00-068 into two (2) lots on James Island in Charleston County (near TMS # 330-12-00-067).

Executive Session

The Chair announced the need for an executive session to receive legal advice regarding Case # BZA-10-25-00915. Mr. Ray moved to enter executive session for the stated purpose. Mr. Truslow seconded the motion. The motion carried, and the Board retired to executive session.

Public Hearing Reconvened

Following the conclusion of executive session, the Chair reconvened the public hearing and stated for the record that no votes or actions were taken during executive session.

Legal Counsel Statement regarding CASE# BZA-10-25-00915

Kelvin Huger, BZA Attorney, addressed the Board and the Applicant. He stated that upon review of the application, it was his legal opinion that there is a standing issue in this case. Specifically:

- The Applicant does not own the subject property, and
- The tree proposed for removal is located on public property (within the Richardson Road right-of-way).

Mr. Huger advised the Board not to vote on the case and recommended that the case be suspended pending further review.

He further stated that if the Charleston County Legal Department disagrees with his opinion regarding standing, the case may be rescheduled for a future BZA public hearing, provided that all required public notices are issued in accordance with County procedures.

CASE# BZA-10-25-00916

Roger Hunt of Stanley Martin Homes ("the Applicant") and Andrew Todd-Burke of Kimley-Horn ("the Representative") filed a Variance request to allow the removal of fifteen (15) Grand Trees located within the Von Ohsen Road Right-of-Way for a proposed roadway widening project, including the undergrounding of existing overhead power lines and the construction of curb and gutter in the North Area of Charleston County (on TMS # 388-00-00-160 and near TMS # 388-00-00-078, -081, -082, -083, -086, -093, -112, -117, -162, -180, and -580)

Legal Counsel Statement regarding CASE# BZA-10-25-00916

Kelvin Huger, BZA Attorney, addressed the Board and the Applicant during the public hearing. He stated that, in his legal opinion, the application suffers from the same procedural defect as the previous case. Specifically:

- The Applicant does not own the property where the trees proposed for removal are located (i.e., the state-owned public right-of-way).
- As a result, the Applicant does not have standing to bring the variance request before the Board.

Mr. Huger advised the Board not to vote on the case and recommended that the case be suspended pending further review. He further stated that if the Charleston County Legal Department disagrees with his opinion regarding standing, the case may be rescheduled for a future BZA public hearing, provided that all required public notices are issued in accordance with County procedures.

CASE# BZA-10-25-00909

Willy Taylor, PE of Dominion Energy South Carolina, Inc. ("the Applicant" and "the Property Owner") and Taylor Reeves of Stantec Consulting Services Inc. ("the Representative") filed a Special Exception request for Major Utility Service (expansion of an existing electrical substation) in the Mount Pleasant Overlay (Residential) at 1145 Porchers Bluff Road, 1162 and 1170 Sam Edwards Road in the East Area of Charleston County (TMS # 578-00-00-155). Mount Pleasant Overlay (Residential Area) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.6 Special Exceptions, Sec. 3.6.5 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Neal made a motion to approve the Special Exception request with the following condition: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process. Mr. Nelson seconded the motion. Mr. Ray, Mr. Nelson, Mr. Brown, Mr. Neal, Mr. Siedell, Ms. J. Smith, and Mr. Truslow voted in favor of the motion. Mr. Jordan and Ms. S. Smith voted against the motion. The majority of the members present, and voting (7 to 2) voted in favor of motion and therefore the application was granted with the above referenced condition.

CASE# BZA-10-25-00910

Willy Taylor, PE of Dominion Energy South Carolina, Inc. ("the Applicant" and "the Property Owner") and Taylor Reeves of Stantec Consulting Services Inc. ("the Representative") filed a Variance request to allow more than one curb cut per 250 feet of frontage (permitting the existing curb cuts to remain) and to waive the requirement to install a sidewalk along the site frontage, in connection with the existing and proposed expansion of the electrical substation at 1145 Porchers Bluff Road, 1162 and 1170 Sam Edwards Road in the East Area of Charleston County (TMS # 578-00-00-155). Mount Pleasant Overlay (Residential Area) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Nelson made a motion to approve the Variance request with the following conditions. (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; and (2) The applicant shall work with staff to provide opaque privacy fencing along all required buffer lines. The fencing shall be visually compatible with the surrounding existing residential area in terms of material

and design, subject to staff review and approval. Mr. Truslow seconded the motion. Mr. Ray, Mr. Nelson, Mr. Brown, Mr. Jordan, Mr. Neal, Ms. J. Smith, Ms. S. Smith, and Mr. Truslow voted in favor of the motion. Mr. Siedell voted against the motion. The majority of the members present, and voting (8 to 1) voted in favor of motion and therefore the application was granted with the above referenced conditions.

CASE# BZA-10-25-00911

Willy Taylor, PE of Dominion Energy South Carolina, Inc. ("the Applicant" and "the Property Owner") and Taylor Reeves of Stantec Consulting Services Inc. ("the Representative") filed a Variance request to reduce the required 25-foot vegetated buffer by 10 feet, resulting in a 15-foot buffer, in connection with the existing and proposed expansion of the electrical substation at 1145 Porchers Bluff Road, 1162 and 1170 Sam Edwards Road in the East Area of Charleston County (TMS # 578-00-00-155). Mount Pleasant Overlay (Residential Area) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Nelson made a motion to approve the Variance request with the following conditions. (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; and (2) The applicant shall work with staff to provide opaque privacy fencing along all required buffer lines. The fencing shall be visually compatible with the surrounding existing residential area in terms of material and design, subject to staff review and approval. Mr. Truslow seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-10-25-00912

Willy Taylor, PE of Dominion Energy South Carolina, Inc. ("the Applicant" and "the Property Owner") and Taylor Reeves of Stantec Consulting Services Inc. ("the Representative") filed a Variance request to allow an 8.5-foot chain-linked fence within the required right-of-way landscape buffer to secure both the existing and proposed expansion of the electrical substation at 1145 Porchers Bluff Road, 1162 and 1170 Sam Edwards Road in the East Area of Charleston County (TMS # 578-00-00-155). Mount Pleasant Overlay (Residential Area) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, the board determined that all items in Article 3.10 Zoning Variances, Sec. 3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) had been satisfied. Mr. Nelson made a motion to approve the Variance request with the following conditions. (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; and (2) The applicant shall work with staff to provide opaque privacy fencing along all required buffer lines. The fencing shall be visually compatible with the surrounding existing residential area in terms of material and design, subject to staff review and approval. Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

Additional Business

The BZA will hear five (5) new business cases at the January 5, 2026 BZA Public Hearing that will be held in-person in Council Chambers at 4:00 p.m.

Adjournment

There being no further business, the board adjourned at 8:02 p.m.

Respectfully submitted,

Jenny J. Werking, AICP
Secretary to the BZA