

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF FEBRUARY 2, 2026 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, and Ms. Shana Smith

Members Absent

Mr. Doug Truslow

Staff Members Present

Mr. Kelvin Huger, BZA Attorney; Sally Brooks, Planner IV; Genesis Clark, Planning Technician III; Kyle Foster, Planner I/Arborist; Cole Hair, Planner I; 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:

- January 16th: Site Visits and Postings were completed by this date.
- January 16th: 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.
- January 16th: Notice of this meeting was published in the *Post and Courier*.

The February 2, 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 January 5, 2026 public hearing meeting minutes. Mr. Brown seconded the motion. The motion carried unanimously.

Old Business

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 provide access to TMS #330-12-00-068 and #330-12-00-069, including proposed Lots B-5-A and B-5-B and existing Lot B-6. The Grand Tree is located within the Richardson Road Right-of-Way on James Island in Charleston County (near TMS # 330-12-00-067).

Findings: After hearing the applicant's request to defer the case, Mr. Nelson made a motion to defer the variance application for up to 60 days. Mr. Brown seconded the motion. The motion passed unanimously.

Mr. Neal and Ms. S. Smith arrived after the votes on the approval of the minutes and the deferral of Case #BZA-10-25-00915. Both Mr. Neal and Ms. S. Smith recused themselves from hearing Case #BZA-10-25-00916. Recusal forms are attached.

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 near/within the Von Ohsen Road Right-of-Way for a proposed roadway widening project. The project includes undergrounding existing overhead power lines and constructing curb and gutter improvements. Fourteen (14) of the Grand Trees are located within the Von Ohsen Road right-of-way (near TMS #388-00-00-078, -081, -082, -083, -086, -093, -112, -117, -162, -180, and -580) and one Grand Tree is located (on TMS #388-00-00-160) in the North Area of Charleston County.

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 satisfied. Ms. J. Smith made a motion to deny the Variance request, stating that the application does not meet Criterion 1, Criterion 4, and Criterion 6. Mr. Jordan seconded the motion. Mr. Brown, Mr. Jordan, Mr. Siedell, and Ms. J. Smith voted in favor of the motion. Mr. Ray and Mr. Nelson voted against the motion. The majority of the members present, and voting (4 to 2) voted in favor of motion and therefore the application was denied.

New Business

CASE# BZA-12-25-00922

Jason Myers of PWM, 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 Special Management (S-3) Zoning District at 1685 Old Military Road on James Island in Charleston County (TMS # 431-01-00-022). Special Management (S-3) 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; (4) The property owner shall be responsible for ensuring that tenants comply with the Charleston County Noise Ordinance. The management company shall install and maintain a noise monitoring device on the property; and (5) The maximum occupancy of the property shall not exceed ten (10) guests at any time. Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-12-25-00923

David Sullivan of Royall Stays ("the Applicant") and Martha Kolleen Cafferky ("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 203 Magnolia Road in the St. Andrews Area of Charleston County (TMS # 418-13-00-135). 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. Neal seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-12-25-00924

Michael Hager and Joey Hager of Wild Wing Retreat, LLC (“the Applicants” and “the Property Owners”) filed a Special Exception request to establish a Short-Term Rental Property, Extended Home Rental (EHR) in the Low-Density Manufactured Housing Subdivision (MHS) Zoning District at 1617 Refuge Run on James Island in Charleston County (TMS # 331-07-00-115). Low-Density Manufactured Housing Subdivision (MHS) 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. Brown 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. Siedell seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-12-25-00926

Andrew Deltac, of Earthsource Engineering (“the Applicant”) and Lee Ann Sullivan of Johns Island Presbyterian Church Inc. (“the Property Owner”) filed a Variance request from the requirement to provide an all-weather surface parking lot, allowing the existing grass parking areas to remain for the proposed Family Life Center at Johns Island Presbyterian Church at 2550 Bohicket Road on Johns Island in Charleston County (TMS # 257-00-00-033). Rural Agricultural (AG-8) 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. Neal 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 proposed Family Life Center building will undergo review by the County’s Historic Preservation Commission to obtain a Certificate of Historic Appropriateness, ensuring the project aligns with historic preservation standards. Mr. Brown seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-12-25-00927

Andrew Deltac, of Earthsource Engineering (“the Applicant”) and Lee Ann Sullivan of Johns Island Presbyterian Church Inc. (“the Property Owner”) filed a Variance request to allow the existing gravel and grass parking lot to remain within the required 75-foot right-of-way landscape buffer along Bohicket Road for the proposed Family Life Center at Johns Island Presbyterian Church at 2550 Bohicket Road on Johns Island in Charleston County (TMS # 257-00-00-033). Rural Agricultural (AG-8) 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. Neal 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 proposed Family Life Center building will undergo review by the County's Historic Preservation Commission to obtain a Certificate of Historic Appropriateness, ensuring the project aligns with historic preservation standards. Mr. Brown seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

Additional Business

The BZA's Annual Business Meeting will be held on March 2, 2026 from 3:00 to 5:00 p.m. in the Council Committee Room. Dinner will be served. The BZA will hear ten (10) new business cases at the March 2, 2026 BZA Public Hearing that will be held in-person in Council Chambers at 5:00 p.m.

Adjournment

There being no further business, the board adjourned at 6:47 p.m.

Respectfully submitted,

Jenny J. Werking, AICP
Secretary to the BZA

DRAFT

RECUSAL STATEMENT

Member Name: Roy NEAL

Meeting Date: February 2nd, 2026

Agenda Item: Section _____ Number: 10-25-00916

Topic: Trees on Von Ohsen Rd.

Stanley Martin Development - Applicant

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

_____ Professionally employed by or under contract with principal

_____ Owns or has vested interest in principal or property

X Other: Have relationship w/ Stanley Martin
Martin Alton

Date: 2/2/2026

Roy D. NEAL
Member

Received by Chair:

[Signature] 2/2/26
Signature Date

RECUSAL STATEMENT

Member Name: SHANA SUE SMITH

Meeting Date: 2/21/26

Agenda Item: Section _____ Number: 10-75-00916

Topic: Von Ohsen trees

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: _____

Date: 2/21/26

SHANA SUE SMITH
Member

Received by Chair:

[Signature] 2/21/26
Signature Date