

**CHARLESTON COUNTY
BOARD OF ZONING APPEALS (BZA)
SUMMARY OF THE NOVEMBER 3, 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

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

Members Absent

Chair, Mr. William Ray and Ms. Shana Smith

Staff Members Present

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

- October 17th: Site Visits and Postings were completed by this date.
- October 17th: Letters were mailed to property owners within 300' for all other requests, and to Parties in interest for all cases. These notifications are above and beyond the state requirements.
- October 17th: Notice of this meeting was published in the *Post and Courier*.

The November 3, 2025 BZA meeting was called to order at 4:00 p.m. by the Acting Chair, Mr. Ross Nelson.

Minutes

Mr. Truslow made a motion to approve the October 6, 2025 public hearing meeting minutes. Mr. Brown seconded the motion. The motion carried unanimously.

Mr. Neal and Ms. J. Smith arrived.

Old Business

CASE# BZA-07-25-00882

Luke Whetsell Harper ("the Applicant" and "Property Owner") filed a Variance request to reduce the required 15' interior side setback by 7' to 8' for a proposed single-family residence at 3862 Abe White Road in the East Area of Charleston County (TMS # 614-00-00-767). 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 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. Siedell made a motion to approve the Variance request. Mr. Jordan seconded the motion. The motion to approve the application was unanimous and therefore the application was granted.

New Business

Mr. Siedell made a motion to reorder the agenda so that the Charleston Water System (CWS) wastewater pump station requests would be heard at the end of the meeting. Mr. Brown seconded the motion, and it carried unanimously.

CASE# BZA-09-25-00898

David Gregory of Riding Ranges Outdoors 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 3626 Berryhill Road on Johns Island in Charleston County (TMS # 277-06-00-116). 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. Truslow 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-09-25-00899

Susan Gislason of Gislason Properties ("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 1545 Grimboll Road Extension on James Island in Charleston County (TMS # 431-01-00-007). 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. Truslow 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. Brown seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

CASE# BZA-09-25-00905

Louis DiLuna of Edisto Island Youth Recreation ("the Applicant" and "the Property Owner") and Emma Strong of Davis & Floyd Inc. ("the Representative") filed a Variance request to allow removal of a 30" DBH Grand Laurel Oak Tree to accommodate construction of a roadway providing access to the proposed Edisto Youth Recreation Center at 1642 Clark Road on Edisto Island in Charleston County (TMS # 080-00-00-023). Agricultural Preservation (AG-10) 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; (2) The applicant shall mitigate the removal of the 30-Inch DBH tree by one of the following methods: (a)

Submitting a mitigation plan for review and approval indicating the installation of canopy trees no smaller than two and one-half (2.5) inches in caliper, equaling inch for-inch replacement; (b) Depositing funds into the Charleston County Tree Fund as described in Sec. 9.2.6 of the ZLDR; or (c) A combination of both (a) and (b). Mitigation shall be completed prior to tree removal; (3) Tree barricades constructed of chain link fencing shall be installed around all protected trees within 40 feet of disturbance prior to any construction, pursuant to Sec. 9.2.4 of the ZLDR; and (4) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees within 40 feet of disturbance throughout construction. A copy of the Tree Preservation Plan shall be submitted to Zoning Staff for review and approval prior to Zoning Permit issuance. 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-09-25-00906

Ronald Wade Boals ("the Applicant" and "the Property Owner") and Newman Jackson Smith of Nelson Mullins Riley & Scarborough ("the Representative") filed a Variance request to reduce the required 50-foot Critical Line setback by 13 feet, resulting in a 37-foot setback to allow construction of a proposed swimming pool and deck, and to accommodate existing stairs at 7722 Blue House Lane on Edisto Island in Charleston County (TMS # 069-00-00-022) Agricultural Preservation (AG-10) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments, the Board proceeded with deliberation on the variance request. Ms. J. Smith made a motion to deny the variance, stating that the request did not meet Criteria 1, 2, 3, and 6. Mr. Truslow seconded the motion. Mr. Brown, Ms. J. Smith, and Mr. Truslow voted in favor of the motion to deny the request. Mr. Nelson, Mr. Jordan, Mr. Neal, and Mr. Siedell voted against the motion. The majority of the members present, and voting voted against the motion and therefore the motion failed by a (3 to 4) vote. 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, including a fifth condition he added to his amended motion: (1) Prior to commencing construction, silt fencing shall be installed along the Critical Line and maintained for the duration of the construction; (2) The applicant shall use stormwater mitigation measures, such as rain barrels and/or rain gardens, to reduce the flow of stormwater into the marsh; (3) The required 35-foot Critical line buffer shall be maintained in accordance with Charleston County ZLDR Section 4.24.7; (4) Any encroachments shall be limited to the footprint areas shown on the submitted site plan; and (5) The applicant shall submit a landscape plan to the Zoning and Planning Director for review and approval that utilizes native species and plant material suitable for saltwater tolerance. The landscaping shall be installed and inspected prior to final permit approval. Mr. Jordan seconded the motion. Mr. Nelson, Mr. Brown, Mr. Jordan, Mr. Neal, and Mr. Siedell voted in favor of the motion. Ms. J. Smith and Mr. Truslow voted against the motion. The majority of the members present, and voting (5 to 2) voted in favor of motion and therefore the application was granted with the above referenced conditions.

The BZA had a 10-minute recess.

CASE# BZA-09-25-00900

Donald E. Benjamin, Jr. of Charleston Water System ("the Applicant" and "the Property Owner") and John Weldon of AECOM ("the Representative") filed a Variance request to encroach more than 25% of the protected root zone of a 48" DBH Grand Live Oak Tree for construction of a driveway serving a proposed wastewater pump station at 1136 Old Towne Road in the St. Andrews Area of Charleston County (TMS # 418-06-00-109) St. Andrews Area Overlay (Community Commercial [CC]) 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; (2) Tree

barricades constructed of chain link fencing shall be installed around all protected trees within 40 feet of disturbance prior to any construction, pursuant to Sec. 9.2.4

of the ZLDR; (3) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees within 40 feet of disturbance throughout construction. A copy of the Tree Preservation Plan shall be submitted to Zoning Staff for review and approval prior to Zoning Permit issuance; (4) If the 48-inch DBH Live Oak Tree dies within three (3) years from the date the wastewater pump station is constructed, the applicant shall mitigate the tree as follows;

(a) Submit a mitigation plan for review and approval indicating the installation of canopy trees no smaller than 2.5 inches in caliper, providing inch-for-inch replacement;

(b) Deposit funds into the Charleston County Tree Fund as described in Sec. 9.2.6 of the ZLDR; or

(c) A combination of (a) and (b).

Mitigation shall be completed prior to the removal of the dead tree.

(5) The applicant shall work with staff to explore materials other than chain-link fencing to provide opaque screening that is visually compatible with the surrounding residential areas.

Ms. J. Smith seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-09-25-00901

Donald E. Benjamin, Jr. of Charleston Water System ("the Applicant" and "the Property Owner") and John Weldon of AECOM ("the Representative") filed a Variance request to allow a curb cut less than 75 feet from the intersection of N Hillside Drive and Old Towne Road for access to a proposed wastewater pump station at 1136 Old Towne Road in the St. Andrews Area of Charleston County (TMS # 418-06-00-109) St. Andrews Area Overlay (Community Commercial [CC]) 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. Brown 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; (2) Tree barricades constructed of chain link fencing shall be installed around all protected trees within 40 feet of disturbance prior to any construction, pursuant to Sec. 9.2.4

of the ZLDR; (3) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees within 40 feet of disturbance throughout construction. A copy of the Tree Preservation Plan shall be submitted to Zoning Staff for review and approval prior to Zoning Permit issuance; (4) If the 48-inch DBH Live Oak Tree dies within three (3) years from the date the wastewater pump station is constructed, the applicant shall mitigate the tree as follows;

(a) Submit a mitigation plan for review and approval indicating the installation of canopy trees no smaller than 2.5 inches in caliper, providing inch-for-inch replacement;

(b) Deposit funds into the Charleston County Tree Fund as described in Sec. 9.2.6 of the ZLDR; or

(c) A combination of (a) and (b).

Mitigation shall be completed prior to the removal of the dead tree.

(5) The applicant shall work with staff to explore materials other than chain-link fencing to provide opaque screening that is visually compatible with the surrounding residential areas.

Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-09-25-00902

Donald E. Benjamin, Jr. of Charleston Water System ("the Applicant" and "the Property Owner") and John Weldon of AECOM ("the Representative") filed a Variance request to reduce the required vegetated buffers for the construction of a major utility service use (proposed wastewater pump station) as follows:

- North Hillside Drive: Reduce the required 25-foot buffer by 10 feet (resulting in a 15-foot buffer)
- Old Towne Road: Reduce the required 25-foot buffer by 15 feet (resulting in a 10-foot buffer)

at 1136 Old Towne Road in the St. Andrews Area of Charleston County (TMS # 418-06-00-109) St. Andrews Area Overlay (Community Commercial [CC]) 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; (2) Tree barricades constructed of chain link fencing shall be installed around all protected trees within 40 feet of disturbance prior to any construction, pursuant to Sec. 9.2.4 of the ZLDR; (3) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees within 40 feet of disturbance throughout construction. A copy of the Tree Preservation Plan shall be submitted to Zoning Staff for review and approval prior to Zoning Permit issuance; (4) If the 48-inch DBH Live Oak Tree dies within three (3) years from the date the wastewater pump station is constructed, the applicant shall mitigate the tree as follows;

- (a) Submit a mitigation plan for review and approval indicating the installation of canopy trees no smaller than 2.5 inches in caliper, providing inch-for-inch replacement;
- (b) Deposit funds into the Charleston County Tree Fund as described in Sec. 9.2.6 of the ZLDR; or
- (c) A combination of (a) and (b).

Mitigation shall be completed prior to the removal of the dead tree.

(5) The applicant shall work with staff to explore materials other than chain-link fencing to provide opaque screening that is visually compatible with the surrounding residential areas.

Mr. Brown seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-09-25-00903

Donald E. Benjamin, Jr. of Charleston Water System ("the Applicant" and "the Property Owner") and John Weldon of AECOM ("the Representative") filed a Variance request to allow a 6-foot chain-linked fence within the required right-of-way buffer to secure a proposed wastewater pump station at 1136 Old Towne Road in the St. Andrews Area of Charleston County (TMS # 418-06-00-109) St. Andrews Area Overlay (Community Commercial [CC]) 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. Brown 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; (2) Tree barricades constructed of chain link fencing shall be installed around all protected trees within 40 feet of disturbance prior to any construction, pursuant to Sec. 9.2.4 of the ZLDR; (3) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees within 40 feet of disturbance throughout construction. A copy of the Tree Preservation Plan shall be submitted to Zoning Staff for review and approval prior to Zoning Permit issuance; (4) If the 48-inch DBH Live Oak Tree dies within three (3) years from the date the wastewater pump station is constructed, the applicant shall mitigate the tree as follows;

- (a) Submit a mitigation plan for review and approval indicating the installation of canopy trees no smaller than 2.5 inches in caliper, providing inch-for-inch replacement;
- (b) Deposit funds into the Charleston County Tree Fund as described in Sec. 9.2.6 of the ZLDR; or
- (c) A combination of (a) and (b).

Mitigation shall be completed prior to the removal of the dead tree.

(5) The applicant shall work with staff to explore materials other than chain-link fencing to provide opaque screening that is visually compatible with the surrounding residential areas.

Mr. Neal seconded the motion. The motion to approve the application was unanimous and therefore granted with the above referenced conditions.

CASE# BZA-09-25-00904

Donald E. Benjamin, Jr. of Charleston Water System (“the Applicant” and “the Property Owner”) and John Weldon of AECOM (“the Representative”) filed a Variance request to waive the requirement to install a sidewalk along N Hillside Drive for a proposed wastewater pump station at 1136 Old Towne Road in the St. Andrews Area of Charleston County (TMS # 418-06-00-109) St. Andrews Area Overlay (Community Commercial [CC]) Zoning District standards apply.

Findings: The applicant withdrew this variance request at the hearing.

Additional Business

The BZA will hear ten (10) new business cases at the December 1, 2025 BZA Public Hearing that will be held in-person in Council Chambers at 4:00 p.m.

Mrs. Werking informed the Board that the 2025 annual continuing education training has been successfully completed by all members.

The proposed 2026 BZA meeting schedule was presented to the Board. Mr. Brown made the motion to approve the schedule. Mr. Neal seconded the motion and the motion passed unanimously.

Adjournment

There being no further business, the board adjourned at 8:04 p.m.

Respectfully submitted,

Jenny J. Werking, AICP
Secretary to the BZA