

**CHARLESTON COUNTY  
BOARD OF ZONING APPEALS (BZA)  
SUMMARY OF THE SEPTEMBER 8, 2025 MEETING  
5:00 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 H. Ray, Vice 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**

Ms. Shana Smith

**Staff Members Present**

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

- |              |  |
|--------------|--|
| August 22nd: | Site Visits and Postings were completed by this date.  |
| August 22nd: | Letters were mailed to property owners within 500' for the alcohol sales request, within 300' for all other requests, and to Parties in interest for all cases. These notifications are above and beyond the state requirements. |
| August 22nd: | Notice of this meeting was published in the <i>Post and Courier</i> .  |

The September 8, 2025 BZA meeting was called to order at 5:00 p.m. by the Chair, Mr. William H. Ray.

**Minutes**

Mr. Jordan made a motion to approve the August 4, 2025 public hearing meeting minutes. Mr. Neal seconded the motion. The motion carried unanimously.

**New Business**

**CASE# BZA-07-25-00878**

Parker Schaarschmidt of Coastal Pines Properties 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 426 Riverland Drive on James Island in Charleston County (TMS # 343-10-00-027). Low Density Residential (R-4) Zoning District standards apply.

**Findings:** After hearing the Staff Review, neither the applicant/property owner nor their representative were present. The board discussed deferring the application to allow the applicant or their representative to appear at a future meeting. Mr. Neal made a motion to defer the Special Exception application. Mr. Jordan seconded the motion. The motion passed unanimously. Therefore, the Special Exception application was deferred for up to 90 days.

**CASE# BZA-07-25-00879**

Lonnie Mueller of Porchview Properties 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 1876 Chilhowee Drive on Johns Island in Charleston County (TMS # 279-16-00-050). 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; (4) The property owner shall be responsible for ensuring that tenants comply with the Charleston County Noise Ordinance; and (5) The maximum number of guests allowed is (8) eight guests. 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-07-25-00880**

Fred Lamar Rouse ("the Applicant" and "Property Owner") and Wanda Brown of Hunter Quinn Homes ("the Representative") filed a Variance request to reduce the required 3' interior setback by 1.3' to 1.7' for an existing unpermitted detached accessory structure (shed) and to remove a 26" DBH Grand Red Oak Tree for a proposed single-family residence at 1594 Joe Rouse Road in the East Area of Charleston County (TMS # 583-00-00-016). 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. Neal made a motion to approve the Variance request with the following conditions: (1) The applicant shall mitigate the removal of the 26 DBH inches by either (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 per inch replacement, (b) by depositing funds into the Charleston County Tree Fund as described in Sec. 9.2.6 of the *Charleston County Zoning and Land Development Regulations*, or (c) a combination of both (a) and (b). The allotted mitigation shall be in place prior to its removal; and (2) The applicant/property owner shall obtain all required zoning and building permits for the unpermitted detached accessory structures (sheds). Mr. Jordan seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

**CASE# BZA-07-25-00881**

Matt McCauley of Permit Expeditors of South Carolina, LLC ("the Applicant") and William H. Branham, III, Trustee of Family Trust ("Property Owner") filed a Variance request to reduce the required 50' Critical Line setback by 14.6' to 35.4' for a proposed swimming pool and deck and to reduce the required 35' Critical Line buffer by 6' to 29' for a proposed fence at 1478 West Deep Creek Overlook in the East Area of Charleston County (TMS # 617-14-00-063). Rural Residential (RR) Zoning District standards apply.

Findings: After hearing the Staff Review, the applicant's presentation, and any public comments concerning this application, Mr. Neal made a motion to approve the Variance request for the proposed swimming pool only (not the proposed fence) with the following conditions: (1) Prior to commencing construction, silt fencing shall be installed along the Critical Line. The silt fencing shall be maintained for the duration of the construction; (2) The applicant shall use stormwater mitigation measures, such as the use of rain barrels or rain gardens, to reduce the flow of stormwater into the marsh; and (3) The encroachment areas shall be limited to the footprint areas shown on the submitted site plan. Mr. Nelson seconded the motion. Mr. Nelson and Mr. Neal voted in favor of the motion. Mr. Ray, Mr. Brown, Mr. Jordan, Mr. Siedell, Ms. J. Smith, and Mr. Truslow voted against the motion. The majority of the members present, and voting (6 to 2) voted against the motion and therefore the motion failed, and the request for the proposed swimming pool was denied. Ms. J. Smith made a motion to deny the Variance request for the

proposed fence stating that the request does not meet criteria # 6. Mr. Truslow seconded the motion. The motion to disapprove the proposed fence was unanimous and therefore it was denied.

**The BZA had a 10-minute recess.**

**CASE# BZA-07-25-00882**

Luke Whetsell Harper ("the Applicant" and "Property Owner") filed a Variance request to reduce the required 25' front/street side setback by 2' to 23' and to reduce the required 15' interior side setback by 9' to 6' 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 voted to defer the application to provide the applicant an opportunity to revise the site plan and to meet with the community. Mr. Truslow made a motion to defer the variance application. Mr. Brown seconded the motion. The motion passed unanimously. Therefore, the variance application was deferred for up to 90 days.

**CASE# BZA-07-25-00883**

William T. Eubanks of Urban Edge Studio ("the Applicant") and Daniel Boorse of Four Seasons Landscape Management, LLC ("the Property Owner") filed a Variance request for an access drive that is less than 20' wide at 3555 Bohicket Road on Johns Island in Charleston County (TMS # 215-00-00-014). 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. Ms. Truslow made a motion to approve the Variance request with the following condition: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process. Mr. Brown seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced condition.

**CASE# BZA-07-25-00884**

John Pierson ("the Applicant" and "the Property Owner"), Susan and Dean Brandt ("the Property Owners") and Andy Bajoczky, PE of Barrier Island Engineering & Consulting ("the Representative") filed a Variance request to encroach two (2) Grand Trees by more than twenty-five percent (25%) of the protected root zone area for a proposed physical fitness building at 1773 Folly Road on James Island in Charleston County (TMS # 334-10-00-016). FRC-O, Folly Road Corridor Overlay (Neighborhood Commercial [Neighborhood Preservation 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. Siedell made a motion to approve the Variance request with the following conditions: (1) If any of the two (2) trees die within up to three (3) years of the completion of construction, the applicant shall mitigate the DBH of each tree by either (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 per inch replacement, (b) by depositing funds into the Charleston County Tree Fund as described in Sec. 9.2.6 of the *Charleston County Zoning and Land Development Regulations*, or (c) a combination of both (a) and (b). The allotted mitigation shall be in place for each tree prior to its removal; (2) Tree barricades constructed of chain link fencing shall be installed around all protected trees within 40' of disturbance prior to any construction, pursuant to Sec. 9.2.4 of the *Charleston County Zoning and Land Development Regulations*; and (3) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees through the duration of construction. The applicant shall provide a copy of the Tree Preservation Plan to Zoning Staff for review and approval prior to Zoning Permit

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

**Mr. Siedell recused himself from hearing Cases # BZA-07-25-00885, BZA-07-25-00886, & BZA-07-25-00887.**

**CASE# BZA-07-25-00885**

Ryan Buck of 3517 Maybank Hwy, LLC ("the Applicant" and "the Property Owner") and Andy Bajoczky, PE of Barrier Island Engineering & Consulting ("the Representative") filed a Special Exception request for the sale of alcoholic beverages onsite (beer, wine, and liquor) for a proposed restaurant in the Johns Island Maybank Highway Corridor Overlay (Limited Commercial) at 3517 Maybank Highway on Johns Island in Charleston County (TMS # 279-00-00-168). JO-MHC-O, Johns Island Maybank Highway Corridor Overlay (Limited Commercial) 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 conditions: (1) Prior to zoning permit approval, the applicant shall complete the Site Plan Review process; and (2) The applicant shall meet all requirements of the State of South Carolina for alcoholic beverage sales and provide proof of State approval to Zoning and Planning Staff, prior to Zoning Permit approval for the use. 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-07-25-00886**

Ryan Buck of 3517 Maybank Hwy, LLC ("the Applicant" and "the Property Owner") and Andy Bajoczky, PE of Barrier Island Engineering & Consulting ("the Representative") filed a Variance request to remove a 28" DBH Grand Live Oak Tree for a proposed mixed-use development at 3517 Maybank Highway on Johns Island in Charleston County (TMS # 279-00-00-168). JO-MHC-O, Johns Island Maybank Highway Corridor Overlay (Limited Commercial) 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) The applicant shall mitigate the removal of the 28" DBH inches by either (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 per inch replacement, (b) by 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). The allotted mitigation shall be in place prior to its removal; (3) Tree barricades constructed of chain link fencing shall be installed around all protected trees within 40' of disturbance prior to any construction, pursuant to Sec. 9.2.4 of the *Charleston County Zoning and Land Development Regulations*; and (4) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees within 40' of disturbance through the duration of construction. The applicant shall provide a copy of the Tree Preservation Plan to Zoning Staff for review and approval prior to Zoning Permit approval for construction. 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-07-25-00887**

Ryan Buck of 3517 Maybank Hwy, LLC ("the Applicant" and "the Property Owner") and Andy Bajoczky, PE of Barrier Island Engineering & Consulting ("the Representative") filed a Variance request to eliminate the required 25' land use buffer along the western property boundary for a proposed mixed-use development at 3517 Maybank Highway on Johns Island in Charleston County (TMS # 279-00-00-168). JO-MHC-O, Johns Island Maybank Highway Corridor Overlay (Limited Commercial) 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) The applicant shall mitigate the removal of the 28" DBH inches by either (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 per inch replacement, (b) by 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). The allotted mitigation shall be in place prior to its removal; (3) Tree barricades constructed of chain link fencing shall be installed around all protected trees within 40' of disturbance prior to any construction, pursuant to Sec. 9.2.4 of the *Charleston County Zoning and Land Development Regulations*; and (4) The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees within 40' of disturbance through the duration of construction. The applicant shall provide a copy of the Tree Preservation Plan to Zoning Staff for review and approval prior to Zoning Permit approval for construction. Mr. Ray seconded the motion. The motion to approve the application was unanimous and therefore the application was granted with the above referenced conditions.

**Additional Business**

The BZA will hear ten (10) new business cases at the October 6, 2025 BZA Public Hearing that will be held in-person in Council Chambers at 4:00 p.m. Mrs. Werking reminded the board members that the annual continuing education training is self-study and the deadline to finish the training is December 31, 2025.

**Adjournment**

There being no further business, the board adjourned at 8:55 p.m.

Respectfully submitted,

Jenny J. Werking, AICP  
Secretary to the BZA

# RECUSAL STATEMENT

Member Name: Robert Siedell

Meeting Date: Sept 8, 2025

Agenda Item: \_\_\_\_\_ Section \_\_\_\_\_ Number: \_\_\_\_\_

BZA 07-25-00885  
BZA 07-25-00886  
BZA 07-25-00887

Topic: Special Exemption - Liquor permit  
2 variances remove tree / reduce buffer

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: Sept 8, 2025

Member

Received by Chair:

Signature

Date

9/8/25