



Case # BZA-01-26-00936

Charleston County BZA Meeting of March 2, 2026

Applicant/Property Owner:	John Rhoden of Sea Island Habitat for Humanity
Representative:	Nick Allport of HLA, Inc.
Property Location:	3782 Back Pen Road – Johns Island
TMS#:	250-00-00-046
Zoning District:	Agricultural Residential (AGR) Zoning District

Request:

Variance request to allow encroachments within the protected areas of four (4) Grand Live Oak trees, including one (1) tree requiring relief from both encroachment limits and the three (3) times DBH restriction, for a proposed Habitat for Humanity affordable housing subdivision.

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.4.C. and 9.2.4.E. Required Tree Protection

Sec. 9.2.4.C. states, *"In no case shall any paving, filling, grading, Building, or construction footing occur or be placed within three times the DBH in inches from the trunk of the Tree, unless otherwise approved by the Board of Zoning Appeals."*

Sec. 9.2.4.E. states, *"Limited encroachments into the area located within Tree barricades may be allowed by the Zoning and Planning Director provided that encroachments do not constitute more than 25 percent of the protected area beneath a Tree and do not occur in the area located within three times the DBH in inches from the trunk of the Tree unless otherwise approved by the BZA. The Zoning and Planning Director may allow administrative approval encroachments of up to 35 percent of the protected area when the Zoning and Planning Director approves a Tree Preservation Plan submitted by the applicant. The Tree Preservation Plan must be adhered to by the applicant as directed by the Zoning and Planning Director; otherwise, it shall constitute a violation of this Ordinance. Any paving, Grading, trenching, or filling of the protected area must be pre-approved by the Zoning and Planning Director or the Board of Zoning Appeals, as required by this Ordinance, and may require specific construction techniques to preserve the health of the Tree. When grading and construction within the protected area of a Tree has been approved, all damaged roots shall be severed clean."*



CHAPTER 9 | DEVELOPMENT STANDARDS

ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

Sec. 9.2.4 Required Tree Protection

A. General.

1. All Grand Trees and any other Trees required to remain on a site must be protected during construction and Development of a Parcel. Tree protection must be shown on all Development plans prior to site plan approval. A site inspection of the Tree barricades must be scheduled by the Applicant with the Zoning and Planning Department for approval prior to the issuance of permits or the start of Development activities.
 2. Prior to issuance of a Zoning Permit, a pre-construction planning conference is required for on-site Tree preservation with the Zoning and Planning Director or staff representative, the Applicant(s), and any appropriate parties for determining if there is need for additional Tree protection techniques and for designating placement of Tree barricades, construction employee parking, temporary construction office, and dumpsters.
- B. Prior to the start of Land Development activities, protective Tree barricades shall be placed around all Required Trees in or near Development areas. The barricades shall be constructed of wood, metal, or plastic fencing or other materials approved by the Zoning and Planning Director, and include a top rail. Tree barricades shall be placed beneath the canopy Drip Line or one foot times the DBH of the Tree as a radius from the trunk, whichever is greater. Other protective devices or construction techniques may be used as approved by the Zoning and Planning Director. Three inches of mulch shall be installed and maintained within all Tree barricade areas. The mulch shall remain in place throughout Development activities. The area within the Tree barricade shall remain free of all Building materials, dirt, fill, and other construction debris, vehicles, and Development activities. All Required Trees are also subject to the requirements of Sec. 9.4.6, *Landscape Materials Standards*, and Article 11.3, *Enforcement Responsibility and Complaints*.
- C. In no case shall any paving, filling, grading, Building, or construction footing occur or be placed within three times the DBH in inches from the trunk of the Tree, unless otherwise approved by the Board of Zoning Appeals.
- D. Limited Clearing and/or Grubbing may be authorized by the Zoning and Planning Director prior to the installation of Tree barricades on sites that exhibit unusually heavy undergrowth and where access to the interior of the site and its Protected Trees is impractical. Limited Clearing shall be for the express purpose of accessing the property and Protected Trees to erect the Required Tree barricades and silt fencing. Such limited Clearing shall be done with hand tools, push or walk - behind equipment, or lightweight bush-hog type equipment designed for brush and undergrowth Clearing and which is not capable of removing vegetation greater than three inches in diameter. Under no circumstances may metal-tracked bulldozers, loaders, or similar rider/operator equipment be allowed on site until the Tree barricades are erected and a Zoning Permit is issued.
- E. Limited encroachments into the area located within Tree barricades may be allowed by the Zoning and Planning Director provided that encroachments do not constitute more than 25 percent of the protected area beneath a Tree and do not occur in the area located within three times the DBH in inches from the trunk of the Tree unless otherwise approved by the BZA. The Zoning and Planning Director may allow administrative approval encroachments of up to 35 percent of the protected area when the Zoning and Planning Director approves a Tree Preservation Plan submitted by the applicant. The Tree Preservation Plan must be adhered to by the applicant as directed by the Zoning and Planning Director; otherwise, it shall constitute a violation of this Ordinance. Any paving, Grading, trenching, or filling of the protected area must be pre-approved by the Zoning and Planning Director or the Board of Zoning Appeals, as required by this Ordinance, and may require specific construction techniques to preserve the health of the Tree. When grading and construction within the protected area of a Tree has been approved, all damaged roots shall be severed clean.
- F. Prior to issuance of a Zoning Permit for uses other than Single-Family Detached Residential, the following numbers of Trees with a DBH of eight inches or greater shall be preserved and protected pursuant to the requirements of this Ordinance. Preservation and protection of native Trees is to be prioritized. Properties within the Industrial (IN) District may elect to mitigate the removal of these Protected Trees, as described in Sec. 9.2.6.D, with the exception that all Grand trees and any required Buffer tree measuring eight inches (8") or greater shall be preserved. On properties in the IN District that elect to mitigate the removal of these Protected Trees and where the planting of canopy trees is required within Buffers and other landscaping, screening, and buffer areas, canopy trees shall be a minimum of four inch (4") caliper.



1. 20 Trees per acre; or
2. Any number of Trees with a combined DBH of at least 160 inches per acre.

G. When Lots lack a sufficient number of Trees to meet the requirement for DBH/number of Trees per acre, this requirement shall be fulfilled by existing Trees and must equal 40 inches per acre combined DBH. On Lots with less than 40 inches per acre combined DBH, additional Trees shall be planted on the Lot equaling or exceeding 40 inches per acre combined DBH. Planting schedules shall be approved by the Zoning and Planning Director. Properties within the Industrial (IN) District may elect to mitigate the removal of Protected Trees, as described in [Sec. 9.2.6.D](#), with the exception that all Grand Trees and any required Buffer tree measuring eight inches (8") or greater shall be preserved. On properties in the IN District that elect to mitigate the removal of Protected Trees and where the planting of canopy trees is required within Buffers and other landscaping, screening and buffer areas, canopy trees shall be a minimum of four inch (4") caliper.

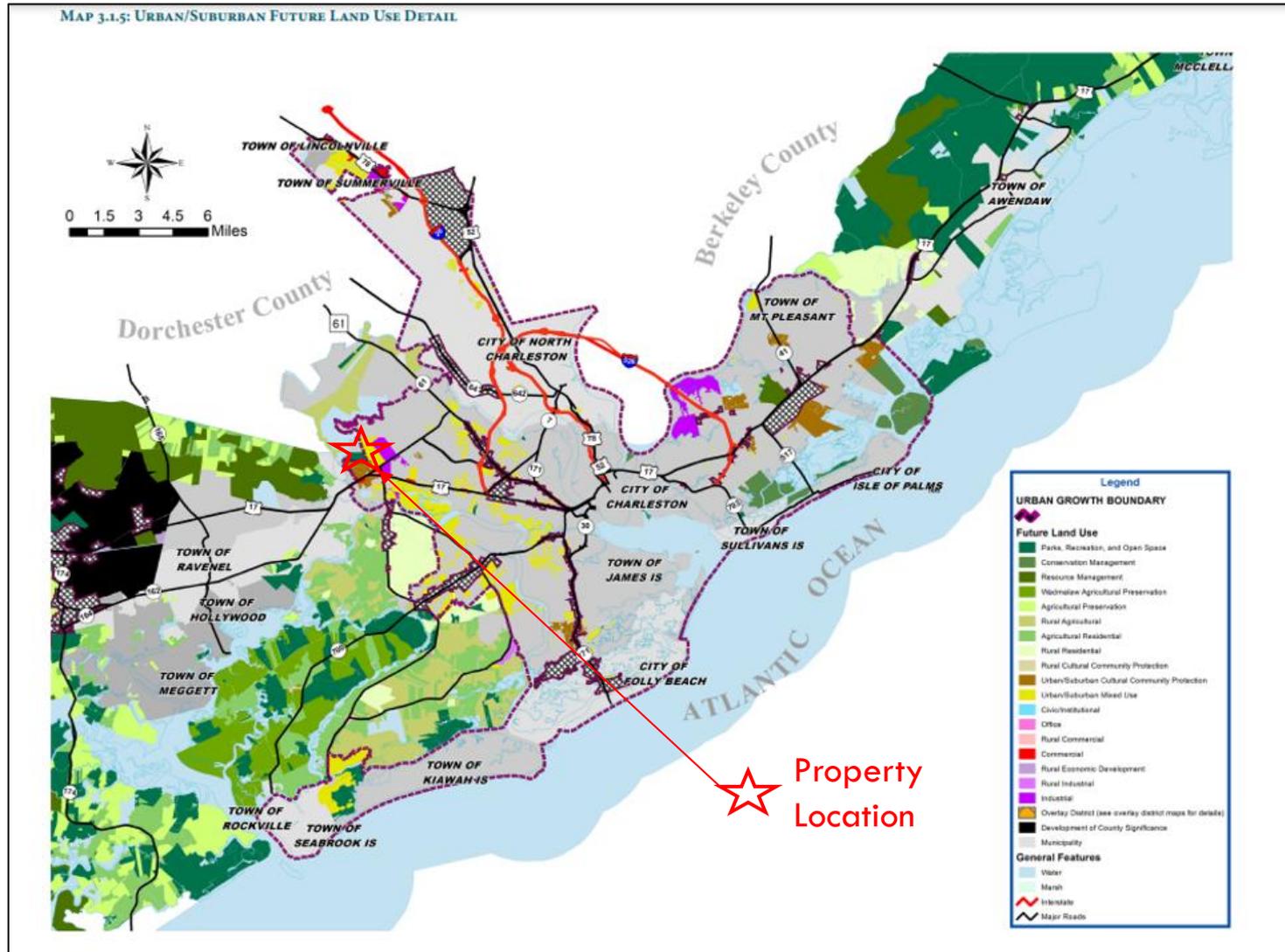
H. Required drainage improvements, such as Detention and retention ponds and wetlands, may be subtracted from the area used to calculate Tree preservation requirements.

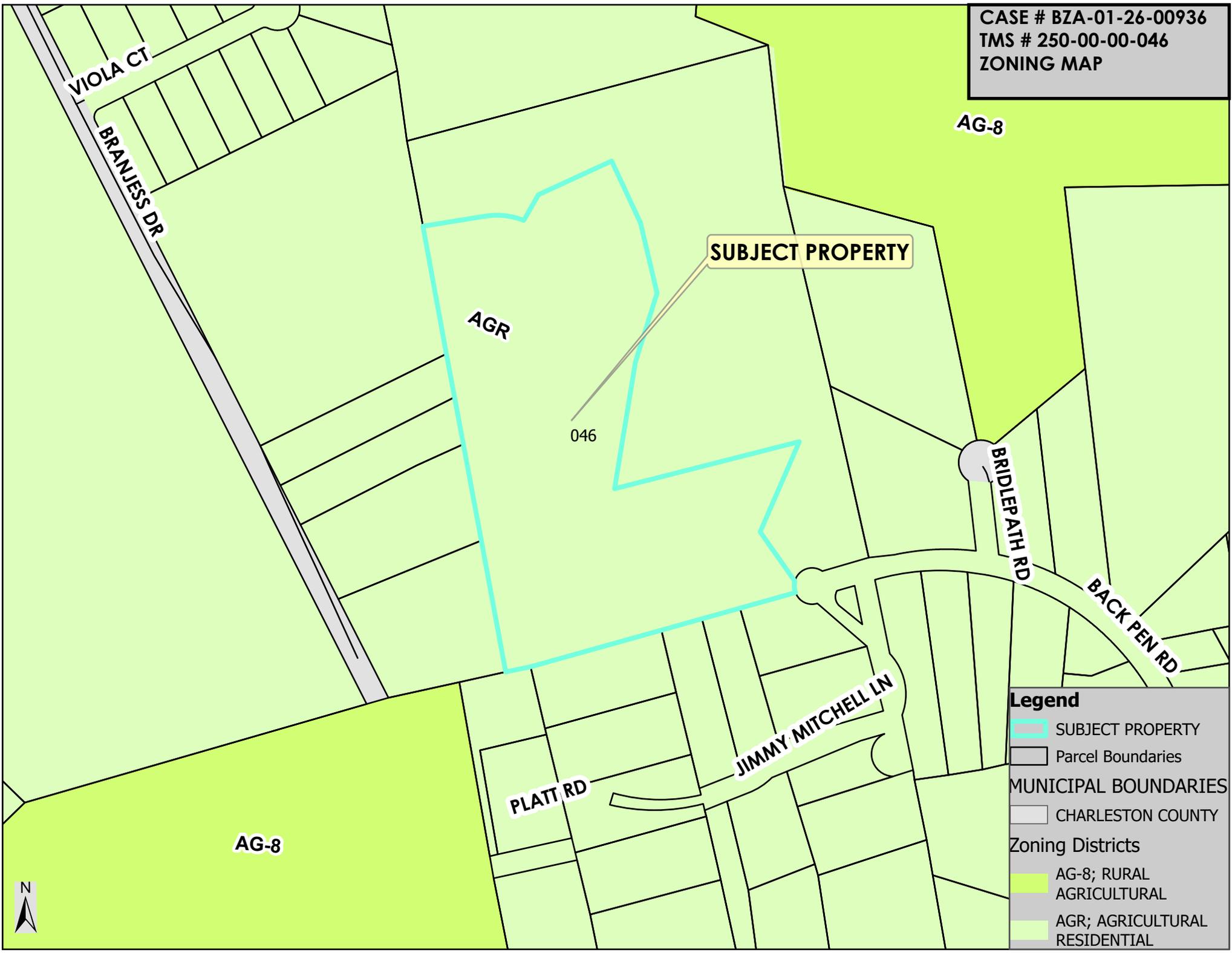
(Ord. No. [2362](#), 10/14/2025)

Effective on: 10/14/2025, as amended

Location Map

3782 Back Pen Road – Johns Island





SUBJECT PROPERTY

046

AGR

AG-8

AG-8

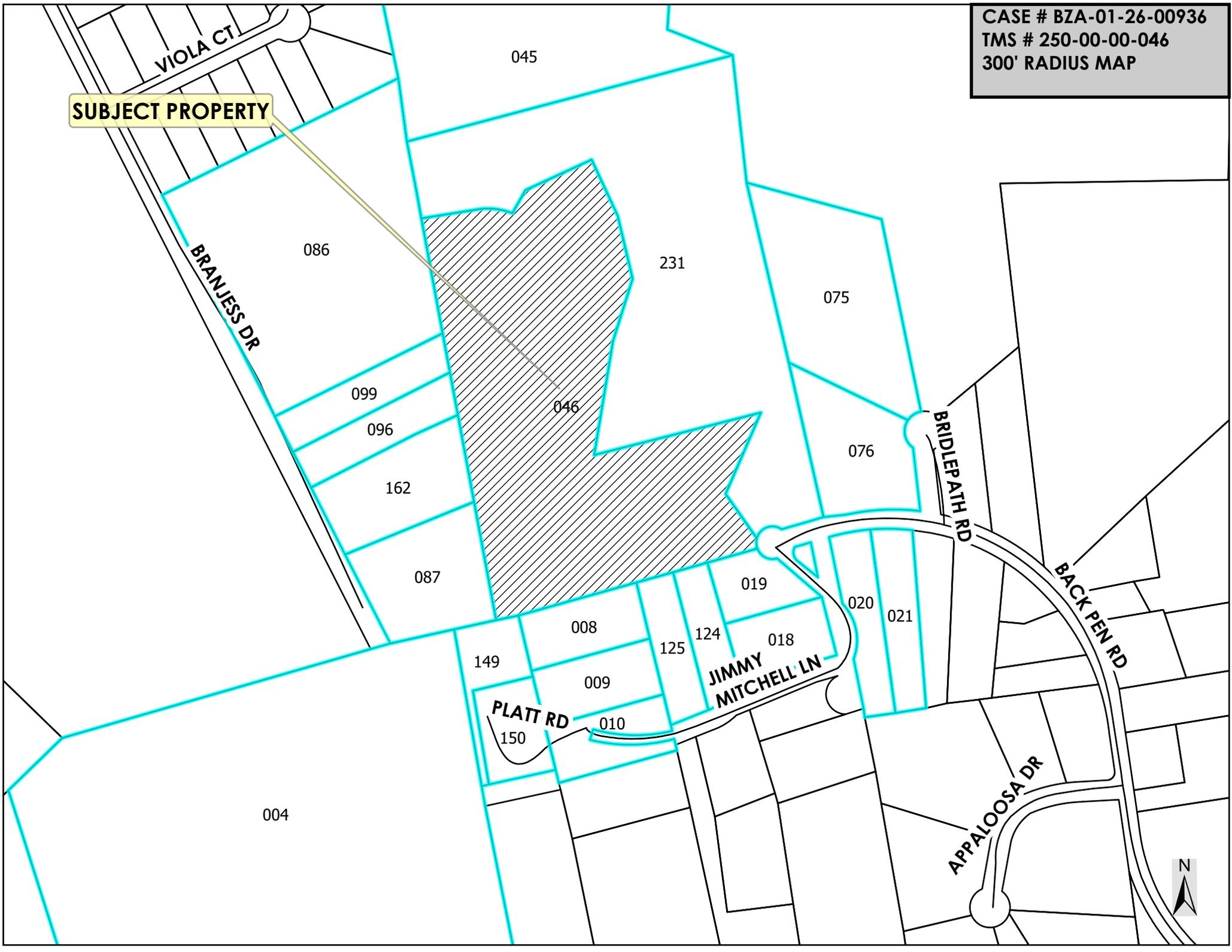
Legend

- SUBJECT PROPERTY
- Parcel Boundaries
- MUNICIPAL BOUNDARIES**
- CHARLESTON COUNTY
- Zoning Districts**
- AG-8; RURAL AGRICULTURAL
- AGR; AGRICULTURAL RESIDENTIAL



CASE # BZA-01-26-00936
TMS # 250-00-00-046
300' RADIUS MAP

SUBJECT PROPERTY



VIOLA CT

BRANJES DR

PLATT RD

JIMMY MITCHELL LN

BRIDLEPATH RD

APPALOOSA DR

BACK PEN RD



CASE # BZA-01-26-00936
TMS # 250-00-00-046
AERIAL MAP

SUBJECT PROPERTY

046

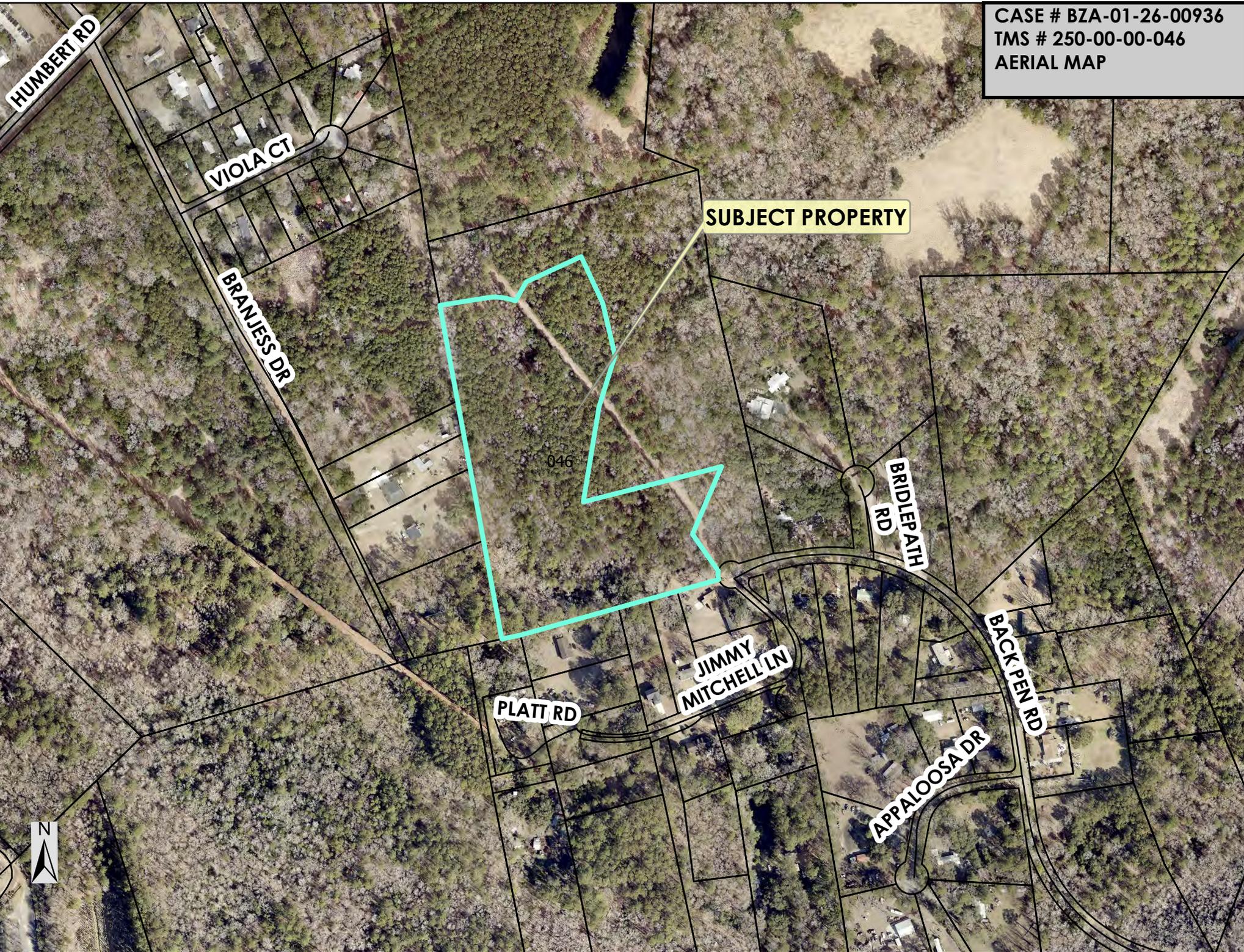
BRANJES DR

BACK PEN RD

JIMMY MITCHELL LN



CASE # BZA-01-26-00936
TMS # 250-00-00-046
AERIAL MAP



SUBJECT PROPERTY

046



Case # BZA-01-26-00936

BZA Meeting of March 2, 2026

Subject Property: 3782 Back Pen Road – Johns Island

Proposal: Variance request to allow encroachments within the protected areas of four (4) Grand Live Oak trees for a proposed Habitat for Humanity affordable housing subdivision.



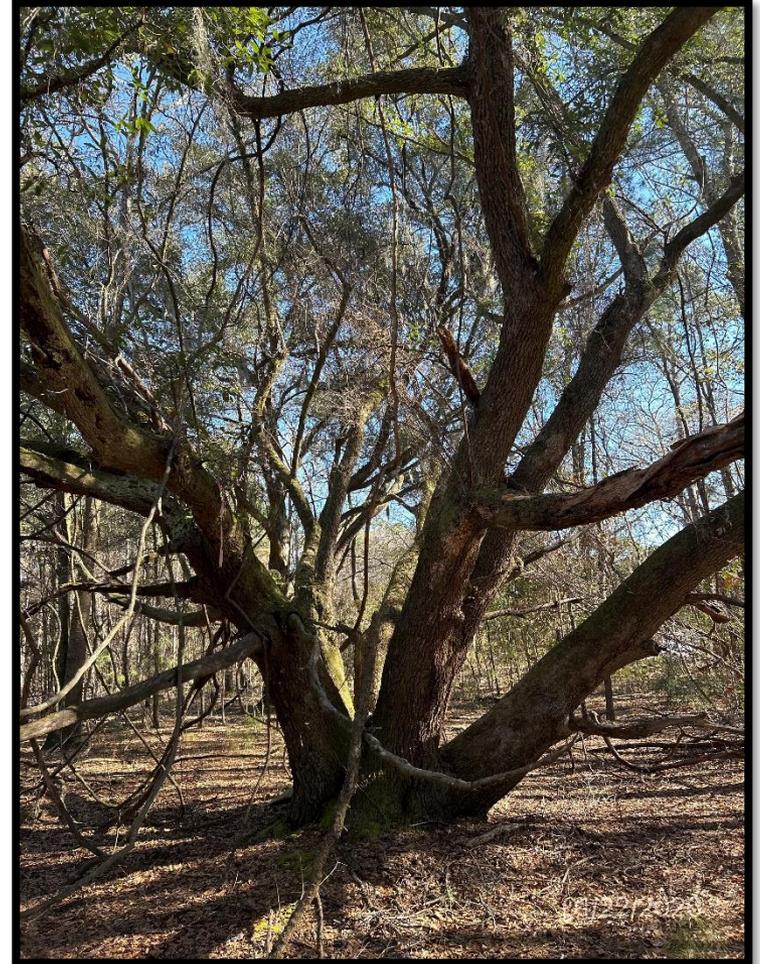
30" (13/17) DBH Live Oak Encroach 1 x DBH, Grade A



140" (19/55/23/43) DBH Live Oak Encroach 1 x DBH & 14% 3 x DBH, Grade A



110.5" (19/20.5/23/23/25) DBH Live Oak Encroach 1 x DBH, Grade C+



38.5" (10.5/11/17) DBH Live Oak Encroach 1 x DBH, Grade B



Subject Property



Back Pen Road



Staff Review:

The applicant and property owner, John Rhoden of Sea Island Habitat for Humanity, represented by Nick Allport of HLA, Inc. requests a variance to allow encroachments within the protected areas of four (4) Grand Live Oak trees, including one (1) tree requiring relief from both encroachment limits and the three (3) times DBH restriction. The variance is associated with a proposed Habitat for Humanity affordable housing subdivision at 3782 Back Pen Road (TMS # 250-00-00-046) on Johns Island in Charleston County. The subject property and adjacent parcels are located within the Agricultural Residential (AGR) Zoning District.

The applicant is currently undergoing the subdivision review process (SBDV-07-25-003145) for 47 proposed lots across three parcels (TMS # 250-00-00-046, -086, and -231), totaling 19.76 acres. The applicant's letter of intent explains, *"We are applying for the encroachment of four (4) grand tree for the installation and creation of 47 affordable habitat for humanity homes. We have worked diligently to protect the existing 51 grand trees on site while trying to provide an affordable community that features a preserved oak grove open space/community park. The grand trees that are impacted by this development will receive annual inspections and treatments to ensure the continued health."*

The 11.8-acre tract (TMS # 250-00-00-046) contains all four (4) Grand Trees subject to the variance request:

Tree #	Request	Size & Species	Tree Grade
1	50% canopy encroachment	30" (13/17) Live Oak	A
2	50% canopy encroachment & 3× DBH encroachment	140" (19/55/23/43) Live Oak	A
3	37% canopy encroachment	110.5" (19/20.5/23/23/25) Live Oak	C+
4	56% canopy encroachment	38.5" (10.5/11/17) Live Oak	B

Applicable ZLDR requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.4.C. and 9.2.4.E. Required Tree Protection. Sec. 9.2.4.C. states, *"In no case shall any paving, filling, grading, Building, or construction footing occur or be placed within three times the DBH in inches from the trunk of the Tree, unless otherwise approved by the Board of Zoning Appeals."*

Sec. 9.2.4.E. states, "Limited encroachments into the area located within Tree barricades may be allowed by the Zoning and Planning Director provided that encroachments do not constitute more than 25 percent of the protected area beneath a Tree and do not occur in the area located within three times the DBH in inches from the trunk of the Tree unless otherwise approved by the BZA. The Zoning and Planning Director may allow administrative approval encroachments of up to 35 percent of the protected area when the Zoning and Planning Director approves a Tree Preservation Plan submitted by the applicant. The Tree Preservation Plan must be adhered to by the applicant as directed by the Zoning and Planning Director; otherwise, it shall constitute a violation of this Ordinance. Any paving, Grading, trenching, or filling of the protected area must be pre-approved by the Zoning and Planning Director or the Board of Zoning Appeals, as required by this Ordinance, and may require specific construction techniques to preserve the health of the Tree. When grading and construction within the protected area of a Tree has been approved, all damaged roots shall be severed clean."

Applicable ZLDR Chapter 12 Definitions, Article 12.1 Terms and Uses Defined:

Arborist, Certified A Person certified by the International Society of Arboriculture.

Diameter Breast Height (DBH) The total diameter, in inches, of a Tree trunk or trunks measured at a point four and one-half feet above existing Grade (at the base of the Tree). In measuring DBH, the circumference of the Tree shall be measured with a standard diameter tape, and the circumference shall be divided by 3.14.

Grand Tree Any Tree with a diameter breast height of 24 inches or greater, with the exception of Pine Tree and Sweet Gum Tree (*Liquidambar styraciflua*) species.

A site visit was conducted by staff on February 10, 2026. Additional information pertaining to this request is provided in the attached materials.

Planning Director Review and Report regarding Approval Criteria of §3.10.6:

§3.10.6(1): *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

Response: **There are extraordinary and exceptional conditions pertaining to the property. The applicant's letter of intent states, "There are exceptionally tightly configured grand trees on this site which has constricted the canopies and root systems. We have taken the time to survey the existing canopies to show their true spread. The imbalance in tree DBH and their surveyed canopies has created inaccurate understanding of true root system limits and created inaccurate development limits within the county**

TPZ for protection of true root zones. The affordable houses and septic systems have been designed and planned to impact the surveyed canopies and real root zones as little as possible. The storm water outfall needed to drain this property from any development needs to tie into the existing County planned drainage easement, unfortunately a tree has grown to grand status in the existing swale because of a lack of proper maintenance.” Based on this information, the request may meet this criterion.

§3.10.6(2): *These conditions do not generally apply to other property in the vicinity;*
Response: These conditions do not generally apply to other properties in the vicinity. The applicant’s letter of intent states, “No, the majority of the properties in the vicinity vary from mature forest and farm and livestock fields to residential properties. The surrounding properties do not have connections to a planned drainage easement. This property is unique in its surroundings.” Therefore, the request may meet this criterion.

§3.10.6(3): *Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;*
Response: The application of this Ordinance, specifically Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.4.C. and Sec. 9.2.4.E. (Required Tree Protection) to the subject property may unreasonably restrict the utilization of the property. The applicant’s letter of intent states, “Yes, the application of this Ordinance would restrict the utilization of the property. The drainage outfall needed to drain this site from any by right development has a grand tree that is growing in the most feasible pre-approved outfall location, the application of this ordinance would restrict the utilization of this property.” Therefore, the request may meet this criterion.

§3.10.6(4): *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;*
Response: Authorization of this variance request is not expected to be detrimental to adjacent properties or the public good, provided appropriate tree protection, arborist oversight, and mitigation measures are implemented during and after construction. These safeguards will help preserve the health of Grand Trees and maintain the character of the Agricultural Residential (AGR) Zoning District. The applicant’s letter of intent further

states, "No, the authorization of a variance will not be detrimental to adjacent property or to the public good. The authorization of this variance will be an improvement to the existing and surrounding drainage pattern and system in addition the creation of a Sea Island Habitat for Humanity neighborhood that will enhance the character of the zoning district by providing much needed affordable housing to the existing Johns Island population." Therefore, the request may meet this criterion.

§3.10.6(5): *The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;*

Response: The variance does not allow a use that is not permitted in this zoning district, nor does it extend physically a nonconforming use of land or change the zoning district boundaries. Therefore, the request meets this criterion.

§3.10.6(6): *The need for the variance is not the result of the applicant's own actions;*

Response: The need for the variance does not appear to be the result of the applicant's own actions because the physical characteristics creating the hardship existed prior to the applicant's ownership of the property. The applicant's letter of intent states, "No, the variance is a result of the physical characteristics of the property that were created long before Sea Island Habitat for Humanity purchased the property." Therefore, the request may meet this criterion.

§3.10.6(7): *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance;*

Response: Granting of the variance may not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance if the Board finds that the strict application of the provisions of the Ordinance results in an unnecessary hardship. The applicant's letter of intent states, "No, this variance does not conflict with the Charleston County Comprehensive plan. The proposed development is aligned with all County standards and proposed zoning uses." Therefore, the request may meet this criterion.

Board of Zoning Appeals' Action:

According to Article 3.10 Zoning Variances, Section §3.10.6 Approval Criteria of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR),

(adopted July 18, 2006), The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship (§3.10.6A). A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing their findings (§3.10.6B Approval Criteria).

In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure 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 (§3.10.6C).

The Board of Zoning Appeals may approve, approve with conditions or deny Case # BZA-01-26-00936 [Variance to allow encroachments within the protected areas of four (4) Grand Live Oak trees, including one (1) tree requiring relief from both encroachment limits and the three (3) times DBH restriction, for a proposed Habitat for Humanity affordable housing subdivision at 3782 Back Pen Road (TMS # 250-00-00-046) on Johns Island in Charleston County] based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

Please note: each tree may be considered separately for approval, approval with conditions, or denial.

In the event the BZA decides to approve the application, Staff recommends 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' of disturbance prior to any construction, pursuant to Sec. 9.2.4 of the Charleston County Zoning and Land Development Regulations.**
- 3. 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 the Zoning Staff for review and approval prior to Zoning Permit approval for construction.**
- 4. If any Grand Tree dies within three (3) years from the date construction begins, the applicant shall mitigate the DBH of the tree(s) 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-for-inch replacement;
(b) Depositing funds into the Charleston County Tree Fund as described in Sec.**

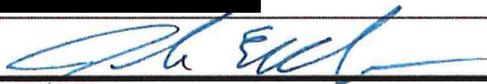
**9.2.6 of the Charleston County Zoning and Land Development Regulations; or
(c) A combination of both (a) and (b).
The allotted mitigation shall be in place prior to removal of the tree(s).**

Staff Recommendation:

Based on the analysis of the seven criteria in §3.10.6, staff concludes:

- The request may meet Criteria 1, 2, 3, 4, 6, and 7.
- The request meets Criterion 5.

ZONING VARIANCE APPLICATION
Charleston County Board of Zoning Appeals (BZA)

Property Information			
Subject Property Address: 3782 & 3776 Back Pen Road, Charleston County			
Tax Map Number(s): 250-00-00-046			
Current Use of Property: Undeveloped			
Proposed Use of Property: Affordable SFD housing community developed by Sea Island Habitat for Humanity			
Zoning Variance Description: 4 Grand tree impacts necessary to establish building pads and septic fields			
Applicant Information (Required)			
Applicant Name (please print): John Rhoden			
Name of Company (if applicable): Sea Island Habitat for Humanity			
Mailing Address: [REDACTED]			
City: [REDACTED]	State: [REDACTED]	Zip Code: [REDACTED]	
Email Address: [REDACTED]		Phone #: [REDACTED]	
Applicant Signature: 			Date: 1/23/2026
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company: Nick Allport, HLA Inc.			
Mailing Address: [REDACTED]			
City: [REDACTED]	State: [REDACTED]	Zip Code: [REDACTED]	
Email Address: [REDACTED]		Phone #: [REDACTED]	
Designation of Agent (Complete only if the Applicant listed above is not the Property Owner.)			
I hereby appoint the person named as Applicant and/or Representative as my (our) agent to represent me (us) in this application.			
Property Owner(s) Name(s) (please print):			
Name of Company (if applicable, LLC etc.):			
Property Owner(s) Mailing Address:			
City:	State:	Zip Code:	Phone #:
Property Owner(s) Email Address:			
Property Owner(s) Signature:			Date:
FOR OFFICE USE ONLY:			
Zoning District: <i>AGR</i>	Flood Zone: <i>X(655K)</i>	Date Filed: <i>1/26/26</i>	Fee Paid: <i>\$ 400</i>
Application #: <i>BZA-01-26-00936</i>	TMS #: <i>250-00-00-046</i>	Staff Initials: <i>JMS CC</i>	

Description of Request

Please describe your proposal in detail. You may attach a separate sheet if necessary. Additionally, you may provide any supporting materials that are applicable to your request (photographs, letter of support, etc.)

We are applying for the encroachment of four (4) grand tree for the installation and creation of 47 affordable habitat for humanity homes. We have worked diligently to protect the existing 51 grand trees on site while trying to provide an affordable community that features a preserved oak grove open space/community park. The grand trees that are impacted by this development will receive annual inspections and treatments to ensure the continued health.

Applicant's response to Article 3.10 Zoning Variances, §3.10.6 Approval Criteria

Zoning Variances may be approved only if the Board of Zoning Appeals finds that the proposed use meets all 7 of the approval criteria. In evaluating your request, the members of the board will review the answers below as a part of the case record. You may attach a separate sheet if necessary.

1. Are there extraordinary and exceptional conditions pertaining to the subject property? Explain:

There are exceptionally tightly configured grand trees on this site which has constricted the canopies and root systems. We have taken the time to survey the existing canopies to show their true spread. The imbalance in tree DBH and their surveyed canopies has created inaccurate understanding of true root system limits and created inaccurate development limits within the county TPZ for protection of true root zones. The affordable houses and septic systems have been designed and planned to impact the surveyed canopies and real root zones as little as possible. The storm water outfall needed to drain this property from any development needs to tie into the existing County planned drainage easement, unfortunately a tree has grown to grand status in the existing swale because of a lack of proper maintenance.

2. Do these conditions generally apply to other property in the vicinity or are they unique to the subject property? Explain:

No, the majority of the properties in the vicinity vary from mature forest and farm and livestock fields to residential properties. The surrounding properties do not have connections to a planned drainage easement. This property is unique in its surroundings.

3. Because of these extraordinary and exceptional conditions, would the application of this Ordinance to the subject property effectively prohibit or unreasonably restrict the utilization of the property? Explain:

Yes, the application of this Ordinance would restrict the utilization of the property. The drainage outfall needed to drain this site from any by right development has a grand tree that is growing in the most feasible pre-approved outfall location, the application of this ordinance would restrict the utilization of this property.

4. Will the authorization of a variance be a substantial detriment to adjacent property or to the public good? Will the character of the zoning district be harmed if this variance is granted? Explain:

No, the authorization of a variance will not be detrimental to adjacent property or to the public good. The authorization of this variance will be an improvement to the existing and surrounding drainage pattern and system in addition the creation of a Sea Island Habitat for Humanity neighborhood that will enhance the character of the zoning district by providing much needed affordable housing to the existing Johns Island population.

5. The BZA shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a Nonconforming Use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance. Does the variance request meet this criterion?

The zoning variance request does meet this criterion.

6. Is the need for the variance the result of your own actions? Explain:

No, the variance is a result of the physical characteristics of the property that were created long before Sea Island Habitat for Humanity purchased the property.

7. Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain

No, this variance does not conflict with the Charleston County Comprehensive plan. The proposed development is aligned with all County standards and proposed zoning uses.

In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure 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.

LEGEND

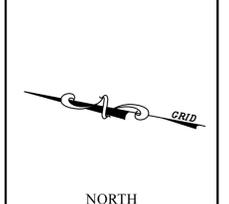
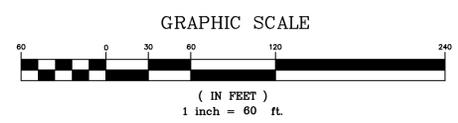
- IPF --- BOUNDARY LINE & CORNER FOUND (AS DESCRIBED)
- IPS --- BOUNDARY LINE & CORNER SET (5/8" REBAR)
- --- ADJACENT BOUNDARY LINE
- --- RIGHT OF WAY LINE
- --- EASEMENT LINE (AS DESCRIBED)
- --- CENTERLINE
- 26WO EX. GRAND TREE TO REMAIN
- ⊗ 26WO EX. GRAND TREE TO BE REMOVED
- 11RO EX. PROTECTED TREE TO REMAIN
- ⊗ 18LO EX. GRAND TREE TO BE REMOVED
- EX. WETLANDS
- WETLAND BUFFER
- WETLAND FILL
- EXISTING ASPHALT PAVEMENT
- PROPOSED STANDARD DUTY PAVEMENT
- PROPOSED CONCRETE
- PROPOSED SEPTIC DRAIN FIELD
- PROPOSED GROUNDWATER WELL
- 26WO COUNTY CANOPY ENCROACHMENT
- 26WO SURVEYED CANOPY ENCROACHMENT

VARIANCE 1 - GRAND TREE REMOVAL AND IMPACTS									
TREE #	DBH	GRADE	SPECIES	COMMENTS	ASSOCIATED PARCEL	IMPACT REASON	3x DBH ENCROACHMENT	1x DBH CANOPY REQUIRED	PROPOSED CANOPY ENCROACHMENT
#1	13"/17"	A	LIVE OAK	TREE IMPACT	250-00-00-046	GRADING AND INFRASTRUCTURE	No	Yes	50% County Canopy
#2	19"/55"/23"/43"	A	LIVE OAK	TREE IMPACT	250-00-00-046	GRADING AND INFRASTRUCTURE	Yes, 14%	Yes	15% Surveyed Canopy
#3	19"/20.5"/23"/23"/25"	C+	LIVE OAK	TREE IMPACT	250-00-00-046	GRADING AND INFRASTRUCTURE	No	Yes	37% County Canopy
#4	10.5"/11"/17"	B	LIVE OAK	TREE IMPACT	250-00-00-046	GRADING AND INFRASTRUCTURE	No	Yes	56% County Canopy

LINE	CHORD BEARING	CHORD LENGTH
1	S 47°28'12" E	42.37'
2	N 44°52'36" W	56.14'
3	N 39°01'09" W	6.31'
4	S 64°33'39" W	27.67'

- TREE LEGEND**
- BEE - BEECH
 - BG - BLACK GUM
 - CHY - CHERRY
 - CNO - CHESTNUT OAK
 - G - GUM
 - + - DAMAGED
 - HOL - HICKORY
 - HOL - HOLLY
 - LO - LIVE OAK
 - MA - MAPLE
 - MAG - MAGNOLIA
 - MUL - MULBERRY
 - P - PINE
 - RO - RED OAK
 - TAL - TALLOW
 - WHO - WHITE OAK
 - WO - WATER OAK
 - LEANING

- GRAND TREE CONDITION LEGEND PER AN ARBORIST REVIEW**
- GRAND TREE - GRADE 'A' (EXCELLENT CONDITION)
 - GRAND TREE - GRADE 'B' (GOOD CONDITION)
 - GRAND TREE - GRADE 'C' (FAIR CONDITION)
 - GRAND TREE - GRADE 'D' (POOR CONDITION)
 - GRAND TREE - GRADE 'F' (DEAD)



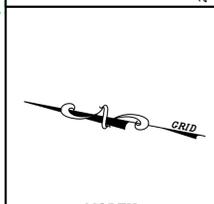
BZA EXHIBIT

SEA ISLAND HABITAT

BACK PEN ROAD

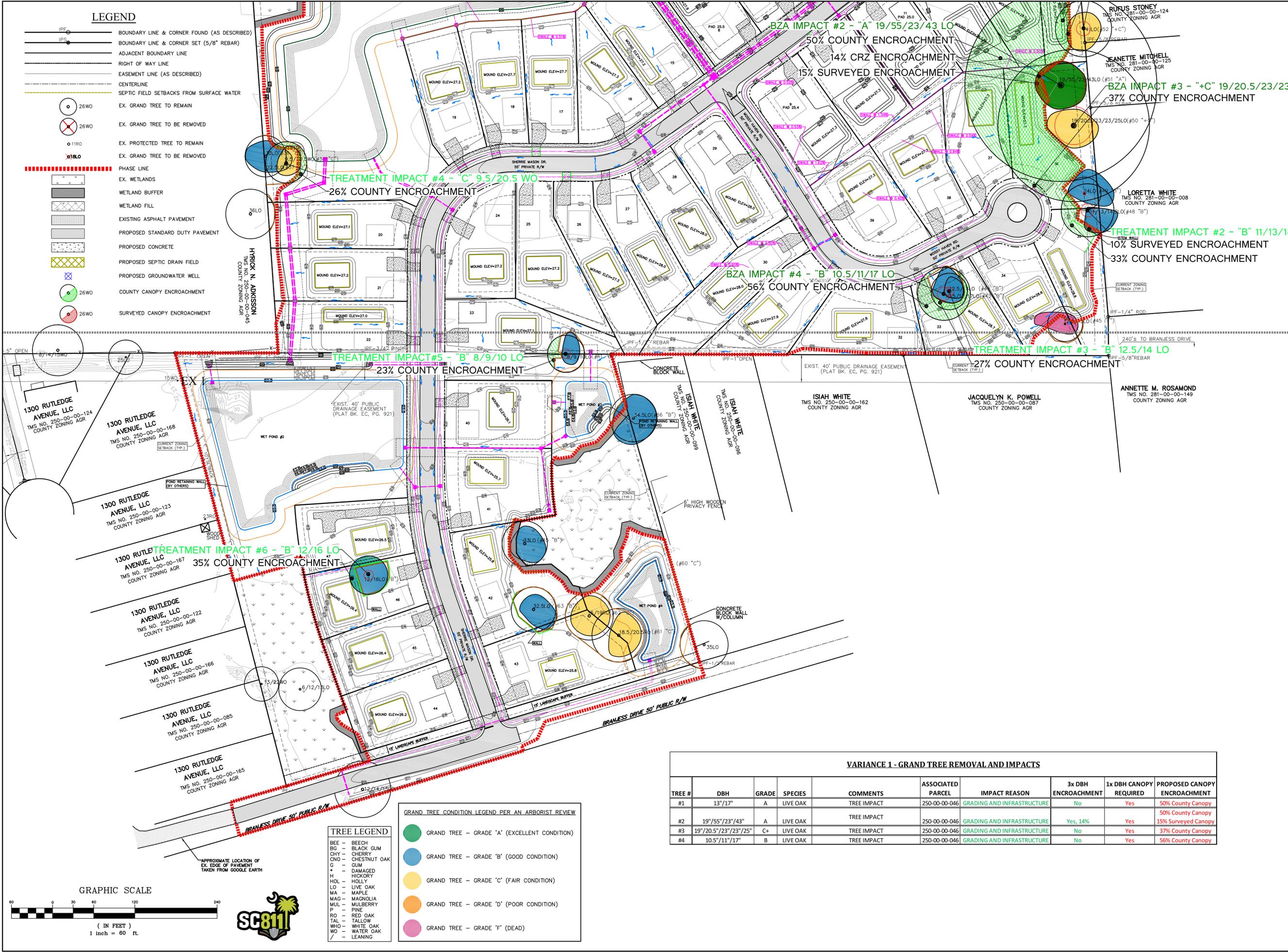
CHARLESTON COUNTY, S.C.

PROJECT	21035.00
DATE:	01/16/2025
SCALE:	1" = 60'
DESIGN:	NCA
DRAWN:	NCA
CHECK:	ABC
REVISIONS	
SHEET	EX 1



BZA EXHIBIT
 SEA ISLAND HABITAT
 BACK PEN ROAD
 CHARLESTON COUNTY, S.C.

PROJECT
 21035.00
 DATE: 01/16/2026
 SCALE: 1" = 60'
 DESIGN: NCA
 DRAWN: NCA
 CHECK: ABC
 REVISIONS
 SHEET
 EX 2



LEGEND

- IPF BOUNDARY LINE & CORNER FOUND (AS DESCRIBED)
- IPS BOUNDARY LINE & CORNER SET (5/8" REBAR)
- ADJACENT BOUNDARY LINE
- RIGHT OF WAY LINE
- - - - EASEMENT LINE (AS DESCRIBED)
- CENTERLINE

NOTES

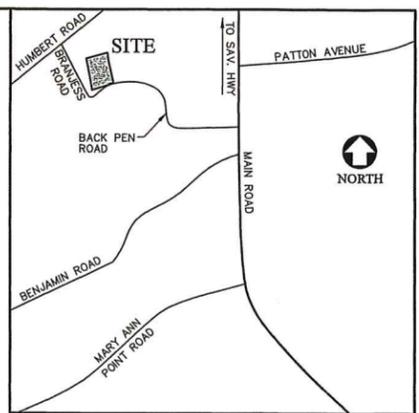
1. TMS NO. 250-00-00-046.
2. AREAS DETERMINED BY COORDINATE METHOD.
3. NO UNDERGROUND EXPLORATION PERFORMED FOR THIS SURVEY.
4. PROPERTY IS LOCATED IN FLOOD ZONE X, AS PER FEMA MAP MAP NUMBER 45019C085K, COMMUNITY PANEL 455413 0655 K. EFFECTIVE DATE JANUARY 29, 2021.
5. WETLANDS SHOWN APPROVED BY THE ARMY CORPS OF ENGINEERS DATED JANUARY 7, 2020, UNDER SAC-2019-00708.

CURVE TABLE						
CURVE	RADIUS	DELTA ANGLE	TANGENT	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	39.88'	110°24'45"	57.39'	76.84'	S 70°29'16" W	65.49'
C2	39.88'	38°22'03"	13.87'	26.70'	S 03°54'08" E	26.21'
C3	164.35'	32°00'20"	47.13'	91.80'	S 84°24'06" E	90.61'

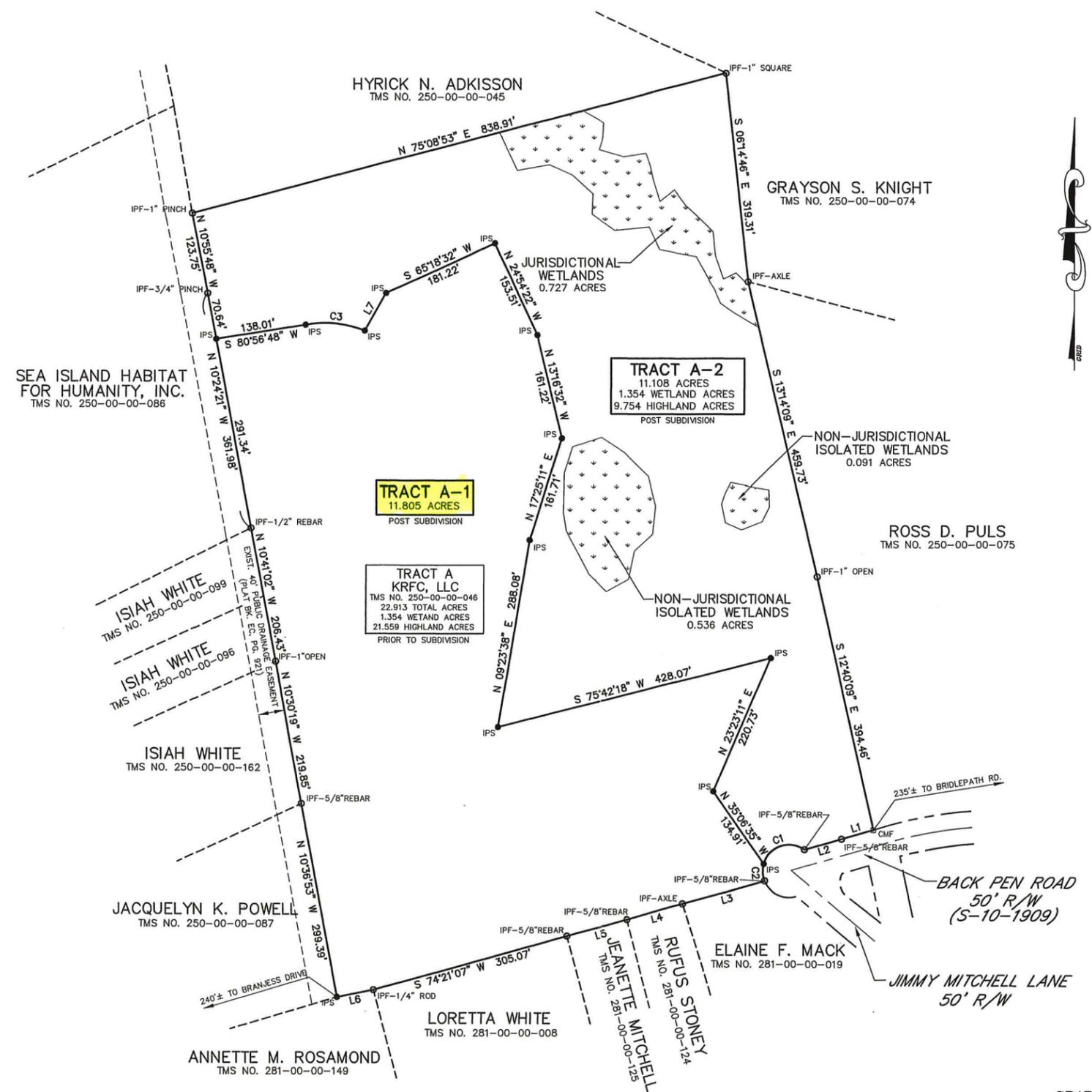
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 73°49'02" W	50.13'
L2	S 73°47'08" W	58.61'
L3	S 74°31'07" W	129.82'
L4	S 74°04'42" W	88.62'
L5	S 74°24'09" W	94.57'
L6	S 78°44'58" W	56.58'
L7	N 29°47'47" E	66.10'

REFERENCES

1. PLAT BY K.T. DUBIS, DATED APRIL 18, 1980. RECORDED IN PLAT BOOK AQ, PAGE 078. CHARLESTON COUNTY ROD.
2. PLAT BY SABOE, DATED OCTOBER 8, 1980. RECORDED IN PLAT BOOK AS, PAGE 147. CHARLESTON COUNTY ROD.
3. PLAT BY JERROLD ANDERSON, DATED AUGUST 28, 1998. RECORDED IN PLAT BOOK EC, PAGE 921. CHARLESTON COUNTY ROD.
4. PLAT BY TIDEWATER LAND SURVEYING, LLC, DATED DECEMBER 20, 2018. RECORDED IN PLAT BOOK S20, PAGE 0218. CHARLESTON COUNTY ROD.



LOCATION MAP
NOT TO SCALE



PLANNING AND ROD USE

APPROVED PLAT

Yannick A. J. Tolson
Director of Planning
Charleston County Planning Commission

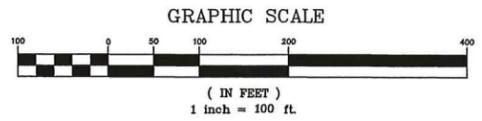
DATE: 01-20-2022
App'l: _____ Date

RECORDED	
DATE: 1/21/2022	TIME: 9:52:02 AM
Book-Page: L22 0029	DocType: Large Plat
Michael Miller, Register, Charleston County, SC	
Record Fee: \$25.00	CHARLESTON COUNTY PLANNING
Postage: \$0.00	
TOTAL: \$25.00	
Drawer: 0	
Clerk: 0	
Location: BACK PEN RD	

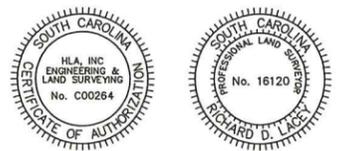
DEVELOPMENT SUMMARY PRIOR TO SUBDIVISION	
TRACT A	22.913 ACRES

DEVELOPMENT SUMMARY POST SUBDIVISION	
TRACT A-1	11.805 ACRES
TRACT A-2	11.108 ACRES

PLAT SHOWING
THE SUBDIVISION OF TRACT A
TME NO. 250-00-00-046 (22.913 ACRES)
INTO
TRACT A-1 (11.805 ACRES)
AND
TRACT A-2 (11.108 ACRES)
PROPERTY OF
KRFC, LLC
LOCATED ON
JOHNS ISLAND
CHARLESTON COUNTY SOUTH CAROLINA
DATE: DECEMBER 2, 2021 SCALE: 1" = 100'



HLA SURVEYING CIVIL ENGINEERING
LAND PLANNING LANDSCAPE ARCHITECTURE
THE SITE EXPERTS
29 Leinbach Drive, A2, Charleston SC 29407-6988
tel: 843.763.1166 fax: 843.763.1909 web: www.hlainsc.com



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

Richard D. Lacey
RICHARD D. LACEY S.C.P.L.S. 16120