

Case # BZA-07-25-00880 Charleston County BZA Meeting of September 8, 2025

Applicant/Property Owner: Fred Lamar Rouse

Representative: Wanda Brown of Hunter Quinn Homes

Property Location: 1594 Joe Rouse Road – East Area

TMS#: 583-00-00-016

Zoning District: Special Management (S-3) Zoning District

Request:

Variance request to reduce the required 3' interior side 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.

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 6 Use Regulations, Article 6.5 Accessory Uses and Structures, Sec. 6.5.8.B.3. Accessory Structures in the Residential and Residential Office (RO) Zoning Districts states, "B. A detached Accessory Structure shall be located: 3. At least three feet from any interior Lot Line in a Residential Zoning District."

Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.5.B. Tree Removal states, "Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees."



B.

CHAPTER 6 | USE REGULATIONS

ARTICLE 6.5 ACCESSORY USES AND STRUCTURES

Sec. 6.5.8 Accessory Structures in Residential and Residential Office (RO) Zoning Districts

Unless otherwise expressly stated and in addition to any other applicable provisions of this Ordinance, Accessory Structures in Residential and Residential Office (RO) Zoning Districts shall be subject to the following requirements:

An Accessory Structure erected as an integral part of the Principal Structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of these and other regulations applicable to Principal Structures.

A detached Accessory Structure shall be located:

- 1. Wholly to the rear of the Principal Structure, provided that this limitation shall not apply to carports or Garages;
- 2. At least six feet from any other Dwelling, including those under construction;
- 3. At least three feet from any interior Lot line in a Residential Zoning District if in an RO Zoning District that abuts a Residential Zoning District, the Accessory Structure in the RO Zoning District shall be located at least 10 feet from the abutting interior Lot line. When an RO Zoning District abuts another Office or Nonresidential Zoning District, setbacks for Accessory Structures are not required;
- 4. To meet the Principal Structure Front Setback requirements of the Zoning District in which the Lot is located as set forth in Chapter 4, Base Zoning Districts, of this Ordinance.
- 5. If on a corner Lot, the detached Accessory Structure shall not project in front of the front Building line required or existing on the adjacent Lot.
- C. A detached Accessory Structure may be constructed on an adjacent vacant Lot if both Lots are in the same ownership, unless otherwise allowed to be established on a separate Lot pursuant to this Ordinance.
- D. Accessory Structures shall be included in Building Coverage and Impervious Surface Coverage.
- E. The Accessory Dwelling Unit provisions of this Ordinance apply in addition to the requirements of this Section; and
- F. An Accessory Structure that is attached to the Principal Structure pursuant to this Ordinance shall comply with the Principal Structure Setback requirements of the Zoning District in which the Lot is located as set forth in Chapter 4, *Base Zoning Districts*, of this Ordinance.

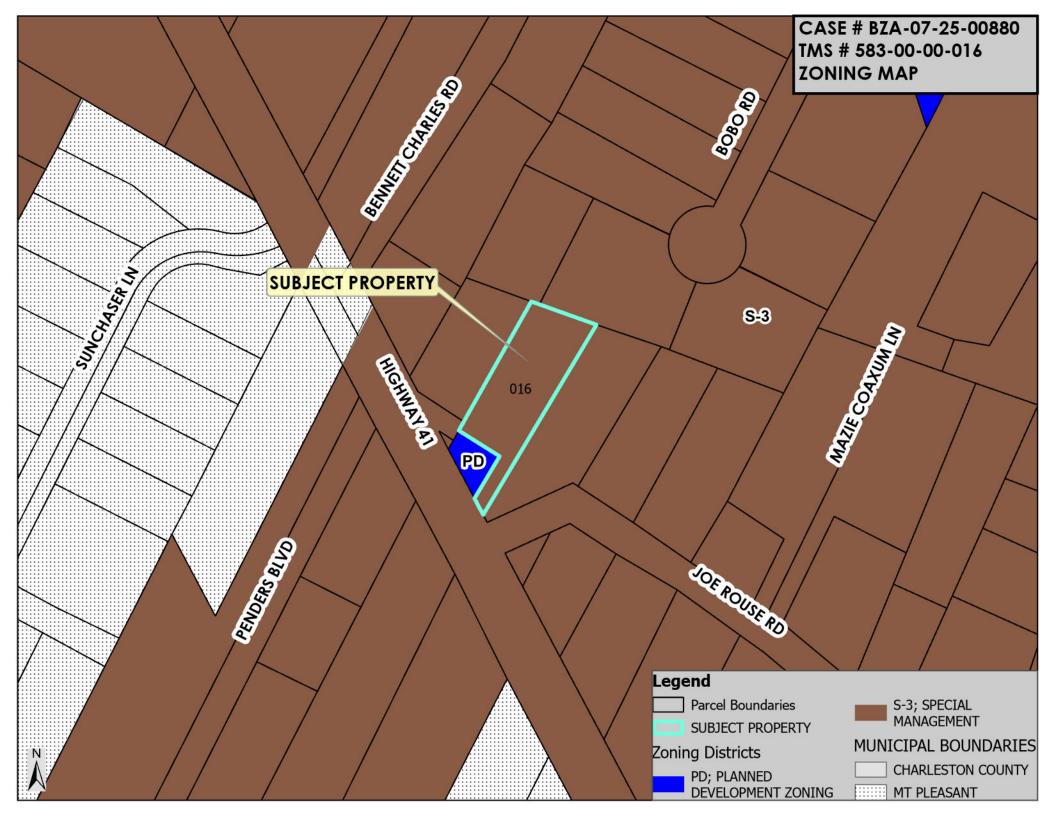


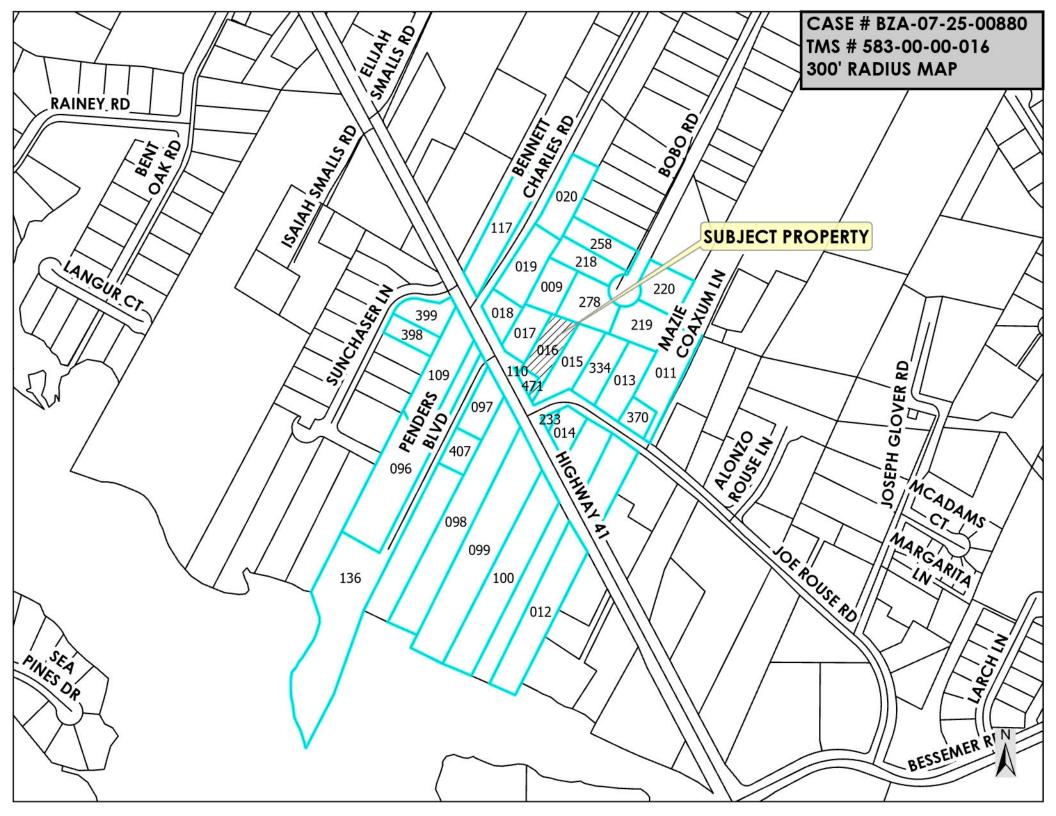
CHAPTER 9 | DEVELOPMENT STANDARDS

ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

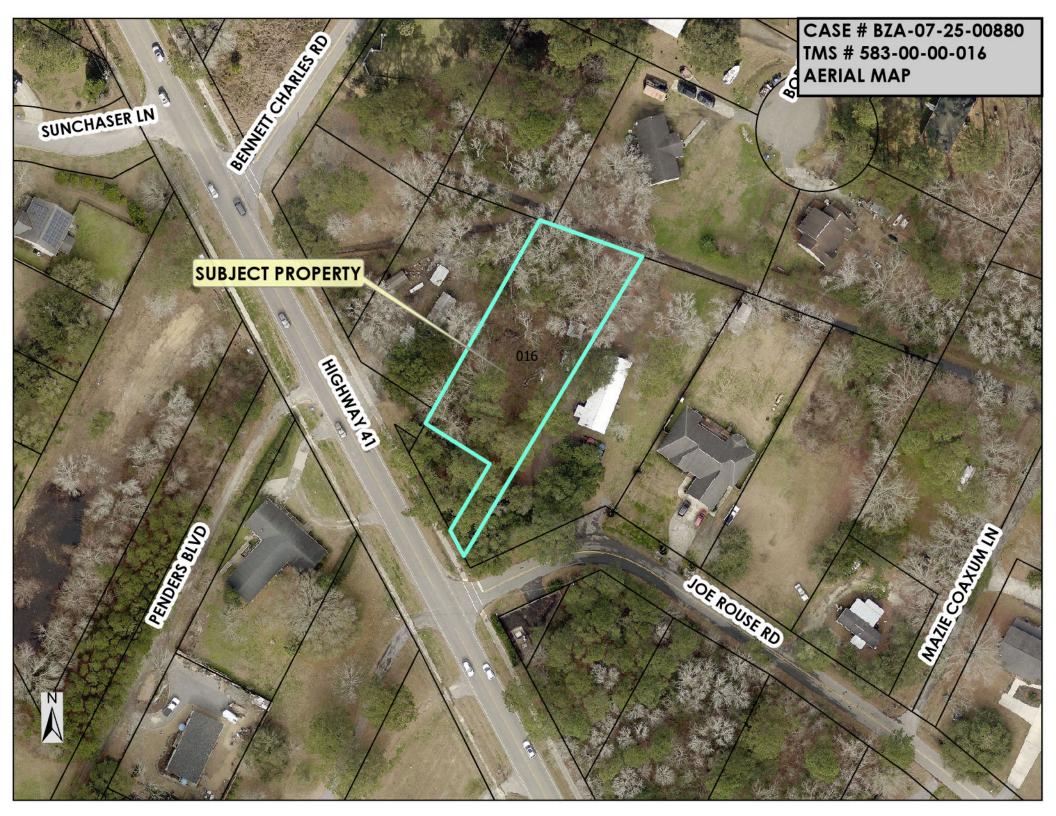
Sec. 9.2.5 Tree Removal

- A. Permits for Tree removal may be approved where one or more of the following conditions are deemed to exist by the Zoning and Planning Director:
 - 1. Trees are not required to be retained by the provisions of this Article.
 - 2. Trees are diseased, dead, or dying. Documentation may be submitted by a qualified tree care professional and approved by the Zoning and Planning Director;
 - 3. Trees pose an imminent safety hazard to nearby Buildings, pedestrian, or vehicular traffic (as determined by the Zoning and Planning Director or a qualified construction professional); or
 - 4. Removal of Required Trees has been approved by the Board of Zoning Appeals.
- B. Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees.
- C. In the event that a Tree poses a serious and imminent threat to public safety due to death, disease, or damage resulting from emergencies including, but not limited to, fires, flooding, storms, and natural disasters, the Zoning and Planning Director may waive requirements of this Article. Documentation shall later be submitted for review outlining the threat to public safety which initiated the removal. Documentation must include any written findings by a qualified professional and photographs supporting the Tree Removal emergency.
- D. The Zoning and Planning Director may require replacement of Required Trees that are removed where it is determined that death or disease resulted from negligence.
- E. Violations and penalties are specified in CHAPTER 11, Violations, Penalties, and Enforcement, of this Ordinance.

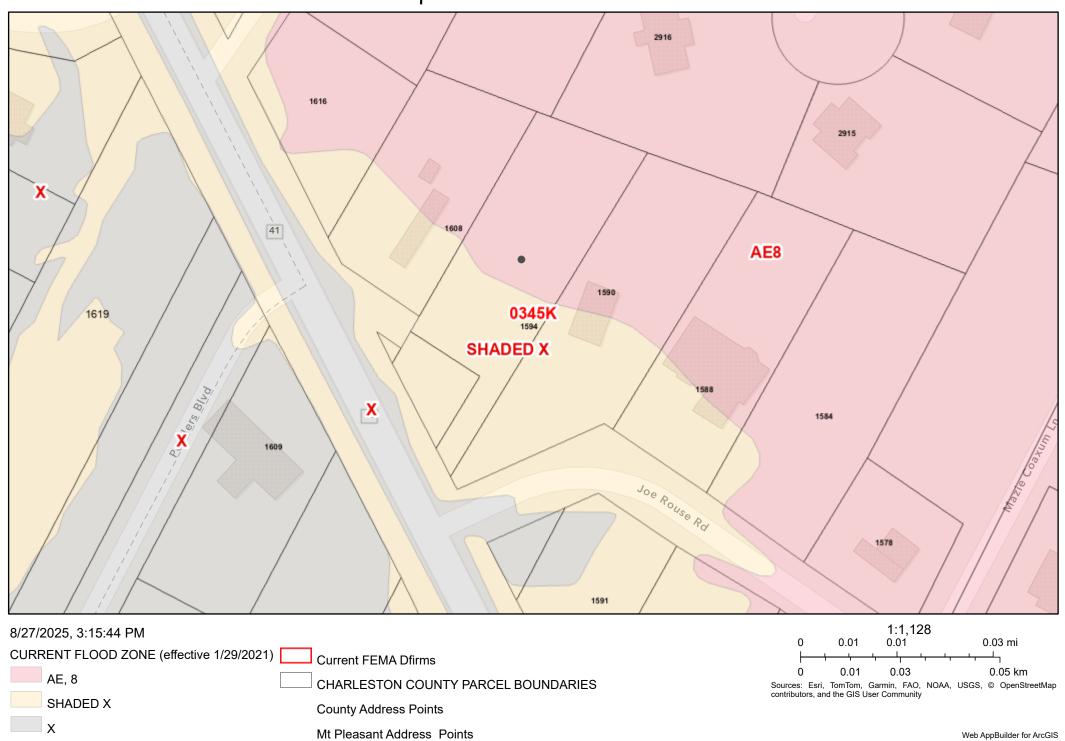








Map of FEMA Flood Zones

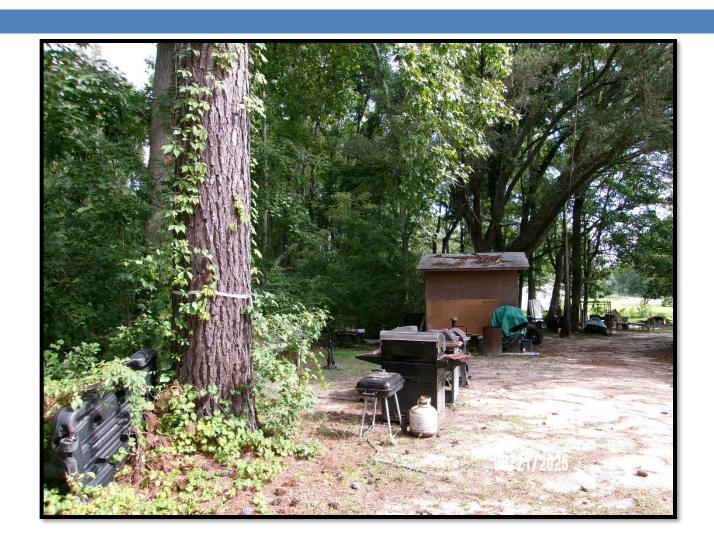


Case # BZA-07-25-00880
BZA Meeting of September 8, 2025
Subject Property: 1594 Joe Rouse Road — East Area

Proposal: Variance request to reduce the required 3' interior side 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.



Subject Property - Shed



26" DBH Red Oak Tree

Variance to Remove





Subject Property & Adjacent Property





Joe Rouse Road





Highway 41





Staff Review:

The applicant and property owner, Fred Lamar Rouse, represented by Wanda Brown of Hunter Quinn Homes, are requesting a variance to reduce the required 3' interior side 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 (TMS # 583-00-00-016) in the East Area of Charleston County. The subject property and adjacent properties to the north, south, and east are located in the Special Management (S-3) Zoning District. The adjacent property to the south is located in the Planned Development (Rutledge Tomb Site PD-189) Zoning District. The property and surrounding properties were designated as the Phillips Community Historic District (HIST-04-21-00027) on August 24, 2021.

The 0.5-acre property contains two (2) unpermitted detached accessory structures: a 10.1' x 12.2' shed and a 12.2' x 11.9' shed. The (10.1' x 12.2') shed is located within the required 3' interior side setbacks. The applicant is requesting to remove the 26" DBH Red Oak Tree (Grade A) to construct a single-family residence.

The applicant's letter of intent explains, "We request approval to remove a 26" Red Oak near the front left corner of our property. This tree and its setback prevent us from building a home on this lot within the X flood zone. The cost of building in the Flood Zone on our lot exceed out financial abilities. We have turned the house on the side, and it still doesn't fit on this lot due to the property setbacks and the Red Oak tree. We have attempted to fit several different house plans on this lot, and none of them are compatible with the Red Oak and its setbacks. We are asking for approval to remove the Red Oak so that we will be able to build a house on our property."

The applicant's email to Staff states, "We are adding dirt and building the house pad and elevation up so the elevations will be higher once construction is complete. At that time, we will have a final survey conducted. Right now, the very back of the house is showing in a flood zone, although when we finish building the house pad up, we will be at the appropriate height above the base flood elevation."

Applicable ZLDR requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 6 Use Regulations, Article 6.5 Accessory Uses and Structures, Sec. 6.5.8.B.3. Accessory Structures in the Residential and Residential Office (RO) Zoning Districts states, "B. A detached Accessory Structure shall be located: 3. At least three feet from any interior Lot Line in a Residential Zoning District."

Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.5.B. Tree Removal states, "Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees."

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

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.

Staff conducted a site visit of the subject property on August 19, 2025. Please review the attachments for further details regarding this request.

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 may be extraordinary and exceptional conditions pertaining to the 0.5-acre subject property because the property was not located in a flood zone per 2004 Flood Zone Data. The applicant's letter of intent states, "Yes, the 26" Red Oak and its setbacks take up the majority of the property that is not in a flood zone on our lot. The rest of the lot is in a flood zone." Therefore, 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. While adjacent properties are also currently located in the AE-8 and Shaded X Flood Zones, the adjacent properties contain buildings that were constructed before 2004. The applicant's letter of intent states, "No, this is a unique situation as many of the surrounding homes do not have grand trees preventing a new home from being built." 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, Chapter 6 Use Regulations, Article 6.5
Accessory Uses and Structures and Chapter 9 Development Standards.

Accessory uses and Structures and Chapter 9 Development Standards, Article 9.2 Tree Protection and Preservation to 1594 Joe Rouse Road does not unreasonably restrict the utilization of the property. However, the (10.1' x 12.2') shed will need to be demolished or relocated by 1.3' to meet the required 3' interior side setback. In addition, it prohibits the construction of the single-family residence in the desired location. The applicant's letter of intent states, "Yes, because the property is zoned Residential, however we will be unable to build a single-family residence unless our application is approved." 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 may not be of substantial detriment to adjacent properties or to the public good. Therefore, the character of the Special Management (S-3) Zoning District may not be harmed. The applicant's letter of intent states, "No, the removal of the Red Oak will not affect adjacent properties or the public good. There are still plenty of trees in the area. No, the character of the zoning district will not be harmed by the removal of the Red Oak because the property use will remain residential, and a new residence will be built on an otherwise vacant lot." Therefore, the

request <u>may meet</u> 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 may be the result of the applicant's own actions because the applicant would like to build the house primarily in the Shaded X Flood Zone where the Grand Tree is located. Therefore, the request may

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<u>not meet</u> this criterion. However, the applicant's letter of intent contends, "No, I did not plant the tree. It is naturally occurring."

§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 and the Grand Tree is mitigated. 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-07-25-00880 [Variance request to reduce the required 3' interior side 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 (TMS # 583-00-00-016) in the East Area of Charleston County] based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision. In the event the BZA decides to approve the application, Staff recommends 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 ZLDR, or (c) a combination of both (a) and (b). The allotted mitigation shall be in place prior to its removal.
- 2. The applicant/property owner shall obtain all required zoning and building permits for the unpermitted detached accessory structures (sheds).

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

Property Information						
Subject Property Address: 1594 Joe Rouse Road, Mt Pleasant, SC 29466						
Tax Map Number(s): 583-00-00-016						
Current Use of Property: Res						
Proposed Use of Property: Res						
Zoning Variance Description:						
Applicant Information (Required)						
Applicant Name (please print): Fred Lamar Rouse						
Name of Company (if applicable):						
Mailing Address:						
City:	State:		Zip Code:			
Email Address:			Phone #:			
Applicant Signature: Fred Lamar Rows	se e			Date: 7/7/2025 12:22 PM PDT		
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)						
Print Representative Name and Name of Con	npany: Wanda Brow	n, Hunter C	Quinn Homes			
Mailing Address:						
City:	State:		Zip Code:			
Email Address:			Phone #:			
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): NA						
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: 5-3 Flood Zone: H-8 3454 Date Filed: 729 25 Fee Paid: 150						
Application #: BZA-07-25 00880 TMS #:583-00-00-016 Staff Initials:						

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 request approval to remove a 26" Red Oak near the front left corner of our property. This tree and it's setback prevent us from building a home on this lot within the X flood zone. The cost of building in the Flood Zone on our lot exceed out financial abilities. We have turned the house on the side, and it still doesn't fit on this lot due to the property set backs and the Red Oak tree. We have attempted to fit several different house plans on this lot, and none of them are compatible with the Red Oak and it's set backs. We are asking for approval to remove the Red Oak so that we will be able to build a house on our property.

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.

Yes, the 26" Red Oak and it's set backs take up the majority of the property that is not in a flood zone on our lot. The rest of the lot is in a flood zone.	

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

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

No, this is a unique situation as many of the surrounding homes do not have grand trees preventing a new home from being built.

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, because the property is zoned Residential, however we will be unable to build a single family residence unless our application is approved.

4.

	No, the removal of the Red Oak will not affect adjacent properties or the public good. There are still plenty of tree in the area.				
	No, the character of the zoning district will not be harmed by the removal of the Red Oak because the property use will remain residential and a new residence will be built on an otherwise vacant lot.				
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?				
,	Yes.				
6	. Is the need for the variance the result of your own actions? Explain:				
١	lo, I did not plant the tree. It is naturally occurring.				
7	. Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain				
N	No, the land use will remain residential.				
<u> </u>					

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.

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:

