

Case # BZA-07-25-00882 Charleston County BZA Meeting of September 8, 2025

Applicant/Property Owner: Luke Whetsell Harper

Property Location: 3862 Abe White Road – East Area

TMS#: 614-00-00-767

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

Request:

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.

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.11 S-3, Special Management District, Sec. 4.11.3 Density/Intensity and Dimensional Standards requires a 25' front/street side setback and 15' interior side setbacks.



CHAPTER 4 | BASE ZONING DISTRICTS

ARTICLE 4.11 S-3, SPECIAL MANAGEMENT DISTRICT

Sec. 4.11.1 Purpose and Intent

The S-3, Special Management Residential Zoning District implements the Urban/Suburban Cultural Community Protection policies of the *Comprehensive Plan*.

Sec. 4.11.2 Use Regulations

Uses are allowed in the S-3 District in accordance with the Use Regulations of CHAPTER 6, Use Regulations.

Sec. 4.11.3 Density/Intensity and Dimensional Standards

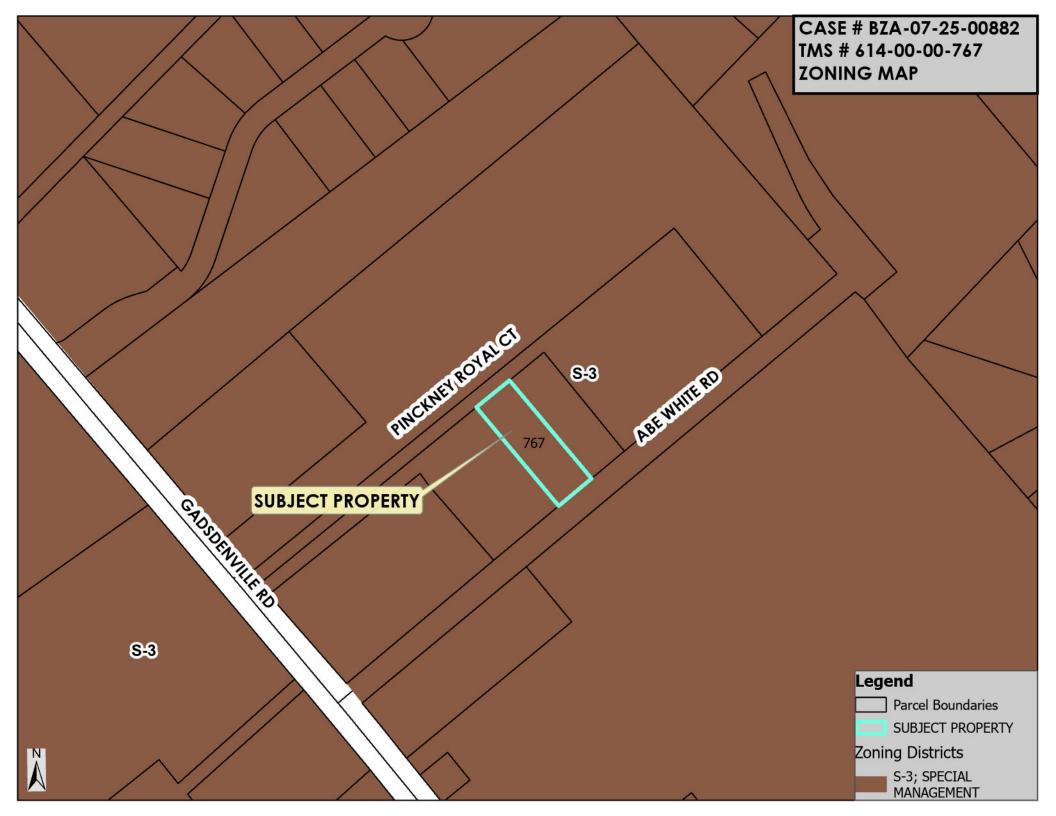
All Development in the S-3 District shall be subject to the following Density/Intensity and Dimensional Standards:

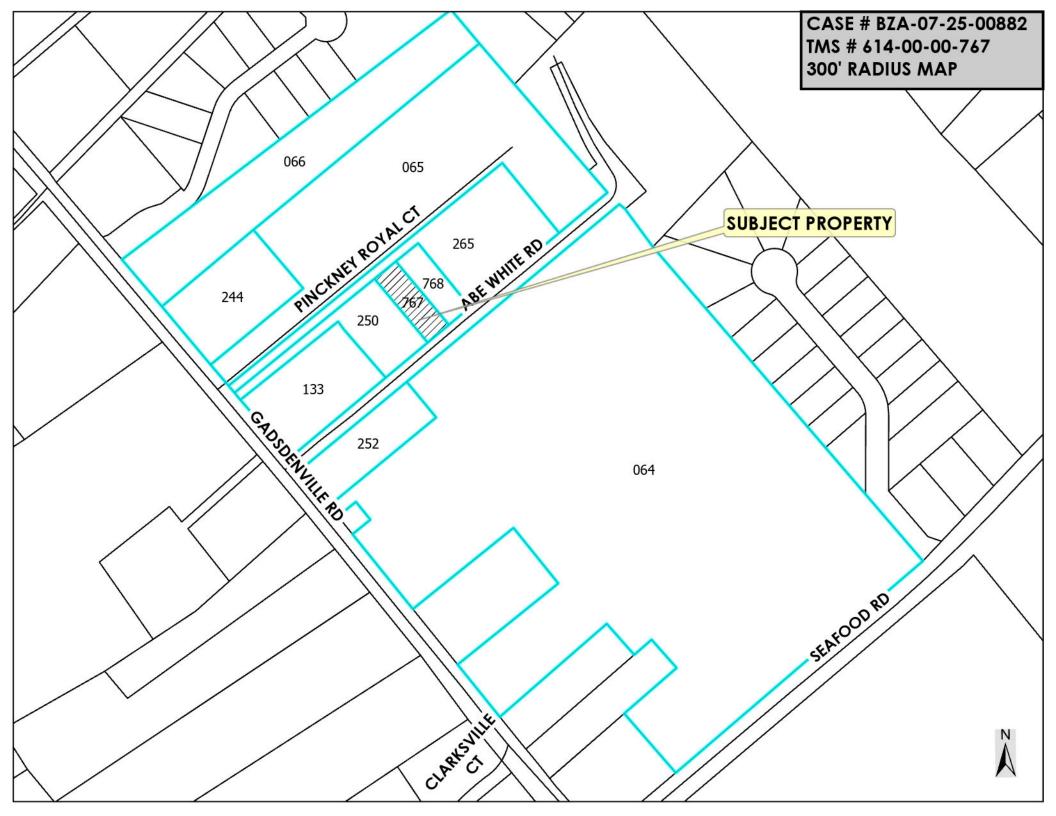
Table 4.11.3, S-3 Density/Intensity and Dimensional Standards					
	Non-Waterfront Development Standards	Waterfront Development Standards			
MAXIMUM DENSITY	3 Principal Dwelling Units per acre				
MINIMUM LOT AREA	14,500 square feet if no water or sewer is available 12,500 square feet if water or sewer is available 0.5 acre				
MINIMUM LOT WIDTH	70 feet with public water and public sewer 80 feet without public water and/or public sewer	100 feet			
MINIMUM LOT WIDTH AVERAGE	N/A	125 feet			
MINIMUM SETBACKS					
Front/Street Side	25 feet				
Interior Side	15 feet				
Rear	25 feet				
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	35 feet			
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A 15 feet				
MAXIMUM IMPERVIOUS SURFACE COVERAGE	40% of Lot or as allowed by the current edition of the Charleston County Stormwater Manual				
MAXIMUM HEIGHT	35 feet				

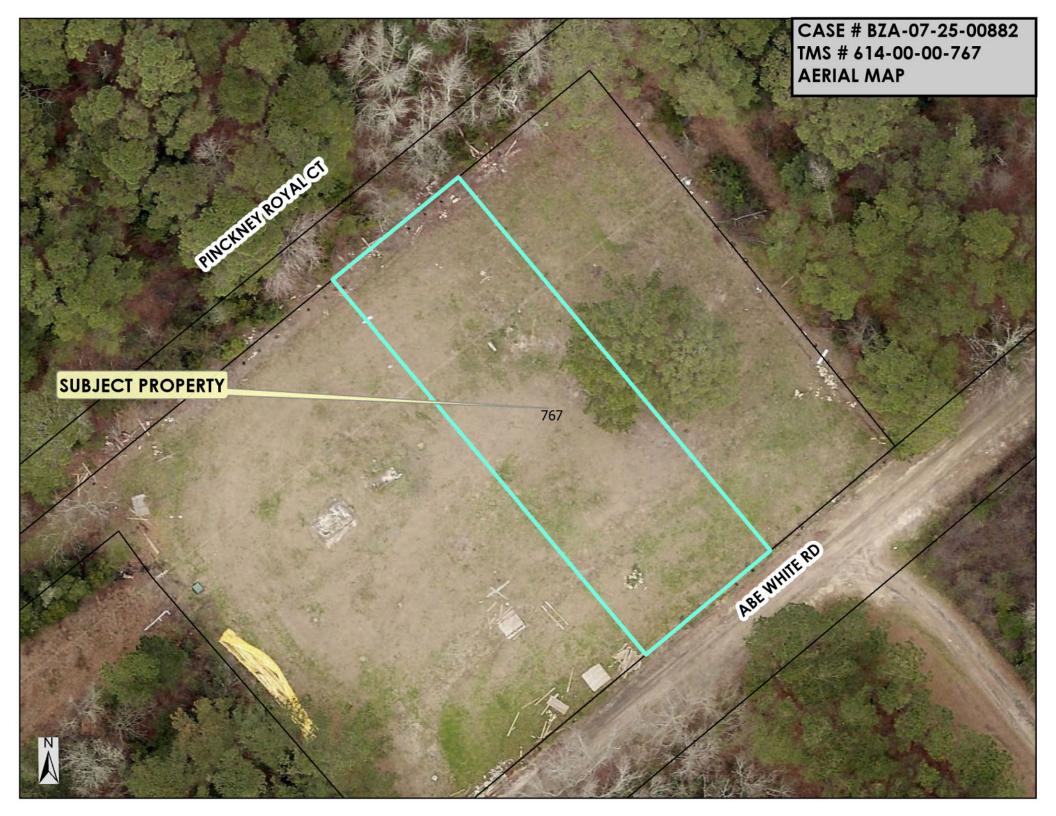
Effective on: 9/10/2017, as amended

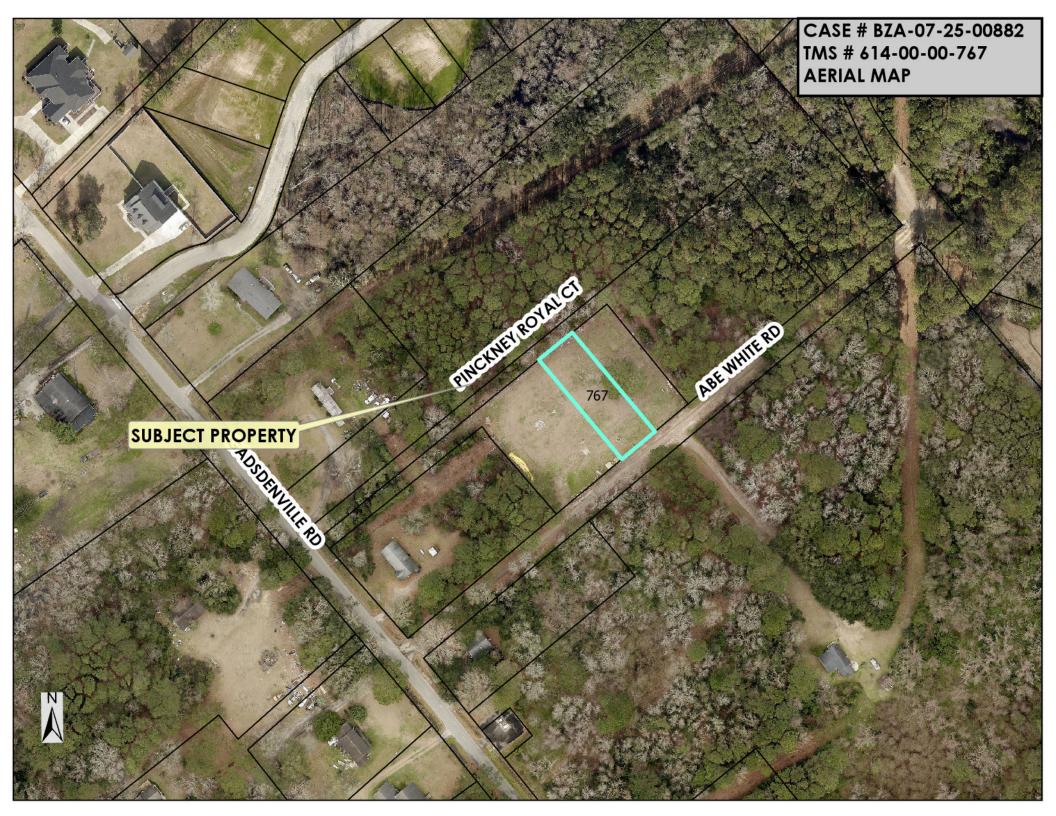
Sec. 4.11.4 Other Regulations

Development in the S-3 District shall comply with all other applicable regulations of this Ordinance, including the standards of CHAPTER 9, *Development Standards*.









Case # BZA-07-25-00882 BZA Meeting of September 8, 2025 Subject Property: 3862 Abe White Road — East Area

Proposal: 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.



Subject Property & Adjacent Property





Abe White Road





Staff Review:

The applicant and property owner, Luke Whetsell Harper, is requesting a variance 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 (TMS # 614-00-00-767) in the East Area of Charleston County. The subject property and adjacent properties are located in the Special Management (S-3) Zoning District.

The property and surrounding properties were designated as the Ten Mile Community Historic District Designation (HIST-05-25-00140) on June 21, 2022. On January 11, 2024, the properties were rezoned from Low Density Residential (R-4) Zoning District to Special Management (S-3) Zoning District. The 0.25-acre property is vacant.

	R-4 setbacks	S-3 setbacks
Front/Street Side	20'	25'
Interior Side	5'	15'
Rear	10'	25'

Applicable ZLDR requirement

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 4 Base Zoning Districts, Article 4.11 S-3, Special Management District, Sec. 4.11.3 Density/Intensity and Dimensional Standards requires a 25' front/street side setback and 15' interior side setbacks.

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 are extraordinary and exceptional conditions pertaining to the 0.25-acre property because the property was given an Historic District designation (Ten Mile Community Historic District) in June 2022. In January 2024, the property was rezoned from Low Density Residential (R-4) Zoning District to Special Management (S-3) Zoning District. The S-3 setbacks are more restrictive than the R-4 setbacks. The applicant's letter of intent states, "Yes, there are extraordinary and exceptional conditions pertaining to the subject property that warrant consideration for reduced setbacks. The lot in question has unique dimensions and characteristics that differentiate it from neighboring parcels. Specifically, it may be narrower, irregularly shaped, or smaller than typical lots in the area, which limits the ability to build a reasonably sized home or addition while adhering to standard setback requirements. Additionally, existing development patterns in the surrounding area may already reflect reduced setbacks, making this request consistent with the established character of the neighborhood. In some cases, natural

features—such as mature trees, topography, or drainage patterns—also impact buildable area, further justifying the need for flexibility. These site-specific limitations create an undue hardship under the current zoning rules, which were not necessarily designed with this particular lot in mind. Allowing smaller setbacks is a practical and equitable solution that enables appropriate use of the property while maintaining compatibility with the surrounding community." Therefore, the request meets this criterion.

§3.10.6(2): **Response:**

These conditions do not generally apply to other properties in the vicinity;

These conditions do not generally apply to other properties in the vicinity. The applicant's letter of intent states, "These conditions are unique to the subject property and do not generally apply to other properties in the vicinity. While surrounding lots may appear similar at first glance, the subject property has distinct characteristics—such as an irregular shape, smaller overall lot size, or constraints due to existing structures or natural features—that create specific challenges not commonly faced by neighboring parcels. Other properties in the area may conform more easily to standard setback requirements due to their larger size, more regular dimensions, or lack of similar physical constraints. As a result, the hardship imposed by the current zoning standards is not shared uniformly throughout the neighborhood. Because these conditions are specific to the subject property, allowing a reduction in setbacks would not set an unreasonable precedent, but rather serve as a tailored solution that enables fair and practical use of the land." Therefore, the request meets 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 4 Base Zoning Districts, Article 4.11 S-3, Special Management District, Sec. 4.11.3 Density/Intensity and Dimensional Standards to 3862 Abe White Road does not unreasonably restrict the utilization of the property because the 20' wide driveway can be reduced in width and/or relocated, and the proposed single-family home can be shifted to the east to meet the required setbacks. Therefore, the request does not meet this criterion. However, the applicant's letter of intent contends, "Yes, because of these extraordinary and exceptional conditions, applying the Ordinance as written would effectively prohibit or unreasonably restrict the utilization of the subject property. The current setback requirements, when applied to this uniquely constrained lot, significantly reduce the buildable area to a point where constructing a functional or reasonably sized home or addition becomes difficult or even impossible. This creates a situation where the property owner cannot make reasonable use of their land in the same way neighboring property owners can, despite being in the same zoning district. Without relief through reduced setbacks, the property would be subject to an undue burden that is not consistent with the intent of the zoning ordinance—which is to allow for fair and productive use of land while maintaining neighborhood character. Granting flexibility in this case would restore that balance, allowing the property to be used in a way that is both practical and consistent with surrounding development."

§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:

The authorization of this variance may not be of substantial detriment to the adjacent properties and the public good, and the character of the Special Management (\$-3) Zoning District may not be harmed. The applicant's letter of intent states, "No, the authorization of this variance will not be a substantial detriment to adjacent property or to the public good, nor will it harm the character of the zoning district. In fact, allowing a reduction in setbacks for this specific property would likely have minimal—if any—visible impact on neighboring properties. The requested variance is designed to address sitespecific challenges and will still maintain appropriate spacing, privacy, and access. It will not obstruct sight lines, reduce safety, or negatively affect light or air circulation for adjacent lots. Furthermore, the character of the zoning district will be preserved because the variance does not involve a change in use, density, or overall building type—it simply provides a modest adjustment to the placement of a structure on a uniquely constrained lot. In many cases, surrounding properties may already have similar setback conditions, whether due to older development patterns, previous variances, or the natural evolution of the neighborhood. Overall, granting this variance supports reasonable land use and neighborhood compatibility, aligning with the public good without compromising the intent or integrity of the zoning district." 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. The applicant's letter of intent states, "Yes, the variance request does meet this criterion. The request is not seeking to establish a use that is otherwise prohibited in the zoning district. The proposed use remains fully consistent with what is permitted by right under the current zoning designation—typically residential use in a residential district. Additionally, the variance does not aim to extend or expand a nonconforming use, nor does it seek to alter the zoning district boundaries as shown on the Official Zoning Map. This request pertains solely to a dimensional variance—specifically, a reduction in setback requirements due to exceptional physical conditions on the lot. Finally, while the variance may incidentally allow the property to be used more efficiently, profitability is not the basis of the request. The primary justification lies in the practical

challenges posed by the lot's unique characteristics, which unreasonably restrict its use under the current ordinance. The variance serves to ensure fair and equitable treatment, not financial gain. Therefore, the request is fully in line with the limitations and intent of the Board of Zoning Appeals' authority to grant variances." Therefore, the request meets this criterion.

§3.10.6(6): **Response:**

The need for the variance is not the result of the applicant's own actions;

The need for the variance may be the result of the applicant's own actions because the 20' wide driveway can be reduced in width and/or relocated, and the proposed single-family home can be shifted to the east to meet the required setbacks. Therefore, the request may not meet this criterion. However, the applicant's letter of intent contends, "No, the need for the variance is not the result of the applicant's own actions. The conditions that necessitate the variance—such as the lot's unusual shape, limited size, topography, or existing placement of structures—were present prior to the applicant's involvement or were established through circumstances beyond their control (e.g., subdivision layout, prior development, or natural site constraints). The applicant is simply seeking a reasonable and fair opportunity to utilize the property in a manner consistent with neighboring lots and the overall intent of the zoning ordinance. Without the variance, these preexisting conditions would create a disproportionate hardship, preventing the property from being used effectively, despite it being zoned for that very use. This makes the request a response to existing limitations, not a consequence of self-created hardship."

§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. In addition, the applicant states, "No, the variance does not substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Zoning Ordinance. The Comprehensive Plan emphasizes thoughtful growth, efficient land use, housing diversity, and preservation of community character—all of which are supported by this variance request. Allowing a reduced setback on a uniquely constrained lot enables the property to be used in a way that is consistent with the surrounding neighborhood and supports responsible infill development, a core principle of the Plan. Moreover, the purposes of the Zoning Ordinance include promoting the public health, safety, and welfare; encouraging the most appropriate use of land; and avoiding unreasonable restrictions on property use. This variance advances those goals by offering a practical and equitable solution to a site-specific challenge, without compromising public interest or the integrity of the zoning district. In summary, granting this variance supports both the spirit and intent of the Comprehensive Plan and Ordinance by allowing for fair, context-sensitive development that respects community values and planning principles." 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-07-25-00882 [Variance 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 (TMS # 614-00-00-767) 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.

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

Property Information						
Subject Property Address: 3862 Abe White Road						
Tax Map Number(s): 614-00-00-767						
Current Use of Property: Single Family Lot						
Proposed Use of Property: Single Family Home						
Zoning Variance Description: Use of zoning described on current plat						
Applicant Information (Required)						
Applicant Name (please print): Luke Whetsell Harper						
Name of Company (if applicable):						
Mailing Address:				<u>~</u>		
City:	State:			Zip Code:		
Email Address:			Phone #:			
Applicant Signature:	,			Date: 7-11-2025		
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)						
Print Representative Name and Name of Con	npany:					
Mailing Address:						
City:	State:		Zip	Code:		
Email Address:	mail 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):						
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: S-3 Flood Zone E1 (0365K) Date Filed: 129 25 Fee Paid						
Application #: B2A-67-25 1008 TMS #: 6/4 80 00 761 Staff Initials: W						
				(V		

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

Yes, there are extraordinary and exceptional conditions pertaining to the subject property that warrant consideration for reduced setbacks. The lot in question has unique dimensions and characteristics that differentiate it from neighboring parcels. Specifically, it may be narrower, irregularly shaped, or smaller than typical lots in the area, which limits the ability to build a reasonably sized home or addition while adhering to standard setback requirements.

Additionally, existing development patterns in the surrounding area may already reflect reduced setbacks, making this request consistent with the established character of the neighborhood. In some cases, natural features—such as mature trees, topography, or drainage patterns—also impact buildable area, further justifying the need for flexibility.

These site-specific limitations create an undue hardship under the current zoning rules, which were not necessarily designed with this particular lot in mind. Allowing smaller setbacks is a practical and equitable solution that enables appropriate use of the property while maintaining compatibility with the surrounding community.

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

These conditions are **unique to the subject property** and do not generally apply to other properties in the vicinity. While surrounding lots may appear similar at first glance, the subject property has distinct characteristics—such as an irregular shape, smaller overall lot size, or constraints due to existing structures or natural features—that create specific challenges not commonly faced by neighboring parcels.

Other properties in the area may conform more easily to standard setback requirements due to their larger size, more regular dimensions, or lack of similar physical constraints. As a result, the hardship imposed by the current zoning standards is not shared uniformly throughout the neighborhood.

Because these conditions are specific to the subject property, allowing a reduction in setbacks would not set an unreasonable precedent, but rather serve as a tailored solution that enables fair and practical use of the land.

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 of these extraordinary and exceptional conditions, applying the Ordinance as written would **effectively prohibit or unreasonably restrict** the utilization of the subject property.

The current setback requirements, when applied to this uniquely constrained lot, significantly reduce the buildable area to a point where constructing a functional or reasonably sized home or addition becomes difficult or even impossible. This creates a situation where the property owner cannot make reasonable use of their land in the same way neighboring property owners can, despite being in the same zoning district.

Without relief through reduced setbacks, the property would be subject to an undue burden that is not consistent with the intent of the zoning ordinance—which is to allow for fair and productive use of land while maintaining neighborhood character. Granting flexibility in this case would restore that balance, allowing the property to be used in a way that is both practical and consistent with surrounding development.

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 this variance **will not be a substantial detriment** to adjacent property or to the public good, nor will it harm the character of the zoning district.

In fact, allowing a reduction in setbacks for this specific property would likely have minimal—if any—visible impact on neighboring properties. The requested variance is designed to address site-specific challenges and will still maintain appropriate spacing, privacy, and access. It will not obstruct sight lines, reduce safety, or negatively affect light or air circulation for adjacent lots.

Furthermore, the character of the zoning district will be preserved because the variance does not involve a change in use, density, or overall building type—it simply provides a modest adjustment to the placement of a structure on a uniquely constrained lot. In many

cases, surrounding properties may already have similar setback conditions, whether due to older development patterns, previous variances, or the natural evolution of the neighborhood.

Overall, granting this variance supports reasonable land use and neighborhood compatibility, aligning with the public good without compromising the intent or integrity of the zoning district.

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, the variance request does meet this criterion.

The request is **not** seeking to establish a use that is otherwise prohibited in the zoning district. The proposed use remains fully consistent with what is permitted by right under the current zoning designation—typically residential use in a residential district.

Additionally, the variance does **not** aim to extend or expand a nonconforming use, nor does it seek to alter the zoning district boundaries as shown on the Official Zoning Map. This request pertains solely to a **dimensional variance**—specifically, a reduction in setback requirements due to exceptional physical conditions on the lot.

Finally, while the variance may incidentally allow the property to be used more efficiently, **profitability is not the basis of the request**. The primary justification lies in the practical challenges posed by the lot's unique characteristics, which unreasonably restrict its use under the current ordinance. The variance serves to ensure fair and equitable treatment, not financial gain.

Therefore, the request is fully in line with the limitations and intent of the Board of Zoning Appeals' authority to grant variances.

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

No, the need for the variance is **not the result of the applicant's own actions**.

The conditions that necessitate the variance—such as the lot's unusual shape, limited size, topography, or existing placement of structures—were present prior to the applicant's involvement or were established through circumstances beyond their control (e.g., subdivision layout, prior development, or natural site constraints).

The applicant is simply seeking a reasonable and fair opportunity to utilize the property in a manner consistent with neighboring lots and the overall intent of the zoning ordinance. Without the variance, these pre-existing conditions would create a disproportionate hardship, preventing the property from being used effectively, despite it being zoned for that very use.

This makes the request a response to existing limitations, **not a consequence of self-created hardship**.

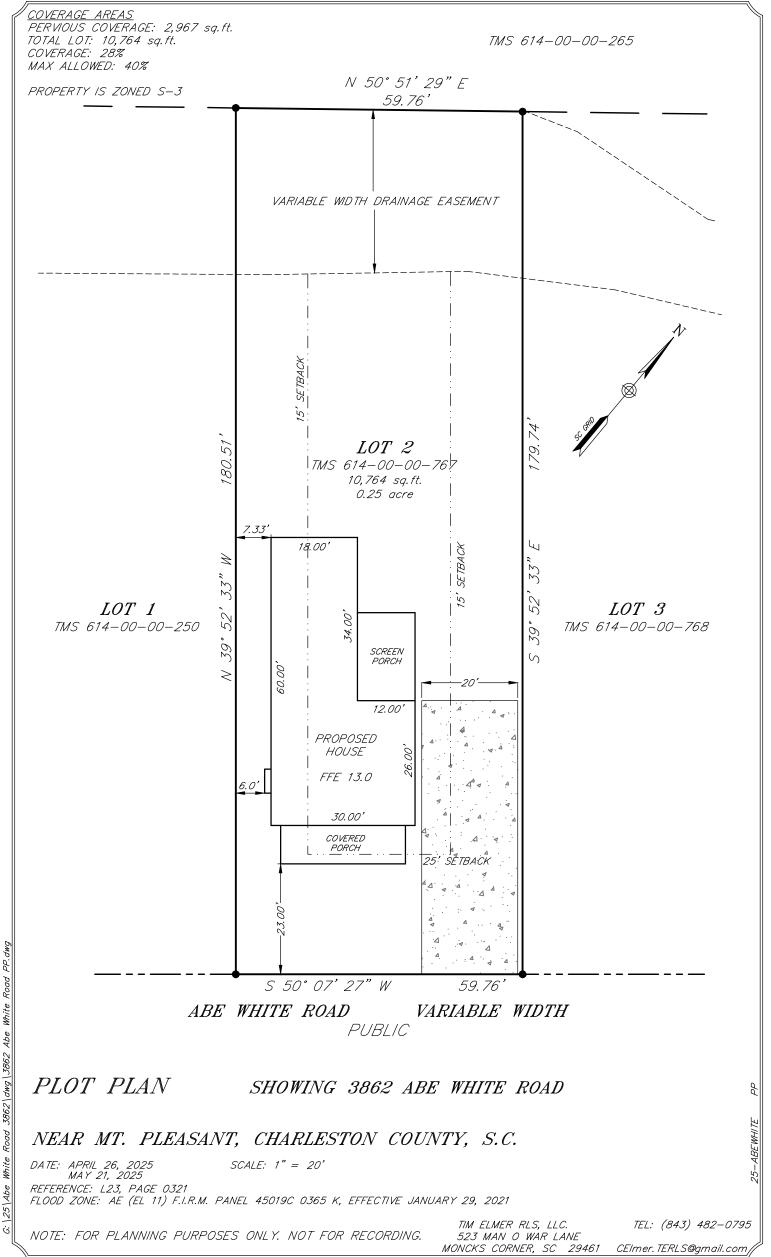
7.) Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain

No, the variance **does not substantially conflict** with the Charleston County Comprehensive Plan or the purposes of the Zoning Ordinance.

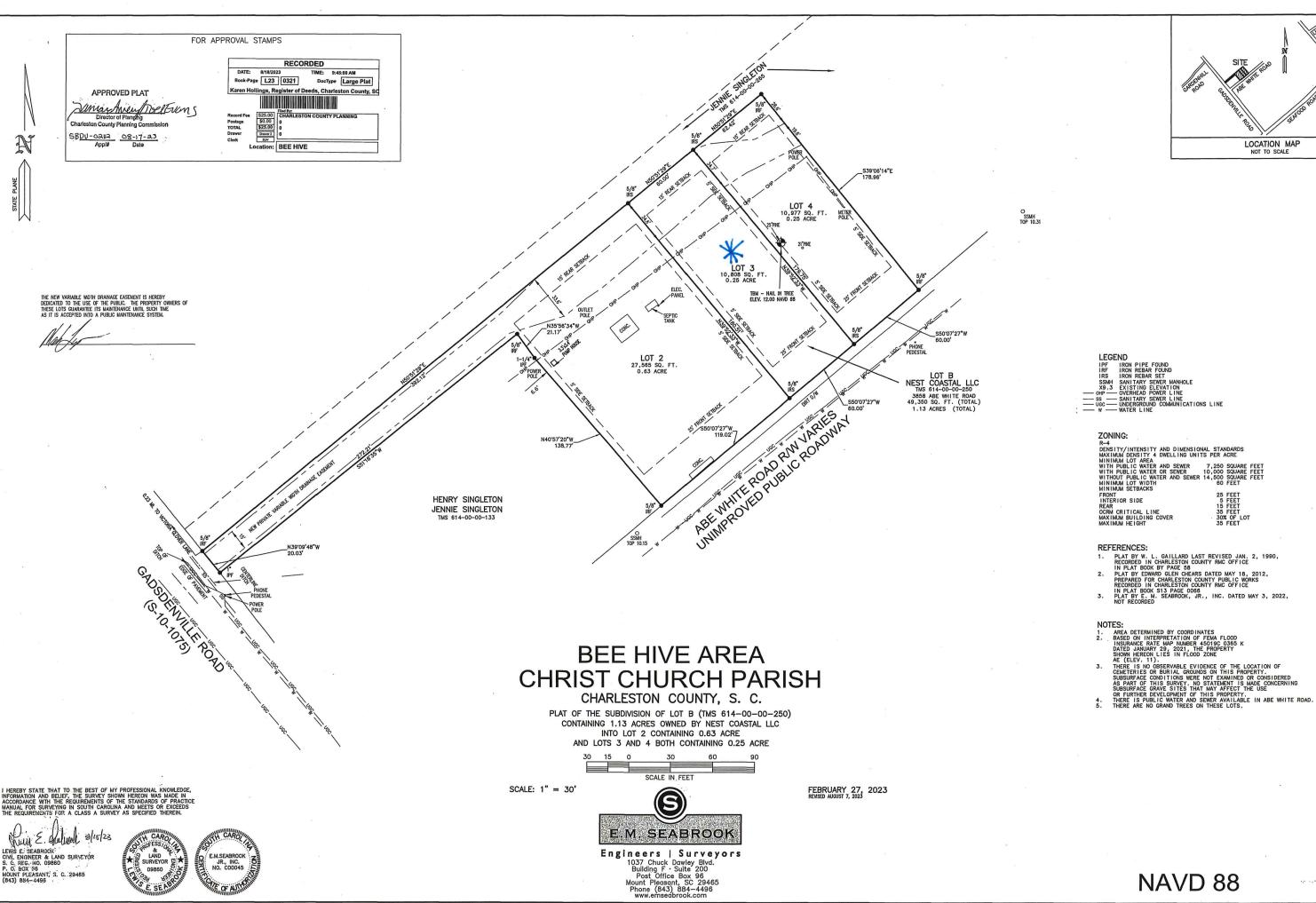
The Comprehensive Plan emphasizes thoughtful growth, efficient land use, housing diversity, and preservation of community character—all of which are supported by this variance request. Allowing a reduced setback on a uniquely constrained lot enables the property to be used in a way that is **consistent with the surrounding neighborhood** and supports **responsible infill development**, a core principle of the Plan.

Moreover, the purposes of the Zoning Ordinance include promoting the public health, safety, and welfare; encouraging the most appropriate use of land; and avoiding unreasonable restrictions on property use. This variance advances those goals by offering a practical and equitable solution to a site-specific challenge, without compromising public interest or the integrity of the zoning district.

In summary, granting this variance supports both the spirit and intent of the Comprehensive Plan and Ordinance by allowing for **fair, context-sensitive development** that respects community values and planning principles.



NOTE: FOR PLANNING PURPOSES ONLY. NOT FOR RECORDING.



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