

### Case # BZA-07-25-00884

### Charleston County BZA Meeting of September 8, 2025

**Applicant/Property Owner:** John Pierson

Susan and Dean Brandt

**Representative:** Andy Bajoczky of Barrier Island Engineering &

Consulting

**Property Location:** 1773 Folly Road – James Island

**TMS#:** 334-10-00-016

### **Zoning District:**

FRC-O, Folly Road Corridor Overlay (Neighborhood Commercial [Neighborhood Preservation Area]) Zoning District

### Request:

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.

### 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.E. Required Tree Protection 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. 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.

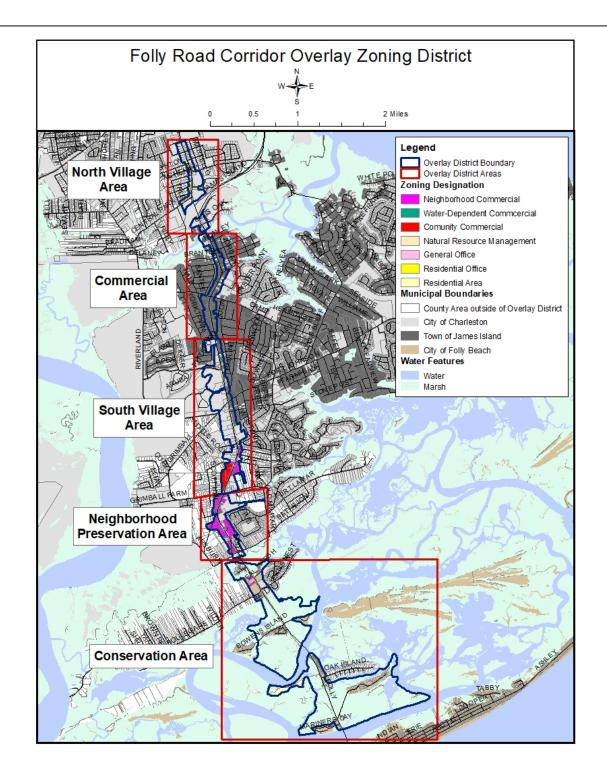
- 1. All Grand Trees and any other Trees required to remain on a site must be protected during construction and Development of a Parcel. Tree protection must be shown on all Development plans prior to site plan approval. A site inspection of the Tree barricades must be scheduled by the Applicant with 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 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. 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.



### **CHAPTER 5** | **OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS**

### ARTICLE 5.5 FRC-O, FOLLY ROAD CORRIDOR OVERLAY ZONING DISTRICT

### Map 5.5

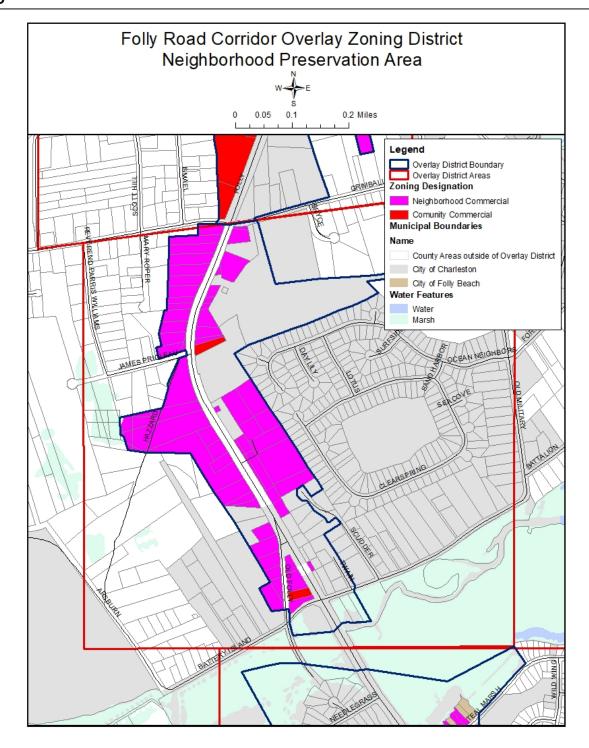


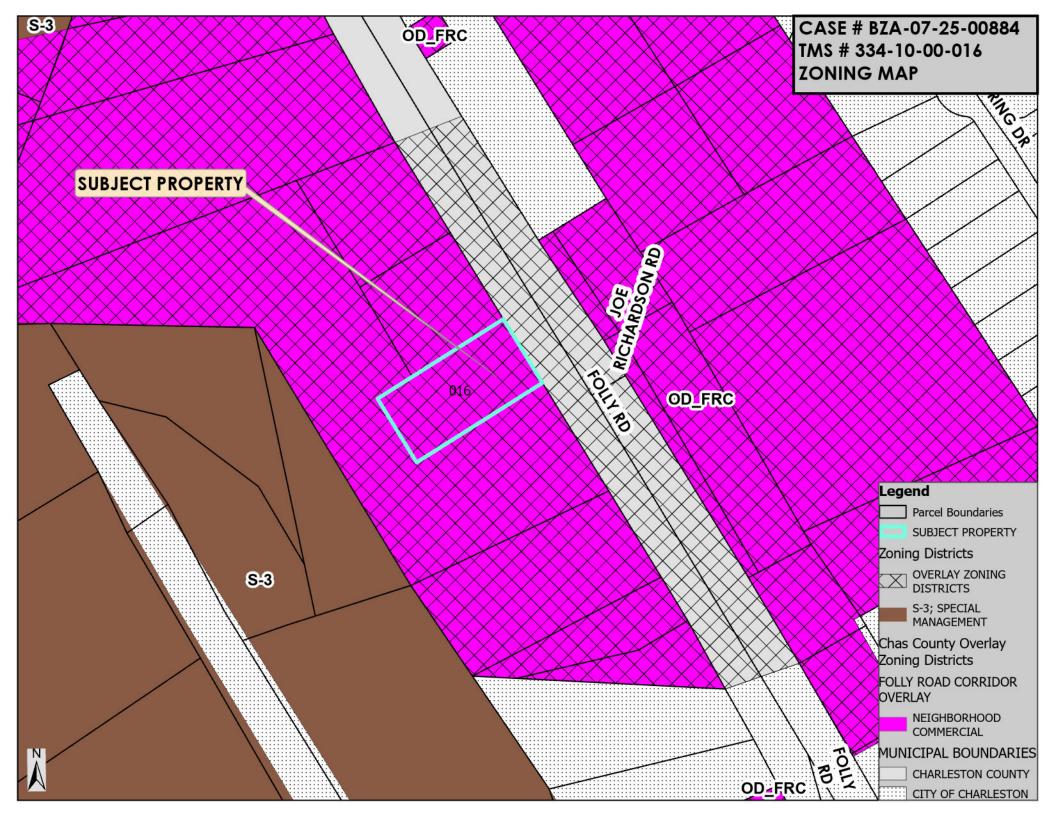


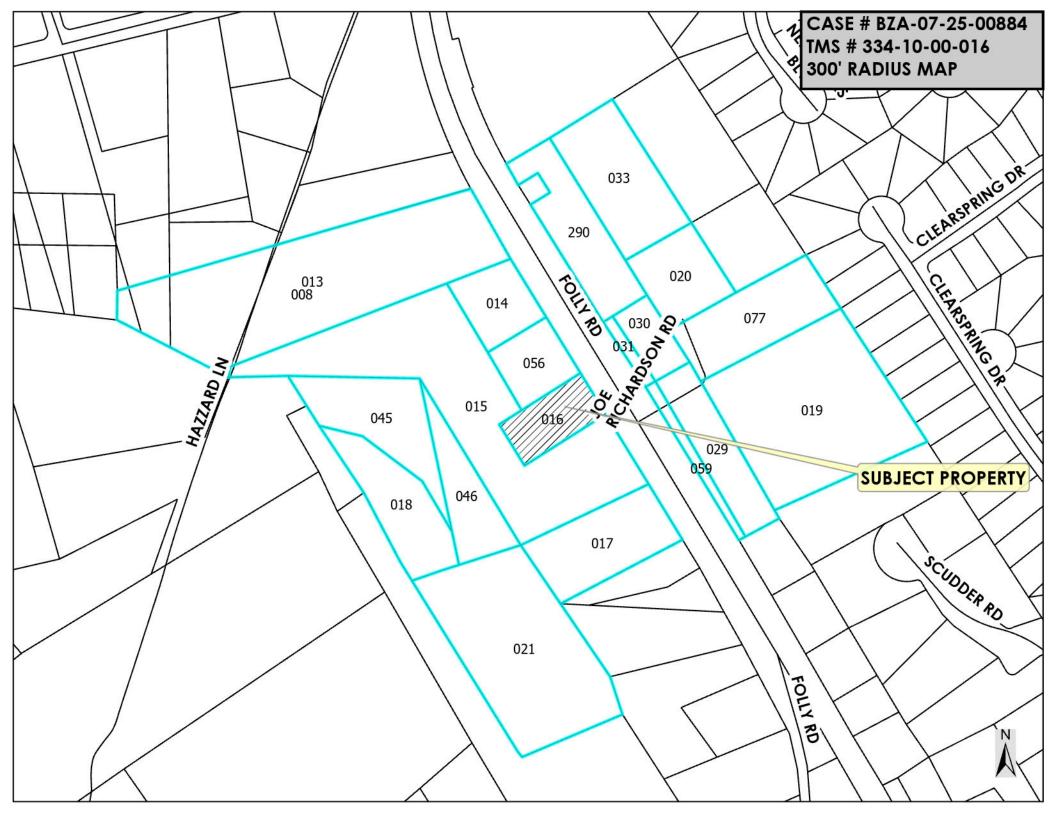
### **CHAPTER 5 | OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS**

### ARTICLE 5.5 FRC-O, FOLLY ROAD CORRIDOR OVERLAY ZONING DISTRICT

### Map 5.5.D











Case # BZA-07-25-00884
BZA Meeting of September 8, 2025
Subject Property: 1773 Folly Road — James Island

Proposal: Variance request to encroach two (2) Grand Trees by more than 25% of the protected root zone area for a proposed physical fitness building.



# 36" DBH Live Oak Tree

Encroach 27%, Grade B





# 40" DBH Live Oak Tree

Encroach 43%, Grade C





# Subject Property





# Folly Road





### **Staff Review:**

The applicant and property owner, John Pierson, the property owners, Susan and Dean Brandt, represented by Andy Bajoczky of Barrier Island Engineering & Consulting are requesting a variance 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 (TMS # 334-10-00-016) on James Island in Charleston County. The subject property and adjacent properties are located in the Folly Road Corridor Overlay (Neighborhood Commercial [Neighborhood Preservation Area]) Zoning District. The property and surrounding properties were designated as the Beefield Community Historic District (HIST-11-21-00041) on May 24, 2022.

The applicant is currently in the Site Plan Review process (ZSPR-10-23-00947) for the proposed physical fitness building. The 0.5-acre property is vacant and contains seven (7) Grand Trees. Three (3) Live Oaks (36", 40", and 42" DBH) and four (4) Pecan Trees (25", 30", 32", and 35").

The following is a detailed list of the two (2) Grand Trees that would be impacted:

Tree description	Approximate Percent Encroachment	Tree Grade
36" DBH Live Oak (Tree # 2)	Encroach 27%	В
40" DBH Live Oak (Tree # 3)	Encroach 43%	С

### 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.E. Required Tree Protection 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. 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.

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 0.5-acre property. The property contains seven (7) Grand Trees. Three (3) Live Oaks (36", 40", and 42" DBH) and four (4) Pecan Trees (25", 30", 32", and 35"). The applicant's letter of intent states, "Yes; The total parcel area is 0.50 acres. Tree canopy and buffer zones occupy 0.39 acres of the total 0.5-acre parcel area. The remaining unencumbered parcel area is 0.11 acres or 21.3% of the total parcel area. See E2.0 Acreage Exhibit for details." Therefore, the request may meet this criterion.

§3.10.6(2):

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

Response:

These conditions may not generally apply to other properties in the vicinity. The applicant's letter of intent states, "Surrounding parcels within a 500-ft vicinity of the subject property contain substantially less ratio of tree canopy to open, unencumbered site area. Adjacent parcels that do have comparable tree canopy coverage consist of primarily wetland features as indicated by the National Wetlands Inventory Mapper. However, a site evaluation completed by environmental scientists with The Brigman Company indicates that no wetland features are present on the subject parcel. See E3.0 Surrounding Properties Exhibit." 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 9 Development Standards, Article 9.2 Tree Protection and Preservation, Sec. 9.2.4.E. Required Tree

Protection to 1773 Folly Road may unreasonably restrict the utilization of the property. The applicant's letter of intent states, "Application of this ordinance to the subject property would unreasonably restrict the developable area of the parcel to less than 1/4 of the overall parcel area." Therefore, the request <u>may meet</u> this criterion.

The authorization of a variance will not be of substantial detriment to §3.10.6(4):

adjacent property or to the public good, and the character of the zoning

district will not be harmed by the granting of the variance;

The authorization of a variance may not be of substantial detriment to the Response: adjacent properties or to the public good, and the character of Folly Road Corridor Overlay (Neighborhood Commercial [Neighborhood Preservation Area]) Zoning District may not be harmed if the board approves this request with the conditions recommended by Staff below. In addition, the applicant's letter of intent states, "No, proposing to keep the healthy grand trees on site will maintain the character of the surrounding properties. Concrete pad will be used only where ADA accessibility site features are required and the remainder of the parking surface will be paved with pervious material. This will minimize the impact to the protected root zones by allowing infiltration of stormwater into the soils." 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, "The proposed use as a physical fitness or health club is an allowed by right use within Neighborhood Commercial Zoning per Sec. 6.1.6, Table 6.1-1. While the nature of this project most closely fits the aforementioned Zoning Ordinance classification, it is important to note that the finished project will host personal training sessions by appointment only." Therefore, the request meets this criterion.

> The need for the variance is not the result of the applicant's own actions; The need for the variance may not be the result of the applicant's own actions. The applicant's letter of intent states, "No, the existing tree canopy coverage and required buffer areas excessively restrict the usable site

§3.10.6(6):

Response:

Page 3 of 5

area. Similar proposed uses for the parcel will encounter the same site restrictions." Therefore, the request <u>may meet</u> 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 and if the board approves this request with the conditions recommended by Staff below. In addition, the applicant states, "The development of this parcel aligns with the Comprehensive and the Folly Road Overlay Zoning District. The parcel is located within the Charleston County Urban Growth Boundary. Within the Folly Road Overlay Corridor Zoning, the parcel is zoned Neighborhood Commercial. Per Sec. 6.1.6, Table 6.1-1 the physical fitness or health club use is allowed by right." Thus, 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-07-22-00884 [Variance 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 (TMS # 334-10-00-016) on James Island in Charleston County] based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

## <u>Please note: each tree may be considered separately for approval, approval with conditions, or denial.</u>

In the event the Board decides to approve the application, the Board should consider the following conditions recommended by Staff:

- 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.
- 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 Zoning Staff for review and approval prior to Zoning Permit approval for construction.

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### CT.

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

Subject Property Address: 1773 Folly Road, Charleston, SC 29412  Tax Map Number(s): 334-10-00-016  Current Use of Property: Vacant Lot  Proposed Use of Property: Fitness Center  Zoning Variance Description: BZA variance requested to encroach on grand tree canopy  Applicant Information (Required)  Applicant Name (please print): John Pierson  Name of Company (if applicable):  Mailing Address:  City: State: Zip Code:  Email Address: Applicant Signature:  Property Owner(s) Name and Name of Company: Applicant Ilsted 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) Remail Address:  City: State: Zip Code:  Email Address: Zip Code: 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) Rmail Address:  City: State Zip Code: Phone #:  Property Owner(s) Signature: / State Zip Code: Phone #:  Property Owner(s) Signature: / State Zip Code: Phone #:  Property Owner(s) Signature: / State Zip Code: Phone #:  Property Owner(s) Signature: / State Zip Code: Phone #:  Property Owner(s) Signature: / State Zip Code: Phone #:  Property Owner(s) Signature: / State Zip Code: Phone #:  Property Owner(s) Signature: / State Zip Code: Phone #:  Property Owner(s) Signature: / State Zip Code: Phone #:  Property Owner(s) Signature: / State Zip Code: Phone #:  Property Owner(s) Signature: / State Zip Code: Phone #:  Property Owner(s) Signature: / State Zip Code: Phone #:  Property Owner(s) Signature: / State Zip Code: Phone #:  Property Owner(s) Signature: / State Zip Code: Phone #:  State Zip Code: State Zip Code: Phone #:  Property Owner(s) Sign	Property Information				
Current Use of Property: Vacant Lot  Proposed Use of Property: Fitness Center  Zoning Variance Description: BZA variance requested to encroach on grand tree canopy  Applicant Information (Required)  Applicant Name (please print): John Pierson  Name of Company (if applicable):  Mailing Address:  City: Zip Code:  Email Address:  Applicant Signature:  Phone ##  Print Representative Information (Complete only if applicable, Morrow, Builder, Engineer Surveyor etc.)  Print Representative Name and Name of Company: Andrew Bajoczky, Barrier Island Engineering & Consulting  Mailing Address:  City: Zip Code:  Email Address:  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:  City: State: Zip Code: Phone #:  Property Owner(s) Signature:  Descriptice Use ONLY:  Zoning District: OD FRC Flood Zone: AE-O Olo 79(K) Date Filed: 7 29 25 Fee Paid. 300	Subject Property Address: 1773 Folly Road, Charleston, SC 29412				
Proposed Use of Property: Fitness Center  Zoning Variance Description: BZA variance requested to encroach on grand tree canopy  Applicant Information (Required) Applicant Name (please print): John Pierson  Name of Company (if applicable):  Mailing Address: City: State: Zip Code: Email Address:  Applicant Signature: Description (Complete only if applicable, efformey, Builder, Engineer, Surveyor etc.)  Print Representative Name and Name of Company: Andrew (Bajoczky, Barrier Island Engineering & Consulting  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):  Name of Company (if applicable, LLC etc.):  Property Owner(s) Mailing Address: City: States Zip Code: Phone #:  Property Owner(s) Mailing Address: City: States Zip Code: Phone #:  Property Owner(s) Signature:  For Office Use Only:  For Office Use Only:  States Zip Code: Phone #:  Property Owner(s) Signature:  For Office Use Only:  Property Owner(s) Signature:  For Office Use Only:  States Zip Code: Phone #:  Property Owner(s) Signature:  For Office Use Only:  For Office Use Only:  States Zip Code: Phone #:  Property Owner(s) Signature:  For Office Use Only:  Property Owner(s) Signature:  For Office Use Only:  Property Owner(s) Signature:  For Office Use Only:  Property Owner(s) Signature:  Property Owner(s) Signature:  Property Owner(s) Signature:  For Office Use Only:  Property Owner(s) Signature:  Property Owner(s) Signature:  For Office Use Only:  Property Owner(s) Signature:  Property Owner(s) Signature:  Property Owner(s) Signature:  Property Owner(s) Signature:  For Office Use Only:  Property Owner(s) Signature:  Property Owner(s)	Tax Map Number(s): 334-10-00-016				
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Applicant Name (please print): John Pierson  Name of Company (if applicable):  Mailing Address:  City: State: Zip Code:  Email Address:  Applicant Signature: Date: O6/19/2  Representative Information (Complete only if applicable, Afforney, Builder, Engineer Surveyor etc.)  Print Representative Name and Name of Company: Andrew Bajoczky, Barrier Island Engineering & Consulting  Mailing Address:  City: State: Zip Code:  Email Address:  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:  City: State Zip Code: Phone #:  Property Owner(s) Email Address:  City: State Zip Code: Phone #:  Property Owner(s) Signature: Ohite: 6/19/25  FOR OFFICE USE ONLY:  Zoning District: OD FRC Flood Zone: A E O O O 79% Date Filed: 7 29 25 Fee Paid: 3 300	Zoning Variance Description: BZA variance requested to encroach on grand tree canopy				
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Application #: \$7A-67-25-0889 TMS #: 3341000016 Staff Initials: W					
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### **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.)

- 1. Variance requested for encroachment in excess of 25% of 40" live oak grand tree canopy, per ZLDR Section 9.2.4.E.
- 2. Variance requested for encroachment in excess of 25% of 36" live oak grand tree canopy, per ZLDR Section 9.2.4.E.

### 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:

Yes; The total parcel area is 0.50 acres. Tree canopy and buffer zones occupy 0.39 acres of the total 0.5 acre parcel area. The remaining unencumbered parcel area is 0.11 acres or 21.3% of the total parcel area. See E2.0 Acreage Exhibit for details.

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

Surrounding parcels within a 500-ft vicinity of the subject property contain substantially less ratio of tree canopy to open, unencumbered site area. Adjacent parcels that do have comparable tree canopy coverage consist of primarily wetland features as indicated by the National Wetlands Inventory Mapper. However, a site evaluation completed by environmental scientists with The Brigman Company indicates that no wetland features are present on the subject parcel. See E3.0 Surrounding Properties Exhibit.

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:

Application of this ordinance to the subject property would unreasonably restrict the developable area of the parcel to less than 1/4 of the overall parcel area.

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, proposing to keep the healthy grand trees on site will maintain the character of a the surrounding properties. Concrete pad will be used only where ADA accessibility site features are required and the remainder of the parking surface will be paved with pervious material. This will minimize the impact to the protected root zones by allowing infiltration of stormwater into the soils.
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 proposed use as a physical fitness or health club is an allowed by right use within Neighborhood Commercial Zoning per Sec. 6.1.6, Table 6.1-1. While the nature of this project most closely fits the aforementioned Zoning Ordinance classification, it is important to note that the finished project will host personal training sessions by appointment only.
6.	Is the need for the variance the result of your own actions? Explain:
	No, the existing tree canopy coverage and required buffer areas excessively restrict the usable site area. Similar proposed uses for the parcel will encounter the same site restrictions.
7.	Does the variance substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance? Explain
	The development of this parcel aligns with the Comprehensive and the the Folly Road Overlay Zoning District. The parcel is located within the Charleston County Urban Growth Boundary. Within the Folly Road Overlay Corridor Zoning, the parcel is zoned Neighborhood Commercial. Per Sec. 6.1.6, Table 6.1-1 the physical fitness or health club use is allowed by right.

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.



BRIAN MILLEMAN - 843.729.8358 DANNY MILLEMAN - 843.834.5999 SAMMY MILLEMAN - 843.834.5600

**Arborist Report** 

I.S.A. CERTIFIED ARBORIST # S.O. - 0226 I.S.A. CERTIFIED ARBORIST # S.O. - 5307A I.S.A. CERTIFIED ARBORIST # S.O. - 5720A

Location: 1773 Folly Road, James Island, SC 29412.

6-30-22

Regarding. Assessment of larger trees on Survey of lot for planning/designing/building purposes.

### **Assessment/Evaluation:**

Tree #1: 8" Black Cherry Tree. This tree in growing under the canopy of the large (36" Live Oak) oak tree in front of the property. It has a leaning/curved trunk trying to reach out towards sunlight, it has very little canopy growth and has vine competition in the canopy. My opinion it is taking away from the grand live oak it is growing under and should be removed as it does not have good form and is in less than average condition. Grade D.



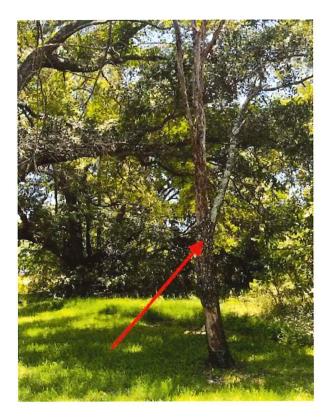
Tree #2: 36" Live oak. This live oak is in overall average health and condition. It has 3 major leaders making up the tree canopy, on lower on left side of tree, 1 in middle, 1 lower on right side of tree. Pruning may need to be done for access on one side of tree to lift lower limbs for overhead clearance of road/driveway entrance. Recommend doing a canopy survey for better critical root zone placement for planning. Grade C



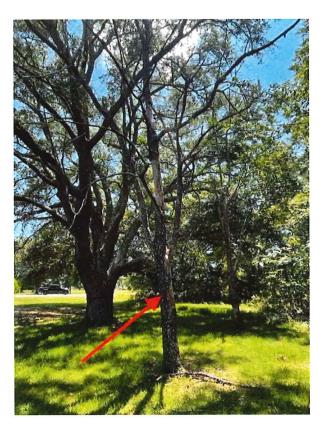
Tree #3: 42" Live Oak. This live oak is in good overall condition. It does not have any major areas of decay or disease in trunk of tree. The canopy is in good shape, it does have some interior dead but it is expected for tree of this size without much previous maintenance or pruning on a tree like this. Recommend doing a canopy survey for better critical root zone placement for planning. Grade B



Tree #4: 11" Black Cherry Tree. Dead. Failed. Grade F



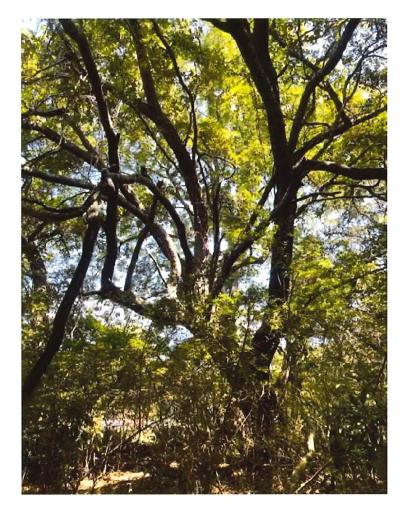
Tree #5: 10" Black Cherry. Dead. Failed. Grade F



Tree #6: On Survey as a 30" Pecan. Measured in field with diameter tape at 22" dbh. This tree is in less than average condition. There are several larger canopy limbs that have broken off in storms and lots of vine competition in canopy of tree. This tree is not a "grand tree" as it measures less than 24" dbh. It appears the surveyors measured the tree around several large poison ivy vines on the trunk of the tree and not just the pecan tree trunk alone. See pics. I would recommend removing this tree as it is in the middle of the lot and would allow development while not encroaching on the other better graded and larger live oaks on the property. Grade C-



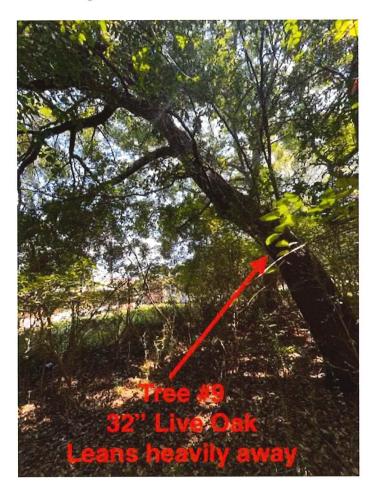
Tree #7: 40" Live Oak. This tree has some larger lower dead limbs in canopy that will need to be pruned off. Dieback from lack of sunlight to lower limbs and vine competition. There are also some storm breaks in tree canopy. Overall Tree is in average health and condition. Recommend doing a canopy survey for better critical root zone placement for planning. Grade C



Tree #8: 35" Pecan Tree. This tree has an upright trunk and form, it is in average overall health and condition. There is vine competition in canopy but overall in average condition. Recommend doing a canopy survey for better critical root zone placement for planning. Grade C



Tree #9: Marked as a 32" Pecan tree on plan, it is actually a live oak tree not a pecan. This live oak has a lean of the trunk and canopy growth in the direction of the neighboring property to the right (north). The majority of the canopy is in this direction and not much canopy back towards the middle of the lot. Other than the growth in one direction and canopy being lopsided, the tree is in overall average health and condition. There are some lower dead limbs, vine competition, and some old storm breaks, but nothing that's condemning. Grade C



Tree #10: 25" Pecan Tree located in back left corner of lot. This tree is downed, uprooted and the trunk is laying on the ground. It still has some green in canopy but it has been compromised and fallen. Recommend removing tree. Grade D

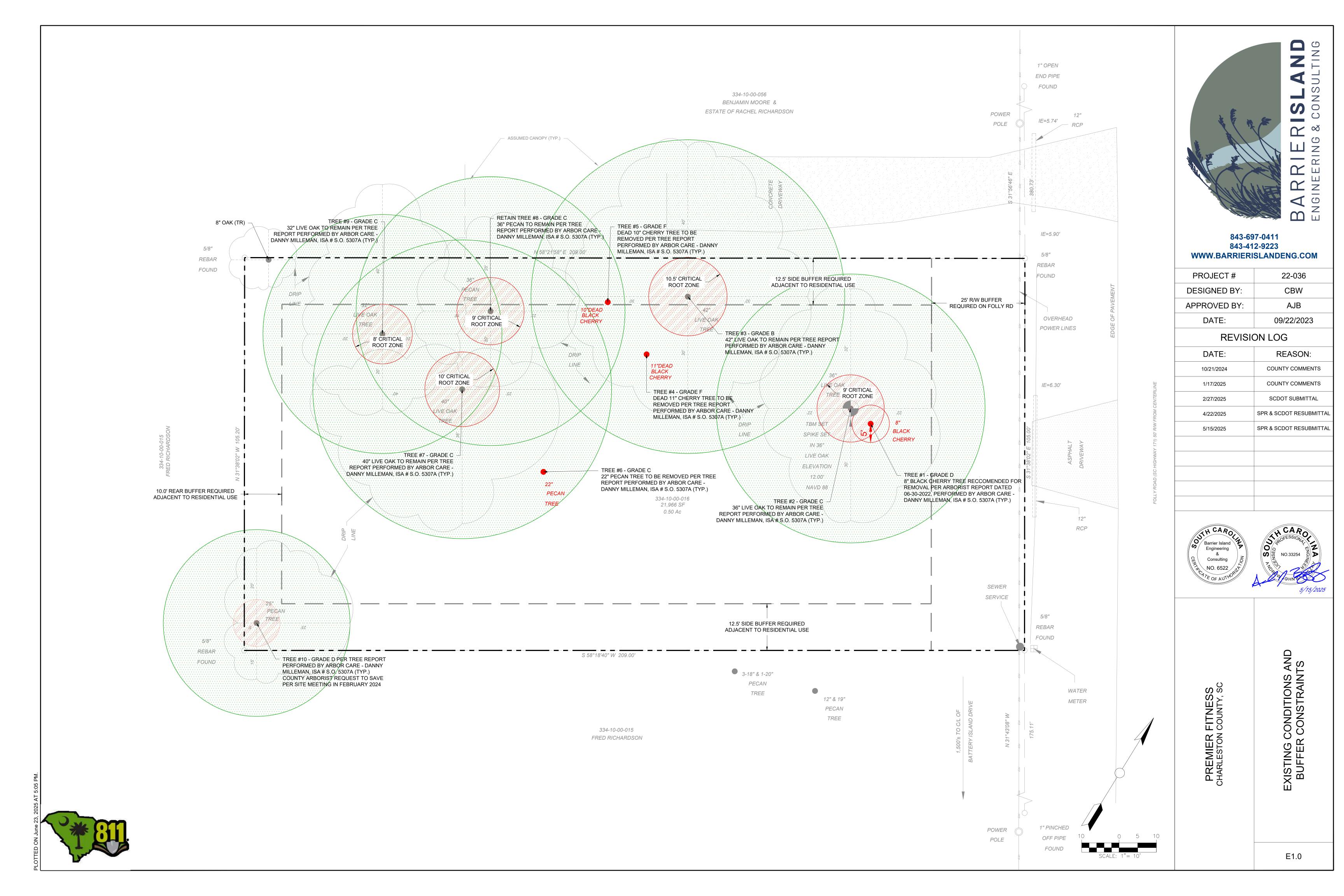


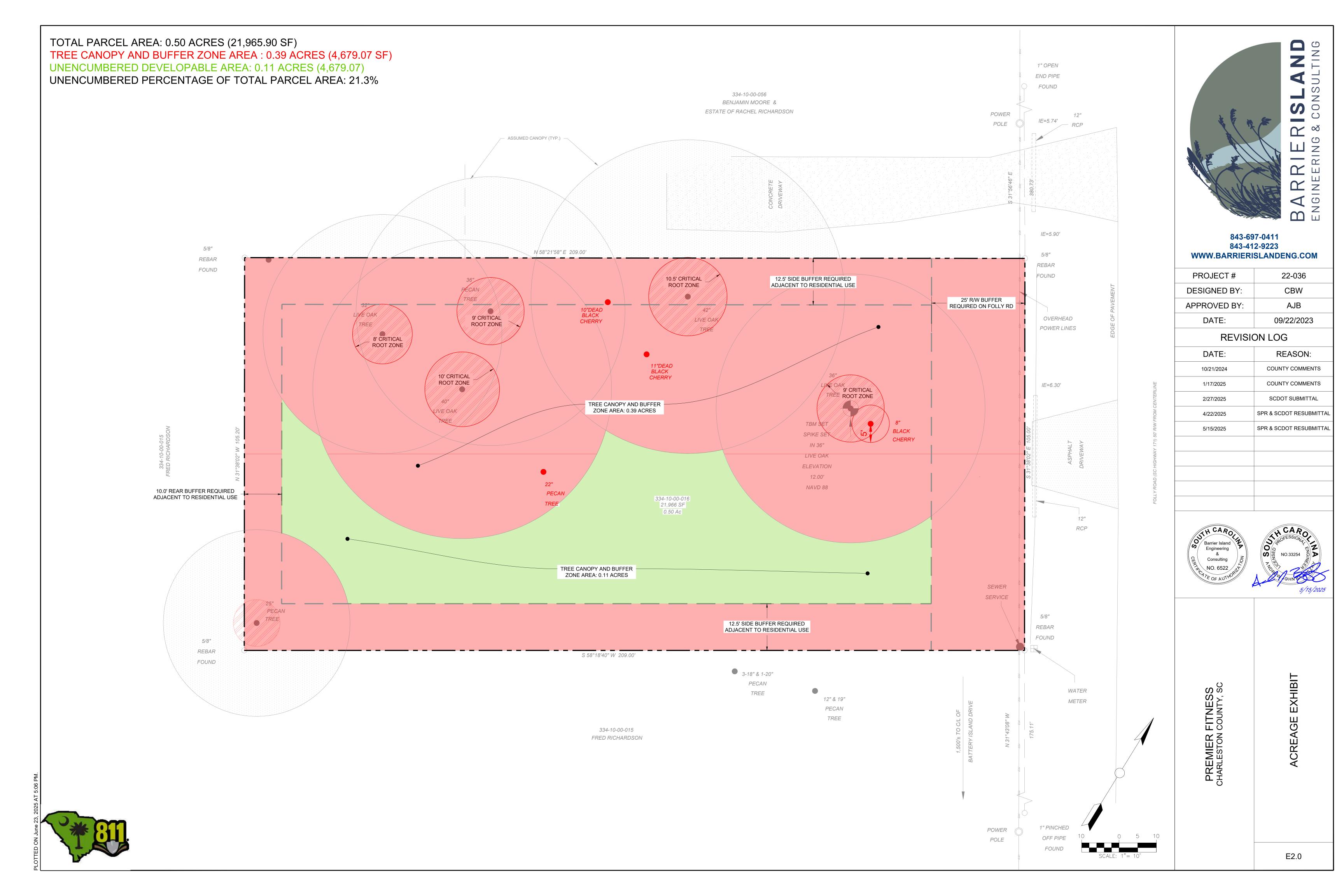
For planning purposes of the trees that are "grand trees" and graded C or better I would recommend doing a canopy dripline survey, this will both help with potential canopy encroachment and with critical root zone of size of the trees and better help with planning of buildings, parking, access, etc...

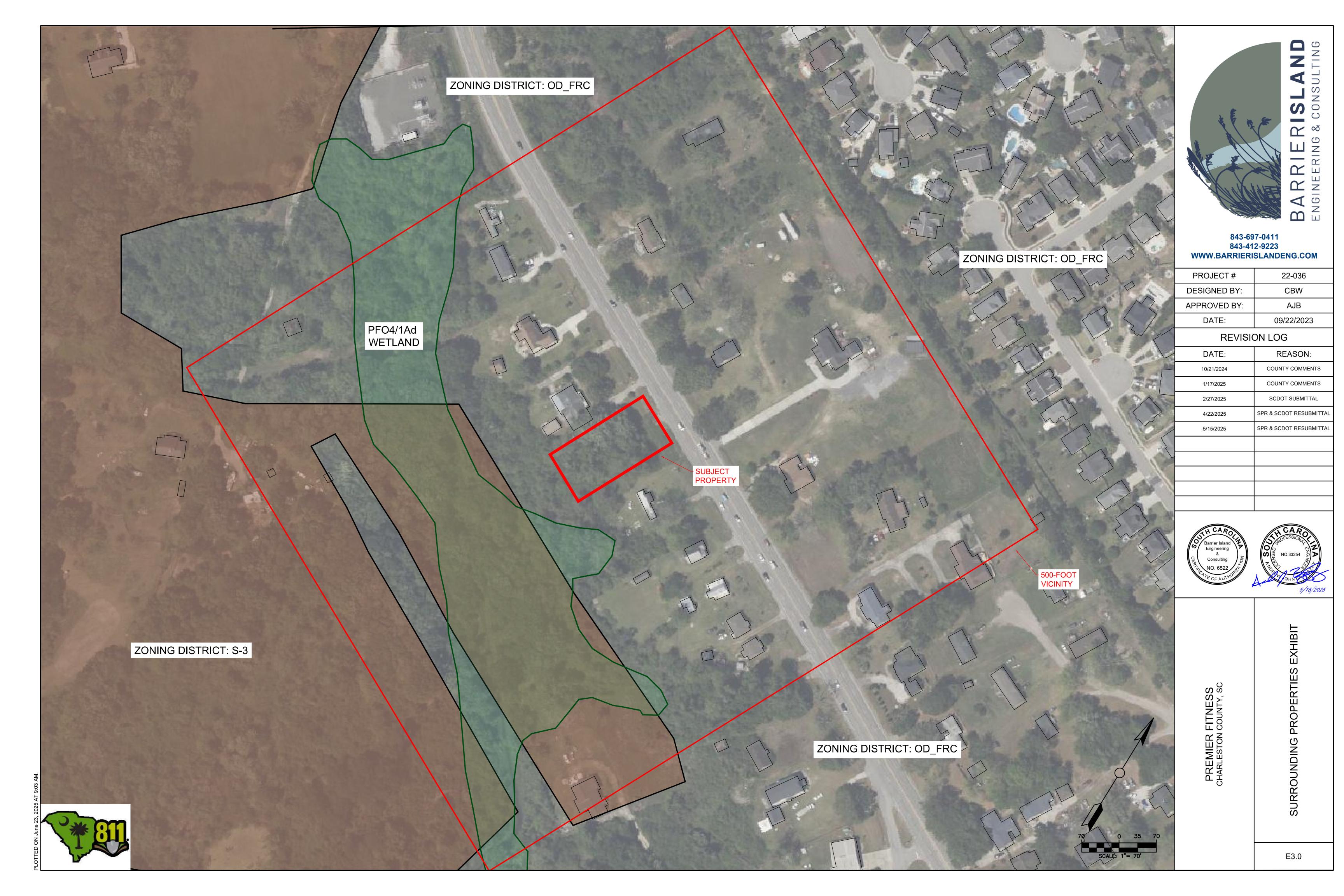
Any questions please contact me. Thank you,

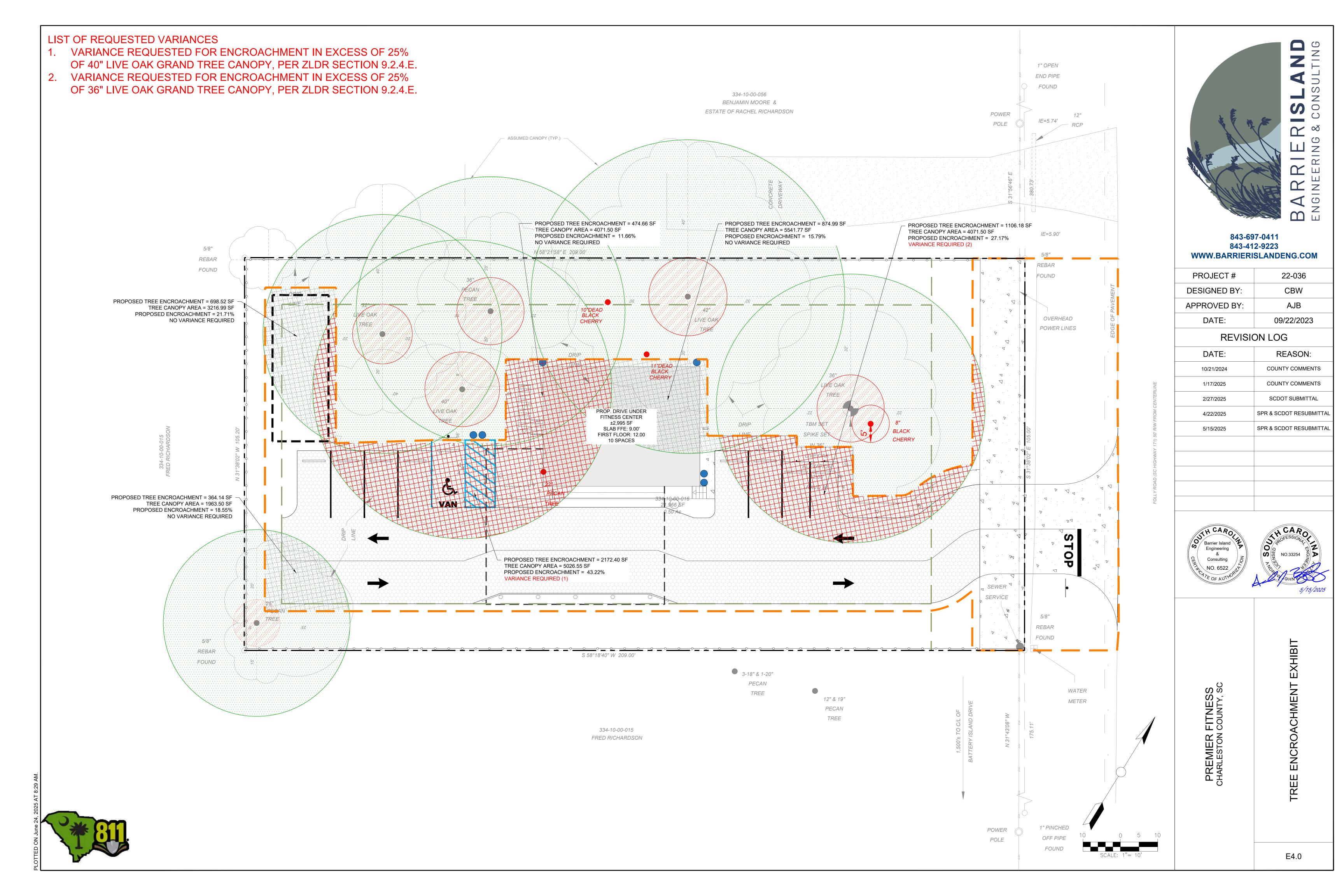
Thank you,

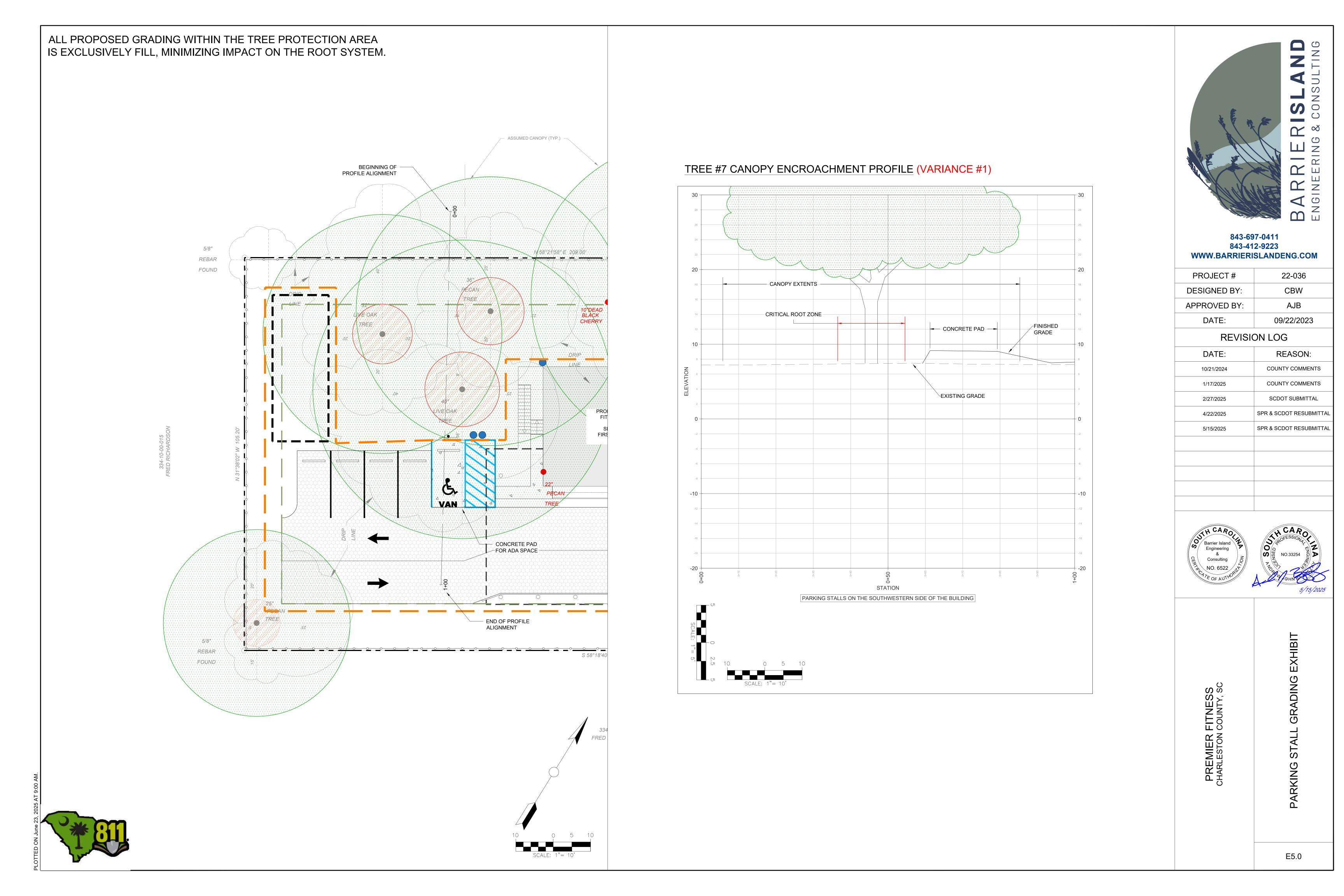
Danny Milleman Arbor Care I.S.A. Certified Arborist # S. O. 5307A





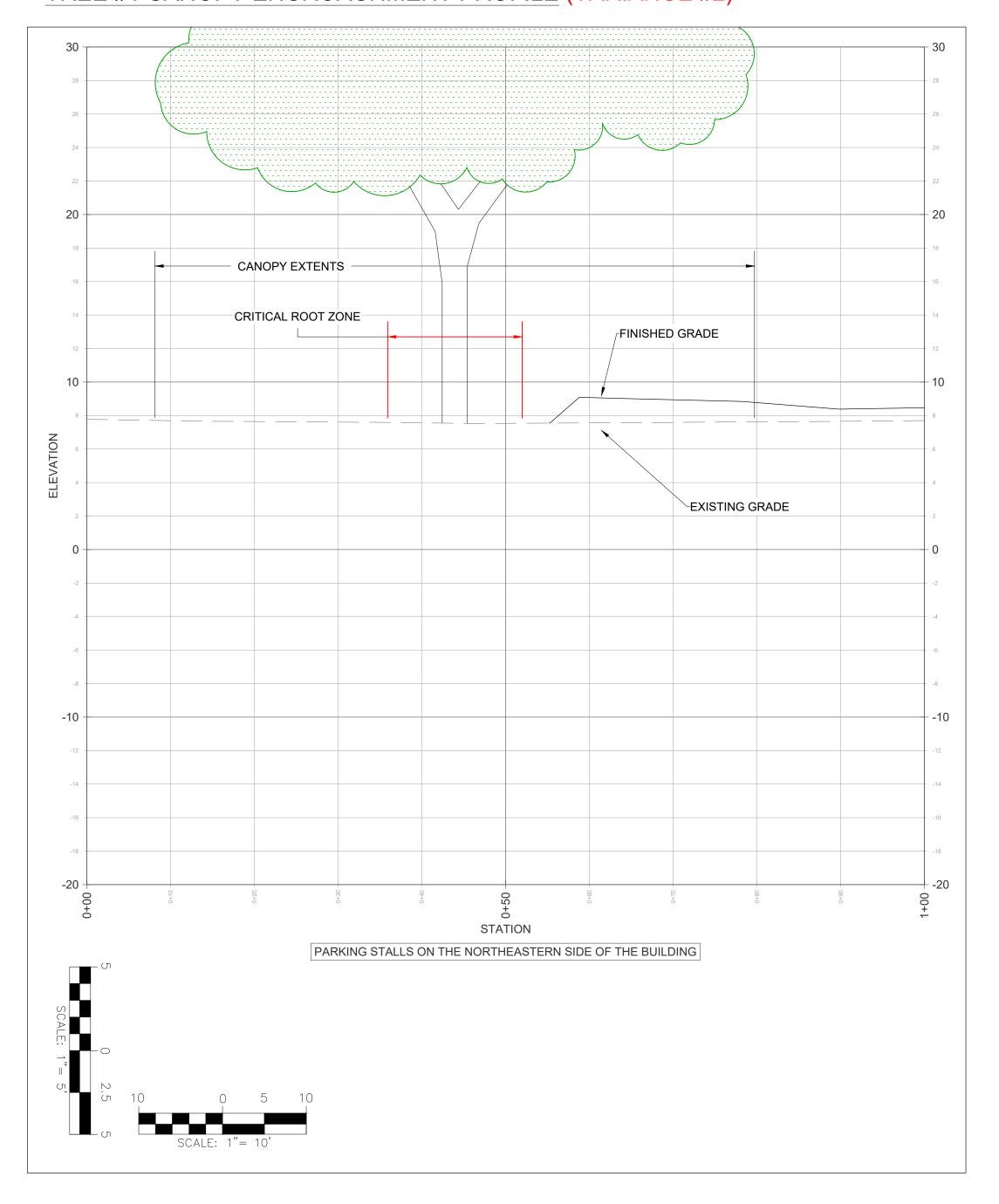


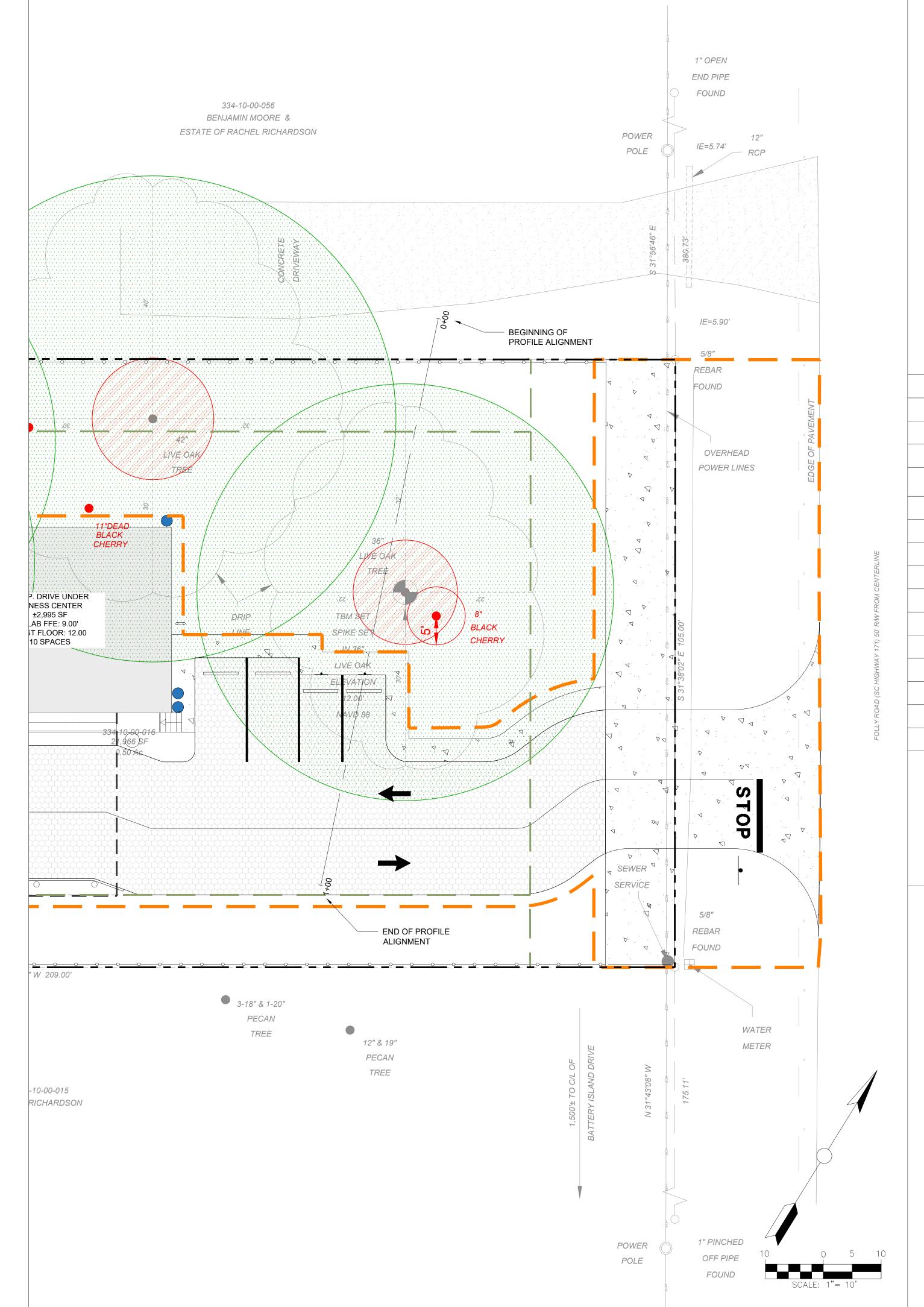




ALL PROPOSED GRADING WITHIN THE TREE PROTECTION AREA IS EXCLUSIVELY FILL, MINIMIZING IMPACT ON THE ROOT SYSTEM. ADDITIONALLY, THE FINISHED PARKING SURFACE WILL BE COARSE GRAVEL, WHICH WILL ALLOW WATER TO PASS THROUGH AND REACH THE ROOT SYSTEM.

## TREE #1 CANOPY ENCROACHMENT PROFILE (VARIANCE #2)







### 843-697-0411 843-412-9223 WWW.BARRIERISLANDENG.COM

PROJECT#	22-036
DESIGNED BY:	CBW
APPROVED BY:	AJB
DATE:	09/22/2023

## **REVISION LOG**

DATE:	REASON:
10/21/2024	COUNTY COMMENTS
1/17/2025	COUNTY COMMENTS
2/27/2025	SCDOT SUBMITTAL
4/22/2025	SPR & SCDOT RESUBMITTA
5/15/2025	SPR & SCDOT RESUBMITTA





PREMIER FITNESS
CHARLESTON COUNTY, SC

PARKING STALL GRADING EXHIBIT

E5.1



