

Case # BZA-10-25-00914 Charleston County BZA Meeting of December 1, 2025

Applicant: Heather Hall of Windy City Construction, LLC

Property Owner: Gretchen Gintz

Property Location: 1521 S Pinebark Lane – St. Andrews Area

TMS#: 353-15-00-012

Zoning District: Low Density Residential (R-4) Zoning District

Request:

Variance request to allow the removal of a 24" DBH Grand Live Oak Tree for a proposed detached accessory structure (two-story garage apartment).

Requirement:

The Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 9 Development Standards, 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."



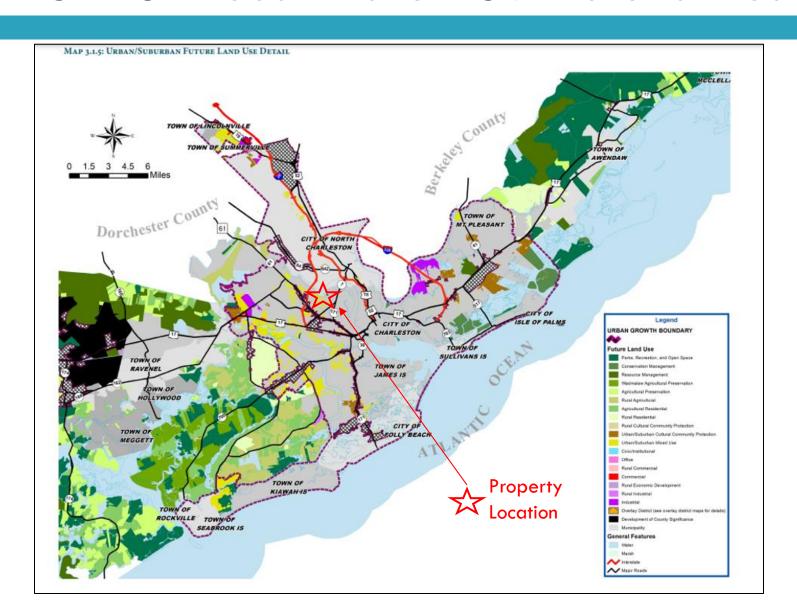
CHAPTER 9 | DEVELOPMENT STANDARDS

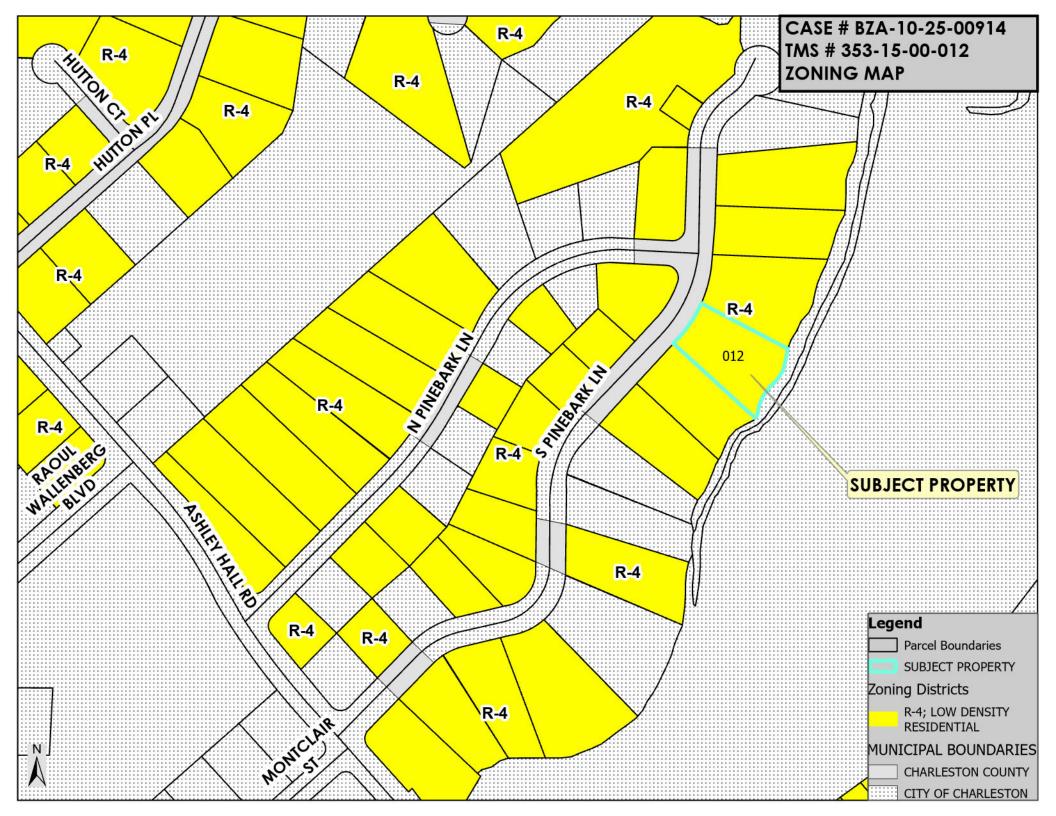
ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

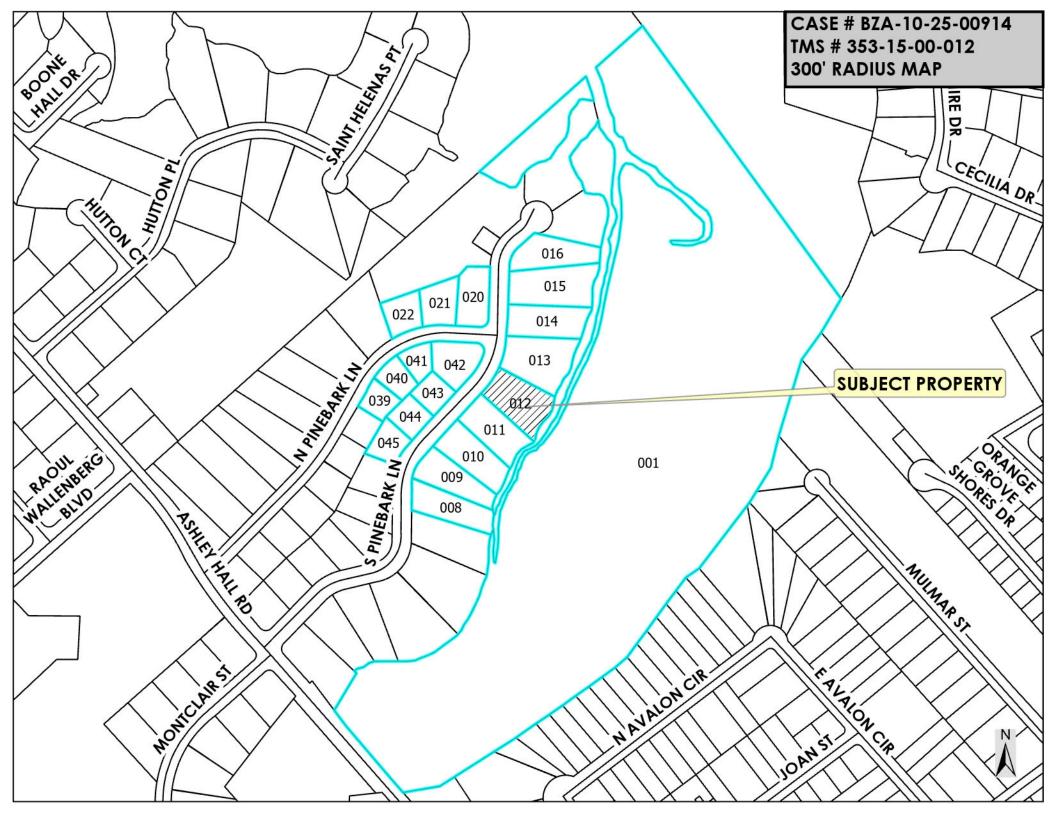
Sec. 9.2.5 Tree Removal

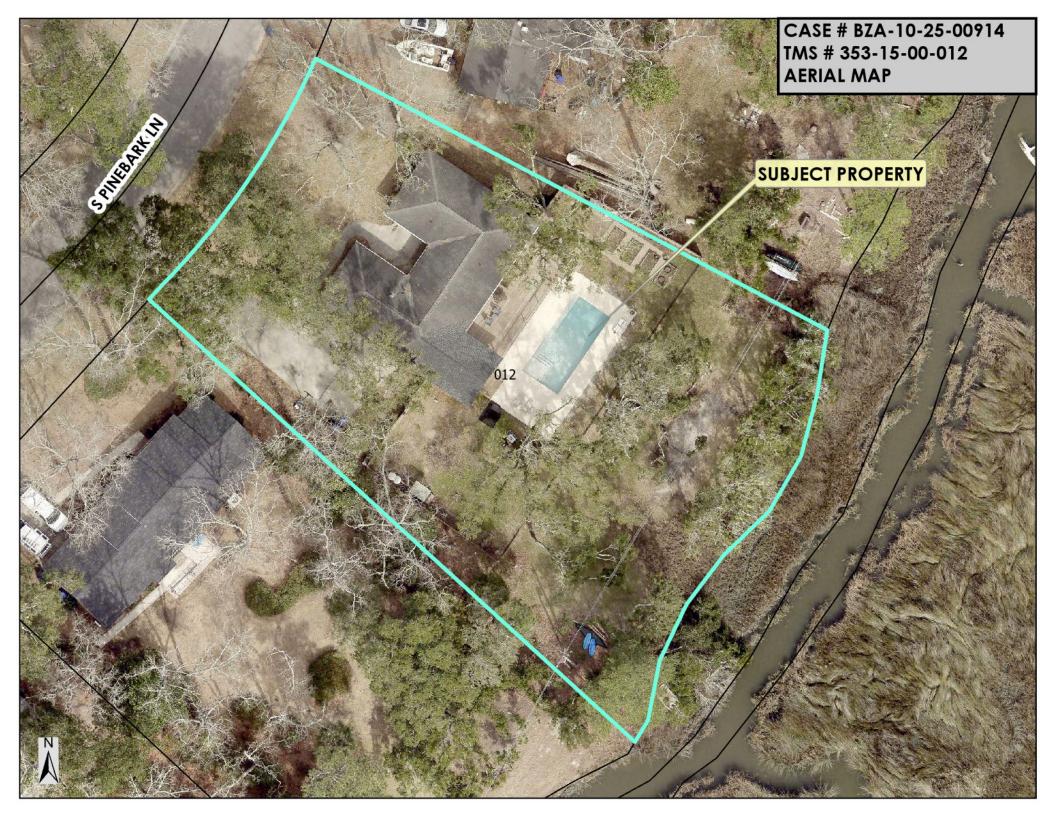
- A. Permits for Tree removal may be approved where one or more of the following conditions are deemed to exist by the Zoning and Planning Director:
 - 1. Trees are not required to be retained by the provisions of this Article.
 - 2. Trees are diseased, dead, or dying. Documentation may be submitted 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.
 - 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.

Location Map 1521 S Pinebark Lane — St. Andrews Area











Case # BZA-10-25-00914

BZA Meeting of December 1, 2025

Subject Property: 1521 S Pinebark Lane — St. Andrews Area

Proposal: Variance request to allow the removal of a 24-inch DBH Grand Live Oak Tree for a proposed detached accessory structure (two-story garage apartment).



24" DBH Live Oak - Remove A Grade per Staff Arborist







Subject Property





South Pinebark Lane





Staff Review:

The applicant, Heather Hall of Windy City Construction, LLC, representing the property owner, Gretchen Gintz, is requesting a variance to allow the removal of a 24-inch DBH (Diameter at Breast Height) Grand Live Oak tree to accommodate the construction of a proposed detached accessory structure (a two-story garage apartment) at 1521 S Pinebark Lane (TMS # 353-15-00-012), located in the St. Andrews Area of Charleston County. The subject property and adjacent properties are located within the Low Density Residential (R-4) Zoning District, while some properties to the southeast and northeast fall within the City of Charleston's jurisdiction.

The 24-inch Live Oak tree has been evaluated by the Staff Arborist and classified as a Grade A specimen, which requires approval of a variance by the Board of Zoning Appeals (BZA) for removal. According to the applicant's letter of intent, the tree is located near the existing driveway and is obstructing the placement of the proposed garage structure. Additionally, the applicant notes that the tree's root system is causing damage to the driveway.

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. 9.2.5.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:

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 November 12, 2025. 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 may be extraordinary and exceptional conditions pertaining to the 0.56-acre subject property, as the 24-inch DBH Grand Live Oak tree is located near the center of the proposed building footprint for the detached accessory structure. The presence of this tree limits the buildable area on the lot. The property contains a total of five (5) Grand Trees, and the applicant proposes to preserve four (4) of them. In the letter of intent, the applicant states, "We would need to remove the 24" oak tree to move forward with building a detached garage. The roots of this oak we are proposing to remove, are cracking up the driveway near the tree itself." Given the tree's location and its impact on both the proposed structure and existing site conditions, the request may meet this criterion.

§3.10.6(2): These conditions do not generally apply to other property in the vicinity;

Response:

The conditions described for the subject property may be unique due to the specific location of the 24-inch Grand Live Oak tree, which directly impacts the buildable area and existing driveway. While other properties in the vicinity may also contain Grand Trees, the placement of this particular tree, near the center of the proposed building footprint and adjacent to the driveway, creates a site-specific constraint not commonly found on neighboring lots. The applicant's letter of intent states "This is unique to this property, as the tree only effects the driveway, and we need to remove it for proposed plans." 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 the Ordinance, specifically, Chapter 9 Development Standards, Article 9.2, Tree Protection and Preservation, Section 9.2.5.B Tree Removal to 1521 S Pinebark Lane would prohibit removal of the 24-inch Grand Live Oak Tree, thereby preventing construction of the proposed detached accessory structure. However, the property currently contains a single-family residence with an attached garage, and therefore, the inability to construct a detached garage apartment does not appear to unreasonably restrict the overall utilization of the property. As such, the request may not meet this criterion. The applicant's letter of intent

acknowledges this, stating, "If the oak tree we are proposing to remove does not get approved, we cannot move forward with building a detached garage at the end of the current driveway. It will not restrict the current utilization of the property, other than the roots causing damage to the driveway." While the proposed structure would enhance the functionality of the site, the existing improvements suggest that the property remains reasonably usable without the variance.

§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 the requested variance may not result in substantial detriment to adjacent properties or the public good, provided that the removal of the 24-inch Grand Live Oak tree is mitigated through appropriate measures such as replanting or payment into the County's Tree Fund. The applicant has expressed a willingness to mitigate the removal, stating, "No. We can plant another tree on the property in its place or pay for it. There are other oak trees on the property, as the survey/site plan will show." Given the presence of additional Grand Trees on the property and the applicant's stated intent to mitigate, the character of the Low Density Residential (R-4) Zoning District is not anticipated to be negatively impacted by the granting of this variance. 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 <u>meets</u> 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, as the request is associated with the construction of a new detached accessory structure rather than the preservation or modification of an existing condition. The applicant's letter of intent states, "It would be for a new detached garage at the end of the driveway." Since the proposed development is a voluntary improvement and not necessitated by existing

site constraints beyond the applicant's control, the request <u>may not 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 Charleston

County Comprehensive Plan or the purposes of the Zoning and Land Development Regulations Ordinance (ZLDR), provided that the BZA determines the strict application of the Ordinance results in an unnecessary hardship. Additionally, if the removal of the 24-inch Grand Live Oak tree is mitigated through appropriate measures, such as replanting or payment into the Tree Fund, the intent of the tree protection standards may still be

upheld. 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-10-25-00914 [Variance to allow the removal of a 24-inch DBH Grand Live Oak tree to accommodate the construction of a proposed detached accessory structure (a two-story garage apartment) at 1521 S Pinebark Lane (TMS # 353-15-00-012), located in the St. Andrews 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 24-inch DBH tree by one of the following methods:

- (a) Submitting a mitigation plan for review and approval indicating the installation of canopy trees no smaller than 2.5 inches in caliper, equaling inchfor-inch replacement;
- (b) 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).
 Mitigation shall be completed prior to tree removal.
- 2. Tree barricades constructed of chain link fencing shall be installed around all protected trees within 40 feet of disturbance prior to any construction, pursuant to Sec. 9.2.4 of the ZLDR.
- 3. The applicant shall retain a Certified Arborist to monitor and treat all Grand Trees within 40 feet of disturbance throughout construction. A copy of the Tree Preservation Plan shall be submitted to Zoning Staff for review and approval prior to Zoning Permit issuance.

Staff Recommendation:

Based on the analysis of the seven variance approval criteria outlined in §3.10.6 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), staff finds that the request partially meets the applicable criteria. While the proposed removal of the 24-inch DBH Grand Live Oak tree is associated with the construction of a new detached accessory structure and may be considered the result of the applicant's own actions, the request may still be justified due to the tree's location within the proposed building footprint and its impact on the existing driveway.

The applicant has demonstrated a willingness to mitigate the removal through replanting or contribution to the Charleston County Tree Fund, and the project is not anticipated to result in substantial detriment to adjacent properties or the public good. The character of the Low Density Residential (R-4) Zoning District is expected to remain intact, and the variance does not propose a use inconsistent with the zoning district or Comprehensive Plan.

Therefore, staff recommends that if the Board chooses to approve the variance, it should do so with the conditions outlined above, including mitigation of the removed tree, installation of protective tree barricades, oversight by a Certified Arborist. These conditions are intended to minimize environmental impacts, preserve adjacent Grand Trees, and ensure the project proceeds in a manner consistent with the R-4 Zoning District and the public interest.

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

Property Information					
Subject Property Address: 1521 S. Pinebark Ln, Charleston, SC					
Tax Map Number(s): 353-15-00-012					
Current Use of Property: Residence					
Proposed Use of Property: Residence					
Zoning Variance Description: Removal of Oak Tree					
Applicant Information (Required)					
Applicant Name (please print): Heather Hall					
Name of Company (if applicable): Windy City Construction, LLC					
Mailing Address:					
City:	State:			Zip Code	
Email Address:			Phone #:		
Applicant Signature:				Date: 10.6.25	
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)					
Print Representative Name and Name of Company: Heather Hall, Windy City Construction					
Mailing Address:					
City:	State		Z	ip 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): Gretchen Gintz					
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: Signature:	ature: grait	0025 10-52-26 CDT\	_	Date:10.6.25	
FOR OFFICE USE ONLY:					
Zoning District: Flood Zon	e: AE-11 (484	K) Dat	e Filed:	0 24 25 Fee Paid 250	
Application #: BZA-10-25-00914 TMS #: 353-15-00-012 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.)

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Removal of 24' oak tree near driveway. Oak tree is in way of proposed detached two story garage. The roots are also causing damage to driveway.

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:

We would need to remove the 24" oak tree to move forward with building a detached garage. The roots of this oak we are proposing to remove, are cracking up the driveway near the tree itself.

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

This is unique to this property, as the tree only effects the driveway & we need to remove it for proposed plans.

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:

If the oak tree we are proposing to remove does not get approved, we cannot move forward with building a detached garage at the end of the current driveway. It will not restrict the current utilization of the property, other than the roots causing damage to the driveway.



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. We can plant another tree on the propetry in its place or pay for it. There are other oak trees on the property, as the survey/site plan will show.

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?

This will not change the nonconforming use of land or the zoning boundaries of the land, as site plan will show. We meet the criteria for approval process.

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

It would be for a new detached garage at the end of the driveway.

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

No, the only thing we need is a 24" oak tree removed out of the way for proposed drawings of detached garage. If the tree is not removed, we cannot build the garage as it blocks the area.

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.

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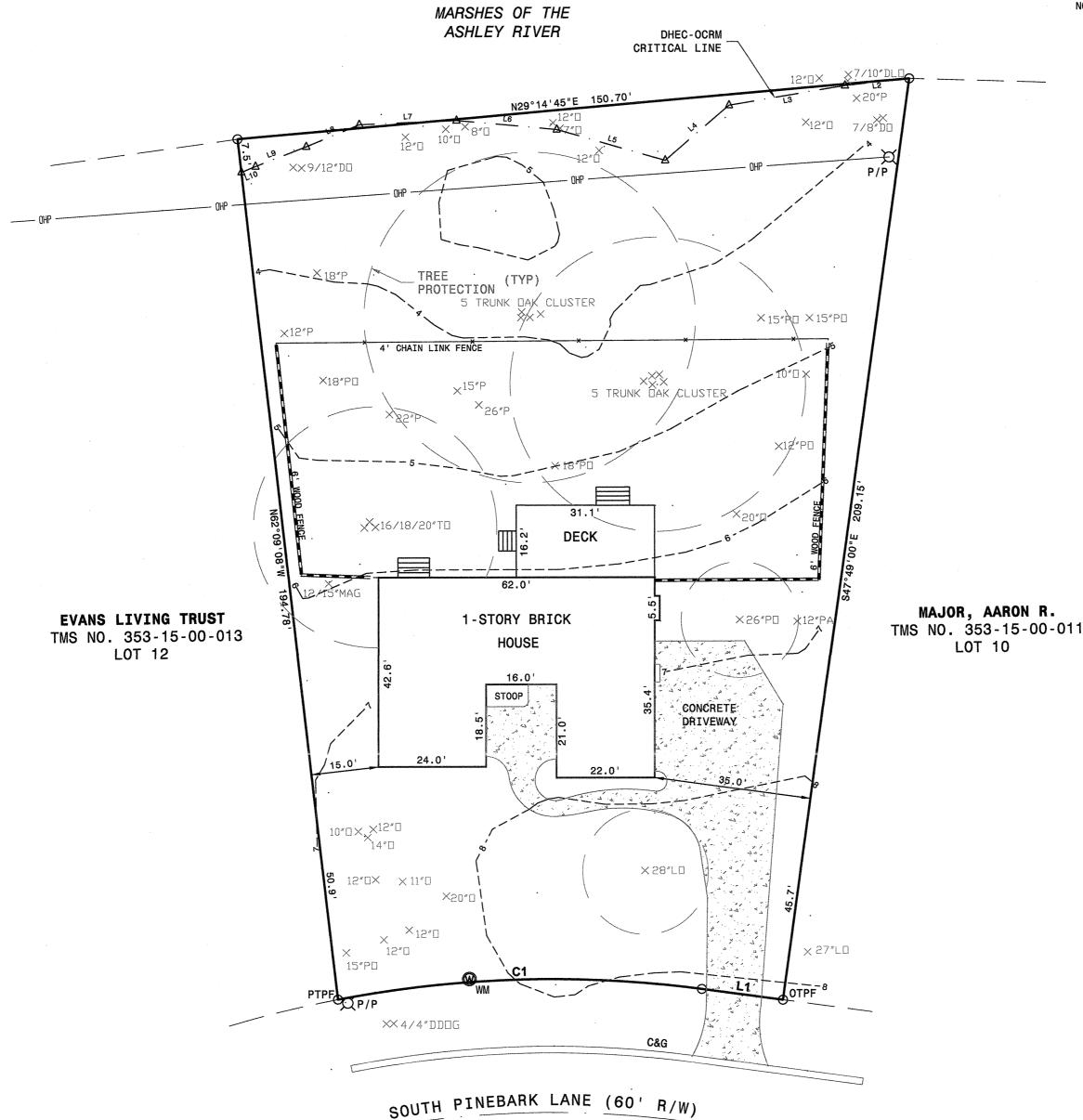
THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT (SCDHEC-OCRM) PERMIT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF SCDHEC-OCRM IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT

CAL AREA ON THE SUBJECT PROPERTY WHETHER SHOWN OR NOT.

THE CRITICAL LINE SHOWN ON THIS PLAT IS VALID FOR FIVE YEARS FROM THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTIONARY LANGUAGE ABOVE.



LOCATION MAP NOT TO SCALE



LEGEND

- WM-WATER METER
- 5/8" REBAR FOUND
- POWER POLE C&G CURB & GUTTER

TREE LEGEND

- X TREE SYMBOL
- OAK TREE
- LO LIVE OAK TREE PA PALM
- PO PIN OAK
- P PINE
- MAG MAGNOLIA
- DW DOGWOOD D DOUBLE
- T TRIPLE

TREE PROTECTION

LINE TABLE

LINE	BEARING	DISTANCE
L1	S42°05'00"W	18.22'
L2	N27°57'14"E	14.44'
L3	N24°40'44"E	26.10'
L4	N06°30'51"W	18.90'
L5	N50°23'03"E	25.26'
L6	N39°33'11"E	22.72'
L7	N31°59'44"E	21.69'
L8	N11°38'18"E	12.76'
L9	N12°54'12"E	15.61'
L10	N12°54'12"E	15.61'
L11	N12°54'12"E	3.50'

CURVE TABLE

CHORD LENGTH CHORD BEARING DELTA ANGLE CURVE RADIUS ARC LENGTH S32°48'38"W 252.85' 81.87'

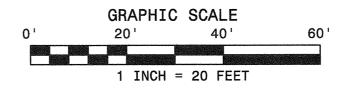
NOTES & REFERENCES:

- 1. PROPERTY IS LOCATED IN FLOOD ZONE AE 11 ACCORDING TO F.E.M.A. F.I.R.M. MAP PANEL 45019C 0484 K, DATED 01-29-2021.
- 2. THIS PARCEL CONTAIN 0.57 ACRES, OR 24,688.86 SQ. FT.
- 3. BOUNDARY LINES DEPICTED ARE BASED ON LINES OF OCCUPATION OF LONG DURATION AND FOUND MONUMENTS.
- 4. THIS SURVEY DOES NOT REFLECT A TITLE SEARCH, AND IS BASED ENTIRELY ON THE REFERENCED DOCUMENTS(S). ANY EASEMENT OR ENCUMBRANCES OF RECORD NOT SHOWN ON THE REFERENCE PLAT MAY NOT BE SHOWN ON THIS SURVEY.
- 5. ALL SC STATE PLANE COORDINATES ARE BASED ON NAD 1983 HORIZONTAL DATUM.
- 6. VERTICAL ELEVATIONS, IF ANY, ARE BASED ON 1988 NAVD DATUM.
- 7. THE AREA IS DETERMINED BY THE COORDINATE METHOD.
- 8. THIS PROPERTY IS OWNED BY GINTZ GRETCHEN.
- 9. REFERENCE: PLAT BOOK 'U' PAGE 140.

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'A' SURVEY AS SPECIFIED HEREIN.

HAROLD NIELSON, PE & PLS S.C.NO. 7023





BOUNDARY, TOPOGRAPHIC & TREE SURVEY LOT 11, BLOCK C TMS # 353-15-00-012, 0.57 ACRES

MAJOR, AARON R.

LOT 10

1521 SOUTH PINEBARK LANE NORTH PINEPOINT

CHARLESTON COUNTY, SOUTH CAROLINA

DATE: 28 APRIL 2022

HAROLD B. NIELSON, JR., PE & PLS

PROFESSIONAL ENGINEERS AND LAND SURVEYORS 2724 MAGNOLIA WOODS DRIVE MT. PLEASANT, SC 29464 PHONE (843) 276-1379

