



Case # BZA-10-25-00915
Charleston County BZA Meeting of December 1, 2025

Applicant:

Bryan Heatherly of HH Action LLC

Grand Tree Location:

Richardson Road Right-of-Way – James Island
Near TMS # 330-12-00-067

Request:

Variance request to allow the removal of a 40-inch DBH Grand Sand Live Oak Tree located within the Richardson Road Right-of-Way to facilitate the subdivision of TMS # 330-12-00-068 into two (2) lots.

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.”*



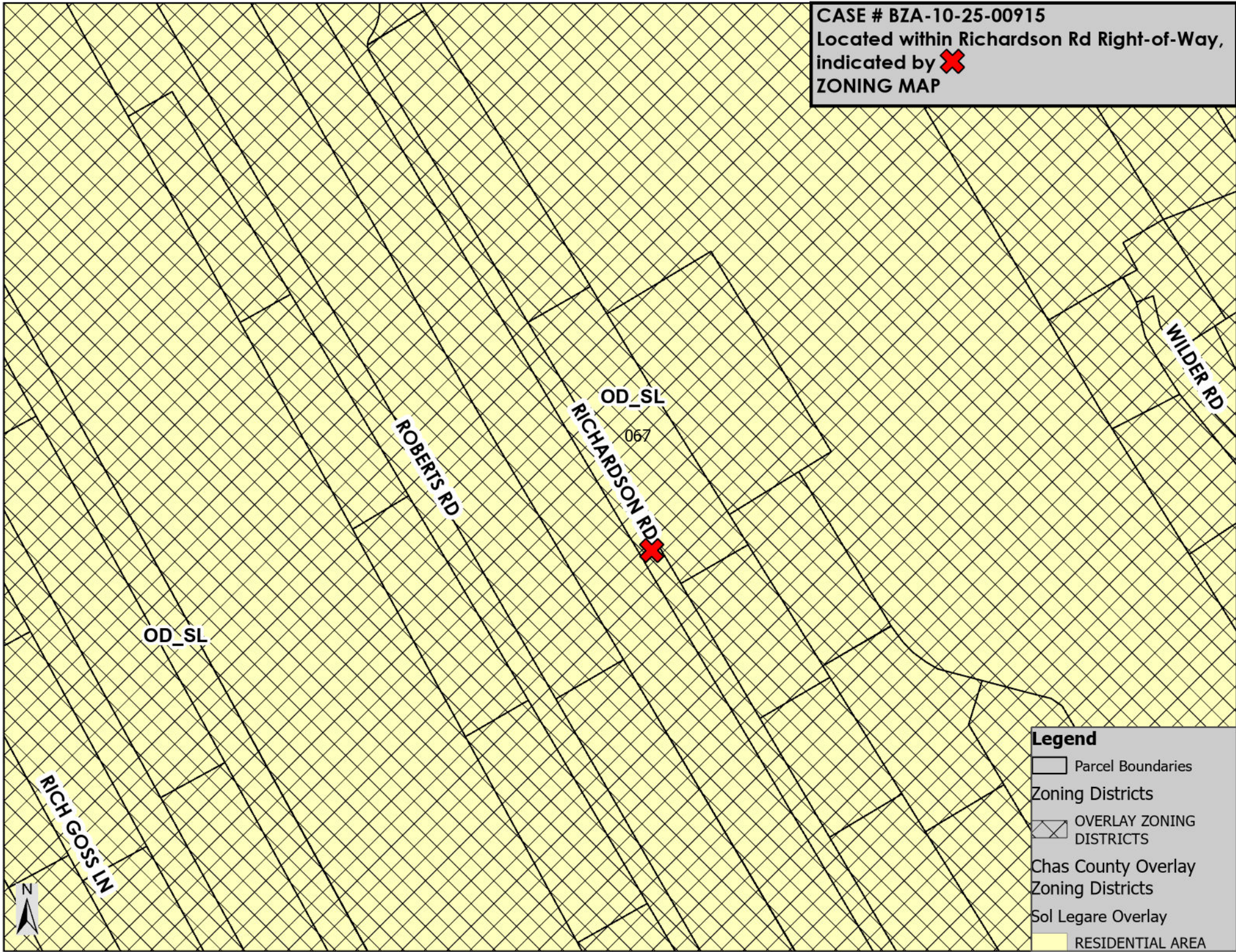
CHAPTER 9 | DEVELOPMENT STANDARDS

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.
- B. Grand Trees and Protected Trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Zoning and Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such Trees.
- C. In the event that a Tree poses a serious and imminent threat to public safety due to death, disease, or damage resulting from emergencies including, but not limited to, fires, flooding, storms, and natural disasters, the Zoning and Planning Director may waive requirements of this Article. Documentation shall later be submitted for review outlining the threat to public safety which initiated the removal. Documentation must include any written findings by a qualified professional and photographs supporting the Tree Removal emergency.
- D. The Zoning and Planning Director may require replacement of Required Trees that are removed where it is determined that death or disease resulted from negligence.
- E. Violations and penalties are specified in [CHAPTER 11, Violations, Penalties, and Enforcement](#), of this Ordinance.

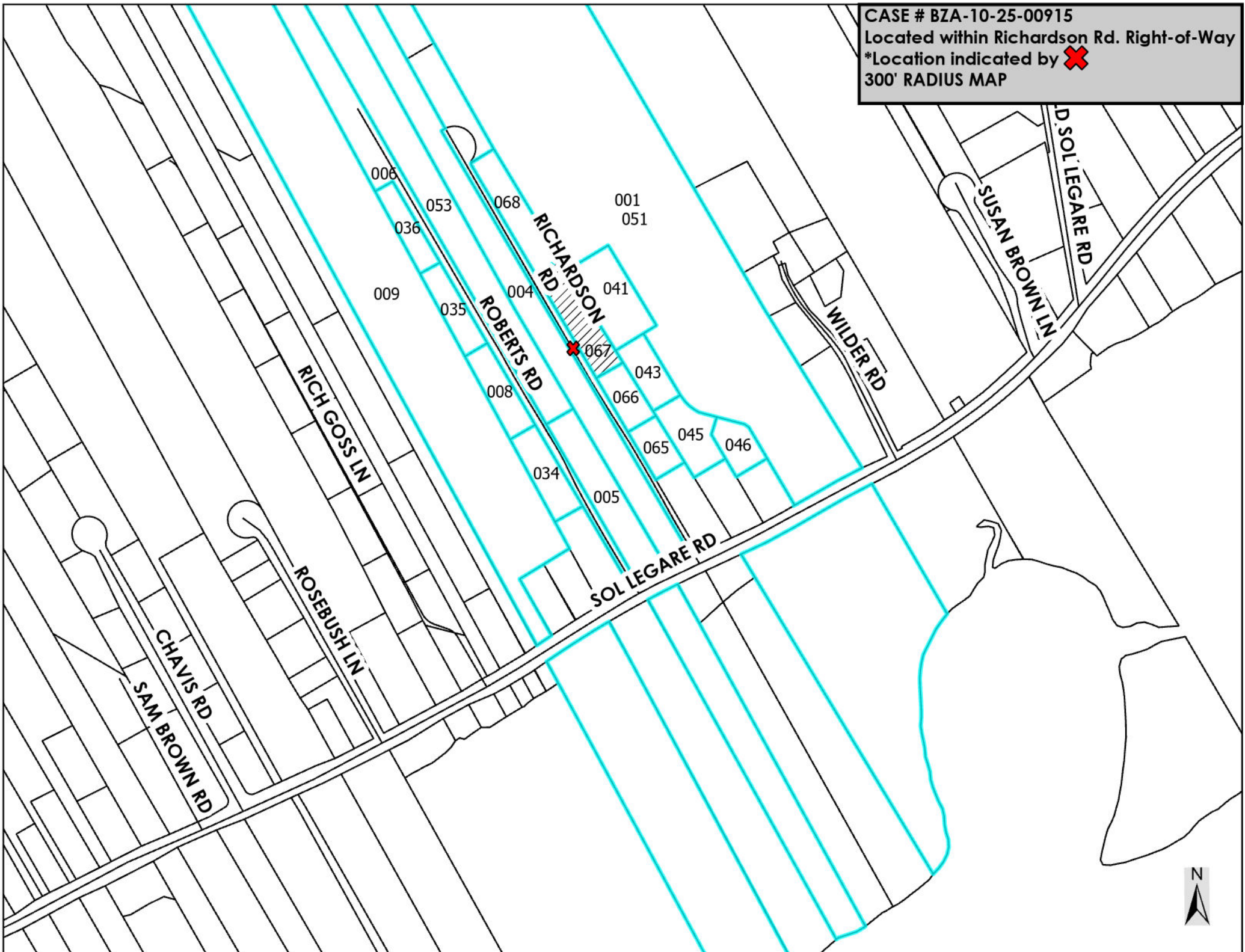
CASE # BZA-10-25-00915
Located within Richardson Rd Right-of-Way,
indicated by 
ZONING MAP



Legend

-  Parcel Boundaries
- Zoning Districts**
-  OVERLAY ZONING DISTRICTS
- Chas County Overlay Zoning Districts
- Sol Legare Overlay
-  RESIDENTIAL AREA

CASE # BZA-10-25-00915
Located within Richardson Rd. Right-of-Way
*Location indicated by 
300' RADIUS MAP

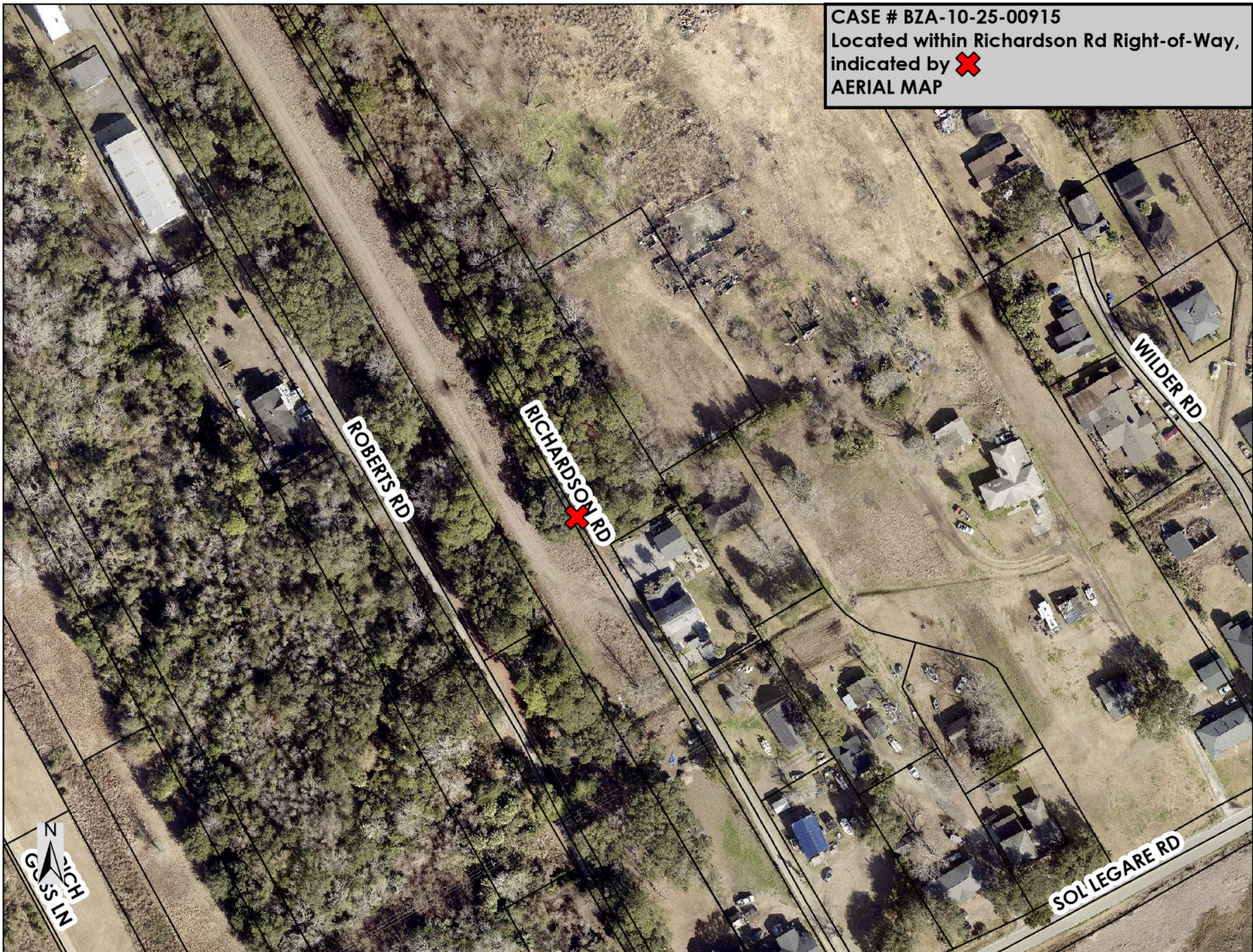


CASE # BZA-10-25-00915

Located within Richardson Rd Right-of-Way,
indicated by 
AERIAL MAP

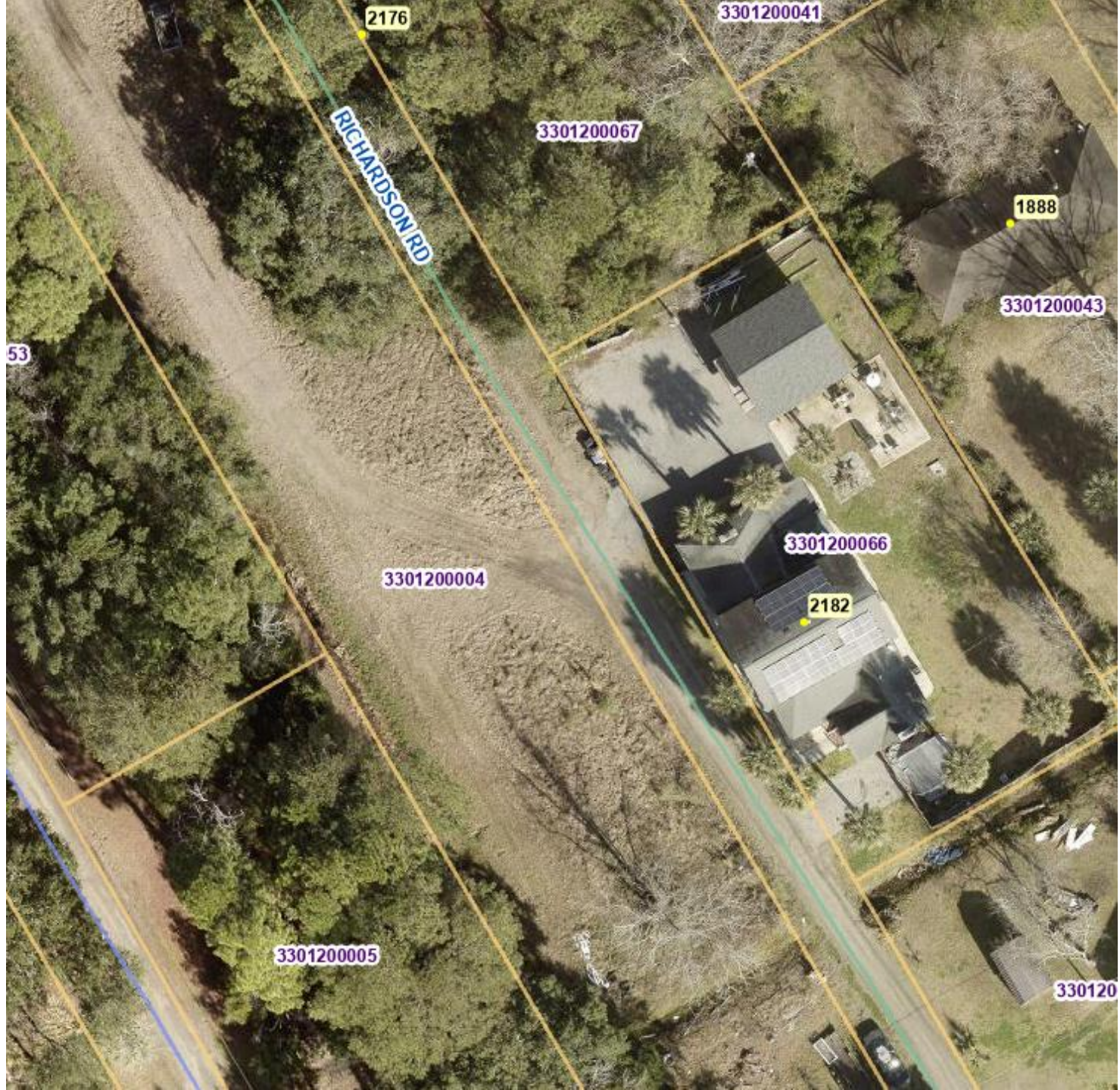


CASE # BZA-10-25-00915
Located within Richardson Rd Right-of-Way,
indicated by 
AERIAL MAP



Blue =
Drainage
Easements





2176

3301200041

RICHARDSON RD

3301200067

1888

3301200043

53

3301200004

3301200066

2182

3301200005

330120



Case # BZA-10-25-00915

BZA Meeting of December 1, 2025

Subject Property: Richardson Road Right-of-Way – James Island

Proposal: Variance request to allow the removal of a 40-inch DBH Grand Sand Live Oak Tree located within the Richardson Road Right-of-Way for a proposed two (2) lot subdivision.



40" DBH Sand Live Oak - Remove B Grade per Staff Arborist



Staff Review:

The applicant, Bryan Heatherly of HH Action LLC, is requesting a Variance to allow the removal of a 40-inch DBH (Diameter at Breast Height) Grand Sand Live Oak Tree located within the Richardson Road public right-of-way. The request is associated with the proposed subdivision of TMS # 330-12-00-068 into two (2) residential lots.

Richardson Road is a County non-standard road with a 20-foot-wide right-of-way, accessed from Sol Legare Road on James Island. The existing 8-foot-wide dirt travel way terminates at the northern boundary of TMS # 330-12-00-066. The Grand Tree is located just beyond this point, within the right-of-way near TMS # 330-12-00-067. The Staff Arborist has evaluated the tree and classified it as a Grade B specimen. In accordance with the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), removal of a Grade B Grand Tree requires approval of a variance by the BZA.

The applicant is currently undergoing the subdivision process (SBDV-06-25-03119) for TMS # 330-12-00-068 (Lot B-5), which is 0.60 acre in size. The proposal involves subdividing the parcel into two (2) 0.30-acre lots, identified as Lots B-5-A and B-5-B on the proposed plat. The applicant proposes construction of a 10-foot-wide gravel travel way through the Richardson Road right-of-way to provide access to these lots, as well as to the adjacent TMS # 330-12-00-069 (Lot B-6). International Fire Code (IFC) requires a minimum unobstructed 20-foot access road width.

The applicant's letter of intent explains, *"We are formally requesting the removal of the grand tree located within the Charleston County Public Right-of-Way. The presence of this tree significantly impedes the property owner's right to access and develop their property."*

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: Extraordinary and exceptional conditions have not been demonstrated. The property the applicant would like to subdivide (TMS # 330-12-00-068) is located along Richardson Road, a County non-standard 20-foot-wide right-of-way. The 40-inch Grand Sand Live Oak is situated within the right-of-way, just beyond the point where the existing 8-foot-wide dirt travel way terminates. While the applicant contends that the tree impedes access to the property, no evidence has been provided to demonstrate that the site is otherwise inaccessible or that alternative access options, such as easements or design modifications, have been fully evaluated. Additionally, the substandard nature of Richardson Road is a condition shared by other properties in the area. Therefore, the request may not meet this criterion.

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

Response: The presence of Grand Trees, including Sand Live Oaks, is common throughout James Island and the surrounding area. Many properties in the vicinity are similarly constrained by protected trees and have been developed in a manner that preserves these natural features. Therefore, the conditions cited by the applicant are not unique and are generally applicable to other properties in the vicinity. Thus, the request may not 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, Article 9.2 Tree Protection and Preservation, would prohibit the removal of the 40-inch Grand Sand Live Oak. This restriction, in turn, prevents the proposed subdivision of TMS # 330-12-00-068. According to the applicant's letter of intent, *"Without the removal of the tree, the properties beyond the tree on Richardson Road will not have access necessary to comply with the International Fire Code."* While the applicant seeks to subdivide the parcel into two lots, the restriction does not appear to unreasonably limit the overall utilization of the property. Alternative access options, such as establishing a private easement through adjacent parcels TMS # 330-12-00-067 or TMS # 330-12-00-004, may be viable and warrant further exploration. Therefore, the request may not meet this criterion.

§3.10.6(4): *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;*

Response: Staff has received community opposition to the removal of the Grand Tree. The tree contributes to the character of the area and its removal may be viewed as detrimental to the public good. Additionally, Charleston County has no plans to improve Richardson Road, and the removal of the tree would not result in broader infrastructure upgrades. Therefore, staff finds that granting the variance may be inconsistent with the public interest and the character of the zoning district. Thus, the request may not meet this criterion.

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

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

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

Response: The need for the variance appears to be the result of the applicant's decision to pursue subdivision of the property. Therefore, the request may not meet this criterion.

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

Response: The Charleston County Comprehensive Plan emphasizes the protection of natural resources, including significant trees, as a means of preserving community character, promoting environmental sustainability, and enhancing overall quality of life. The Zoning and Land Development Regulations Ordinance (ZLDR) similarly prioritizes the preservation of Grand Trees due to their ecological, aesthetic, and cultural value. Sand Live Oaks are native to coastal regions and are considered ecologically significant due to their resilience, wildlife habitat value, and contribution to the coastal tree canopy. Therefore, the request may not 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-10-25-00915 [Variance to allow the removal of a 40-inch DBH Grand Sand Live Oak Tree located within the Richardson Road Right-of-Way to facilitate the subdivision of TMS # 330-12-00-068 into two (2) lots. The Grand Tree is situated within the Charleston County public right-of-way (Richardson Road) near TMS # 330-12-00-067, 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.

In the event the BZA decides to approve the application, Staff recommends the following conditions:

- 1. The applicant shall mitigate the removal of the 40-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 inch-for-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 review of the seven variance approval criteria outlined in §3.10.6 of the ZLDR, staff finds that the request does not appear to meet the majority of the required criteria for variance approval. While the applicant has identified access concerns related to the location of the Grand Tree, the information provided does not demonstrate that removal is the only feasible solution or that reasonable use of the property is otherwise prohibited.

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

Property Information			
Subject Property Address: Richardson Road			
Tax Map Number(s): 330-12-00-069, 330-12-00-068			
Current Use of Property: Residential vacant land			
Proposed Use of Property: Residential Home COnstruction			
Zoning Variance Description:			
Applicant Information (Required)			
Applicant Name (please print): Bryan Heatherly			
Name of Company (if applicable): HH Action LLC			
Mailing Address: [REDACTED]			
City: [REDACTED]	State: [REDACTED]	Zip Code: [REDACTED]	
Email Address: [REDACTED]		Phone #: [REDACTED]	
Applicant Signature: <i>Bryan Heatherly</i>			Date:
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company:			
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): Wesley Linker			
Name of Company (if applicable, LLC etc.): Charleston County Public Works			
Property Owner(s) Mailing Address: 4045 Bridge View Drive			
City: N. Charleston	State: SC	Zip Code: 29405	Phone #: 202-7626
Property Owner(s) Email Address: wlinker@charlestoncounty.org			
Property Owner(s) Signature: <i>W.D.Z.</i>			Date: 10-27-2025
FOR OFFICE USE ONLY:			
Zoning District: OD-SC	Flood Zone: AE-1 (686K)	Date Filed: 10/27/25	Fee Paid: \$250 CC
Application #: BZA-10-25-00915	TMS #: Richardson Rd RdW	Staff Initials: <i>jjw</i>	

Description of Request

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

We are formally requesting the removal of the grand tree located within the Charleston County Public Right-of-Way. The presence of this tree significantly impedes the property owner's right to access and develop their property.

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

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

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

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

The tree that resides in the right-of-way violates the International Fire Code(IFC). The violation of this code prevents the property owners on Richardson Road from accessing their property and prevents future development opportunities.

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. Without the removal of the tree, the properties beyond the tree on Richardson Road will not have access necessary to comply with the International Fire Code

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 removal of the tree only stands to grant the property owners on Richardson Rd access to their property and be in compliance with the International Fire Code.

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

Yes

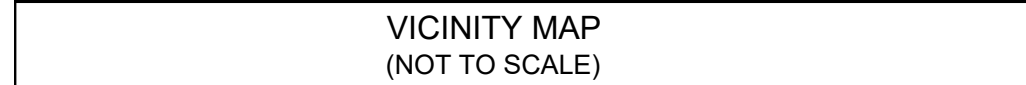
6. Is the need for the variance the result of your own actions? Explain:

No

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

No

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.



SOUTHEASTERN
LAND SURVEYING LLC
1035-B JENKINS ROAD
CHARLESTON SC 29407
(843) 795-9330

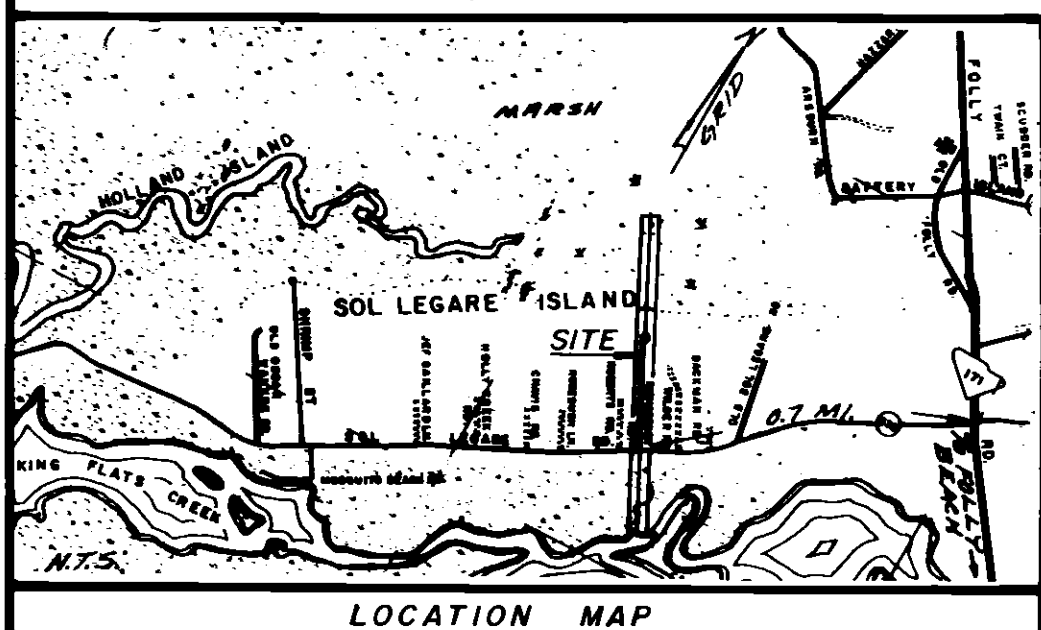
DATE:	MAY 13, 2025
DRAWN:	J. KEATING
CHECK:	P. BRYAN
CC:	L. CRAIG
JOB:	25086
DWG:	25086 RICHARDSON
SHEET:	1 OF 1

We hereby dedicate the 20' road right-of-way to the use of the Public forever. The owners of these lots and their heirs and assigns guarantee its maintenance.

John Richardson (administrator)
Essie Leff

TOWN OF JAMES ISLAND
 APPROVED FINAL PLAT

APP. 68 RP TMS
John M. Leff
 MAYOR, TOWN OF JAMES ISLAND
W. Leff
 DIRECTOR OF PLANNING
 4/19/95
 DATE



LEGEND

- 5/8" Iron Rod New
 - 1/2" Iron Rod Old
 - ✱ Marsh
- SCCCL South Carolina Coastal Critical Line

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	94°19'48"	15.00'	24.70'	16.18'	22.00'	N 15°50'08"E
C 2	85°40'12"	15.00'	22.43'	13.91'	20.40'	N 74°09'54"W
C 3	67°22'48"	15.00'	17.64'	10.00'	16.64'	N 02°21'38"E
C 4	145°50'34"	50.00'	127.27'	162.74'	95.59'	N 36°52'17"W

PLAT
 TO SUBDIVIDE 10.17 ACRES
**JAMES RICHARDSON ESTATE (Tract B) &
 ROSE RICHARDSON LEFF (Tract A)**

LOCATED
**TOWN OF JAMES ISLAND
 CHARLESTON COUNTY, SOUTH CAROLINA**

DATE: AUGUST 22, 1994

SCALE 1" = 60'

REV.: NOVEMBER 16, 1994

0 60 120

Lots B-4 and B-5 are not to be used as building lots
 until sewer is provided.

CATHERINE R. SINGLETON

HARRISON WILDER

RESIDUAL SKETCH

N.T.S.

LINE	BEARING	DISTANCE
L 1	N 63°00'00"E	58.48'
L 2	N 58°40'12"E	10.00'
L 3	S 58°53'27"W	78.53'
L 4	S 63°00'00"W	77.08'
L 5	N 58°40'12"E	87.40'
L 6	N 58°21'58"E	85.28'
L 7	N 58°40'24"E	82.89'
L 8	N 58°40'12"E	78.30'
L 9	N 58°40'12"W	73.41'
L 10	S 58°40'12"W	10.00'
L 11	N 58°53'31"E	78.53'
L 12	N 63°00'00"E	50.14'
L 13	N 63°00'00"E	84.88'
L 14	N 63°00'00"E	101.71'
L 15	S 32°08'54"E	76.07'
L 16	S 58°44'28"W	102.57'
L 17	S 58°44'28"W	45.06'
L 18	N 31°06'34"W	96.46'
L 19	S 31°19'48"E	87.19'
L 20	N 31°06'34"W	50.13'
L 21	N 32°08'54"W	50.20'

The area shown on this plat is a general representation of DHEC-OCNM permit authority on the subject property. Critical areas, by their nature, are dynamic and subject to change over time. By generally delineating the permit authority of the DHEC-OCNM, the office of OCNM in no way waives the right to assert permit jurisdiction at any time in any critical area on the subject property, whether shown hereon or not.

Fred [Signature] 11-22-94
 signature date

The critical line shown on this plat is valid for three years from date of this signature, subject to customary language above.

NOTES:

- Reference Tax Map Numbers 330-12-11-002 & 004
- Reference Plat by J.O. HEAR SANDERS, JR. Dated October 1960 Showing Division of the Lands of Toby Richardson Estate on Sol Legare Island
- Reference Plat by James L. White, Dated May 27, 1978 Showing a 40' Drainage Easement on Lands of Wilder, Smalls, Singleton, Richardson, Davis and Bachman. (Reference Plat Book T122 page 357)
- Reference Deeds W128-054 & G125-222
- Survey Requested by John Richardson
- Reference Plat Book AT, page 7.
Plat Book B2, page 73.

I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein.

James G. Pennington, R.L.S. No. 10298
 Sample Surveying Co., Inc., P.O. Box 31817
 Charleston, S.C. 29417 571-5191

SAMPLE SURVEYING CO., INC.

Fax No. (803) 571-7447

1711-C SAVANNAH HIGHWAY
 P.O. BOX 31817
 CHARLESTON, SC 29417
 PHONE (803) 571-5191

