



Case # BZA-10-25-00916
Charleston County BZA Meeting of December 1, 2025

Applicant:

Roger Hunt of Stanley Martin Homes

Representative:

Andrew Todd-Burke of Kimley-Horn

Project Location:

Von Ohsen Road Right-of-Way – North Area (on TMS # 388-00-00-160 and near TMS # 388-00-00-078, -081, -082, -083, -086, -093, -112, -117, -162, -180, and -580)

Request:

Variance request to allow the removal of fifteen (15) Grand Trees located within the Von Ohsen Road Right-of-Way for a proposed roadway widening project, including the undergrounding of existing overhead power lines and the construction of curb and gutter.

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.”*



CHAPTER 9 | DEVELOPMENT STANDARDS

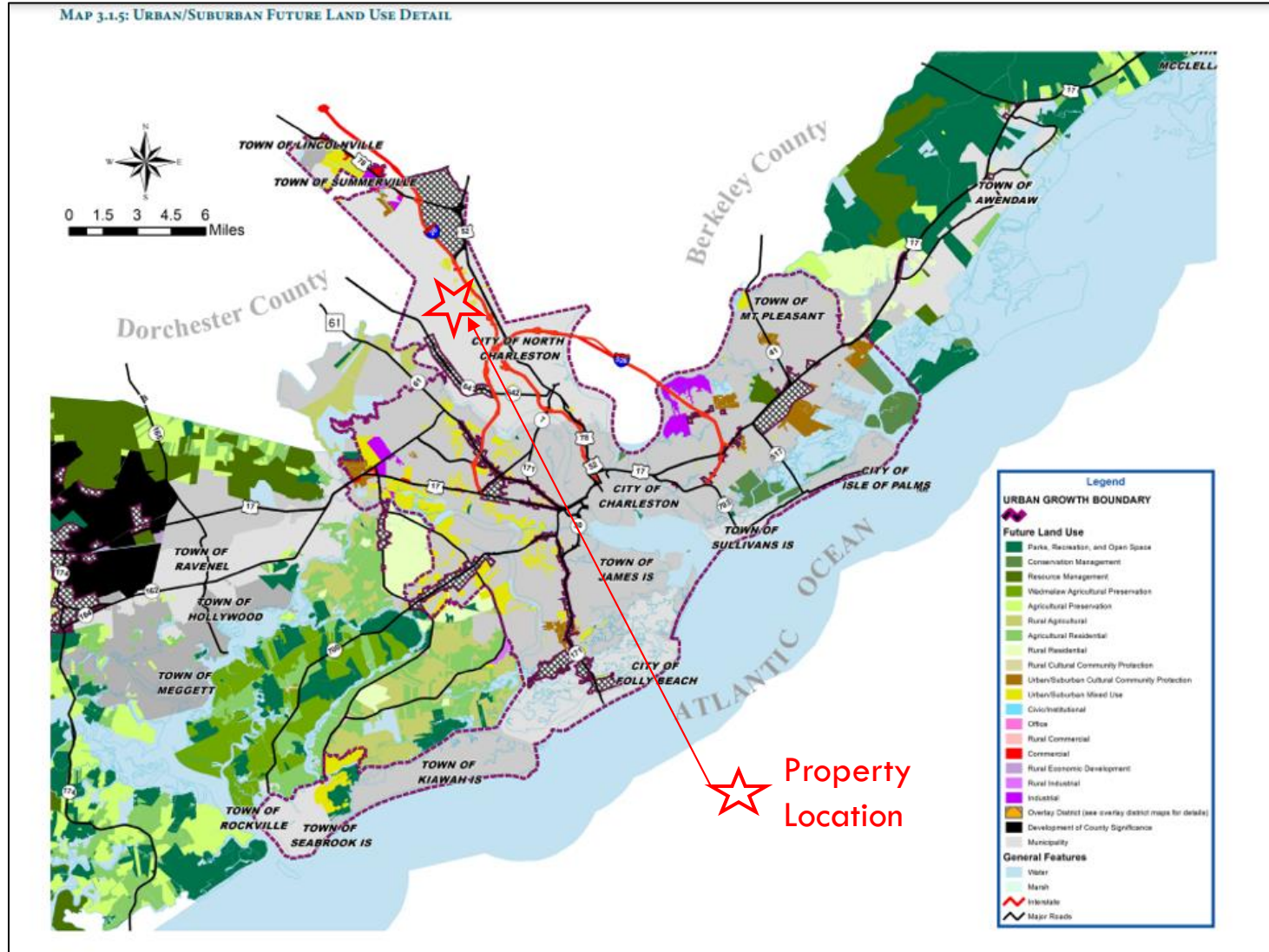
ARTICLE 9.2 TREE PROTECTION AND PRESERVATION

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.

Location Map

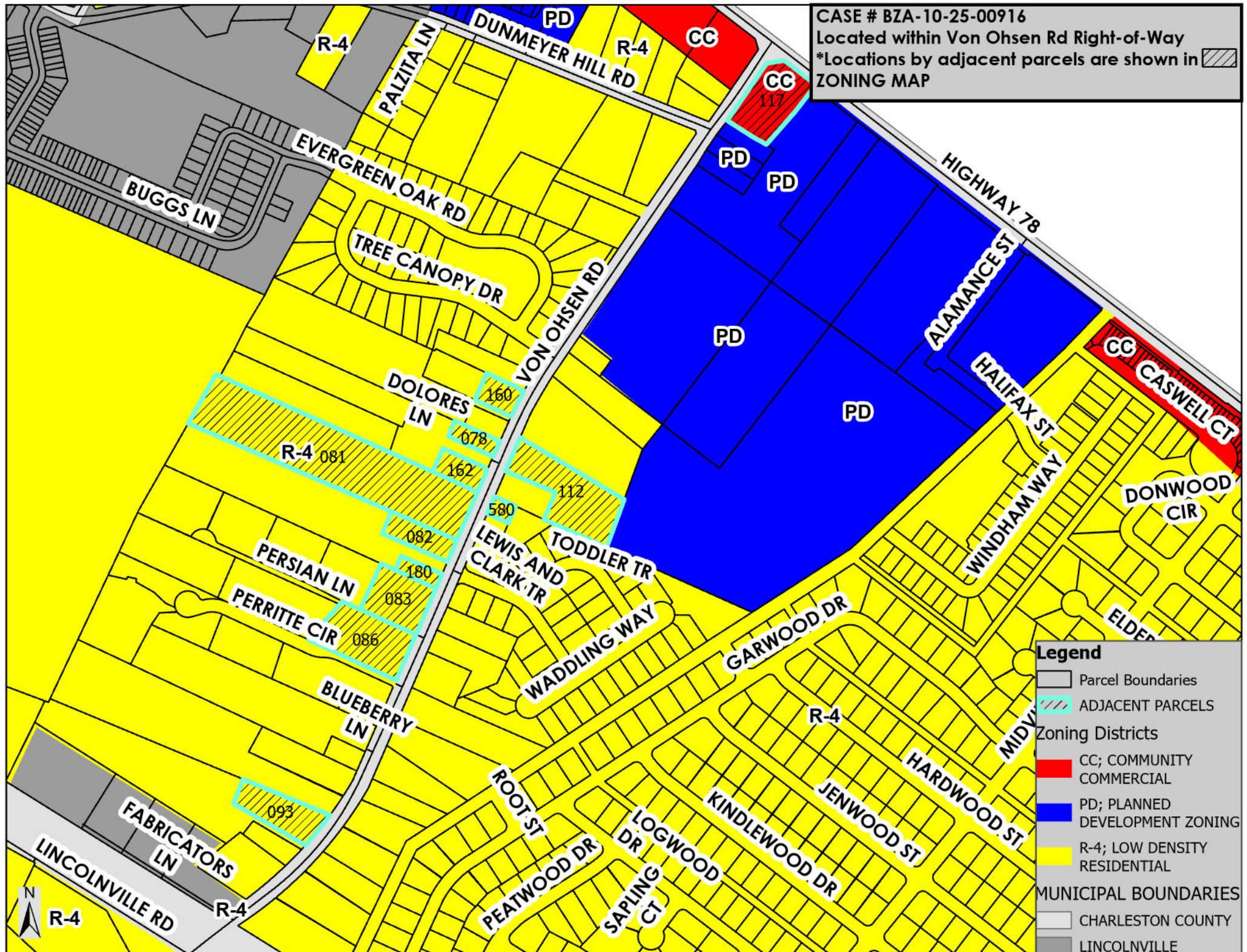
Von Ohsen Road Right-of-Way – North Area



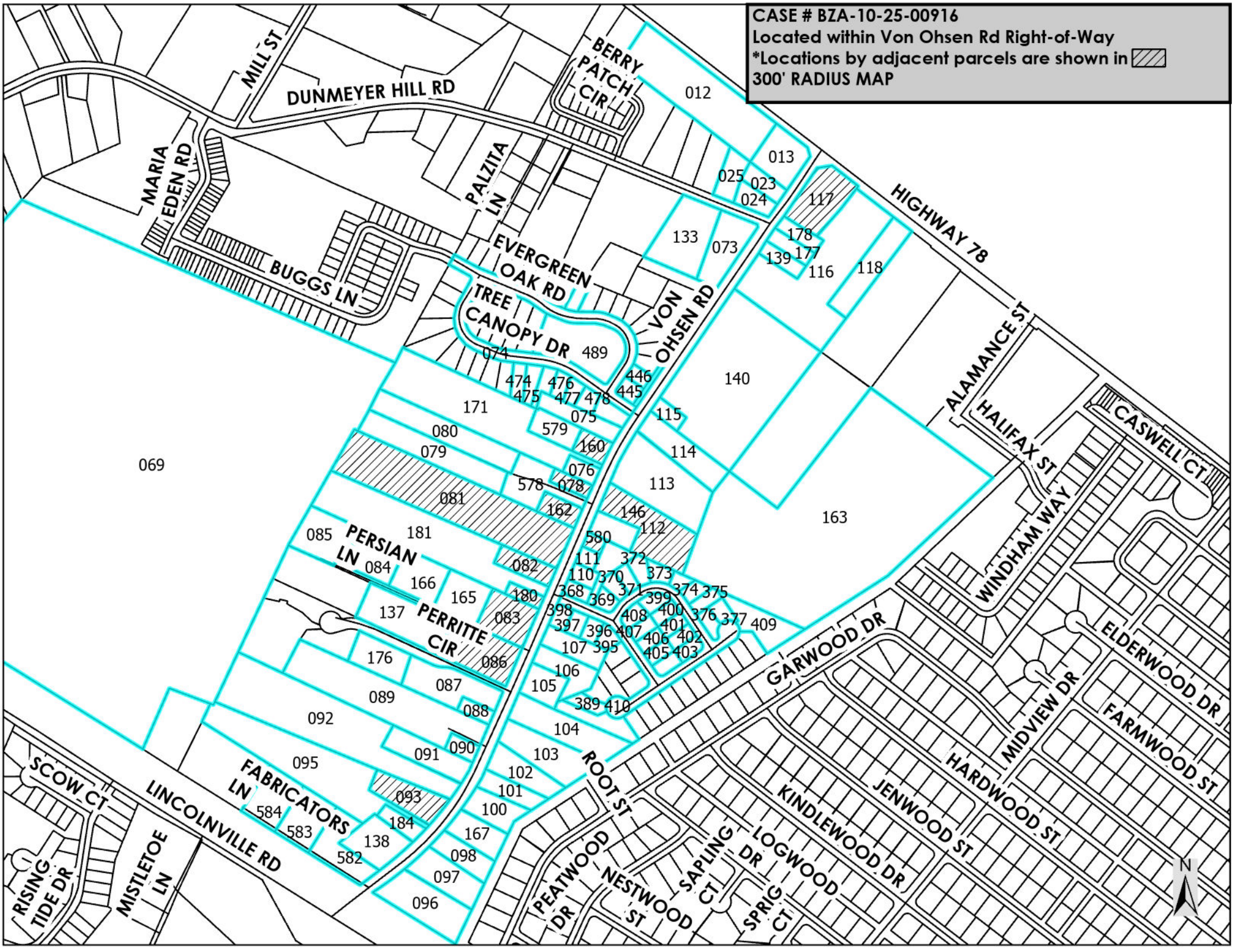
CASE # BZA-10-25-00916

Located within Von Ohsen Rd Right-of-Way

*Locations by adjacent parcels are shown in  ZONING MAP



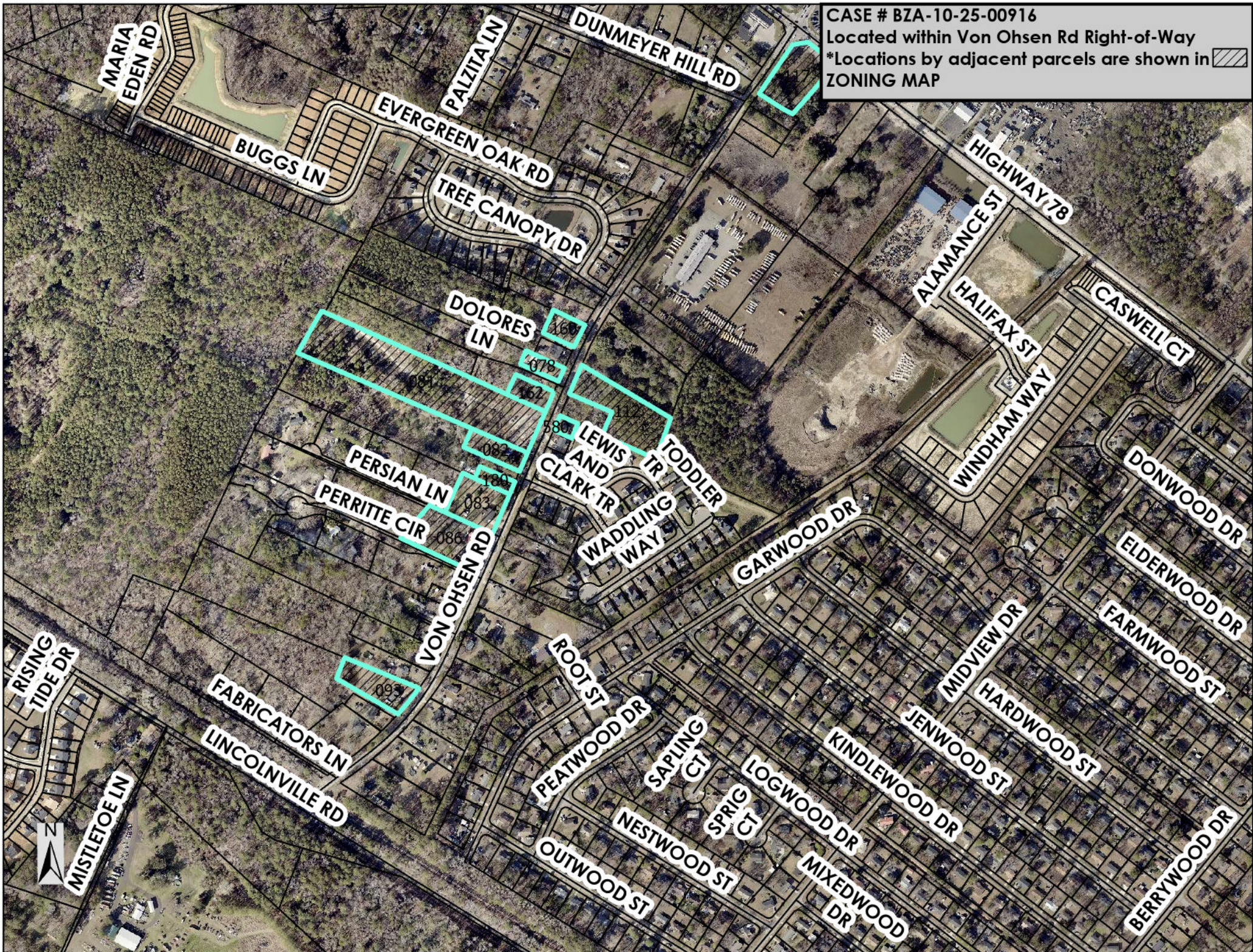
CASE # BZA-10-25-00916
Located within Von Ohsen Rd Right-of-Way
*Locations by adjacent parcels are shown in  300' RADIUS MAP



CASE # BZA-10-25-00916

Located within Von Ohsen Rd Right-of-Way

*Locations by adjacent parcels are shown in  ZONING MAP



Case # BZA-10-25-00916

BZA Meeting of December 1, 2025

Subject Property: Von Ohsen Road Right-of-Way – North Area

Proposal: Variance request to remove fifteen (15) Grand Trees within the Von Ohsen Road Right-of-Way for a proposed roadway widening project.



25.5" DBH Live Oak Tree

Remove, Grade B

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#4 – “B” 25.5” LIVE OAK

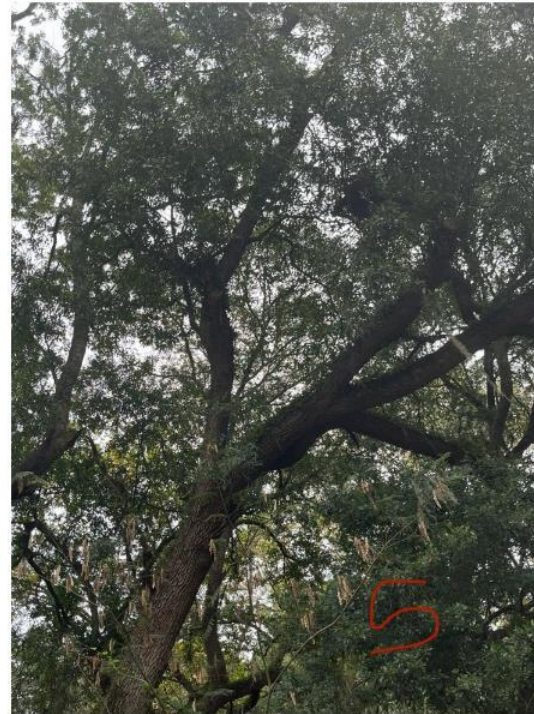
REQUESTING BZA APPROVAL FOR REMOVAL (1)

36" DBH Live Oak Tree

Remove, Grade B

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#5 – “B” 36” LIVE OAK

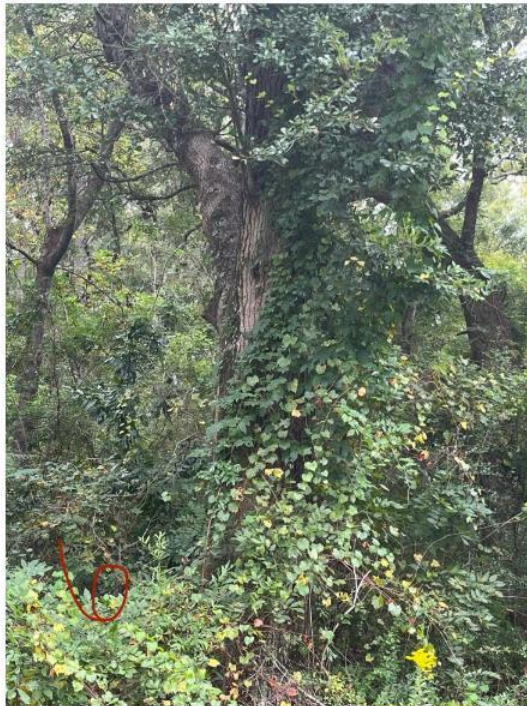
REQUESTING BZA APPROVAL FOR REMOVAL (2)

28" DBH Water Oak Tree

Remove, Grade B

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#6 – “B” 28” WATER OAK

REQUESTING BZA APPROVAL FOR REMOVAL (3)

32" DBH Live Oak Tree

Remove, Grade B

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#7 – “B” 32” LIVE OAK

REQUESTING BZA APPROVAL FOR REMOVAL (4)

37" DBH Live Oak Tree

Remove, Grade B

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#12 – “B” 37” LIVE OAK

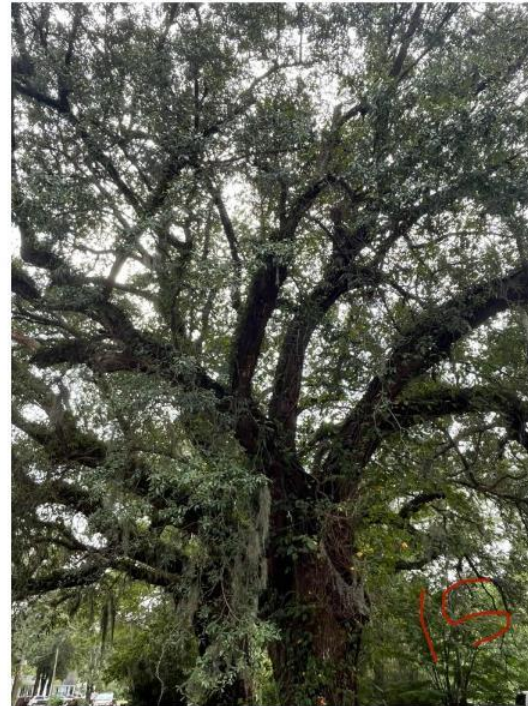
REQUESTING BZA APPROVAL FOR REMOVAL (5)

44" DBH Live Oak Tree

Remove, Grade B

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#15 – “B” 44” LIVE OAK

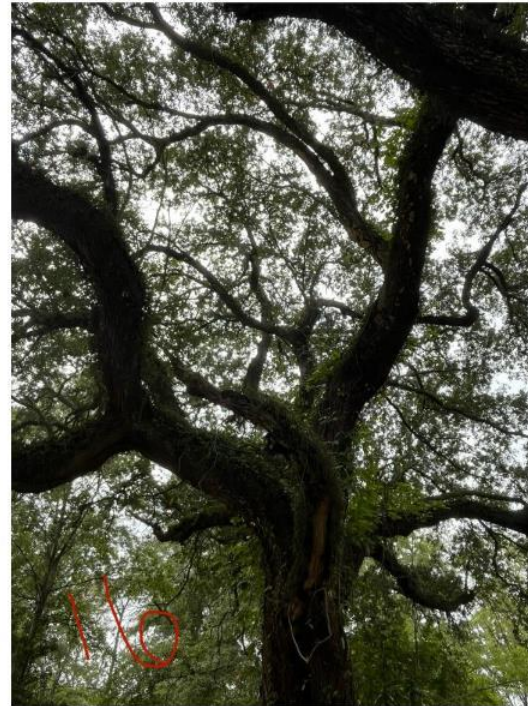
REQUESTING BZA APPROVAL FOR REMOVAL (6)

42" DBH Live Oak Tree

Remove, Grade B

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#16 – “B” 42” LIVE OAK

REQUESTING BZA APPROVAL FOR REMOVAL (7)

15/20/22/25" DBH Live Oak Tree

Remove, Grade C

TREE PHOTO INVENTORY
Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



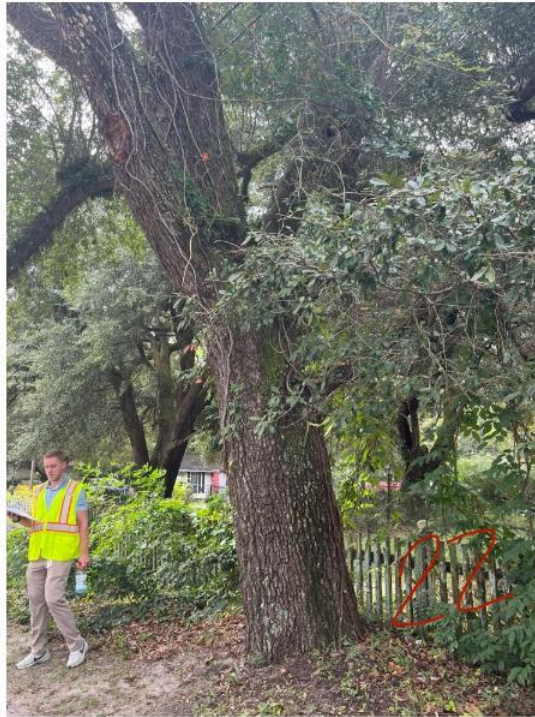
#21 – “C” 15/20/22/25” LIVE OAK
REQUESTING BZA APPROVAL FOR REMOVAL (8)

32" DBH Live Oak Tree

Remove, Grade B

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#22 – “B” 32” LIVE OAK

REQUESTING BZA APPROVAL FOR REMOVAL (9)

12/19/21" DBH Live Oak Tree

Remove, Grade B

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#25 – “B” 12/19/21” LIVE OAK

REQUESTING BZA APPROVAL FOR REMOVAL (10)

25" DBH Live Oak Tree

Remove, Grade C+

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#31 – “C+” 25” LIVE OAK

REQUESTING BZA APPROVAL FOR REMOVAL (11)

28" DBH Live Oak Tree

Remove, Grade C+

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#37 – “C+” 28” Live Oak

REQUESTING BZA APPROVAL FOR REMOVAL (12)

26" DBH Live Oak Tree

Remove, Grade B

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#56 – “B” 26” LIVE OAK

REQUESTING BZA APPROVAL FOR REMOVAL (13)

31" DBH Live Oak Tree

Remove, Grade B

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#57 – “B” 31” LIVE OAK

REQUESTING BZA APPROVAL FOR REMOVAL (14)

33" DBH Live Oak Tree

Remove, Grade B

TREE PHOTO INVENTORY

Dunmeyer Offsite Roadway Improvements Along S-169 (Von Ohsen Road)



#58 – “B” 33” LIVE OAK

REQUESTING BZA APPROVAL FOR REMOVAL (15)

Von Ohsen Road



Staff Review:

The applicant, Roger Hunt of Stanley Martin Homes, represented by Andrew Todd-Burke of Kimley-Horn, is requesting a Variance to allow the removal of fifteen (15) Grand Trees located within the Von Ohsen Road Right-of-Way for a proposed roadway widening project, including the undergrounding of existing overhead power lines and the construction of curb and gutter. The Grand Trees are located within the Von Ohsen Road Right-of-Way (on TMS # 388-00-00-160 and near TMS # 388-00-00-078, -081, -082, -083, -086, -093, -112, -117, -162, -180, and -580) in the North Area of Charleston County. Von Ohsen Road is a South Carolina Department of Transportation (SCDOT) right-of-way.

Grand Trees Proposed for Removal (15 Total)

Tree #	Size & Species	Arborist Grade	Location
4	25.5" Live Oak	B	near TMS # 388-00-00-112
5	36" Live Oak	B	near TMS # 388-00-00-112
6	28" Water Oak	B	near TMS # 388-00-00-112
7	32" Live Oak	B	near TMS # 388-00-00-112
12	37" Live Oak	B	on TMS # 388-00-00-160
15	44" Live Oak	B	near TMS # 388-00-00-078
16	42" Live Oak	B	near TMS # 388-00-00-162
21	15/20/22/25" Live Oak	C	near TMS # 388-00-00-081
22	32" Live Oak	B	near TMS # 388-00-00-082
25	12/19/21" Live Oak	B	near TMS # 388-00-00-180
31	25" Live Oak	C+	near TMS # 388-00-00-086
37	28" Live Oak	C+	near TMS # 388-00-00-093
56	26" Live Oak	B	near TMS # 388-00-00-580
57	31" Live Oak	B	near TMS # 388-00-00-117
58	33" Live Oak	B	near TMS # 388-00-00-117

Grand Tree with Encroachment (<35%) – No Variance Required

Tree # Size & Species Encroachment Arborist Grade Location

29	26" Live Oak	<35%	B	near TMS # 388-00-00-083
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A Tree Preservation Plan (TPP) is required for this tree.

The subject property is currently under Site Plan Review (ZSPR-05-25-01156) for the proposed project. The applicant's letter of intent explains, "As part of the Traffic Impact Analysis (TIA) for the Dunmeyer Hill Subdivision, the widening of Von Ohsen Road has

been identified as a necessary infrastructure improvement to support projected traffic volumes and enhance public safety. This expansion will require the removal of fifteen (15) Grand Trees within the proposed right-of-way, many of which already exhibit over 20% disturbance and pose significant engineering and safety challenges if retained. In addition to tree removal, the project includes undergrounding existing overhead power lines to further improve safety, as well as the construction of curb and gutter to enhance drainage. In advance of the site plan submittal, flyers were distributed to all properties within a 500-foot radius of the proposed improvements to ensure early public awareness. Beyond the required public notice, Stanley Martin Homes also intends to proactively engage with property owners whose parcels directly benefit from the improvements to address any questions or concerns they may have. The attached Tree Exhibit and Photo Inventory detail the impacted trees and anticipated effects."

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.

Staff conducted a site visit of the subject property on November 12, 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. The applicant's letter of intent explains that the widening of Von Ohsen Road presents conditions that exceed those encountered during routine infrastructure maintenance. According to the applicant, the Traffic Impact Analysis (TIA) for the Dunmeyer Hill Subdivision identified the road widening as necessary to accommodate increased traffic volumes and to upgrade substandard existing roadway conditions. The applicant further states that several Grand Trees within the SCDOT right-of-way already exhibit greater than 20% disturbance, and that retaining these trees would impede uniform roadway design, create safety risks, and introduce engineering limitations that affect the ability to complete required public-safety improvements. The applicant also asserts that alternatives allowing both tree preservation and the required infrastructure upgrades were evaluated but found not feasible. In coordination with SCDOT, the project team reports that it successfully negotiated removal of a required 16-foot clear zone, resulting in preservation of an 85-inch Grand Tree that would otherwise have been removed. SCDOT's allowance for certain trees to remain within the clear zone, provided existing conditions are not worsened, is cited by the applicant as evidence of an effort to balance infrastructure needs with the preservation of significant trees. 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. According to the applicant's letter of intent, the circumstances prompting the removal of Grand Trees along this portion of Von Ohsen Road are unique to the project location. While properties in the broader vicinity may be affected by routine or incremental infrastructure improvements, this specific roadway segment is directly influenced by the Dunmeyer Hill Subdivision's Traffic Impact Analysis, which identifies a substantial roadway widening as necessary to safely accommodate projected traffic volumes. The applicant states that the combination of multiple Grand Trees situated within the proposed right-of-way, existing roadway deficiencies, and associated safety considerations results in conditions that are not commonly present on adjacent properties. As described, these factors introduce engineering and design constraints that differ from typical improvements occurring elsewhere in the area. 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: Application of the Ordinance, Chapter 9 Development Standards, Article

9.2 Tree Protection and Preservation, Sec. 9.2.5.B Tree Removal, may unreasonably restrict the proposed project. According to the applicant's letter of intent, strict application of the Tree Protection and Preservation Ordinance would impede necessary improvements identified in the Traffic Impact Analysis for the Dunmeyer Hill Subdivision. The applicant states that widening Von Ohsen Road is essential to address existing roadway deficiencies and to accommodate future traffic volumes. Multiple Grand Trees located within the proposed right-of-way reportedly present unavoidable conflicts with the required roadway design, undergrounding of power lines, and associated safety standards. The applicant asserts that retaining these trees would prevent uniform roadway expansion, limit safe travel conditions, and restrict the ability to carry out required infrastructure upgrades. As described, the applicant contends that full enforcement of the ordinance without relief would inhibit the reasonable and intended public infrastructure use of the property. Therefore, the request may meet this criterion.

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

Response: The authorization of this variance is not anticipated to result in substantial detriment to adjacent properties or the public good. To date, four (4) letters of support have been received from property owners, indicating community backing for the proposal. According to the applicant's letter of intent, the existing roadway conditions along Von Ohsen Road are substandard and contribute to ongoing safety and congestion issues affecting the surrounding community. The applicant states that the proposed improvements, including roadway widening, undergrounding of overhead power lines, and installation of curb and gutter to enhance drainage, are intended to correct these deficiencies and improve overall public safety. While removal of Grand Trees is necessary to implement the project, the applicant asserts that the resulting infrastructure enhancements will provide long-term community benefits such as safer travel conditions, improved traffic flow, and upgraded utilities. The applicant further states that these improvements support the broader public good and maintain the character of the zoning district by facilitating necessary transportation infrastructure. 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 meets this criterion.

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

Response: The need for the variance may not be the result of the applicant's own actions. According to the applicant's letter of intent, the variance request stems from the roadway improvements identified as necessary in the Traffic Impact Analysis for the Dunmeyer Hill Subdivision. The applicant states that the widening of Von Ohsen Road is required to address projected traffic volumes and public safety concerns, and that the removal of the fifteen Grand Trees is an unavoidable outcome of implementing these improvements within the existing SCDOT right-of-way. The applicant further explains that several of the trees proposed for removal already exhibit disturbances greater than 20%, and their location creates engineering and safety challenges that must be resolved to meet applicable roadway design standards. As described, the applicant contends that the need for the variance arises from existing site and infrastructure conditions rather than from voluntary or self-created circumstances. Therefore, the request may 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: 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 553.5-inches of Grand Trees 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. According to the applicant, the requested variance aligns with the Comprehensive Plan's goals of supporting safe, efficient, and connected transportation infrastructure. The applicant states that the proposed widening of Von Ohsen Road addresses projected traffic volumes, enhances public safety, and strengthens regional mobility, including future connectivity to the planned Lowcountry Rapid Transit stop. While the Ordinance places significant emphasis on the preservation of Grand Trees, it also provides a process for their removal when necessary to accommodate essential public improvements. The applicant asserts that the fifteen Grand Trees proposed for removal are located within the

planned right-of-way and exhibit existing disturbances that conflict with required roadway design standards. Retaining the trees would, according to the applicant, impede safe and effective roadway construction and create hazards for motorists and pedestrians. The applicant contends that the variance request balances the intent of the tree protection provisions with the broader public infrastructure objectives supported by the Comprehensive Plan. 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-10-25-00916 [Variance to allow the removal of fifteen (15) Grand Trees located within the Von Ohsen Road Right-of-Way for a proposed roadway widening project, including the undergrounding of existing overhead power lines and the construction of curb and gutter. The Grand Trees are located within the Von Ohsen Road Right-of-Way (on TMS # 388-00-00-160 and near TMS # 388-00-00-078, -081, -082, -083, -086, -093, -112, -117, -162, -180, and -580) in the North Area of Charleston County] based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

Please note: each tree may be considered separately for approval, approval with conditions, or denial.

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

- 1. Prior to zoning permit approval, the applicant shall complete the Site Plan Review process.**
- 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.**
4. **The applicant shall mitigate the removal of the 553.5-inches 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.**

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 may meet the applicable criteria for granting a variance.

The widening of Von Ohsen Road, as identified in the Dunmeyer Hill Subdivision Traffic Impact Analysis, constitutes a public infrastructure improvement that appears to create extraordinary and exceptional conditions on the subject segment of the SCDOT right-of-way. These conditions do not generally apply to other properties in the vicinity and may unreasonably restrict the use of the property for its intended public infrastructure function if the Ordinance were applied strictly. The proposed work is not expected to be of substantial detriment to adjacent properties or the public good, nor does it authorize an otherwise prohibited use, extend a nonconforming use, or alter zoning boundaries. The need for the variance does not appear to be the result of the applicant's own actions, but rather arises from existing roadway deficiencies, safety requirements, and necessary transportation improvements. Provided mitigation measures are implemented, such as Grand Tree replacement or payment into the Tree Fund, the request does not appear to substantially conflict with the Comprehensive Plan or the purposes of the ZLDR.

ZONING VARIANCE APPLICATION

Charleston County Board of Zoning Appeals (BZA)

Property Information			
Subject Property Address: Von Ohsen Road			
Tax Map Number(s): 388-00-00-160			
Current Use of Property: Roadway			
Proposed Use of Property: Roadway			
Zoning Variance Description: A variance to remove protected trees			
Applicant Information (Required)			
Applicant Name (please print): Roger Hunt			
Name of Company (if applicable): Stanley Martin Homes			
Mailing Address: [REDACTED]			
City: [REDACTED]	State: [REDACTED]	Zip Code: [REDACTED]	
Email Address: [REDACTED]		Phone #: [REDACTED]	
Applicant Signature: <i>Roger Hunt</i> DocuSigned by:			Date: 10/17/2025 8:58 AM EDT
Representative Information (Complete only if applicable. Attorney, Builder, Engineer, Surveyor etc.)			
Print Representative Name and Name of Company: Andrew Todd-Burke (Kimley-Horn)			
Mailing Address: [REDACTED]			
City: [REDACTED]	State: [REDACTED]	Zip Code: [REDACTED]	
Email Address: [REDACTED]		Phone #: [REDACTED]	
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: <i>n/a</i>	Flood Zone: <i>n/a</i>	Date Filed: <i>10/30/25</i>	<i>\$1,000 ce</i>
Application #: <i>BZA-10-25-0918</i>		TMS #: <i>388-00-00-160</i>	Staff Initials: <i>jhw</i>

*and near - 078, -081
 - 082, -083, -086,
 -093, -112, -117, -162,
 -180 + -580*

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.)

As part of the Traffic Impact Analysis (TIA) for the Dunmeyer Hill Subdivision, the widening of Von Ohsen Road has been identified as a necessary infrastructure improvement to support projected traffic volumes and enhance public safety. This expansion will require the removal of fifteen (15) Grand Trees within the proposed right-of-way, many of which already exhibit over 20% disturbance and pose significant engineering and safety challenges if retained. In addition to tree removal, the project includes undergrounding existing overhead power lines to further improve safety, as well as the construction of curb and gutter to enhance drainage. In advance of the site plan submittal, flyers were distributed to all properties within a 500-foot radius of the proposed improvements to ensure early public awareness. Beyond the required public notice, Stanley Martin Homes also intends to proactively engage with property owners whose parcels directly benefit from the improvements to address any questions or concerns they may have. The attached Tree Exhibit and Photo Inventory detail the impacted trees and anticipated effects.

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:

The expansion of Von Ohsen Road presents extraordinary conditions due to the need to upgrade substandard infrastructure and accommodate increased traffic volumes, as identified in the Traffic Impact Analysis for the Dunmeyer Hill Subdivision. These improvements require the removal of Grand Trees within the proposed right-of-way, many of which have existing impacts exceeding 20%. Retaining these trees would obstruct the uniform widening of the roadway, create safety hazards, and impose engineering limitations that compromise public safety. This combination of existing deficiencies, future demand, and unavoidable tree loss reflects conditions beyond routine maintenance or minor upgrades. No reasonable alternatives exist that would allow for both tree preservation and the necessary infrastructure improvements. In coordination with SCDOT, the project team successfully negotiated the elimination of a required 16-foot clear zone, allowing preservation of an 85-inch Grand Tree that would otherwise have been removed. SCDOT has permitted trees to remain within the clear zone as long as the condition is not worsened, demonstrating a balanced effort to preserve significant trees while advancing critical infrastructure improvements.

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

The conditions prompting the removal of Grand Trees along Von Ohsen Road are unique to the subject property. While other properties in the vicinity may experience general infrastructure improvements, this specific segment of roadway is directly impacted by the Dunmeyer Hill Subdivision's Traffic Impact Analysis, which necessitates substantial widening to safely meet projected traffic demands. The presence of multiple Grand Trees within the proposed right-of-way, combined with existing infrastructure deficiencies and safety concerns, creates a set of circumstances not commonly found on adjacent properties. These factors require specific engineering solutions and tree removal that are not typical of routine upgrades elsewhere in the area.

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:

Due to the extraordinary and exceptional conditions present, strict application of the Tree Protection and Preservation Ordinance would effectively prohibit or unreasonably restrict the use of the subject property. The required road widening, as identified in the Traffic Impact Analysis, is essential to address existing infrastructure deficiencies and accommodate future traffic demands generated by the Dunmeyer Hill Subdivision. The presence of Grand Trees within the proposed right-of-way creates unavoidable conflicts with the necessary improvements. Retaining these trees would prevent the uniform expansion of Von Ohsen Road, compromise public safety, and hinder the implementation of critical infrastructure upgrades. As such, enforcing the ordinance without flexibility would obstruct the reasonable and necessary use of the property for its intended public infrastructure function.

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 a variance to allow the removal of Grand Trees for the Von Ohlen Road expansion will not be a substantial detriment to adjacent property or the public good, nor will it harm the character of the zoning district. The existing roadway is substandard and contributes to safety and congestion issues that negatively impact the public. The proposed improvements, including roadway widening, undergrounding of overhead power lines, and installation of curb and gutter to enhance drainage, are designed to correct these deficiencies. While tree removal is necessary, the overall project will result in safer travel conditions, improved traffic flow, and strengthened infrastructure, ultimately benefiting the community and supporting long-term economic connectivity. The variance is essential to enabling this critical public infrastructure upgrade.

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 requested variance does not seek to establish a use that is otherwise prohibited within the zoning district, nor does it extend a nonconforming use of land or propose any changes to the zoning district boundaries as shown on the Official Zoning Map. The purpose of the request is to facilitate a necessary public infrastructure improvement as identified in the Traffic Impact Analysis for the Dunmeyer Hill Subdivision. The removal of the fifteen Grand Trees is essential to accommodate projected traffic volumes and ensure public safety, and is not motivated by increased profitability or private gain. The trees proposed for removal are located within the planned right-of-way and present significant engineering and safety challenges due to their location and existing disturbances. This request is solely intended to support the safe and effective implementation of a critical roadway improvement project.

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 our own actions. The request arises from the requirements identified in the Traffic Impact Analysis (TIA) for the Dunmeyer Hill Subdivision, which determined that the widening of Von Ohlen Road is necessary to accommodate projected traffic volumes and ensure public safety. The removal of the fifteen Grand Trees is an unavoidable consequence of implementing this critical infrastructure improvement within the existing right-of-way. Several of the impacted trees already exhibit disturbances exceeding 20%, and their location presents significant engineering and safety challenges. The proposed tree removal is a direct response to existing site conditions and the need to comply with Charleston County's roadway design standards, not a result of voluntary or discretionary actions by the applicant.

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

No, the requested variance does not substantially conflict with the Charleston County Comprehensive Plan or the purposes of the Ordinance. The Comprehensive Plan emphasizes the importance of safe and efficient transportation infrastructure, and the proposed widening of Von Ohlen Road directly supports this goal by addressing projected traffic volumes, improving public safety, and enhancing connectivity, including connectivity to the future Lowcountry Rapid Transit stop. While the Ordinance seeks to preserve Grand Trees, it also provides a framework for their removal when necessary to accommodate essential public improvements. In this case, the removal of the fifteen Grand Trees is unavoidable due to their location within the proposed right-of-way and the extent of existing disturbances. Retaining these trees would compromise the safety and effectiveness of the roadway design, creating hazards for motorists and pedestrians. Therefore, the variance request aligns with the broader objectives of the Comprehensive Plan and the Ordinance by balancing environmental preservation with critical infrastructure needs and improved regional access.

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.

Charleston County Board of Zoning Appeals
4045 Bridge View Drive, 2nd Floor
N. Charleston, SC 29405

Re: S-169 (Von Ohsen Road) Offsite Roadway Improvements Support

Dear Members of the Board of Zoning Appeals,

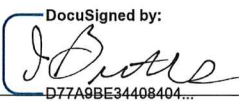
I am writing to express our strong support for the proposed offsite roadway improvement project on Von Ohsen Road. This project promises to deliver significant benefits to our community by improving road resiliency and traffic flow, ultimately enhancing the safety and well-being of all who live, work, and travel in the area.

Key roadway improvements include adding right- and left-turn lanes, as well as a two-way left-turn lane along the corridor, which will significantly improve capacity and traffic flow on Von Ohsen Road. As our community continues to grow, increased traffic on our roads has led to congestion and delays, affecting daily commutes. The introduction of turning lanes will alleviate these issues by providing smoother, more efficient traffic flow, reducing travel time, and improving safety for all road users.

Additionally, this project will also include improving storm drainage infrastructure and installing underground power lines along Von Ohsen Road, thereby significantly enhancing the resilience of our infrastructure. Severe weather events, which are becoming increasingly frequent, often lead to flooded roadways and power outages due to wind and tree damage, and these improvements will help reduce the overall impact of these events on the community.

Sincerely,

Print: Joyce Butts

Signed:  D77A9BE34408404...

Date: 10/14/2025 | 7:44 PM EDT

Address: PO Box 224, Pendleton, SC. 29670

Phone: 8437359375

Charleston County Board of Zoning Appeals
4045 Bridge View Drive, 2nd Floor
N. Charleston, SC 29405

Re: S-169 (Von Ohsen Road) Offsite Roadway Improvements Support

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Sincerely,

Print: Crystal Dickerson

Signed:  4E8C1419C086414...

Date: 10/14/2025 | 10:16 AM PDT

Address: 117 Grimball Street, Summerville, SC 29486

Phone: 843-327-3897

Charleston County Board of Zoning Appeals
4045 Bridge View Drive, 2nd Floor
N. Charleston, SC 29405

Re: S-169 (Von Ohsen Road) Offsite Roadway Improvements Support

Dear Members of the Board of Zoning Appeals,

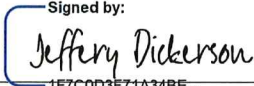
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Sincerely,

Print: Jeffery Dickerson

Signed:  Signed by:
Jeffery Dickerson
1F7C0D3F71A34BE...

Date: 10/14/2025 | 1:40 PM EDT

Address: 117 Grimball St

Phone: 8433644720

TRIANGLE ASSOCIATES LLC
615 Knox Abbott Drive, Suite 200
Cayce, SC 29033
(803) 929-1181

October 14, 2025

Charleston County Board of Zoning Appeals
4045 Bridge View Drive, 2nd Floor
North Charleston, SC 29405

Re: S-169 (Von Ohsen Road) Offsite Roadway Improvements Support

Dear Members of the Board of Zoning Appeals:

I am writing to express our strong support for the proposed offsite roadway improvement project on Von Ohsen Road. This project promises to deliver significant benefits to our community by improving road resiliency and traffic flow, ultimately enhancing the safety and well-being of all who live, work, and travel in the area.

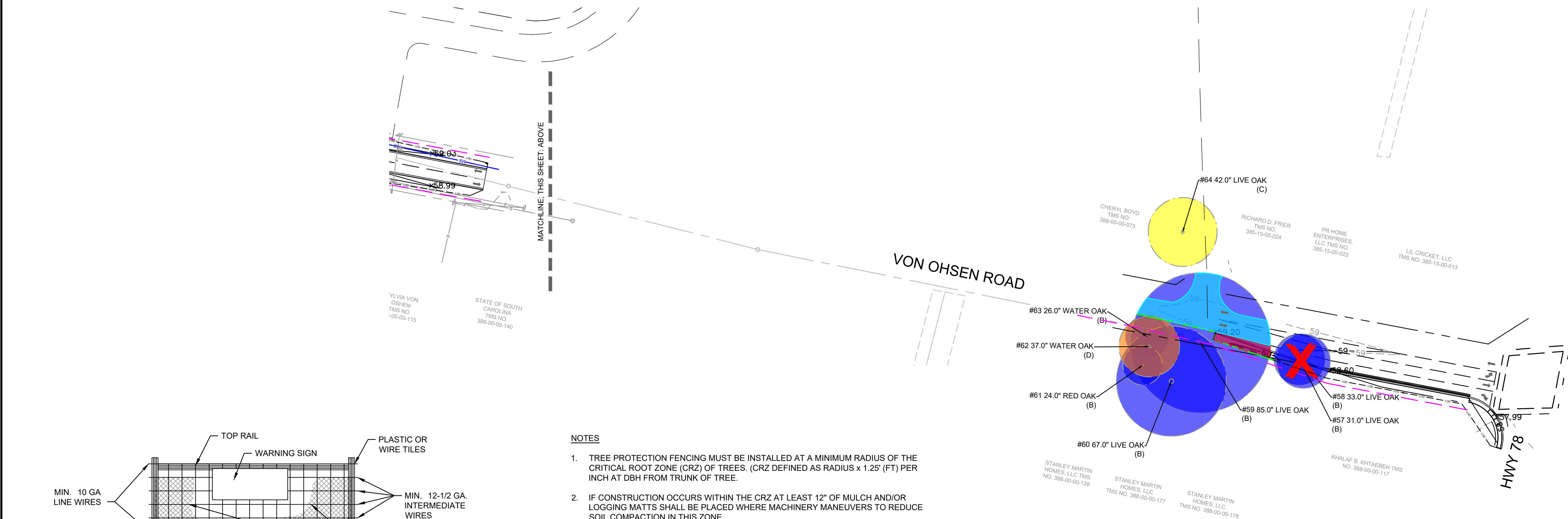
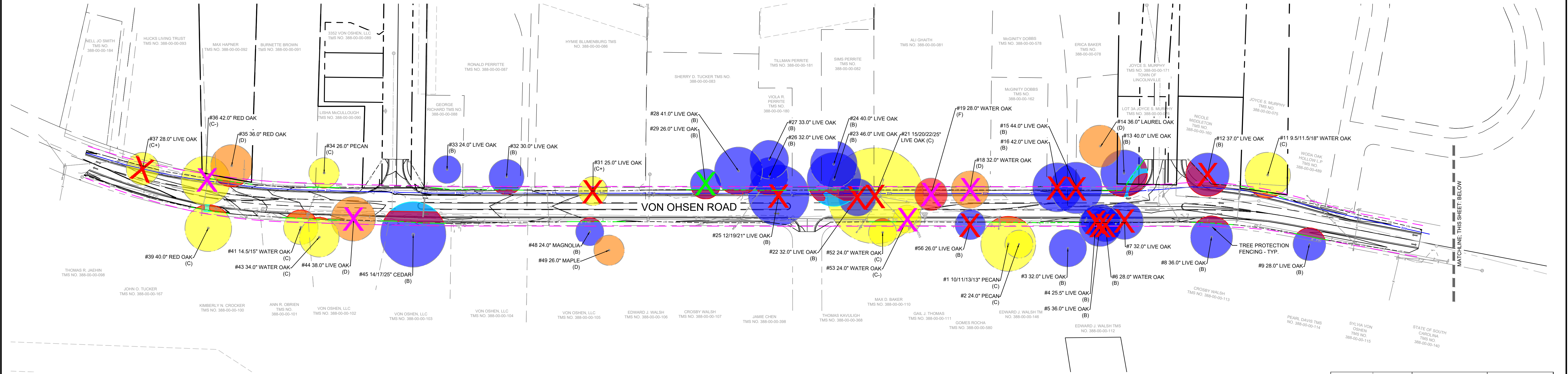
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Sincerely,



David N. Jordan
Authorized Agent

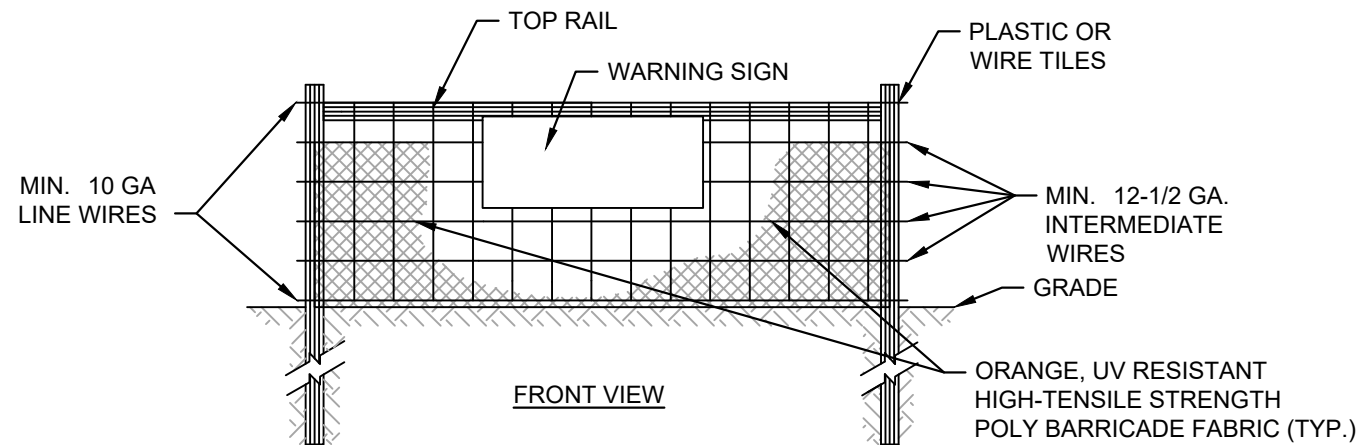


TREE GRADES:			
	GRADE A		
	GRADE B		
	GRADE C		
	GRADE D		
	GRADE F		
	TREE PROTECTION ZONE		

LEGEND:			
	EXISTING IMPACT AREA		
	NEW IMPACT AREA		
	PROPOSED REMOVAL		
	PROPOSED REMOVAL (STAFF LEVEL APPROVAL)		
	ENCROACHMENT OVER 25% BUT INTEND TO SAVE		
	AASHTO CLEAR ZONE REQUIREMENT DISTANCE		
	PROPOSED WATER LINE		
	LIMITS OF DISTURBANCE		
	TREE PROTECTION FENCE		

TREE #	GRADE	EXISTING IMPACT %	NEW IMPACT %
1	C	0.0%	5.9%
4	B	11.6%	REMOVE
5	B	13.1%	REMOVE
6	B	5.2%	REMOVE
7	B	22.7%	REMOVE
8	B	0.0%	11.0%
9	B	0.0%	21.5%
11	C	0.0%	4.3%
12	B	0.0%	REMOVE
13	B	11.7%	19.8%
15	B	21.1%	REMOVE
16	B	19.4%	REMOVE
18	D	16.1%	REMOVE
19	F	49.0%	REMOVE
21	C	17.0%	REMOVE
22	B	36.0%	REMOVE
23	B	10.3%	15.3%
25	B	28.3%	REMOVE
26	B	0.0%	7.4%
28	B	0.1%	5.5%
29	B	0.0%	26.8%
31	C+	23.4%	REMOVE
32	B	0.0%	7.6%
35	D	0.0%	7.3%
36	C-	31.2%	REMOVE
37	C+	33.0%	REMOVE
39	C	2.2%	5.3%
41	C	0.0%	18.6%
43	C	0.0%	1.9%
44	D	24.8%	REMOVE
45	B	9.3%	17.4%
48	B	0.0%	8.5%
52	C	0.0%	6.7%
53	C-	22.2%	REMOVE
56	B	10.4%	REMOVE
57	B	34.5%	REMOVE
58	B	33.6%	REMOVE
59	B	25.3%	3.9%

LEGEND		
	=	STAFF LEVEL APPROVAL FOR REMOVAL
	=	REQUIRES BZA VARIANCE FOR ENCROACHMENT
	=	REQUIRES BZA APPROVAL FOR REMOVAL
	=	OVER 25% ENCROACHMENT BUT INTEND TO SAVE



- NOTES
- TREE PROTECTION FENCING MUST BE INSTALLED AT A MINIMUM RADIUS OF THE CRITICAL ROOT ZONE (CRZ) OF TREES. (CRZ DEFINED AS RADIUS x 1.25' (FT) PER INCH AT DBH FROM TRUNK OF TREE.
 - IF CONSTRUCTION OCCURS WITHIN THE CRZ AT LEAST 12" OF MULCH AND/OR LOGGING MATTS SHALL BE PLACED WHERE MACHINERY MANEUVERS TO REDUCE SOIL COMPACTION IN THIS ZONE.
 - THE TREE PROTECTION FENCING MUST NOT BE VIOLATED FOR THE ENTIRE DURATION OF THE PROJECT.
 - THERE WILL BE ZERO TOLERANCE FOR STORING OR PARKING VEHICLES, SUPPLIES, OR EQUIPMENT UNDER PROTECTED TREES.
 - IMPACT PROTECTION DEVICES MUST BE REMOVED AFTER CONSTRUCTION.
 - WARNING SIGNS TO BE MADE OF DURABLE, WEATHERPROOF MATERIAL. LETTERS TO BE 3" HIGH MINIMUM, CLEARLY LEGIBLE AND SPACED AS SHOWN.
 - SIGNS SHALL BE PLACED AT 50' MAXIMUM INTERVALS. PLACE A SIGN AT EACH END OF LINEAR TREE PROTECTION AND 50' ON CENTER THEREAFTER. FOR TREE PROTECTION AREAS LESS THAN 200' IN PERIMETER, PROVIDE NO LESS THAN ONE SIGN PER PROTECTION AREA.
 - ATTACH SIGNS SECURELY TO FENCE POSTS AND FABRIC. MAINTAIN TREE PROTECTION FENCE THROUGHOUT DURATION OF PROJECT.
 - SHOULD THE FABRIC OF A PROTECTION FENCE COLLAPSE, TEAR, DECOMPOSE OR BECOME INEFFECTIVE, CONTRACTOR SHALL REPLACE IT PROMPTLY.
 - 3" OF MULCH TO BE MAINTAINED WITHIN THE TREE PROTECTION ZONE.

NOTE:
1. EXISTING TREES LOCATED INSIDE THE ROADWAY CLEAR ZONE (PER AASHTO ROADSIDE DESIGN GUIDE) REQUIRE REMOVAL.

5				
4				
3				
2				
1				
REV. NO.	BY	DATE	DESCRIPTION OF REVISION	

DUNMEYER OFFSITE ROADWAY PERMITS
CHARLESTON COUNTY - SOUTH CAROLINA

TREE EXHIBIT

SCALE 1" = 80'