

Old Business

Item # 1

Request to Reconsider Case # BZA-04-25-00857

- Reconsideration Procedure
- Letter and Exhibits from the Appellant requesting a reconsideration
- **BZA's Final Decision and Order on** Appeal
Application BZA-04-25-00857

Old Business Case # BZA-04-25-00857

1184 Bees Ferry Road, Unit 103 – St. Andrews Area (TMS # 301-00-00-809)

Appeal of an Administrative Decision: *“Whether the [Charleston County Zoning and Planning Department and/or its Director] decision to grant the Permit [ZONE-03-25-22114 for the interior upfit for “Chillaxe Vaper”] was an abuse of discretion and contrary to the lawful commercial use restrictions of PD-73E.”* **The Administrative Decision was Affirmed on June 2, 2025. Request from the Appellant for the BZA to reconsider the case at the next available BZA public hearing.**

Appellant: LaDon Paige c/o Jessica Monsell, Esq. of the Keibler Law Group LLC

Reconsideration Procedure

Charleston County Board of Zoning Appeals Rules of Procedure:

20. *Upon vote of the BZA, a member from the prevailing side may make a motion to reconsider a case at the same or next BZA meeting. Any member may second the motion. If the motion to reconsider the case is granted, then the case will be scheduled and heard by the BZA at the same or next available BZA public hearing provided all required notifications have been met. A case may be reconsidered only once.*

- Public comment is at the Board's discretion.
- If a motion to reconsider is not made, the BZA's decision stands and the party may appeal the BZA's decision to Circuit Court.
- Final Decision and Orders for the June 2nd cases were mailed on June 13th.
Any person with a substantial interest may appeal the Board of Zoning Appeals' decision to the Circuit Court of Charleston County within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.
- If a motion to reconsider is made and passes by majority vote, the case will be scheduled for the next available BZA public hearing, and the public hearing will be open to written and oral public comments from all parties.

Old Business Case # BZA-04-25-00857

June 2, 2025 Meeting Summary

- After hearing the Appellant's presentation, Staff's findings, and any public comments concerning the Appeal, the Board determined pursuant to *Article 3.13 Appeals of Zoning-Related Administrative Decisions, §3.13.8 Approval Criteria; Findings of Fact of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR)* that: the BZA considered the evidence and testimony presented at the hearing, denied the Appeal, and affirmed the Administrative Decision based on the following findings of fact: The BZA finds that the Planning Director did not err in his decision to issue the Zoning Permit ZONE-03-25-22114 for the interior upfit for "Chillaxe Vaper" based on the evidence and testimony presented at the June 2, 2025 public hearing. Ms. J. Smith made a motion to uphold the Planning Director's decision and deny the Appeal. Mr. Neal seconded the motion. **Mr. Nelson, Mr. Brown, Mr. Neal, Ms. J. Smith, and Ms. S. Smith voted in favor of the motion.** Mr. Jordan, Mr. Siedell, and Mr. Truslow voted against the motion. Therefore, the Charleston County Board of Zoning Appeals, by a majority vote (5 to 3) denies the appeal and affirms the Planning Director's decision.

**Reconsideration request from
the Appellant**

Case #

BZA-04-25-00857

Jennifer Werking

From: Jessica Monsell <Jessica@keiblerlaw.com>
Sent: Tuesday, June 17, 2025 8:05 AM
To: Jennifer Werking
Cc: Genesis Clark; Joel Evans; Niki R. Grimbali; Marc Belle; Kevin M. Deantonio; Andrea Melocik-White; Lee Ziegler; LaDon Wallis
Subject: Application for Reconsideration - BZA-04-25-00857 - PD-73(E)
Attachments: 20250617 Application for Reconsideraton to BZA-04-25-00857 .pdf

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Ms. Werking:

Please see the attached correspondence and let me know if you have any difficulty accessing the exhibits.

Please let us know if this Application for Reconsideration will be added to the agenda of an upcoming BZA meeting.

Sincerely,
Jessica

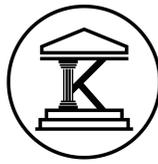
Jessica L. Monsell
Keibler Law Group LLC
Jessica@KeiblerLaw.com
o. 864.999.4181



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Keibler Law Group



June 17, 2025

VIA EMAIL to jwerking@charlestoncounty.org

Charleston County Board of Zoning Appeals
c/o Ms. Jenny Werking, Secretary
Lonnie Hamilton Office Building
4045 Bridgeview Drive
North Charleston, SC 29405

**RE: Reconsideration Application
1184 Bees Ferry Rd, Unit 103 Upfit Permit for “Chillaxe Vaper”
BZA Case # BZA-04-25-00857 heard Jun 2, 2025**

Ms. Werking:

Ms. LaDon Paige, by and through undersigned counsel and pursuant to Article 3.1.12(E) Charleston County ZLDR, hereby respectfully submits an application for reconsideration to the Charleston County Board of Zoning Appeals of its written Order dated June 13, 2025 in the above-captioned matter. The grounds for reconsideration are as follows:

- I. The Appellant has discovered new evidence which was not available prior to the June 2, 2025 hearing in the form of an Opinion issued June 9, 2025 by the South Carolina Attorney General: [“Opinion addressing whether a vape shop is regulated as a tobacconist under the South Carolina Code of Laws.”](#) The Attorney General Opinion concludes that “[i]t is this Office’s opinion that a vape shop would be regulated as a ‘tobacco retail establishment.’” S.C. Code §16-17-501.

See Exhibit A. In addition, the Attorney General Opinion arguably renders the Board’s Findings of Fact (4) an improper analysis of the South Carolina statutes referenced therein.

- II. During the June 2, 2025 BZA Hearing, Board members expressed feeling pressured to come to a decision during that hearing, without having ample time to consider the factual, legal, and procedural complexities of the matter. This is evidenced in the dialogue between the BZA and Zoning Staff, as well as the guidance issued by the BZA Attorney. Contrary to procedures set forth in Article 3.13.7 ZLDR, Board members were told that remand was not possible; however, Article 3.13.7 ZLDR grants the Board the authority to remand a matter to the official from whom the appeal is taken. Pursuant to the same Article, the Board has the option to take the

issue under advisement and defer action for a period of time not to exceed 90 days. Excerpts of the rough transcript of the hearing demonstrate that certain arguments were not considered due to lack of time or dismissed because of confusion of the matter. Consequently, Board members were not clearly informed on their procedural options. *See Exhibit B.*

- III. The Board's written Findings of Fact (1, 2) state that a vape shop is not mentioned in PD-73E and, for that reason, should be defined according to Article 12.2 ZLDR. A "vape shop" is neither an identified use in PD 73-E, nor mentioned as a use anywhere in the current ZLDR (the term "vape" used in context as a verb cannot be assumed to define "vape shop," a noun, as a "general retail" establishment).

"For the purpose of this Ordinance, certain words and terms used herein are defined as set forth in this Section. If not specifically defined herein, words and terms shall be defined in Merriam-Webster's Collegiate Dictionary, 11th Edition."

Article. 12.2, ZLDR. When interpreting Article 12.2 ZLDR, the word "herein" carries significance. This means that a word or term currently used within the ZLDR but not defined in Article 12.1 may be defined by the dictionary. However, the words and terms "vape shop" are **not used** herein (i.e., within the ZLDR). As there is no mention of the use "vape shop" or "vape store" in the ZLDR, Article 12.2 does not apply. A use must be referenced in the ZLDR before it can be defined by the Merriam-Webster dictionary.

- IV. PD-73(E) was approved by County Council on September 28, 2021, *prior* to the amendments to the ZLDR.. The *current* ZLDR groups tobacconists with "general retail," but tobacconists had been removed from the PD as an allowed use altogether. Whether tobacconists have since been grouped as general retail has no bearing on interpretation of PD-73(E), because at the time PD-73(E) was approved, a tobacconist was **not** general retail. The county does in fact consider "vape shops" to be tobacconists, as evidenced by the email dated January 7, 2025 from Deputy Director Melocik-White to the property owner and in oral testimony during the BZA hearing. The Deputy Director's written correspondence and testimony in the hearing **makes clear that vape shops were considered tobacconists at the time of the adoption of PD 73-E**, and the "PD stands on its own." *See Exhibit C.*

- V. The Comprehensive Plan and Article 4.25.1 ZLDR clearly state that “Planned Developments may provide for variations from other ordinances and the regulations of other established zoning districts concerning use ... for the **general purpose of promoting and protecting the public health, safety, and general welfare**”. When the Planning Director used his discretion in allowing an upfit permit for a vape shop, this criteria was disregarded.
- VI. Mr. Chair asked Ms. Brooks to review permits *after* the adoption of PD 73-E. Ms. Brooks’ search results were shared **after public comments were closed, precluding further input from the Appellant**. Ms. Brooks’ research implied that the identified permits are for “vape shops” when, in fact, the businesses are registered as tobacconists with the South Carolina Department of Revenue. The inquiry to Ms. Brooks was misplaced, because there has been an amendment to the ZLDR since the adoption of PD-73(E), and tobacconists **now** fall under the “general retail” category on the current use table – but they did not **at the time of the approval of PD-73(E)**. The information provided may have been misleading to the Board, as Ms. Brooks referenced the name of all of the businesses by substituting the word “liquor” or “tobacco” in their names with the word “smoke” or omitting the word “tobacco” altogether. “Vape shops” are neither mentioned nor defined in the ZLDR.

Findings of Fact (5) fails to recognize that “vape shops” (i.e., tobacconists) have only been considered “general retail” *since* the amendment to the ZLDR – and the county has consistently considered vape shops tobacconists. To research permits analogous to the one at issue here, Ms. Brooks would have needed to research permits issued no later than the date of the adoption of the PD, which would illustrate that such permits were issued to tobacconists under the prior use table. Further, none of the businesses identified by Ms. Brooks are located within a Planned Development, making those permits entirely distinguishable from the permit at issue in this matter. *See Exhibit D.*

As a result of the recent Opinion of the South Carolina Attorney General and for the foregoing reasons, Ms. Paige respectfully applies for reconsideration of the Order of the Board of Zoning Appeals.

Sincerely,

s/ Jessica L. Monsell

Jessica L. Monsell

Exhibit A

South Carolina Attorney General

**Opinion addressing whether a vape shop is regulated as a
tobacconist under the South Carolina Code of Laws.**

Dated June 9, 2025



ALAN WILSON
ATTORNEY GENERAL

June 09, 2025

The Honorable Sylleste Davis
Member
South Carolina House of Representatives
Post Office Drawer 11867
Columbia, SC 29211

Dear Representative Davis:

Attorney General Alan Wilson has referred your letter to the Opinions section. Your letter requests an opinion addressing the following:

Is it the opinion of the Attorney General that South Carolina statutes, not limited to but including S.C. Code § 16-17-501, would define a vape shop as a tobacconist?

Law/Analysis

The South Carolina Code of Laws does not define the term “tobacconist.” Our research has only located one South Carolina case that included the expression, but it was used to describe those persons who used a roadway to determine whether it was a public road and was otherwise unexamined. See Strother v. S.C. & G.R. Co., 47 S.C. 375, 25 S.E. 272, 273 (1896).

There are several statutes within the code addressing tobacco, some of which regulate electronic smoking devices in the same manner as other tobacco products and others that are specifically limited to articles containing tobacco. Your letter refers to S.C. Code § 16-17-501 as one such relevant statute. It defines terms in criminal statutes related to tobacco products. Therein, subsection (3) defines “electronic smoking device” to mean:

any device that may be used to deliver any aerosolized or vaporized substance, including e-liquid, to the person inhaling from the device including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. “Electronic smoking device” includes any component, part, or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device

whether or not the substance includes nicotine. “Electronic smoking device” does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Id. This statutory term is broadly defined to include what would commonly be understood as vape products. Next, subsection (8)(b) defines “tobacco product” to mean “any electronic smoking device as defined in this section and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine.” Finally, subsection (9) defines “tobacco retail establishment” to mean “any place of business where tobacco products are available for sale to the general public. The term includes, but is not limited to, grocery stores, tobacco product shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.” Id. Under this definition, a business which sells electronic smoking devices would be considered a tobacco retail establishment. However, the term clearly includes more types of businesses than what one might commonly think of as a tobacco or cigar shop as it also includes businesses whose sale of tobacco products may not be a central focus, such as grocery stores or restaurants.

Other statutes limit their application to cigarettes and tobacco products. For instance, section 12-21-620 applies taxes on products containing tobacco.

There shall be levied, assessed, collected, and paid in respect to the articles containing tobacco enumerated in this section the following amounts:

(1) upon all cigarettes made of tobacco or any substitute for tobacco, three and one-half mills on each cigarette;

(2) upon all tobacco products, as defined in Section 12-21-800, five percent of the manufacturer's price.

S.C. Code § 12-21-620 (A). “Tobacco products” is defined as:

cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut, and other chewing tobacco, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in a manner to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing or smoking, but does not include cigarettes.

The Honorable Sylleste Davis

Page 3

June 09, 2025

S.C. Code § 12-21-800. South Carolina Department of Revenue’s website clarifies that vaping products are not included under this statute. “No. Vaping products and all other products delivered through an aerosolized solution are not subject to the tax. The tax on tobacco products applies to forms of tobacco prepared in a manner suitable for chewing, smoking, or other consumption.” Other Tobacco Products, S.C. Dep’t. of Revenue, <https://dor.sc.gov/tax-index/miscellaneous/tobacco>, (last visited June 9, 2025). Additional chapters within the South Carolina Code are limited to products including leaf tobacco, such as Title 11, Chapter 48 concerning the Tobacco Escrow Fund Act and Title 46, Chapter 30 establishing the South Carolina Tobacco Community Development Board.

Conclusion

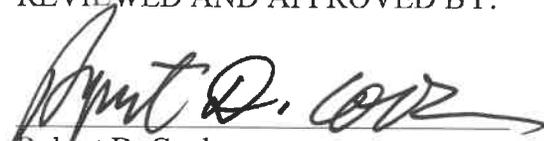
The South Carolina Code of Laws does not define the term “tobacconist.” It is this Office’s opinion that a vape shop would be regulated as a “tobacco retail establishment.” S.C. Code § 16-17-501. However, tobacco retail establishment includes more types of businesses than what one might commonly think of as a tobacco or cigar shop as it also includes businesses whose sale of tobacco products may not be a central focus, such as grocery stores or restaurants. As is discussed more fully above, there are several statutes regulating tobacco that would not include vape products. It will depend on which statutory scheme one is examining to determine whether a vape shop is regulated thereunder.

Sincerely,



Matthew Houck
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Solicitor General

Exhibit B

Excerpts from Rough Transcript of BZA Hearing

Dated June 2, 2025

56:11 Mr. Chair (Nelson):

Board do you have any questions for Mrs. Werking before we start this process and I will add this is I've been on the board now for six or seven years and this is the first appeal of the zoning administrator's decision that I've seen during my time on the board. So please feel free to ask questions.

56:46 Mr. Truslow:

Do we have to you know this this is a um unique situation we've never faced uh during my time here. Um are we, do we have time to think about it or do we have to make make a decision uh today.

Ms. Werking:

Um I mean we'd prefer that you make a decision today after you hear all the evidence from everyone.

Mr. Truslow:

We're sort of in a in a quasi-judicial role. Most judges don't rule from the bench. They usually think about things for a while.

Mr. Chair:

That's spoken like a former judge.

Mr. Truslow:

Um and then uh because they might need to articulate more uh of the um specific findings of fact than and con and uh conclusions of law than you would have an opportunity when we're just briefly here and we've got a lot of other people waiting. So is there I know you'd prefer to um us to make a decision now but um is there any is there any requirement?

Attorney Huger:

I've been here quite a while so I've seen at least two or three of these appeals and I think if you just listen first you'll you'll be okay at the end.

3:04:06 Mr. Neal:

Just for a point of order.

Attorney Huger:

Sure.

Mr. Neal:

So the appellant, the appeal here is to overturn. So a motion in favor motion... Would the lawyer help us here?

Attorney Huger:

Yeah. So either, so the director has made a decision. That decision has been appealed by the appellant. They want you to overturn the director's decision. So you're either going to uphold the decision or you're going to overturn it.

Mr. Chair:

And to overturn the decision would require a two-thirds vote?

Attorney Huger:

Correct.

3:04:40 Mr. Truslow:

All right I would think we would have three choices. One would be to sustain the decision. The second one would be to reverse. A third would be to reverse and remand, um which would it would result in some delay for the respondent but they could make a better record than we have before us. Perhaps.

Mr. Chair:

I am going to go to our attorney. I do not think by statute we have...

Attorney Huger:

We would uphold the decision or you can turn over the decision. And then they'll decide from there what they want to do. **Not this is not remanding.**

Mr. Truslow:

Courts reverse and remand all the time.

Attorney Huger:

I know but you but we don't, you're not send... If you, if you uphold the decision appellants can appeal. If you overturn the decision County can appeal. That's the process.

3:08:44 Mr. Truslow:

Um uh yeah I'm going to vote to um **if I'm forced to vote today** um I'm going to vote to um to reverse uh the decision that was made. Um I don't think we have time right now to discuss all the facts and and law that is applicable but uh it's going to be necessary to give it more thought. It's going to be necessary to uh we're going to have to conflate law with facts in this case. I assume we're hearing we're almost hearing this case de novo. Um we've, we've got a fact that uh nicotine and nicotine is a derivative or it's a com it's a component of tobacco Uh we have e-cigarettes deliver nicotine Vape shops deliver nicotine. Um I think we all know how uh how nicotine is uh is extracted from tobacco.

3:14:50 Mr. Siedell:

But I think it's also common sense common knowledge that the definition of a tobacconist is evolving and has evolved significantly over the last several years. And people associate vape shops with tobacco or the effects that you get from something that's not tobacco that is seen as somehow better than tobacco. So I think he's he followed the procedures he follow it correctly. But I I think that discretion in this sense would have indicated that this definition no longer is as constrained to the tobacco product as it would seem.

Mr. Chair:

Even in doing that if if the zoning administrator made a decision that's inconsistent with other decisions then he still opens himself up to an appeal and it would come before this body and we would have to decide whether or not he he had erred .

Mr. Siedell:

If he had made a decision to approve and ...

Mr. Chair:

or if he had made a decision to deny.

Mr. Siedell:

Well that's that's absolutely true.

Mr. Siedell:

So but it it seems the whole thing turns on what is the tobacco what's the tobacconist right?

Mr. Brown:

And uh I think that that's not what we're charged with determining here though. So..

Mr. Siedell:

I guess I'm on I'm on the question for me is is is is there disc what is where does discretion fall?
How much discretion is there can you look at ...

Mr. Chair:

That is why we have ordinances though and that's why the board of zoning appeals even exists.

Exhibit C

Deputy Director Melocik-White's email dated Jan 7, 2025 and the transcript of her oral testimony before the Board on June 2, 2025

3:01:47 Deputy Director Andrea Melocik-White:

And so you're right you don't see tobacco in that list because when they the applicant originally came in um to amend the PD they had that list of uses but it also included all those things that were talked about that ended up being removed. It also included tobacco because that was a use in our use table at the time. Um the um you know car-centric service um type things, gas stations and things like that. So you know as you've heard those in the community worked with the applicant staff wasn't involved in that process other than the process the um the PD application and they came back and said "we're removing this handful of uses the tobacco and the you know service station and those types of uses." So those things just came out of that list. It wasn't like they were put on a separate list of oh and these are prohibited. They just came out of the allowed use list. Um so but retail sales and services are still in there. Um so that's why you don't see tobacco tobacco in there. And it took us some time to go back and research that that had happened and then you know to know that that handful of uses are really **prohibited** even though they aren't stated in the PD that way. Um but we do have documentation of that um and I think that actually be in your packet the letter from the developer regarding that.

Mr. Brown:

Okay so so I've kind of flipped through here quickly. There's a long list of include the following allowed uses in this revised new adopted PD right and it is allowing under retail sales, tobacco?

Deputy Director Andrea Melocik-White:

Well so as you heard the timeline of things this planned development was adopted in September of 2021 and so tobacco had been in there. But. but it got removed. It's just it's not in a prohibited list but you know we understand the intent was that tobacco, hotel motel, car services those types of things are not allowed in that planned development. Um what happened in October after about a three-year period um we had several uses in our use table that were combined not just into retail sales but into other things. It was part of a complete overhaul. There were hundreds of amendments that happened to our ordinance. It just happened to be that that was one of them that tobacco became part of retail sales when that three or four year process culminated with council's um final um adoption in October of 2021. But the PD still stood on its own um with those five or six uses that have been removed from that list of prohibited or of allowed uses. Does that make sense?

Mr. Brown:

Sort of, so does removing it from the list of allowed uses does not automatically make it means it's not allowed. It means it's not allowed? It's not on the list right, it can't be done?

Deputy Director Andrea Melocik-White:

Correct.

From: Andrea Melocik-White <AMWhite@charlestoncounty.org>
Sent: Tuesday, January 7, 2025 3:24 PM
To: Jack Coupland <jcoupland@adamspropgroup.com>
Cc: Joel Evans <JEvans@charlestoncounty.org>; Ronda Williams <RWilliams@charlestoncounty.org>
Subject: Proposed Vape Shop - Hunt Club Commercial Development

You don't often get email from amwhite@charlestoncounty.org. Learn why this is important.

Hi Mr. Coupland,

-109

It was nice speaking with you today. As we discussed, per the Council approval of the most recent Hunt Club Planned Development Zoning District amendment, vape shops (considered tobacconists) are not allowed. Attached, please find the following documentation:

- Letter from Rob Wilson, applicant for the most recent Hunt Club PD amendment, and Calvin Nester requesting removal of several uses, including tobacconists, from their PD amendment application;
- Adoption ordinance for the most recent Hunt Club PD amendments (note it lists only allowed uses); and
- The PD amendments submitted as part of the original application for these amendments in March of 2021 (see the list of allowed uses on page 27 – it includes tobacconists, one of the uses which was ultimately removed upon Council approval of the application).

Please contact us with any questions.

Kind regards,

Andrea N. Melocik-White

Andrea N. Melocik-White, AICP

Deputy Director, Charleston County Zoning & Planning Department
4045 Bridge View Drive
North Charleston, SC 29405
(843) 202-7219/202-7218 (fax)
amwhite@charlestoncounty.org



.....

Exhibit D

**Businesses identified as “vape shops” during the June 2, 2025 hearing
and their zoning districts per County GIS**

2:55:19 Mr. Chair:

Thank you. Thank you. Miss Brooks, I had a question for you a long time ago. Did you manage to dig up an answer?

Ms. Brooks:

Alright so let me make sure I have the because I I found some information. Make sure I have it right um some vape type shops permit issued since the ordinance.

Mr. Chair:

Yeah, that would fall under...

Ms. Brooks:

Incorporated it into retail sales.

Mr. Chair:

Yes.

Ms. Brooks:

So um I did. I'm sure there are several more probably than what I found in this time that I've had to look through these. Um but the ones so far I found since the amendment in 2021 um would include Harbor Smoke Shop at 816 St Andrews. That was issued in February of 2024. Um 540 smoke and vapor. 2020 uh 2280 Savannah Highway in December of 2022. M and M Vape Shop at 2578 Ashley River Road, issued in March of 2024. Those would have been captured you know vape you know under the retail sales whether or not they had tobacco or not would all be incorporated into that retail sales category. So those are some examples of ones that we have issued since that amendment in 2021.

Mr. Chair:

So those are some examples of ones that we have issued since that amendment in 2021. Okay and noting that it's this particular application's not underneath that same zoning ordinance because it's under the PD but the decision process is the same right? That might be somebody else would act within the county might answer that because that would have been under ZLDR not underneath this particular PD those that you mentioned.

1. Harbor Smoke Shop (**Is actually Harbor Spirits, a Liquor Store**). Parcel 4181100002. Class Code: 500 General Commercial



2. 540 Smoke and Vapor (Is actually 540 Tobacco and Vapor). Parcel 3100300076. Permit number BLDC-12-22-03057; Describe Work: Tobacco and Vape Sales with proposed hours.... Class Code: 500 General Commercial



3. M and M Vape shop (is actually M and M Tobacco and Vape). Parcel 3550700010. Class Code 530 - SPCLTY-RTL



4. Registration for “Chillaxe Tobacco and Vapor 3, LLC”, with the Secretary of State

Chillaxe tobacco and Vapor 3, LLC

Corporate Information

Entity Id: 01361516

Entity Type: Limited Liability Company

Status: Good Standing

Domestic/Foreign: Domestic

Incorporated State: South Carolina

Important Dates

Effective Date: 10/06/2023

**Expiration N/A
Date:**

Term End Date N/A

:

Dissolved Date: N/A

Registered Agent

Agent: Saddam Aldailam

Address: 810 E Main Street
Laurens, South Carolina 29360

Official Documents On File

Filing Type	Filing Date
Articles of Organization	10/06/2023

5. Registration for “Chillaxe Tobacco and Vapor 3, LLC” as a Tobacco Retailer with SCDOR

 SOUTH CAROLINA DEPARTMENT OF REVENUE

MyDORWAY  ?

< Menu

Use the menu below to search for active Retail Licenses that sell tobacco products by county. Use the **Filter** bar to further filter the results.

- If you wish to search by city, enter the name of the city in the **Filter** bar.

County
LAURENS

SEARCH

Retail Licenses Export

License Number	Name	Location Address	City	State	Open Date	Close Date
115310181	CHILLAXE TOBACCO AND VAPOR 3, LLC	810 E MAIN ST STE F LAURENS SC 29360-3	LAURENS	SC	18-Oct-2023	

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SOUTH CAROLINA DEPARTMENT OF REVENUE

Old Business

Item # 1

Request to Reconsider Case # BZA-04-25-00857

- **BZA's Final Decision and Order on Appeal**
Application BZA-04-25-00857



The Appellant, LaDon Paige, represented by Jessica Monsell, Esq. of Keibler Law Group LLC, filed an application for an Appeal of a Zoning-Related Administrative Decision on April 8, 2025. The Charleston County Board of Zoning Appeals (BZA) held a public hearing on this application on June 2, 2025. The BZA makes the following findings of fact and conclusions of law pursuant to S.C. Code Ann. §6-29-800 and the *Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Article 3.13 Appeals of Zoning-Related Administrative Decisions, §3.13.8 Approval Criteria; Findings of Fact.*

Findings of Fact

LaDon Paige, represented by Jessica Monsell, Esq. of Keibler Law Group LLC, filed an application for an Appeal of an Administrative Decision regarding property identified as TMS # 301-00-00-809 and located at 1184 Bees Ferry Road, Unit 103, in the St. Andrews Area of Charleston County, South Carolina. The appellant states the decision being appealed is, *"Whether the [Charleston County Zoning and Planning Department and/or its Director] decision to grant the Permit [ZONE-03-25-22114 for the interior upfit for "Chillaxe Vaper"] was an abuse of discretion and contrary to the lawful commercial use restrictions of PD-73E."*

The BZA considered the evidence and testimony presented at the hearing, denied the Appeal, and affirmed the Administrative Decision based on the following findings of fact:

- 1) On September 28, 2021, Charleston County Council approved amendments to Hunt Club Planned Development (PD-73E) Guidelines. The adopted amendments contained conditions of approval, one of which removed "tobacconist" (among other uses) from the list of allowed uses. While "tobacconists" were no longer included on the list of allowed uses, they were also not included on a list of "prohibited uses." There is no mention of "vape shop" contained in the PD-73E guidelines; neither allowed nor prohibited. "Vape shops" are considered "Retail Sales" which is expressly allowed in the guidelines of PD-73E.
- 2) The *Charleston County Zoning and Land Development Regulations Ordinance, Chapter 12 Definitions, Article 12.2 Interpretation*, states: *"For the purpose of this Ordinance, certain words and terms used herein are defined as set forth in this Section. If not specifically defined herein, words and terms shall be defined in Merriam-Webster's Collegiate Dictionary, 11th Edition."*
Merriam-Webster's Collegiate Dictionary provides the following definitions:
"Tobacconist: A dealer in tobacco especially at retail."
"Vape: to inhale vapor through the mouth from a usually battery-operated electronic device, such as an electronic cigarette, that heats up and vaporizes a liquid or solid."
- 3) Zoning Permit ZONE-03-25-22114 was properly approved and issued by the Planning Director based on the Hunt Club PD-73E Guidelines and the Zoning Ordinance as outlined in 1 and 2 above. The Applicant specifically limited the range of products to be sold excluding any tobacco products and smoking onsite. The Zoning Permit states *"...no tobacco products will be sold. No smoking of any kind will be allowed on the premises..."*
- 4) The Charleston County Zoning and Planning Department has full authority to issue Zoning Permits for vape shops. SC Code Sec. 16-17-500 'Omnibus Tobacco Enforcement Act of 2023' Section 4 of the Act states: *"Nothing in this act shall be construed to interfere with a political subdivision's authority under Chapter 29, Title 6, including, without limitation, with respect to land use regulation, land development regulation, zoning, or permitting."* Therefore, this Act has no bearing on the *Charleston County Zoning and Land Development Regulations Ordinance*, is not applicable to the way in which Charleston County defines land uses, administers its ordinances, nor restricts its ability to issue permits. The State Act establishes regulations and penalties to prevent sales of tobacco and related products to minors in South Carolina.

5) The Zoning and Planning Department followed the law and properly administered the Hunt Club Planned Development (PD-73E) Guidelines and the *Charleston County Zoning and Land Development Regulations Ordinance* when issuing the Zoning Permit (ZONE-03-25-22114). The Zoning and Planning Department has consistently applied the **interpretation of the term "vape shop"** throughout the County, as an allowed use under the Land Use Type "**Retail Sales**" pursuant to the *Charleston County Zoning and Land Development Regulations Ordinance, Chapter 6 Use Regulations, Article 6.1 Use Types and Use Table*.

The BZA finds that the Planning Director did not err in his decision to issue the Zoning Permit ZONE-03-25-22114 for the interior upfit for "Chillaxe Vaper" based on the evidence and testimony presented at the June 2, 2025 hearing.

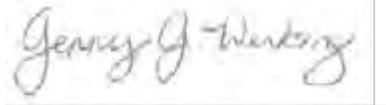
Conclusions of Law

The BZA is authorized pursuant to S.C. Code Ann. § 6-29-800 and the *Charleston County Zoning and Land Development Regulations Ordinance, Article 3.13 Appeals of Zoning-Related Administrative Decisions, §3.13.8 Approval Criteria; Findings of Fact: "An appeal shall be sustained only if the BZA finds that the administrative official erred. The decision of the BZA shall be accompanied by specific, written findings of fact and conclusions of law clearly stating the reason for the decision."*

THEREFORE, the Charleston County Board of Zoning Appeals denies the appeal and affirms the Planning Director's decision.

Any person with a substantial interest may appeal the Board of Zoning Appeals' decision to the Circuit Court of Charleston County within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

Sincerely,

A handwritten signature in cursive script, reading "Jenny J. Werking", is written over a horizontal line. A vertical line is positioned to the right of the signature.

Jenny J. Werking, AICP
BZA Secretary

Date issued: June 2, 2025

Date mailed to parties in interest: June 13, 2025