

SBDVAA-06-26-00007

Combined Appeal Applications

Staff Presentation

Public Input

(<https://PublicInput.com/Report/2zyuuliwtmv>)

County of Charleston

Public Services Building
Zoning/Planning Department
4045 Bridge View Drive
North Charleston, SC 29405
Phone 843-202-7200
Fax 843-202-7222
www.charlestoncounty.org



Appellant Name: Margaret Cagle and John Cagle

Mailing Address: [REDACTED]

City, State, ZIP Code: [REDACTED] Daytime Phone#: [REDACTED]

Email: [REDACTED]

Subject Property Address: TMS 614-00-00-004 (Leland Park Subdivision), off Jack Leland Road at Stratton Place, Mount Pleasant, SC 29466

- John Cagle Margaret Cagle
Appellant Signature

6/10/2026
Date

Application #: _____ Zoning District: _____
 Date Filed: _____ Fee Paid (\$250): _____
 TMS #: _____ Zoning Officer: _____

Application for Appeal of Subdivision-Related Administrative Decisions

County of Charleston

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Appellant Name: Leslie Mehard Brady and David Lee Brady
Mailing Address: [REDACTED]
City, State, ZIP Code: [REDACTED] Daytime Phone#: [REDACTED]
Email: [REDACTED]
Subject Property Address: 2535 Jack Heland Rd, # 614 00 00 004

1. Decision which is being appealed:

5B07 # 02874

2. Reason(s) appellant believed the decision to be in error:

Please reference attached letter

3. Appellant contends that the correct interpretation of the Charleston County Zoning and Land Development Regulations Ordinance as applied to the property is:

Please reference the attached document

4. Appellant requests the following relief:

1.) Revocation of site plan # 02874.
2.) Elimination of utilization of Jack Heland Rd right of way

Appellant Signature: Leslie M. Brady

Date: June 15, 2026

FOR OFFICE USE ONLY:

Application #:
Date Filed:
TMS #:

Zoning District:
Fee Paid (\$250):
Zoning Officer:

Application for Appeal of Subdivision-Related Administrative Decisions

www.charlestoncounty.org Fax

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Appellant Name: Alison O'Connor

Mailing Address: [REDACTED]

City, State, ZIP Code: Daytime Phone#: [REDACTED]

Email: [REDACTED]

Subject Property Address: [REDACTED]

1. Decision which is being appealed:

(PARCEL 614 00 00 007)

SBDV#02874

Appeal of the approval of the preliminary site plan #02874 for Leland Park Subdivision

2. Reason(s) appellant believed the decision to be in error:

~The COE NWP permit SAC #2023-0851.

Permit EXPIRED March 14, 2026.

Without a valid US COE NWP, the proposed ingress/egress access utilizing the Jack Leland Road right-of-way to the 614 00 00 004 parcel is invalid.

Without a US COE NWP, the Stormwater Permit approving Outfall #3 is invalid.

The COE NWP #2023-0851 permit expiration has invalidated the usage of the Jack Leland Road right-of-way for this stormwater runoff ditch identified as Outfall #3.

~Absence of plan(s) for Ingress/Egress Access to subdivision. Ownership of parcel 614 05 00 271 (Mr. A. J. Leone) has presented the Developer with an opportunity to obtain an ingress / egress access easement through parcel 614 05 00 271 to connect the Leland Park subdivision to the existing Charter Oaks Drive roadway. Attempting to construct a two-lane roadway on Jack Leland Road (essentially my driveway) would prevent me from accessing my home. (614 00 00 007)

~The approval/implementation of the roadway component of the SBDV 02874 site plan will cause damage and/or financial harm for existing property owners.

The increased 2.5 feet in elevation for this roadway will create a "dam effect" between the immediately adjacent salt water marsh of parcel 614 00 00 621 and the stormwater flows from the six immediately adjacent home sites of Charter Oaks Drive.

Stormwater accumulation from the six immediately adjacent home sites of Charter Oaks Drive will have no accessibility to the stormwater "ditch" identified as "Outfall #3". This area experiences heavy storms, king tides, and storm surges from Tropical Storms and "N'orEasters". This roadway "dam" will cause stormwater "ponds" in yards. Specifically, if the water has nowhere to go but back down the slope of the land it will all end up in my yard (614 00 00 007) causing a rise in the standing water level and potential home flooding as my home is not raised.

~SCE&G (Dominion) Power Lines – Approved Site Plan – Page C211

On page C-110, Engineer has entered note "Remove existing power pole(s), guy wires, and overhead lines coordinate with Dominion Energy". My home utilizes the power pole directly in front of my property on Jack Leland Road and my internet line is directly connected to that. Removing or moving the power pole/lines would disrupt my ability to access the internet. (614 00 00 007)

3. Appellant contends that the correct interpretation of the *Charleston County Zoning and Land Development Regulations Ordinance* as applied to the property is:

The statutes of the State of South Carolina protect property owners from becoming land-locked through the actions of an uninformed property owner (Developer). While no single statute codifies all easement rules, Title 27 of the South Carolina Code of Laws governs property and conveyances, including servitudes, rights-of-way, and conservation easements legalclarity.org+1.

Key provisions include:

Chapter 7 – Form and Execution of Conveyances: Requires written agreements for interests in land (Statute of Frauds), which applies to express easements

Chapter 11 – Confirmation of Titles: Addresses title issues that may affect easement validity.

Chapter 31 – Horizontal Property Act: May be relevant in subdivided land contexts where access is severed.

Statutory and Common Law Requirements

Easements of necessity are primarily governed by common law principles developed over decades, but they are applied within the statutory framework. The courts look for:

1. Original Unity of Ownership – The land and the access route were once joined as one parcel

2. Necessity at Severance – At the time the property was divided, the landlocked parcel had no other access

3. Continuing Necessity – The need for access must still exist

4. No Other Access Available – The property must be landlocked, with no alternative route Legal Beagle.

The approval of this site plan will allow Developer to commence extensive demolition and construction activities inconsistently across days/weeks/months/years in the Jack Leland Road

right-of-way. During the times of this demolition & construction period, the three owners of parcel 614 00 00 621, 614 00 00 007, and 614 00 00 006 will be DENIED access to their parcels. There are no alternative access routes available. The Developer's actions will land-lock these properties.

4. Appellant requests the following relief:

I am not asking for the dissolution of the proposed subdivision. I am merely asking to utilize the ingress / egress access easement through parcel 614 05 00 271. If the entrance location could be changed and Jack Leland Road remained untouched, there would be time and money saved by the developer, wetlands undisturbed, and preservation of peace. I bought this house (614 00 00 007) 3 years ago because of its seclusion and peacefulness and that is all about to be upended. Please consider the massive amounts of cons to using Jack Leland Road as the ingress/egress for this proposed subdivision vs. the multitude of pros to using access easement through parcel 614 05 00 271.

Appellant Signature Date

FOR OFFICE USE ONLY:

Application #: Zoning District:

Date Filed: Fee Paid (\$250):

TMS #: Zoning Officer:

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Appellant Name: Ray L Hobbs - Trustee / Ray L Hobbs Living Trust
Mailing Address: [REDACTED]
City, State, ZIP Code: [REDACTED] Daytime Phone#: [REDACTED]
Email: [REDACTED]
Subject Property Address: PID #614 05 00 266 / #614 00 00 006 / 614 00 00 621

1. Decision which is being appealed:

SDV #02874 + STRM-07-24-05145
Preliminary Site Plan - Leland Park Subdivision
Parcel 614 00 00 004

2. Reason(s) appellant believed the decision to be in error:

Please reference attached correspondence.

3. Appellant contends that the correct interpretation of the *Charleston County Zoning and Land Development Regulations Ordinance* as applied to the property is:

Please reference attached correspondence.

4. Appellant requests the following relief:

Please reference attached correspondence.

Appellant Signature

Ray L Hobbs - Trustee
Ray L Hobbs Living Trust

Date

June 11, 2026

FOR OFFICE USE ONLY:

Application #:

Zoning District:

Date Filed:

Fee Paid (\$250):

TMS #:

Zoning Officer:

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Appellant Name: Hugh E. Murphy
Mailing Address: [REDACTED]
City, State, ZIP Code: [REDACTED] Daytime Phone#: [REDACTED]
Email: [REDACTED]
Subject Property Address: Parcel No. 6140000004

1. Decision which is being appealed:

See attached. SBDV # 02874

2. Reason(s) appellant believed the decision to be in error:

See attached

3. Appellant contends that the correct interpretation of the *Charleston County Zoning and Land Development Regulations Ordinance* as applied to the property is:

See attached.

4. Appellant requests the following relief:

Revoke approval of site plan SBDV # 02874
Thank you for your consideration.

Hugh E. Murphy
Appellant Signature

6-12-26
Date

FOR OFFICE USE ONLY:

Application #: _____
Date Filed: _____
TMS #: _____

Zoning District: _____
Fee Paid (\$250): _____
Zoning Officer: _____

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Appellant Name: James Boswell

Mailing Address:

City, State, ZIP Code:

Daytime Phone#:

Email:

Subject Property Address:

LELAND PARK SUBDIVISION

614-00-00-004

1. Decision which is being appealed:

See attached 3 page letter Point #1

2. Reason(s) appellant believed the decision to be in error:

See attached 3 page letter Point #2

3. Appellant contends that the correct interpretation of the *Charleston County Zoning and Land Development Regulations Ordinance* as applied to the property is:

See attached 3 page letter Point #3

4. Appellant requests the following relief:

See attached 3 page letter Point #4

Appellant Signature

June 15, 2026

Date

FOR OFFICE USE ONLY:

Application #:

Zoning District:

Date Filed:

Fee Paid (\$250):

TMS #:

Zoning Officer:

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

DATED: June 29, 2026

APPELLEE: Mr. Joel Evans, Director
Charleston County Zoning & Planning Department
Lonnie Hamilton III Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405

cc: Ms. Andrea Melocik-White
Ms. Tamara Avery
Mr. Chris Wannamaker
Mr. Larry Kobrovsky
Ms. Susan Cox

APPELLANTS:

Appellants are residents of Charleston County, South Carolina, and owners of properties which will be damaged / harmed by the approval of the #02874 site plan.

#1 Name: Margaret & John Cagle PID: 614-05-00-267

[REDACTED]

#2 Name: Leslie & David Brady PID: 614-05-00-270

[REDACTED]

#3 Name: Hugh & Beverly Murphy PID: 614-05-00-264

[REDACTED]

#4 Name: Sherry & Clay Boswell PID: 614-05-00-262

[REDACTED]

#5 Name: Alison O'Connor PID: 614-00-00-007

[REDACTED]

#6 Name: Ray L. Hobbs - Trustee PID: 614-05-00-266

[REDACTED]

[REDACTED] PID: 614-00-000-006

Please record this correspondence as a "COMBINED APPEAL" which is being presented at the request of Niki Grimball, Project Officer III, Charleston County Zoning & Planning Department, in lieu of six (6) individual appeals filed by above appellants prior to June 15, 2026.

This document is an APPEAL of the APPROVAL of site plan #02874 for Leland Park Subdivision located on parcel 614-00-000-004. The approval of this site plan was issued May 15, 2026, by Ms. Tamara Avery.

APPEAL

SITE PLAN APPROVAL – SBDV # 02874

CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

We are not submitting this “Appeal” in opposition to the entirety of the site plan #02874. Our intent is to share information which we believe will provide Charleston County Zoning & Planning Department, and the Developer, with opportunities to eliminate ALL negative impacts caused by certain components of this site plan towards achieving a future approval.

To begin, I quote the Criteria for an “Appeal” which is presented on the CharlestonCounty.org website (Chapter 8 Subdivision Regulations; Section 8.4.7 Appeals of Zoning and Planning Director's Preliminary Plat Decision):

- **Sec. 8.4.7(C): “Burden of Persuasion of Error.** In acting on the appeal, the Planning Commission shall grant to the decision of the Zoning and Planning Director a presumption of correctness, placing the burden of persuasion of **error** on the appellant.”
- **Sec. 8.4.7(D): “Approval Criteria.** An appeal shall be sustained only if the Planning Commission finds that the decision of the Zoning and Planning Director was in **error.**”

Unfortunately, the established criteria failed to define the word “error”. To determine the definition which may be in use, I referenced the commonly accepted definition of “error” present in the Miriam-Webster dictionary which defines “ERROR” as: “Noun – A mistake. The state or condition of being wrong in conduct or judgment.” <https://www.merriam-webster.com/simple/error>

To expand this definition, LegalClarity.org expands the definition: **“Errors and omissions (E&O) refer to mistakes, oversights, or failures in professional services that result in financial loss or harm to a client.”** **Core Definition** - Errors and omissions encompass **mistakes, oversights, miscalculations, or failures to act** that occur unintentionally during the delivery of professional services, advice, or work. An **error** is an active mistake, such as providing incorrect advice or miscalculating figures, while an **omission** is a failure to act when a duty exists, such as neglecting to inform a client of critical information or missing a statutory deadline. Both are considered forms of professional negligence. [What Are Examples of Errors and Omissions? - LegalClarity](#)

We are not submitting this appeal as adversaries of Ms. Tamara Avery. Ms. Avery is only one person, and the information she is required to review is extensive. Ms. Avery, and Mr. Wannamaker, are dependent upon information presented by third party vendors presenting information on behalf of the Developer to be complete and correct.

We steadfastly believe many of the **“ERRORS”** (note plural) existing in the site plan SBDV #02874 are attributable to incomplete, inaccurate, and invalid information being presented by “others” whose services are being retained by the Developer.

APPEAL

SITE PLAN APPROVAL – SBDV # 02874

CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Appeal – Item #1 – General

DENIAL OF DUE PROCESS Adjacent Owners Were Given No Notice and No Opportunity to Be Heard

Not one adjacent property owner has been contacted by the Developer, the Developer's engineering firm, the Corps of Engineers, SC DES, Charleston County Public Works, or the Charleston County Zoning and Planning Office at any stage of this multi-year review. No public comment period was offered. Outreach to the County's District 2 representative and to a Charleston County Planning Commission member went unanswered. Residents whose backyards, drainage, access, and tree canopy are directly and permanently affected by this plan learned of its approval only after the fact, leaving the appeal process as the first and only opportunity to be heard.

As residents of Charleston County, we have been denied our 14th Amendment right to protect our property from harm. It is impossible to comprehend how Charleston County has no regard for the well-being of existing property owners. This development presents an imminent threat to our personal well-being. There is an absence of inclusion, and we believe we have been DENIED OUR RIGHT TO DUE PROCESS.

The primary basis for our property owners' claim of "denial of due process" comes from the Fourteenth Amendment to the U.S. Constitution, specifically its Due Process Clause:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law..." [LII / Legal Information Institute](#)+1.

Every agency involved in this approval had zero direct contact with the Charleston County property owners this approval affects most! Nor has Charleston County provided any opportunity for sharing information and concerns within a "PUBLIC COMMENT".

- NO Developer – Has had no contact with adjacent property owners.
- NO Developer Engineering Firm – No contact with adjacent property owners.
- NO Developer's Firms retained for supporting performance criteria – No contact.
- NO Corps of Engineers – Elimination of jurisdictional Wetland A – No contact.
- NO SC Departmental of Environmental Services – Stormwater Permits – No contact.
- NO Charleston County Public Works – Roadway and Stormwater Permits - No contact.
- NO Charleston County Zoning & Planning Office – No contact.

Denying property owners their right to protect their property is a **ERROR / FAILURE** by all Charleston County Departments involved in this permitting process.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

We have a right to provide information and comments, and to be heard, towards the protection of our property. Charleston County staff has been delivered information and has been provided opportunities to review and ensure all information submitted was accurate, complete, and meeting all Charleston County zoning ordinances.

Efforts to share information with my Charleston County District 2 Representative Mr. Larry Kobrovsky, and Ms. Susan Cox, Charleston County Planning Commission were ignored, and to date, without response. This “absence of care” for the requirement of correct and complete information has denied all adjacent property owners of our right to be heard and protect our property from harm.

To this point, anyone, including team members within the Zoning & Planning staff and/or the Team Members of the Public Works Staff, should be expected to research / question completeness and validity of information being presented for review from the Developer and the Developer’s representatives. CCPD and CCPW actions, or inactions, are not protecting adjacent property owners.

CCPD AND CCPW staff members are responsible for conducting thorough reviews to ensure complete information is present. This is an **ERROR / FAILURE**.

Request for Relief: The **OMISSION** present in submitted information should be sufficient cause to set aside the approval of this preliminary site plan.

This action will serve to protect existing property owners from damages to property, preventable harm, financial , encroachments, and unnecessary intrusions, all of which cause physical and mental distress.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Appeal – Issue #2 – Expired Federal Wetlands Permit Anchors the Entire Site Plan

Cross Departmental Review Failed to Identify a Foundation Defect - Absence of Valid US Corps of Engineers Wetlands Permit.

The Corps of Engineers Nationwide Permit lapsed two months before county approval was granted.

- The U.S. Army Corps of Engineers Nationwide Permit issued was SAC #2023-0851
- The permit **EXPIRED** on March 14, 2026

The Developer of the Leland Park Subdivision submitted a permit application to the United States Corps of Engineers to eliminate a Jurisdictional Wetland (Wetland A) within the Jack Leland Road right-of-way for the purpose of destroying / filling said Wetland A area. This permit enables the construction of a gravel roadway for ingress/egress to the Leland Park Subdivision.

The Developer's only authorization to fill Jurisdictional **Wetland A** within the Jack Leland Road right-of-way — U.S. Army Corps of Engineers Nationwide Permit (US COE NWP) SAC #2023-0851 — expired on March 14, 2026. Charleston County did not approve the preliminary plat until May 15, 2026, a full two months later. This permit is the legal foundation for both the access roadway and the stormwater outfall that depend on disturbing that wetland. With it expired, neither component of the site plan has a valid permit behind it. Charleston County Public Works engineer John Prorock confirmed on June 2, 2026, that his office was unaware the permit had lapsed, despite two months having passed since expiration — more than enough time for routine monitoring to catch it.

The expiration of the Corps wetlands permit on March 14, 2026, should have been recognized before the May 15, 2026, approval — by either the Public Works Department, which reviews stormwater and roadway components, or the Zoning and Planning Department, which issued the approval. Neither did.

This is not a single missed detail; it reflects an absence of any process for tracking the validity of the third-party permits an approval depends on.

This permit serves as the “anchor” for all permits presented by the Developer for use of the Jack Leland Road right-of-way.

- In the absence of a valid US COE NWP, the Stormwater Permit STRM-07-24-05145 which includes Outfall #3 is invalid.
- In the absence of a valid US COE NWP, the proposed ingress/egress access utilizing the Jack Leland Road right-of-way to the 614-00-00-004 parcel is invalid.

Two months elapsed between March 14, 2026, and the date the site plan was approved on May 15, 2026. Two months should be ample time for a staff member within the Zoning & Planning Department or a staff

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

person within the Public Works Department to become aware of the NWP expiration date. Proper monitoring of critical dates was not present.

I spoke with Mr. John Prorock in the Public Works Department on Tuesday, June 2nd. I phoned Mr. Prorock to determine if the Public Works Department was aware of the expiration of the US COE NWP. Mr. Prorock advised he was not aware of the permit having expired.

An **ERROR** has occurred when a primary component of the site plan is known, or should have been known, by the Public Works Department, who in turn, should have notified the staff of the Zoning & Planning Department of the expiration of the US COE NWP permit but does not.

Appropriate review and monitoring of critical dates for submitted permits was absent.
Communication failures between departments contributed to this **ERROR**.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Appeal – Item #3 – Invalid Stormwater Permit STRM-07-24-05145

Permit (Outfall #3) Is Invalid Without the Wetlands Permit

The approved drainage plan cannot lawfully be built on an expired federal authorization.

Stormwater Permit STRM-07-24-05145, which routes the development's primary outfall ("Outfall #3") through the same right-of-way wetland, is wholly dependent on the same expired Corps permit.

Approving a stormwater management plan that relies on an unauthorized wetland fill is not a technicality — it means the County approved a drainage system that, as designed, cannot legally be constructed.

Request for Relief: Rescind approval of STRM-07-24-05145
 Require new permit application reflecting approved stormwater outfalls.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Appeal - Item #4 – Page 101 – Preliminary Site Plan

Absence of plan(s) for Ingress/Egress Access to subdivision.

- A. This page identifies the presence and location of a WATER easement and a SEWER easement within the privately owned (NOT HOA) 614-05-00-271 parcel for connectivity to Town of Mt Pleasant water & sewer infrastructure which exists on the adjacent street Charter Oaks Drive. Reference – Book EE Page 745.

Ownership of parcel 614-05-00-271 (Mr. A. J. Leone @ [REDACTED]) has presented Developer with an opportunity to obtain an **ingress / egress access easement** through parcel 614-05-00-271 to connect the Leland Park parcel 614-00-00-004 to the existing Charter Oaks Drive.

Surprisingly, the Developer's representatives have yet to respond to Mr. Leone's numerous contacts regarding this less expensive, and far less harmful / damaging option. **Why?**

The option for an easement in parcel 614-05-00-271 has been presented to Charleston County Public Works (Mr. Wannamaker) and to Charleston County Planning Department (Ms. Avery and Ms. Melocik-White). *Has anyone contacted Mr. Leone for validation?*

- B. Charleston County Planning Department has acknowledged jurisdiction for the Jack Leland Road right-of-way is the Town of Mount Pleasant. However, the approval of this site plan clearly confirms Charleston County Planning Department and Charleston County Public Works have approved the usage of the Jack Leland Road right-of-way component in the overall site plan.
- Ms. Avery has shared on numerous communications the TOMP will be the responsible jurisdiction for the Jack Leland Road right-of-way.
 - Mr. Kevin Mitchell at the TOMP has advised the TOMP is not involved, and there have been no plans submitted by Developer for the 526' LF (25,560 sf) Jack Leland Road right-of-way.
 - Mr. Wannamaker shared with me in our call on 02/10/2026 he had reviewed the plans and approved the roadway for inclusion in the Charleston County MS4.

For this discussion, it is inappropriate to provide an approval for a site plan which does **NOT** include an approved method for ingress/egress. This is an **ERROR OF OMISSION**.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

APPEAL – Item #5 – Grading & Drainage Plan - Page C151
& Roadway Profile - Page C152

Page C151 reflects the course of the roadway and the SWMPP # 07-24-05145 ("Outfall #3).

Page C152 identifies the composition of the proposed roadway and the change in elevation at the location of Wetland A within the Jack Leland Road right-of-way.

NOTE: *The plans presented on these two pages require the elimination/fill of Wetland A.
In the absence of a valid US COE NWP, these plans are INVALID.*

For your reference, I am providing facts which are known by all parties:

- a) The existing height shown on Page C152 for majority of Wetland A area is five (5) feet MSL
MSL = Mean Sea Level
- b) This Roadway Profile shown on Page C152 presents an increase in height of the roadway area at Wetland A from 5.0 feet, adding 2.5 feet, resulting in a new height of 7.5 feet MSL.
- c) This proposed roadway/sidewalk/SW ditch is to be located immediately adjacent to the rear property lines for parcels:

614-05-00-265	Lord * at 5.0 ft level of Wetland A
614-05-00-266	Hobbs * at 5.0 ft level of Wetland A
614-05-00-267	Cagle
614-05-00-268	Snyder
614-05-00-269	Buckner
614-05-00-270	Brady
614-05-00-271	LKP LLC – A.J. Leone

- d) Six of the 7 properties listed above have homes built on sites where stormwater flows were designed to flow downhill to rear property line, and continue downhill to Wetland A.

Did the Developer's Engineering Firm present to Charleston County Public Works any site plans identifying existing stormwater flow from adjacent properties? **NO!**

Did the Engineering Firm present to Charleston County Public Works any site plans reflecting the incorporation of stormwater flow from existing adjacent properties into the proposed new stormwater flow identified as "Outfall #3"? **NO!**

Will the approval & implementation of this roadway component of the SBDV 02874 site plan and the SWPPP #07-24-05145 site plan cause damage and/or financial harm for existing property owners? **YES!**

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

How will this damage and/or cause financial harm to adjacent property owners?

- The increased 2.5 feet in elevation for this roadway will create a “dam” effect between the immediately adjacent salt water marsh of parcel 614-00-000-621 and the stormwater flows from the six immediately adjacent home sites of Charter Oaks Drive.
- Stormwater accumulation from the six immediately adjacent home sites of Charter Oaks Drive will have no accessibility to the stormwater “ditch” identified as “Outfall #3”.
- This area experiences heavy storms, king tides, and storm surges from Tropical Storms and “N’orEasters”. This roadway “dam” will cause stormwater “ponds” in our backyards.
- Our yards will be destroyed, and excessive rainfalls (which we all know happens) will require existing property owners to incur remediation expenses (financial harm) which have never been required in present conditions.
- **Civil actions will be required to obtain any remediation & restitution for damages and financial harm. Such actions will force existing homeowners to retain expensive attorneys at their own expense, causing financial harm.**

As I had noted previously, I personally spoke with Mr. Chris Wannamaker in a phone meeting on February 10, 2026, to discuss SWPPP 07-24-05145 shown on Page C251. I shared these very concerns with Mr. Wannamaker.

During this call I asked Mr. Wannamaker if his office had required the Developer’s Engineering firm to create a sample/model of the elevation proposed for this roadway. As I recall, Mr. Wannamaker responded “No, an elevation model was not requested. These plans are prepared by Engineering Firms. This is what they do.”

I then asked if he had visited the site or assigned a staff member to visit the site to validate the information presented by the Engineering firm and he responded he had not. I asked Mr. Wannamaker if he would send someone out to visually inspect the Wetland A area and the properties of the adjacent property owners, and he responded “No, we will not be sending anyone out. We will monitor the construction and if there’s a problem, we will address it.”

To which I responded, “Why does Charleston County have to wait until there’s a problem when a visual inspection will validate our concerns of the increased elevation putting our backyards below the level of the new roadway?”.

I find this absence of care for the existing property owners well-being to be negligent.

Neither I, nor my neighboring property owners, should be burdened with the stress of inevitable damage to property and suffer financial harm to remediate mistakes due to this **OMISSION**.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Should the Developer pursue and obtain a new US COE NWP for the elimination of Wetland A, a new set of plans for the roadway should be submitted with (a) stormwater flow values for adjacent property owners, and (b) impacts of elevation increases on adjacent property owners.

In consideration of this **ERROR OF OMISSION**, **this plan should not receive approval.**

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Appeal – Item #6 Demolition and Tree Protection Plan – Approved Site Plan – Page C110

Forty-Two Trees Approved With No Development Purpose

The area containing these 42 trees is beyond the OCRM critical line and is unrelated to the purpose of constructing a home site.

The approved Demolition and Tree Protection Plan authorizes removal, reduction, or retention actions affecting 42 trees in the maritime forest portion of Home Site #8, located beyond the OCRM critical line. This area is not accessible to vehicles or construction equipment by any permitted route, and none of the 42 trees bear any relationship to the construction of the eight proposed home sites.

SC DES has confirmed it has received no application for any OCRM critical line encroachment in this area. Approving tree removal in a protected out-parcel with no stated development purpose, and no agency review, is difficult to characterize as anything other than an oversight that should be corrected before any clearing occurs.

This issue is specific to tree locations presented on site plan page C110 and numbered in numerical sequence. This Appeal item references **ONLY** location #09 up to and including location #62 (excluding location #60). The approval of the presented Demolition and Tree Protection component of this site plan will cause excessive, unnecessary, and irrevocable destruction of 42 trees within this maritime forest.

Page C110 indicates forty-two (42) trees are located within the section of Home Site #8 beyond (South) of the OCRM critical line.

- (a) This area of Home Site #8 is **NOT** accessible; The small foot path connector is not available for vehicular traffic of any kind; (Connector area is shown on Cover Page (C003) of site plan)
- (b) These 42 trees identified for removal, reduction, and retention are 100% irrelevant to the building of homes on any of the home sites presented as #1 through #8 on this plan;
- (c) These 42 trees are located beyond (south) of the OCRM critical line;
- (d) These 42 trees should not have been approved for removal, reduction, or retention in an area that is **NOT** presented for development of home sites within this site plan.

The removal/reduction/retention of forty-two (42) trees is **without purpose** as these trees are unrelated to the completion of the 8 home sites presented in the site plan.

CCPD's approval will allow non-permitted work to proceed in protected areas without review and approval from South Carolina DES. Additionally, the CCPD approval implies Developer is approved to access this area with equipment such as bulldozers and/or tree cutting equipment. Are the adjacent marshes, wetland areas, and protected trees being sacrificed for no reason?

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Even to an untrained layman, Home Site #8 is clearly an attempt by this Developer to circumvent established protective requirements implemented to prevent inappropriate & unauthorized actions such as these on the out-parcel portion of Home Site #8. I believe this to be an ERROR in failing to identify the long range impacts of this site plan. This page clearly indicates trees identified for removal just “happen to be” living in the only path of access (not permitted for encroachment) to the out-parcel. The OMISSION of proper and necessary restrictions by CCPD, is an **ERROR OF OMISSION**.

CCPD retains the authority to restrict actions and require Developer prepare and submit an amended site plan identifying intended usage of the 5.15 acre Home Site #8 beyond (South) the critical line.

Request for Relief: We respectfully request the approved site plan be **AMENDED** to restrict any/all actions in areas of Home Site #8 beyond (South) the critical line presented on Page C110. **Until such time as this amended site plan is presented to CCPD, it is both appropriate & necessary for CCPD to issue “STOP WORK ORDER” to restrict all actions within this area of Home Site #8.**

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Appeal – Item #7 - Grading & Drainage Plan – Approved Site Plan – Page C151

Stormwater Design Carries Dozens of Unresolved Deficiencies

County engineers have stated in writing, repeatedly, that the proposed treatment method does not meet design standards.

The stormwater plan underlying this approval has accumulated roughly 27 documented review deficiencies across submission rounds. County engineering staff have stated in writing on three separate occasions that the rock check dams proposed for permanent water quality treatment do not meet the County Stormwater Design Manual's standards for permanent treatment structures. Approving a preliminary plat with this volume of unresolved technical deficiency in its core drainage design undermines confidence that the plan as approved is actually buildable as shown.

- A. Page C151 includes the location of the three proposed stormwater outfall ditches. Note the 600 foot (+/-) stormwater ditch identified as "outfall #3" in the SWMPP is present within the Jack Leland Road right-of-way, and it connects to a drainage pipe in the Wetland A area.

FACT: The US COE NWP #2023-0851 permit expiration has invalidated the usage of the Jack Leland Road right-of-way for this stormwater runoff ditch identified as Outfall #3.

In that a valid US COE NWP is absent, the approval of the proposed stormwater management plan usage of "Outfall #3" must be rescinded.

Request for Relief: Approval of this page be rescinded because of this **OMISSION**.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Appeal – Item #8 - Grading & Drainage Plan – Approved Site Plan – Page C151

No Stormwater Analysis Was Performed for Existing Adjacent Homes

The Engineering Firm never modeled the impact on the properties it will affect most directly.

Charleston County Public Works confirmed, in a direct conversation with Ray Hobbs, that no elevation model was requested of the Developer's engineering firm and that no site visit was conducted to validate the design against real-world conditions.

The plans submitted by Developer contain no study of existing stormwater flow from the seven adjacent Charter Oaks Drive properties, nor do plans reflect how stormwater flow from adjacent properties will be incorporated into the new Outfall #3 system.

Public Works' shared approach — to “we will monitor construction and address it if there's a problem” — places the burden of catching a foreseeable design flaw on the residents who will be flooded, and this design flaw will not be recognized UNTIL AFTER DAMAGE HAS BEEN CAUSED.

Request for Relief: Rescind approval - Require Developer's engineering firm to (a) incorporate stormwater flow presentation to include incorporation of stormwater flows from all adjacent properties into outfall #3; and (b) require Developer's engineering firm to create an elevation model (to present the 2.5 foot increase from 5.0 MSL to 7.5 MSL) at the lowest point in Wetland A for inspection by Charleston County Public Works.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Appeal – Item #8 – Utility Profiles – Page C211

Utility Coordination With Dominion Energy Has Never Been Completed

The plan calls for removing power infrastructure the utility says were never requested.

The approved plans direct the removal of existing power poles, guy wires, and overhead lines, “coordinate with Dominion Energy.” Dominion Energy has confirmed it has received no easement encroachment request and no distribution line relocation request for either the subdivision parcel or the Jack Leland Road right-of-way — despite Dominion’s standard practice of requiring developers to request service before plans are finalized.

On page C-110, Engineer has entered note “Remove existing power pole(s), guy wires, and overhead lines coordinate with Dominion Energy”.

An easement provided to SCE&G in 1937 exists within the boundaries of the Leland Park subdivision parcel and the Jack Leland Road right-of-way. This 1937 SCE&G easement predates current ownership. This easement runs through this exact area and has not been presented in any site plans, ever.

Mr. Bill Turner with Dominion Energy advised they have not received any easement encroachment requests, nor any distribution line relocation requests for the 614-00-00-004 parcel nor the Jack Leland Road right-of-way.

Mr. Turner informed me he is familiar with this location as a “transmission station” was located on parcel 614-00-000-001 some years ago. The parcel 614-00-000-001 was sold to previous ownership and later combined with other parcels to form the 614-00-00-004 parcel.

Mr. Turner also shared Developers are instructed to submit site plans to Dominion Energy with a request for service to the subdivision BEFORE site plans are finalized. As shared previously, the Developer has **FAILED** to submit any information to Dominion Energy, even though the site plans presented by the Developer call out the need for this work. This is an **ERROR OF OMISSION**.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Appeal – Item #9 - Water & Sewer – Page C-251

Required Annexation Into the Town of Mount Pleasant Was Never Initiated

Water and sewer service depends on a step the Developer has not initiated.

Water and sewer service for the subdivision must come from the Town of Mount Pleasant, which in turn requires annexation of the parcel into the Town. As of the most recent appeal filings, no annexation request has been submitted. Approving a residential subdivision plan that depends on a jurisdictional step the Developer has not even initiated leaves a foreseeable gap between paper approval and what can actually be built. Water and sewer service for this subdivision must be obtained from the Town of Mount Pleasant.

The access to water and sewer infrastructure will require the subdivision to be annexed into the Town of Mount Pleasant.

As of the date of this appeal, the Developer has not submitted any requests for annexation to the Town of Mount Pleasant. This represents an **OMISSION OF FACT**.

A water service easement and a sewer service easement are present on page C-251 within the 614-05-00-271 parcel. These easements were recorded in the Charter Oaks Drive subdivision plat map at Book EE Page 745 dated March 2001.

This site plan includes the utilization of the water access easement and the sewer access easement in parcel 614-05-00-271.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Appeal: Issue #10 – Inconsistent presentation of relevant information

Critical Line Setbacks Were Selectively Omitted

The Engineer applied required buffers and setbacks on one parcel boundary but left them off the adjacent marsh.

The same engineering firm that carefully documented the 30-foot OCRM critical line setback and 15-foot buffer within Home Site #8 omitted the identical protections along the Jack Leland Road right-of-way where it borders parcel 614-00-00-621 which contains the adjacent marsh and Porcher Creek, a coastal tidal creek.

This is an internal inconsistency on the face of the Developer's own plans, this is not a matter of interpretation.

This page contains Engineer's notes identifying the 30' OCRM critical line setback and the 15' OCRM critical line buffer zone.

This Engineer has presented this information at the lower right quadrant of Home Site #8.

We have reached out to Mr. George Cox at SC DES. Mr. Cox has advised his office has not received any applications from Developer for the OCRM critical line encroachments within the 614-00-00-004 parcel, nor for the Jack Leland Road right-of-way at parcel 614-00-000-621.

Approval of incomplete information is an **ERROR**.

Request for Relief: Rescind approval of this site plan.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Appeal – Item #11 – Developer FAILURE to provide proof of ownership

Unresolved Right-of-Way Ownership Documentation, Flagged Three Times and Never Corrected

The Developer has never proven it owns or controls Jack Leland Road.

This site plan includes the presentation of the Jack Leland Road right-of-way as the primary ingress-egress access for this development.

Across three separate rounds of county review — August 2024, April 2025, and September 2025 — staff flagged the Developer's failure to document ownership or legal control of the Jack Leland Road right-of-way. That deficiency was never resolved; it was simply dropped from the final comment letter rather than cured. A subdivision cannot rely on a roadway the applicant has not demonstrated the legal right to improve.

A Quit Claim Deed (Book N549 – Page 544) dated March 31, 2005 transferred the ownership of the Jack Leland Drive right-of-way to the ownership of the 614-00-00-004 parcel. Mr. Veitch (prior owner preceding Leland Park LLC) abandoned the Jack Leland Road 50-foot right-of-way immediately adjacent to his parcels to expand the 614-00-00-004 parcel by 50 feet on the North and West sides.

This very same quit claim deed stipulates: *“Subject further to the non-exclusive rights of the owners of parcels identified on said plat recorded in Plat Book EE Page 410 as TMS #614-00-000-006 (now Hobbs) and TMS #614-00-00-007 (now O'Connor) and TMS #614-00-000-001 (formerly SCE&G) to use that portion of the said Jack Leland Drive its intersection with Stratton Place 50' R/W to their respective parcels for the purpose of access, ingress and egress only.”*

This quit claim deed stipulates use of the right of way is restricted to access, ingress and egress **ONLY**, and parcels have access from Stratton Place roadway.

Note the omission of the 614-00-00-004 parcel. Veitch ownership had negotiated access, ingress and egress, with the ownership of parcel 614-05-00-271.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Appeal – Item #12 – Denial of Ingress/Egress Access rights for Existing Property Owners

Three Parcels Will Be Landlocked

Parcels 614-00-00-621, -007, and -006 have only Jack Leland Drive, and South Carolina law protects them.

Jack Leland Road is the sole access for three parcels, including the home of Allison O'Connor, an area schoolteacher (parcel 614-00-00-007). Under South Carolina common law and Title 27 of the SC Code of Laws, this is a textbook easement of necessity: the parcels share common origin with the Leland Park tract, had no alternative access at severance, and remain landlocked today.

The Developer's own site plan provides no alternative access for these owners during what could be months or years of construction. When questioned by Ray Hobbs as to how Ms. O'Connor could reach her home if equipment blocked the road, Mr. Chris Wannamaker, County Public Works representative, responded Ms. O'Connor would need to contact his office and the County would simply fine the Developer \$500 per day — an answer that does nothing to prevent a resident from losing access to her home or her job.

The Jack Leland Road right-of-way presently serves as the ONLY access for four (4) parcels:

614-00-000-621- 14.06 acres of marsh – only accessibility is Jack Leland Road

614-00-00-007 – 1 acre home site – only accessibility is Jack Leland Road

614-00-000-006 – 1 acre parcel – only accessibility is Jack Leland Road

614-00-00-004 – 8.1 acres parcel – Two points of accessibility are available.

ATTACHMENT A provides a photograph of current conditions in this right-of-way.

Parcels 621, 007, and 006 are land-locked. These parcels require the existing one lane dirt road in right-of-way for access. I reference the creation of these parcels as it is recorded in Book J Page 100 where the access to these parcels is dedicated. The Quit Claim Deed of March 2005 stipulates access for ingress/egress. These parcels DO NOT HAVE alternative access options available. This creates an "Easement of Necessity" for these 3 parcels.

HOWEVER, The 614-00-00-004 parcel has TWO access options:

#1 is Jack Leland Road right-of-way.

#2 is available easement through parcel 614-05-00-271.

*Option #2 will eliminate the utilization of Jack Leland Road right-of-way.

In this Easement of Necessity, the 614-00-00-004 parcel is a "Servient" parcel, and the 614-00-000-006, 614-00-00-007, and 614-00-000-621 parcels are the "Dominant" parcels.

APPEAL

SITE PLAN APPROVAL – SBDV # 02874

CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Our research has found the statutes of the State of South Carolina protect property owners from becoming land-locked through the actions of an adjacent property owner (Developer).

My research found this information, and I will share the information here:

While no single statute codifies all easement rules, **Title 27 of the South Carolina Code of Laws** governs property and conveyances, including servitudes, rights-of-way, and conservation easements [legalclarity.org](https://legisclarity.org)+1.

Key provisions include:

- **Chapter 7 – Form and Execution of Conveyances:** Requires written agreements for interests in land (Statute of Frauds), which applies to express easements [legalclarity.org](https://legisclarity.org).
- **Chapter 11 – Confirmation of Titles:** Addresses title issues that may affect easement validity.
- **Chapter 31 – Horizontal Property Act:** May be relevant in subdivided land contexts where access is severed.

Statutory and Common Law Requirements - Easements of necessity are primarily governed by **common law principles** developed over decades, but they are applied within the statutory framework.

The courts are looking for:

1. **Original Unity of Ownership** – The land and the access route were once joined as one parcel [Justia Law](#). **Correct** – All parcels were originally within the 614-00-000-008 parcel.
2. **Necessity at Severance** – At the time the property was divided, (book J page 100) the landlocked parcel had no other access [landifyr.com](#). **Correct**.
3. **Continuing Necessity** – The need for access must still exist [landifyr.com](#). **Correct**.
4. **No Other Access Available** – The property must be landlocked, with no alternative route [Legal Beagle](#). **Correct**.

There are no alternative access routes available. The approval of this site plan by Charleston County will landlock our parcels as it approves the Developer to commence extensive demolition and construction activities across unknown days/weeks/months/years in the Jack Leland Road right-of-way. During these unknown times of demolition & construction, the three owners of parcel 614-00-000-621, 614-00-00-007, and 614-00-000-006 will be DENIED access to their parcels.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

Appeal – Item #13 – Availability of Alternative Ingress/Egress to parcel 614-00-000-004

A Less Damaging Alternative Access Route Has Been Offered and Ignored

An available easement through a neighboring parcel would eliminate most of these problems outright.

Mr. A.J. Leone, Managing Partner for Ownership of parcel 614-05-00-271, has repeatedly offered the Developer an ingress/egress easement connecting the Leland Park parcel directly to Charter Oaks Drive — bypassing the need for the wetland fill, and the elevated roadway entirely.

(Mr. Leone is available to validate this option, and he welcomes contact . His phone number can be provided upon request.)

This option has been disclosed to both Charleston County Public Works and the Planning Department.

There is an **ERROR** present in the Charleston County records indicating this parcel is **UNDEVELOPABLE**. This parcel is privately owned and research has confirmed an ingress/egress access easement is possible.

The Developer has not responded to Mr. Leone, and no County staff member appears to have contacted him to validate the option.

The approval of this site plan disregards the existence of a clearly less damaging, more economically feasible, more expeditious, and less damaging alternative — without explanation — is itself questionable.

REQUEST FOR RELIEF:

- A. Correct error in the Charleston County Records listing for 614 05 00 271 to ensure property is properly presented.
- B. Request written proof of communications / negotiations between Developer and property owner.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

14. APELLANTS REQUEST THE FOLLOWING RELIEF:

We wish you to accept this appeal as a challenge to this Developer towards initiating actions to PROTECT our properties, other adjacent properties, and surrounding properties from negative impacts to be caused by the Leland Park Subdivision.

- a) Immediately set aside the approval of SDBV #02874 and STRM 07-24-05145
- b) Set aside existing plans, in whole or in part, to review AFTER such time as the ingress/egress access is defined, and updated site plans are presented to CCPD / CCPW for review.
- c) Challenge Developer to utilize alternative access easement available in parcel 614-05-00-271.
- d) Require Developer to be expeditious in responding. Provide a six (6) month period commencing on June 15, 2026, and terminating on December 15, 2026, for the submission of revised plans for this site.
- e) During this six-month performance period, require Developer to prepare & present current permits, stormwater plans, wetland & marsh encroachments, utility easements, and documentation for all components of submitted plans. In the event Developer fails to perform all actions by December 15, 2026, all submissions to date become null and void.
- f) IMMEDIATELY ISSUE "STOP WORK ORDER" for any/all actions related to trees, marsh encroachments, and / or non-approved activities within the out-parcel of Home Site #8, beyond (South) the OCRM Critical Line. Establish and enforce restrictions to protect this maritime forest area from development.
- g) Require Developer to prepare and submit a new / additional subdivision plan for the 5.15 acre Home Site #8 should Developer choose to develop this area as more than a typical single family home site.
- h) Conduct a Public Hearing with Planning Commission and Charleston County Council for the purpose of sharing information related to concerns addressed in this appeal. Deliver notifications of Public Hearing(s) in writing via USPA mail to all appellants, all adjacent property owners, and all residents of Charter Oaks Drive.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

15. Additional Requested Relief

Taken individually, many of these issues would each independently justify rescinding the May 15, 2026, approval. Taken together, they describe a site plan built on an expired federal permit, an unresolved access route, an unstudied flood risk to existing homes, and a pattern of incomplete information moving through County review uncorrected across multiple submission cycles.

We respectfully request that the Planning Director and Planning Commission set aside the approval of SBDV-07-24-02874 and STRM-07-24-05145, and require the Developer to cure each deficiency identified above.

In addition, and specific to the Zoning and Land Development *Regulations (ZLDR) issues raised above*, we further request that the Planning Director and Planning Commission:

- a) Find that the approval fails to ensure compliance with ZLDR Sec. 8.7.3(B), Access, which requires that all lots be provided a consistent means of access in conformance with the standards and specifications of the Ordinance, and require the Developer to demonstrate a legally sufficient, agency-approved means of access for parcels 614-00-00-621, 614-00-00-007, and 614-00-00-006 before any further construction activity proceeds.
- b) Find that the temporary blockage of Jack Leland Road during construction would violate ZLDR Sec. 8.7.3(D), governing the construction and maintenance of ingress/egress easements and private rights-of-way, and require the Developer to submit a binding access-maintenance plan ensuring continuous, functional access to the landlocked parcels for the full duration of construction.
- c) Require the Developer to demonstrate that the roadway and drainage design comply with ZLDR Sec. 8.1.4, Road Construction Standards, and Appendix A.2, Private Road Standards, including construction sequencing that does not deny existing residents their only means of access at any point during the project.
- d) Direct staff to verify, on the live Charleston County ZLDR portal (encodeplus.com), the current section numbering for the Access provisions cited above before any reinstated approval is issued, since the version reviewed reflects County Ordinance #2239 (adopted December 6, 2022) and may have been renumbered by a subsequent amendment.
- e) Confirm that any further review of this application, and any rehearing of this appeal, proceed under the standards and hearing rights set out in ZLDR Sec. 3.14, Appeals of Subdivision-Related Administrative Decisions, with adjacent homeowners afforded a full opportunity to be heard before final action is taken.

APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

SUMMARY:

At its core, the Charleston County Zoning and Land Development Regulations exist to ensure new development does not come at the expense of those who already live here.

The Ordinance's access, road construction, stormwater, and critical-line provisions are not bureaucratic formalities — they are the mechanism by which the County protects existing homes, existing access, and existing natural resources from the negative impacts of the development that follows.

An approval that permits a denial of access to landlocked parcels, a stormwater design that has not been tested against the homes it borders, and tree removal with no agency review is not a technical oversight; it is a failure of the very protective purpose the ZLDR was enacted to serve.

We ask the Planning Director and Planning Commission to apply each Ordinance as it was intended — to protect existing property and existing residents from the impacts of new construction, not to subordinate their interests to it — and to withhold any reinstated approval until the Developer's plans actually deliver on that protection.

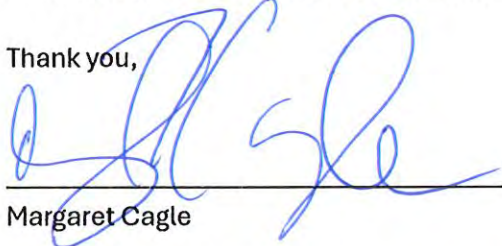
APPEAL
SITE PLAN APPROVAL – SBDV # 02874
CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

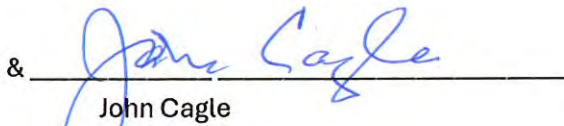
ACKNOWLEDGEMENT:

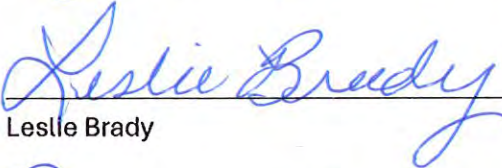
We are residents of Charleston County.

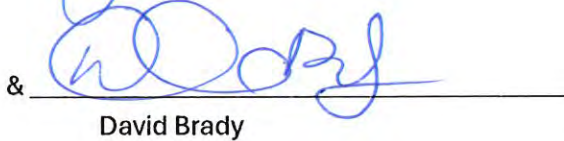
We respectfully request you to rescind these approvals and restore the opportunity to enjoy our lives and our homes without disturbance and harm caused by this Development plan.

Thank you,

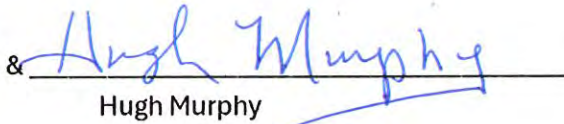

Margaret Cagle

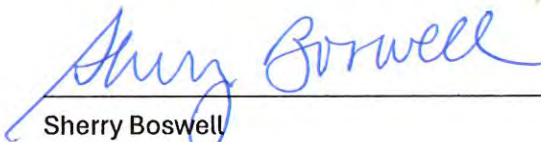
& 
John Cagle


Leslie Brady

& 
David Brady


Beverly Murphy

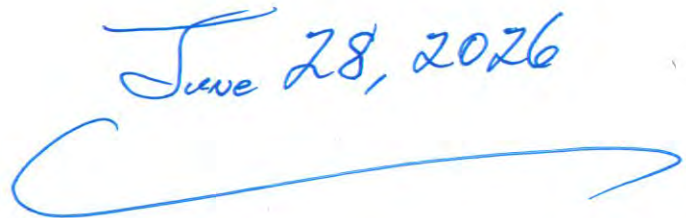
& 
Hugh Murphy


Sherry Boswell

& 
Clay Boswell


Allison O'Connor


Ray L. Hobbs


June 28, 2026



Charleston County Planning Commission Subdivision Appeals

August 10, 2026

Appeals of Subdivision-Related Administrative Decisions

- i. Statement of matters to be heard (Chairperson);
- ii. Overview of Appeals by Staff;
- iii. Presentation by Appellant(s) (limited to five (5) minutes each);
- iv. Questions by the Commission to the Appellant(s);
- v. Public comments (limited to two (2) minutes per speaker);
- vi. Case is closed to public comment;
- vii. Presentation by the Official being appealed;
- viii. Questions by the Commission to the Official;
- ix. Planning Commission Motions Concerning Appeal, stating specific findings of fact and conclusions of law.

Time limits may be extended by motion and affirmative simple majority vote of the Planning Commission.

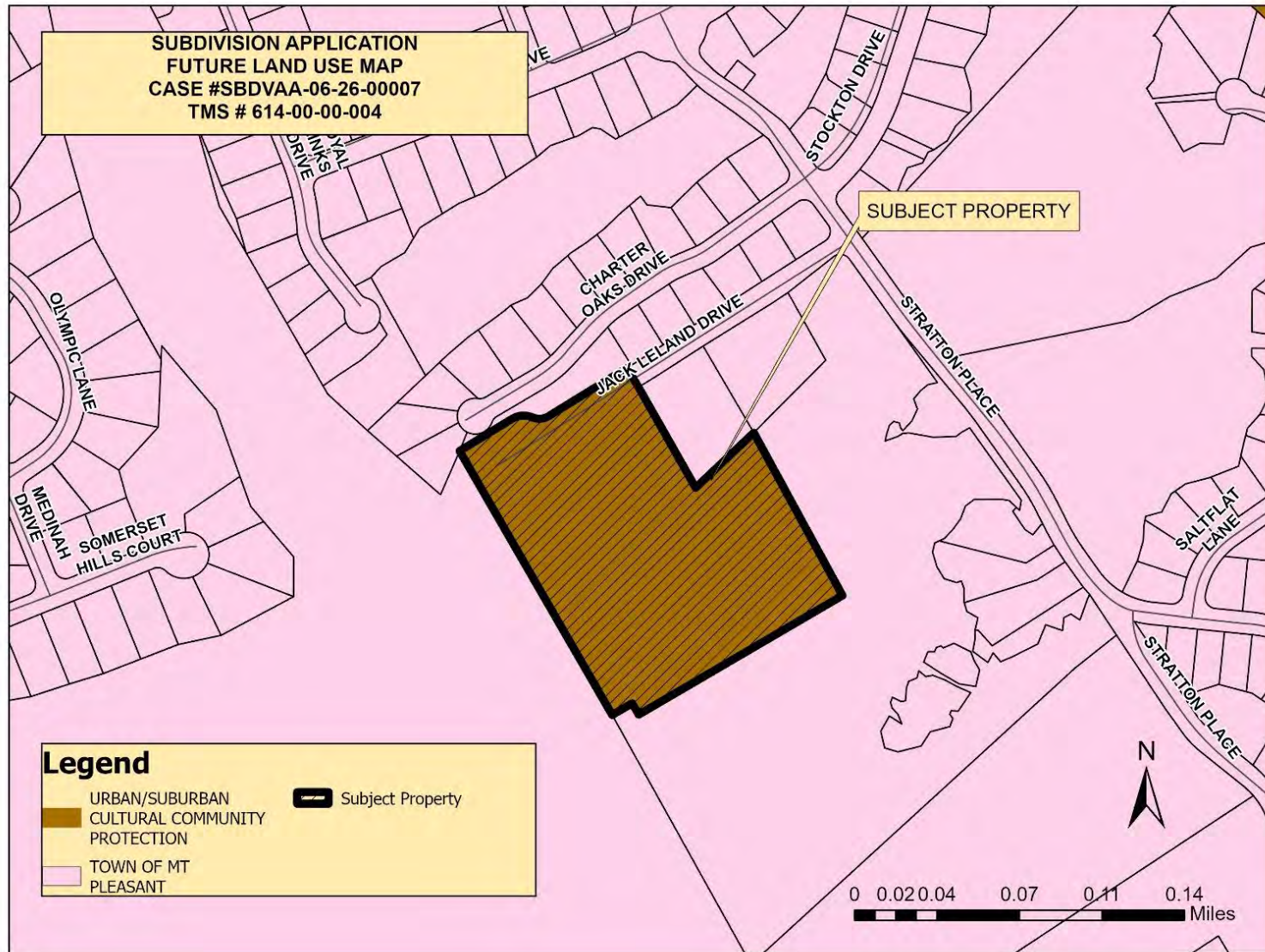
STATEMENT OF MATTERS TO BE HEARD (CHAIRPERSON)

**OVERVIEW OF APPEAL
SBDVAA-06-26-00007
(STAFF)**

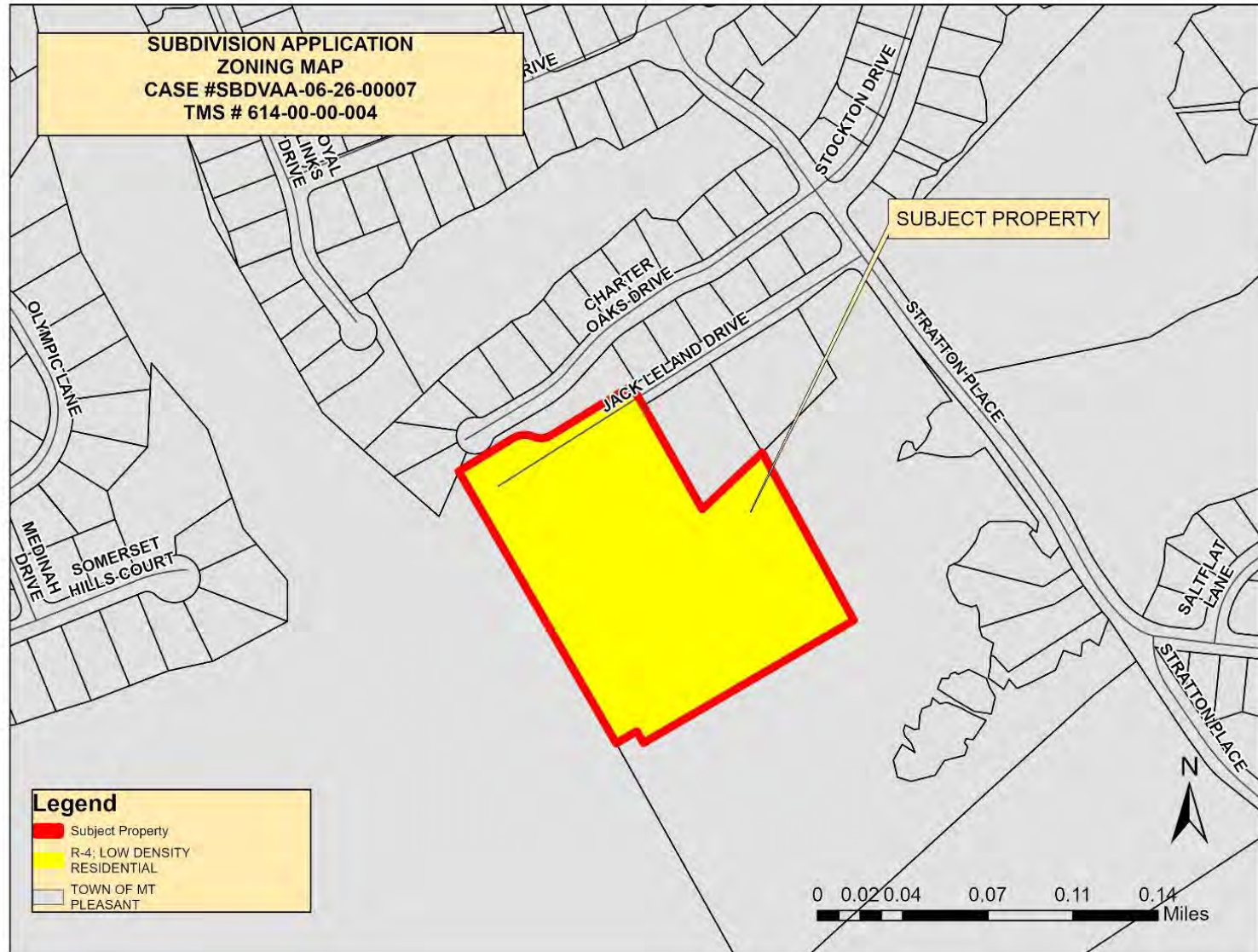
Appeal of Subdivision-Related Administrative Decision– SBDVAA-06-26-00007

- Appeal of Subdivision Application SBDV-07-24-02874, which proposes to subdivide the property located at 2535 Jack Leland Drive, Mt. Pleasant, SC 29466 TMS# 614-00-00-004 into eight (8) lots.
 - Property owner: Leland Park, LLC
 - Property size: 8.127 acres
 - Zoning District: Low Density Residential (R-4)
 - The subdivision staff approved the Preliminary Plat Application, SBDV-07-24-02874, on May 15, 2026.

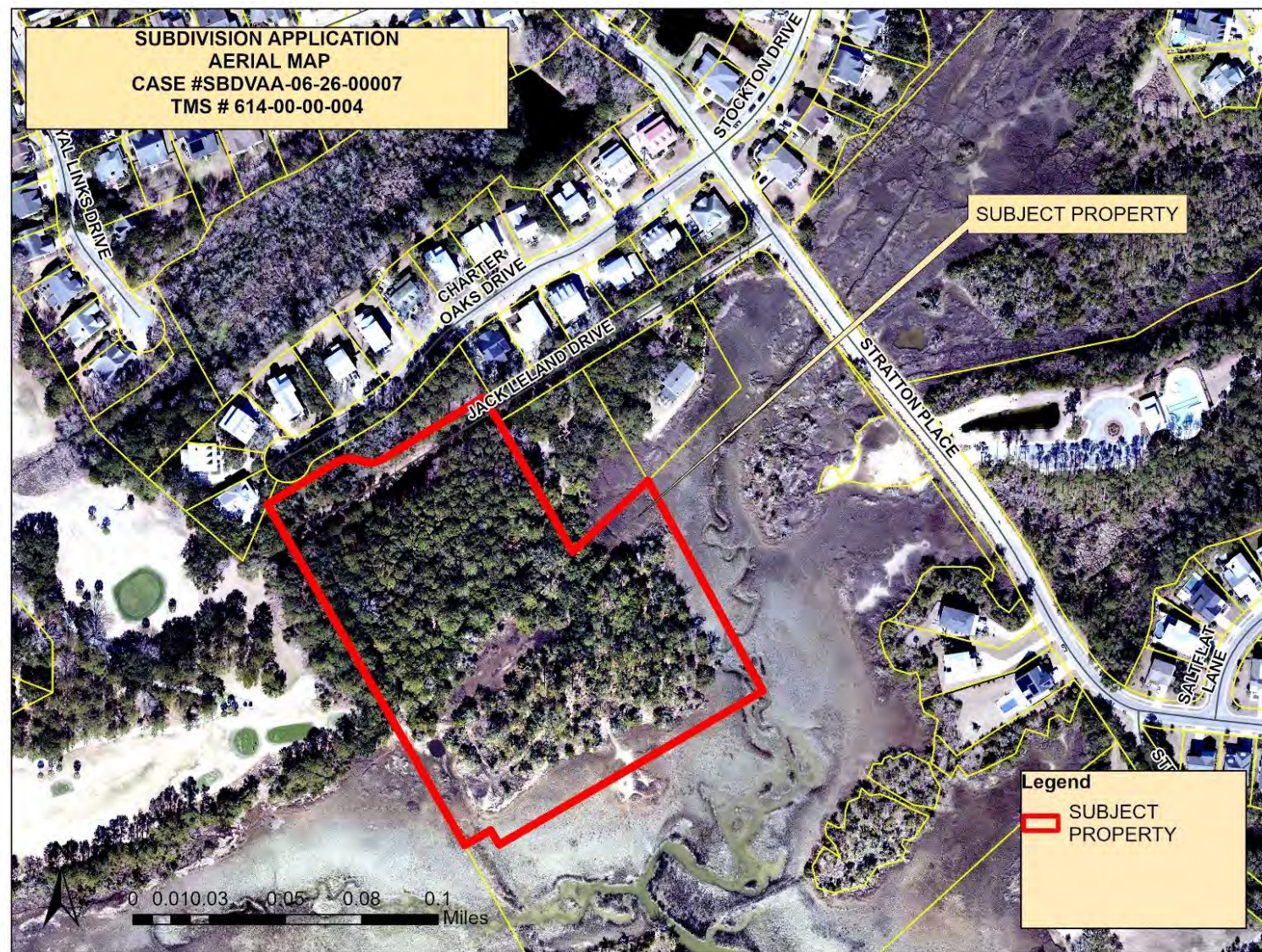
Future Land Use Map



Zoning Map



Aerial View



[illegible]

Case # SBDVAA-06-26-00007

Appellants:

Margaret & John Cagle, Leslie & David Brady, Hugh & Beverly Murphy, Sherry & Clay Boswell, Alison O'Connor, Ray Hobbs.

Appeal of an Administrative Decision:

This application, dated June 29, 2026, seeks to appeal the Administrative Decision of Joel H. Evans, Zoning and Planning Director, citing administrative errors in review of the subdivision application, pursuant to Charleston County Zoning and Land Development Regulations Ordinance, Article 3.14.

The Appellant cites the following errors as a basis for the administrative error in the approval of SBDV-07-24-02874 – Denial of due process, expired federal wetlands permit, invalid stormwater permit, preliminary site plan ingress/egress, grading and drainage plan, demolition and tree protection plan, utility profiles, water & sewer availability, critical line setbacks, right of way ownership, denial of access to existing houses, and availability of alternate ingress/egress to site.

Applicability: Appeals of Subdivision-Related Administrative Decisions

Per Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), Chapter 3, *Development Review Procedures*

Article 3.14 Appeals of Subdivision-Related Administrative Decisions, Section 3.14.8 Approval Criteria; Findings of Fact states,

“An appeal shall be sustained only if the Planning Commission finds that the administrative official erred. The decision of the Planning Commission shall be accompanied by specific, written findings of fact and conclusions of law clearly stating the reason for the decision. Those written findings shall be delivered to Parties in Interest by certified mail and permanently filed in the Zoning and Planning Department.”

Application for Appeal of Subdivision-Related Administrative Decisions

County of Charleston



This application must be complete and submitted in person to the Zoning/Planning Department in order to appeal a decision of the Planning Director. The applicant shall receive a copy of this completed form at the time the application is filed. Please read the entire form prior to completing the application. Additional pages may be attached. A decision of the Planning Director shall be reversed only if it is found to be in error, per Section 3.14, and/or Section 8.5.6 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), adopted November 20, 2001, as amended. Check made out to "Charleston County" or cash \$250 fee.

Appellant Name: Margaret Cagle and John Cagle
 Mailing Address: [Redacted]
 City, State, ZIP Code: [Redacted] Daytime Phone: [Redacted]
 Email: [Redacted]
 Subject Property Address: [Redacted] off Jack Leland Road at Stratton Place, Mount Pleasant, SC 29468

1. Decision which is being appealed:

Reversal of preliminary site plan for Leland Park Subdivision, 1905 614-00-00-004, located by the Zoning and Planning Director on May 15, 2026. The applicant city/county for Leland Park Subdivision, which is being appealed, is the applicant's responsibility.

2. Reason(s) appellant believed the decision to be in error:

The applicant requested the Planning Director to approve the preliminary site plan for Leland Park Subdivision, which is being appealed, on May 15, 2026. The applicant requested the Planning Director to approve the preliminary site plan for Leland Park Subdivision, which is being appealed, on May 15, 2026. The applicant requested the Planning Director to approve the preliminary site plan for Leland Park Subdivision, which is being appealed, on May 15, 2026.

3. Appellant contends that the correct interpretation of the Charleston County Zoning and Land Development Regulations Ordinance as applied to the property is:

The applicant requested the Planning Director to approve the preliminary site plan for Leland Park Subdivision, which is being appealed, on May 15, 2026. The applicant requested the Planning Director to approve the preliminary site plan for Leland Park Subdivision, which is being appealed, on May 15, 2026. The applicant requested the Planning Director to approve the preliminary site plan for Leland Park Subdivision, which is being appealed, on May 15, 2026.

4. Appellant requests the following relief:

The applicant requested the Planning Director to approve the preliminary site plan for Leland Park Subdivision, which is being appealed, on May 15, 2026. The applicant requested the Planning Director to approve the preliminary site plan for Leland Park Subdivision, which is being appealed, on May 15, 2026. The applicant requested the Planning Director to approve the preliminary site plan for Leland Park Subdivision, which is being appealed, on May 15, 2026.

Application for Appeal of Subdivision-Related Administrative Decisions

County of Charleston



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Appellant Name: Alison O'Connor
 Mailing Address: [Redacted]
 City, State, ZIP Code: [Redacted] Daytime Phone: [Redacted]
 Email: [Redacted]
 Subject Property Address: [Redacted]

1. Decision which is being appealed:

Reversal of the approval of the preliminary site plan #02874 for Leland Park Subdivision

2. Reason(s) appellant believed the decision to be in error:

The COE NWP permit SAC #2023-0851. Permit EXPIRED March 14, 2026. Without a valid US COE NWP, the proposed ingress/egress access utilizing the Jack Leland Road right-of-way to the 614 00 00 004 parcel is invalid. Without a US COE NWP, the Stormwater Permit approving Outfall #3 is invalid. The COE NWP #2023-0851 permit expiration has invalidated the usage of the Jack Leland Road right-of-way for this stormwater runoff ditch identified as Outfall #3.

3. Appellant contends that the correct interpretation of the Charleston County Zoning and Land Development Regulations Ordinance as applied to the property is:

The COE NWP permit SAC #2023-0851. Permit EXPIRED March 14, 2026. Without a valid US COE NWP, the proposed ingress/egress access utilizing the Jack Leland Road right-of-way to the 614 00 00 004 parcel is invalid. Without a US COE NWP, the Stormwater Permit approving Outfall #3 is invalid. The COE NWP #2023-0851 permit expiration has invalidated the usage of the Jack Leland Road right-of-way for this stormwater runoff ditch identified as Outfall #3.

4. Appellant requests the following relief:

The COE NWP permit SAC #2023-0851. Permit EXPIRED March 14, 2026. Without a valid US COE NWP, the proposed ingress/egress access utilizing the Jack Leland Road right-of-way to the 614 00 00 004 parcel is invalid. Without a US COE NWP, the Stormwater Permit approving Outfall #3 is invalid. The COE NWP #2023-0851 permit expiration has invalidated the usage of the Jack Leland Road right-of-way for this stormwater runoff ditch identified as Outfall #3.

Application for Appeal of Subdivision-Related Administrative Decisions

County of Charleston



This application must be complete and submitted in person to the Zoning/Planning Department in order to appeal a decision of the Planning Director. The applicant shall receive a copy of this completed form at the time the application is filed. Please read the entire form prior to completing the application. Additional pages may be attached. A decision of the Planning Director shall be reversed only if it is found to be in error, per Section 3.14, and/or Section 8.5.6 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), adopted November 20, 2001, as amended. Check made out to "Charleston County" or cash \$250 fee.

Appellant Name: [Redacted]
 Mailing Address: [Redacted]
 City, State, ZIP Code: [Redacted] Daytime Phone: [Redacted]
 Email: [Redacted]
 Subject Property Address: [Redacted]

1. Decision which is being appealed:

See attached - SBDV #02874

2. Reason(s) appellant believed the decision to be in error:

See attached

3. Appellant contends that the correct interpretation of the Charleston County Zoning and Land Development Regulations Ordinance as applied to the property is:

See attached

4. Appellant requests the following relief:

Revoke approval of site plan SBDV #02874. Thank you for your consideration.

Appellant Signature: [Redacted] Date: 6-13-26

Application for Appeal of Subdivision-Related Administrative Decisions

County of Charleston



This application must be complete and submitted in person to the Zoning/Planning Department in order to appeal a decision of the Planning Director. The applicant shall receive a copy of this completed form at the time the application is filed. Please read the entire form prior to completing the application. Additional pages may be attached. A decision of the Planning Director shall be reversed only if it is found to be in error, per Section 3.14, and/or Section 8.5.6 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR), adopted November 20, 2001, as amended. Check made out to "Charleston County" or cash \$250 fee.

Appellant Name: Leslie Michael Brady and David Lee Brady
 Mailing Address: [Redacted]
 City, State, ZIP Code: [Redacted] Daytime Phone: [Redacted]
 Email: [Redacted]
 Subject Property Address: [Redacted]

1. Decision which is being appealed:

SBDV #02874

2. Reason(s) appellant believed the decision to be in error:

Please reference attached letter

3. Appellant contends that the correct interpretation of the Charleston County Zoning and Land Development Regulations Ordinance as applied to the property is:

Please reference the attached document

4. Appellant requests the following relief:

The applicant requests the following relief:

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The applicant requests the following relief:

APPEAL SITE PLAN APPROVAL - SBDV #02874 CHARLESTON COUNTY ZONING & PLANNING DEPARTMENT

DATED: June 29, 2026

APPELLEE: Mr. Joel Evans, Director
 Charleston County Zoning & Planning Department
 Lonnie Hamilton III Public Services Building
 4045 Bridge View Drive
 North Charleston, SC 29405

APPELLANTS: Appellants are residents of Charleston County, South Carolina, and owners of properties which will be damaged / harmed by the approval of the #02874 site plan.

#1 Name: Margaret & John Cagle PID: 614-05-00-267
 #2 Name: Leslie & David Brady PID: 614-05-00-270
 #3 Name: Hugh & Beverly Murphy PID: 614-05-00-264
 #4 Name: Sherry & Clay Boswell PID: 614-05-00-262
 #5 Name: Allison O'Connor PID: 614-00-00-007
 #6 Name: Ray L. Hobbs - Trustee PID: 614-05-00-266
 PID: 614-00-000-006

Please record this correspondence as a "COMBINED APPEAL" which is being presented at the request of Niki Grimbail, Project Officer III, Charleston County Zoning & Planning Department, in lieu of six (6) individual appeals filed by above appellants prior to June 15, 2026.

This document is an APPEAL of the APPROVAL of site plan #02874 for Leland Park Subdivision located on parcel 614-00-000-004. The approval of this site plan was issued May 15, 2026, by Ms. Tamara Avery.

**PRESENTATION OF APPEAL BY
APPELLANTS
(LIMITED TO 5 MINUTES EACH)**

APPELLANTS (6)

**STATE YOUR FULL NAME AND CURRENT
ADDRESS FOR THE RECORD**

SBDVAA-06-26-00007

Sec. 4.12.3 Density/Intensity and Dimensional Standards

All development in the R-4 District shall be subject to the following Density/Intensity and Dimensional Standards:

Table 4.12.3, R-4 Density/Intensity and Dimensional Standards

	Non-Waterfront Development Standards	Waterfront Development Standards
MAXIMUM DENSITY	4 Principal Dwelling Units per acre	
MINIMUM LOT AREA	5,000 square feet with public water and sewer 10,000 square feet with public water or sewer 14,500 without public water and sewer	12,000 square feet
MINIMUM LOT WIDTH	50 feet	90 feet
MINIMUM LOT WIDTH AVERAGE	N/A	100 feet
MINIMUM SETBACKS		
Front/Street Side	20 feet	
Interior Side	5 feet	
Rear	10 feet	
WETLAND, WATERWAY, AND OCRM CRITICAL LINE SETBACK	N/A	35 feet
WETLAND, WATERWAY, AND OCRM CRITICAL LINE BUFFER	N/A	15 feet
MAXIMUM IMPERVIOUS SURFACE COVERAGE	40% of Lot or as allowed by the current edition of the Charleston County Stormwater Manual	
MAXIMUM HEIGHT	35 feet	

QUESTIONS BY THE COMMISSION TO THE APPELLANTS

PUBLIC COMMENTS

STATE YOUR FULL NAME AND
CURRENT ADDRESS FOR THE
RECORD

(LIMITED TO 2 MINUTES EACH)

**STAFF RECEIVED 9 PUBLIC COMMENTS IN
SUPPORT OF THE APPEAL; AN ADDITIONAL 21
COMMENTS IN OPPOSITION OF DEVELOPMENT (30
COMMENTS TOTAL)*

**CASE IS NOW CLOSED TO
PUBLIC COMMENT**

PRESENTATION BY OFFICIAL BEING APPEALED

Background

- July 16, 2024 – Initial application SBDV-07-24-02874 was submitted
- August 7, 2024 – Staff Comments #1
- April 16, 2025 – Staff Comments #2
- September 29, 2025 – Staff Comments #3
- January 16, 2026 – Staff Comments #4
- April 28, 2026 – Staff Comments #5
- May 15, 2026 – Approved Preliminary Plat
- June 11, 2026 – Appellants filed subdivision appeal application SBDVAA-06-26-00007

Summary of Appeal

SBDVAA-06-26-00007:

- ⦿ Margaret & John Cagle, Leslie & David Brady, Hugh & Beverly Murphy, Sherry & Clay Boswell, Alison O'Connor, and Ray Hobbs, per their application, is appealing the approved preliminary subdivision plat (SBDV-07-24-02874)based on various reasons cited in detail in the presentation. The appellants do not directly cite any section of the ZLDR in their appeal application.
- ⦿ The Appellants originally submitted six (6) separate appeals, which were later combined.
- ⦿ The “combined” appeal states, *“Our intent is to share information which we believe will provide Charleston County Zoning & Planning Department, and the Developer, with opportunities to eliminate ALL negative impacts caused by certain components of this plan towards achieving a future approval.”*
- ⦿ The Appellants reasoning for the appeal are stated on the following slides.

Appellants Item #1 *“Denial of due process adjacent owners were given no notice and no opportunity to be heard”*

Staff Response: The application was administered per the Charleston County Zoning and Land Development Ordinance requirements. No public notice is required for the subdivision process.

ZLDR Reference: *Art. 8.4.3 Zoning and Planning Director – Review and Report*

- A. Upon receipt of a complete application for Preliminary Plat, approval, the Zoning and Planning Director shall have 30 calendar days to review the proposed Preliminary Plat and compile a staff report on the proposed Plat (which includes the comments and recommendations of the Public Works Director and other affected agencies);
- B. Major Subdivisions (Preliminary and Final) are reviewed by the Zoning and Planning Director and approved when in compliance with requirements of this Chapter. Within the 30 calendar day review period the Zoning and Planning Director has the option of forwarding the Major Preliminary Subdivision Plat application, along with his report and any recommendations, to the Planning Commission for its review and approval in order to determine whether or not the proposed Subdivision is in compliance with all of the requirements of this Ordinance and the goals and objectives of the Comprehensive Plan.
- C. The Zoning and Planning Director shall advise the Planning Commission at the regular scheduled Planning Commission meeting of all Preliminary Plats approved (for information purposes only).

Appellants Item #2: *“Expired Federal Wetlands Permit Anchors the Entire Site Plan”*

Staff Response: Staff administered the ordinance as required per ZLDR 8.4.2.10. An Army Corp of Engineers (ACOE) determination was provided as part of the preliminary plat process.

ZLDR Reference: *Art. 8.4.2.10*

“A wetland delineation prepared by an environmental consultant utilizing the 1987 Army Corps of Engineers Wetland Delineation Manual and the appropriate Regional Supplement(s) for Wetland Delineation, which must be reviewed and approved by the Charleston County Public Works Department (Stormwater Division), or a United States Army Corps of Engineers (USACE) approved jurisdictional determination (AJD) is required.”

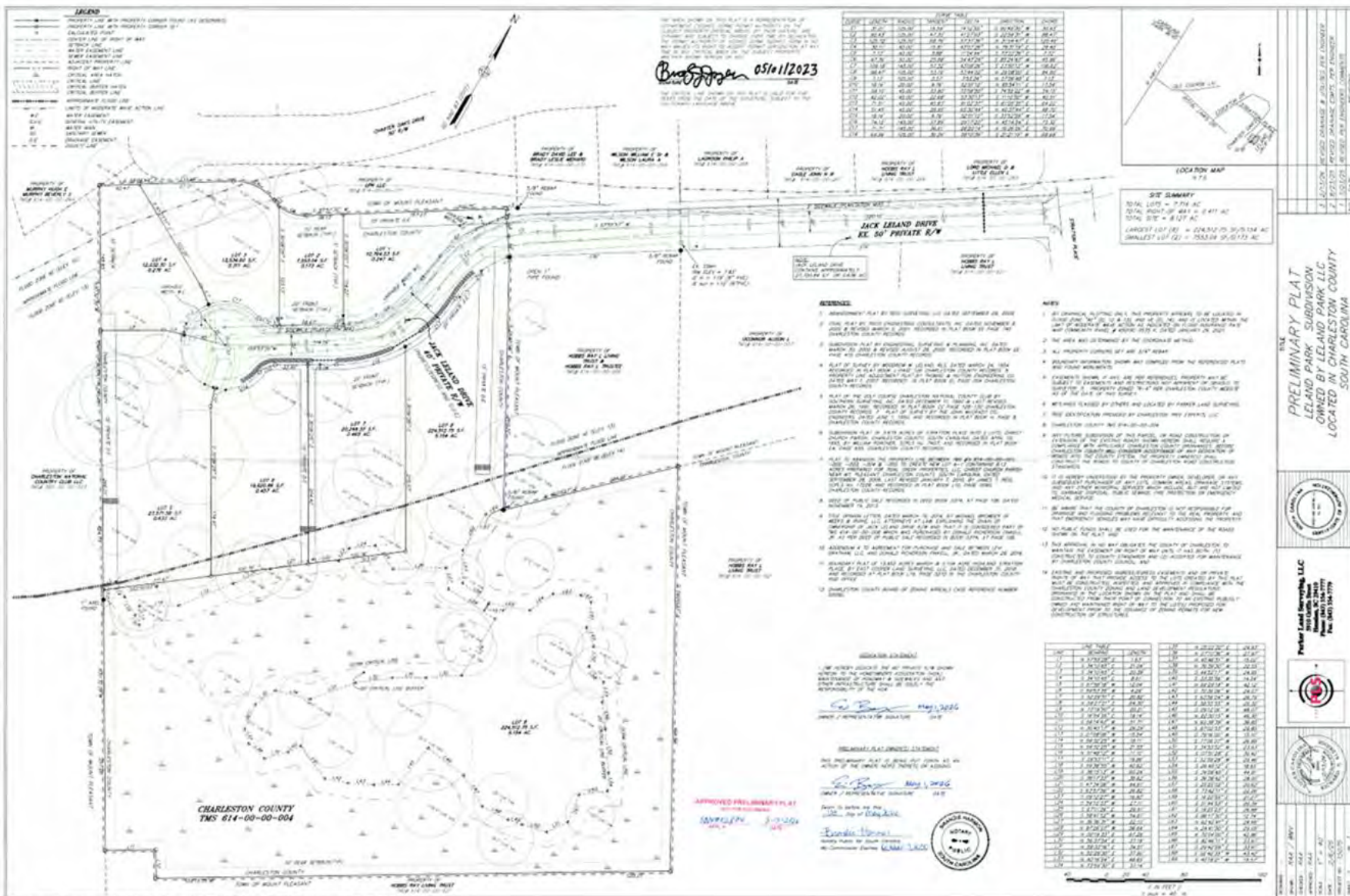
Appellants Item #3: *Invalid Stormwater Permit STRM-07-24-05145*

Staff Response: Stormwater Permit STRM-07-24-05145 is valid. The Developer is required to apply for an extension from the Army Corp of Engineers and provide the extension documentation prior to approval of a final plat. Charleston County Public Works Department has not rescinded the stormwater permit.

Appellants Item #4: Page 101 Preliminary Site Plan Absence of plan(s) for ingress/egress access to subdivision.

Staff Response: The preliminary plat shows ingress/egress from Stratton Place through Jack Leland Drive to TMS# 614-00-00-004. The developer has also provided an Encroachment Permit from the Town of Mount Pleasant. The encroachment permit states “*Levi Grantham, LLC intends to construct a single-family residential subdivision, consisting of 8 lots, on a roughly 8.1-acre parcel with a total disturbed area of roughly 4.5 acres. Land disturbing activity associated with the project includes a widening and improvements of the existing privately owned and maintained Jack Leland Dr., a water main extension and sewer main extension, water quality measures, and associated site grading. This encroachment application is for improvements to the connection from Jack Leland Dr. to Stratton Place.*

Job Cost: \$5,000,000.00

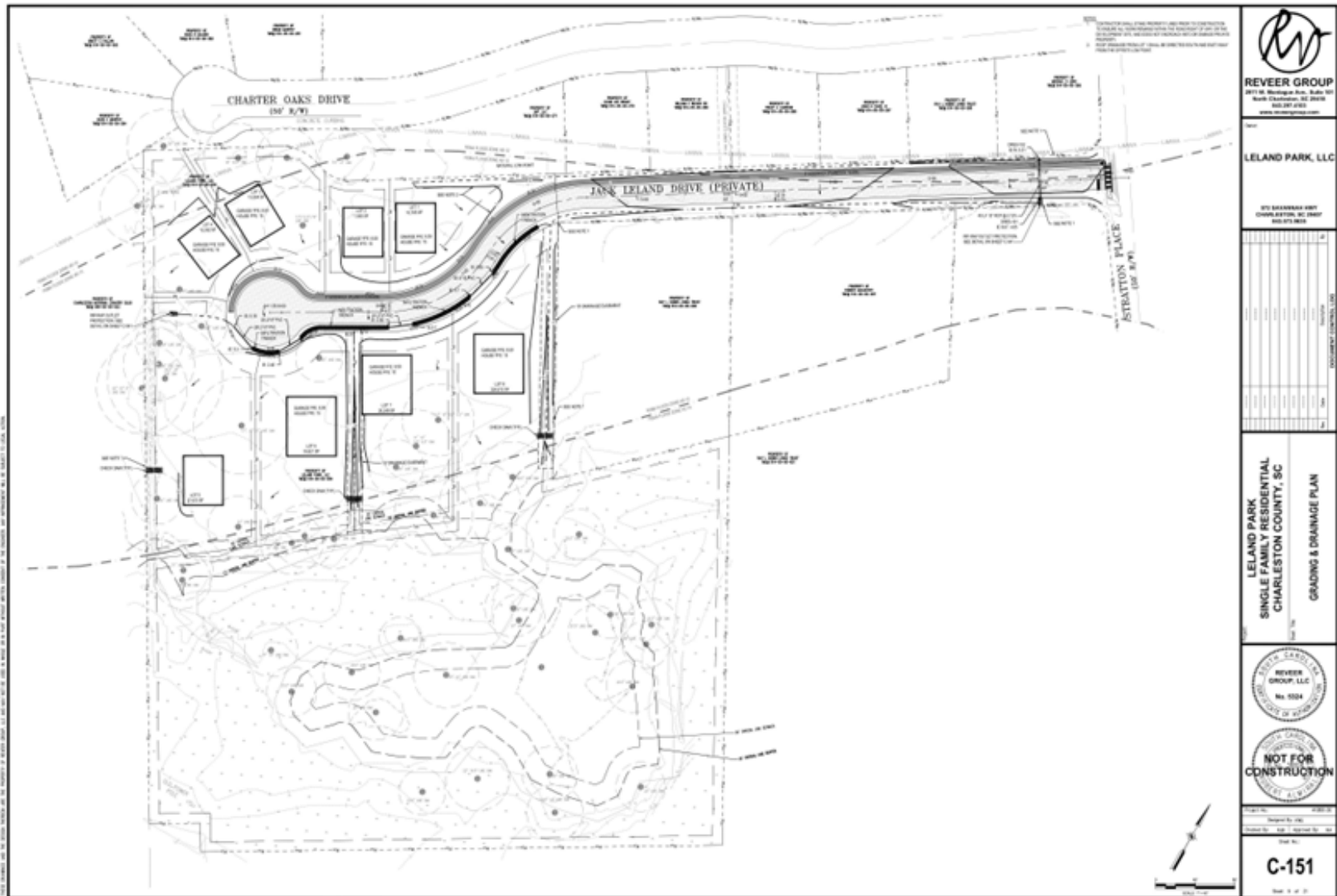


Town of Mount Pleasant Encroachment Permit

	TOWN OF MOUNT PLEASANT 100 Ann Edwards Lane Mount Pleasant, SC 29464 Tele: 843-856-3080 Fax: 843-216-3869	
Encroachment Permit		
Owner/Residential Encroachment Permit		
PERMIT NUMBER: 2025-ENCRO-000253		
Permit Issue Date: 07/28/2025		
Permission is hereby granted for building installation, as noted below. All work will comply with the Town of Mount Pleasant Building Codes and all other applicable State and Local Laws, Ordinances and Regulations.		
NAME OF PROJECT:		
JOB SITE ADDRESS:		
SUBDIVISION:	Charleston National	
PARCEL / TMS #:	6140500271	ZONED AS: PD
FLOOD ZONE:		LOT #: HOA
CONTRACTOR:		OWNER: LKP LLC
PERMIT DETAILS:		
Levi Grantham, LLC intends to construct a single-family residential subdivision, consisting of 8 lots, on a roughly 8.1-acre parcel with a total disturbed area of roughly 4.5 acres. Land disturbing activity associated with the project includes the widening and improvements of the existing privately owned and maintained Jack Leland Dr., a water main extension, a sewer main extension, water quality measures, and associated site grading. This encroachment application is for improvements to the connection from Jack Leland Dr. to Stratton Pl.		
Job Cost: \$5,000,000.00		
SPECIAL STIPULATIONS AND CONDITIONS:		
The work covered under this permit shall not conflict with existing roadway under drains, storm drainage, pavement, nor existing utilities and services. Boring under the roadway shall be at a minimum depth of 48 inches. No boring permitted Friday - Sunday. No bore pits permitted in tree protection zones as defined by Town ordinance. Any damage to existing infrastructure must be reported immediately to Daniel Landers at 843-200-6364. Damage to existing infrastructure must be repaired under the supervision of the Town. Failure to repair infrastructure will result in the immediate suspension of all encroachment permits associated with the applicant. Contact the Town when work has been completed. Failure to comply with any conditions of this permit will result in either immediate suspension of this permit or suspension of all		
		
APPLICANT:		DAVID MCLEWHORN, SENIOR ROADWAY INSPECTOR:
ALL HOLDERS OF PERMIT OR THEIR AGENTS SHALL NOTIFY THE INSPECTION DIVISION AT THE APPROPRIATE STAGE OF CONSTRUCTION SO THAT APPROVAL MAY BE GIVEN BEFORE WORK IS CONTINUED.		
FOR INSPECTION CALL: 843-856-3080 OR SCHEDULE ONLINE		
https://ready-saasprod1.fasps.oraclecloud.com/fascl/publicSector.html		
YOU MUST HAVE THE ABOVE PERMIT NUMBER FOR REFERENCE WHEN YOU CALL.		
THIS PERMIT WILL EXPIRE IN 365 DAYS IN ACCORDANCE WITH THE TOWN OF MOUNT PLEASANT'S CODE OF ORDINANCES.		

- The Town of Mount Pleasant Encroachment permit is a 25-page documents that shows road construction improvements from Stratton Place to TMS# 614-00-00-004

Grading & Drainage Plan



Appellants Item #5: Grading & Drainage Plan – C151 and Roadway Profile C152

Staff Response: The approved construction drawings are separate from the approved preliminary plat. Charleston County Public Works Department has reviewed the construction drawings, and they are in compliance with the Charleston County Stormwater Manual.

Appellants Item #6: *Demolition and tree protection plan – Approved site plan C110 (42 trees approved with no development purpose)*

Staff Response: Demolition and tree protection plan C110 only shows 12 trees to be removed. The other trees noted on the plans are noted with species and tree grade. The Charleston County Arborist has been to the site several times to review plans per proposed tree impacts.

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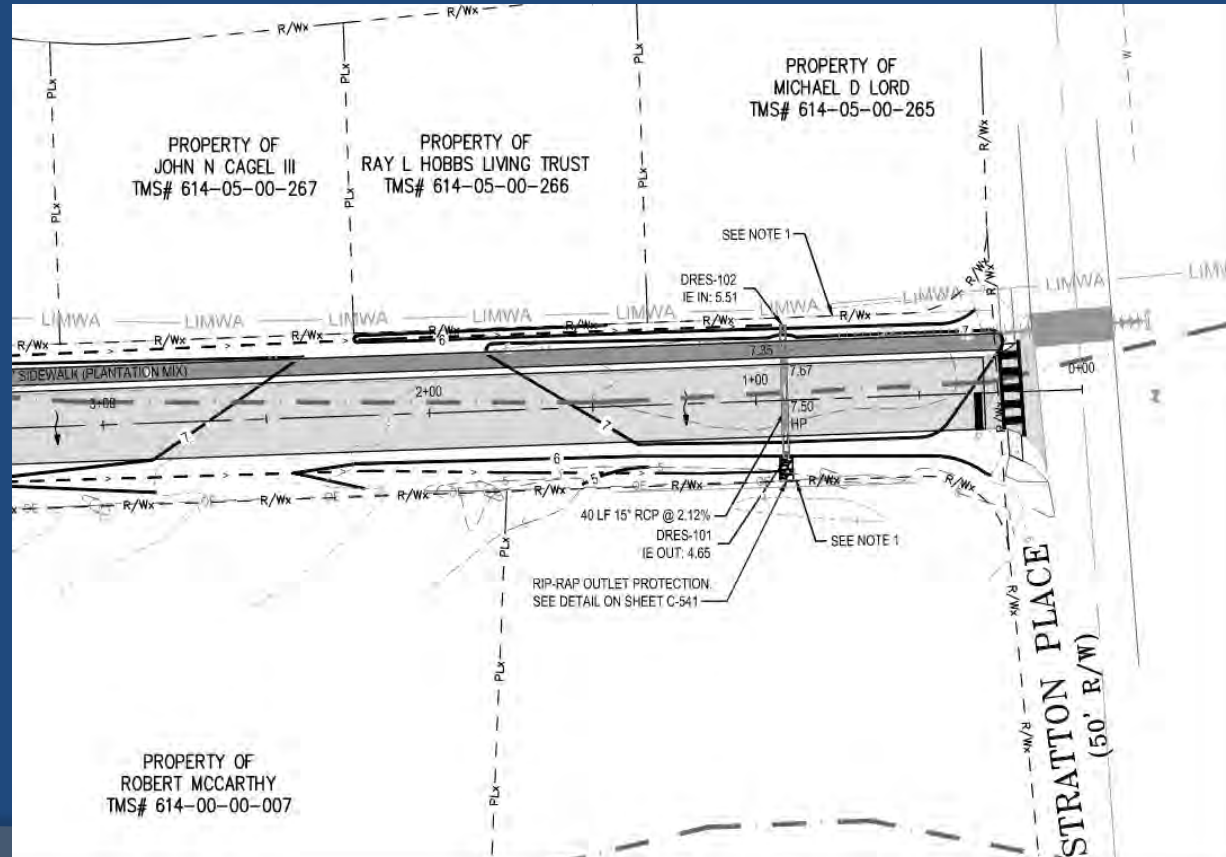


C-110

Staff Response: The rock check dams and silt fence were sized appropriately for the site-specific soils in accordance with the Charleston County Stormwater Manual.

[illegible]

Staff Response: The 15-inch Reinforced Concrete Pipe (aka Outfall #3) is sized to drain the ~0.6-acre upstream area during the 25-year, 24-hour storm event in accordance with the Charleston County Stormwater Manual.



Appellants Item #8(ii): *Utility Profiles page C211 utility coordination with dominion energy has never been completed.*

Staff Response: Coordination with Dominion Energy is not a requirement of the ordinance. Water and Sewer availability along with South Carolina Department of Environmental Service is required.

ZLDR Reference: Sec. 8.4.2.E. Accompanying Data (1-2) states:

1.The Preliminary Plat shall be accompanied by a statement as to the availability of and specific indication of the distance to and location of the nearest public water supply and public sanitary Sewers.

2.The Preliminary Plat shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal. For well and septic systems, DES permits are required, and for public water and sewer, letters of coordination from the applicable agencies are required.

Appellants Item #9: Water and Sewer page C-251. Required annexation into the Town of Mount Pleasant was never initiated.

Staff Response: Annexation was requested twice and subsequently denied.

Information provided from the Town of Mount Pleasant:

There were two applications in our records. The first one was withdrawn and the second denied. Meeting dates, decisions/recommendations, meeting minute links and links to staff reports for each submittal are below.

Withdrawn - 6140000004, Stratton Place, A-07-16 Request to Annex and Zone PC-CD property to be known as Leland Park 8.131 acres
Planning Commission 2/17/2016 Recommended Denial

Planning Committee 2/29/2016
Recommended Denial of zoning and approval of annexation

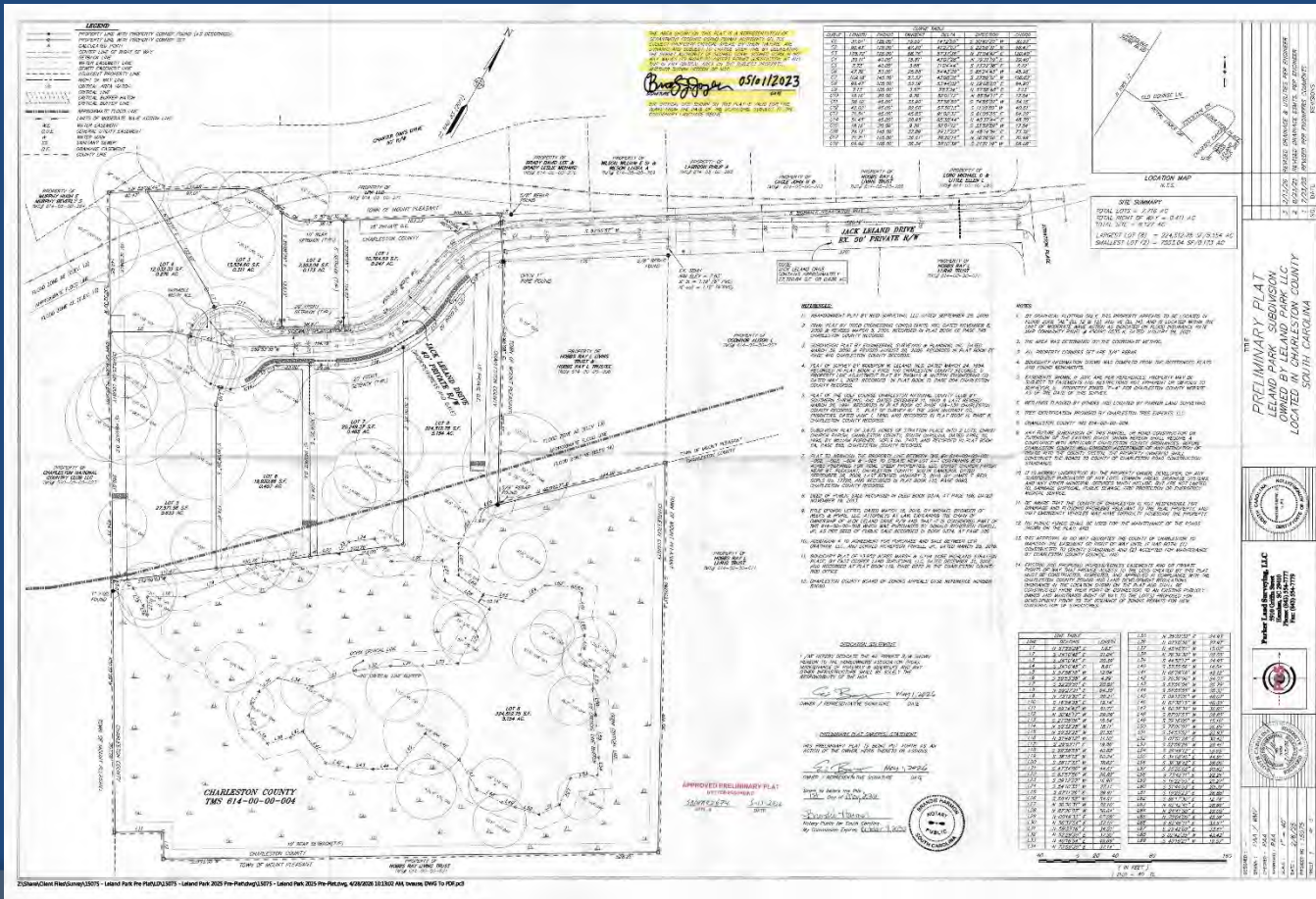
Town Council First Reading 3/8/2016 - Withdrawn

Denied – 6140000004, Jack Leland Drive, Annex and zone PD-CD Leland Park 8.76 Acres
Planning Commission 7/21/2016 Recommended Denial

Planning Committee 8/1/2016 Received Approval w/ PC comments

Appellants Item #10: Inconsistent presentation of relevant information. Critical Line Setbacks were selectively omitted.

Staff Response: The preliminary plat shows stamped approval from the South Carolina Department of Environmental Services dated 5/1/2023. Any area outside the jurisdictional lines of Charleston County are the responsibility of the Town of Mount Pleasant.



Appellants Item # 11: Developer Failure to provide proof of ownership. Unresolved Right of Way Ownership, flagged three times and never corrected. The developer has never proven control of Jack Leland Road.

- **Staff Response:** The developer provided a deed with comment response on August 7, 2024. Deed Bk 1244 Pg 679 recorded on May 14, 2024 at the Charleston County Register of Deeds Office.

Recording Requested By and
When Recorded Mail to:
Weeks & Irvine, LLC
810 North Main Street
Summerville, SC 29483

RECEIVED May 14 24
CLERK OF COURSE
1244 - 079

(Space above this line for recorders use)

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

QUIT CLAIM DEED
TITLE NOT EXAMINED

WHEREAS, Grantor desire to quit claim all interest Grantor have in the below described property to
LELAND PARK, LLC.

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS, that **DONALD RICHERSON FINKELL, JR., ("Grantor")**, for and in consideration of the sum of **FIVE DOLLARS AND NO/100 (\$5.00) DOLLARS**, and no other monetary consideration, and the quit claiming of any interest in the property described below to Grantee, in hand paid at and before the sealing and delivery of these presents, by **LELAND PARK, LLC ("Grantee")**, the receipt whereof is hereby acknowledged, have remised, released and forever quit claimed, and by these presents do remise, release and forever quit claim unto the said Grantee the following described property:

All that certain piece, parcel or tract of land, situate, lying and being in Christ Church Parish, in the County of Charleston, State of South Carolina, known as Jack Leland Drive 50' R/W, and more particularly shown on that certain plat entitled "SUBDIVISION PLAT OF 4.079 ACRE LOT COMBINING EXISTING TMS 614-00-00-004 WITH A PORTION OF TMS 614-00-00-008 IN STRATTON PLACE, CHRIST CHURCH PARISH, CHARLESTON COUNTY, SOUTH CAROLINA," made by Joel P. Porcher, SC Reg Land Surveyor, dated March 30, 2000, with revision date of August 28, 2000, and recorded in Plat Book EE, Page 410, in the RMC Office for Charleston County, South Carolina. Said tract of land having such size, shape, buttings, boundings and location as will more fully appear by reference to said plat.

Being a portion of the property conveyed to Donald Richerson Finkell, Jr. by deed of Master in Equity for Charleston County dated October 29, 2013 and recorded November 19, 2013 in Book 0374 at Page 106 in the Charleston County RMC Office.

SUBJECT to the ingress/egress and general utility easement rights of the property owners abutting Jack Leland Drive 50' right of way.

SUBJECT to any and all restrictions, covenants, conditions, easements, rights of way and all other matters affecting subject property of record in the Office of the RMC for Charleston County, South Carolina.

GRANTEE'S ADDRESS: 572 Savannah Highway
Charleston, SC 29407

Appellants: Item # 12: *Denial of Ingress/Egress access rights for existing property owners. Three parcels will be landlocked.*

Staff Response: The preliminary plat shows access from Jack Leland Drive to Stratton Place. No plans show any parcel being landlocked.

Appellants Item #13: *Availability of Alternative ingress/egress to parcel 614-00-00-004. A less damaging alternative access route has been offered and ignored.*

Staff Response: The developer has shown legal access to their property. Any further discussion on an alternative access would be a civil matter between property owners.

Staff Response: ZLDR §11.1.1, Ordinance Compliance Required

● ZLDR §11.1.1, Compliance Required, states:

- A. No activity regulated by this Ordinance shall be undertaken except in full compliance with the express provisions of this Ordinance.*
- B. No activity that is the subject of any permit or approval issued pursuant to the provisions of this Ordinance shall be undertaken except in full compliance with the subject permit or approval, including any attached conditions.*
- C. The commencement or continuation of any activity regulated by this Ordinance that is not in compliance with the express provisions of this Ordinance, or that is not in compliance with the express provisions of any permit or approval, including any attached conditions, shall be a violation of this Ordinance, and subject to enforcement under the terms of this Chapter and South Carolina law.*

As noted in this presentation, Staff administered review of SBDV 07-24-02874 within full compliance of the Ordinance.

Based on the information presented, the administrative official did not err. Staff recommends the following findings of fact and conclusions of law.

Proposed Findings of Fact

1. Leland Park, LLC is the owner of an 8.127-acre parcel of property located at 2535 Jack Leland Drive, Mt. Pleasant, in the unincorporated area of Charleston County, and identified as Charleston County Tax Map Number 614-00-00-004 (“Subject Property”).
2. The Subject Property is zoned Low Density Residential (R-4).
3. Applicant Levi Grantham, LLC, on behalf of owner Leland Park, LLC, submitted Subdivision Application SBDV-07-24-02874 proposing to subdivide the Subject Property into eight (8) lots.
4. Applicant’s proposed subdivision plat prepared by Parker Land Surveying dated June 3, 2024 was submitted on July 16, 2024, and subsequently revised and re-submitted on March 19, 2025, September 8, 2025, December 19, 2025, April 3, 2026, and May 15, 2026 (the “Proposed Plat”). The Proposed Plat depicts the Subject Property as “NEW LOT A-1 CONTAINING 8.13 ACRES”.

Based on the information presented, the administrative official did not err. Staff recommends the following findings of fact and conclusions of law.

Proposed Findings of Fact continued:

5. County staff reviewed the Preliminary Subdivision Plat Application SBDV-07-24-02874 for compliance with all applicable Zoning and Land Development Regulations Ordinance (“ZLDR”) requirements, including Appendix A, and the Charleston County Stormwater Manual and provided comments to the applicant. Upon subsequent submittal of revisions, Staff provided reviews and comments back to the applicant until all unresolved comments were satisfied.
6. On May 15, 2026, County staff determined the Preliminary Subdivision Plat Application to be in full compliance with the ZLDR, having all corrections and comments satisfied, and providing all required documentation to complete the application requirements. Subdivision staff approved the Preliminary Subdivision Plat Application on May 15, 2026.
7. From June 10, 2026, through June 15, 2026, the Appellants filed six (6) separate Applications for Appeal of a Subdivision-Related Decision, which were later combined into one application, appealing staff’s decision approving the Preliminary Subdivision Plat Application.

Proposed Conclusions of Law

1. South Carolina Code Ann. §6-29-340 grants the local planning commission power and duty to prepare and recommend to the governing authority (Charleston County Council) the regulations for the subdivision and development of land and all revisions thereof.
2. South Carolina Code Ann. §6-29-1150 provides that the land development regulations adopted by the governing authority (Charleston County Council) must include specific procedures for the submission and approval or disapproval by the planning commission or designated staff.
3. The Charleston County Zoning and Land Development Regulations Ordinance (“ZLDR”) Sec. 8.4.3, Zoning and Planning Director Review and Report, provides authority to the Zoning and Planning Director to review and approve all subdivision applications.
4. ZLDR Table 3.1.6 Notices, describes all notification requirements pertaining to any development review application administered by the Zoning & Planning Department, and indicates there are no public notification requirements for any subdivision applications.
5. All required information on the plat, permits, and other supplemental data and documentation required for a Preliminary Subdivision Plat Application to be considered complete and approvable was provided as required in ZLDR Sec. 8.4.2, Preliminary Plat Application.

Proposed Conclusions of Law cont.

6. ZLDR Sec. 8.1.4 Charleston County Road Construction Standards, requires compliance of subdivision plats with the standards of Appendix A, Road and Drainage Standards. Sec. A.1.6, Coordination with Other Review Agencies, dictates requirements of approvals from other agencies, including copies of approved encroachment permits as applicable. The Town of Mount Pleasant has jurisdiction over Jack Leland Drive, and issued an Encroachment Permit on July 28, 2025, providing access and road improvements from Stratton Place to the Subject Property and Jack Leland Drive.
7. Construction drawings are required for review and compliance with the Charleston County Stormwater Manual, as a part of the subdivision review process, which County designated staff has determined to be in compliance with the Manual upon approval of the Preliminary Subdivision Plat Application.
8. ZLDR Sec. 8.8, Tree Preservation, requires review and compliance with standards pertaining to the protection and preservation of trees pending subdivision approval; the County Arborist inspected the site and found the Preliminary Subdivision Plat Application to be in compliance with the ZLDR.
9. The Preliminary Subdivision Plat submitted in Subdivision Application SBDV-07-24-02874 does meet all of the requirements of the ZLDR, and therefore the Planning Director did not err in approving the application.

QUESTIONS BY THE COMMISSION TO OFFICIAL BEING APPEALED

PLANNING COMMISSION MOTIONS CONCERNING THE APPEALS, STATING SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW.

Section 3.14.7 Planning Commission Review and Action

1. *The Planning Commission shall hold at least one public hearing on the appeal and, within a reasonable time following the close of the public hearing, take final action based on the procedures and requirements of this Section. When the appeal relates to a determination of application incompleteness, the Planning Commission shall hear and take action on the appeal within 15 calendar days of the date of the appeal.*
2. *In exercising the appeal power, the Planning Commission shall have all the powers of the official from whom the appeal is taken, and the Planning Commission may reverse or affirm, wholly or in part, or may modify the decision being appealed.*
3. *If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence, and to that end shall have all the powers of the officer from whom the appeal is taken.*
4. *A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than one-half of the total membership of the Planning Commission.*

PLANNING COMMISSION MOTIONS CONCERNING THE APPEALS, STATING SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW.

Section 3.14.7 Planning Commission Review and Action

At least two-thirds of the members present and voting shall be required to reverse any order, requirement, decision, or determination of any administrative officer or agency.

Section 3.14.8 Planning Commission Review and Action

ZLDR §3.14.8 Approval Criteria: Findings of Fact

An appeal shall be sustained only if the Planning Commission finds that the administrative official erred. The decision of the Planning Commission shall be accompanied by specific, written findings of fact and conclusions of law clearly stating the reason for the decision. Those written findings shall be delivered to Parties in Interest by certified mail and permanently filed in the Zoning and Planning Department.