

Minutes

McClellanville Board of Zoning Appeals

July 20, 2023, 6:00 PM

The McClellanville Board of Zoning Appeals held a public hearing on the above-noted date. Notice of the hearing had been published as required by the Freedom of Information Act and the Town's Zoning and Land Development Ordinance. Board members present were Allen DuPre, Cheves Leland, Scott Youngblood and TJ Johnston. Town staff present included Town Planner Eddie Bernard, Executive Assistant Natalie Lewis. In attendance included Michelle McClellan and Glenn Racine.

Allen DuPre, Chair, called the hearing to order at 6:00 PM. She asked the members to review the minutes from the May 27, 2021, public hearing. Cheves Leland made a motion to approve the minutes as written. The motion was seconded by Allen DuPre and carried unanimously with an "aye" vote recorded for all members.

Next, Allen DuPre opened the public hearing on an application from Glenn Racine. The applicant seeks a variance from the requirements of Section 6.4 (b) regarding conservation of grand trees within the Town of McClellanville. The variance requests permission to remove a grand pecan tree on 316 Dupre Road, bearing Charleston County TMS#764-15-00-013. Allen DuPre asked Town Planner to present staff findings.

Eddie Bernard went over staff notes prepared for board. (Reference Attachment). BZA members, the Town Planner and public discussed the application and information as it pertains to the staff notes and the Order on Variance. T.J. Johnston advised staff that in the future it would be beneficial to have an arborist report. Board members agreed that applicants should have a report and it would have been useful for the meeting. BZA members also asked staff for future meetings to have better guidance on the staff notes.

BZA members discussed the application and information as it pertains to the Order on Variance. After reviewing the Orders of the Board, T.J. Johnston made a motion to grant the variance.

The board concludes that the applicant has an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact: (1) The tree is a pecan tree which is notorious for dropping limbs, (2) the tree is leaning toward the house, and (3) if it fell or dropped it would cause substantial damage to the structure.

The board concludes that these conditions do not generally apply to other property in the vicinity based on the following findings of fact: Other properties do not have a pecan tree in danger of leaning towards the home and pecan trees are notorious for dropping large limbs which could damage the property.

The board concludes that because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of

the property based on the following findings of fact: Owners are afraid of the tree causing damage to the existing historic structure and those around it.

The board concludes that the authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance based on the following findings of fact: There will be mitigation and the lot still has a large number of large trees on the property. Also, the adjacent property owner agrees to have the tree removed.

The board, therefore, orders that the variance is granted, subject to the following conditions: The applicant must remove the tree in its entirety, including stump grinding to at least even with the surrounding ground.

The applicant must plant indigenous trees (per Table 2 in Article VI), having a minimum 3-inch caliper at the time of installation, having a total circumference equal to or greater than the difference between the removed tree's circumference and 76 inches CBH consistent with mitigation required by Section 6.8 (b) when removal is approved by an administrative waiver.

Or

Should the mitigation trees not fit on the property contribute to the Town's Tree Fund a fee of \$400 per mitigation tree. Given the pecan tree is 37" DBH this would require 13 caliper inches of mitigation in total.

The motion was seconded by Cheves Leland, none opposed. Motion carried unanimously with an "aye" vote recorded for all members.

Election of Board of Zoning Appeals Chair, Vice Chair and Secretary for 2023-2024. Allen DuPre was elected Chair, T.J. Johnston was elected Vice Chair, and Cheves Leland was voted secretary.

There being no further business the meeting was adjourned at 7:04 PM.

Respectfully submitted,



Natalie Lewis
Executive Assistant