

**TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
Town Hall
1122 Dills Bluff Road, James Island, SC 29412
BZA AGENDA
December 16th, 2025
5:00 PM**

NOTICE OF THIS MEETING WAS POSTED IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT

(MEETING WILL BE STREAMED ON THE TOWN WEBSITE jamesislandsc.us)

Members of the public addressing the Board in support or opposition of this case at Town Hall must sign in. The Town invites the public to submit comments on this case prior to the meeting via email to kcrane@jamesislandsc.us referencing the Case #. Emailed comments not sent to this email address, and comments that do not include a home address for the record, will not be accepted. Emailed comments must be received by noon on December 15th.

- I.** CALL TO ORDER
- II.** PLEDGE OF ALLEGIANCE
- III.** COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT
- IV.** INTRODUCTIONS
- V.** REVIEW SUMMARY (MINUTES) FROM THE NOVEMBER 18th, 2025 BZA MEETING
- VI.** BRIEF THE PUBLIC ON THE PROCEDURES OF THE BZA
- VII.** ADMINISTER THE OATH TO THOSE PRESENTING TESTIMONY
- VIII.** REVIEW OF THE FOLLOWING APPLICATION:
 - 1.** **CASE #BZAV-10-25-045** Variance request for the removal of two grand trees (25.5" DBH Laurel Oak and 27" DBH Laurel Oak) for the proposed construction of a free-standing Emergency Department (Roper St. Francis Healthcare) in the Community Commercial (CC) Zoning District and the Commercial Core of the Folly Road Corridor Overlay (FRC-O) Zoning District at 832 Folly Road – Town of James Island (TMS #425-08-00-012).
- IX.** ADDITIONAL BUSINESS:
 - 1.** Next Meeting Date: January 20th, 2026
- X.** ADJOURN

*Full packet available for public review on website, and Monday through Friday during normal business hours.

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF NOVEMBER 18, 2025

The Board of Zoning Appeals (BZA) held its regularly scheduled meeting on Tuesday, November 18, 2025, at 5:04 p.m. at the James Island Town Hall, 1122 Dills Bluff Road, James Island SC.

Comm'r present: Vice Chair Roy Smith, Comm'rs Joshua Hayes, Massey Yannitelli, and Chair David Savage who presided. Absent: Comm'r Schuyler Blair (gave notice). Also, Planning Director, Kristen Crane, Town Attorney, Brian Quisenberry, Mayor Brook Lyon, and Town Clerk and Secretary to the BZA, Frances Simmons.

**Chair Savage asked the audience to please silence their phones.*

Call to Order: Chair Savage called the meeting to order. Comm'r Hayes led the Pledge of Allegiance.

Compliance with the Freedom of Information Act: Chair Savage announced that this meeting was being held in compliance with the SC Freedom of Information Act. Fifteen (15) days prior to this hearing, a public notice was posted in the Post and Courier, a sign was posted on the designated property, and a notice was mailed to the applicant or representative of the property, the property owner, and property owners within 300 feet of the application, and to parties of interest. Persons, organizations, and the news media that have requested declaration of our meetings were also notified. The Freedom of Information Act does not require notification to anyone other than the applicant and parties of interest.

Introductions: Chair Savage introduced himself as Chair, members of the BZA, staff, and Town Attorney.

Review Summary (Minutes) from the October 21, 2025, BZA Meeting: Motion to approve was made by Comm'r Hayes, seconded by Comm'r Yannitelli. Passed unanimously.

Brief the Public on the Procedures of the Board of Zoning Appeals (BZA): Chair Savage explained that the BZA is a quasi-judicial Board that is empowered to approve, approve with conditions, or to deny requests. The BZA is authorized to defer a case should there be a need to obtain additional information.

Administer the Oath to those Presenting Testimony: Town/BZA Attorney Brian Quisenberry swore in the persons wishing to provide testimony.

Chair Savage announced the first Case #BZAV-10-25-044: Variance Request for an increase in maximum accessory structure height allowance (maximum is 25') of 5' to 30' for a detached accessory structure (tree house) in the Low-Density Suburban Residential (RSL) Zoning District at 1038 Windward Road (TMS# 452-01-00-137).

Review of Case #BZAV-10-25-044: Planning Director, Kristen Crane, provided the staff review:

Staff Review:

The applicant, Mr. John Gricunas, is requesting a Variance for an increase in the maximum accessory structure height allowance (maximum allowed is 25') of 5' in the Low-Density Suburban Residential (RSL) Zoning District at 1038 Windward Road. All adjacent properties are zoned RSL in the Town of James Island.

Town of James Island Zoning and Land Development Regulations Ordinance § 153.207 E states that accessory buildings shall not exceed 25' in height as measured from ground level.

The subject property is a 0.30-acre lot and currently has one single-family home, built in 1966 per Charleston County records. The applicant is requesting an additional 5' of height for an existing accessory structure (treehouse), with a finished height of 30' from ground level. The applicant states, *"In May 2020 I received material from a church downtown that was being remodeled so I built my kids a treehouse. This was a labor of love during an unprecedented world lockdown because of the coronavirus."*

Findings of Fact:

According to §153.049 F, Zoning Variance Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR), The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Appeals makes and explains in writing the following findings:

F. (a): *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

Response: **There may be extraordinary and exceptional conditions pertaining to this particular piece of property due to the existing tree canopy and the large grand live oaks located in the backyard. Previous storm damage to the live oak trees and their resulting structural support system created a vertical opening for the subject structure as the applicant explains *"mature trees were preserved and incorporated into the design with the advice from multiple arborists. Supports were placed in the tree at the breakage point during Hurricane Hugo, strengthening the trees and influencing the finished elevation."***

F (b): *These conditions do not generally apply to other property in the vicinity;*

Response: **There does not appear to be many properties in the vicinity with a similar amount of canopy coverage, from an aerial perspective. In addition, the location and number of grand trees on surrounding lots vary; storm damage also varies and there is no way to know of any corresponding corrective actions.**

F (c): *Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;*

Response: **The application of this Ordinance to the subject property would prohibit the retainment of the accessory structure at its current height and may unreasonably restrict the utilization of the property's accessory use as the letter of intent explains, *"a 5-foot variance is the minimum required to preserve safety and functionality"*.**

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

Response: **The character of the zoning district should not be harmed, and the authorization of the variance should not be of substantial detriment to adjacent property or to the**

public good. The applicant states that “the treehouse is well within property lines, does not obstruct views and is aesthetically designed.”

F (e): *The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land or to change the zoning district boundaries shown on the Official Zoning Map;*

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

F (f): *The need for the variance is not the result of the applicant’s own actions; and*

Response: **In the letter of intent, the applicant explains that the “design was created to comply with zoning as best as possible, but upon further evaluation, and after construction began, it became clear that the safe and stable installation required the current height. Lowering the structure would compromise, structural safety, and disturb the integrity of the trees.” Therefore, the need for the variance may not be the result of the applicant’s own actions.**

F (g): *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.*

Response: **The granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.**

In granting a Variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare (§153.045 E 2).

Action:

The Board of Zoning Appeals may approve, approve with conditions, or deny Case # BZAV-10-25-044 (Variance request for an increase in maximum accessory structure height allowance to 30’ in the Low-Density Suburban Residential District based on the “Findings of Fact” listed above, unless additional information is deemed necessary to make an informed decision. In the event the Board decides to approve the application, the Board should consider the following condition:

1. The applicant shall obtain all required retroactive and current zoning, stormwater, and building permits for the detached accessory structure.
2. The applicant shall maintain annual inspections with a certified arborist and provide a tree care plan for the grand trees, as recommended in the submitted arborist letter dated 10/16/2025.

Questions to Staff: Ms. Crane answered Chair Savage’s question about accessory structures and tree houses in that category.

Applicant Presentation:

John Gricunas, 1038 Windward Rd: Mr. Gricunas spoke that he built a tree house for his children in 2020 during the coronavirus which was an unprecedented time in the world during the lockdown.

Questions to the Applicant from the Board: None.

In Support:

Jen Tyrrell, 1043 Windward Road spoke in support of the request.

In Opposition:

Richard Endress, 824 Robert E. Lee Blvd spoke in opposition to the request.

Chair Savage called for a motion to close the Public Hearing and a second in order to have discussion. The Public Hearing closed at 5:24 p.m. upon a motion by Vice Chair Smith, and a second by Comm'r Hayes. Passed unanimously.

During discussion, Vice Chair Smith spoke of the times during COVID, but what matters is does the request meet all of the criteria; and it does. Chair Savage agreed and commented on criteria F (f) that it is not the result of the applicant's own action. He believes all criteria are met. There were no additional comments about the staff's recommendation.

Chair Savage called for a motion to approve Case BZAV-10-25-044: Variance Request for an increase in maximum accessory structure height allowance (maximum is 25') of 5' to 30' for a detached accessory structure (tree house) in the Low-Density Suburban Residential (RSL) Zoning District at 1038 Windward Road (TMS# 452-01-00-137). The motion was made by Vice Chair Smith, seconded by Comm'r Hayes based on the staff's conditions.

Vote:

Vice Chair Smith	Aye
Comm'r Hayes	Aye
Comm'r Yannitelli	Aye
Chair Savage	Aye
Unanimous	

Chair Savage restated the approval of the case and that the final decision of the Board would be mailed to the applicant within ten (10) working days. The applicant may contact the Planning and Zoning staff with questions regarding the request.

Case #BZAV-9-25-043: Chair Savage announced the Variance Request for the placement of an existing accessory structure in front of the principal structure in the Low-Density Suburban Residential (RSL) Zoning District at 1353 Harbor View Road (TMS# 424-07-00-025):

Review of Case #BZAV-9-25-043: Planning Director, Kristen Crane, provided the following staff review:

Staff Review:

The applicant, Mr. Christopher Lyon is requesting a Variance for the placement of an existing accessory structure in front of the principal structure in the Low-Density Suburban Residential (RSL) Zoning District at 1353 Harbor View Rd. (TMS #424-07-00-025). Adjacent properties to the north are residential in nature and are in the City of Charleston and the Town of James Island. The remaining surrounding properties are considered undevelopable marshland.

Town of James Island Zoning and Land Development Regulations, § 153.207(B) (1) states that a detached accessory structure shall be located on the rear of the lot, behind the principal structure.

The subject property contains one single-family home that was constructed in 1951 per Charleston County records, as well as a utility shed and detached carport. According to the applicant, *“the shed was constructed to the side of my home rather than to the rear, due to extraordinary and exceptional conditions that directly affect the usability and safety of my backyard.”* Please review the attached documents for further information regarding this request.

Findings of Fact:

According to §153.049 F, Zoning Variance Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR), The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Appeals makes and explains in writing the following findings:

F (a): *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

Response: **There may be extraordinary and exceptional conditions pertaining to this piece of property due to its location with surrounding marsh and critical area on three sides. The applicant’s letter of intent states *“my property backs up to marshland and is uniquely situated with no direct neighboring homes on either side. Because of this geographic configuration, the rear portion of my lot is subject to severe and frequent flooding.”***

F (b): *These conditions do not generally apply to other property in the vicinity;*

Response: **There are several properties in the surrounding area that have marsh in the adjacent rear yard. However, marsh and critical area on three sides, along with undevelopable land with no direct neighboring homes on either side are conditions that do not generally apply. The letter of intent states that *“after periods of heavy rain or high tides, the backyard becomes inaccessible for days at a time. These conditions are not present on nearby properties and do not generally apply to other lots in the vicinity.”***

F (c): *Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;*

Response: **The application of this Ordinance to the subject property would prohibit the retainment of the accessory structure in its current location. The applicant states that *“strict application of the Ordinance requiring the shed to be placed behind the house would effectively prohibit or unreasonable restrict the use of my property. Placement in the rear would expose the shed to conditions that would almost certainly lead to deterioration, potential collapse, and ongoing risk of damage to stored items. Standing water accumulates in depths that make the area hazardous to access, structurally unstable for storage buildings, and susceptible to damage from flooding and moisture intrusion.”***

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

Response: The authorization of the variance should not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district should not be harmed by the granting of the variance. In the letter of intent, the applicant explains that *“the property borders marshland and open space, and there are no immediate neighbors who enjoyment, view, or property value would be negatively affected.”* In addition, the accessory structure does not hinder any sight lines for vehicles.

F (e): *The Board of Zoning Appeals shall not grant a variance to the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land or to change the zoning district boundaries shown on the Official Zoning Map;*

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

F (f): *The need for the variance is not the result of the applicant’s own actions; and*

Response: The need for the variance may not be the result of the applicant’s own actions. The applicant explains that *“it is a practical necessity driven by the physical conditions of the property that are beyond my control. The need for this variance is not the result of my own actions, but of circumstances inherent of the land itself.”*

F (g): *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.*

Response: The granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.

In granting a Variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare (§153.045 E 2).

Action:

The Board of Zoning Appeals may approve, approve with conditions, or deny Case # BZAV-9-25-043 (variance request for the placement of an existing accessory structure in front of the principal structure in the RSL Zoning District at 1353 Harbor View Rd) based on the “Findings of Fact” listed above, unless additional information is deemed necessary to make an informed decision. In the event the Board decides to approve the application, the Board should consider the following condition:

1. The applicant shall obtain all required retroactive and current zoning, stormwater, and building permits for the detached accessory structure.

Questions to Staff: Chair Savage asked Ms. Crane to post the photos depicting the structure for the benefit of those viewing online.

Chair Savage asked Ms. Crane if she had established that the applicant, (Christopher Lyon), is not related to Mayor Brook Lyon and he was informed that to the best of her knowledge, the applicant is not related to the Mayor.

Chair Savage asked Ms. Crane if she walked the property and she replied that she did not walk the back but spoke to a neighbor who also talked of the flooding on her property and had no objection to the applicant's request.

Applicant Presentation:

Christopher Lyon, 1353 Harbor View Road: Chair Savage asked the applicant if he is related to Mayor Lyon and he stated that he is not. Mr. Lyon made his request before the Board and stated that he has a two-year daughter and would like her to have a place to play where it doesn't flood.

Questions to the Applicant: Comm'r Yannitelli said looking at the photos he cannot tell the depth of the water and for those watching online, he asked Mr. Lyon how deep does the water get. Mr. Lyon replied about knee deep, roughly 2 ½ feet.

Chair Savage asked if there is another place where the shed could be placed other than the location that he selected, to which he answered no.

In Support: No one spoke.

In Opposition: No one spoke.

Chair Savage called for a motion to close the Public Hearing at 5:41 p.m. The motion was made by Comm'r Yannitelli, seconded by Comm'r Hayes. Passed unanimously.

Chair Savage called for a motion to approve Case #BZAV-9-25-043: Variance Request for the placement of an existing accessory structure in front of the principal structure in the Low-Density Suburban Residential (RSL) Zoning District at 1353 Harbor View Road (TMS# 424-07-00-025) with the staff's recommendation. The motion to approve was made by Comm'r Hayes, seconded by Comm'r Yannitelli.

During discussion, Comm'r Hayes stated seeing how Harbor View Road floods. He lives on Harbor View Road and notice properties that floods substantially as the applicant stated at 2 ½ feet (knee deep). He said when looking at the property, even to the front, that is the best location for the shed. From what he sees, criteria F(a) through F(f) in his opinion is met. Comm'r Yannitelli agreed. Vice Chair Smith said based on the staff's responses each one of the criteria is met. The motion was approved for Case #BZAV-9-25-043 based on the staff's recommendation.

Vote

Vice Chair Smith	Aye
Comm'r Hayes	Aye
Comm'r Yannitelli	Aye
Chair Savage	Aye
Unanimous	

Chair Savage restated the approved motion and that the final decision of the Board would be mailed to the applicant within ten (10) working days. The applicant may contact the Planning and Zoning staff with questions regarding the request.

Additional Business:

Next Meeting Date: The next meeting of the Board of Zoning Appeals will be held on Tuesday, December 16, 2025.

Adjourn: There being no further business to come before the body, the meeting adjourned at 5:44 p.m.

Respectfully submitted:

Frances Simmons
Town Clerk and Secretary to the BZA

DRAFT

Variance Application

Town of James Island Board of Zoning Appeals

Town of James Island
Zoning/Planning Department
1122 Dills Bluff Road
James Island, SC 29412
Phone 843-795-4141
Fax 843-795-4878
www.jamesislandsc.us



This application must be complete and submitted in person to the Town of James Island Zoning/Planning Department in order to apply for a Variance. Please read the entire form prior to completing the application. The applicant shall receive a copy of this completed form at the time the application is filed. **This application will be returned to the applicant within fifteen (15) working days if these items are not submitted with the application or if any are found to be inaccurate:**

- 1) Completed Variance application signed by the current property owner(s).
- 2) Copy of **Current Recorded Deed** to the property (Owner's signature must match documentation). If the applicant is not the owner of the property, the **Current Property Owner(s)** must sign and print the **Designation of Agent** found below.
- 3) **Restrictive Covenants & Posted Notice Affidavit(s)** signed by the applicant or current property owner(s).
- 4) A **letter of intent** signed by the applicant or property owner(s) stating the reason for the request that explains why this request should be granted and how it meets the Approval Criteria of §153.049 F. All proposed Variances, except single family, shall satisfy the Site Plan Review process and attend at least one Site Plan Review meeting prior to submitting this application.
- 5) An accurate, legible **Site Plan drawn to Engineers Scale** must be attached. The site plan must show property dimensions, dimensions and locations of all existing and proposed structures and improvements, parking areas, Grand trees (18" DBH or greater, Pine, Sweetgum, SC Invasive Pest Trees are exempt), wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on site plan or plat), holding basins and buffers when applicable.
One 24 x 36 copy and one digital copy via email.
- 6) Copy of a legible **Approved and Recorded Plat** showing present boundaries of property.
- 7) **Fee \$250** check made out to "Town of James Island". Grand tree variances add \$50 each additional tree

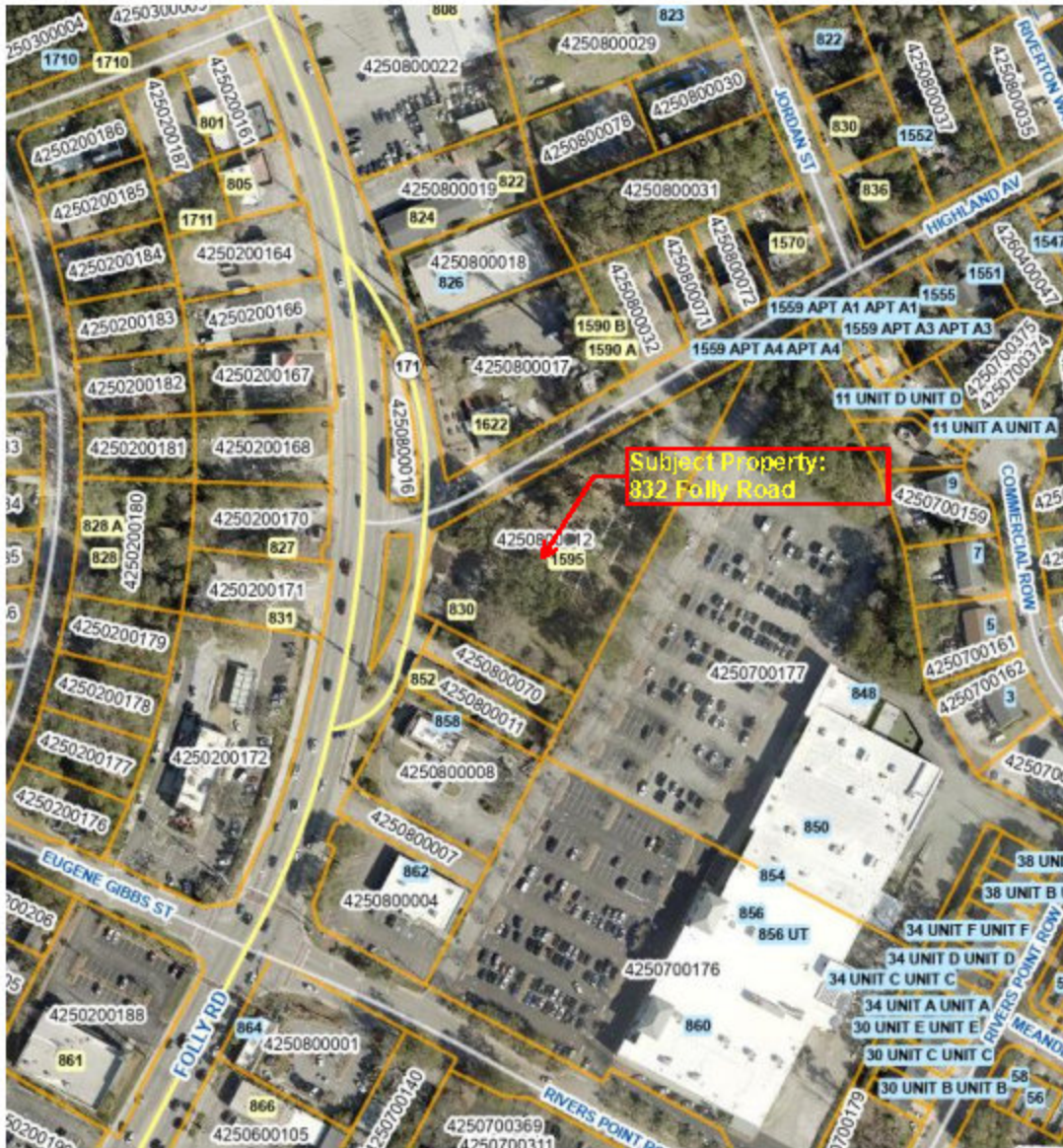
Applicant Name: Roper St. Francis Healthcare
 Mailing Address: 8536 Palmetto Commerce Pkwy, Suite 201
 City, State, Zip Code: Ladson, SC 29456 Daytime Phone: 843-364-3836
 Email Address: elisa.cooper@RSFH.com ; cwilliams@scamonwhite.com
 Subject Property Address: 832 Folly Rd Tms 425-08-00-012
 Present Use of Property: Ropes Course
 Variance Description: Tree Removal
 Applicant Signature: [Signature] Date: 9/30/2025

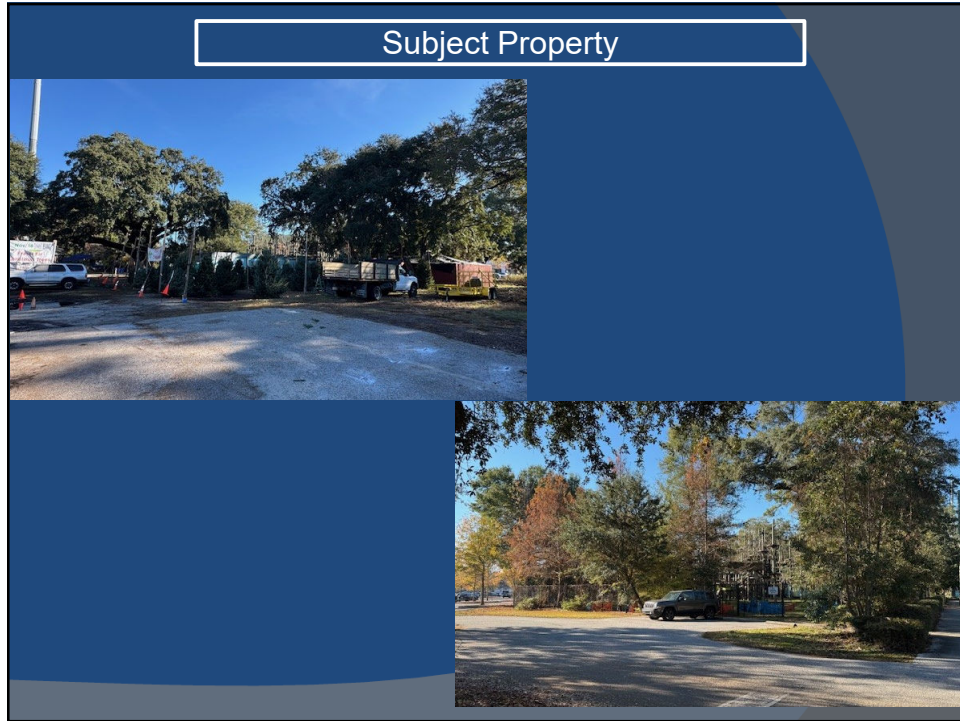
Designation of Agent (Complete only if owner is not applicant): I hereby appoint the person named as Applicant above as my (our) agent to represent me (us) in this application.

FEWG, LLC, by Mikell C. Harper, its 10/8/25 502 King Street, 3rd Floor
 Owner Print Name Mikell C. Harper Authorized Signer Date Owner Mailing Address
2407 Charleston, SC 29403
 Owner Signature City, State, Zip Code

FOR OFFICE USE ONLY:

Application #: BZAV-10-25-045 Flood Zone: X
 Zoning District: CC + FRC-0 Fee Paid (\$250): check \$300
 Date Filed: 10/29/2025 Zoning Officer: KAC
 TMS#: 425-08-00-012





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6

Adjacent Property

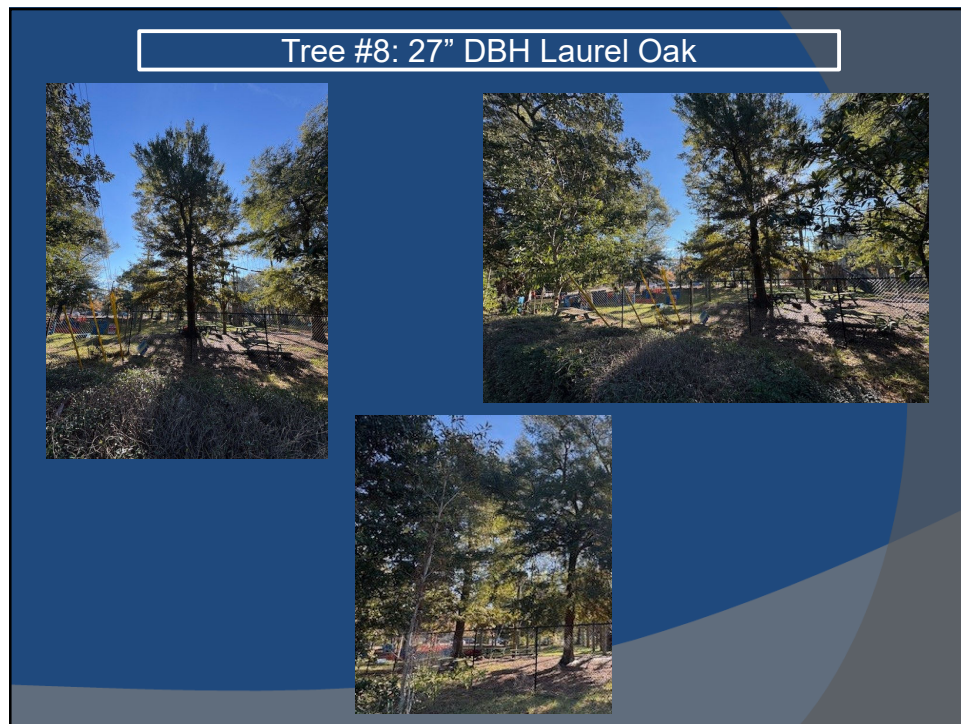


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Tree #7: 25.5" DBH Laurel Oak



8



Staff Review:

The applicant, Roper St. Francis Healthcare, represented by Seamon Whiteside, is requesting a Variance for the removal of two grand trees (25.5" DBH Laurel Oak and 27" DBH pecan) at 832 Folly Road (TMS #425-08-00-012). The property is located in the Community Commercial (CC) Zoning District and is in the Commercial Core Area of the Folly Road Corridor Overlay (FRC-O) Zoning District. Adjacent properties to the north, east, and other properties along Folly Road are also located in the CC Zoning District. Property on Highland Avenue is located in the Neighborhood Commercial (CN) Zoning District and the Low-Density Suburban Residential (RSL) Zoning District. Property to the south and west are under the jurisdiction of the City of Charleston in their General Business (GB) Zoning District.

Town of James Island Zoning and Land Development Regulations, §153.334 (E) (2) states that grand trees that do not meet the criteria for tree permits may be removed only where approved by the Board of Zoning Appeals and shall be replaced according to a schedule determined by the Zoning Administrator.

The property is 1.84 acres in size with the subject Laurel Oak trees being situated on the northwest side of the lot. The site is the former location of Wild Blue Ropes Adventure Park, with the modular office building, associated rope climbing structures, and 10 paved parking spots at the rear of the site remaining. The property also seasonally accommodates New River Nursery Christmas Trees and food trucks. The two subject Laurel Oak trees are located on the northwest side of the lot within the footprint of the proposed free-standing Emergency Department building, as depicted on the submitted site plan. The applicant's letter of intent states, *"while we will preserve as many grand trees as possible and remove only those that make the project feasible, approval of this variance is essential to ensure we can continue our legacy of trusted, mission-driven care close to where our neighbors live and work."*

Findings of Fact:

According to §153.049 F, Zoning Variance Approval Criteria of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR), The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Appeals makes and explains in writing the following findings:

F. (a): *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

Response: **There may be extraordinary and exceptional conditions pertaining to this piece of property as the commercial site is 1.84 acres in size and contains 21 grand trees that are fairly evenly disseminated. In addition, the prior use, shape, and**

layout of the property is unusual as the applicant clarifies, *"trees have been able to grow and mature into larger canopies throughout the existing development. They are also planted more internally to the site because of the smaller footprint of a ropes course."*

F (b): *These conditions do not generally apply to other property in the vicinity;*

Response: **These conditions do not generally apply to other properties in the vicinity. The location and number of grand trees on surrounding lots varies and commercial properties in the vicinity are developed with building footprints. The letter of intent explains, *"while grand trees remain at the periphery of adjacent sites, space was cleared internally for development."***

F (c): *Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;*

Response: **The application of this Ordinance, §153.334, *Required Tree Protection* to the subject property, may effectively prohibit or unreasonably restrict the utilization of the property as proposed because of the dispersed location of grand trees. The applicant's letter of intent states that *"Given the existing canopy coverage, it would be challenging for most commercial development to fit on this site and include all necessary parking, stormwater requirements, and utilities."***

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

Response: **The character of the zoning district should not be harmed and the authorization of the variance should not be of substantial detriment to adjacent properties or to the public good, if adequate tree replacement is provided, the remaining grand trees are sufficiently protected, and additional buffering is installed around the perimeter of the property as required. The letter of intent addresses this: *"not only will this development provide a much needed service to the James Island community, but 17 existing grand trees will remain on site-both on the periphery and in the interior of the site. This remaining tree coverage will very much match the character of the neighboring commercial properties that have retained significant canopy coverage on their edges"*.**

F (e): *The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land or to change the zoning district boundaries shown on the Official Zoning Map;*

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

F (f): *The need for the variance is not the result of the applicant's own actions; and*

Response: **The large number and specific locations of grand trees are pre-existing site conditions, therefore the need for the variance may not be the result of the applicant's own actions. The applicant states that *"the site has been studied repeatedly to best understand how to fit the development requirements while minimally impacting the number of grand trees. The proposed layout accommodates the most amount of existing trees and all necessary site and safety functions of the use."***

F (g): *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.*

Response: **The Land Use Element of the Comprehensive Plan states a strategy is to *"Implement sustainable and flexible development guidelines and integrate development with growth to maintain the suburban character of the Town"*. If the removal of the requested grand trees is mitigated and the remaining grand trees are preserved, the granting of the variance may not conflict with Comprehensive Plan or the purposes of this Ordinance.**

In granting a Variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare (§153.045 E 2).

Action:

The Board of Zoning Appeals may approve, approve with conditions or deny Case # BZAV-10-25-045 (Variance request for the removal of two grand trees for the proposed construction of a free-standing Emergency Department at 832 Folly Rd.), based on the "Findings of Fact" listed above, unless additional information is deemed necessary to make an informed decision. In the

event the Board decides to approve the application, the Board should consider the following conditions:

1. The applicant/owner shall install tree barricades around the grand and protected trees on the property, as described in §153.334 of the *Ordinance*, throughout the duration of construction.
2. Prior to obtaining a Zoning Permit for the proposed site improvements, the applicant/owner shall provide documentation that the grand trees on the subject parcel have been pruned and fertilized as recommended by a Certified Arborist, in order to mitigate any potential damage to the tree caused by construction.
3. The applicant/owner shall mitigate the removal of the grand trees by submitting a mitigation plan to the Zoning Administrator, as described in 153.334 (E) (2) of the Ordinance, that equals inch-per-inch replacement.

Executive Cover Statement

Roper St. Francis Healthcare respectfully requests approval to remove two grand oak trees from the Folly Road property where we are planning to build a free-standing Emergency Department. This facility is vital to providing timely, life-saving care for the growing communities of James Island and Folly Beach. As Charleston's only community-based, not-for-profit healthcare system, we have served the Lowcountry with compassion, faith and excellence for nearly 170 years. While we will preserve as many grand trees as possible and remove only those that make the project feasible, approval of this variance is essential to ensure we can continue our legacy of trusted, mission-driven care close to where our neighbors live and work.

Statement of Need

Variance Request for the removal of two Grand Trees – Folly Road Free-Standing Emergency Department

A Legacy of Trust and Service

Since opening Roper Hospital in downtown Charleston in 1856, Roper St. Francis Healthcare has been more than a collection of facilities — we have been a trusted, not-for-profit, mission-based healthcare system dedicated to healing all people with compassion, faith and excellence. Generations of Lowcountry families have counted on us, and residents of James Island and Folly Beach have long looked to Roper St. Francis Healthcare for care they can trust. As these communities continue to grow and attract new families, retirees, and visitors, so does the need for conveniently located, life-saving emergency services.

Extraordinary Conditions of the Property

The Folly Road parcel, a former ropes course, is heavily wooded and contains multiple grand trees. Despite extensive site planning, the extraordinary condition of this property is that it is not possible to fit the required 11,000-square-foot footprint — with both a patient entrance and a separate ambulance entrance for safe emergency operations — without the removal of two grand oak trees. Several other grand oaks on the property will be preserved, and all dead or dying trees will be removed to improve overall site safety.

Community-Based Enhancement

Removing these two trees is not a detriment but a necessity to provide emergency care that will enhance and protect the health of our neighbors. The site is currently overgrown and underutilized; development will improve the Folly Road frontage with professional landscaping and a modern medical facility that benefits the entire community. We have proactively met with neighboring property owners, and they have expressed strong support for this project.

Our Commitment

Roper St. Francis Healthcare is Charleston's only community-based, not-for-profit health system — we reinvest all resources into the people and facilities that serve the Lowcountry. Our reputation for excellence, earned over nearly 170 years, is built on trust and service. Approving this variance will allow us to bring that legacy of trusted care closer to the people of James Island and Folly Beach, ensuring that residents and visitors alike have immediate access to emergency services when they need them most.

Approval Criteria

A. There are extraordinary and exceptional conditions pertaining to the particular piece of property:

There are extraordinary and exceptional conditions pertaining to the particular piece of property due to the nature of its particular commercial use. Given that it is an existing ropes course and not a large building, trees have been able to grow and mature into larger canopies throughout the existing development. They are also planted more internally to the site because of the smaller footprint of a ropes course. As such, grand trees are fairly evenly distributed across the site.

B. These conditions do not generally apply to other property in the vicinity:

These conditions do not generally apply to other property in the vicinity as the other adjacent commercial properties do not have grand trees regularly dispersed across their sites. While grand trees remain at the periphery of adjacent sites, space was cleared internally for development. This proposed development plan intends to retain as many existing grand trees as feasible to continue the character of the neighborhood.



- C. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property:**

Strict application of the Ordinance to this piece of property would tightly restrict the type and size of development on this parcel. As mentioned above, the existing grand trees on site are distributed somewhat evenly across the site due to the nature of the development. Given the existing canopy coverage, it would be challenging for most commercial development to fit on this site and include all necessary parking, storm water requirements, and utilities.

- D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance:**

The authorization of a variance will not be substantially detrimental to the adjacent property. Not only will this development provide a much needed service to the James Island community, but 17 existing grand trees will remain on site – both on the periphery and in the interior of the site. This remaining tree coverage will very much match the character of the neighboring commercial properties that have retained significant canopy coverage on their edges.

- E. The Board of Zoning Appeals shall not grant variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a non-conforming use of land, or to change the zoning district boundaries shown on the Official Zoning Map:**

The intended use of this development is permitted use per the Official Zoning Map.

- F. The need for the variance is not the result of the applicant's own actions:**

The need for this variance is not the result of the applicant's own actions. The site has been studied repeatedly to best understand how to fit the development requirements while minimally impacting the number of grand trees. The proposed layout accommodates the most amount of existing trees and all necessary site and safety functions of the use.

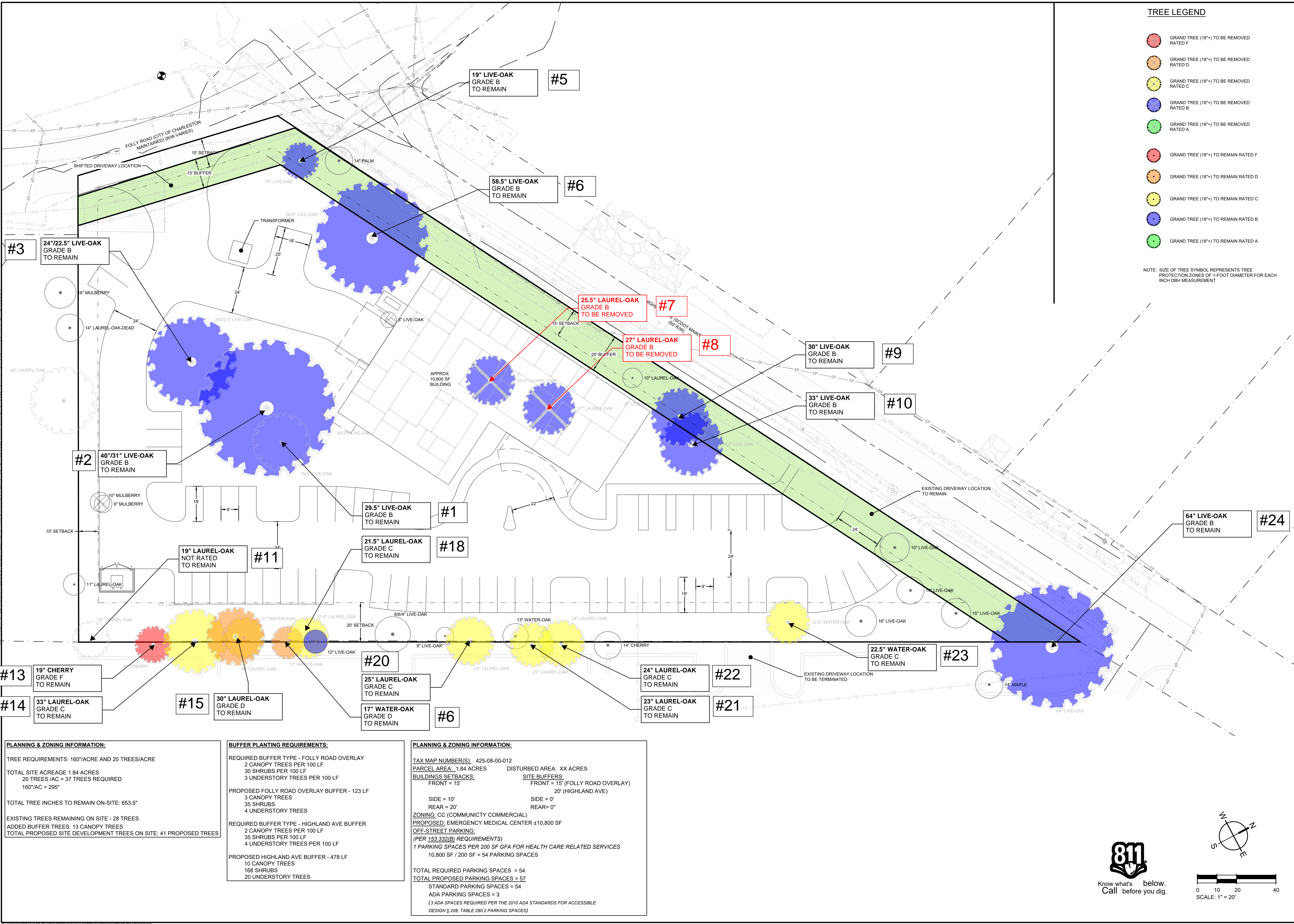
- G. Granting of this variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.**

This intended site use and granting of tree removal variance would not substantially conflict with the Comprehensive Plan because this plan ultimately stays within the land use framework. This development falls within the commercially designated area of the Comprehensive Plan and will provide a much needed medical service to the community. The site plan intends to retain



as many grand trees on site as possible to keep the existing suburban and natural character of James Island.

501 WANDO PARK BOULEVARD, SUITE 200, MOUNT PLEASANT, SC 29564 | JUDSONVILLE BUILDING 6000, 701 EASLEY BRIDGE RD, SUITE 6000, GREENVILLE, SC 29611 | 1001 PETERSON DR., CHARLOTTE, NC 28207 | 1711 N. CEDAR STREET, SUMMERVILLE, SC 29585 | 154 N. DANIEL MORGAN AVENUE, SUITE 300, SPARTANBURG, SC 29306 | 223 S. WEST ST. #600, RALEIGH, NC 27603



- TREE LEGEND**
- GRAND TREE (18"+) TO BE REMOVED RATED F
 - GRAND TREE (18"+) TO BE REMOVED RATED D
 - GRAND TREE (18"+) TO BE REMOVED RATED C
 - GRAND TREE (18"+) TO BE REMOVED RATED B
 - GRAND TREE (18"+) TO BE REMOVED RATED A
 - GRAND TREE (18"+) TO REMAIN RATED F
 - GRAND TREE (18"+) TO REMAIN RATED D
 - GRAND TREE (18"+) TO REMAIN RATED C
 - GRAND TREE (18"+) TO REMAIN RATED B
 - GRAND TREE (18"+) TO REMAIN RATED A
- NOTE: SIZE OF TREE SYMBOL REPRESENTS TREE PROTECTION ZONES OF 1-FOOT DIAMETER FOR EACH INCH DBH MEASUREMENT

PLANNING & ZONING INFORMATION:

TREE REQUIREMENTS: 160"/ACRE AND 20 TREES/ACRE

TOTAL SITE ACREAGE 1.84 ACRES
20 TREES /AC = 37 TREES REQUIRED
160"/AC = 295"

TOTAL TREE INCHES TO REMAIN ON-SITE: 653.5"

EXISTING TREES REMAINING ON SITE - 28 TREES
ADDED BUFFER TREES: 13 CANOPY TREES
TOTAL PROPOSED SITE DEVELOPMENT TREES ON SITE: 41 PROPOSED TREES

BUFFER PLANTING REQUIREMENTS:

REQUIRED BUFFER TYPE - FOLLY ROAD OVERLAY
2 CANOPY TREES PER 100 LF
30 SHRUBS PER 100 LF
3 UNDERSTORY TREES PER 100 LF

PROPOSED FOLLY ROAD OVERLAY BUFFER - 123 LF
3 CANOPY TREES
35 SHRUBS
4 UNDERSTORY TREES

REQUIRED BUFFER TYPE - HIGHLAND AVE BUFFER
2 CANOPY TREES PER 100 LF
35 SHRUBS PER 100 LF
4 UNDERSTORY TREES PER 100 LF

PROPOSED HIGHLAND AVE BUFFER - 478 LF
10 CANOPY TREES
168 SHRUBS
20 UNDERSTORY TREES

PLANNING & ZONING INFORMATION:

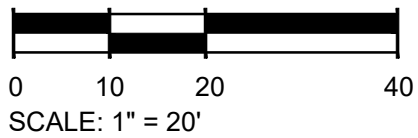
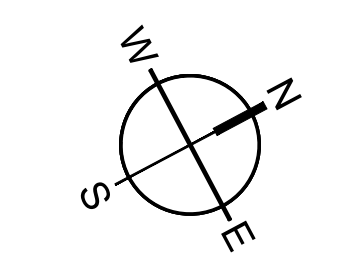
TAX MAP NUMBER(S): 425-08-00-012
PARCEL AREA: 1.84 ACRES DISTURBED AREA: XX ACRES

BUILDINGS SETBACKS: FRONT = 15'
SIDE = 10'
REAR = 20'

SITE BUFFERS: FRONT = 15' (FOLLY ROAD OVERLAY)
20' (HIGHLAND AVE)
SIDE = 0'
REAR = 0"

ZONING: CC (COMMUNITY COMMERCIAL)
PROPOSED: EMERGENCY MEDICAL CENTER ±10,800 SF
OFF-STREET PARKING:
(PER 153.332(B) REQUIREMENTS)
1 PARKING SPACES PER 200 SF GFA FOR HEALTH CARE RELATED SERVICES
10,800 SF / 200 SF = 54 PARKING SPACES

TOTAL REQUIRED PARKING SPACES = 54
TOTAL PROPOSED PARKING SPACES = 57
STANDARD PARKING SPACES = 54
ADA PARKING SPACES = 3
(3 ADA SPACES REQUIRED PER THE 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN § 208, TABLE 280.2 PARKING SPACES)



MOUNT PLEASANT, SC
843.884.1667
GREENVILLE, SC
864.298.0534
SUMMERVILLE, SC
843.972.0710
SPARTANBURG, SC
864.272.1272
CHARLOTTE, NC
980.312.5450
RALEIGH, NC
980.312.5450
WWW.SEAMONWHITESIDE.COM

12/1/25

ROPER JAMES ISLAND

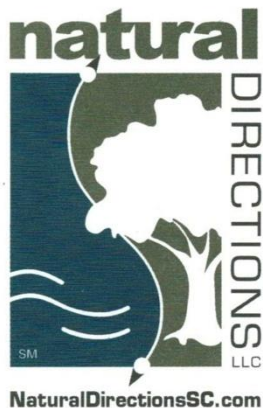
JAMES ISLAND

SW+ PROJECT: 12590
DATE: 6/13/25
DRAWN BY: DDE
CHECKED BY: PWP

REVISION HISTORY	

SITE PLAN

C4.0



July 15, 2025

Daniel Ethredge
Seamon Whiteside & Associates
501 Wando Park Boulevard
Mt. Pleasant, SC 29464

Dear Mr. Ethredge:

Attached is our tree report for the Roper James Island project at 832 Folly Road within the Town of James Island. We measured the size and assessed the condition of all grand trees within the project boundaries, per your request. I have attached photos of each tree with a diameter of 18 inches and greater. Included is a site map showing each tree numbered with a correlating tree list. I have also outlined tree preservation measures for trees impacted by construction activities, not only to aid in tree survival but to ensure that these trees thrive in the future.

The tree list displays the tree number, tree diameter, species, and a condition grade for each tree. My grading system factors in tree species, form and health, and structural integrity. An 'A' rated tree is one that is healthy, has no obvious structural issues and is a species that performs well in this area. 'B' graded trees have only minor defects and/or may be a species that is somewhat prone to health or structural problems. A 'C' rated tree is one that has a moderate defect or a structural issue that may need a more in-depth evaluation to determine its severity. 'C' graded trees may also be a species that is not desirable as a shade tree. 'D' rated trees have major defects and should be seriously considered for removal. An 'F' rated tree is one that is either dead or dying or has structural problems that make it a hazard.

Trees with a grade of A or B are also described as having a condition of Good on our tree list report. Trees with a C grade are Fair condition and D and F trees are Poor condition. We recommend removing all Poor condition trees as they are prone to failure and could cause property damage or personal injury.

Any tree to be preserved must be protected using tree barricade fencing. Install the fencing per the approved construction plans. This fencing should be monitored and repaired regularly. All contractors should be made aware of the importance of this preservation area during routine safety and/or progress meetings.

No activities, including building material or soil storage, trenching or excavation, and equipment or tool cleaning, should take place within the tree protection area. Landscaping and irrigation installation should be kept to a minimum in this area as well. If work is needed within this protected area, it should be done by hand and under the supervision of the project arborist. Tree barricades should only be removed at the direction of Town Staff, in writing.

These trees should be properly pruned to remove hazardous deadwood and vines and to provide construction clearance. Avoid cutting excessive amounts of foliage and follow ANSI guidelines. All tree pruning should be performed by a qualified arborist or tree care company.

Install a layer of organic mulch 3 to 4 inches thick within the tree barricade area with a gap around the root flare of the tree. The mulch will aid in soil moisture retention and soil characteristics as it decomposes. The finished product mulch (pinestraw, colored mulch, etc.) can be added on top of this mulch during the landscaping phase for the desired aesthetics.

The soil within the tree barricades should be tested for pH levels and nutrient availability. Use a soil injected fertilizer with mycorrhizae and biostimulants within the barricaded area to amend the soil. Apply the fertilizer once in the spring and again in the fall using recommended rates provided by the manufacturer and based on the results of soil testing. Avoid fertilizers that are high in nitrogen during this transition phase, even if test results recommend the application of nitrogen as a soil amendment.

I also recommend that these trees be treated with Cambistat® or similar growth regulator product. This will help to stimulate new root growth and make the trees more drought tolerant. This should be done as soon as possible to allow the trees to uptake the application and take advantage of the beneficial attributes of this type of product.

Trees with construction encroachments for the excavation of footings, pavement, curbs, drainage systems, underground utilities, grading etc. should be root pruned. Root pruning should be done prior to any excavation work that will occur within the protected area of the trees. Exposed roots should be covered with soil and the excavated area backfilled as soon as possible, preferably the same day the work is performed. All root pruning should be done by a qualified arborist.

Routine tree protection fencing inspections during the construction work and a final inspection of the impacted tree should be performed. The project arborist may recommend additional tree treatments at this time. The project arborist should be contacted at any time during construction if the contractor has questions or concerns regarding any protected trees.

My assessment of the trees was done visually from the ground. I did not perform aerial inspections of the canopies of the trees, but did recognize obvious structural issues. Hollows, cavities, wood decay, etc. were noted, but no measurements were obtained to calculate the severity of these issues. All trees to be preserved possessing defects of concern should be examined more closely to verify their viability as a shade tree. Trees inherently pose a certain degree of hazard and risk from breakage, failure, or other causes and conditions. Only the trees listed in this report were assessed. If you have any questions, please feel free to contact me.

Sincerely,

Michael W. Russell

Michael W. Russell
ISA Certified Arborist
SC Registered Forester
Tree Risk Assessment Qualified

Enclosures



Tree #7 25.5 laurel oak Good condition B Grade



Tree #8 27 DBH laurel oak Good condition B Grade