

TOWN OF JAMES ISLAND
BOARD OF ZONING APPEALS
SUMMARY OF OCTOBER 21, 2025

The Board of Zoning Appeals (BZA) held its regularly scheduled meeting on Tuesday, October 21, 2025, at 5:00 p.m. at the James Island Town Hall, 1122 Dills Bluff Road, James Island, SC.

Comm'rs present: Schuyler Blair, Joshua Hayes, Massey Yannitelli, and Chair David Savage. Absent: Roy Smith (gave notice). Also: Planning Director, Kristen Crane, Town Engineer, Laura Cabiness, Town/BZA 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 introduced new Commissioner, Schuyler Blair who 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, Town Attorney, and Mayor Lyon.

Review Summary (Minutes) from the June 17, 2025, BZA Meeting: Motion to approve was made by Comm'r Hayes, seconded by Comm'r Yannitelli and 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 persons wishing to provide testimony.

Chair Savage gave an overview of how tonight's case would be conducted and introduced Case #BZAV-9-25-042: Variance request for the removal of two grand trees (20" DBH pecan and 34" DBH pecan) for the proposed construction of the James Island Arts and Community Center in the Residential Office (OR) Zoning District at 1129 Hillman Street (TMS #428-03-00-062). The request must meet all of the criteria of the ordinance.

Review of Application: Case #BZAV-9-25-042: Ms. Crane made the following presentation:

The applicant, Mayor Brook Lyon, represented by Chip Wyatt of Barrier Island Engineering, is requesting a Variance for the removal of two grand trees (20" DBH pecan and 34" DBH pecan) at 1129 Hillman Street (TMS #428-03-00-062). Surrounding properties on the south and east sides of the subject parcel are

residentially zoned in the Town of James Island. Property to the north is zoned Residential Office (OR) in the Town and is the location of Town Hall. To the west is residential property in the City of Charleston.

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. Ms. Crane stated that both trees were graded “B” by a certified arborist and did not meet the criteria to get an administrative tree removal permit.

The property is 0.99 acres in size with the subject pecan trees being situated in the center of the lot. There are no structures located on the subject parcel. The combined property was purchased by the Town of James Island in 2023 and is the location for the proposed James Island Arts and Community Center which “*will greatly enhance the lives of the citizens of James Island. The Center will include three buildings, interconnected by outdoor learning and activity spaces with a combined footprint of 10,250 sf, and designed to save as many trees as possible*” according to the letter of intent.

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 site is vacant, is proposed for municipal/community use, and has many grand trees located on it, with two grand trees that restrict construction. In addition, the site is surrounded on three sides by road frontage, therefore 25’ front/street-side setbacks would be applicable to three sides.**

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 property in the vicinity is developed, with no municipal/community uses planned. In addition, the layout of the subject property is unique with regards to road frontage.**

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*, may effectively prohibit or unreasonably restrict the utilization of the property because of the central location of the two grand pecan trees, combined with the limitations of building area due to the triple-frontage layout of the lot and corresponding street setbacks. The applicant’s letter of intent states, “*The existing canopies would make development of the site infeasible without the selective removal of trees.*”**

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 as the letter of intent addresses, *“the project will provide new plantings of a variety of species on the site and along Dills Bluff Road and Hillman Street to meet and exceed the Town’s ordinance requirements”*. Additionally, the applicant states that *“the Town is also prepared to pay into the tree fund in excess of the standard inch-per-inch mitigation requirements.”*

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.

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.”* In addition, the Community Facilities Element states a need as *“continuing to evaluate and plan for community facilities and service.”* The granting of the variance does 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-9-257-042 (Variance request for the removal of two grand trees for the proposed construction of the James Island Arts and Community Center at 1129 Hillman St.), 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 trees 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 exceeds inch-per-inch replacement.

Questions to Staff from the Board:

Comm'r Yannitelli said he is looking at the site plan to see if there were other layouts with the same amount of square footage that would work around the trees for the project. Ms. Crane said that she would defer to the architect or the engineer but did not believe there was another way to have the same amount of building space without removing any grand trees. Any other layout would require removing some oak trees and other grand trees and there are many on the site.

Comm'r Yannitelli asked if relocating the trees was considered. Ms. Crane said she did not know much about that but assumed that relocating trees would not be beneficial to the tree and would be costly; but she is not an arborist.

Chair Savage referred to the schematic where an "x" appears to be in a main area where the canopy is. He said most of the letters received were not opposed to the concept of the community center, but if someone were to ask about the "x" in the middle (that appears to be on pavers) why that tree could not be saved, how would that question be answered.

During discussion of the tree in the middle, Ms. Crane said there is a slanted roof that goes over the courtyard, so the tree would fit there. There is a work around the front where the circle is and that grand tree will be saved.

Chair Savage noted that some of the letters questioned mitigation and asked what the Town requires for mitigation. Ms. Crane said the ordinance is a replacement according to a schedule that is inch-by-inch mitigation. 54" in this case. She said if a tree is taken down for a violation the mitigation triples. The darker trees are the proposed plantings for the site, and the lighter ones are those that exists. The proposed trees equal 118 inches. As a standard when a site is being developed there is a requirement to retain a certain number of inches or trees. The site for the Arts and Community Center is an acre, and our standard is to retain at least 20 trees or 160 inches per acre. She said without the mitigation or proposed trees, the tree inches retained on the site would be 570 inches. Chair Savage asked about enforceability and if the standard is set in stone and Ms. Crane said we would be adhering to the enforceability, but it could be added as a condition to specify the number of inches. Chair Savage asked if the Board wanted to enforce what the language would be to ensure that it is understood. Ms. Crane said condition #3 could be edited to include 108 inches of onsite mitigation.

Applicant Presentation:

Brook Lyon, 669 Port Circle, James Island: Mayor Lyon stated that before she ran for mayor and was elected, she served on the BZA for 12 years and was the chair for six of those years. She heard many tree cases while she sat on the Board and shared with Comm'r Blair that her first BZA hearing was also a tree case. Mayor Lyon said when she reviewed a case, she would go through the "Findings of Facts" and look at the responses to see if it met criteria. She has gone through the criteria in this case, underlined them, and feels that they meet the criteria. She explained each criterion and why they met.

- a) There are many grand trees, and the two grand trees restrict construction.
- b) The location and number of grand trees on the surrounding lot, variety and property are developed and does not generally apply to other property in the vicinity. It is vacant and has tons of trees on it.

- c) This will prohibit and restrict the utilization of the property. We have worked hard to tweak the buildings and worked to save as many trees as possible, but these two trees are in the middle of the way.
- d) This request should not be of substantial detriment and would be a great asset to our community. All of the mitigation plantings we will do will enhance the site and will be fantastic.
- e) This variance does not allow a use that is not permitted, so we meet criteria.
- f) The trees are pre-existing. It is something we cannot help; they were already there.
- g) It does not conflict with the Comprehensive Plan or the purpose of the Ordinance.

Mayor Lyon said the Town continues to evaluate and plan for community facilities and services. She believes the variance meets all criteria and we want to show our citizens that not only do we comply, but we want to go above and beyond the mitigation requirements and have more mitigation than is needed. She asked the Board to approve the removal of the two Pecan Trees based on the fact that the request meets criteria. Mayor Lyon thanked the Board for allowing her to speak.

Chip Wyatt, Owner, and Sr. Development Consultant, Barrier Island Engineering, 759 Folly Road. (Home address: 552 Cecelia Cove): Mr. Wyatt thanked the Board for the opportunity to speak. He said that Mayor Lyon had gone through the criteria, and he would answer questions. In reference to the tree with the "x," he said even if the overhang were removed that grand tree root system would be detrimental and cause structural concerns to the foundation. The permeable pavement system is not only an aesthetic component, but it serves as a vital stormwater component in a special protective area. The dark green trees are proposed. The plantings serve as tree mitigation and are a vital function for stormwater quality and quantity.

Re: the question about alternate configurations of the building, an example was given of rotating the building at 90 degrees. The way the setbacks are off of the two road frontages, the building would not fit or allow the tiedown of the grades. He said geometrically this was the ideal location for the site. As a public community center, the site has a unique and geographical component that is extremely important in the variance request. He talked about the Town's parking lot and overflow parking noting that this option is not available with other sites throughout the island, but it is a critical component that needs to be discussed. If the Community Center is to be an asset to the Town, 100-200 people need to be able to park there for events.

Regarding trees, if inches only were counted it would be 700 inches of existing trees. These are not only grand trees but also significant trees. Mr. Wyatt said they have done their best to minimize the tree impacts and the plantings will serve as a stormwater component for noise reduction, and screenings. He referred to notes on the schematic that addressed mitigation that detailed entails existing inches; how many is proposed to be removed (54") and inches proposed for planting (118"); a total tree inch of 600"; 160" per acre is a requirement and the required inches would quadruple. Mr. Wyatt summed by stating that they have done the best they could to save many trees and to provide connectivity for the parking the Center to be beautiful and functional.

Questions to the Applicant from the Board

Chair Savage asked about mitigation and Mr. Wyatt replied that what Ms. Crane was referring to was if the Board felt that double mitigation was appropriate; the double mitigation number would be two times the fifty-four would be 108 and they are proposing 10 extra inches, which is 118. They can work with that number if the Board wants a double mitigation.

Chair Savage asked about the mitigation inches and Mr. Wyatt said the mitigation number they would request is 108, a double mitigation.

Chair Savage asked if the Town purchased the property with two lots and had the lot line combined into one lot. Mayor Lyon confirmed that the lot line was dissolved when it was surveyed and we have a larger lot to work with and gives more flexibility to save as many trees as possible.

Comm'r Blair asked about the mitigation schedule, do we have an idea of the timeline of when the trees would be planted? Mr. Wyatt said Ms. Crane was referring to the schedule of species not the timeframe. Mayor Lyon added that the plantings would be done after construction.

In Support:

Inez Brown-Crouch, 1149 Mariner Dr: Spoke in support of the James Island Arts and Community Center. She grew up on James Island and had nothing here. The Arts and Cultural Center have brought the community together. She is 85 years old, and this community was shameful at one point. Now that we have the Town and the Art and Cultural Center the community is coming together. She supports the Center, and it would do wonders for James Island.

James Bernacki, 1182 Julian Clark Road, (Manager of Ace Hardware): Spoke in behalf of his wife, Kimberly, who worked at the previous JI Arts and Cultural Center and believes it is an excellent addition to our community. He works at the Hardware store and talks to a lot of people. When the former center closed a lot of people were bummed and now that there will be a new Center it has lifted their spirit. As a former teacher he worried about what kids would do after school. All of the activities the Center will provide would be an excellent way for children and adults to spend time. Kimberly has grown by attending the classes at the Center and she is now a successful artist who owes that to Community Center. He asked the Board to approve the variance as it would be a great addition to our community.

Henrietta Martin, 1235 Hepburn St.; rep. for the Greenhill, Honey Hill, and Dills Bluff communities: Ms. Martin stated has been associated with the Town for over 15 years. When she learned that the Town wanted to have an Arts Center near Paisano's she applauded because this is something desperately needed for the community; especially for Black kids to have somewhere to go. Then it was learned that the Center was going to close which was a big disappointment, so she started banging on the mayor's doors asking, "what is going to happen to our children"? "Where are they going to go?" The mayor had an idea to do something here. She asked the Board to approve the variance, not only for herself but for the children. The location is perfect for them to walk to or bike. It is desperately needed.

Victor Crouch, 1149 Mariner Dr: spoke in support of the variance request. In looking at the schematic there are a lot of other trees that will be planted. He loves trees and the fact that we are adding more to the property. He is a licensed clinical social worker by trade and the importance of community, assets in community make a difference. It makes a difference to have a place where people can go, learn, feel valued, and to be able to say this is our Arts and Cultural Center.

Trudie Mack, 1042 Greenhill Rd: Spoke in support of the Arts Center for the Children to learn. Some who lived on James Island knew about Gresham Meggett where children were to sew, have arts and cook. She thinks the Art Center would be good for children and adults.

Regina Ruopoli, 1434 Birthright St (business @ 1872 Camp Rd): stated that it is clear that the Town and the design build team has more than thoroughly thought through the entire process and saved as many trees as possible. The plan for the mitigation of new plantings and to offer to donate more than necessary has been more than enough proof that they are trying to save as many trees as possible and unfortunately on occasion certain trees just need to go. She is deeply involved in the arts community in Charleston and thinks the value that the Center will bring to the community will more than make up for the beautiful trees that unfortunately are in the way. Driving to the meeting she passed countless football and baseball fields and soccer courts and cannot imagine the number of trees that have gone in order for those facilities to be put

in. She loves and supports sports but there is not enough opportunity for the arts community to have the same connecting facilities in Charleston. For the Town to be able to connect the arts to the community is very unique and is more than worth granting the variance.

Parker Richardson, 1161 Winborn Dr: previously worked at the JI Arts and Cultural Center spoke that the new center would be crucial to our community and she is supporting the removal of the two pecan trees.

In Opposition: None.

Rebuttal: None.

Chair Savage called for a motion to close the Public Hearing and a second for discussion. Comm'r Hayes moved to close the public hearing at 5:51 p.m. seconded by Comm'r Yannitelli. No discussion. Motion passed unanimously.

Chair Savage called for a motion to approve the variance request with the existing staff recommendations. The motion was made by Comm'r Hayes, seconded by Comm'r Blair followed by discussion.

Comm'r Hayes commented on criteria F(f) that the need for the variance is not the result of the applicant's own actions. As he was looking at the southernmost tree that identified the pavers, he understood there would be a shaded structure there but initially he had concerns about that until after Mr. Wyatt provided a deeper explanation that the roof structure would interfere with the structure. He wants to make sure that group does not have any additional issues with the southern tree, but for him that was the looming issue. Chair Savage said he thought Mr. Wyatt's explanation was satisfactory.

Chair Savage stated typically when there is a variance request for a tree removal what trips people up is criteria F(f) ... *that the need for the variance request is not the result of the applicant's own action*. He sees quite the contrary in this case because the He two lots were purchased, and both were wooded; the property line was dissolved and something designed to mitigate the loss of the trees.

Chair Savage touched on each of the criteria making comments noting that the testimony and presentation weighs in favor of the applicant who has met all criteria for the reasons that he stated. Also, the letters received was in favor of the public's good; none were critical of the Arts and Cultural Center. Comm'r Blair said he agreed with what has been said. One point that resonated with him during the applicant's presentation was the vicinity being close to the Town Hall and its existing parking lot. He said creating an additional parking lot would come with further clearing of trees if the parking lot was not close to the Town Hall. For there to already be adequate parking space at the Arts Center is something he did not think of before, but he feels better about it after the fact.

In terms of the public good, and what he kept holding back on, is the productivity factor of what the Arts Center will provide for decades that clearly outweighs taking two trees down from an economic, productivity, and engagement standpoint it is a no-brainer. As long as all criteria are met, and he thinks they are, he is happy to approve the variance.

Comm'r Yannitelli asked if there is a pedestrian sidewalk in the plan which will connect to the Art Center for safety. Chair Savage asked Attorney Quisenberry if this question was in order since the Public Hearing had closed. Attorney Quisenberry said the motion to close the public hearing needed to be withdrawn and another motion made to reopen. The motion to withdraw was made by Comm'r Yannitelli, seconded by Comm'r Hayes and passed unanimously.

Chair Savage called for a motion to reopen the hearing at 6:00 p.m. to accept additional evidence. The motion was made by Comm'r Hayes, seconded by Comm'r Blair, and passed unanimously.

Comm'r Yannitelli said a lot of kids will be accessing the area along with parents driving and parking at the Town Hall. He asked if there were a plan how pedestrians would access the facility safely because there are few sidewalks on James Island. Mayor Lyon responded that the Town applied to the SC Department of Transportation (SCDOT) to take over Hillman Road (previously a State Road). Since this is a Town road, we have more flexibility to address issues such as crosswalks and easements and can streamline the process. Joellen and Chip (Barrier Island Engineering) is working on a plan for access.

Mr. Wyatt showed on the schematic where the sidewalks would be located. He said there will be three ADA compliant sidewalks and the ladder to the left will be a designated crosswalk, signage, and possibility some signalization. The crosswalk will line up with the breezeway at Town Hall. Mayor Lyon added that there is very little traffic on Hillman, she would say there are eight houses, and it takes one car, but we are working on that.

*A citizen in the audience requested to speak and permission was granted.

Sharay Prioleau, 61 Cypress St, Chas, stated that she grew up in this neighborhood as a child. She came to the Town when the process for the Art Center first began. She is in favor of art, but Hillman Road is a family neighborhood and a community. When events are held there could be anywhere from 100-200 people, and the road does get congested. She disagreed with the mayor's statement that there are only 8 homes and there is very little congestion. There are family gatherings, and it is congested during the holidays and fellowship. She further stated that when someone purchased the property, they were told that the trees could not be taken down. She is trying to figure out why build on something if you know the trees had to be taken down.

Chair Savage called for a motion to close the Public Hearing at 6:05 p.m. Motion was made by Comm'r Yannitelli, seconded by Comm'r Hayes. No discussion. Motion passed unanimously.

Chair Savage called for a motion to approve the application with the staff's stated conditions found in the initial BZA packet. Comm'r Yannitelli moved for approval, seconded by Comm'r Blair.

Chair Savage said while the information was useful to him, he did not change his position as to whether or not the applicant had met all of the criteria. All members of the Board agreed. He said at this time there may be some interest in adjusting the mitigation to comply with the offer made by the applicant. If the Board decides to go that route, he does not want an individual who gets a lot to think that is now the standard. He understands when the applicant is the Town they want to be a good representative because of their interest in trees. He is inclined to ask someone to make a motion to amend condition #3 to reflect Ms. Crane's language and wants to be on record stating that he is not making this a precedent for future landowners, especially individual landowners, in the event they have to purchase mitigation.

Chair Savage restated the amendment to the original motion that the variance be approved with Conditions #1 and #2 as presented by staff in the BZA packet. With regard to Condition #3, the last condition to state the applicant/owner shall mitigate removal of the grand trees by submitting a mitigation plan to the Zoning Administrator as described in the statute of the Ordinance that includes 108 inches of onsite mitigation. The motion was made by Comm'r Hayes, seconded by Comm'r Blair. No discussion.

Vote

Comm'r Blair

Aye

Comm'r Hayes Aye

Comm'r Yannitelli Aye

Chair Savage Aye

Unanimous

Chair Savage reiterated the motion and approval of Case 39-25-042: variance request for the removal of two grand trees (20" DBH pecan and 34" DBH pecan) for the proposed construction of the James Island Arts and Community Center in the Residential Office (OR) Zoning District at 1129 Hillman Street (TMS #428-03-00-062). The final decision will be mailed to the applicant within ten (10) working days and the applicant may contact the Planning and Zoning staff with questions regarding the application.

Election of Chair and Vice Chair

Chair Savage called for a motion to amend the agenda to add the election of officers for Chair and Vice Chair. The motion was made by Comm'r Hayes, seconded by Comm'r Yannitelli. No discussion. Passed unanimously.

Chair

Comm'r Hayes moved for the appointment of Chair Savage, seconded by Comm'r Yannitelli. There were no other nominations. Motion passed upon vote by Comm'rs Blair, Hayes, and Yannitelli. Mr. Savage abstained. Mr. Savage was appointed to serve as Chair for a one-year term.

Vice Chair

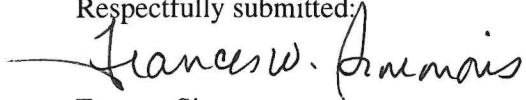
Comm'r Hayes moved for the appointment of Comm'r Smith, seconded by Comm'r Yannitelli. There were no other nominations. Motion passed unanimously for Comm'r Smith to serve as Vice Chair for a one-year term.

Additional Business:

Next Meeting Date: November 18, 2025.

Adjourn: There being no further business to come before the body, the meeting was adjourned.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Frances W. Simmons".

Frances Simmons
Town Clerk and Secretary to the BZA