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Motion to Intervene Filed in Point Farm Appeal

CHARLESTON, SC – The Coastal Conservation League is seeking intervention in Point Farm MB LLC’s appeal of the Charleston County Board of Zoning Appeals’ (BZA) decision to deny two variance requests that developers say are necessary for the creation of a saltwater mitigation bank on Wadmalaw Island, which would provide mitigation credits for Charleston County road projects. Point Farm investors had asked the board to approve the destruction of a grand live oak tree and allow encroachment into an existing protected buffer for the purpose of eliminating a valuable freshwater pond and wetland system.

The BZA rejected the variance requests and Point Farm appealed the decision to Circuit Court. The League is seeking to intervene in order to support the decision of the BZA and to ensure that the court does not side with the developer in allowing this project to proceed.

“Wadmalaw Island was one of the first areas in Charleston County to establish restrictive Agricultural zoning in order to protect the distinct agrarian qualities of this rural sea island,” said Jason Crowley, Communities and Transportation Senior Program Director for the Coastal Conservation League. “Charleston County’s Board of Zoning Appeals process requires a rigorous test to determine if the zoning prevents reasonable use and enjoyment of a property that would result in an undue hardship. The Conservation League and our members on Wadmalaw cited numerous examples of how the property could be utilized without requiring the variances sought and we support Charleston County’s BZA decision to deny the variances and uphold Wadmalaw Island’s rural zoning regulations.”

The motion to intervene was filed on behalf of the League by the South Carolina Environmental Law Project (SCELP), a nonprofit public interest law firm dedicated to protecting wetlands and natural habitats across the state.

“Members of the Coastal Conservation League who live on Wadmalaw Island in Charleston County and enjoy the natural resources of the rural sea island considers this project to be detrimental to the public’s ability to observe the numerous wildlife species that rely on this special freshwater system,” said Leslie Lenhardt, staff attorney at SCELP. “Destroying this rare system to create saltwater marsh that is in fact abundant in this area is inconsistent with the County’s zoning ordinance and its Comprehensive Plan.”

The South Carolina Department of Health and Environmental Control (DHEC) has already approved a permit for the work, with the added stipulation of the developers now having to submit a sediment sampling plan for the Department’s approval. The League intends to challenge that decision also.

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The South Carolina Environmental Law Project is a nonprofit public interest law firm. We use our legal expertise to protect land, water and communities across South Carolina. Learn more at www.scelp.org.

Since 1989, the Coastal Conservation League has worked to protect the health of the natural resources of the South Carolina coastal plain and ensure a high quality of life for all of the people who live in and love this special place. The Coastal Conservation League is a 501(c)3 charitable organization. Learn more and get involved at www.coastalconservationleague.org.