City of Charleston

BOARD OF ZONING APPEALS-ZONING
January 18, 2022
5:15 PM

DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY www.charleston-sc.gov/bza-z

**Video and microphone is currently disabled for all attendees.** This meeting is being recorded.

Go to www.charleston-sc.gov/bza-z for instructions to join. Call (843) 724-3770 if you are experiencing technical difficulties.
Zoom Meeting Protocol

Order on Each Application:

• Chair announces each application followed by staff presentation and recommendation
• Staff presents application and City’s recommendation. Staff will control slide presentation
• Staff announces comments received and whether anyone has signed up to speak
• Applicant, after being sworn in, will be allowed to present their application if opposition or questions are raised, followed by public comments from pre-registered attendees in favor. Each speaker will be sworn in before speaking. Each speaker should state their name and address for the record.
• Staff then recognizes registered attendees for public comments in opposition. Each speaker will be sworn in. Each speaker should state their name and address for the record.
• Staff then recognizes the applicant for a short rebuttal before Chair closes public comments and begins Board discussion

Providing Comment:
• People who sign up to speak prior to the 12 noon deadline will be called on when it is your turn to speak and your microphone will be enabled. You may only speak once on each item.

• Your microphone will be disabled after you are finished speaking.

**Board of Zoning Appeals-Zoning**

Your Board of Zoning Appeals-Zoning Members are:

- Michael Robinson - Chair
- Howell Morrison
- John Bennett
- Robben Richards
- Allison Cannon Grass
- Geiza Vargas-Vargas
- Walter Jaudon

Your City of Charleston Staff are:

- Lee Batchelder, Zoning Administrator
- Pennyye Ashby, Senior Planner
- Vanessa Ellington, Clerk
- Scott Valentine, TRC Coordinator

The Board of Zoning Appeals—Zoning has the authority to do three things:

1. Hear appeals to decisions of the Zoning Administrator;
2. Grant special exceptions, a fact finding function of the Board; and

3. Grant variances to the Zoning Ordinance if the application meets the hardship test outlined in Section 54-924 of the ordinance.

Board of Zoning Appeals-Zoning

Requirements for Granting a Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes the following findings:

a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;

b. these conditions do not generally apply to other property in the vicinity;
c. 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; and

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 district will not be harmed by the granting of the variance.
Agenda Item #A-1

Approval of December 7, 2021 BZA-Z Minutes
(click on link below)
Agenda Item #A-2

Approval of December 21, 2021 BZA-Z Minutes
(click on link below)
Agenda Item #A-3

1595 OCEANIC STREET
TMS # 464-00-00-044

Request special exception under Sec. 54-206. q for use of the property for an electric substation.

Zoned C
Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

The applicant hereby requests:

☐ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

Meeting Date Requested: December 21, 2021

Property Address: 1595 Oceanview Street

TMS #: 464-00-00-044

Property Owner: Monovia Union Cemetery Association

Daytime Phone: ___________

Applicant: HR Charleston II, LLC

Daytime Phone: 843-203-4610

Applicant’s Mailing Address: Att: James Wilson, Womble Bond Dickinson 5 Exchange St. Charleston 29401

E-mail Address: James.wilson@wbdus.com

Relationship of applicant to owner (same, representative, prospective buyer, other) Buyer/land swap

Zoning of property: Conservation

Information required with application (check Information submitted)

☐ Scaled plans or plots, including elevations showing the variance(s) or special exceptions being requested (5 sets)
☐ For new construction or additions within a flood zone show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (6 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (5 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)

Yes or No: Is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use as encompassed in this permit application? Yes or No: Is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use as encompassed in this permit application? Yes or No: Is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use as encompassed in this permit application? No

Optional but very helpful information:

☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspection.

James Wilson

Date: 11/22/21

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is not met (add an attachment if necessary):

Variance Test: The Board of Zoning Appeals – Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions peculiar to the situation of the property.
2. The variance is not generally to the public welfare.
3. The variance is necessary to avoid impracticable conditions.
4. The property is not Substantially Detrimental to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.

Each granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use 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. (SC Code of Laws § 6-29-700)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as §§ 54-110, § 54-206, or sections in Article 5 (add an attachment if necessary):

See Attached

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part B of the zoning ordinance. Applicants may not apply for an extension of time for which they have already been granted a particular approval or variance.
Exhibit to Application
Board of Zoning Appeals – Zoning
1595 Oceanic Street

RE: Request for Special Exception Approval for Substation Site, 1595 Oceanic Street, City of Charleston

We are requesting a Special Exception pursuant to Section 54-206(q) for use of the property for an electric substation.

The property is currently zoned within the Conservation zoning district.

In connection with the development of the mixed use Magnolia project located on Oceanic, Braswell, and Milford Streets, Dominion Energy requires a substation site to be located in the vicinity to provide electric service to the proposed development. The applicant has entered into an agreement with the owner of the property, Monrovia Union Cemetery Association, to swap equivalent acreage immediately north of the existing cemetery in exchange for the property to be used for the electric substation.

Dominion Energy recognizes the requirements for use under Section 54-206(q) that the substation be enclosed within an appropriate woven wire or solid fence, be suitably landscaped, and that no storage of vehicles or equipment will occur.
Request the fourth one-year extension of a vested right that expires on December 31, 2021, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on February 2, 2016 with conditions for a 50-unit accommodations use in a GB-A (General Business-Accommodations) zone district.
Application for Variance, Special Exception, Reconsideration, or Extension

to the Board of Zoning Appeals - Zoning (BZA-Z)

City of Charleston

Instructions - This application, along with the required information and fee, must be submitted to the Permit Center, 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property and a public hearing will be conducted by the Board of Zoning Appeals - Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
☐ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Request of reconsideration of a decision of the Board or action of a zoning official (attach appealing form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: January 16, 2012

Property Address: 26-28 Cumberland Street
TMS #: 458-05-03-087, 089, 090, 091, 093

Property Owner: Cumberland, LLC
Daytime Phone: 843-513-8181

Applicant: Wrennicker Bond Dickinson (US) LLC
Daytime Phone: 843-720-4440

Applicant's Mailing Address: Attn: James Wilson, 5 Exchange Street, Charleston, SC 29401

Email Address: james.wilson@us.lbus.com

Relationship of applicant to owner (same, representative, prospective buyer, other): Attorney

Zoning of property: GBR/Commercial

Information required with application: (check information submitted)
☐ Scattered plans or plots, including elevations, showing the variances or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, shall HVAC units and platform be provided (s)
☐ All plans plans with rooms labeled and the total floor area for each existing unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or NO: Is this property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed land use encompassed in this application? § 6-29-1145 of the South Carolina Code of Laws

Optional but helpful Information:
☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if any are, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant: James M. Wilson
Date: 1/23/21

For office use only
Date application received: 
Time application received: 
Signature: 
Fee: $ 
Receipt #: 

BZA-Z Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Varience Test: The Board of Zoning Appeals - Zoning authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:
1. There are extraordinary and exceptional conditions relating to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. 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.
4. The alteration of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use 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. (SC Code of Laws § 6-29-803)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as §§ 54-110, 54-206, or sections in Article 5 (add as an attachment if necessary):

See Exhibit A

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the Zoning Ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
EXHIBIT A

Application for Extension of Special Exception

Pursuant to Section 54-962 of the Ordinances of the City of Charleston, the Owner hereby requests a one-year extension of the previously approved Special Exception for a 50 room hotel project to be constructed at 26-28 Cumberland Street. A copy of the Minutes from the previously approved Special Exception granted by the BZA on February 2, 2016, along with a copy of the Minutes from the previously approved first, second and third one-year extensions granted by the BZA on December 19, 2017, March 19, 2019, and August 4, 2020 are attached herein and incorporated herein by reference. This is the fourth one-year extension being requested.

Pursuant to Section 54-962, the Permit Extension Joint Resolutions of 2010 and 2013 (as defined in Section 54-961) had the effect of suspending the running of the period of a vested right until December 31, 2016. As a result, the two-year vested right term for the Special Exception for 26-28 Cumberland Street commenced on January 1, 2017 and would have expired on December 31, 2018. The first one-year extension period granted by the BZA commenced on January 1, 2019 and extended through December 31, 2019. The second one-year extension period granted by the BZA commenced on January 1, 2020 and extended through December 31, 2020. The third one-year extension granted by the BZA commenced on January 1, 2021 and extends through December 31, 2021. Based on the foregoing, the fourth one-year extension period should commence on January 1, 2022 and extend through December 31, 2022.
August 14, 2020

Mr. James Wilson
Womble Bond Dickinson (US) LLP
5 Exchange Street
Charleston, SC 29401

RES: 26-28 Cumberland Street (TMS#: 436-05-0300, 050, 090, 091 and 093)

Dear Mr. Wilson:

Please see attached documents of the decision from the August 4, 2020 meeting of the Board of Zoning Appeals-Zoning concerning the above referenced application. It was my pleasure to assist you regarding your BZAZ application.

If I may be of any further assistance, you may contact me at (843) 724-7177.

Sincerely,

Penney Ashley
Senior Zoning Planner

Enclosures
PROPERTY LOCATION, TMS NUMBER(S), AND DESCRIPTION OF REQUEST(S):

26-28 CUMBERLAND ST. (458-05-03-087,089,090,091,093)

Request the third one-year extension of a vested right that expires on December 31, 2020, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on February 2, 2016 with conditions for a 50-unit accommodations use in a GB-A (General Business-Accommodations) zone district.

Order on Special Exception Request

The Board of Zoning Appeals-Zoning held a public hearing to consider the above appeal for a special exception which may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

☐ DENIED: The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are applicable to the requested special exception(s), have not been met and therefore orders that the special exception(s) be denied.

☐ APPROVED: The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are applicable to the requested special exception(s), have been met and therefore orders that the special exception(s) be granted, subject to the following conditions, if any:

Date issued: 04/07/20  Chairman

Order on Variance Request

The Board of Zoning Appeals-Zoning held a public hearing to consider an appeal for a variance from the strict application of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of facts and conclusions.

☐ DENIED: The Board concludes that the requirements for granting a variance have not been met and, therefore,
April 5, 2019

Mr. James Wilson
Webley Bond Dickinson (US) LLP
5 Exchange Street
Charleston, SC 29401

RE: 26-28 Cumberland Street (TMS# 458-05-03-087,089,090,091 and 093)

Dear Mr. Wilson:

Please see attached documents of the decision from the March 19, 2019 meeting of the Board of Zoning Appeals-Zoning concerning the above referenced application. It was my pleasure to assist you regarding your BZA application.

If you require any further assistance, you may contact me at (843) 724-7177.

Sincerely,

Penney Ashby
Senior Zoning Planner

Enclosures
Board of Zoning Appeals – Zoning
Results
City of Charleston

PROPERTY LOCATION, TAX MAP NUMBERS, AND DESCRIPTION OF REQUEST:
26-28 CUMBERLAND ST., 151 CHURCH ST. AND 9 LURGARD ST. (58-21-03, 087, 085, 089, 091 AND 083)
Request a second one year extension of a vested right that expires on December 31, 2016, pursuant to
Sec. 54-907. Vested right pertains to a special exception granted under Sec. 54-220 on February 2,
2016, with conditions for a 20-unit accommodations use in a B-1A (General Business
Accommodations) zone district.

ORDER BY ZONING APPEALS BOARD:

The Board of Zoning Appeals having held a public hearing to consider the above appeal for a special exception which
may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration
of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

DENIED. The Board concludes that the standards in the Section of the Zoning Ordinance cited above, which are
applicable to the requested special exception, have not been met and therefore grants that the special exception be
denied.

APPROVED. The Board concludes that the standards in the Section of the Zoning Ordinance cited above, which are
applicable to the requested special exception, have been met and therefore grants that the special exception be
approved subject to the following conditions, if any:

Date
Chairman

ORDER ON VARIANCE REQUEST:

The Board of Zoning Appeals having held a public hearing to consider an appeal for a variance from the strict application
of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented,
the Board makes the following findings of fact and conclusions:

DENIED. The Board concludes that the requirements for granting a variance have not been met and therefore
denies that the variance be granted.

APPROVED. The Board concludes that the requirements for granting a variance have been met and therefore
grants that the variance be granted subject to the following conditions, if any:

Date
Chairman

Approval of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with
the provisions of Section 54-957. Applicants may not apply for the said request that has been denied by the Board until
a period of six (6) months has elapsed.

2/3/19

Chairman
Application for Variance, Special Exception, Rezoning, or Establishment of a Future Use

City of Charleston

Instructions - Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals - Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
I A Variance and/or Special Exception as indicated on page 1 of the application.
II Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form)
II Extension of an expired Variance and/or Special Exception approval

MEETING DATE REQUESTED: March 17, 2017

Property Address: 26-28 Cumberland Street 

Property Owner: C. C. .

Applicant: James W. Wilson, III

Applicant's Mailing Address: 5 Exchange St, Charleston, SC 29401

E-mail Address: jwilsoniii@wilson.com

Relationship of applicant to owner (name, representative, prospective buyer, etc.): Attorney

Zoning of property: G8/Lowlands

Information required with application (check information submitted):
I Survey plans or plots, including elevations, showing the variance or special exception being requested (3 sets)
I Plot of new construction or additions within allowable area, show HVAC units and plumbing in elevation
I Solid floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all residential units and buildings, unless exempted by the zoning official (1 set)
I Plans or documents necessary to show compliance with special exception requirements (3 sets)
I Check one to verify who is to sign any documents to the City of Charleston
I Yes (X) NO - If this property is restricted by any recorded covenant that is contrary to, conflict with, or prohibits the proposed land use as described in this permit application - (see Section 14-11 of the South Carolina Code of Laws)

Optional fee or helpful information:
I Photographs
I Certify that the designation of neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct. That the proposed improvements comply with private neighborhood covenants. If there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant: J. C. Wilson, III

Date: 3/8/2017

Date application received

Applicant signature

License/Permit number

Received by

Time application received

Received at
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Variance Test: The Board of Zoning Appeals is authorized to approve a variance from the requirements of the Zoning Ordinance when the application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. 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, and
4. 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.

In granting a variance, the Board may attach as to such conditions regarding the location, character, or other features of the proposed building, structure, or use 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. [S.C. Code of Laws § 4-29-396]

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 5-4-119, § 14-200, or sections in Article 5 (add as an attachment if necessary).

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has elapsed.
EXHIBIT A

to

Application for Extension of Special Exception

Pursuant to Section 54-862 of the Ordinances of the City of Charleston, the Owner hereby requests a one-year extension of the previously approved Special Exception for a 50 room hotel project to be constructed at 26-28 Cumberland Street. A copy of the Minutes from the previously approved Special Exception granted by the BZA on February 2, 2016, along with a copy of the Minutes from the previously approved first one-year extension granted by the BZA on December 19, 2017, are attached hereto and incorporated herein by reference. This is the second one-year extension being requested.

Pursuant to Section 54-862, the Permit Extension Joint Resolutions of 2010 and 2013 (as defined in Section 54-861) had the effect of suspending the running of the period of a vested right until December 31, 2016. As a result, the two-year vested right term for the Special Exception for 26-28 Cumberland Street commenced on January 1, 2017 and would have expired on December 31, 2018. The first one-year extension granted by the BZA commenced on January 1, 2019 and would expire on December 31, 2019. Based on the foregoing, the second one-year extension period should commence on January 1, 2020 and expire on December 31, 2020.
January 9, 2018

Mr. James Wilson
Weinhub Band Dickinson (US) LLP
5 Exchange Street
Charleston, SC 29401

RE: 26-28 Cumberland Street (TMS: 438-05-03-047, 089, 090, 091, and 093)

Dear Mr. Wilson:

Please see attached documents of the decision from the December 19, 2017 meeting of the Board of Zoning Appeals-Zoning concerning the above referenced application. It was my pleasure to assist you regarding your BZAZ application request.

If I may be of any further assistance, you may contact me at (843) 724-7177.

Sincerely,

 Dwanyeability
Senior Zoning Planner

Lindsey

The Board of Zoning Appeals ("Board") is hereby convened to hear and consider the above appeal for a special exception which may be granted by the Board pursuant to Section 20-5-111 of the City of Charleston. The Board of Zoning Appeals is hereby convened to hear and consider the above appeal for a special exception which may be granted by the Board pursuant to Section 20-5-111 of the City of Charleston. The appeal shall be disposed of as soon as practicable, and the Board shall act upon the appeal as soon as practicable.

DENIED. The Board concludes that the standards in the Zoning Ordinance have been met and therefore order (the special exception) be denied.

APPROVED. The Board concludes that the standards in the Zoning Ordinance have been met and therefore order (the special exception) be denied.

The appeal is hereby dismissed.

Ordered: /s/ [Signature]
[Date]
[Chairperson]

Order on Variance Request

The Board of Zoning Appeals hereinafter in a public hearing to consider an appeal for a variance from the site regulation of the Zoning Ordinance for the purpose of complying with the public interest. The Board finds that the variance is necessary for the public interest and that the variance be granted, subject to the following conditions:

1. The variance shall be expressed for a period of years from the date of approval, unless extended in accordance with the provisions of Section 20-5-111. Applications shall be for the same period that has been granted by the Board until 1989.

[Handwritten notes]

Applicant: [Name]
Address: [Address]

[Handwritten notes]

Determined: [Name]
[Date]
Application for Variance, Special Exception, Reconsideration, or Extension Page 1 of 2

City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
☐ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Redetermination of a decision of the Board or action of a zoning official (juvenile Appellate Term).
☐ Extension of an unexpired Variance and/or Special Exception approval

MEETING DATE REQUESTED: December 14, 2022

Property Address: 262 Candler St. Charleston, SC 29403
TMS #: 025-07-00-001

Property Owner: Chestnut LLC

Applicant: James Wilson, 300 1/2 Meeting St. Charleston, SC 29401

Applicants Meeting Address: 5 Exchange St. Charleston, SC 29401

Relationship of applicant to owner (same, representative, prospective buyer, other)

Zoning of property: C-3

Information required with application (Check information submitted):
☐ Zoning plan or plot, including omissions, showing the existing structures and special exceptions being requested (3 sheets)
☐ Plot plan or plot, showing the existing structures and special exceptions being requested (3 sheets)
☐ For those constructions or additions within a flood zone, show HEC and depth on the plot plan
☐ Site plans for new construction or additions to existing zones, with the new zones and the total new area for each zoning and noted are required for all existing walls and building additions, unless requested by the Zoning staff (1 sheet)
☐ Plans or documents necessary for design compliance with special exception requirements (3 sheets)
☐ Check, credit card, or cash payments payable to the City of Charleston

YES NO / This application is submitted by any individual or entity that is not a citizen of the United States, is required to be licensed in the State of South Carolina (2 sheets)

Options for further information:
☐ Photographs
☐ Letters or opinions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvements comply with all neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of this Board hearing and inspected.

Applicant: James Wilson

Date: 11/14/2022

For information:
1-800-392-4248
1-800-392-4248

Rev: 04/2017
For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test (that follows) is met (add as an attachment if necessary):

Variance Test: The Board of Zoning Appeals is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. The conditions do not generally apply to other property in the vicinity;
3. 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, and
4. The granting of the variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use 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. (SC Code of Laws § 6-27-803)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 5-3-11, § 5-3-206, or as borne in Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
EXHIBIT A

Application for Extension of Special Exception

Pursuant to Section 54-962 of the Ordinances of the City of Charleston, the Owner hereby requests a one-year extension of the previously approved Special Exception for a 50 room hotel project to be constructed at 26-28 Cumberland Street. A copy of the previously approved Special Exception granted by the BZA on February 2, 2016, is attached hereto and incorporated herein by reference. This is the first one-year extension being requested.

The Permit Extension Joint Resolutions of 2010 and 2013 (as defined in Section 54-961) had the effect of suspending the running of the period of a vested right until December 31, 2016. As a result, the two-year vested right term for the Special Exception for 26-28 Cumberland Street should have commenced on January 1, 2017 and should expire on December 31, 2018. However, out of an abundance of caution, the Owner is requesting the first one-year extension at this time. Based on the foregoing, the one-year extension period should commence on January 1, 2019.
February 22, 2016

Mr. Eddie Bello
Bello Garcia Architects
76 B Spring Street
Charleston, SC 29401

RBC 20-28 Cumberland Street (DCMS #58-03-03-##7, 099, 099, 091 and 093)

Dear Mr. Bello:

Please see attached documents from the February 2, 2016 meeting of the Board of Zoning Appeals/Zoning regarding the above referenced application. It was my pleasure to assist you regarding your ZAZA application request.

If I may be of any further assistance, you may contact me at (843) 724-7177.

Sincerely,

Dwayne Ashby
Zoning Planner

Enclosures.
26-28 Cumberland Street, 158 Church Street and 9 Linguard Street – TMS# 458-458-05-03-087, 089, 090, 091 and 093
BZA Recommendations – February 2, 2016

Request special exception under Sec. 54-220 to allow a 50 room accommodations use in a GB-A zone district.

Recommendation: Approval with the following conditions:

1. 10 year parking lease with the Charleston County for 50 spaces in the Cumberland Street garage shall be signed and a copy of the signed lease shall be provided to the City prior to final approval of the plans by the Technical Review Committee.

2. All rooftop mounted air conditioning mechanical units and mechanical screens shall be located on the rooftop of the section of the proposed building that extends to Linguard Street so as not to exceed the 50 foot height limit.

3. The hotel property shall not include any exterior rooftop bar area either serving alcohol or immediately connected to an interior bar area serving alcohol.

4. All street level restaurant or bar areas shall cease serving not later than midnight and not resume serving before 6 a.m.

[Signature]
Order on Special Exception Request:
The Board of Zoning Appeals hereby grants the application for a special exception which
will be permitted by the Zoning Ordinance for the property described below. After evaluation
of the evidence and arguments presented, the Board makes the following findings of fact and
conclusions:

DENIED: The Board concludes that the variance in the Zoning Ordinance listed above
are not applicable to the property. However, if the applicant demonstrates
that an exception is warranted, the variance may be considered.

APPROVED: The Board approves the variance for the property described below:

Dated:

Order on Variance Request:
The Board of Zoning Appeals hereby grants an application for a variance for the property described
below. After evaluation of the evidence and arguments presented, the Board makes the following
findings of fact and conclusions:

DENIED: The Board concludes that the variance is not warranted for the property described above.

APPROVED: The Board approves the variance for the property described below:

Dated:
Agenda Item #B-2

42 CHARLOTTE STREET
(MAZYCK/WRAGGBOROUGH)
TMS # 459-13-01-175

Request variance from Sec. 54-301 to allow construction of an additional dwelling unit (duplex) with a 17.7-ft. rear setback (25-ft. required).

Zoned DR-1F
BZA-2 Application (continued)

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

- **REAR SET BACK:** the new structure has been partially through the BAE-S and during that process the Unit B Kitchen (on front BAE-F) was removed and designed to be open. We kept the 1st floor open - and requiring a 60x14' bump out in the center rear

**Variation Test:** The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. 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; and
4. 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.

In granting a variance, the Board may attach to such conditions regarding the location, character, or other aspects of the proposed building, structure, or use as the board considers advisable to promote the public safety, health, or general welfare. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

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All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of (6) months has lapsed.

Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
(843) 724-3781 www.charlestonscgov/zoning
The project is the first comprehensive design-build residence with graduates of the American College of the Building Arts. Working with Professors and the BAR-5 staff, we did 12 different studies, to define appropriate design in Charleston and specifically our neighborhood. This new duplex building sits back almost 200' and will run parallel to Charlotte Street as does the historic main house. It will sit north of the (48') grand tree which is on the east side of the lot. Although the tree has had 5 major limbs removed, we have spent thousands of dollars and working with a certified arborist; we will further stimulate the roots prior to construction, build a fence to protect it all the way around for construction active.

Although we were far into our design review process with the BAR-5, at the last meeting in Oct. they asked us to consider removing the 2nd Floor front gable (See page 14 of Drawing set) which is Unit B's kitchen. The design solution was to relocate this gable to the 1st floor rear of the building that was already sitting close to the 25' rear set-back.

After all the design considerations, and not being able to slide any closer to the grand tree, we approached the neighbor in the rear, as we have over 20 neighbors support. (See attached) for the project, but this would affect them, and we do not want to create any negative support. We have shown them the new drawings and have twisted the building site to minimize the intrusion to 1.5' on the west side into the setback.

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

The grand laurel oak tree (48') has been inspected by our certified arborist and Eric Schultz, with the City, and they have marked the perimeter for protection. We have our building designed and want to take the recommendation of the BAR-5 to remove the front gable that houses the 2nd Floor Unit B kitchen away (See page 14 of the Drawing set), but our design solution to maintain light in the kitchen is now popping out on the 2nd floor rear (north) side, ~7.2' into the rear set back.

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

Studying our neighboring back yards, this Laurel Oak is one of the few in its size and scale. Working with design teams and arborist, we feel that our solution is best for the tree, while balancing the neighbor's input.

c. 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; and

The property is zoned to allow over 7 units. We worked hard to create a duplex style building that was compact and we have reduced it multiple times, while balancing it with height and scale, all in consideration for the tree and the neighborhood. Equally important, we negotiate with new owners of the Main house and adjacent lot to just consider a water feature and folly instead of 4 more residential units inside our overall lot; this was a long part of our design process working with neighbors who were against other smaller lots in the neighborhood had been previously approved and built 4 micro house. This maximizing allowable density and the related cars would have surely impacted the grand tree, and the neighbors are grateful that this will be the only residence structure.

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 district will not be harmed by the granting the variance.

The rear set-back (25') in part touches 47 Chapel Street, which is owned by the neighborhood president. We have met with him and his wife on multiple occasions and shared every step of the proposed drawings in advance. We have taken key develop issues that they have raised, from critical drainage issues as a critical design part of our program. We have valued keeping their input and they have sent us a letter to say they will not object to this move into the setback. In addition, to that neighbor, I have over 20 others in the immediate neighborhood and adjacent supporting this project. So they do not have to write new letters every BAR, I just ask them for continued updated support (see letter of support summary).
EXISTING SITE PLAN

SCALE: 1/16" = 1'-0"
Dear John Paul,

The proposed SP looks good. Please note that the parking will have to be re-arranged on-site as to not encroach into the tree protection zone. Provide the 'scaled minimum 20' setback for the 48" Laurel oak. Show a 4' chain-link fence at the setback line as the tree protection barricade, and notes that a certified Arborist is to properly rest pruned any root over 1" in diameter if encountered during foundation construction. See below:
| Number of Letters | Location     | St. # | Street       | First Name | Last Name | 8-Apr-21 | 8-Jul-21 | 28-Oct-21 | Zoning 18-Jan-22 |
|------------------|--------------|-------|--------------|------------|-----------|----------|----------|-----------|----------------|----------------|
Agenda Item #B-3

188 MARY ELLEN DRIVE
   (LONBOROUGH)
   TMS # 463-10-02-135

Request variance from Sec. 54-250 Longborough Master Plan PUD zoning regulations to allow 2-story and 1-story additions (portions of screen porch/master bedroom, deck and stair) that encroach into the required 10-ft. setback from the critical line buffer.
Application for Variance, Special Exception, Recodification, or Extension
to the Board of Zoning Appeals – Zoning (BZA-2)
City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete and accepted on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized from Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period will stay further action on the application.

THE APPLICANT HEREBY REQUESTS:
☐ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal Form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED:
January 18, 2021

Property Address
105 King Street, Unit 7, M, Pleasant SC 29401

Property Owner
Adam & Kelly Rader
Daytime Phone
312-542-1234

Applicant
Kim Williams - Bellweather Construction
Daytime Phone
408-999-1234

Applicant’s Mailing Address
105 King Street, Unit 7, M, Pleasant SC 29401

E-Mail Address
kim@bellweatherconstructiongroup.com

Relationship of applicant to owner (same, representative, prospective buyer, other)
General Contractor

Zoning of property
PUD

Information required with application (check information submitted)
☒ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☒ For new construction or additions within a flood zone, show floodway and floodplain setback requirements (3 sets)
☒ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☒ Check credit card or cash (make checks payable to the City of Charleston)

YES ☒ NO ☒ Is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very useful information:
☒ Photographs
☒ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with notice of the Board hearing and inspected.

Applicant

Date, December 20, 2021

For office use only
Date application received
Time application received
Staff initial
Fee
Receipt #

BZA-2 Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):
1. This property is marshfront with critical line buffer and additional 10’ setback. The Owners would like to add a small screened porch on the kitchen with access to the backyard on the rear of the house and include a new bedroom on the second floor, to accommodate their growing family, rather than relocate. Unique to this lot, the 10’ setback lines encroach on the southeast corner of the house and slabs that corner of the modestly sized addition. Without a variance for this corner encroachment, any expansion is not feasible, leaving only 7’ for a rear addition.
2. They would also like to replace an old deck with a new porch, utilizing the same footprint, and connect the mudroom to a dock & stairs that would provide access to the backyard for both the screen porch and mudroom. Even with the deck & stairs snug to the house, they are both also marginally clipped by the 10’ setback.

With the proposed addition & deck complying with side setbacks, and no rear neighbors, this variance will not affect adjacent properties. The regime/HOA for the PUD has reviewed the plans and approved the construction, understanding the property constraints and setback encroachment.

Variance Test: The Board of Zoning Appeals – Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the same locality.
3. 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.
4. 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.

In granting a variance, the Board may attach to its such conditions regarding the location, character, or other features of the proposed building, structure, or use 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. (SC Code of Laws § 6-29-600)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-4-10, § 54-4-206, or sections in Article 5 (add as an attachment if necessary).

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 5, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
Subject: Fwd: Home renovation plan
Date: Thursday, October 21, 2021 at 12:51:37 PM Eastern Daylight Time
From: Kelly Ruder
To: Kim Williams, Andy Shaaly
CC: Adam Ruder
Attachments: image001.jpg

HDA approvals below:

-------- Forwarded message --------
From: Trey King <trey@rnelspropertymanagement.com>
Date: Mon, Aug 2, 2021 at 5:28 PM
Subject: RE: Home renovation plan
To: Kelly Ruder <kelly.ruder@realmail.com>
Cc: <costabays1@email.com>, Adam Ruder <adam.truden@email.com>

Good evening Kelly,

The Board reviewed your revised application, and it has been approved.

Thanks again!

Trey

Trey King
Director of Property Management
Office: 843.352.9922
Direct: 843.743.3007
www.rnelspropertymanagement.com
812-A Johnnie Dodds Blvd.
Mount Pleasant, SC 29464

From: Trey King <trey@rnelspropertymanagement.com>
Sent: Monday, August 2, 2021 10:30 AM
Request variance from Sec. 54-263 Daniel Island Master Plan zoning regulations to allow a new garage with garage doors that are less than 90 degrees to the front property line. Zoned DI-RI
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)

City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:  
- A Variance and/or Special Exception as indicated on page 2 of this application.  
- Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).  
- Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED:  
- Jan 18, 2022

Property Address:  
- 405 Via Veneto, Unit 101, TMS # 2714-02-02-03

Property Owner:  
- Chastell Lamberti

Applicant:  
- Galen Cote

Applicant’s Mailing Address:  
- 106 S State St, Charleston, SC 29403

E-Mail Address:  
- galen.cote@evan.com

Relationship of applicant to owner (same, representative, prospective buyer, other):  
- Representative

Zoning of property:  
- DK-1

Information required with application: (check information submitted)
- Zoning map or plan, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone, show floodway and retreat lines as required.
- For new construction or additions within a flood zone, show floodway and retreat lines as required.
- Show system layout, including any antenna, tower, or other equipment.
- Show system layout, including any antenna, tower, or other equipment.
- Provide a certified statement from the designer that the proposed use is consistent with the district regulations.
- Provide a certified statement from the designer that the proposed use is consistent with the district regulations.
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- Provide a certified statement from the designer that the proposed use is consistent with the district regulations.

Optional but very helpful information:  
- Photographs
- Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant:  
- Galen Cote

For office use only  
- Date application received  
- 12/20/21

For office use only  
- Time application received  
- 10:10AM

For office use only  
- Stamping  
- Receipt #

BZA-Z Application (continued)  

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

- Variance Test: The Board of Zoning Appeals – Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board finds the following:
  1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
  2. These conditions do not generally apply to other property in the vicinity.
  3. 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; and
  4. 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.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as it may consider reasonable. (SC Code of Laws § 6-29-800)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401 (843) 724-3781 www.charleston-sc.gov/zoning

5/19
Variance - Malpeli

The property is situated in a cul-de-sac on a curved road. The majority of the house is parallel with the majority of the street and the detached garage is perpendicular with the house. Because of this condition, rotating the garage to match the curve of the cul-de-sac unreasonably restricts the usability for pulling cars in and out. Keeping the garage as proposed will not be detrimental to either of the adjacent properties or the public good and will make for the most visually appealing facade possible, therefore enhancing the character of the district. We are requesting that the accessory building can keep its garage doors less than 90 degrees from the curved street.
Agenda Item #B-5

262 CAPTAIN GODDARD ROAD
(DANIEL ISLAND)
TMS # 276-02-02-048

Request variance from Sec. 54-263 Daniel Island PUD Master Plan zoning regulations to allow a bridge to encroach up to 5-ft. into a 10-ft. visual buffer zone setback. Bridge is for vehicle access to a proposed single-family residence.
Zoned DI-RI
**Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)**

City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

**THE APPLICANT HEREBY REQUESTS:**
- ☒ A Variance and/or Special Exception as indicated on page 2 of this application.
- ☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
- ☐ Extension of an unexpired Variance and/or Special Exception approval.

**MEETING DATE REQUESTED:** January 18, 2022

**Property Address:** 2822 Captain Goddard Road Daniel Island, SC

**Property Owner:** Justin A Iselin & Tiffani B Iselin

**Applicant:** Remark Studio LLC

**Aplicant’s Mailing Address:** 1859 Summerville Ave Charleston, SC, 29405

**Relationship of applicant to owner:** (same, representative, prospective buyer, other) Representative

**Zoning of property:** D-1-R

**Information required with application:** (check information submitted)
- ☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- ☒ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
- ☒ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning Staff (3 sets)
- ☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
- ☒ Check, credit card or cash (make checks payable to the City of Charleston)
- ☒ YES ☐ NO – Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

**Optional but very helpful information:**
- ☒ Photographs
- ☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvements(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

**For office use only**

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**BZA-Z Application (continued)**

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

**Attached**

**Variance Test:** The Board of Zoning Appeals – Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. 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; and
4. 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.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use 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. (SC Code of Laws § 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

**Attached**

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Department of Planning, Preservation & Sustainability, 2 George Street, Charleston, South Carolina 29401

(843) 724-3781 www.charleston-sc.gov/zoning
December 16, 2021
To: Board of Zoning Appeals - Zoning
From: Remark Studio Landscape Architects
Project: 262 Captain Godbold Road

Description of Work: Variance Request

We are requesting a variance for the bridge encroachment into the VBZ Setback located at 262 Captain Island Road. This 1.8 acre property surrounded on 3 out of 4 sides by marsh poses unique environmental and developmental challenges that can only be found on this property within Captains Island.

This specific lot offers extended and unique views of the marsh which cannot be duplicated anywhere else on Captains Island. The lot takes on the characteristic of an "Island", offering extended views that are most noticeable at the back portion of this lot. This area also poses the biggest challenge. The average elevation of (4.5) four and a half feet in (5) five feet high causes two thirds of this property to be below the high tide elevation. This area or "Island" portion of the lot is connected by a narrow strip of land that is made to be smaller due to the location of visual buffer zones, OCHM Buffers, and setbacks. Due to these buffer areas and the restrictive covenants set in place as a mitigation too to develop Captains Island, these measures are directly affecting the owners overall use, access, and enjoyment of this special lot. Due to its unique location, the development of this lot as whole will not affect adjacent property.

Thank you for your time and consideration for approval of this variance request.

Sincerely,

Remark Studio
Existing Site Images

Photo documentation on site of Charleston King Tide taken on November 7, 2021.

ISELIN
262 Captian Goddard Road | Daniel Island, SC | December 18, 2021
Site Constraints Mapping

**Contex Map:**
The property address of the above lot is 262 Captain Goddard Road and is 1.8 acres. This lot is located on Danes Island and any development of this lot must be reviewed and approved by the DAB. Due to the proximity to the adjacent surrounding marsh, this property is unlock any other lot that is adjacent.

The Captains Island restrictive covenants were created as guidelines to promote the development of Captains Island but has only made the development of this lot impossible.

**Topo Map:**
The average elevation of the site is +/-4.5', which currently makes it extremely susceptible to minor flood from rain events. It is imperative that this lot be manipulated and raised to an elevation that encourages less flooding to allow for a safe environment for users.

The Captains Island restrictive covenants strictly prohibit the use of any fill on the island. This lot is a prime example on why a variance to the restrictive covenants is necessary.

**Wetlands Map:**
Marshland, wetlands, and native plants surround this lot on 3 out of 4 sides. This makes development on it very challenging making sure that no construction impacts any of the freshwater wetlands.

Any indirect impact to the wetlands would be immediately restored to it native state to provide a native habitat as it was intended to be.

**Flood Map:**
Since the average elevation of this site is between 4'5", any major flooding events will completely engulf the property. It is imperative to raise the elevation of the lot to make any major flooding events less damaging to the proposed development within this lot of Captains Island.

ISELIN
262 Captian Goddard Road | Daniel Island, SC | December 18, 2021
Agenda Item #B-6

478 KING STREET
TMS # 460-12-02-029

Request special exception under Sec. 54-206 to allow existing late night use bar/restaurant within 500-ft. of a residential zone district to expand by adding outdoor patron use area (850sf patio).
Request variance from Sec. 54-317 to allow existing bar/restaurant to displace 6 onsite parking spaces and add 850sf of outdoor patron use area without providing 7
spaces for the added area (expanded restaurant required 22 spaces; 3 spaces to remain). Zoned GB
Application for Variance, Special Exception, Reconsideration, or Extension

City of Charleston

Instructions: This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

The Applicant Hereby Requests:

☐ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning officer (attach Appeal form).
☐ Extension of an expired Variance and/or Special Exception approval.

Meeting Date Requested: 1-18-21

Property Address: 478 King St

Property Owner: [Name] [Address]

Daytime Phone: 843-224-2869

Applicant: [Name] [Address] Daytime Phone: 843-720-1955

Applicant’s Mailing Address: 104 Fishburne St Charleston, SC 29403

E-Mail Address: [Email]

Relationship of applicant to owner (same, representative, prospective buyer, other) [Architect]

Zoning of property: [Type]

Information required with application: (check information submitted)

☐ Scale plans or plans showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans.
☐ Scale floor plans with rooms labeled and the total floor area for each dwelling unit rented are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)

Yes [_] No [_] Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? [4-29-1445 of the South Carolina Code of Laws]

Optional but very helpful information:

☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant [Name]

Date: 1-12-21

BZA-2 Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

[Blank]

Variances Test: The Board of Zoning Appeals – Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board follows the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. 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.
4. 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.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use 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. (SC Code of Laws § 6-29-800)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-20b, or sections in Article 5 (add as an attachment if necessary):

- Increase of area of existing deck overnight use by key
- Filled [ ] added per local zoning regulations
- Pool is [ ] feet in depth
- Floor plan attached
- Hours total of 2 per [ ]
- Keep reduction to 1 [ ] per [ ] on [ ]
- Area of [ ]

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401

(843) 724-3781 www.charleston-sc.gov/zoning

9/19
NOTES
1. The pink highlighted properties represent sites that have a late night business.
2. Within 175’ from the property lines, 6 of the adjacent 16 properties currently have a late night business use.
3. The requested expansion is at the rear of the property, 102’ from King Street and has been in use for over 4 years. The business is not requiring an increase to the occupancy number, just the added outdoor area.
4. There will be no increase in trash since the occupancy will remain the same. Trash will be held in a screened enclosure off the alley at the rear of the property.
5. There proposed increase in area is at the rear of the property, and will not change the business makeup of the property.
6. The existing parking that was eliminated was only for employees and never used by patrons.

Subject Property: Silver Dollar (200 occupants)

Late Night Uses within 175’ of Property:
1. The Belmont (211 King St.) (66 occupants)
2. Steve’s (405 King St.) (460 occupants)
3. Cocktail Club (479 King St.) (142 occupants)
4. Republic (409 King St.) (126 occupants)
5. St. Jake (481 King St.) (110 occupants)
6. Charleston Bierocks (493 King St.) (190 occupants)
Proposed Patio
12.20.2021

Silver Dollar
478 King Street
Charleston, SC 29403

Requesting Variance for Parking & Expansion of Late Night Use

Per Grandfathering Required to have 9 Parking Spaces
.850 sf of Outdoor dining will require 7 more spaces
-3 Spaces Provided (Variance needed for 3 Spaces)

Not Increasing Occupancy= only adding space.

Patio has been there by Covid rules for 1 year
Lori,

Thank you for the reminder.

The applicant and architect met at our neighborhood meeting back in November and presented this to us.

We support granting the variance as it helps to keep patrons off of King St and moves them to the area between King and Meeting.

I’ll add a comment to the agenda.

Have a great weekend.

Henry Gerlach
Radcliffeborough

On Thu, Jan 6, 2022, 11:45 Batchelder, Lee <Lee.BATCHEDER@charleston-sc.gov> wrote:

Hi Henry,

We have an application on the January 19th RAZ agenda to allow the expansion of a late night use on King Street. Silver Dollar at 478 King Street would like to make permanent the outdoor bar/patron area they were able to add under the COVID emergency exception (see attached).

I understand that John Sullivan, the architect handling the application for the Silver Dollar, may have contacted you about this. Although technically not within the boundaries of Radcliffeborough, I am wondering if you have any concerns about this application.

Thanks

Lee C. Batchelder, AICP | Zoning Administrator
Request variance from Sec. 54-317 to allow existing restaurant to displace 2 on-site parking spaces and add 380sf of outdoor patron use area without providing 3 spaces for the added area (expanded restaurant requires 11 spaces; 4 spaces to remain). Zoned LB
Application for Variance; Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZA-Z)

City of Charleston

Instructions - This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals - Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, which is an appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS: ☐ Variance and/or Special Exception as indicated on page 2 of this application. ☐ Reconsideration of a decision of the Board or action of a zoning official (Attach Appeal Form). ☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: Jan 16th

Property Address: 224 rutledge ave

TMS # 662.10.04.119

Property Owner: tenkuhle kc

Daytime Phone: 843-914-6294

Applicant: shb li

Daytime Phone: 843-914-6294

Applicant's Mailing Address: 224 rutledge ave charleston sc 29403

E-Mail Address: joshua.li.walker@gmail.com

Relationship of applicant to owner: (same, representative, prospective buyer, other) tenant

Zoning of property: limited business

Information required with application: (check information submitted)
☐ Scaled plans or prints, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or alterations within a Bed zone, show HVAC units and pertinent scaled plans
☐ Scaled floor plans with rooms labeled and the total building area for each dwelling unit noted for all density variances and building additions, unless exempted by the Zoning Staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card, or cash (make checks payable to the City of Charleston)
☐ Yes ☐ No - Is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:
☐ Photocopies
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property and the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspection.

Applicant: shb li

Date: dec 19th 2021

For office use only
Date application received:

Time application received:

Sticker #:

Fee $ 5

BZA-Z Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

See Attached

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the ordinance to the property will have an adverse effect on the public welfare.
4. 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.

In granting a variance, the Board may attach such conditions as are deemed necessary to ensure the maintenance of the character of the district and the public welfare. (SC Code of Laws § 6-29-800)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the required special exception requirements of the Zoning Ordinance, such as § 54-116, § 54-206, or sections in Article 9 of Section 4 (add as an attachment if necessary):

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the procedures of Article 9, Part 3 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
(843) 724-3781 www.charleston-sc.gov/zoning

5/19
b. Not a detriment or harm

We presented our plan to the Elliotborough-Cannonborough Neighborhood in September 2021, and received their overwhelming support. Marion Hawkins has communicated their support directly in an email with Lee and Pennys from Zoning Dept.

There's nothing like a real life experiment to test how harmful a permanent decision would be. In the over 20 months we have been utilizing expanded outdoor seating, we have received no complaints from any neighbors, nor our customers on reduced parking, and feel strongly it's been a success all around and will NOT impact the public good in ANY negative manner, nor will the character of the district be harmed by granting us a variance.

Being on a commercial corner, the only 2 adjacent properties are used for short term rentals. Our existing outdoor seating has likewise never been an issue in our almost 10 years of serving the neighborhood.

c. Parking

In recent years, we have clearly seen a majority of our customers come from the peninsula itself and increasingly they are walking, sometimes biking and quite often taking drive-share taxi services like Uber / Lyft. The neighborhood itself has expanded 2 hour street parking that doesn't exist in most other neighborhoods and based on our 20 month Covid experiment I think it's clear our existing parking spaces are sufficient for our customers needs. I know the City has been rethinking a lot of the parking requirements in lieu of so many changes in behavior and has achieved successful results in areas of King Street. Similarly, we feel it's clear that in our case there has bee no negative effects by reducing parking by 2 spaces. Jason Sakran, and others on City council we have spoken to are in favor of rethinking the City's approach to parking and we have attached a letter of support from Jason Sakran as proof of this.

The new structure would take over 2 parking spaces and provide an additional 380 sf approximately of additional outdoor patron use.

Yours truly:
Duolan Li
Joshua Walker, Joey Ryan
Business Owners - Xiao Bao Biscuit
Patron Use Area
19' x 20'
380 sq ft
xiao bao biscuit
224 rutledge ave
Marion Hawkins

to Lee, Penny, Christopher, Robert, Dudley, Jason

Lea,

Hope all is well. The last few months have been quite busy in our neighborhood. I wanted to update you of several zoning requests that we have reviewed, discussed, and voted on.

- 95 Cannon St
Steve Ramos has worked with us on this project. We're excited about the design of the project and the addition of commercial space. We suggested zoning variances instead of up zoning. Steve presented at our Oct 4 meeting and we voted to support the request.

- 224 Rutledge Ave, Xiao Bao Biscuit
At our Sep 7 meeting we voted to support the request for a permanent outdoor dining space/structure. This will only remove a few parking spaces. XBB primarily has customers from foot traffic and ride share services. This restaurant is exemplary for having minimal impact on the neighborhood. They have background music playing outside that doesn't disturb neighbors and then they close around 10 pm.

- 116 Spring St, Bad Bunnies
Rick Harden presented his coffee shop project (Bad Bunnies) at our Sep 7 meeting. Rick and his wife, Carol, have been residents of the neighborhood for many years and desire to create a community coffee space. We voted to support for parking & sidewalk variance.

- 56 Morris Street
Cullen Hawkins (no relation) presented his project at our Sep 7 meeting. We voted to support his concept which is a cafe on the ground floor and office space on a new second floor as well as parking & sidewalk variance.

- 587 King St, Uptown Social
Keith Benjamin requested neighborhood support for permanent outdoor seating in an adjacent lot that is being temporarily used. Uptown Social currently has 192 seats inside the property. The requested outdoor seating would add 95 seats for a total of 287 seats (which will continue to overwhelm the block). Neighbors, residents, and other business owners voiced the ongoing noise issues with Uptown Social from their back deck even after several attempts to work with their management. Uptown Social is ground zero for majority of the problems on Upper King. CENA adamantly and overwhelmingly opposed the request.

Email or call if you want to discuss.

Best regards,

Marion
September 2, 2021

To: City of Charleston Planning Department
To: Board of Architectural Review
To: Board of Zoning Appeals

To Whom It May Concern:

It is my understanding that owners Josh Walker and Joey Ryan with Xiao Bao Biscuit are applying for permanent approval of additional outdoor seating for their location at 224 Rutledge Avenue.

I am writing this letter of support for additional outdoor seating for several reasons. Number one, Xiao Bao has demonstrated that they are a neighborhood restaurant and the City's current parking requirements have had no negative impact on the neighborhood. They have been in business for 9+ years and there have been zero complaints from neighbors and surrounding businesses. Number two, they are requesting an additional 3 parking spots which is a minimal request when you weigh the benefits of a small locally owned restaurant for this neighborhood. Number three, if COVID showed us anything, it is that we have to be more flexible with our parking and outdoor dining requirements because customers tastes and needs are changing. As a City, we should aim to help small business owners meet these changing demands. Number four, there are plenty of off street parking options in the neighborhood that customers typically use and this part of Spring Street is becoming more of a commercial corridor anyway so increasing outdoor dining and reducing a few parking spots is not going to impact the neighborhood in a negative way. Number five, they have worked closely with the Elliottborough-Cannonborough Neighborhood Association and have a good working relationship with them and it is my understanding, the association is supportive of this request. Lastly, the City passed an ordinance to reduce parking minimums in the King Street business corridor and the results have been very positive. We should extend these changes to this portion of Spring Street and apply the same logic when thinking about how we can better support small business owners.

Sincerely,

[Signature]

Jason A. Sakran
City of Charleston Councilmember
District 3
Request variance from Sec. 54-301 to allow construction of a single-family residence with a 39-ft. front setback (54-ft. required based on the average front setback of 13 and 17 Johnson Rd.).

Zoned SR-8
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)

City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances; the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

☑ A Variance and/or Special Exception as indicated on page 2 of this application.
☑ Reconsideration of a decision of the Board or action of an action officer (attach Appeal form).
☑ Extension of an expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: 

Jan 18, 2022

Property Address: 15 Johnson Road

TMS # 4211000021

Applicant: Michele Dispensa

Daytime Phone: 917.734.0175

Daytime Phone: 917.734.0175

Charleston, SC 29407

E-Mail Address: relihbeauty@yahoo.com

Relationship of applicant to owner (same, representative, prospective buyer, other) same

Zoning of property

SR-8

Information required with application: (check information submitted)

☑ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☑ For new construction or additions within a flood zone, show HVA, units and plan on scaled plans
☑ Scaled floor plans with rooms labeled and the total floor area for each unit on the plan are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☑ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☑ Check credit card or cash (make checks payable to the City of Charleston)
☑ YES or NO, this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use contemplated in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

☑ Photographs
☑ Letters or petitions from neighbors or organizations directly affected by your request.

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the board hearing and inspected.

Applicant: Michele Dispensa

For office use only

Check application received

Date: 2021-12-23

Cost of application received: $ 5

Time application received

Receipt #
Dear Board Members,

This letter is to affirm support for Michele Dispensa’s variance request to build a new residence on the lot at 15 Johnson road, Charleston, Crescent subdivision. There is a large Oak tree 39’ taking up most of the buildable lot space, plus two others. As a neighbor and resident of the Crescent community we are invested in seeing improvements in our surrounding properties that beautify and maintain the charm of the Crescent neighborhood.

As requested, we feel that moving the new home 15’ closer to the street does not negatively impact the community what so ever, and in this case it’s necessary to avoid damaging the live Oak root system. A tree should not preclude an owner from utilizing their lot space. The 58’ setback rule was created long ago. Trees grow, in this case huge, and adjustment need to be made from time to time and case by case.

Michele has informed us about her plans and we completely support the new house plans they have submitted and shown to us. As their neighbors, we feel their planned home would be a great addition to the community.

Thank you for your time and consideration.

Respectfully,

Michele R. Dispensa

IN Support of Variance letter for 15 Johnson road —Re: Request to move 15’ closer to the street due to large oak in backyard taking up most of the building lot DEC. 15th 2021

BY
Emory M., Main
15 Johnson Rd, Charleston, SC 29407

BY
Courtney Bracy
23 Johnson Rd, Chas, SC 29407

BY
Karl M., Jensen
17 Johnson Rd, Chas, SC 29407

BY
Pogue King
21 Johnson Rd, Charleston, SC 29407

BY
Stp. Darla
5 Johnson Rd, Chas, SC 29407