



**CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING**

**4 Henrietta St.
VARIANCE CASE SUMMARY
January 20, 2026 | 5:15pm**

Case Number: BZA2025-002235

Subject Property: 4 Henrietta St. / TMS# 459-13-02-078

Zoning District: DR-2F

Property Owner: SC Reno Partners LLC

Applicant: Joel Adrian – Coastal Creek Design

Requested Action: Request a variance from Sec. 54-301 to build a detached single-family home with a 4' 4" west side setback (7' required).

Project Description: The applicant is requesting a variance from Sec-301 to construct a single-family detached with a 4' 4" west side setback encroachment. The area of the proposed home that is encroaching within the setback are a portion of the front stairs and entry hallway on the first floor, and a portion of a bathroom on the second floor.

Case History: This item was originally heard during the 10/7/2025 BZA-Z meeting where it was deferred by motion of the board. It was then set to be heard during the 12/16/2025 BZA-Z meeting however there was an error in the public notice ad that required staff to pull the application and readvertise it for the hearing on 1/20/2026.

Applicable Sections of Zoning Ordinance: [Sec. 54-301](#) Height, area and setback regulations
The setbacks for the DR-2F Zoning District are as follows:
Front: 25'
Rear: 3'
South/West: 7'
North/East: 3'
Maximum Lot Coverage: 50%

Variance Test/
Findings of Fact: The following is excerpted from Section 54-924 of the City of Charleston Zoning Ordinance. This test is based on S.C. Code Ann. § 6-29-800. 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:

Applicant Responses:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

This property is undeveloped. Several of the existing homes in this area are on narrow lots, still wider than 24', and do not comply with the setbacks for the current base zoning. The house at 2 Henrietta is 1' 8" off the shared property line. Without the variance our proposed home would be only 14'-6" in width which is unreasonable even for a Charleston Single house design.

2. These conditions do not generally apply to other property in the vicinity;

As mentioned above, several homes in this area are on undersized lots, but none of them conform to all the required property setbacks.

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

If the variance is not granted this lot is not buildable, house only 14' 6" wide is not realistic, and would look out of character with the other homes which are wider.

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.

The design complies with all other zoning requirements, rear, east side, and front setbacks, we are providing 2 off street parking spaces, overall height has been limited, and the front door is facing the street.

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)

Staff Recommendation: Recommends Approval

Staff Analysis: Staff recommend approval of the variance request due to the strict application of the ordinance applying an unreasonable restriction on the use of the property. The limitation imposed by setbacks creates to narrow of a allowable width to accommodate a functional single-family home.

Attachments:

- *Zoning Map*
- *Site Map*
- *Application*

Staff Contact: Christopher Swalhah, Senior Zoning Planner, swalhahc@charleston-sc.gov



PROPOSED COVERAGE

TOTAL LOT AREA 2,367 SQFT
MAX. COVERAGE 50%
1ST FLOOR
PORCHES & STAIRS
HVAC

TOTAL COVERAGE
TOTAL COVERAGE % 1,104 SQFT
 46.64%

PROPERTY INFORMATION FROM ZONING CITY
OF CHARLESTON

DIVERSE RESIDENTIAL ZONING DR-2F

OVERLAY LAYER= OLD CITY HEIGHT DISTRICTS,
AMUSEMENT AND RECREATION OVERLAY,
RESIDENTIAL SHORT TERM RENTAL CATEGORY
(SR CAT 1), OLD AND HISTORIC DISTRICT
SUBDIVISION= MAZYCK-WRAGGBOROUGH

SETBACKS=

FRONT=25'
REAR= 3'
SIDE-SOUTH OR WEST=7'
SIDE-NORTH OR EAST = 3'

MAXIMUM BUILDING COVERAGE=50%

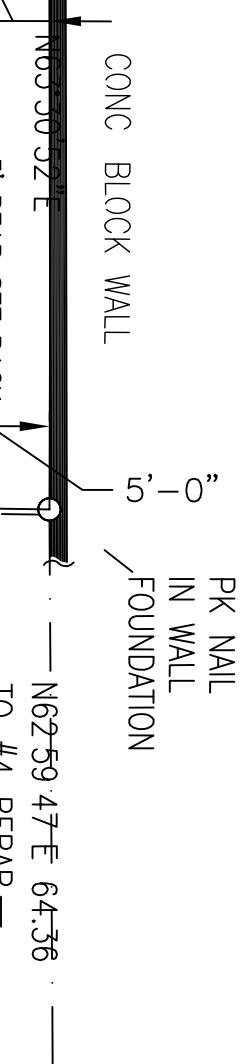
MAXIMUM LOT OCCUPANCY OF BUILDING =

65%

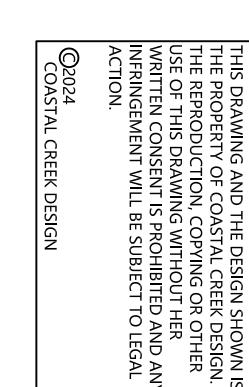
BUILDING HEIGHT=50/3 STORY

HENRIETTA R/W 44'

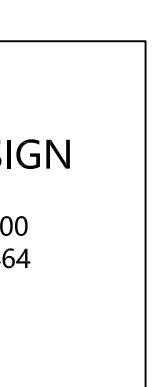
FLOOD ZONE = AE10



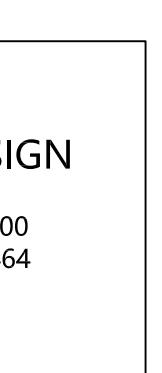
NOTES:
THIS DRAWING SHOWS ONLY EASEMENTS WHICH ARE
OBTAINABLE OR APPARENT TO THE SURVEYOR.
U.S. ARMY CORPS OF ENGINEERS HAVE
JURISDICTIONAL, WETLAND DETERMINATIONS HAVE
NOT BEEN MADE PERTAINING TO THIS PROPERTY.
BY GRAPHIC PLOTTING ONLY, THE PROPERTY
AS SHOWN IS LOCATED IN THE FLOOD INSURANCE RATE MAP (FIRMAP) AS SHOWN.
#45010201 IS LOCATED IN COMMUNITY #45412.
EFFECTIVE DATE: 1/28/2021, LOCATED



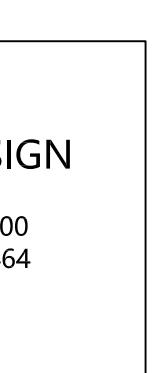
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843-514-1790



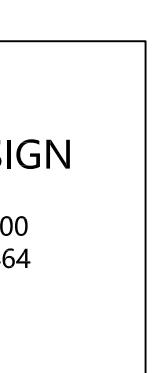
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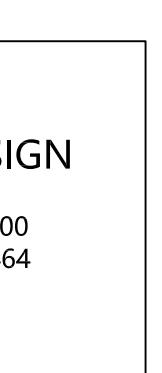
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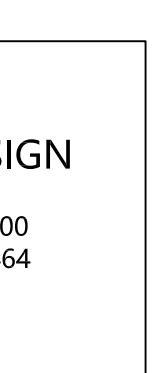
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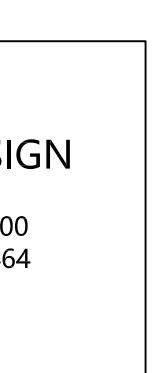
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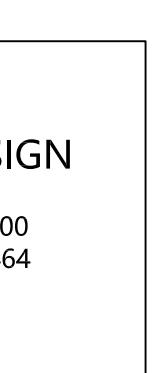
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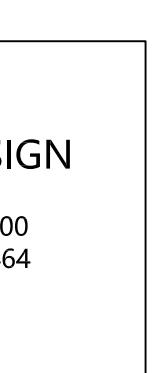
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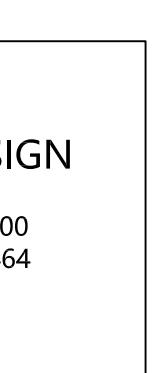
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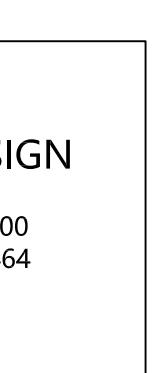
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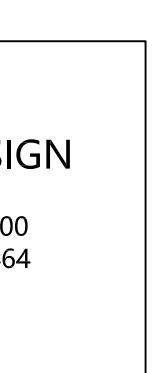
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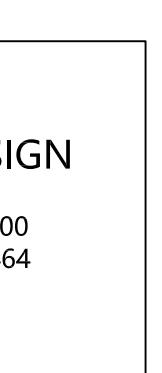
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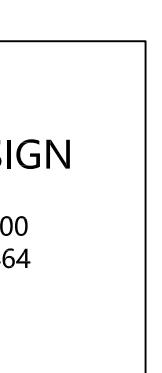
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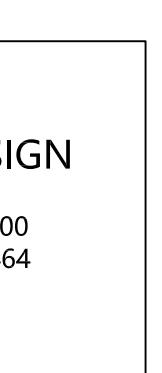
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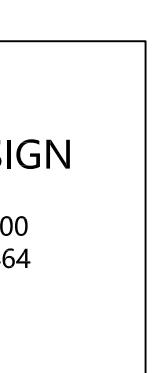
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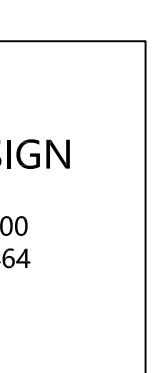
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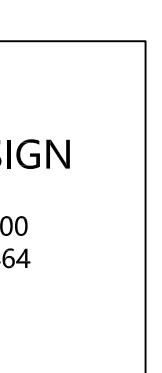
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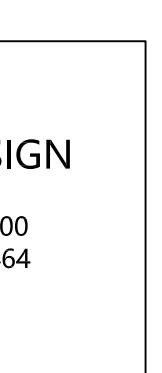
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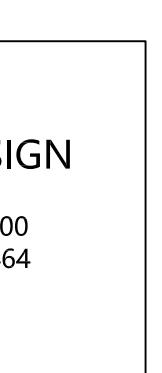
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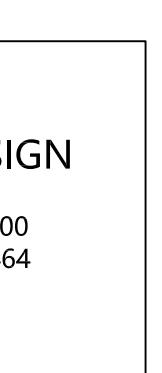
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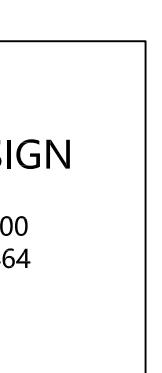
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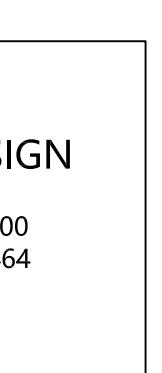
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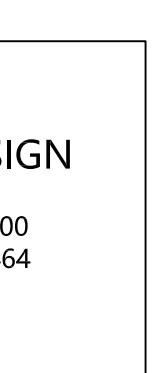
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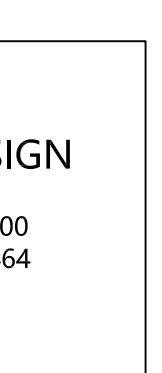
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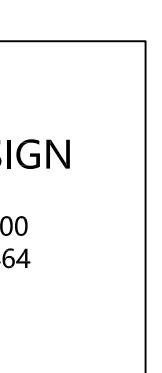
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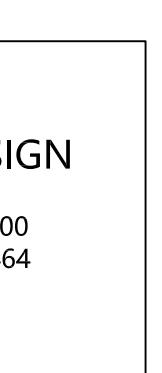
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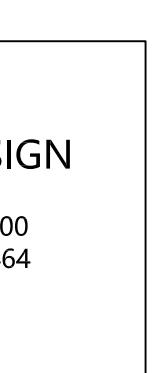
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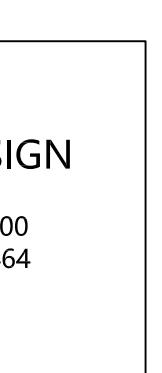
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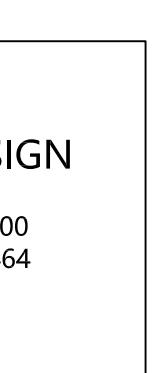
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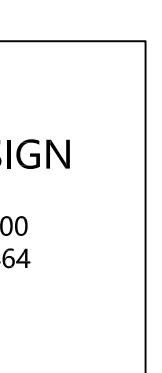
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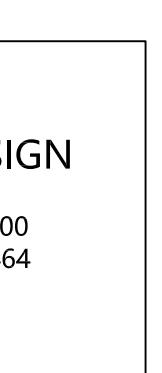
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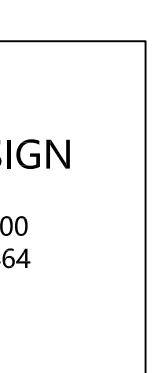
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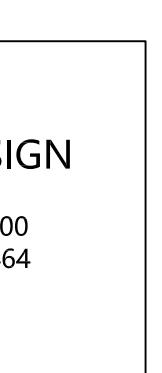
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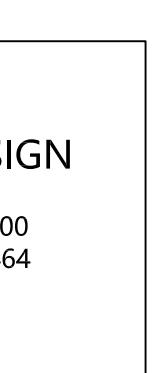
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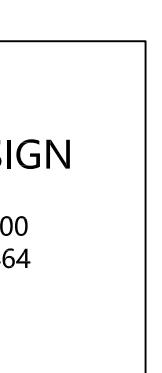
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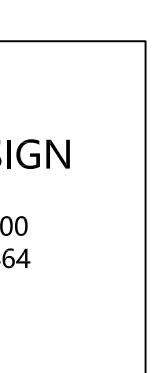
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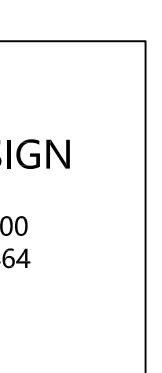
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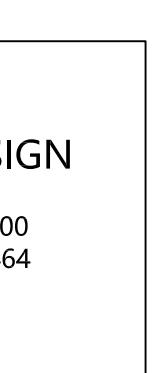
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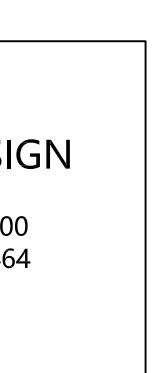
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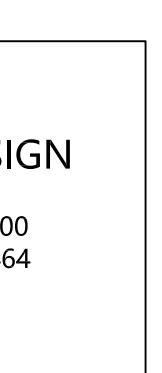
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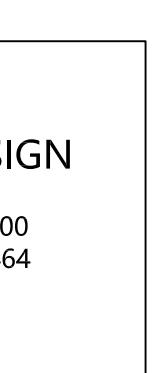
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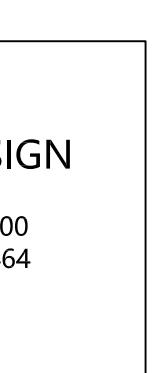
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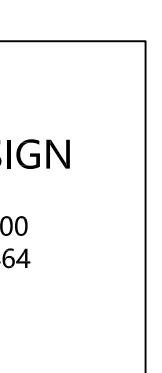
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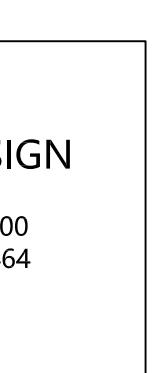
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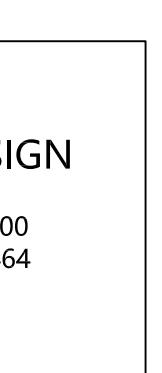
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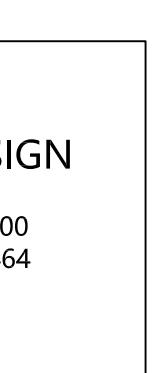
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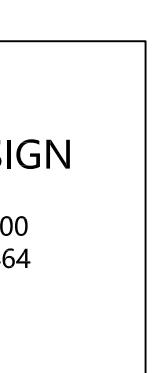
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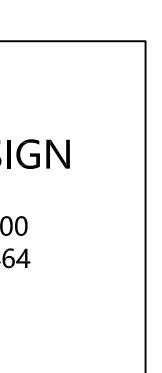
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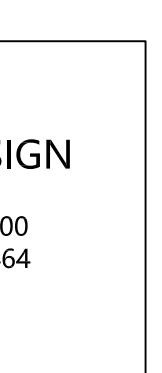
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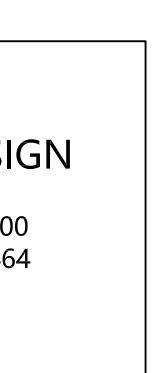
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Application for Variance, Special Exception, Reconsideration, or Extension
to the **Board of Zoning Appeals – Zoning (BZA-Z)**

City of Charleston

Instructions – NOTE: APPLICATION PROCEDURE HAS CHANGED. This application, along with the required information, must be submitted in PDF format to BZA-Z@charleston-sc.gov. Applicant will then be invoiced for fee. 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: 12/16/2025

Property Address 4 Henrietta Street TMS # 459-13-03-078

Property Owner SC Reno Partners LLC Daytime Phone 843-847-0200

Applicant/Coastal Creek Design - Joel Adrian Daytime Phone 843-819-8947

Applicant's Mailing Address 501 Bramson CT. Suite 100

Relationship of applicant to owner (same, representative, prospective buyer, other) Designer
Zoning of property DR-2F

Information required with application: (check information submitted)

- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plan
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for density variances and building additions, unless exempted by the Zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- 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 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 Stacy

Date 11/14/2025

For office use only	Time application received _____
Date application received _____	Fee \$ _____
Staffperson _____	Receipt # _____

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 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):

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.



**CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING**

57 Ashe St.
VARIANCE CASE SUMMARY
December 16, 2025 | 5:15pm

Case Number: BZA2025-002238

Subject Property: 57 Ashe St. / TMS# 460-00-01-100

Zoning District: DR-2F

Property Owner: Jim and Joette Ruberg

Applicant: Greg Demetri

Requested Action: Request a variance from Sec. 54-301 to build a two-story rear porch addition with a 1' rear setback (3' required), a 1' east side setback (3' required), a variance to exceed maximum lot coverage (75% proposed, 57% existing, 50% allowed) to build a 2-story porch addition, and a variance from Sec. 54-506.g. to build a utility platform that exceeds the maximum allowed height (9' allowed).

Project Description: Applicant is requesting a variance to construct a 2-story rear addition comprising of a 1st story rear porch and a 2nd story open deck with a pergola style roof 1' from the rear property line. Additionally, the proposed 2-story rear addition will increase the existing nonconforming lot coverage of 57% of the lot's area to 75% of the lot's area. The applicant is also requesting a variance from Sec. 54-506.g. to allow a proposed utility platform to exceed the maximum allowed height of 9'. The utility equipment stand is currently under construction.

Case History: As noted on page A1 of the applicants submitted architectural plans there is a HVAC equipment stand/trash container enclosure currently being constructed on the south side of the property. During the construction of the equipment stand the applicant exceeding the specifications of their permit and was issued a stop work order on 12/12/25.

Applicable Sections of Zoning Ordinance: [Sec. 54-301](#) Height, area and setback regulations
The setbacks for the DR-2F Zoning District are as follows:
Front: 25'
Rear: 3'
South/West: 7'
North/East: 3'
Maximum Lot Coverage: 50%

Variance Test/
Findings of Fact:

The following is excerpted from Section 54-924 of the City of Charleston Zoning Ordinance. This test is based on S.C. Code Ann. § 6-29-800. 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:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - a. *There has not been any additional structures built on this property since 1880 aside from an HVAC / Trash Can enclosure*
 - b. *The initial construction of the home was in 1880*
2. These conditions do not generally apply to other property in the vicinity;
 - a. *Response There is no other pre-existing historic structure property within the vicinity that has as much original coverage that occupies as much of its land area then the house at 57 Ashe St*
 - b. *This house had a disadvantage for future development when it was built compared to its neighbors who now enjoy future builds of porches and decks*
 - c. *All the surrounding properties have much more green area to expand. Their percentage can cover a higher number footage, whereas; 57 Ashe St does not have this luxury and must work with a smaller structural footprint in its backyard using a higher percentage of its footprint*
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
 - a. *Charleston architectural style includes porches and granting this variance would keep in line with the character of Charleston's style*
 - b. *The intent of living in the "southern charm" of downtown Charleston is to enjoy the outdoor space which includes porches*
 - c. *It is an unreasonable restriction of the property to prohibit the use of some form of outdoor space*
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.
 - a. *The proposed structure will be in the back of the house with very little exposure to the street.*
 - i. *The back neighbor's house is approximately 30-35 feet from this proposed structure. It is their parking lot that would share the same fence*
 - ii. *The neighbor to the right is approximately 35 feet from this structure and only would see 7-feet of the proposed structure side*
 - iii. *The neighbor to the left does not have any windows except one small bathroom window on the second floor. This neighbor also has a roof deck, something that 57 Ashe St would not be able to build.*
 - b. *Upon approval, we will work closely with the BAR to ensure that the style flows with what the BAR intends it to be while keeping to the roots and the meaning of Charleston as intended by its founders*

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)

Staff Recommendation: Recommends Denial

Staff Analysis: Staff are recommending denial of the variance due to the hardship requirements not being met. Specifically, not allowing the construction of 2-story rear porch addition that encroaches into the rear setback and exceeds the maximum lot coverage by 25% is not an unreasonable restriction or prohibition of the use of the property. The property currently meets its designated use as a single-family dwelling and has done so since its construction in 1880. Therefore, not allowing an addition in the manner proposed by the applicant would not unreasonably restrict or prohibit the use of the property since its use has already been met.

Attachments:

- *Zoning Map*
- *Site Map*
- *Application*

Staff Contact: Christopher Swalhah, Senior Zoning Planner, swalhahc@charleston-sc.gov



PLANNING AND RMC USE ONLY

RECORDED

DATE	June 17, 2009	TIME	9:43:09 AM
Book-Page	SB9 0152	DocType	Small Plat
Charlie Lybrand, Register, Charleston County, SC			

APPROVED PLAT

DATE: 6/17/09
PPJ

ENGINEERING DIVISION
CITY OF CHARLESTON

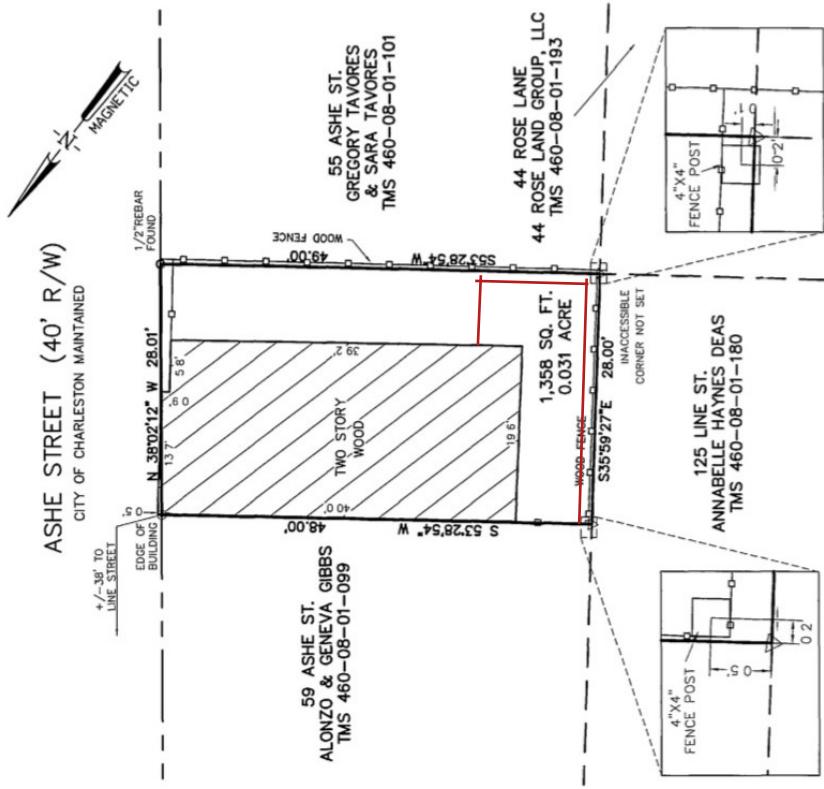
Record Fee: 0
Postage: 0
Drawer: 0
Clerk: 0

Location: ASHE ST

NOTES:

THIS SURVEY DOES NOT REFLECT A TITLE SEARCH AND IS BASED ENTIRELY ON THE REFERENCED DOCUMENT(S). ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 45019C (COMMUNITY #45412) 05/12/J, DATED 11/17/04, THIS PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE X (ABOVE THE 500 YR. FLOOD).

PUBLIC WATER & SEWER PROVIDED BY CHARLESTON WATER SYSTEMS.

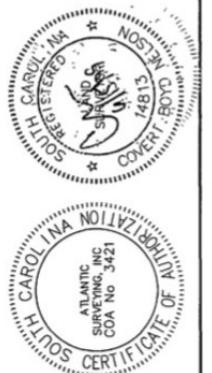


REFERENCES:

PLATS: BOOK P AT PAGE 123
DEEDS: BOOK K328 AT PAGE 812
BOOK P607 AT PAGE 691

PLAT
OWNED BY
HUNTER PIERCE
57 ASHE STREET
TMS 460-08-01-100
0.031 ACRE

CITY OF CHARLESTON, CHARLESTON COUNTY, SC
DATE: JUNE 4, 2009 SCALE: 1" = 10'
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
JOB #09-12809



ATLANTIC SURVEYING, INC.

828 Wappoo Road
P.O. Box 30604
CHARLESTON, SOUTH CAROLINA 29417
PHONE (843)763-6669 FAX (843)766-7411



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

Page 1 of 2

City of Charleston

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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 Appealform).
- Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: December 16, 2025

Property Address 57 Ashe St TMS # _____

Property Owner Jim and Joette Ruberg Daytime Phone 803-818-8078

Applicant Greg Demetri Daytime Phone 864-506-4818

Applicant's Mailing Address 4410 Social Aly, North Charleston, SC 29405

greg.demetri@charlestoncreativeconstruction.com E-mail Address _____

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

Zoning of property X _____

Information required with application: (check information submitted)

- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plan
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for density variances and building additions, unless exempted by the Zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- 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 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 Greg Demetri Date 11/13/2025

For office use only	Date application received _____	Time application received _____
	Staffperson _____	Receipt # _____
	Fee \$ _____	

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):

The variance request if for a "rear" setback. See the attached narrative

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):

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.



**CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING**

2122 Trescott Ave.
VARIANCE CASE SUMMARY
December 16, 2025 | 5:15pm

Case Number: BZA2025-002223

Subject 2122 Trescott Ave. / TMS# 464-10-00-074
Property:

Zoning District: SR-1

Property MDM Development
Owner:

Applicant: Ford Smith

Requested Action: Request a Special Exception under 54-501 to build a single-family residence on a lot of insufficient size (2145sf existing, 9000sf required) and variances from Sec. 54-301 to establish a 2.5' front setback, a 3' rear setback, and a 5' east setback (25', 25', and 9' required)

Project Description: The Applicant is requesting a special exception to construct a single-family home on a lot of insufficient size as well as a variance from the setback requirements to accommodate the proposed home. The lot was platted prior to the properties annexation into the City of Charleston and is therefore considered a nonconforming lot of insufficient size. Currently the property is an undeveloped vacant lot.

Case History:

Applicable Sections of Zoning Ordinance: [Sec. 54-301](#) Height, area and setback regulations
The setbacks for the SR-1 are as follows:
Front: 25'
Rear: 25'
South/West: 9'
North/East: 9'

[Sec. 54-501](#) Lot of record of insufficient size
Where the owner of a lot at the time of the adoption of this chapter or his successor in title thereto does not own sufficient land to enable him to meet the minimum lot size requirements of this chapter the board of zoning appeals may upon approval of site plan deemed not in conflict with the intent and purposes of this ordinance authorize any use permitted in the district in which the lot is located.

Variance Test/ Findings of Fact: *The following is excerpted from Section 54-924 of the City of Charleston Zoning Ordinance. This test is based on S.C. Code Ann. § 6-29-800. 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:*

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

Variance Narrative:

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 Variance on front, back, and side set backs
2.5 ft front setback, 3ft back set back, 5ft
right side set back, left side is lot set back
due to lot size being super small

Special Exception Requirements/ Findings of Fact:

Where the owner of a lot at the time of the adoption of this chapter or his successor in title thereto does not own sufficient land to enable him to meet the minimum lot size requirements of this chapter the board of zoning appeals may upon approval of site plan deemed not in conflict with the intent and purposes of this ordinance authorize any use permitted in the district in which the lot is located.

Special Exception Narrative:

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):

Special exception due to lot being
to small per zoning

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)

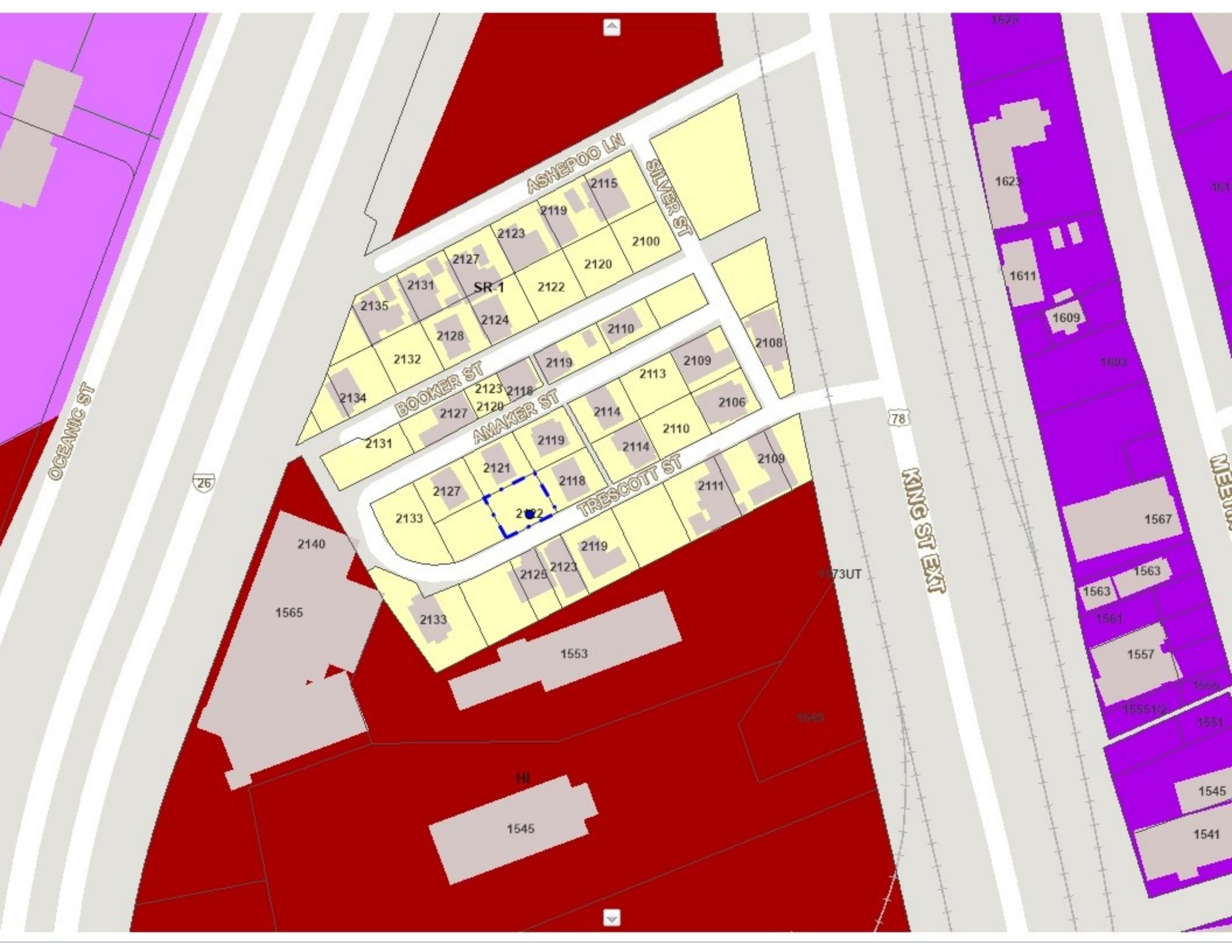
Staff Recommends Approval
Recommendation:

Staff Analysis: Staff are recommending approval of the special exception and variance request due to the requirements of the ordinance unreasonably restricting and effectively prohibiting the use of the property.

Attachments:

- [Zoning Map](#)
- [Site Map](#)
- [Application](#)

Staff Contact: Christopher Swalhah, Senior Zoning Planner, swalhahc@charleston-sc.gov

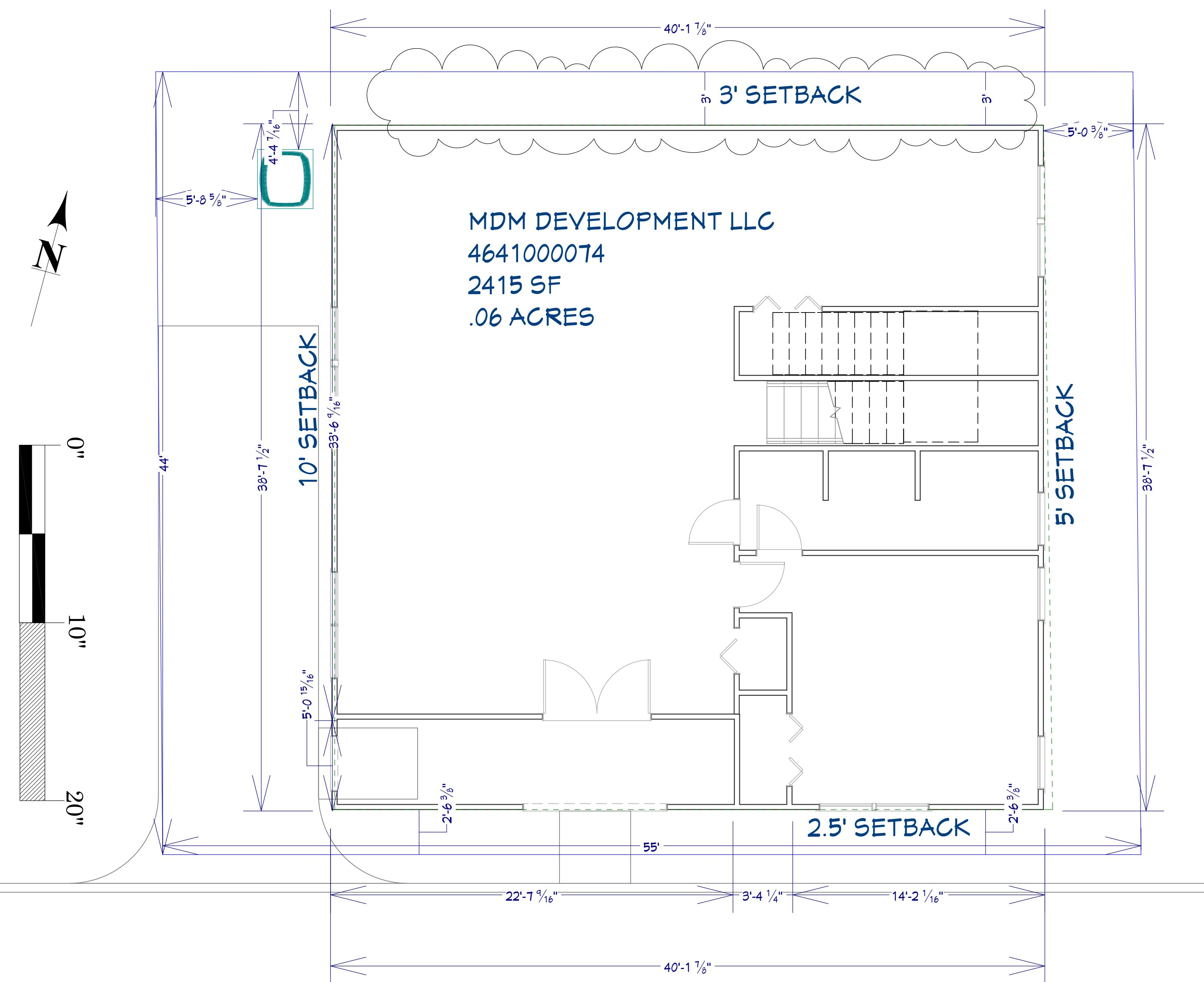


LOT AREA
2418SF

HOUSE AREA
1424SF

LOT COVERAGE
58%

HEATED AREA
2500 SF



Terrain Plan View



NUMBER DATE REVISION TABLE
 REVISED BY DESCRIPTION

2122 TRESSCOTT AVE
 CHARLESTON, SC
 29405

SITE PLAN
 DATE: 11/12/2025
 SCALE:
 SHEET: A1

Neil Stevenson
 Charleston, SC
 843-744-3850
 neil@nsarchs.com



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

Page 1 of 2

City of Charleston

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- 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: Dec 16

Property Address 2122 Tresscott, Charleston TMS # 464-10-00-074

Property Owner MJM Development Daytime Phone 347-247-0037

Applicant William Smith Daytime Phone 843-751-9611

Applicant's Mailing Address 1247 River Rd. Johns Island

SC 24455 E-mail Address fordbuiltthrough@gmail.com

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

Zoning of property SR-1

Information required with application: (check information submitted)

- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plan
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for density variances and building additions, unless exempted by the Zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- 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 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

Date 11-10-25

For office use only

Date application received _____

Time application received _____

Staffperson _____

Fee \$ _____

Receipt # _____

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) Variance on front, back, and side set backs

2.5 ft front setback, 3ft back setback, 5ft right side setback, left side is 10ft setback due to lot size being super small

Lot Coverage Variance - 58% due to lot size being super small.

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):

Special exception due to lot being to small per zoning

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.



**CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING**

883 Mikell Dr.
SPECIAL EXCEPTION CASE SUMMARY
January 20, 2026 | 5:15 p.m.

Case Number: BZA2026-002268

Subject Property: 883 Mikell Dr. / TMS# 459-06-04-035

Zoning District: SR-1, School S Overlay Zone

Property Owner: Charleston County School District

Applicant: ADC Engineering – Chris Cook, P.E.

Requested Action: Request special exception under Sec. 54-225 to increase square footage of an existing school.

Project Description: Request Special Exceptions to construct classroom additions onto the existing Stile Point Elementary School. Additional off-street parking and modifications to the pick-up land have also been included as part of the submittal.

Case History:

Applicable Sections of Zoning Ordinance: Sec. 54-225. School S Overlay Zone

a. Intent. The intent of the School "S" overlay zone is to provide for appropriate sites for the establishment or expansion of school uses within residential zoning districts, as set forth on the official zoning map. The City places a high value on the preservation of the character of its residential neighborhoods. Potential negative impacts affecting residential neighborhoods shall be minimized to the greatest extent possible.

b. Permitted uses. In any School overlay zoning district, land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the underlying zoning district as listed in Article 2, Part 3, and nursery, preschool, kindergarten, elementary, and secondary schools, and colleges, except the Board of Zoning Appeals—Zoning shall approve the manner of the school use as an exception, upon a finding by the Board that the following conditions will be met to minimize the potential negative impacts to the greatest extent possible:

For elementary and secondary schools and colleges:

- (a) The principal building(s) shall occupy no more than fifty (50) percent of the lot on which the building(s) is (are) located;
- (b) Sufficient well-designed parking spaces will be provided internal to the campus and parking areas shall be appropriately buffered;

- (c) Dormitory type facilities will be no closer than twenty-five feet (25') to any lot occupied by a single-family dwelling;
- (d) Excessive traffic will not be generated on a residential street; and
- (e) The facility is compatible with the surrounding neighborhood based upon consideration of the number of persons in the facility, potential traffic and noise impacts, location of the play, parking, loading and circulation areas and relation to other noise or traffic generating institutions (particularly if another non-residential facility is facing or abutting the same block face or is within three hundred feet (300') of the proposed site).

Special Exception Requirements/ Findings of Fact:	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:
--	---

Applicants Response:

Sec.54-225
Board of Zoning Appeals—Zoning shall approve the manner of the school use as an exception, upon a finding by the Board that the following conditions will be met to minimize the potential negative impacts to the greatest extent possible:

- a. The principal building(s) shall occupy no more than fifty (50) percent of the lot on which the building(s) is (are) located;

This building addition is part of the Stiles Point Elementary School Campus which is 15.1 acres. The overall building coverage on the campus is currently 49,250 SF 7.5% and will increase to 82,678 SF – 12.5% with the ELC Additions.

- b. Sufficient well-designed parking spaces will be provided internal to the campus and parking areas shall be appropriately buffered;

The existing campus currently has 138 parking spaces. The total number of staff that will be on site is 98; requiring 2 spaces per employee. That would be a requirement for 196 parking spaces. The proposed project is providing 196 spaces and all new parking spaces will be appropriately landscaped and buffered.

- c. Dormitory type facilities will be no closer than twenty-five feet (25') to any lot occupied by a single-family dwelling;

There are no new dormitories associated with this project.

- d. Excessive traffic will not be generated on a residential street; and

The proposed site improvements will not negatively impact the adjacent streets. The dramatically increased stacking distance to be provided on site will lessen the amount of stacking on the public roads. Current stacking distance, on site is approximately 1,200 linear feet. The new stacking distance is approximately 3,700 linear feet which more than triples the amount of cars removed from Mikkel Drive.

- e. The facility is compatible with the surrounding neighborhood based upon consideration of the number of persons in the facility, potential traffic and noise impacts, location of the play, parking, loading and circulation areas and relation to other noise or traffic generating institutions (particularly if another non-residential facility is facing or abutting the same block face or is within three hundred feet (300') of the proposed site).

The proposed ELC Additions will provide Early Learning educational opportunities for the local community. The building additions are compatible with the surrounding neighborhood in that they are at the interior of the property and are > 100' from any property line. The project will

maintain and protect the existing walkway/path around the perimeter of the school. The parking, loading and circulation areas will be improved to lessen impacts on the adjacent public roads.

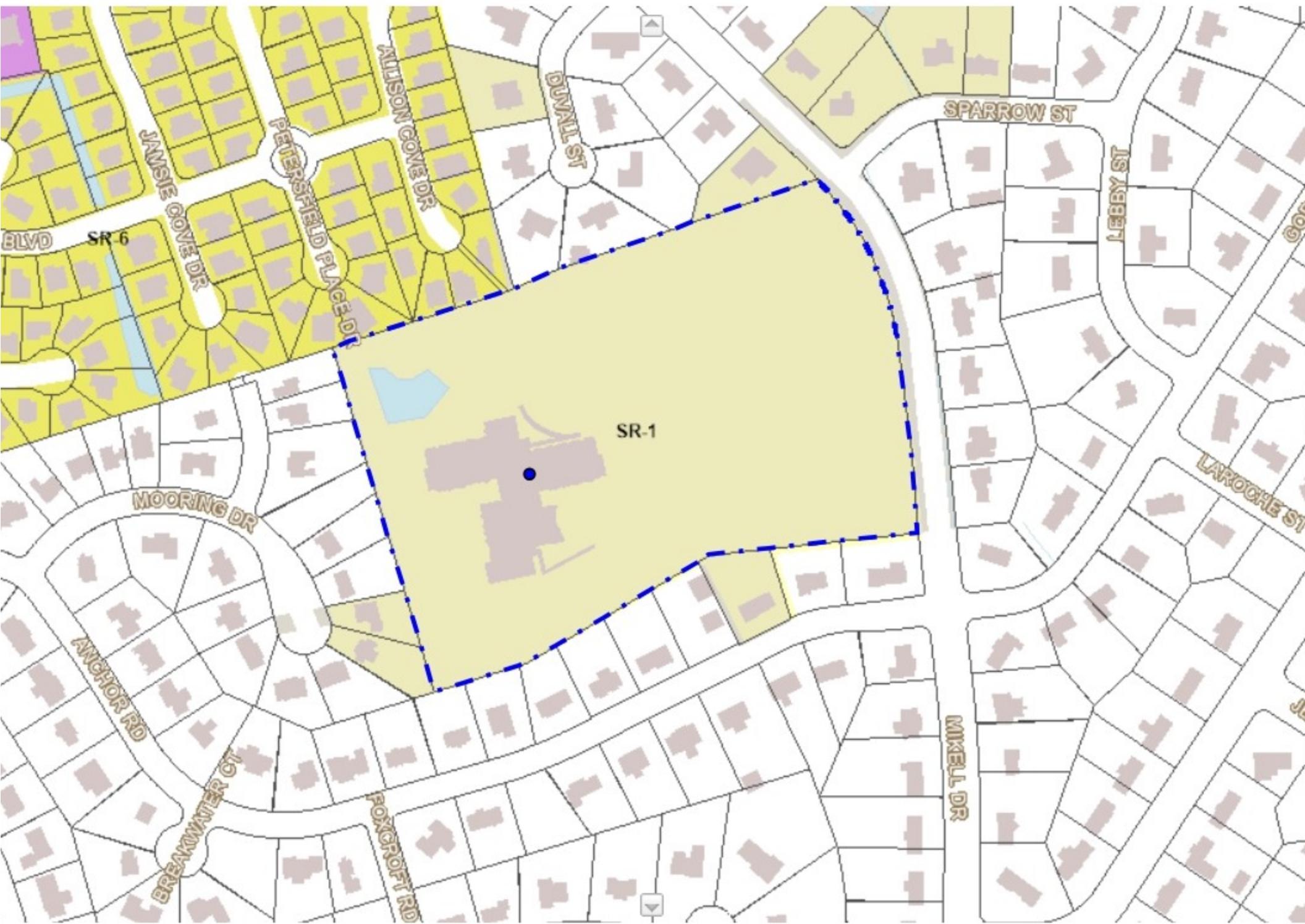
Staff Recommends Approval
Recommendation:

Staff Analysis: Staff are recommending approval of the special exception due to the applicant demonstrating their submittal meeting all of the requirements of Sec. 54-225. Additionally the modifications to the pick-up/drop-off lane will aide in the reduction of traffic on adjacent residential streets keeping in line with the intent of the School Overlay Zone per Sec. 54-225.a.

Attachments:

- Application
- Zoning Map
- Site Plan

Staff Contact: • Christopher Swalhah, Senior Zoning Planner, swalhahc@charleston-sc.gov





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

Page 1 of 2

City of Charleston

Instructions – NOTE: APPLICATION PROCEDURE HAS CHANGED. This application, along with the required information, must be submitted in PDF format to BZA-Z@charleston-sc.gov. Applicant will then be invoiced for fee. **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: _____

Property Address 883 Mikell Dr., Charleston TMS # _____

Property Owner Charleston County School District Daytime Phone _____

Applicant ADC Engineering - Chris Cook, P.E. Daytime Phone _____

Applicant's Mailing Address _____

E-mail Address _____

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

Zoning of property _____

Information required with application: (check information submitted)

- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plan
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for density variances and building additions, unless exempted by the Zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- 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 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 CB Cook Date 12/17/2025

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

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 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):

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.



**CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING**

**1100-1104 King St.
VARIANCE CASE SUMMARY
January 20, 2026 | 5:15pm**

Case Number: BZA2026-002269
Subject Property: 1100-1104 King St. / TMS# 463-12-03-116/117
Zoning District: GB
Property Owner: FAB Hall LLC
Applicant: Tyler Smyth

Requested Action: Variance from Sec. 54-317 to provide 12 off-street parking spaces (15 required) for a proposed mixed-use development
Project Description: The applicant is proposing an extensive redevelopment of the three existing commercial buildings on-site by renovating the ground-level commercial units for retail use and adding four residential units on the second floors.

Case History:

Applicable Sections of Zoning Ordinance:	<u>Sec. 54-317</u> Required number of off-street parking spaces by land use		
	USE	Number of Spaces Required	
Residential	-	<i>Multiple (3 or more) dwellings or dwellings (one or more) within commercial bldgs.</i>	<i>1.5 per unit</i>
Business, Entertainment, Office	-	<i>Retail and personal service establishments not including food stores (on the peninsula)</i>	<i>1 per 400 square feet</i>

Variance Test/
Findings of Fact: *The following is excerpted from Section 54-924 of the City of Charleston Zoning Ordinance. This test is based on S.C. Code Ann. § 6-29-800. 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:*

Applicant Responses:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

This property is extraordinary for the area because consists of two connected buildings and three storefront addresses. Aside from a poorly-built partial second level, it consists of only one story, unusual for the area.

One of the properties (1104) was once a rail right-of-way (abandoned decades ago) which provides for 12 parking spaces in a strip of property leading to Simons Street. This is an extraordinary amount of parking for the neighborhood; other commercial properties in the vicinity offer little off-street parking.

2. These conditions do not generally apply to other property in the vicinity;

Other properties in the area are typically single buildings (some commercial, some residential), are smaller, and/or do not offer the potential for meeting most (12 of 15, or 80%) of the required parking under the zoning ordinance.

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

The plan for renovating the commercial spaces and adding four apartments above is reasonable for the property and neighborhood. Though the business license for one of the commercial spaces (1102) has been expired for more than three years and is thus no longer grandfathered, this was historically used as part of a thriving club.

Reinvigorating all 3 of the commercial spaces, and with four new long-term residential apartments above, will benefit the street life of the neighborhood. The variance will permit this project to move forward appropriately.

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.

We believe that the authorization of the variance will permit a significant revitalization of this notable property and will benefit the public good, as outlined above. The City has a well-documented shortage of apartment units for city residents. The four new apartments located above ground level retail represent an appropriate and spatially efficient enhancement to this commercial property.

For these reasons, we believe that the variance meets the Variance Test and respectfully ask that it be granted.

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)

Staff Recommendation: Recommends Approval

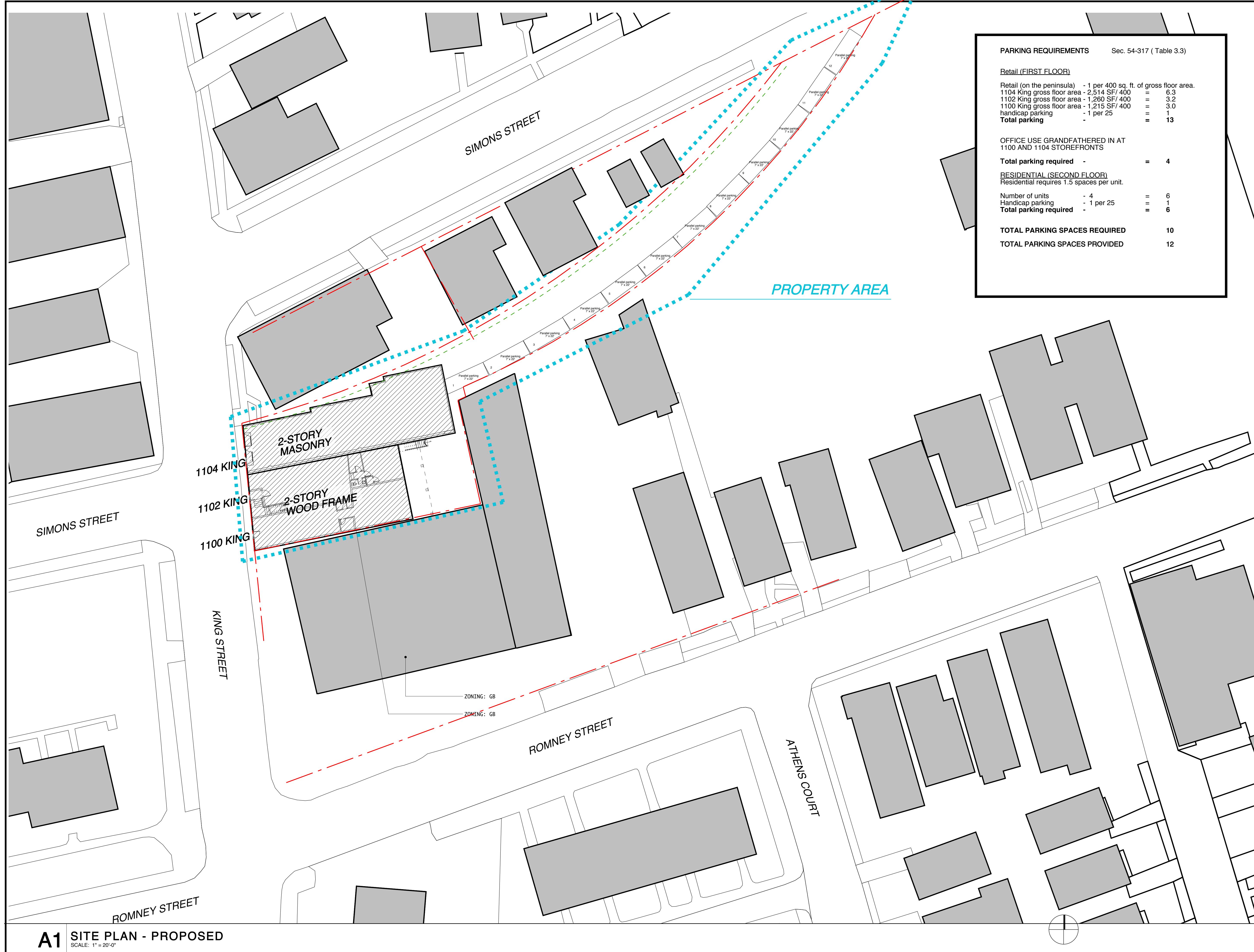
Staff Analysis: Staff recommend approval of the variance request due to the applicant satisfying all four requirements to prove an unnecessary hardship. The unique shape of the lot and location of existing historic buildings prevent reasonable redevelopment of the site to provide the outstanding 3 required off-street parking spaces. Additionally, the absence of any available parking spaces within the 400' required by the off-site parking rules of Sec. 54-319 unreasonably restricts the property from providing the outstanding required off-street parking spaces.

Attachments:

- [Zoning Map](#)
- [Site Map](#)
- [Application](#)

Staff Contact: Christopher Swalhah, Senior Zoning Planner, swalhahc@charleston-sc.gov

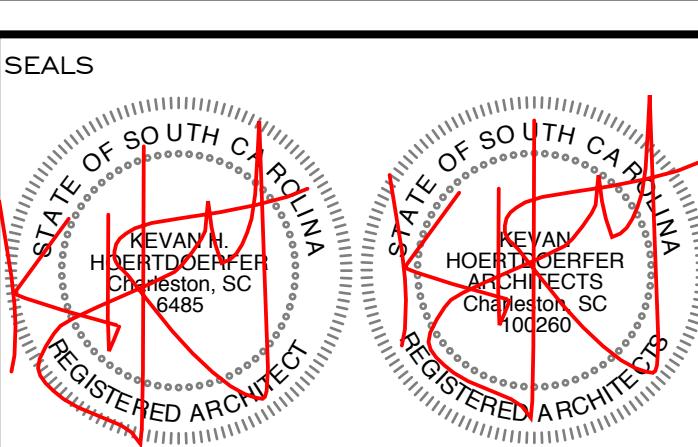




KEVAN HOERTDOERFER ARCHITECTS
37 CLEVELAND STREET CHARLESTON, SC 29403
843.724.6002 WWW.HOERTDOERFERARCHITECTS.COM



MARK	DESCRIPTION	DATE
◇	CITY OF CHARLESTON BUILDING DEPARTMENT	7.14.2025
◇	CITY OF CHARLESTON BD - REV I	10.28.2025



10.28.2025 KHH/BL/JF 2409
A002
SITE PLAN



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

Page 1 of 2

City of Charleston

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- 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 20, 2026

463-12-03-116

Property Address 1100-1104 KING ST AND 23 SIMONS ST TMS # 463-12-03-117

Property Owner FAB HALL LLC Daytime Phone (843) 813-1213

Applicant TYLER SMYTH Daytime Phone (843) 425-0321

Applicant's Mailing Address PO Box 22213 CHAS, SC 29403

E-mail Address tyler@tylersmyth.com

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

Zoning of property GB

Information required with application: (check information submitted)

- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plan
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for density variances and building additions, unless exempted by the Zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- 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 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 TYLER SMYTH Date 12/19/25

For office use only

Date application received _____ Fee \$ _____ Time application received _____
Staffperson _____ Receipt # _____

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 attachment.

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):

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.



**CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING**

**0 Deleston St.
VARIANCE CASE SUMMARY
January 20, 2026 | 5:15pm**

Case Number: BZA2026-002256

Subject Property: 0 Deleston St. / TMS# 334-15-00-072

Zoning District: RR-1

Property Owner: Lazelle Walker

Applicant: Thomas P. King, III

Requested Action: Request variance from Sec. 54-301 to build a detached single-family home with a 12' front setback, 7' rear setback, and an 8' west side setback (50', 35', and 15' required).

Project Description: The applicant is requesting a variance from the front, rear, and west side setback to build a single-family detached home on a triangular flag lot. The lot is the result of a subdivision by the County of Charleston which occurred in February of 2000 prior to the lots annexation into the City of Charleston in February of 2002.

Case History:

Applicable Sections of Zoning Ordinance: [Sec. 54-301](#) Height, area and setback regulations
The setbacks for the RR-1 Zoning District are as follows:
Front: 50'
Rear: 35'
South/West: 15'
North/East: 15'

Variance Test/
Findings of Fact: The following is excerpted from Section 54-924 of the City of Charleston Zoning Ordinance. This test is based on S.C. Code Ann. § 6-29-800. 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:

Applicant Responses:

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

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
See Narrative
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.
See Narrative

Narrative: I have two issues.

First is that I cannot find any normal plan that will fit inside these setbacks and allow for any normal family standard of living.

Second, given these setbacks I cannot fit a home inside the setbacks and comply with the maximum "300'" rule that is now in place at JIPSD. What that means is the footprint of the home must be within 300' of the available sewer line. I will demonstrate on a survey where that line is and where the footprint of the home needs to be. This is critical because the lot itself is not big enough to be considered for any kind of septic system so public sewer access is mandatory.

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)

Staff Recommendation: Recommends Approval

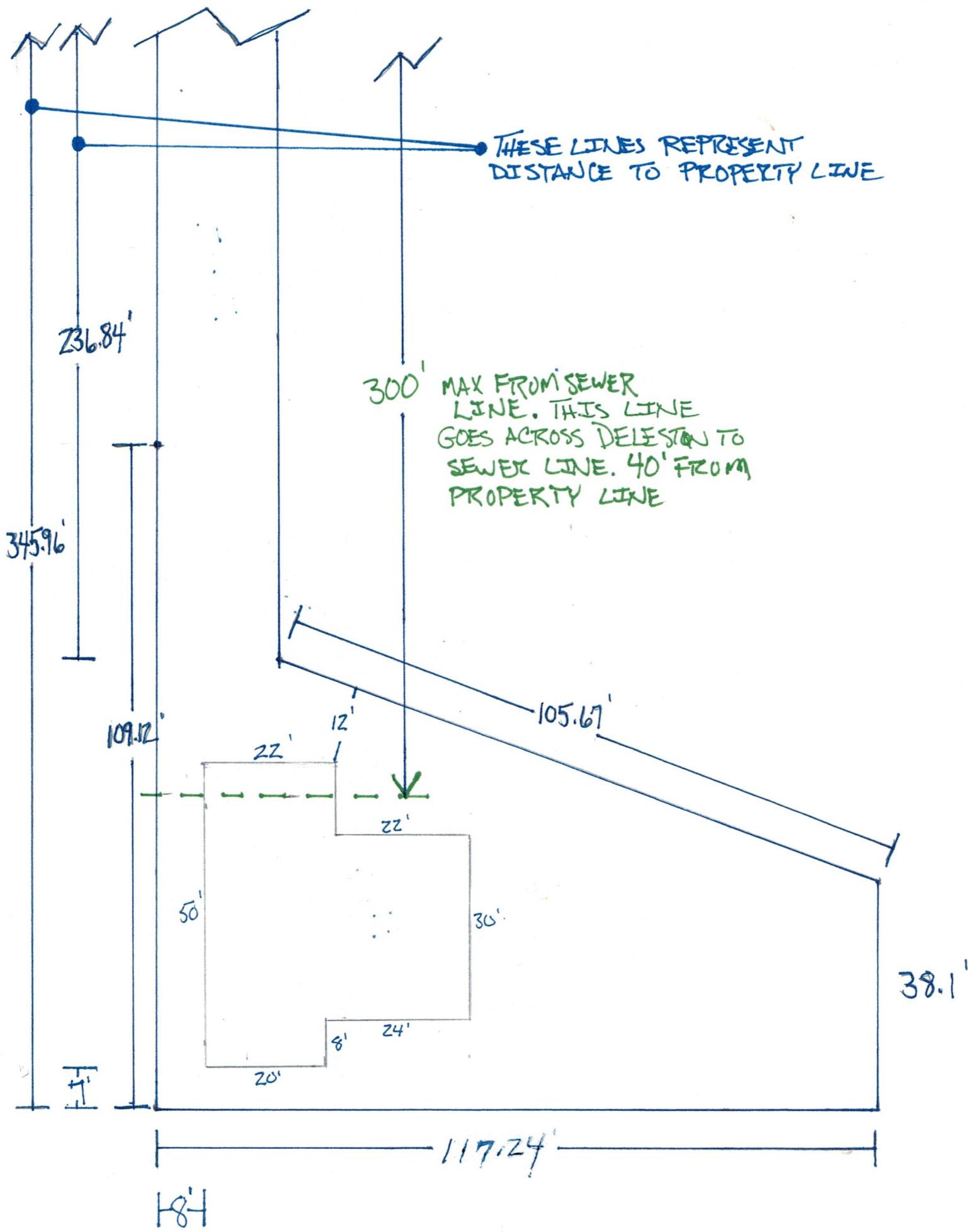
Staff Analysis: Staff are recommending approval of the variance due to the conditions created by the ordinance unreasonably restricting the property. The setbacks occupy the majority of the buildable area of the lot and prevent any proposed home from having access to public sewer.

Attachments:

- Zoning Map
- Site Map
- Application

Staff Contact: Christopher Swalhah, Senior Zoning Planner, swalhahc@charleston-sc.gov







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

Page 1 of 2

City of Charleston

Instructions – NOTE: APPLICATION PROCEDURE HAS CHANGED. This application, along with the required information, must be submitted in PDF format to BZA-Z@charleston-sc.gov. Applicant will then be invoiced for fee. **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.

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- 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: _____

Property Address 0 Deleston TMS # 334-15-00-072

Property Owner Lazelle Walker Daytime Phone _____

Applicant Thomas P. King, III Trey Daytime Phone 843-270-7782

Applicant's Mailing Address 760 Sterling Dr

Charleston, SC 29412 E-mail Address Kingconstructionsc@gmail.com

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

Zoning of property RR-1

Information required with application: (check information submitted)

- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plan
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for density variances and building additions, unless exempted by the Zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- 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 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 Thomas P. King, III Date 12/8/2025

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

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):

I have two issues. First is that I cannot find any normal plan that will fit inside these setbacks and allow for a normal family standard of living.

Second, given these setbacks I cannot fit a home inside the setbacks and comply with the maximum "300'" rule that is now in place at JIPSD. What that means is the footprint of the home must be within 300' of the available sewer line. I will demonstrate on a survey where that line is and where the footprint of the home needs to be. This is critical because the lot itself is not big enough to be considered for any kind of septic system so public sewer access is mandatory.

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):

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.



**CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING**

ADDRESS

15 Bedons Aly.

January 20, 2026 | 5:15pm

Case Number: BZA2026-002259

Subject Property: 15 Bedons Aly. / TMS# 458-09-03-087

Zoning District: SR-5

Property Owner: Elizabeth C. Simmons

Applicant: Sebastian Von Marschall Architect, LLC

Requested Action: Request variance from Sec. 54-301 to exceed maximum lot coverage (44.8% proposed, 35% allowed) to build a detached single-family home.

Project Description: Applicant is requesting a variance to exceed the maximum allowed lot coverage for the construction of a detached single-family home on a vacant lot.

Case History: On February 15th, 2022, this property received a variance from Sec. 54-301 to exceed the maximum lot coverage to build a detached single-family home (42% proposed). After the approval, the applicant discovered a surveying error which affected the final calculation of the proposed lot coverage; increasing it from 42% to 44% to build the originally proposed detached single-family home.

Applicable Sections of Zoning Ordinance: [Sec. 54-301](#) Height, area and setback regulations
The setbacks for the SR-5 Zoning District are as follows:
Front: NR
Rear: 3'
South/West: 7'
North/East: 3'
Maximum Lot Coverage: 35%

Variance Test/Findings of Fact: *The following is excerpted from Section 54-924 of the City of Charleston Zoning Ordinance. This test is based on S.C. Code Ann. § 6-29-800. 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:*

Applicant Responses: 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
A zoning variance for lot coverage (35% allowed, 42% previously requested) was approved at the February 15, 2022 BZA-Z Meeting. That lot

coverage variance was based on a site plan (A101 Site Plan, Previously Approved at 2.15.2022 BZA Meeting) drawn by Martin Delo for Elizabeth C. Simmons, the same/ current owner. This site plan was drawn incorrectly, and did not accurately reflect the boundaries of the property, although the lot size (5298.5 sf) was accurate. As a result, the setbacks drawn from the incorrect property boundaries led to a smaller buildable area than was actually allowed, while maintain the lot size. This resulted in a building footprint that was designed to meet these incorrect building setbacks which resulted in a lower lot coverage variance request.

2. These conditions do not generally apply to other property in the vicinity;
The error was discovered after the surveyor marked the location for the building piles and the footings were installed. At this time, it was discovered that the lot was in fact approximately 11' deeper and 3' wider than previously known. Because of the error, the building is in fact located further from the North property line (3' required and previously approved, 5'-2 1/8" existing) and East (front) property line (0' required at street front, 2' previously approved, 3'-7" existing) than originally anticipated. The applicant feels that this additional relief is a benefit to the neighbors and the community and street by providing more space than was originally anticipated and approved at the February 15, 2022 BZA-Z Meeting
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
The design of the building originally assumed the use of the full extent of the buildable area and setbacks. The accurate survey shows that this was not the case, and that the correct width and depth of the site provide the opportunity to extend the building footprint, without a negative effect on the neighbors.
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.
As mentioned above, additional relief has been provided to neighbors on the North side and from the Street to the East. The requested additional lot coverage (35% allowed, 42% previously requested, 44.8% revised request) is located entirely at the rear of the property, where additional depth exists on the site. The additional lot coverage in the form of a proposed addition to the previously approved building does not encroach any further upon the rear (West) neighbor or the rear (West) lot line (3' required) as it did in the original design. As a result, the impact of the revised property dimensions and lot coverage variance revision does not negatively impact the neighbors or the community. The design always assumed the building was going to be built 3' from the rear (West) property line. In fact, the additional setback to the North and the East beyond what is required and what was previously approved is a net benefit to the neighborhood.

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)

Staff Recommendation: Recommends Approval

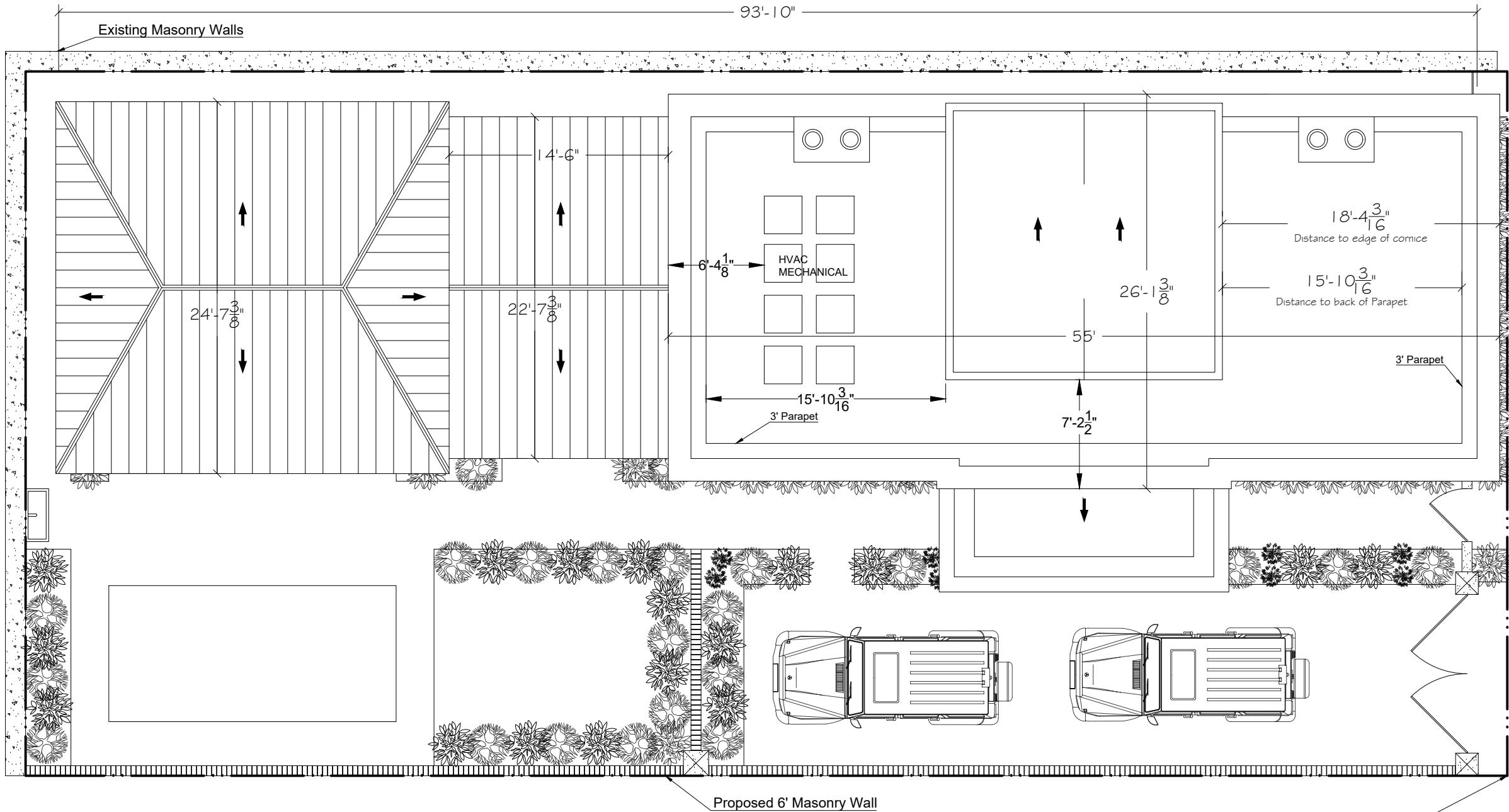
Staff Analysis: Staff are recommending approval of the variance request due to the prior approval granted on this property the home of the same design.

Attachments:

- *Zoning Map*
- *Site Map*
- *Application*

Staff Contact: Christopher Swalhah, Senior Zoning Planner, swalhahc@charleston-sc.gov





Site Plan

Scale: $\frac{1}{8}$ " = 1'-0"

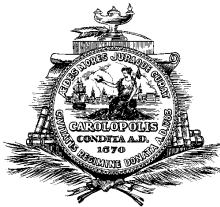
PREVIOUSLY APPROVED AT 2.15.2022 BZA MEETING

A101

12-Jan-22

15 BEDON'S ALLEY
CHARLESTON, SC

DRAWN BY:
MARTYN DELO



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

Page 1 of 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 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: December 16, 2025

Property Address 15 Bedons Alley, Charleston, SC 29401 TMS # 458-09-03-087

Property Owner Elizabeth C. Simmons Daytime Phone 843.790.4924

Applicant Sebastian von Marschall Architect, LLC Daytime Phone 843.790.4924

Applicant's Mailing Address 39 Broad Street, Suite 100, Charleston, SC 29401

E-mail Address sebastian@svmarchitect.com

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

Zoning of property SR-5

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 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 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

Date

11.04.2025

For office use only

Date application received _____

Staffperson _____

Fee \$ _____

Time application received _____

Receipt # _____

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 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):

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.



**CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING**

**80 S. Battery St.
VARIANCE CASE SUMMARY
January 20, 2026 | 5:15pm**

Case Number: BZA2026-002264
Subject Property: 80 S Battery St. / TMS# 457-11-02-037
Zoning District: SR-2
Property Owner: Teresa J. Tarrant Trust
Applicant: Sebastian Von Marchall Architect, LLC

Requested Action: Request a variance from Sec. 54-301 to build an addition with an 8' rear setback and a 3' south side setback (25' and 9' required).
Project Description: The applicant is requesting a variance from the rear and south side setbacks to build an addition on the ground floor composed of a master bedroom, master bathroom, closet, sitting room, and an uncovered porch. The intent of the addition is to provide a bedroom suite for the property owners to age in place.

Case History:

Applicable Sections of Zoning Ordinance: [Sec. 54-301](#) Height, area and setback regulations
The setbacks for the SR-2 Zoning District are as follows:
Front: 25'
Rear: 25'
South/West: 9'
North/East: 9'

Variance Test/
Findings of Fact: The following is excerpted from Section 54-924 of the City of Charleston Zoning Ordinance. This test is based on S.C. Code Ann. § 6-29-800. 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:

Applicant Responses: 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
The aging owners have explored various options to maintain access to a bedroom suite, by adding an elevator to the existing second floor bedrooms, and by adding a new Master Bedroom on the first floor. Adding an elevator was deemed to be unfeasible in the historic building envelope and an addition is being explored. In conversation with the city zoning staff, aging in place was

discussed as being reasonable grounds for a zoning variance request. The proposed addition is designed for this purpose, and includes door openings and floor areas that are sized for wheelchair access and maneuverability

2. These conditions do not generally apply to other property in the vicinity;
An existing swimming pool and garage structure limit the potential locations for an addition of sufficient size to accommodate a bedroom, closet and bathroom that meet these accessibility requirements. In addition, a level change within the first floor of the existing house limits the possibility of renovating the interior of the first floor to include a bedroom suite.
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
If an addition with a Master Bedroom cannot be added this location, it would be challenging for the owners to continue using the house, as climbing stairs to the bedroom would become unfeasible.
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.
The neighbors who are impacted directly by the proposed addition (immediately to the West and immediately to the North) have signed letters supporting the request. The addition is proposed at the rear of the structure and is designed to be subordinate in scale to the main house. It would have limited visibility from the public right of way in keeping with best practices in renovations and additions of historic structures

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)

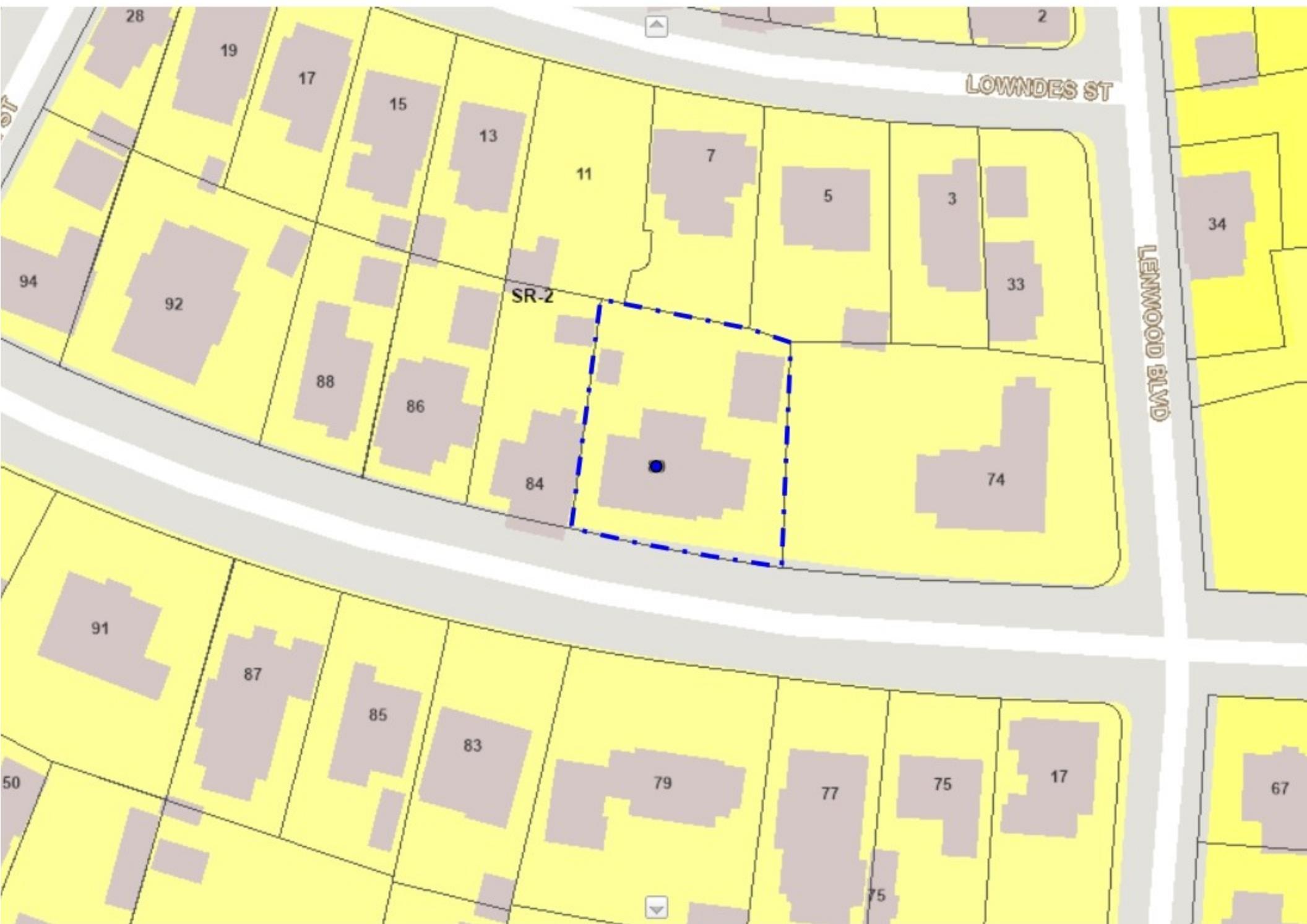
Staff Recommendation: Recommends Denial

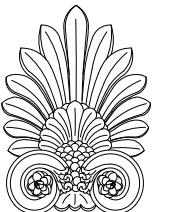
Staff Analysis: Staff are recommending denial of the variance request due to the application not meeting the four tests of hardship. Staff acknowledges and supports the property owner's desire to remain in their home as they age. However, staff has determined that the zoning ordinance preventing an addition at this size and scale does not constitute an unreasonable restriction on the use of the property.

Attachments:

- Zoning Map
- Site Map
- Application

Staff Contact: Christopher Swalhah, Senior Zoning Planner, swalhahc@charleston-sc.gov

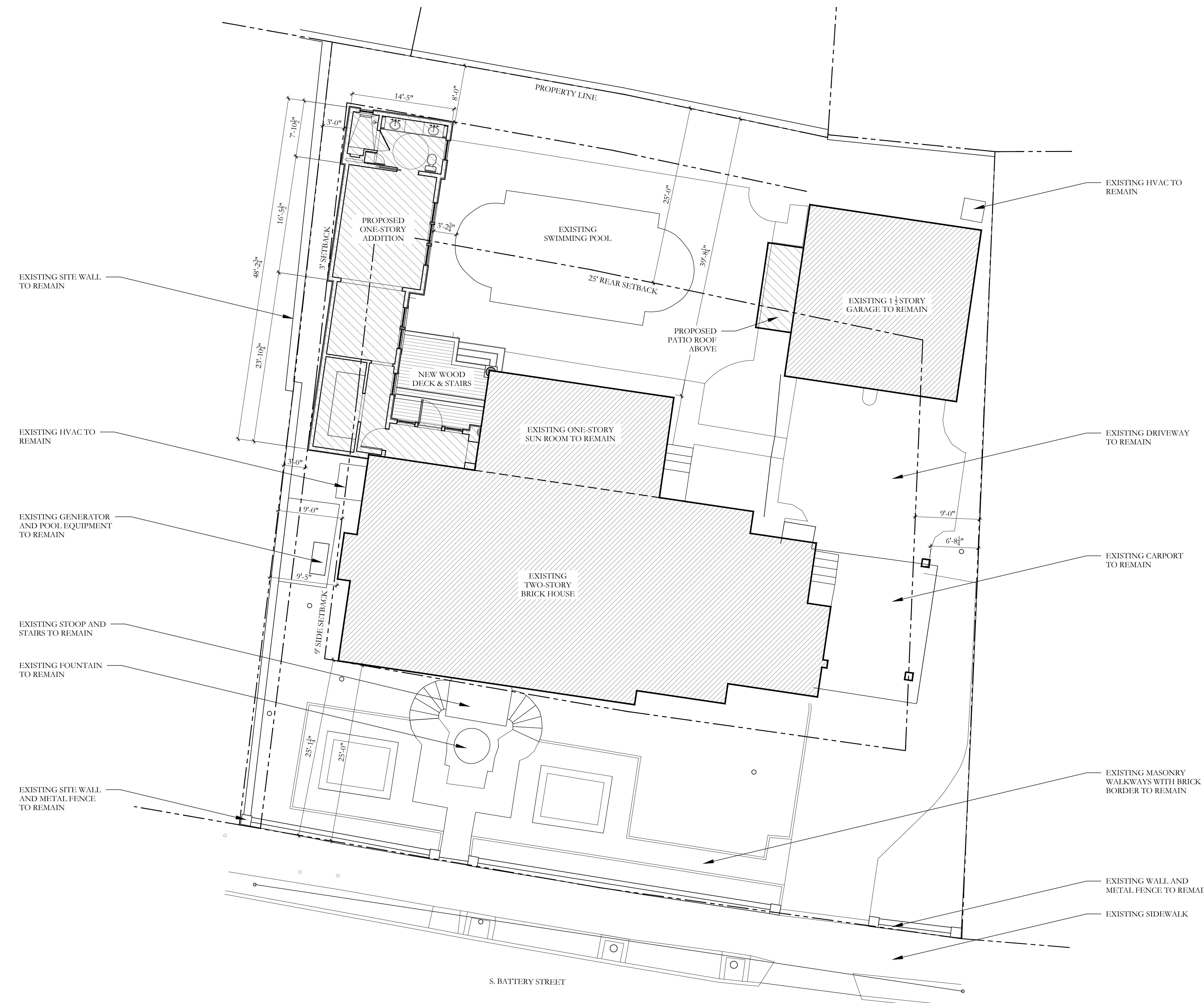




SEBASTIAN von MARSCHALL
ARCHITECT

Sebastian@SvMArchitect.com

LOT COVERAGE ANALYSIS - PROPOSED	
50.00% = MAX. ALLOWABLE LOT COVERAGE	
2190	= EXISTING CONDITIONED AREA
247	= EXISTING CARPORT
592	= EXISTING GARAGE
3029	= SUBTOTAL
657	= PROPOSED MASTER SUITE (CONDITIONED)
60	= PROPOSED PATIO ROOF ADDITION TO GARAGE
3746	= TOTAL LOT COVERAGE - PROPOSED
3746	= TOTAL LOT COVERAGE - PROPOSED
10781	= LOT AREA
34.46%	= DESIGNED LOT COVERAGE



01 PROPOSED SITE PLAN
A-100 1/8" = 1'-0"

BZA-Z APPLICATION & REVIEW 1.20.2026
Issue: Date:

Project:
80 South Battery
Charleston, SC
29401

SITE PLAN - PROPOSED
Scale: 1/8" = 1'-0" Drawing No.
Date: 1.9.2025
Drawn By: SvM, BAH
Project No: 24028
A-100



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

Page 1 of 2

City of Charleston

Instructions – NOTE: APPLICATION PROCEDURE HAS CHANGED. This application, along with the required information, must be submitted in PDF format to BZA-Z@charleston-sc.gov. Applicant will then be invoiced for fee. **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 20, 2026

Property Address 80 South Battery Street TMS # 457-11-02-037

Property Owner Teresa J. Tarrant Trust Daytime Phone 843.412.6655

Applicant Sebastian von Marschall Architect, LLC Daytime Phone 703.589.4821

Applicant's Mailing Address 39 Broad Street, Suite 100, Charleston, SC 29401

E-mail Address sebastian@svmarchitect.com

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

Zoning of property SR-2

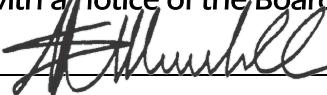
Information required with application: (check information submitted)

- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plan
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for density variances and building additions, unless exempted by the Zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- 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 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  Date December 5, 2025

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

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):

Please see attached page for Variance Test description.

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):

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.



**CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING**

19 Sheridan Rd.
VARIANCE CASE SUMMARY
January 20, 2026 | 5:15pm

Case Number: BZA2026-002264

Subject Property: 19 Sheridan Rd. / TMS# 421-05-00-060

Zoning District: SR-1

Property Owner: Robert Banks Marion

Applicant: Robbie Marty

Requested Action: Request variance from Sec. 54-506.f.4 to construct a second-story addition on a detached garage with a height of 21' 5" (11' allowed).

Project Description: The applicant is requesting a variance Sec 54-506.f.4 to allow the construction of a second-story addition onto an existing detached garage. The height of the garage is limited to 11' per Sec. 54-506.f.4 due to the existing home being 1 1/2 stories. The existing garage meets the requirements for an exception to the side setbacks allowing it to be in its current location. However this exception has additional requirements which limit the height of the detached garage based on the number of stories of the principal structure.

Case History:

Applicable Sections
of Zoning Ordinance:

Sec. 54-506.f.

Exception to side and rear setback requirements for accessory buildings exceeding a footprint of 100 square feet. Notwithstanding the setback requirements of this Chapter, accessory buildings meeting all the conditions listed below, shall be allowed to encroach to within three (3) feet of interior side and rear property lines, except when those property lines abut marshes, rivers or lakes, in which case setback requirements for principal buildings relative to those abutting or encroaching property lines shall apply to all buildings.

4. Accessory building height shall not exceed one and one-half (1 1/2) stories and a maximum eave height of eleven (11) feet unless the principal building is two (2) or more stories, in which case the accessory building shall not exceed two (2) stories and a total height of 24 feet measured from the ground to the peak of a gable, hipped, or shed roof. For the purposes hereof, a crawl space in the principal building exceeding six (6) feet in height shall count as a story;

Variance Test/
Findings of Fact:

The following is excerpted from Section 54-924 of the City of Charleston Zoning Ordinance. This test is based on S.C. Code Ann. § 6-29-800. 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:

Applicant Responses:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

THE HOMES IN THIS NEIGHBORHOOD ARE A VARIETY OF BRICK ONE- AND TWO-STORY STRUCTURES. THIS HOME IN PARTICULAR STARTED AS A SIMPLE ONE-STORY STRUCTURE. OVER THE YEARS IT THE FOOTPRINT HAS EXPANDED AND THE UPPER LEVEL HAS BEEN UTILIZED AS LIVING SPACE, CREATING A 1 ½ STORY STRUCTURE. ALTHOUGH, IN THE STRICT INTERPRETATION OF THE ZONING ORDINANCE IT IS CONSIDERED A 1 ½ STORY STRUCTURE, IT APPEARS, PARTICULARLY FROM THE SIZE VIEW AS A TWO-STORY STRUCTURE. THE ACCESSORY DWELLING ORDINANCE STATES THAT THE EAVE HEIGHT OF AN ACCESSORY BUILDING MAY NOT EXCEED 11 FEET. THE NATURE OF THIS PARTICULAR LANGUAGE IN THE ORDINANCE IS TO PROTECT THE HISTORIC NATURE OF EXISTING PROPERTIES WHERE THE PRIMARY STRUCTURE WOULD TYPICALLY BE THE TALLER BUILDING AND ANY ACCESSORY BUILDINGS WOULD BE LOWER AND SUBSERVIENT. THE GARAGE HAS A PRIMARY ROOF EAVE HEIGHT OF LESS THAN 11 FEET. WHILE DORMERS ARE REQUIRED TO ACHIEVE USABLE INTERIOR HEADROOM, THEIR PRESENCE RESULTS IN AN ORDINANCE INTERPRETATION THAT TREATS THE STRUCTURE AS EXCEEDING AN 11-FOOT EAVE HEIGHT. IN THIS CASE, HOWEVER, THE TECHNICAL INTERPRETATION DOES NOT REFLECT THE BUILDING'S ACTUAL SCALE OR APPEARANCE. THE PORTION OF THE GARAGE VISIBLE FROM THE STREET IS THE GABLE END, WHICH HAS AN EAVE HEIGHT OF 10 FEET 11 INCHES. FURTHERMORE, THE STREET VIEW OF BOTH THE PRIMARY RESIDENCE AND THE GARAGE IS FROM THE SIDE, WHERE THE PRIMARY RESIDENCE CLEARLY READS AS THE LARGER AND DOMINANT STRUCTURE. AS A RESULT, THE GARAGE REMAINS VISUALLY SUBORDINATE TO THE PRIMARY BUILDING, CONSISTENT WITH THE INTENT OF THE ORDINANCE.

2. These conditions do not generally apply to other property in the vicinity;
THIS CMU BLOCK GARAGE IS PRETTY TYPICAL IN THIS NEIGHBORHOOD. THE HOMEOWNER WOULD LIKE TO CONSTRUCT AN UPPER LEVEL ON THE GARAGE TO CREATE AN OFFICE/GUEST SUITE. THE FLOOR PLAN OF THE UPPER LEVEL CONTAINS A SMALL SITTING AREA/OFFICE, A CLOSET AND MODEST BATHROOM. THE ADDITION OF THE DORMERS TO THE ROOF STRUCTURE ARE NECESSARY TO MAKE THE SPACE USABLE.
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
THE DEFINITION OF A HALF STORY LIMITS THE DORMERS TO 50 PERCENT OF THE WIDTH OF THE EXTERIOR WALL BELOW THE DORMERS. APPLIED TO THIS PARTICULAR CASE, THIS WOULD REDUCE THE USABLE LIVING SPACE IN THE UPPER LEVEL OF THE GARAGE TO A 10 FOOT BY 11 FOOT AREA.
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.

THIS ACCESSORY BUILDING COMPLIES WITH THE ZONING ORDINANCE IN ALL OTHER ASPECTS. IT IS COMPLIANT IN SQUARE FOOTAGE, LOT COVERAGE, BUILDING SETBACKS, OVERALL BUILDING HEIGHT AND USE. THE ADDITION OF A USABLE SPACE OVER THE GARAGE IS TYPICAL IN THIS NEIGHBORHOOD. THE HOMEOWNER HAS SPOKEN TO HIS NEIGHBORS AND RECEIVED POSITIVE SUPPORT.

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)

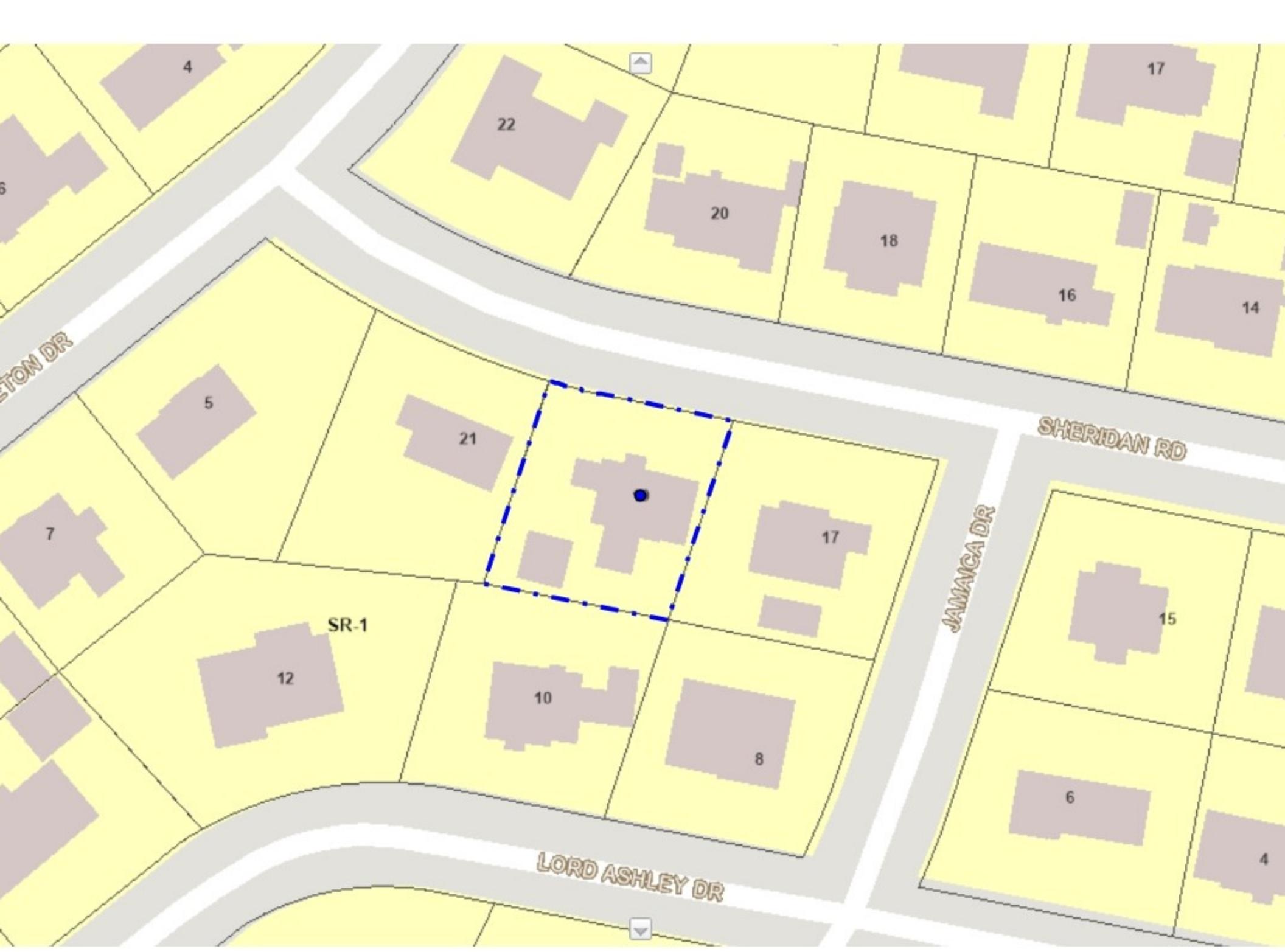
Staff Recommendation: Recommends Approval

Staff Analysis: Staff are recommending approval of the variance request due to the application meeting the requirements to prove an unnecessary hardship. The intent of the height limitation for detached accessory buildings is to prevent an accessory building from dwarfing the existing home. Due to the existing home being a 1 1/2 story home similar in height to the proposed detached garage addition the strict application of the ordinance unreasonably restricts the usage of the property.

Attachments:

- Zoning Map
- Site Map
- Application

Staff Contact: Christopher Swalhah, Senior Zoning Planner, swalhahc@charleston-sc.gov

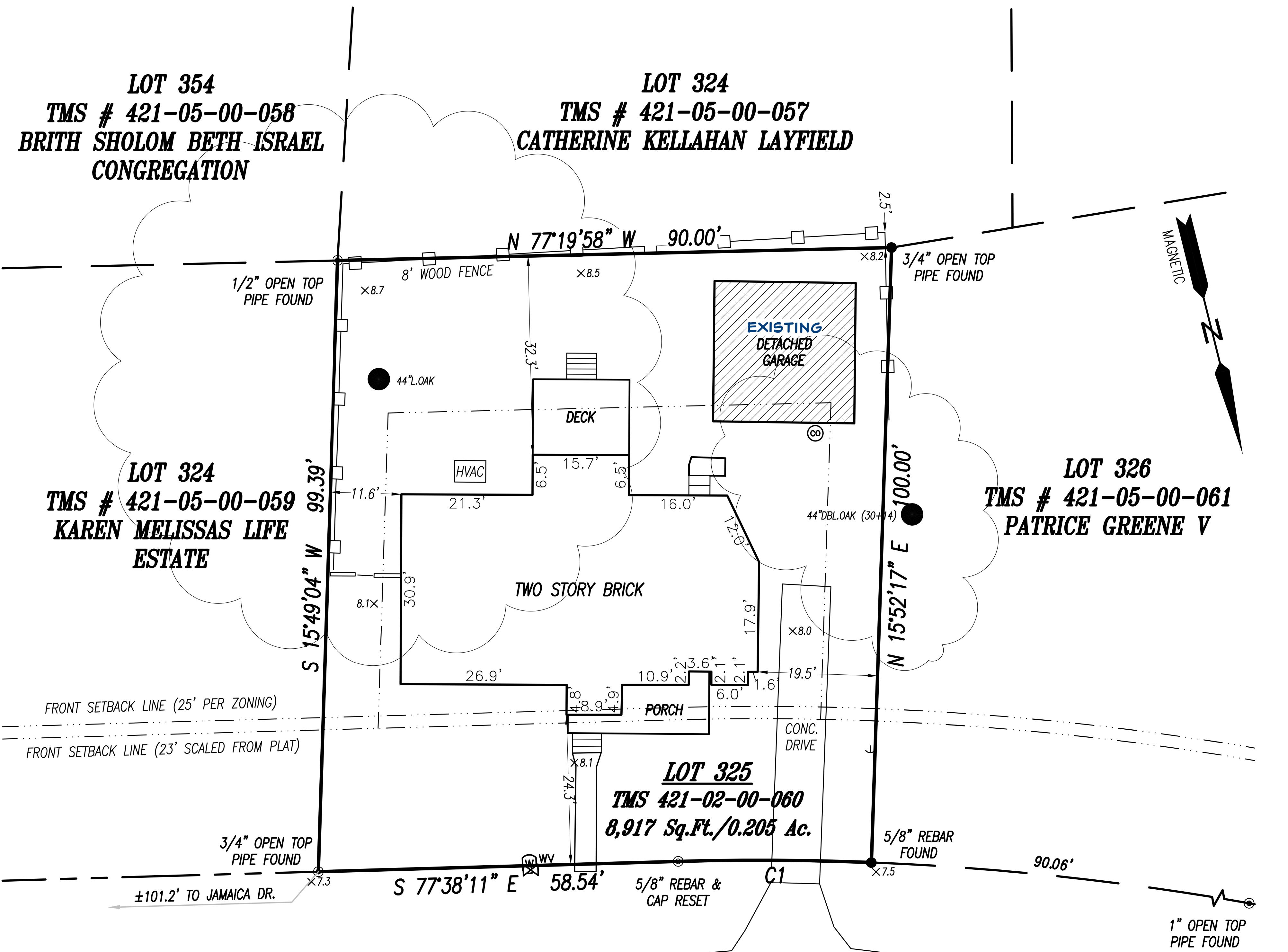


LOT 354
TMS # 421-05-00-058
BRITH SHOLOM BETH ISRAEL
CONGREGATION

LOT 324
TMS # 421-05-00-057
CATHERINE KELLAHAN LAYFIELD

LOT 324
TMS # 421-05-00-059
KAREN MELISSAS LIFE
ESTATE

LOT 326
TMS # 421-05-00-061
PATRICE GREENE V



ZONING: SR-1
SETBACKS:
FRONT: 25'
REAR: 25'
SIDE: 9'

SITE PLAN
SCALE: 1"=10'

TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH THE HOMEOWNER'S AND/OR BUILDER'S SPECIFICATIONS AND ANY CHANGES MADE TO THEM AFTER PRINTS ARE MADE WILL BE DONE AT THE HOMEOWNER'S AND/OR BUILDER'S EXPENSE AND RESPONSIBILITY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ENCLOSED DRAWINGS PRIOR TO CONSTRUCTION. COOK DESIGN STUDIO, INC. IS NOT LIABLE FOR ERRORS ONCE CONSTRUCTION HAS BEGUN. WHILE EVERY EFFORT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO AVOID MISTAKES, THE MAKER CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND OTHER DETAILS PRIOR TO CONSTRUCTION AND IS SOLELY RESPONSIBLE THEREAFTER.

HOMEOWNER WILL TAKE THE NECESSARY PRECAUTIONS TO REMOVE OR RELOCATE ITEMS OF VALUE TO BE REUSED AND/OR SAVED, OR IN ANY DANGER OF BEING DAMAGED DUE TO CONSTRUCTION PROCESS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE BEFORE CONSTRUCTION BEGINS. ANY DISCREPANCIES SHALL BE REPORTED TO COOK DESIGN STUDIO, INC. FOR CORRECTIONS BEFORE PROCEEDING WITH CONSTRUCTION. CONTRACTOR AND/OR HOMEOWNER SHALL ASSUME RESPONSIBILITY FOR ERRORS THAT ARE NOT REPORTED.

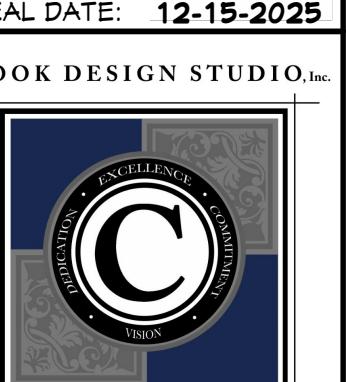
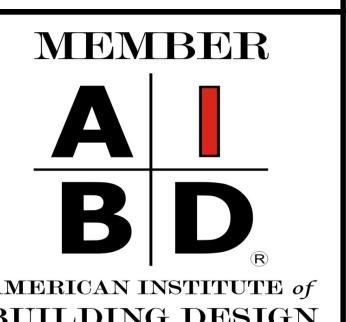
DRAWING NOTES:

1. DRAWINGS ARE NOT INTENDED TO BE SCALED.
2. EXISTING CONDITIONS TO BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
3. THE DESIGNER IS TO BE NOTIFIED OF ANY VARIATIONS FROM THE DRAWING SPECIFICATIONS.
4. ALL DRAWINGS AND SPECIFICATIONS INCLUDED IN THIS DRAWING SET ARE SPECIFIC TO THIS PARTICULAR SITE LOCATION/BUILDING AND ARE THE PROPERTY OF COOK DESIGN STUDIO, INC. ANY UNAUTHORIZED USE OR REPRODUCTION OF THIS INFORMATION IS SUBJECT TO LEGAL PROSECUTION.

NO.	DATE	REVISIONS
1	12-15-2025	RELEASED FOR PERMITTING
2	12-15-2025	UPDATE PER COUNTY

Banks Marion
19 Sheridan Road
Charleston, SC 29407

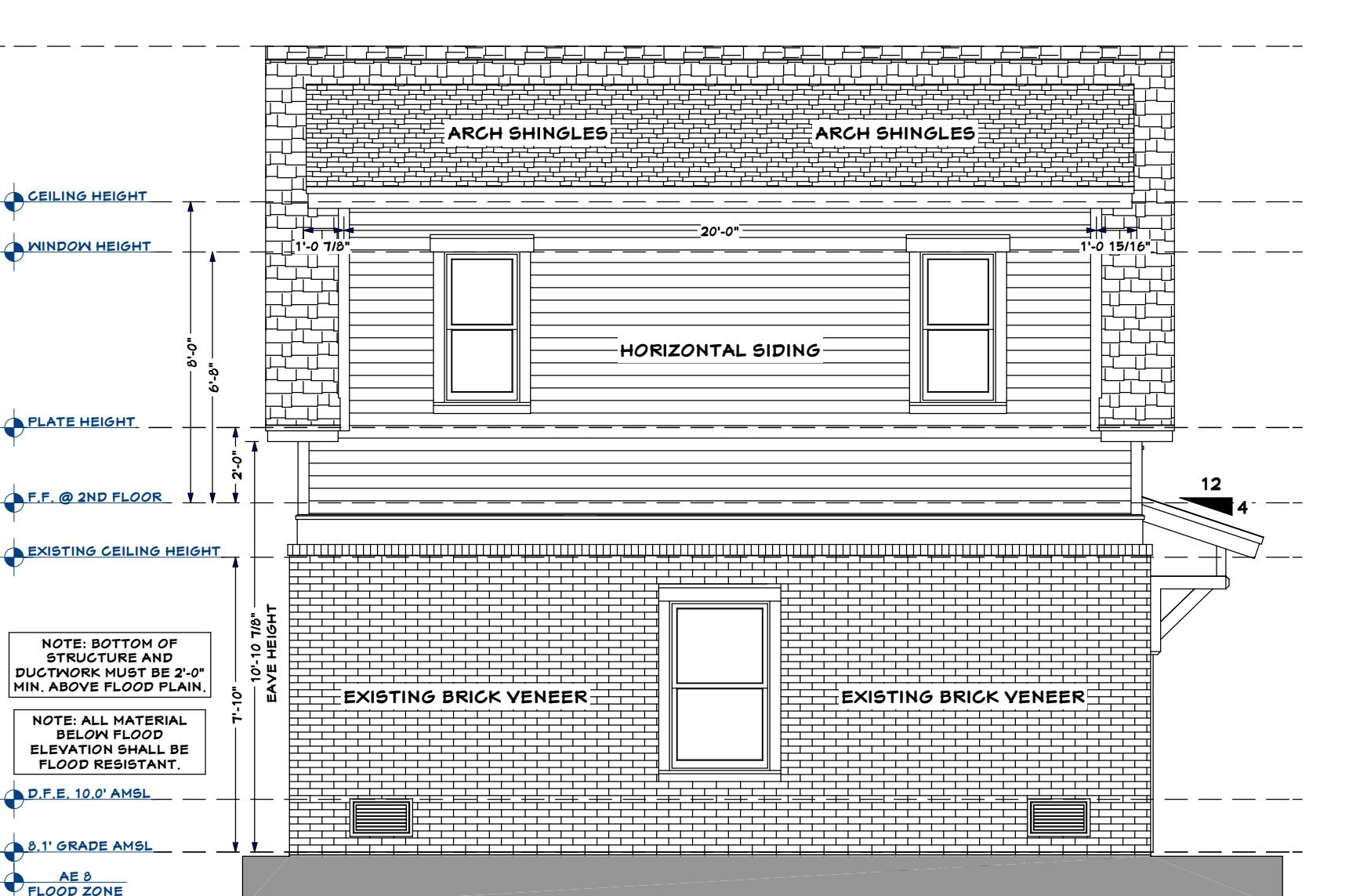
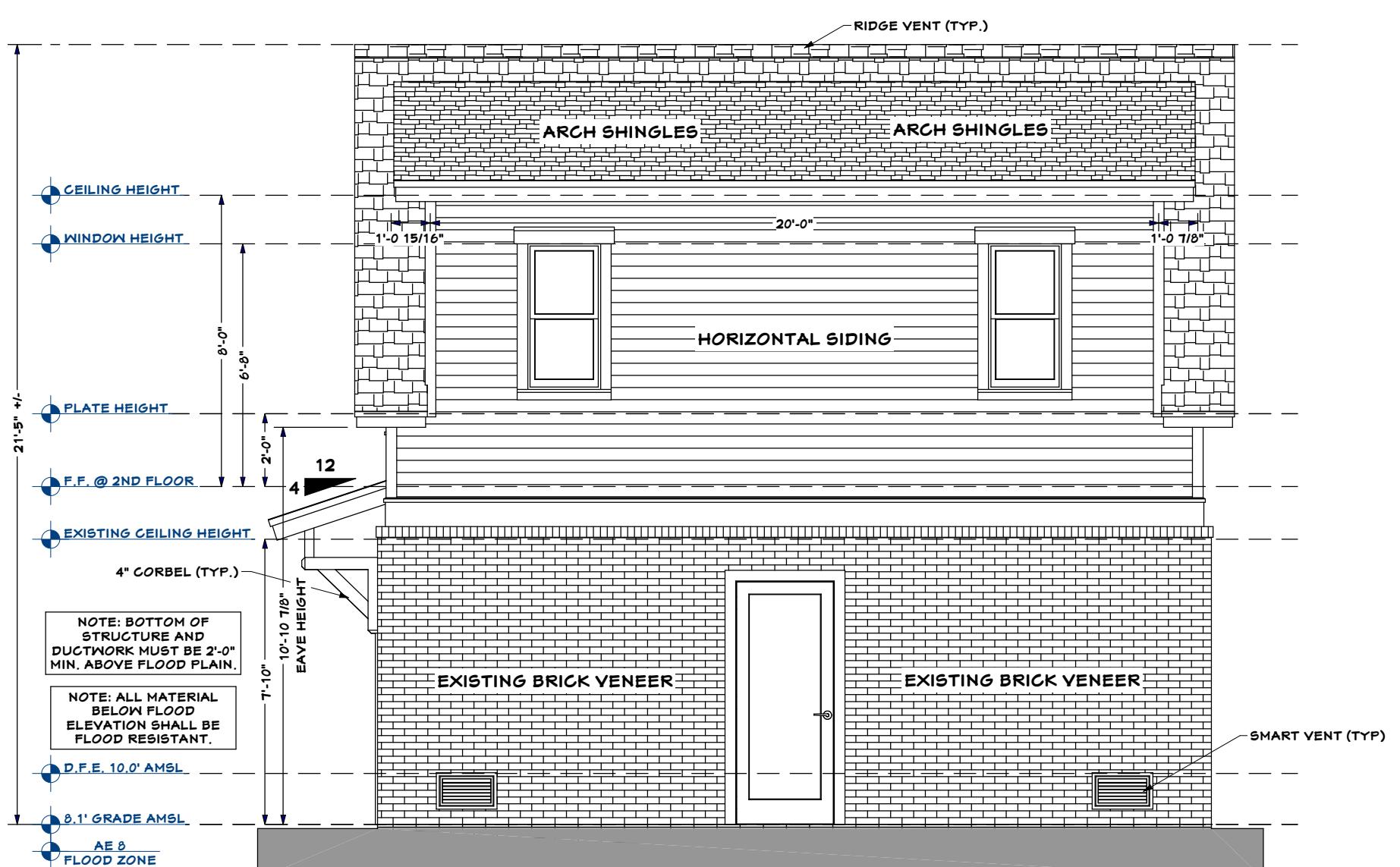
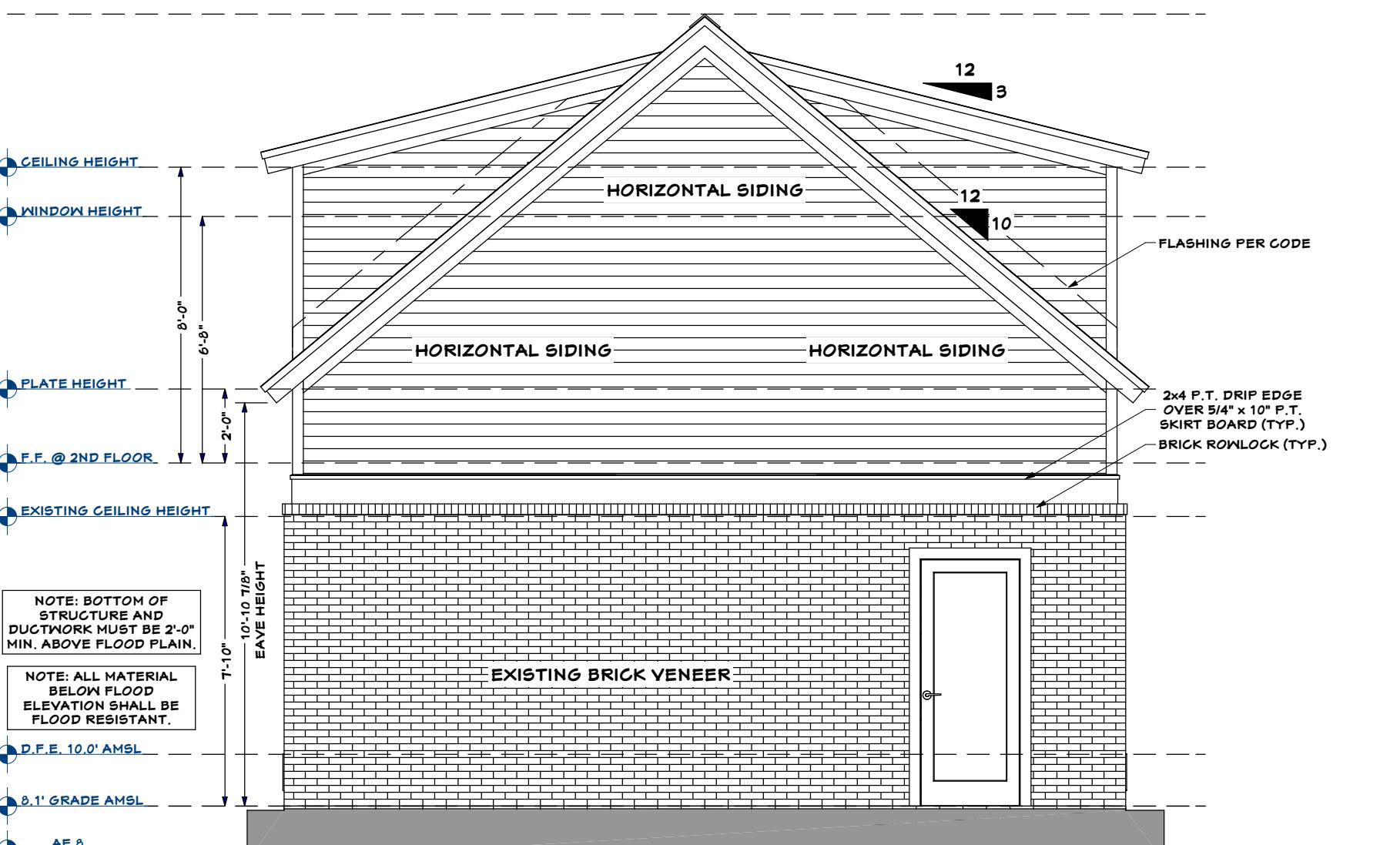
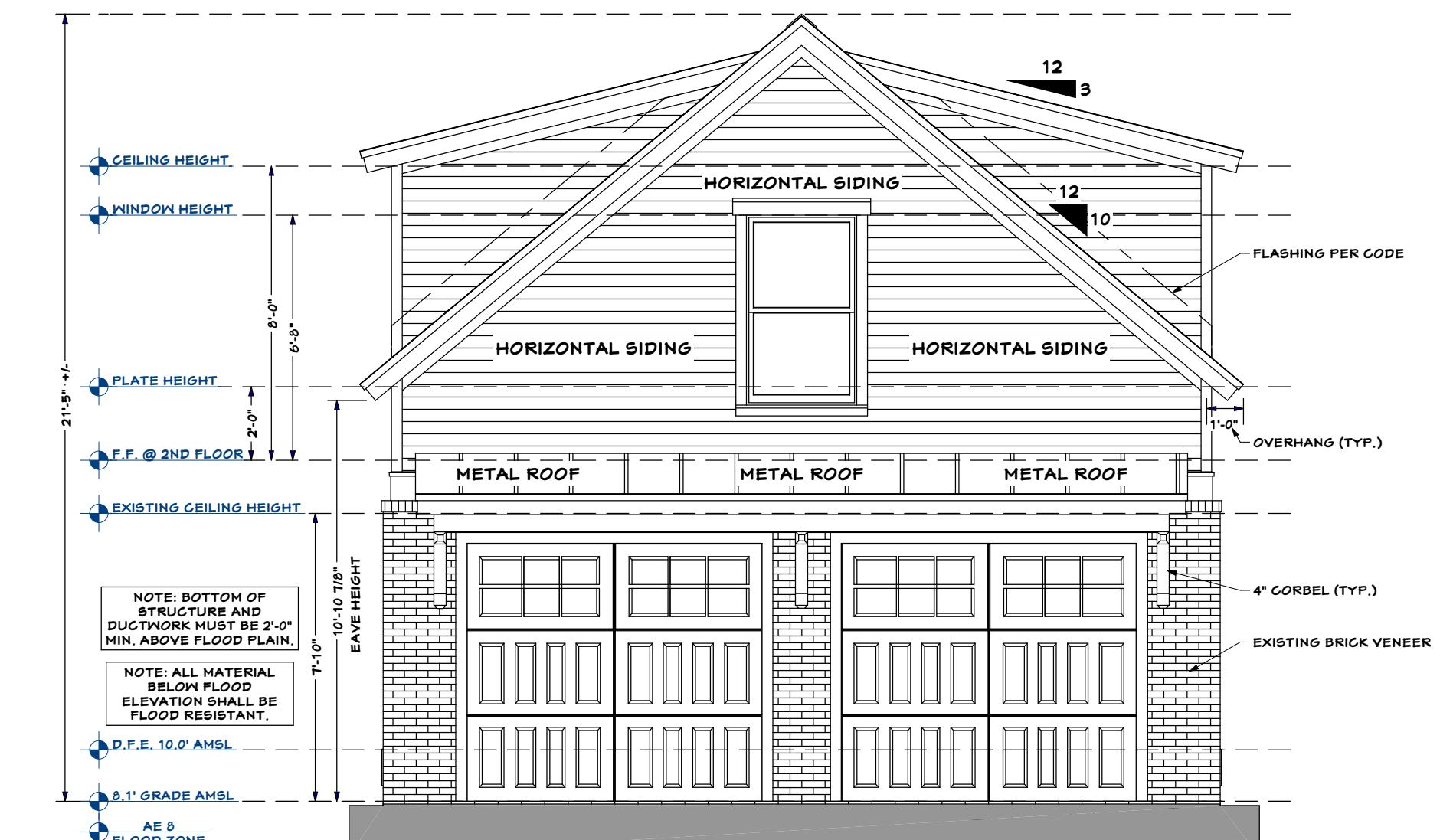
PREPARED FOR:



DRAWN BY: **BSG**
CHECK BY: **WNB**
JOB: 6056-175-2025
DATE: 12-15-2025

C001

THIS SITE PLAN IS NOT AN OFFICIAL SURVEY OF THE PARCELS REPRESENTED HEREIN; IT IS INTENDED TO BE USED FOR LAYOUT PURPOSES ONLY.



TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH THE HOMEOWNER'S AND/OR BUILDER'S SPECIFICATIONS AND ANY CHANGES MADE TO THEM AFTER PRINTS ARE MADE WILL BE DONE AT THE HOMEOWNER'S AND/OR BUILDER'S EXPENSE AND RESPONSIBILITY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ENCLOSED DRAWINGS PRIOR TO CONSTRUCTION. COOK DESIGN STUDIO, INC. IS NOT LIABLE FOR ERRORS ONCE CONSTRUCTION HAS BEGUN. WHILE EVERY EFFORT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO AVOID MISTAKES, THE MAKER CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND OTHER DETAILS PRIOR TO CONSTRUCTION AND IS SOLELY RESPONSIBLE THEREAFTER.

HOMEOWNER WILL TAKE THE NECESSARY PRECAUTIONS TO REMOVE OR RELOCATE ITEMS OF VALUE TO BE REUSED AND/OR SAVED, OR IN ANY DANGER OF BEING DAMAGED DUE TO CONSTRUCTION PROCESS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE BEFORE CONSTRUCTION BEGINS. ANY DISCREPANCIES SHALL BE REPORTED TO COOK DESIGN STUDIO, INC. FOR CORRECTIONS BEFORE PROCEEDING WITH CONSTRUCTION. CONTRACTOR AND/OR HOMEOWNER SHALL ASSUME RESPONSIBILITY FOR ERRORS THAT ARE NOT REPORTED.

DRAWING NOTES:

1. DRAWINGS ARE NOT INTENDED TO BE SCALED.
2. EXISTING CONDITIONS TO BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
3. THE DESIGNER IS TO BE NOTIFIED OF ANY VARIATIONS FROM THE DRAWING SPECIFICATIONS.
4. ALL DRAWINGS AND SPECIFICATIONS INCLUDED IN THIS DRAWING SET ARE SPECIFIC TO THIS PARTICULAR SITE LOCATION/BUILDING AND ARE THE PROPERTY OF COOK DESIGN STUDIO, INC. ANY UNAUTHORIZED USE OR REPRODUCTION OF THIS INFORMATION IS SUBJECT TO LEGAL PROSECUTION.

NO.	DATE	REVISIONS
1	12-15-2025	RELEASED FOR PERMITTING
2	12-15-2025	UPDATE PER COUNTY

Banks Marion
19 Sheridan Road
Charleston, SC 29407

PREPARED FOR:



DRAWN BY: BSC
CHECK BY: WHB
JOB: 6056-175-2025
DATE: 12-15-2025

A201

THIS PLAN IS THE PROPERTY OF COOK DESIGN STUDIO, INC. THE PURCHASE OF THIS PLAN IS GRANTED THE RIGHT TO CONSTRUCT A TOTAL OF ONLY ONE (1) BUILDING OF THE SAME OR SIMILAR DESIGN. IT IS ILLEGAL TO REPRODUCE ANY PART OF THIS PLAN WITHOUT THE WRITTEN CONSENT FROM THE DESIGNER. CONSTRUCTION OF THIS PLAN IS TO BE IN ACCORDANCE WITH THE LOCAL ORDINANCES AND BLDG. CODES IN EFFECT AT THE TIME OF CONSTRUCTION. CONTRACTORS SHOULD CHECK ALL DRAWINGS PRIOR TO CONSTRUCTION.



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

Page 1 of 2

City of Charleston

Instructions – NOTE: APPLICATION PROCEDURE HAS CHANGED. This application, along with the required information, must be submitted in PDF format to BZA-Z@charleston-sc.gov. Applicant will then be invoiced for fee. **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 20, 2026

Property Address 19 Sheridan Rd. chs. SC 29407 TMS # 421-05-00-057

Property Owner Robert Banks Marion Daytime Phone 843-901-9257

Applicant Robert Banks Marion Daytime Phone 843-901-9257

Applicant's Mailing Address 19 Sheridan Rd. charleston, SC 29407

E-mail Address banks.marion@raymondjames.com

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

Zoning of property SR-1

Information required with application: (check information submitted)

- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plan
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for density variances and building additions, unless exempted by the Zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- 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 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 Robert B. Marion

Date 12/19/25

For office use only

Date application received _____
Staffperson _____ Fee \$ _____

Time application received _____
Receipt # _____

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):

Please, 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 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):

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.



**CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING**

207 Romney St.
VARIANCE CASE SUMMARY
January 20, 2026 | 5:15pm

Case Number: BZA2026-002266

Subject Property: 207 Romney St. / TMS# 463-15-02-054

Zoning District: DR-2F

Property Owner: Courtney Black & Robert Blews

Applicant: Courtney Black

Requested Action: Variance from Sec. 54-301 and Sec. 54-317 to build a detached single-family home with a 0' west side setback and 1 off-street parking space (7' and 2 spaces required).

Project Description: The applicant is requesting a variance from Sec-301 and Sec. 54-317 to reduce the required number of off-street parking spaces by 1 and to construct a single-family detached with a 0' west side setback encroachment. The area of the proposed home that is encroaching within the setback is a porch, deck and stairs leading to the homes entrance.

Case History: A variance from Sec. 54-301 and Sec. 54-317 to build a detached single-family home with a 0' west side setback and 1 off-street parking space (7' and 2 spaces required). Was granted on January 19th 2020 to build the home exactly as it is currently proposed, however the vested rights have expired. Therefore the applicant has re-applied for variance approval so that they may move forward with their previously approved home.

Applicable Sections
of Zoning Ordinance:

Sec. 54-317 Required number of off-street parking spaces by land use

USE		Number of Spaces Required
Residential		
-	One (1) family detached dwelling	2 per unit

Sec. 54-301 Height, area and setback regulations

The setbacks for the DR-2F Zoning District are as follows:

Front: 25'

Rear: 3'

South/West: 7'

North/East: 3'

Maximum Lot Coverage: 50%

Variance Test/
Findings of Fact:

The following is excerpted from Section 54-924 of the City of Charleston Zoning Ordinance. This test is based on S.C. Code Ann. § 6-29-800. 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:

Applicant Responses:

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)

Staff Recommendation: Recommends Approval

Staff Analysis: Staff recommend approval of the variance request due to the boards prior approval granted. There has been no alteration or change to the proposed home that was previously approved by the board.

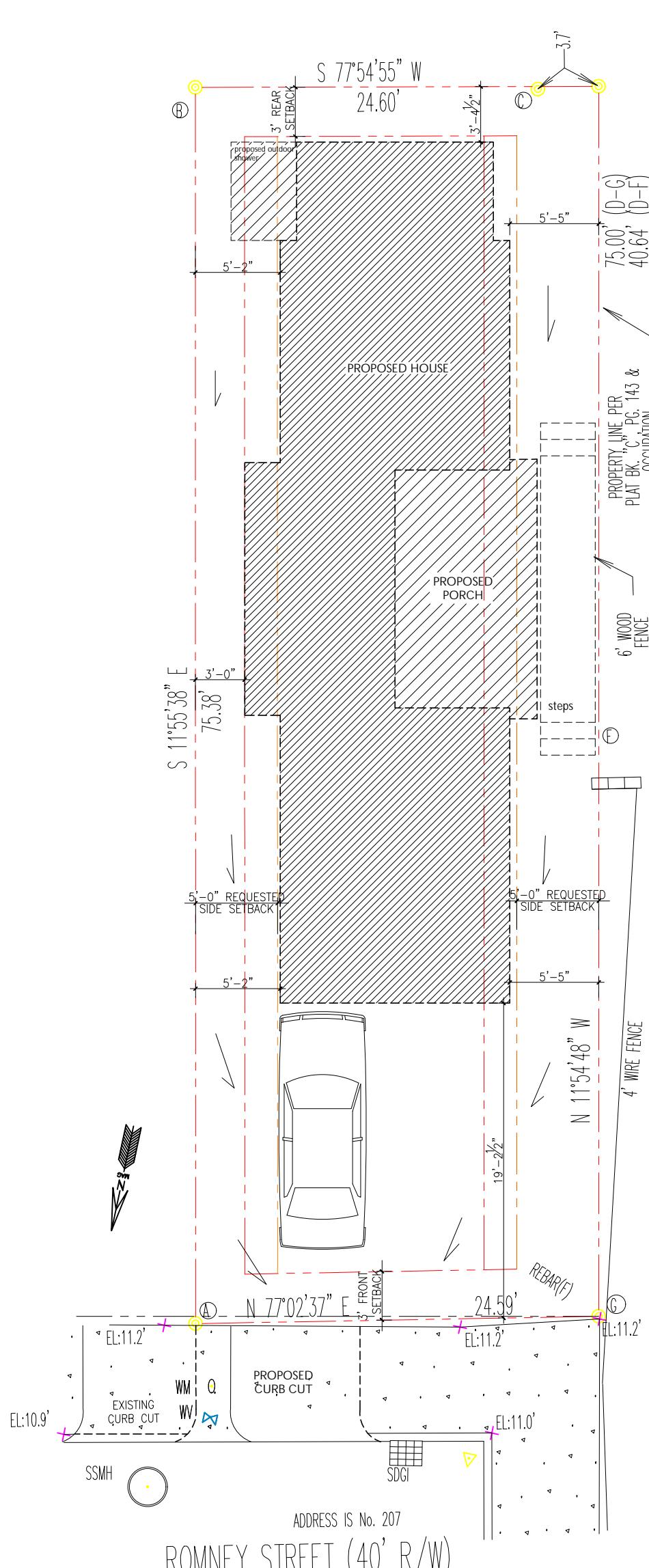
Attachments:

- *Zoning Map*
- *Site Map*
- *Application*

Staff Contact:

Christopher Swalhah, Senior Zoning Planner, swalhahc@charleston-sc.gov







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

Page 1 of 2

City of Charleston

Instructions – NOTE: APPLICATION PROCEDURE HAS CHANGED. This application, along with the required information, must be submitted in PDF format to BZA-Z@charleston-sc.gov. Applicant will then be invoiced for fee. **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: December 16, 2025

Property Address 207 Romney Street TMS # 463-15-02-053

Property Owner Courtney Black and Robert Blews Daytime Phone +64 22 6597218

Applicant Courtney Black Daytime Phone +64 22 6597218

Applicant's Mailing Address 473 Parnell Road Auckland New Zealand 1052

E-mail Address courtneykblack@gmail.com

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

Zoning of property DR-2F

Information required with application: (check information submitted)

- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plan
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for density variances and building additions, unless exempted by the Zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- 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 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 Courtney Black Date 11/19/2025

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

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):

Request special exemption under Sec. 54-501 to allow construction of a single-family residence with a 0-ft. west side setback (steps/landing) a 3-ft. total side setback (7-ft. and 10-ft. required).

Request variance from Sec. 54-317 to allow construction of a single-family residence with one off-street parking space (two spaces required). Zoned DR-2F.

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):

Request special exemption under Sec. 54-501 to allow construction of a single-family residence on a lot of insufficient sizee (Lot area 1,849sf; 2,500sf required).

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.



**CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING**

ADDRESS

221 Grove St.

January 20, 2026 | 5:15pm

Case Number: BZA2026-002259

Subject Property: 221 Grove St. / TMS# 460-11-02-015

Zoning District: SR-2

Property Owner: Owen Meislin

Applicant: Michael Fisher

Requested Action: Request a variance from Sec. 54-301 to build a 2-story rear addition with a 23' rear setback (25' required).

Project Description: Applicant is requesting a variance to build a 2-story rear addition with a 23' rear setback. The addition will be replacing an existing 2-story rear screened porch with conditioned floor space made up of a sunroom on the 1st floor and a master bathroom on the 2nd floor. The new 2-story addition will not exceed the footprint of the existing 2-story screened porch.

Case History:

Applicable Sections of Zoning Ordinance: [Sec. 54-301](#) Height, area and setback regulations
The setbacks for the SR-5 Zoning District are as follows:
Front: 25'
Rear: 25'
South/West: 9'
North/East: 9'
Maximum Lot Coverage: 50%

Variance Test/
Findings of Fact: *The following is excerpted from Section 54-924 of the City of Charleston Zoning Ordinance. This test is based on S.C. Code Ann. § 6-29-800. 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:*

Applicant Responses:

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

See Narrative

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

See Narrative .

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.

See Narrative

Narrative:

The addition of a wood window on West Elevation. Infill existing screen porch to the existing footprint. Doing so will allow the creation of an additional bathroom on the second floor that will better match the needs for aging in place. Infilling the porch on the first floor will allow for better enjoyment of viewing the backyard and landscaping throughout the year

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)

Staff Recommendation: Recommends Approval

Staff Analysis: Staff are recommending approval of the variance request due to the proposed 2-story addition not exceeding the footprint of the existing 2-story porch. Strict application of the zoning ordinance would unreasonably restrict the utilization of the property as it would deprive the property from space already occupied by an existing structure.

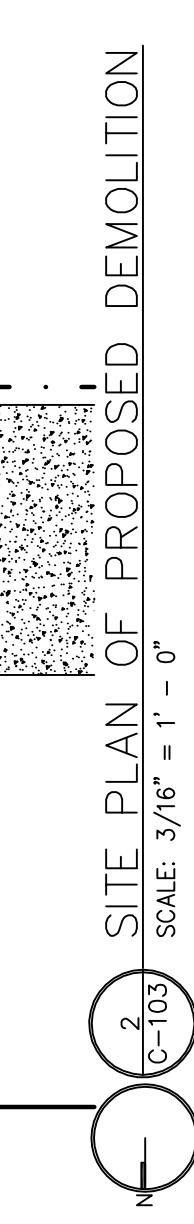
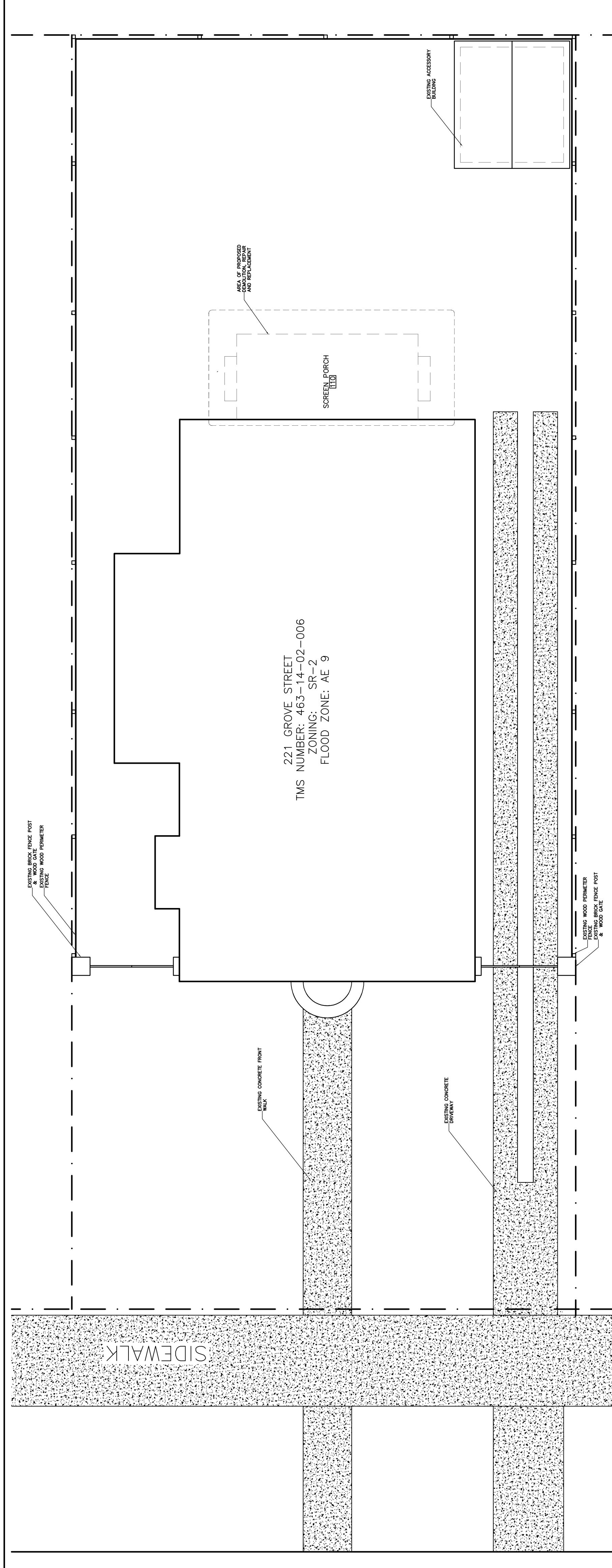
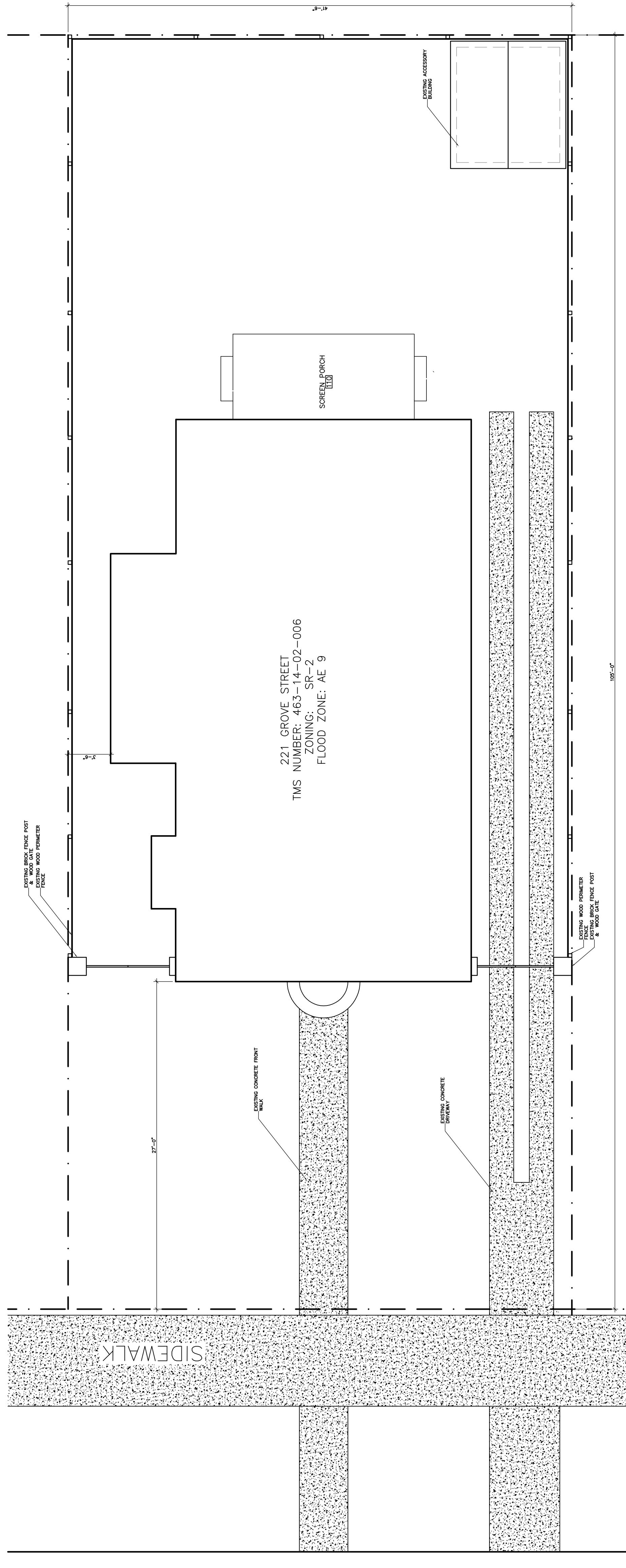
Attachments:

- Zoning Map
- Site Map
- Application

Staff Contact: Christopher Swalhah, Senior Zoning Planner, swalhahc@charleston-sc.gov



GROVE STREET



MARSHALL DESIGN BUILD, LLC
35 RICE DRIVE
CHARLESTON, SC 29407
tel: 843.367.3354
michaelmfisher@hotmail.com

NOTES:	ISSUE HISTORY:
1. CONTRACTOR TO VERIFY DIMENSIONS IN FIELD.	19 DEC 25 – ZONING SUBMITTAL
2. CONTRACTOR TO MEET ALL CODES & LAWS.	14 NOV 25 – HISTORIC DEMO SUBMITTAL
3. BASIS OF DESIGN IRC – 2021.	07 NOV 25 – BAR REVIEW
4. ALL NEW WALL DIMENSIONS ARE FACE OF STUD, UNLESS NOTED OTHERWISE.	15 OCT 25 – WTNA SUBMITTAL
5. DO NOT SCALE DIMENSIONS FROM PLANS.	15 OCT 25 – CLIENT REVIEW
	28 AUG 25 – BAR SUBMITTAL REVIEW
	02 JUL 25 – DESIGN DEVELOPMENT

PROJECT:
GROVE STREET RESIDENCE
221 GROVE STREET
CHARLESTON SC, 29403

19 DEC 25	11x17 DRAWINGS ARE 1/2 OF NOTED SCALE
DRAWING TITLE:	S TE

DRAWING NO:



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

Page 1 of 2

City of Charleston

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- Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: January 20, 2026

Property Address 221 Grove Street

TMS # 463-14-02-006

Property Owner Owen Meislin Daytime Phone 843.568.2668

Applicant Michael Fisher Daytime Phone 843.367.3354

Applicant's Mailing Address 35 Rice Drive Charleston, SC 29407

E-mail Address michaelmfisher@hotmail.com

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

Zoning of property SR-2

Information required with application: (check information submitted)

- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plan
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for a density variances and building additions, unless exempted by the Zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- 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 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 MO Fisher

Date 12.19.25

For office use only

Date application received _____

Time application received _____

Staffperson _____

Fee \$ _____

Receipt # _____

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):

The addition of a wood window on West Elevation. Infill existing screen porch to the existing footprint. Doing so will

allow the creation of an additional bathroom on the second floor that will better match the needs for aging in place.

Infilling the porch on the first floor will allow for better enjoyment of viewing the backyard and landscaping throughout

the year.

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)

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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 six (6) months has lapsed.



**CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING**

ADDRESS

1555 Juniper St.

January 20, 2026 | 5:15pm

Case Number: BZA2026-002270

Subject Property: 1555 Juniper St. / TMS# 350-03-00-185/186

Zoning District: DR-1

Property Owner: City of Charleston

Applicant: Heather Rusina

Requested Action: Request a variance from Sec. 54-301 to build an attached townhome with a 5' north setback (6' required) and to build 2 additional attached townhomes with lot areas of 1,305sqft and 1,302sqft (1500sqft required).

Project Description: Applicant is requesting a variance to build an affordable housing development comprised of 2-story townhomes. They are specifically requesting the variance from Sec. 54-301 for the proposed townhome on Lot F and the variance from the minimum lot size requirements for Lots E & D.

Case History:

Applicable Sections of Zoning Ordinance: [Sec. 54-301](#) Height, area and setback regulations
The setbacks for the DR-1 Zoning District are as follows:
Front: NR
Rear: 3'
South/West: 9'
North/East: 6'
Maximum Lot Coverage: 35%

Sec. 54-353.f. One-Family Attached Dwellings

Minimum lot area per family: One thousand five hundred (1,500) square feet, except 1,200 square feet in the GB district.

Variance Test/
Findings of Fact: The following is excerpted from Section 54-924 of the City of Charleston Zoning Ordinance. This test is based on S.C. Code Ann. § 6-29-800. 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:

Applicant Responses: 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
See Narrative

2. These conditions do not generally apply to other property in the vicinity;
See Narrative

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
See Narrative .

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.
See Narrative

Narrative: Request Lot F to have a variance to the 6ft setback. (Actual 5.6ft)
Request Lot E to have a variance to the 1500 sqft required minimum. (Actual 1,305 sq.ft.)
Request Lot D to have a variance to the 1500 sqft required minimum. (Actual 1,302 sq.ft.)

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)

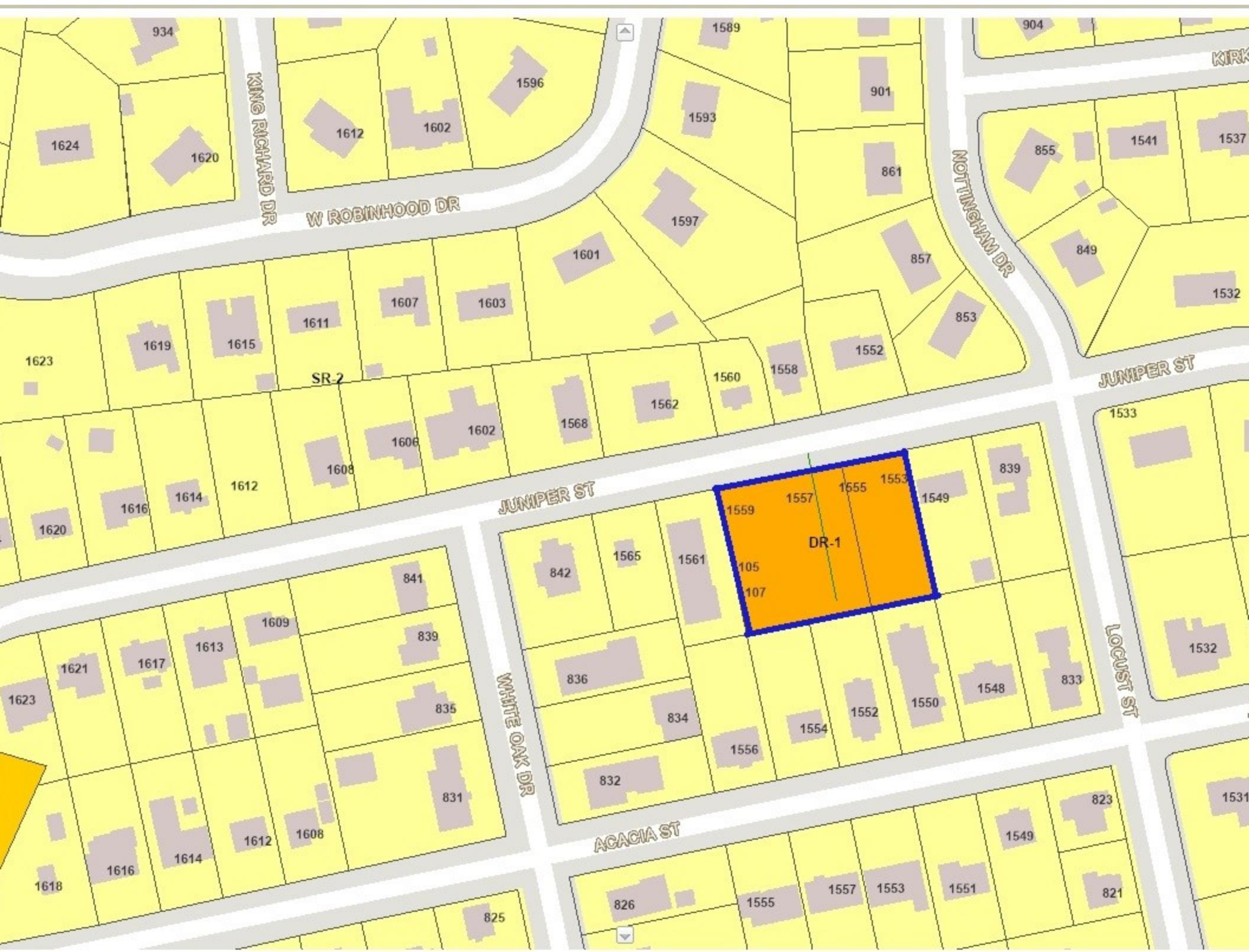
Staff Recommendation: Recommends Approval

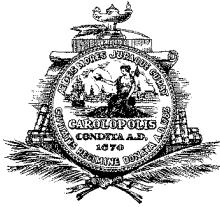
Staff Analysis: Staff are recommending approval of the variance request due to the strict application of the ordinance unreasonably restricting the utilization of the property as an affordable housing development.

Attachments:

- Zoning Map
- Site Map
- Application

Staff Contact: Christopher Swalhah, Senior Zoning Planner, swalhahc@charleston-sc.gov





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

Page 1 of 2

City of Charleston

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- 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: _____

TMS # 350-03-00-186

Property Address 1555 Juniper Street, Charleston 29407

TMS # 350-03-00-185

Property Owner City of Charleston, 80 Broad Street, 29401

Daytime Phone _____

Applicant Housing & Community Development,

Daytime Phone 843-965-4181

Applicant's Mailing Address 2 George Street, Suite 2700, Charleston SC 29401

Email Address rusinah@charleston-sc.gov

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

Zoning of property DR-1

Information required with application: (check information submitted)

- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plan
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for density variances and building additions, unless exempted by the Zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- 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 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 Heather Rusina  Date 12-10-2025

Housing Construction Program Manager

Department of Housing & Community Development

For office use only
Date application received _____

Time application received _____

Staffperson _____

Fee \$ _____

Receipt # _____

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):

Request Lot F to have a variance to the 6ft setback. (Actual 5.6ft)

Request Lot E to have a variance to the 1500 sqft required minimum. (Actual 1,305 sq.ft.)

Request Lot D to have a variance to the 1500 sqft required minimum. (Actual 1,302 sq.ft.)

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):

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.



**CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING**

8 Magnolia Ave.

SPECIAL EXCEPTION & VARIANCE CASE SUMMARY

January 20, 2026 | 5:15 p.m.

Case Number: BZA2025-002239

Subject: 8 Magnolia Ave. / TMS# 463-08-03-031
Property:

Zoning District: SR-2

Property Owner: Hailey Wist & Joel Caldwell

Applicant: Schuyler Clogston

Requested Action: Request special exception under Sec. 54-110.f. to vertically extend a nonconforming west side setback and a variance from Sec. 54-306.9 to build a half-story addition with a dormer width of 35% (30% allowed).

Project Description: Request Special Exceptions to modify the footprint of the existing home to construct a half-story addition which will vertically extend the existing nonconforming 4' 6" east side setback and increase the dormer width to 35% of the width of the exterior wall below the dormer.

Case History:

Applicable Sections of Zoning Ordinance: [Sec. 54-110.f. NON-CONFORMING USES](#)
The non-conforming use of a building or structure cannot be physically extended to provide more area for the non-conforming use, and the number of bedrooms in a non-conforming two-family dwelling or multi-family dwelling use cannot be increased, unless the Board of Zoning Appeals—Zoning, after a duly advertised public hearing, finds that the extension or increase of the non-conforming use is: (1) limited to extending or increasing the non-conforming use then in existence; and (2) would not result in an unreasonable intensification of the non-conforming use. In considering the reasonableness of the intensification of the extension or increase, the Board shall consider the effect of the extension or increase on properties in the vicinity to include traffic impacts; vehicular and pedestrian safety; parking impacts; potential impacts of noise, lighting, fumes or obstruction of air flow or light on adjoining property; impacts on the aesthetic character of the environs, to include the possible need for screening. If an extension or increase is permitted, the Board may impose reasonable and appropriate conditions and safeguards for the protection of the public interest and neighboring properties, including but not limited to, limitations on the days and hours during which the proposed use may be operated, and shall require, for properties located in the Old and Historic District, that exterior alterations be approved by the Board of Architectural Review, regardless of whether said alterations are visible from a public street or thoroughfare.

Sec. 54-306.9 OLD CITY HEIGHT DISTRICTS

9. Half stories, as the top story of a building, shall be permitted as specified by height district, subject to the following restrictions.

For the purposes of this section, half stories on one-family dwellings, two-family dwellings, one-family attached dwellings, and accessory buildings to these building types within the Old City Height Districts shall be limited the space under a gable or hipped roof where the wall plates, or knee walls, on at least two opposite exterior walls shall not exceed two feet in height. The aggregate width of dormers on a half story shall not exceed 30% of the width of the exterior wall below the dormer(s).

Special Exception Requirements/ Findings of Fact: 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:

Sec.54-110

The Board shall consider the effect of the extension or increase on properties in the vicinity to include traffic impacts; vehicular and pedestrian safety; parking impacts; potential impacts of noise, lighting, fumes or obstruction of air flow or light on adjoining property; impacts on the aesthetic character of the environs, to include the possible need for screening.

Applicants Response: Sec. 54-110.f : Requesting a special exception to alter the height of a structure that is existing non-conforming within a setback.

Variance Test/ Findings of Fact: The following is excerpted from Section 54-924 of the City of Charleston Zoning Ordinance. This test is based on S.C. Code Ann. § 6-29-800. 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:

Applicant Responses:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
This is a historic craftsman cottage, we would like to retain the scale and character. Most cottages have the height to create a half story, but 8 Magnolia's structure sits too low to be code compliant.
2. These conditions do not generally apply to other property in the vicinity;
Other homes in the area are 1 1/2 or two stories, or have the attic height to create a half story if desired.
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
Due to the lot size and the height of structure in the existing home, adding on is limiting. This is a sensitive solution that retains character and scale. Dormers at the rear of the structure, that maintain the ridge and eaves, are needed to create code compliant space.
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.

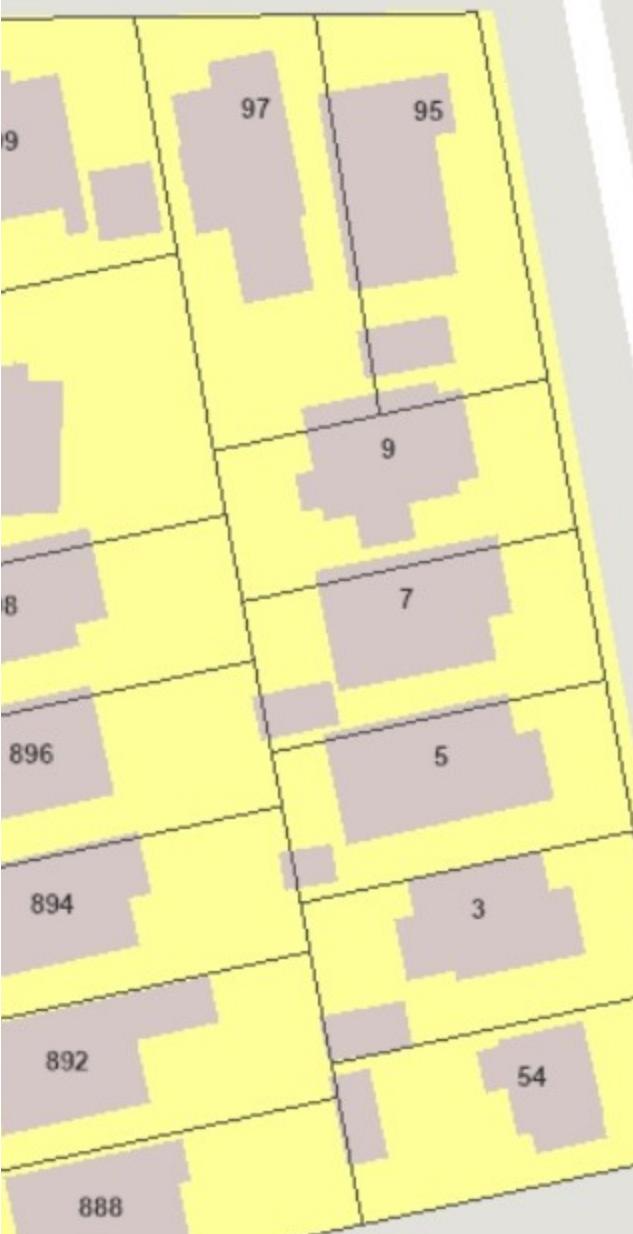
The project is following the character appraisal of the neighborhood. Retaining eave height, dormers at the rear, minimally raising the pitch. this will allow the home to feel cohesive with the neighborhood.

Staff Recommends Approval
Recommendation:
Staff Analysis: Modifying the footprints of the original structure for a vertical extension of the nonconforming west side setback will not result in unreasonable intensification of the non-conforming use. There will be minimal to no effects on properties in the vicinity related to traffic, vehicular and pedestrian safety, parking, noise, lighting, fumes, obstruction of air flow or light, or aesthetics. Strict application of the zoning ordinance would result in a dormer size out of scale of the existing neighborhood and would restrict the utilization of half-story addition.

Attachments: *Application*
Zoning Map
Site Plan

Staff Contact: Christopher Swalhah, Senior Zoning Planner, swalhahc@charleston-sc.gov

S SOUCI ST



MAGNOLIA AVE



PEACHTREE ST

S ENSTON AVE

27

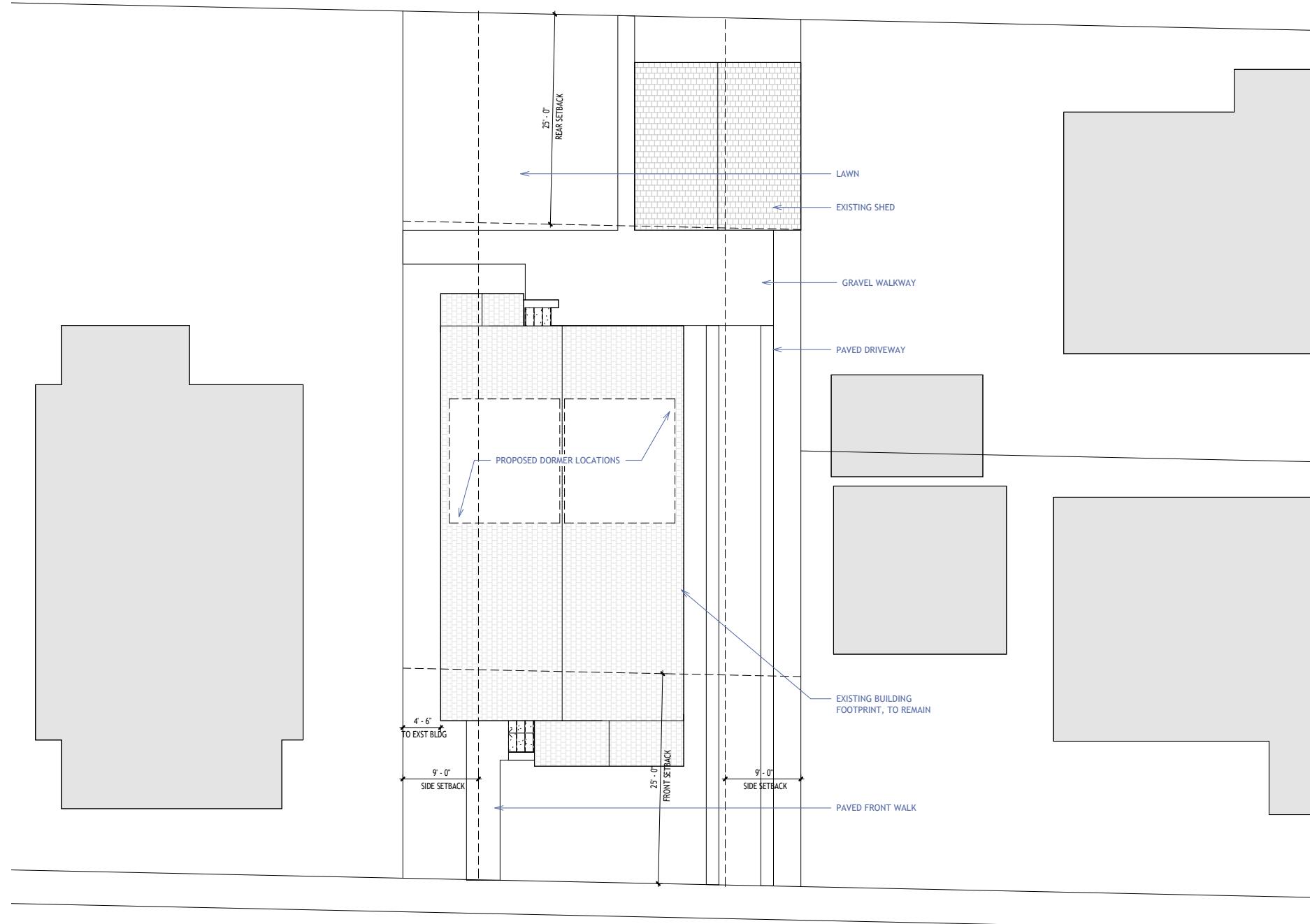
SITE PLAN

← SANS SOUCI ST.

PEACHTREE ST. →

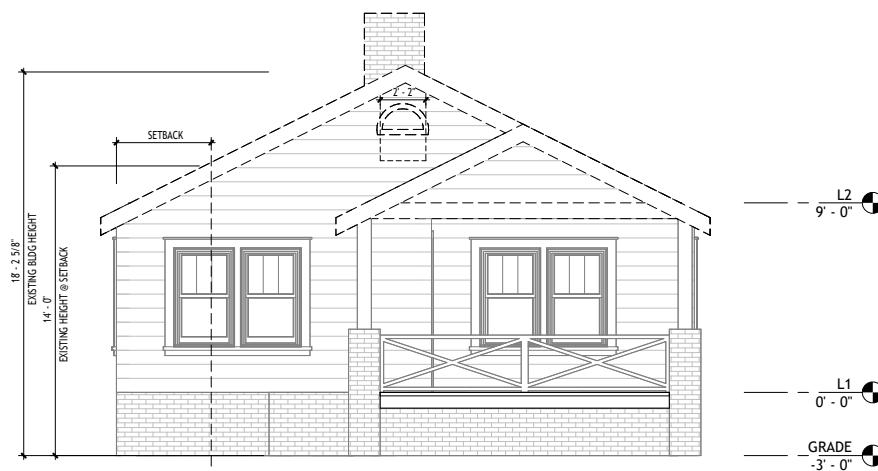
No changes to building footprint or lot coverage.

$$1/16" = 1'$$



(Studio) SCHUYLER CLOGSTON

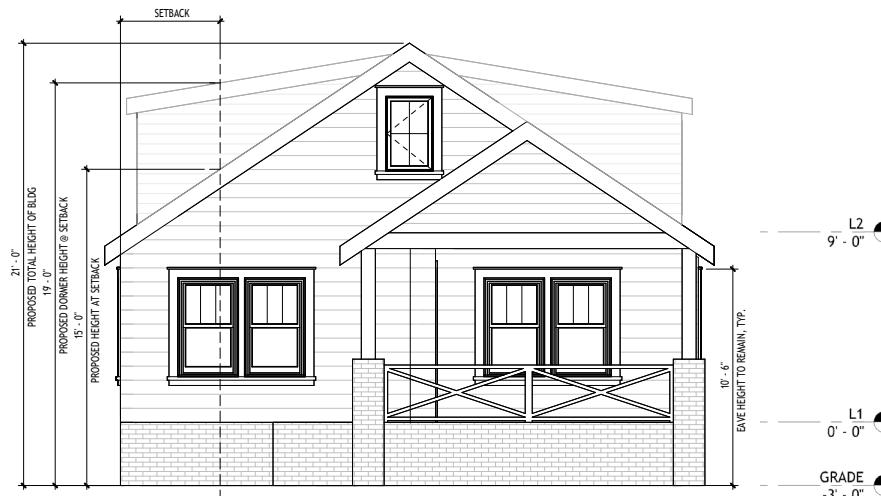
JANUARY 20TH, 2026



Demo West
1/8" = 1'



Demo East
1/8" = 1'



Proposed West
1/8" = 1'



Proposed East
1/8" = 1'

ELEVATIONS

REQUEST OUTLINE:

Variance Sec. 54-110.f

Exst Eave Height: 10' - 6"

Proposed Eave Height: 10' - 6"

Exst Height at Setback: 14'

Proposed Height at Setback: 15'

Proposed Dormer Height at

Setback: 19'

Special Exception Sec. 54-306.9

South Dormer Width: 13' - 4"

South Wall Width: 49' 6"

27⁰

*south dormer is not in setback

North Dormer Width: 13' - 4"

North Wall Width: 38' - 6"

35⁰

Total Dormer Width: 26' - 6"

Total Ext Wall Width: 88' - 0"

30⁰

*Dormers are needed for head height, as this will be a true half story attic space.

1/8" = 1'



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

Page 1 of 2

City of Charleston

Instructions – NOTE: APPLICATION PROCEDURE HAS CHANGED. This application, along with the required information, must be submitted in PDF format to BZA-Z@charleston-sc.gov. Applicant will then be invoiced for fee. **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 20th, 2026

Property Address 8 Magnolia Ave Charleston SC 29403 TMS # C4630803031

Property Owner Hailey Wist & Joel Caldwell Daytime Phone 360.623.2300

Applicant Schuyler Clogston Daytime Phone 314.348.0421

Applicant's Mailing Address 65 Cypress St Charleston SC 29403

E-mail Address studio@schuylerclogston.com

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

Zoning of property SR-2

Information required with application: (check information submitted)

Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested
 For new construction or additions within a flood zone, show HVAC units and platform on scaled plan
 Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for density variances and building additions, unless exempted by the Zoning staff
 Plans or documents necessary to show compliance with special exception requirements
 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 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 schuyler clogston Date 12.18.2025

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

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):

Sec. 54-306.9: requesting a variance for the width of dormers due to spatial constraints.

See attached variance test within submittal

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.

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