BOARD OF ZONING APPEALS-ZONING

April 5, 2022
5:15 PM

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

This meeting is being recorded.
**City of Charleston**

**BOARD OF ZONING APPEALS-ZONING**

<table>
<thead>
<tr>
<th>Your Board of Zoning Appeals-Zoning Members are:</th>
<th>Your City of Charleston Staff are:</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Bennett</td>
<td>Lee Batchelder, Zoning Administrator</td>
</tr>
<tr>
<td>Bill Goodwin, Jr.</td>
<td>Pennyye Ashby, Senior Planner</td>
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<td>Allison Cannon Grass</td>
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<td>Walter Jaudon</td>
<td>Scott Valentine, TRC Coordinator</td>
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<td>Howell Morrison</td>
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<td>Robben Richards</td>
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<td>Jeffrey Tibbals</td>
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**DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY**

[www.charleston-sc.gov/bza-z](http://www.charleston-sc.gov/bza-z)

This meeting is being recorded.
Meeting Protocol

Order on Each Application:

- Chair announces each application
- Staff presents application and City’s recommendation. Staff will control slide presentation
- If recommendation is favorable and no one objects to the application, usually the Board treats application as uncontested and passes it
- If there is an objection, applicant and anyone else in favor, after being sworn in, will be allowed to speak on the application. Each speaker will be sworn in before speaking. Each speaker should state their name and address for the record
- Next, opponents, after being sworn in, can speak followed by a short rebuttal from the applicant
- The Board then closes the public hearing on that application and opens discussion for Board members

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

1. Hear appeals to decisions of the Zoning Administrator;
2. Grant special exceptions, a fact finding function of the Board; and
3. Grant variances to the Zoning Ordinance if the application meets the hardship test outlined in Section 54-924 of the ordinance.
A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes the following findings:

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

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

c. because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

d. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
Agenda Item #A-1

Approval of March 15, 2022 BZA-Z Minutes

https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/_03152022-7325
Agenda Item #B-1

NORTH MARKET STREET, CHURCH STREET, ANSON STREET AND PINCKNEY STREET
TMS # 458-05-03-005 and 458-05-03-017

Request second one-year extension of a vested right that expires on April 16, 2022, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on April 16, 2019 for a 115-unit accommodations use in a GB-A (General Business-Accommodations) zone district.
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZA-Z)

City of Charleston

Instructions - This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be completed 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 (attach information).

MEETING DATE REQUESTED: April 5, 2022

Property Address: 57 N. Market/Church/Anson/Pinckney
TMS #: 458-05-03-006 & 458-05-03-317

Property Owner: SCM Charleston Market Investors, LLC

Daytime Phone: 202-289-8691

Applicant: Copera G. Barr, III

Daytime Phone: 843-377-1226

Applicant’s Mailing Address: 11 Broad Street - P.O. Box 1037, Charleston, SC 29403

E-mail Address: ggb@barrurgermoustosh.com

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

Zoning of property: GB-2

Information required with application: (check information submitted)
☐ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platforms on scaled plans.
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit notated are required for all density variance and building addition requests, 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 memo checks payable to the City of Charleston
☐ YES or NO - has this property restricted by any recorded covenant or is it subject to any covenants, conditions, or restrictions imposed on property that is not exempted by the Zoning staff?

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 the neighborhood covenants, if any. And that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspection.

Applicant: 

Date: March 4, 2022

For office use only

Date application received

Time application received

Staff person

Fee

Revise #

Page 2 of 2

BZA-Z Application [continued]

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

Variance Test: The Board of Zoning Appeals 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 § 6-29-808)

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 shall not apply for the same request that has been denied by the Board until a period of six (6) months has elapsed.

Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
(843) 724-3981 www.charleston-sc.gov/zoning

5/19
MEMORANDUM

TO: City of Charleston Board of Zoning Appeals, Zoning
Lee Hutchelder, Zoning Administrator

FROM: Capers G. Barr, III
Attorney for SCM Charleston Market Investors, LLC

DATE: March 4, 2022

SUBJECT: (1) Extension of Vested Rights; and
(2) Request for Interpretation of Zoning Ordinance
North Market / Church / Anson / Pinckney Streets; TMSID's 458-05-03-005/017

This Memorandum supplements the attached application of SCM Charleston Market Investors, LLC to (1) extend the vested rights of SCM Charleston Market Investors, LLC for use of the property as an accommodations use, and also (2) for an interpretation of the Zoning Ordinance.

(1) Extension of Vested Rights. This Application is submitted pursuant to the Vested Rights ordinance for the City of Charleston, Sections 54-960, et seq, of the City Code of Ordinances. Section 54-962 thereof provides, among other things, that "...the term shall be extended on an annual basis for up to five annual extensions, provided there have been no amendments to this Chapter which precludes or prohibits any aspect of the site specific development plan'. On information and belief, there have been no significant amendments that would impact on this Application. The extension should be granted, as a matter of course.

(2) Request for Interpretation of the Zoning Ordinance.

a. Section 54-904 of the Code of City Ordinances provides, in pertinent part, that all questions arising in connection with the interpretation of the Zoning Ordinances shall be presented to the Board of Zoning Appeals. This application presents such a question.

b. The property at issue in this case, comprised of the block bounded by North Market, Church, Anson, and Pinckney Streets, (the "Property") received final zoning approval at the April 16, 2019 meeting of the Board of Zoning Appeals – Zoning. The zoning approval has once been extended, as appears by Order signed April 16, 2021 by this Board.

c. The Board of Architectural Review granted conceptual approval for the design (height, scale, and mass) of buildings for the Property at its meeting on December 11, 2019. The BAR vested right approval was extended for one additional year at its meeting on December 8, 2021.

d. The "Site Specific Development Plan", comprising the "bundle of vested rights" granted to this Property, consists of, first, the zoning approval by the BZA-Z and, secondly, the architectural approval by the BAR. To the extent that the zoning rights and the architectural approval, (i.e. the architectural "rights"), apply to the same Property, the undersigned suggests that the later of the vested rights to be granted (or extended) should subsume, include and "restart" the term of other, prerequisite vested rights that had been earlier approved. In other words, because the last final approval was granted by the BAR on December 11, 2019, the seven-year term of all vested rights entitlements as provided in Section 54-962 should run from that date, December 11, 2019; and because the BAR final approval was the last of the two to be granted, future extensions of vested rights hereafter should be decided by the BAR, the last board empowered to approve vested rights.
e. Hereafter, therefore, extensions of all vested rights, zoning and architectural, should be considered by the last board to approve a vested right, in this case the BAR.

f. The undersigned has engaged in informal conversation with the Zoning Administrator about this question, and believes the Zoning Administrator agrees with the interpretation of the undersigned.

g. However, in the interests of prudence, the Applicant seeks affirmation by the Board of Zoning Appeals-Zoning, which has final decision-making authority as to the “interpretation of this chapter” (which includes the vested rights section of the zoning ordinance), that the last vested right to be approved “restarts” and subserves the approval date of any vested right earlier approved. The date of the last board approval, by the BAR on December 19, 2019, therefore, starts the seven-year approval term provided by City ordinance Section 54-902.
ORDER ON SPECIAL EXCEPTION REQUEST

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

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

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

Date issued: [Signature]

ORDER ON VARIANCE REQUEST

The Board of Zoning Appeals (BZA) held a public hearing to consider an appeal for a variance from the Zoning Ordinance of the property described below. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

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

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

Date issued: [Signature]

Chairman

Appointments of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 54-53. Applicants may not apply for the same request that has been denied by the Board within a period of six (6) months after approval.
PROPERTY LOCATION, TMS NUMBERS, AND DESCRIPTION OF REQUEST(s):
NORTH MARKET ST., CHURCH ST., ANDON ST., AND PINCKNEY ST. (CHARLESTON) (458-05-03-005 AND
458-05-02-017)
Request for one-year extension of a vested right that expires on April 16, 2021, pursuant to Sec. 34-662.
Vested right pertains to a special exception granted under Sec. 34-230 on April 16, 2019 for a 115-unit
accommodations use in a GB-A (General Business- Accommodations) zone district.

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

☑ DENIED: The Board concludes that the standards in the Section of the Zoning Ordinance listed above, which
are applicable to the request for special exception, have not been met and therefore orders that the special exception be
deferred.

☑ APPROVED: The Board concludes that the standards in the Section of the Zoning Ordinance listed above, which
are applicable to the request for special exception, have been met and therefore hereby grants the special exception be
generated, subject to the following conditions, if any.


Date Issued: ____________________
Chairman: ____________________

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

☑ DENIED: The Board concludes that the requirements for granting a variance have not been met and therefore
orders that the variance be denied.

☑ APPROVED: The Board concludes that:
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. 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 BOARD, THEREFORE, finds that the applicant has an unnecessary hardship and orders that the variance be granted,
subject to the following conditions, if any:

Date Issued: ____________________
Chairman: ____________________

Approval of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with
the provisions of Section 5A-662. Applicants may not apply for the same request that has been denied by the Board until
a period of 6 months has elapsed.
Agenda Item #B-2

15 SAVAGE STREET
(CHARLESTOWNE)
TMS # 457-12-03-056

Request special exception under Sec. 54-110 to allow a porch/balcony addition that extends a non-conforming 4-ft. south side setback (9-ft. required).
Zoned DR-1F
**BZA-Z Application (continued)**

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

**Variance Test:** The Board of Zoning Appeals – Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board 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 § 6-29-400]

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 for vertical extension of non-conforming setbacks on the north, east, and south - as part of a building elevation project, which is necessary to avoid future flooding.

Special exception for extension of non-conforming south setback at the rear of the property - construction of new piers.

See attached narrative for details.

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.
Requesting extension of non-conforming setbacks

-during the elevation of the structure to meet FEMA plus the 2' freeboard required by the City, we will need to extend the existing non-conforming setbacks on the east (Savage Street), south and north in the vertical direction.

-as part of the "lift" and renovation of the house from 2 rental units to a single family dwelling, we would like to add a porch at the rear; we are requesting an extension of the non-conforming setback on the south as part of this work.

How this request responds to the Special Exception, particularly 54-110, f.

1. Proposal will extend non-conforming setbacks that are already in use upward for the elevation of the structure to FEMA plus the required 2' freeboard
   a. East – existing distances of 8 3/4" and 11 1/2" to the property line will remain the same
   b. South –
      i. Distances on existing building of 5'-4" and 4'-1" will remain the same
      ii. For the construction of a new rear porch we request an extension of this non-conforming setback.
         1. The porch will be 4'-1 1/2" from the property line at its closest point (the north end)
   c. West - building and porch will be in compliance with 25' rear setback
   d. North – existing distances to the property line of 0 near the street and 2'-3 3/4" at the rear will remain the same

2. Proposal will not result in an unreasonable intensification of the property or area.
   a. In terms of height, the building must be elevated to FEMA plus the 2' freeboard which is required by the City. The final elevation will be similar to 9 Savage Street, which was recently "lifted"
   b. No new heated and cooled space will be added
   c. The ground floor will be used as allowed by FEMA – for storage, etc. and will not be heated and cooled.
   d. All drainage will be handled on the property and taken to the street / storm water system.
   e. Existing parking will be improved as we will now be able to park 1 car in the driveway.
15 SAVAGE STREET
RENOVATION & "LIFTING" OF EXISTING STRUCTURE

DRAWING LIST

A01
PLANNING SHEET

A02
SURVEY

A03
ENGINEERING SHEETS

A04
CONSTRUCTION PHOTOS

A05
BUILDING PHOTOS

A06
PROJECTOR PHOTOS

A07
SHEET METAL DETAILS

A08
MATERIAL SCHEDULES

A09
SCHEDULES

A10
REVIEWS

A11
REVIEWS

A12
FLOOR PLAN

A13
SECOND FLOOR PLAN

A14
TOPO PLAN

A15
GROUND LEVEL ELEVATION

A16
SECOND LEVEL ELEVATION

A17
THIRD LEVEL ELEVATION

A18
NORTH ELEVATION

A19
WEST ELEVATION

A20
SOUTH ELEVATION

A21
EAST ELEVATION

AERIAL PHOTO SHOWING SITE LOCATION

SITE LOCATION

PROJECT INFO
EXISTING STREETSCAPE

PROPOSED STREETSCAPE
183 3RD AVENUE
(WAGNER TERRACE)
TMS # 463-10-03-118

Request variance from Sec. 54-301 to allow construction of a single-family residence with a 3-ft. east side setback, a 15-ft. total side setback (9-ft. 18-ft. required).
Zoned SR-2
Application for Variance, Special Exception, Reclassification or Extension

City of Charleston

Instructions - This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals - Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for 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:
☐ Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reclassification 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: 04/05/2022

Property Address: 183 3rd Avenue, Charleston SC 29403
TMS & Lot A: 463-10-03-118

Property Owner: R. Chamberlain Chesnut II
Daytime Phone: 843-442-6552

Applicant: Becky Farno
Daytime Phone: 843-442-6552

Applicant’s Mailing Address: 1459 Stuart Engels Blvd., Suite 202, Mt. Pleasant, SC 29464
E-mail Address: farno@farnoarch.com

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

Zoning of property: SR-2

Information required with application: (check information submitted)
☐ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show flood levels and elevation certificate with 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).
☐ Maps or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make check payable to the City of Charleston)
☐ YES ☐ NO Is the property restricted by any covenants or covenants that are contrary to, conflict with, or prohibit the
disclosed 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 all applicable regulations, and that I have knowledge 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: Becky Farno
Date: 03/04/2022

For office use only

Date application received: __________
Time application received: __________
Notary: __________
Fee: $ __________
Receipt #: ____________________________

BZA-Z Application

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 for encroachment into the 9’ setback on the east side

Request a 3’ setback from the property line on the east side

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 where 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;
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, § 54-200, or sections in Article 5 (add as an attachment if necessary). All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part E of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

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

5/19
- request a 3' setback from the property line on the east side

Reasons for the request:
1. To move the building to the east to have 12' on the west side for the driveway and the ability to open the door / exit the car.
2. To move the building away from the 25" diameter live oak tree that is located at the southwest corner of the property.

Variance Test
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property:
   a. The lot is more narrow than the adjacent lots
   b. There is a 25" diameter oak tree in the southwest corner
2. These conditions do not generally apply to other property in the vicinity;

   PENNS ARCHITECTURE

3. Each property in the neighborhood is unique. Lot sizes and setbacks vary from property to property. Many properties have side setbacks that are non-conforming, and range from 0 to 7 feet.

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:
   a. The ordinance would restrict / prohibit proper use of the driveway for adequate parking and entering / exiting the vehicle
   b. The ordinance would place the construction in close proximity to the oak tree and/or significantly limit the footprint of the building and use of the lot

4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance:
   a. It is characteristic in the neighborhood to have a more narrow setback on one side of the property.
   b. The variance will allow for proper off-street parking
   c. The variance will allow for proper maintenance of the live oak tree
   d. In addition all water and drainage on the property will be taken to the street / storm drain so the drainage pattern will not be affected.
VIEW OF 183 3RD AVE, LOOKING SOUTH FROM 3RD AVE.

VIEW OF 183 3RD AVE FROM THE REAR OF THE LOT LOOKING TO THE STREET

1871187A ON THE WEST SIDE

178 3RD AVE ON THE EAST SIDE, INCLUDING CAR PORT, PART OF THE MAIN BUILDING, AND ACCESSORY BUILDING.

STREETSCAPE, LOOKING NORTH FROM 3RD AVE.
NEIGHBORHOOD STUDY:
LOT SIZE:
THE CONDITION OF LOTS LESS THAN 6000SF IN SR-2 ZONE (YELLOW COLOR) IS NOT UNUSUAL IN THE NEIGHBORHOOD. LOTS IN THIS AREA (WAGENER TERRACE) WERE ORIGINALLY PLATTED IN 1918 AS 42X100' (4410SF).
SIDE SETBACK:
CITY OF CHARLESTON 965 MAP AND ZONING MAP SHOW THAT IT IS COMMON FOR BUILDINGS IN THE IMMEDIATE AREA TO HAVE ONE SIDE SETBACK BETWEEN 0' AND 7' IN THIS NEIGHBORHOOD, SETBACK OF LESS THAN 3' IS NOT UNCOMMON. A FEW EXAMPLES ARE SHOWN BELOW.
Agenda Item #B-4

192 TRADD STREET
(CHARLESTOWNE)
TMS # 457-07-04-038

Request special exception under Sec. 54-110 to allow a 2-story addition (kitchen/family room expansion/bedroom/bath) that extends a non-conforming 1.5-ft. east side setback (9-ft. required).

Zoned SR-2
Application for Variance, Special Exception, Recomconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZA-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: April 5, 2022

Property Address
192 Track Street, Charleston, SC 29401
TMS #: 457-07-04-038

Property Owner
Jesse and Eliza Kimball

Daytime Phone
843.790.4924

Applicant
Sebastian von Marschall Architects, LLC

Daytime Phone
843.790.4924

Applicant’s Mailing Address
43 Broad Street, Suite 200, Charleston, SC 29401

E-Mail Address
Sebastian@svmarchitects.com

Relationship of applicant to owner [name, 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 (3 sets)
☐ For new construction or additions within a flood zone, show FEMA 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)
☐ Pending:
☐ 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? Yes or No
☐ I certify that the information on this application and any attachments is correct, that the proposed improvements(s) comply with private neighborhood covenants, if any, and that I am the owner of the subject property or the authorized representative of the owner. I understand the subject property to be posted with a notice of the Board hearing and inspected.

Applicant

Date
2/17/2022

For office use only
Date application received
Time application received
Nonpersons
Fee $ ___________ Receipt #

BZA-2 Application (continued)

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

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 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):

The Applicant is requesting an extension to the existing, non-conforming side yard setback, 9’ required, 11’ 5” 5/8’

Signed pursuant to section 54-506(a)

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

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

S/19
Agenda Item #B-5

209 AMBERJACK LANE
(DANIEL ISLAND)
TMS # 279-09-01-046

Request variance from Sec. 54-263 Daniel Island PUD Master Plan zoning regulations to allow a screen porch enclosure with a 15-ft. rear setback (20-ft. required).

Zoned
Application for Variance, Special Exception, Reconsideration, or Extension - Zoning (BZA-Z)

City of Charleston

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

The Applicant Herewith 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 office (attach Appeal Form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

Meeting Date Requested:

Property Address: 209 Amberjack Lane

Property Owner: Artie J. Koen Goodman

Applicant: Artie J. Koen Goodman

Applicant's Mailing Address: 209 Amberjack Lane

Daniel Island, SC

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

Zoning of property: Residential

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 platforms 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 check 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 useful information:

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

I certify that the information on this application and any attachments is correct, that the proposed improvements comply with private neighborhood covenants, if there are any, 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: Artie J. Koen Goodman

Date: 2/8/2023

For Office Use Only

Date application received

Fee

Time application received

Receipt #

BZA-Z Application (continued)
Right Side Elevation
To the Board of Zoning Appeals,

I am the owner of 213 Amberjack Lane. I approve of the owners of 209 Amberjack Lane (The Goodmans) enclosing their screened porch.

- Jeremy Mario

Sent from my iPad

From: Pamela Payne pjjnica56@gmail.com
Subject: letter
Date: Feb 28, 2022 at 9:36:29 AM
To: Arlene Goodman afg204@gmail.com

To the Board of Zoning Appeals,

I live at 200 Simmons Forge St., directly behind the Goodmans of 209 Amberjack Lane, Daniel Island. I approve of them enclosing their screened porch.

Pamela Payne
Agenda Item #B-6

730 RUTLEDGE AVENUE
(NORTH CENTRAL)
TMS # 463-15-04-133

Request variance from Sec. 54-317 to allow an existing restaurant to displace 6 on-site parking spaces and add 1,100sf of outdoor patron use area without providing 9 spaces for the added area (expanded restaurant requires 16 spaces; 2 spaces to remain.
Zoned LB
Application for Variance - Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZA-Z) City of Charleston

Instructions: This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals - Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, 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: April 5, 2022

Property Address: 730 Rutledge Avenue TMS # 465150413

Property Owner: Michael Rubin Daytime Phone: 843 853 1400

Applicant: Karlee Fairall Daytime Phone: 843 478 4141

Applicant’s Mailing Address: PO Box 20866 Charleston, SC 29413

E-mail Address: karlee@allgoodindustries.com

Relationship of applicant to owner: same, representative, prospective buyer, other: lessee

Zoning of property: General Business

Information required with application: (check information submitted)
- Scaled plans or plots, including elevations, showing the variance(s) and/or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone, show HAVAC 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 Board (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? § 6-29-1115 of the South Carolina Code of Laws

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

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if any are new, 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: [Signature] Date: 2/17/2022

For office use only

Date application received: 
Time application received: 
Stipend: Free $ 
Receipt #: 

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

- Convert parking at Park and Grove restaurant to patron seating and community gathering space.
- Existing parking on site would change from 8 to 2 spaces.
- Total additional outdoor patron use area will be 1100 square feet.

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.

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

S/19
City of Charleston
Board of Zoning Appeals

To Whom It May Concern:

As a neighbor and resident of the Wagner Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

[Signature]

Name & Address
300 Sumter St
Charleston, SC 29403

City of Charleston
Board of Zoning Appeals

To Whom It May Concern:

As a neighbor and resident of the Wagner Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

[Signature]

Name & Address
728 Reedege Ave
Charleston, SC 29403
City of Charleston  
Board of Zoning Appeals

To Whom it May Concern:

As a neighbor and resident of the Wagener Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

[Signature]

Name & Address

353 Grove St  
Charleston, 29403

City of Charleston  
Board of Zoning Appeals

To Whom it May Concern:

As a neighbor and resident of the Wagener Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

[Signature]

Name & Address

Sarah Canequist  
353 Huger St, Apt 5260
To Whom It May Concern:

As a neighbor and resident of the Wagner Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

[Signature]

Name & Address:

346 Mourning St.
Charleston, 29403

To Whom It May Concern:

As a neighbor and resident of the Wagner Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

[Signature]

Name & Address:
City of Charleston
Board of Zoning Appeals

To Whom It May Concern:

As a neighbor and resident of the Wagner Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

[Signature]

Name & Address
City of Charleston  
Board of Zoning Appeals

To Whom It May Concern:

As a neighbor and resident of the Wagner Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

Alex and Robert Bray  312 President St.
Name & Address

City of Charleston  
Board of Zoning Appeals

To Whom It May Concern:

As a neighbor and resident of the Wagner Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

Beau Hawley  637 Ellis St.
Name & Address  MT. VLEAS 572 29414
City of Charleston
Board of Zoning Appeals

To Whom It May Concern:

As a neighbor and resident of the Wagner Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

Name & Address

City of Charleston
Board of Zoning Appeals

To Whom It May Concern:

As a neighbor and resident of the Wagner Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

Name & Address
To Whom It May Concern:

As a neighbor and resident of the Wagener Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

Rodney Scott BBQ - Pllay Morrell

[Signature]

Name & Address

City of Charleston
Board of Zoning Appeals
City of Charleston
Board of Zoning Appeals

To Whom It May Concern:

As a neighbor and resident of the Wagener Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

[Signature]

Name & Address

27 Cypress St.
Charleston, SC 29403
City of Charleston
Board of Zoning Appeals

To Whom It May Concern:

As a neighbor and resident of the Wagener Terrace, North Central & Hampton Park Terrace neighborhoods, I would like to offer my support of the zoning appeals request submitted by Park & Grove to permanently change the parking area into patron seating and community gathering space.

Park & Grove has long been a valuable amenity and corporate citizen in the community and we look forward to the growing outdoor activation opportunities provided by this request.

Regards,

Jessica Ringer
28 Wagener Ave. Charleston, SC 29403
Name & Address

[Signature]
Agenda Item #B-7

221 SAINT PHILIP STREET
(CANNONBOROUGH/ELLIOTTBOROUGH)
TMS # 460-08-02-095

Request special exception under Sec. 54-511 to allow a restaurant use with 370sf of outdoor patron use area (patio) without providing required off-street parking spaces (3 spaces required).
Zoned GB
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

__________________________________________________________

Variance Test: The Board of Zoning Appeals/Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board finds the following 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 § 6-29-190)

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): Please see attached special exception description.
We request a special exception under Charleston Zoning Code Section 54-511 for 3 parking spaces to allow a permanent restaurant patron use area of 3705SF in the patio space along the south side of the building for the following reasons:

1. This parcel would be unreasonably restricted to use the patio space to the south of the building in any measure with the current parking special exception. This use is allowed in the property’s current zoning district, zoned GB.

2. The property contains an existing historic structure which occupies the site in a configuration that does not allow any additional off-street parking for the building at 221 Saint Philips St.

3. This parcel would be unreasonably restricted to use the patio space to the south of the building in any measure with the current parking special exception.

4. The authorization of this special exception would not be of substantial detriment to adjacent property. The proposed project was presented to the Cannonborough Eliotborough Neighborhood Association on 01/03/2022. In this meeting the neighborhood voted to support both the concept and a parking special exception.

5. There are no commercially zoned lots within 400’ of parcels without existing commercial structures that do not lie more than 54’ from residential zoning. These off-street parking requirements per Charleston Zoning Code Section 54-319 create a hardship for the particular property at 221 Saint Philips Street.
221 SAINT PHILIPS ST

BZA-Z PARKING SPECIAL EXCEPTION SUBMITTAL

04.05.2022
SPECIAL EXCEPTION TEST NOTES

1. THE PROPERTY CONTAINS AN EXISTING HISTORIC STRUCTURE WHICH OCCUPIES THE SITE IN A CONFIGURATION THAT DOES NOT ALLOW ANY ADDITIONAL OFF-STREET PARKING.

2. THE REQUESTED SPECIAL EXCEPTION WOULD ALLOW FOR THE USE OF THE OUTDOOR PATIO SPACE ON THE FIRST FLOOR.

3. THERE IS NO SPACE FOR ON-SITE PARKING AND CODE COMPLIANT PARKING LONG TERM LEASE OF AT LEAST 10 YEARS IS NOT AVAILABLE WITHIN 400FT.

4. THE PROPOSED PROJECT WAS PRESENTED TO THE CANNONBOROUGH ELLICOTTSBURGH NEIGHBORHOOD ASSOCIATION ON 05/01/22. IN THIS MEETING THE NEIGHBORHOOD VOTED TO SUPPORT BOTH THE CONCEPT AND A PARKING SPECIAL EXCEPTION.

DEVELOPMENT SUMMARY

221 SAINT PHILIP ST - RETAIL/CAFE

EXISTING ZONING

G5

PERmitted Use: Retail, Office, Warehouse

BUILDING SIZE

10,000 sq. ft.

1214.6 sq. ft.

TOTAL SITE AREA

1013.4 sq. ft.

REQUIRED PARKING SPACES

1 SFF RETAIL

2 SFF STORAGE, SERVICE, OR WAREHOUSE

1 SFF RESIDENTIAL USE

PROPOSED PARKING SPACES

1

REQUESTED SPECIAL EXCEPTION FOR SFF STORAGE, SERVICE, OR WAREHOUSE FOR SPECIAL PERMIT APPLICATION FOR SPECIAL PERMIT APPLICATION ON NOVEMBER 16, 2023.

Island Provisions

221 St. Philip Street

Site Plan

Scale: 1" = 20'
100 FARMFIELD AVENUE
(FARMFIELD)
TMS # 349-11-00-070

Request variance from Sec. 54-301 to allow construction of a 2 ½ story residence with a 46-ft. total height (Height limitation 45.5-ft. 2 ½ stories).

Request variance from Sec. 54-301 to allow construction of a detached accessory building with a 35-ft. front setback (60-ft. required).

Zoned SR-1
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)
City of Charleston

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

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

MEETING DATE REQUESTED: April 5

Property Address: 100 Farmfield Avenue TMS #: 3491100070
Property Owner: Ruthie Ravenel & Chris Welch
Applicant: Kirsten Schoetteldtke
Applicant’s Mailing Address: 60 Broad Street, Charleston, SC 29401
E-mail Address: kirstens@mkkap.com

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

Zoning of property: SR-1

Information required with application: (check information submitted)
☐ Scrolled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show 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 (4 sets)
☐ Plans or drawings 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 improvements(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant: Kirsten Schoetteldtke Date: 03.07.2022

BZA-Z Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):
Request Variance from Sec. 54-301 Table 3.1 to allow construction of an accessory building
(detached garage) to a new single-family residence with a front setback of approximately 35'-0"
(80'-0" required for accessory buildings) - see attachment for variance test.

Variances Test: The Board of Zoning Appeals is authorized to approve a variance from the requirements of the Zoning Ordinance when such 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 § 6-29-600)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 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.
Ravenel Welch Residence

100 Farmfield Avenue
VARIANCE REQUESTS

FOR

100 FARMFIELD ROAD,
CHARLESTON SC
FRONT SETBACK OF ACCESSORY BUILDING

EXCEPTIONAL CONDITIONS UNIQUE TO 100 FARMFIELD RD

The property located at 100 Farmfield Avenue is a **wedge-shaped lot**, that is unique in its size, shape, and constraints by comparison to the other parcels on Farmfield Avenue. The entire length of the front property line follows a large arc in the road (Farmfield Extension), resulting in a significant portion of the property being diminished by the front setback of 30'-0". Utilizing the **standard setbacks** for this lot render only **43%** of the **lot usable** for building placement (.33 acres). Additionally, two extremely narrow sections of the property are created as a result of applying those setbacks, leaving only **31.5%** of the lot (.29 acres) that is truly available for building placement.
FRONT SETBACK OF ACCESSORY BUILDING

UNREASONABLE RESTRICTION OF THE PROPERTY

The property located at 100 Farmfield Avenue is a wedge-shaped lot, that is unique in its size, shape, and constraints by comparison to the other parcels on Farmfield Avenue. The entire length of the front property line follows a large arc in the road (Farmfield Extension), resulting in a significant portion of the property being diminished by the front setback of 30'-0". Utilizing the standard setbacks for this lot render only 43% of the lot usable for building placement (.33 acres). Additionally, two extremely narrow sections of the property are created as a result of applying those setbacks, leaving only 31.5% of the lot (.29 acres) that is truly available for building placement.

The property at 100 Farmfield Avenue is .92 acres. As outlined in the previous paragraphs, due to its unique shape, only 31.5% of the lot (.29 acres) is available for building placement when applying the standard setbacks for a single-family residence. When the setback for accessory structures is applied (60'-0"), that percentage drops to 18.5% or .17 acres. As you can see by the diagrams provided, this unreasonably restricts the utilization of this property for an accessory structure (detached garage) particularly when considering the context of the surrounding properties.
The two standard lot styles on Farmfield Avenue are rectangular or estate style lots. The rectangular properties are near the Savannah Hwy intersection, and the estate style lots surround our parcel, which is at the end of the road. Both standard lot styles have over 65% (often much more) of their lot available for building placement. While the maximum lot coverage allowed in this zoning district is 35%, having over 65% of the lot available for building placement provides opportunity for maximum utilization of the lot and options for appropriate placement of the home, and this opportunity is not available to 100 Farmfield Avenue. Therefore, the constraints of the property at 100 Farmfield Avenue are extraordinary and exceptional conditions and no other property on Farmfield Avenue has this unique shape or condition.
CONTEXTUAL PRECEDENT:

Of the six adjacent estate style lots, 5 have detached structures.

Of the five lots with detached structures, at least two are less than 60'-0" from the front property line.

The estate style lot sizes range from 1.5 to 5 acres.

100 Farmfield is the smallest of the estate style lots at .9 acres, with the lowest percentage of usable area for building placement.
ALLOWABLE HEIGHT INCREASE FOR SINGLE-FAMILY RESIDENCE

EXCEPTIONAL CONDITIONS UNIQUE TO 100 FARMFIELD RD

The property located at 100 Farmfield Avenue is a **wedge-shaped lot**, that is unique in its size, shape, and constraints by comparison to the other parcels on Farmfield Avenue. The entire length of the front property line follows a large arc in the road (Farmfield Extension), resulting in a significant portion of the property being diminished by the front setback of 30'-0". Utilizing the **standard setbacks** for this lot render only 43% of the lot **usable** for building placement (.33 acres). Additionally, two extremely narrow sections of the property are created as a result of applying those setbacks, leaving only 31.5% of the lot (.29 acres) that is truly available for building placement.
ALLOWABLE HEIGHT INCREASE FOR SINGLE-FAMILY RESIDENCE

The heights listed below are based upon standard building practices and are not excessive for a home of this caliber. To meet the height requirements and maintain a 2-1/2 story home, the ceiling heights would need to be reduced significantly, dropping below what is typically acceptable, particularly for resale based on cost. Therefore, the application of this ordinance on this particular piece of property would unreasonably restrict the use of this property.

- 18" Main Floor floor system (16'-2" NAVD)
- 10'-0" Main Floor Ceilings
- 2'-0" 2nd Floor floor system (28'-2" NAVD)
- 9'-0" 2nd Floor ceilings
- 11-7/8" attic joists
- Top of roof is 51'-1 1/2" NAVD.
- Road height is 5'-1 1/2" NAVD (no curb)
- 51'-1-1/2" NAVD - 5'-1-1/2" NAVD = 46'-0"
ALLOWABLE HEIGHT INCREASE FOR SINGLE-FAMILY RESIDENCE

PROPOSED HEIGHT (46')

ESTIMATED HEIGHT

FIELD MEASURED HEIGHT

100 FARMFIELD PROPOSAL

112 FARMFIELD RD
MKH 21357  RAVENEL/WELCH RESIDENCE

BZA-2 VARIANCE TEST

100 FARMFIELD AVE.
TMS #: 3491100070
03.07.2022

Request Variance from Sec. 54 – 301 Table 3.1 to allow construction of an accessory building (detached garage) to a new single-family residence with a front setback of approximately 35'-0" (60'-0" required for accessory buildings).

Sec. 54-924. Requirements for granting a variance.

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;
b. these conditions do not generally apply to other property in the vicinity;
c. because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

d. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property
b. These conditions do not generally apply to other properties in the vicinity.

Items a & b: The property located at 100 Farmfield Avenue is a wedge-shaped lot, that is unique in its size, shape, and constraints by comparison to the other parcels on Farmfield Avenue. The entire length of the front property line follows a large arc in the road (Farmfield Extension), resulting in a significant portion of the property being diminished by the front setback of 30'-0". Utilizing the standard setbacks for this lot render only 43% of the lot usable for building placement (.33 acres). Additionally, two extremely narrow sections of the property are created as a result of applying those setbacks, leaving only 31.5% of the lot (.29 acres) that is truly available for building placement.

The two standard lot styles on Farmfield Avenue are rectangular or estate style lots. The rectangular properties are near the Savannah Hwy Intersection, and the estate style lots surround our parcel, which is at the end of the road. Both standard lot styles have over 65% (often significantly more) of their lot available for building placement. While the maximum lot coverage allowed in this zoning district is 35%,

having over 65% of the lot available for building placement provides opportunity for maximum utilization of the lot and options for appropriate placement of the home, and this opportunity is not available to 100 Farmfield Avenue. Therefore, the constraints of the property at 100 Farmfield Avenue are extraordinary and exceptional conditions and no other property on Farmfield Avenue has this unique shape or condition.

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property

As previously stated, the constraints of this particular property unreasonably restrict the owners from having an accessory building.

The property at 100 Farmfield Avenue is .92 acres. As outlined in the previous paragraphs, due to its unique shape, only 31.5% of the lot (.29 acres) is available for building placement when applying the standard setbacks for a single-family residence. When the setback for accessory structures is applied (60'-0"), that percentage drops to 18.5% or .17 acres. As you can see by the diagrams provided, this unreasonably restricts the utilization of this property for an accessory structure (detached garage).

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

As previously described and detailed, approximately six (6) estate-sized lots are located the section of Farmfield Avenue, in addition to this property. Of those six lots, it appears five (5) of them have detached structures that serve as either pool houses or detached garages, many of which are closer to the road than the residences they support.

The property at 100 Farmfield is located further from Savannah Highway and is situated among much larger, estate style lots. The estate lots range from 1.5 to 5 acres. The lots immediately adjacent to 100 Farmfield are approximately 4.11 acres and 2.75 acres, and the property across the street is 1.5 acres. Due to the larger acreage of these adjacent "estate" lots, many have detached garages, accessory buildings, and pools. One particularly prominent property (101 Farmfield Ave) is located at a 90 degree turn in the road, marking the transition from standardized properties of Farmfield to the estate-style lots. This particular property is 6.84 acres, with a grand driveway entrance and circular drive at the Main House, a detached garage structure, pool, and tennis court.

Therefore, the design for 100 Farmfield Ave. is in keeping with the character of the properties immediately adjacent and surrounding it, with a Main House and detached garage structure. It presents the best street frontage for the neighborhood, pushing garage doors and utility items (HVAC units) toward the sides and rear of the house. This project will enhance the character of the district.
Request Variance from Sec. 54 – 505, c. to allow the height of a new single-family residence located in the SR-1 zoning district to be 46’-0” (42’-5” required by Zoning Administrator based on calculation: 10’-0” (BFE) + 2’-0” (freeboard) – 5’-1-1/2” (lowest elevation at road) + 6’ (curb) + 8’) 

Sec. 54-924. Requirements for granting a variance.

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

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

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

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

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

As outlined in the previous variance request, the property located at 100 Farmfield Avenue is a wedge-shaped lot, that is unique in its size, shape, and constraints by comparison to the other parcels on Farmfield Avenue. The entire length of the front property line follows a large arc in the road (Farmfield Extension), resulting in a significant portion of the property being eliminated by the front setback of 30’-0”. Utilizing the standard setbacks for this lot render only 43% of the lot usable for building placement (.33 acres). Additionally, two extremely narrow sections of the property are created as a result of applying those setbacks, leaving only 31.5% of the lot (.29 acres) that is truly available for building placement.

Due to the tight building footprint restrictions, the property lends itself to building vertically to meet the 2-1/2 story allowance provided in Sec. 54-301 Table 3.1 as well as the Height Ordinance Amendment by the City of Charleston in Sec. 54-505-e which allows a tall crawl space, which will be utilized for vehicle storage and raised mechanical equipment.

The constraints of the property at 100 Farmfield Avenue are extraordinary and exceptional conditions and no other property on Farmfield Avenue has this unique shape or condition.

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

Per the recent Height Ordinance Amendment by the City of Charleston in Sec. 54-505-e, for properties such as 100 Farmfield Ave that are in a flood zone and with a crawl space floor no more than 1’-6” above BFE (10’-0” NAVD), the crawl space does not count as a story. On a lot as limiting in size/shape/utilization as this particular parcel, maximizing the footprint of the home to account for vehicle parking in the ‘crawl space’ is necessary. Therefore, the height of the crawl space ceiling is 8’-6” (14’-8” NAVD), which allows a minimal height of 2’-8” for the mechanical equipment (Air Handling Unit) to be hung from the floor joists of the Main Floor and remain clear of the BFE + 2’-0” freeboard.

The remaining height distribution of the 2-1/2 story home are as follows (see the accompanying diagram for clarity):

- 18’ floor system for the Main Floor (16’-2” NAVD)
- 10’-0” ceilings on the Main Floor
- 2’-0” floor system for the 2nd Floor (28’-2” NAVD)
- 9’-0” ceilings on the 2nd Floor
- 11’-7/8’ attic joists (for structural span) result in a bearing height for the roof at 38’-5-1/2”
- Top of roof, with a 9/12 slope in order to achieve historic proportions and meet bare minimum head height in attic result in a top of roof at approximately 52’-1-1/8” NAVD.

The height of the roof is 5’-1-1/8” NAVD (no curb) 

53’-1-1/2” NAVD – 5’-1-1/2” NAVD = 46’-0”

The heights listed above are based upon standard building practices and are not excessive for a home of this caliber. To meet the height requirements and maintain a 2-1/2 story home, the ceiling heights would need to be reduced significantly, dropping below what is typically acceptable, particularly for resale based on cost. Therefore, the application of this ordinance on this particular piece of property would unreasonably restrict the use of this property.

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

The property located at 100 Farmfield Avenue is nestled between six (6) estate style lots located at the end of Farmfield Avenue. The estate lots range from 1.5 to 5 acres. The lots immediately adjacent to 100 Farmfield are approximately 4.11 acres (60 Farmfield Ave) and 2.75 acres (112 Farmfield Ave).

We have studied 112 Farmfield Avenue as a comparable property, based upon site constraints (percentage of buildable area) and design (2-1/2 story structure on a raised crawl space). Drawing records could not be acquired as the architect and City of Charleston no longer had the drawings on file. However, based on site observations, laser field measurements, and the attached photographs, we have determined that the roof height (excluding the cupola) is approximately 43’-0” above grade and the top of the cupola is at approximately 50’-0”.
101 Farmfield is another analogous house in design style and height. We were unable to acquire documentation of the property located at 181 Farmfield Avenue, however our observations are that the roof height is comparable to the house located at 112 Farmfield Ave. given the taller Main Floor ceilings and the large scale roofline that spans a greater width than 112 or 100 (proposed) Farmfield. The height relationship can be easily visualized in the accompanying diagrams.

While these homes were built before the City of Charleston height requirements were instated, it is a clear indication that the new home design for 100 Farmfield Avenue would not be of substantial detriment to the adjacent property or public good, as it will maintain the character of the existing section of the neighborhood.
Dear members of the zoning board,

I own the home located at 60 Farmfield Avenue.

I support approval by the board of Zoning Appeals of the two variances requested by Ruthie Ravenel and Chris Welch for their new home and accessory building located at 100 Farmfield Avenue. We have reviewed the drawings and rendering and believe that this home will enhance the character of our neighborhood.

The accessory building location and orientation will not detract from the character of the neighborhood, as most of the surrounding houses have similar accessory structures with a comparable relationship to the road. The placement of the building on the site was thoughtful and does a nice job of fitting in with the nearby houses and accompanying structures.

We support the height variance as well. The height of the roof and attic dormers are necessary for the style of the house and we like that the stature of this new home will help to balance and anchor the other two prominent and stunning homes at the end of the street -112 and 101 Farmfield Avenue.

Thank you for your consideration,

Lane Legare Harper
60 Farmfield Avenue
Charleston SC 29407
Ph: (843) 509-1778

CAUTION: This email originated outside of the City of Charleston. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Dear members of the Zoning Board,

I own the home located at 121 Farmfield Avenue.

I support approval by the Board of Zoning Appeals of the two variances requested by Ruthie Ravenel and Chris Welch for their new home and accessory building located at 100 Farmfield Avenue. I have reviewed the drawings and rendering and believe that this home will enhance the character of our neighborhood.

The accessory building location and orientation will not detract from the character of the neighborhood, as most of the surrounding houses have similar accessory structures with a comparable relationship to the road. The placement of the buildings on the site was thoughtful and does a nice job of fitting in with the nearby houses and accompanying structures.

I support the height variance as well. The height of the roof and attic dormers are necessary for the style of the home, and I like that the stature of this new home will help to balance and anchor the two other prominent and stunning homes at the end of the street, 112 and 101 Farmfield Avenue.

Thank you for your consideration,

William S. Bec
843-200-3344
Agenda Item #B-9

651 KING STREET
(CANNONBOROUGH/ELLIOTTBOROUGH)
TMS # 460-04-04-095

Request variance from Sec. 54-317 to allow a restaurant use (1st floor) with 800sf of inside patron use area and one residential unit (2nd and 3rd floors) without providing off-street parking spaces (8 spaces required).

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

City of Charleston

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

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

MEETING DATE REQUESTED: April 5, 2022

Property Address 651 King Street TMS # 960-04-04-095

Property Owner William H. Orange Daytime Phone 843-849-9999

Applicant Greg Smith & Scott Kay Daytime Phone 843-822-6310

Applicant’s Mailing Address 3813 Maidstone Dr., Mt. Pleasant, SC 29466

E-mail Address gmcsmith16@gmail.com scottkay16@gmail.com

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

Zoning of property QB

Information required with application: [check information submitted]
☑ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show 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 rezoned 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 Smith Date 3-7-22

For office use only

Date application received

Prep. time

Time application received

For review

Date received

Approved by

Received a

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

Request for Parking Variance
Project Background, 651 King Street

We are requesting a parking variance for 651 King Street to allow one residential unit (2nd and 3rd floors) and a restaurant use (1st floor) with 800 sf of inside patron use area without providing the required off-street parking spaces (6 for the restaurant, 2 for the residential unit for a total of 8 spaces). The property is zoned GB.

The proposed plan is to construct a three-story building consisting of one ground-level restaurant space of 1,725 square feet with a patron use area of 800 square feet and one residential unit on levels two and three consisting of roughly 3,000 square feet.

The property has an existing curb cut in the rear southern corner of the lot along Line Street in the space we intended to utilize for parking two vehicles at the rear of the parcel thereby meeting the residential parking requirement (see image 2 included). However, in our discussions with Lee Batchelder, it has been made clear to us that vehicles backing out onto Line Street would not be permitted by the city due to obvious safety concerns, and that as a result, the city would support our request for these uses without requiring parking.

The patron usage area of the commercial/restaurant space, at 800 square feet, would require 6 parking spaces. With the lot size being only 0.049 acres (2,154 square feet), the city parking requirements for the combined residential and commercial parking spaces would effectively prohibit the utilization of the property, which is one reason why we believe it has remained vacant for so long.

The parking variance we are requesting would have no detrimental effect on adjacent property and will only add value, character and beauty to a prominent corner lot along King Street. Our goal is to build a thoughtfully designed, well-appointed, and aesthetically pleasing building that the city will be proud of. Eliminating the parking requirements on this parcel will further help us do that. Additionally, the Cannonborough/Elliottborough Neighborhood Association are supportive of the parking variance and have provided a letter to the City stating such, as it will add desired commercial space, value and character to the Cannonborough/Elliottborough neighborhood.

Note: Please see variance test responses on the following slide titled Variance Test, 651 King Street.
Variance Test Responses, 651 King Street

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. The subject property is exceptionally small with a parcel size of 2,154 SF. If accounting for the provision of even one off-street parking space for the one unit of residential use, the net area available for commercial space is approximately 1,725 SF. This is further reduced when factoring in the visio triangle’s impact on the building corner, and the provision of access stairs, rendering a net commercial area of approximately 1,300 SF. If parking were to be provided for this, assuming a patron use of approximately 800 SF, this would demand an additional 6 spaces, and would effectively turn the entire site into a parking lot. Further reducing the commercial unit to accommodate the parking requirement would likely mean approximately 20% of the lot could be used for commercial use, and the balance for parking. This scenario would have a deleterious effect on both the urban nature of King Street as well as the transition to the neighborhood along Line street with a row of head-in parking spaces adjacent to a single-family residential structure. Parking on a parcel of this size given it’s orientation simply is not feasible.

Separately, the only realistic location to park vehicles on this parcel, at the rear along Line St, would create a potential traffic hazard with vehicles exiting in reverse onto Line Street in very close proximity to the intersection of King St. and Line St. It has been confirmed by Lee Batchelder that the City will not support vehicles backing onto Line Street at this location.

2. These conditions do not generally apply to other property in the vicinity;
See attached exhibit (exhibit 1). Using the parcel size of properties fronting King Street between the Crosstown and Columbus street, it is clearly a uniquely constrained condition for this property to be of such small size and facilitate the parking requirements.

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
Please see commentary in item #1 above.

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.
Granting this variance is A) consistent with precedent on a host of similar variance requests for commercial properties along King Street and B) will contribute to the addition of a modest mixed use building consistent in scale, height, and purpose with those surrounding it. Further, given the walkability and alternate means of transportation available to patrons of King Street’s commercial businesses, we do not foresee any negative impact to the surrounding neighborhood.
Exhibit 1: King Street Parcels & Table Detailing Parcel Sizes
Image 1: 651 King Street, highlighted area shows existing curb cut along Line Street and proximity to the intersection of King and Line St.
Image 2: Intended parking area in rear of property, 651 King Street. In lieu of parking, we will create an outdoor space to maintain some separation between our building and 62 Line Street.
Image 3: View of 651 King from eastern corner of Line St. and King St.
Agenda Item #B-10

1134 KING STREET
(NORTH CENTRAL)
TMS # 463-12-01-014

Request special exception under Sec. 54-110 to allow a stair addition to an existing 2-story building that extends a non-conforming 6.10-ft. south side setback and extends a non-conforming 19-ft. side street setback (9-ft. and 25-ft. required.
Zoned DR-1F
Applicant:  

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):

**Variances:***

**Variance Test:**

- **Applicant:**
  - **Address:**
  - **Phone:**
  - **Email:**

- **Applicant’s Address:**
  - **Street:**
  - **City:**
  - **State:**
  - **Zip:**

- **Nature and Use of Property:**
  - **Property Address:**
  - **Owner:**
  - **Phone:**
  - **E-Mail:**

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

- **Zoning of Property:**

- **Information required with application (check information submitted):**
  - **Scale plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets):**
  - **Scale floor plans:**
  - **Photographs:**
  - **Letters or petitions from neighbors or organizations directly affected by your request:**

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

- **Applicant’s Signature:**

- **Date:**

- **For other use only:**
  - **Date application received:**
  - **Time application received:**
  - **Signature:**
  - **Receipt:**

**BZA-Z Application (continued) Page 2 of 2**
March 14, 2022

BZA-Z
Lee Batchelder
Penny Ashby

Dear Mr. Batchelder and Mrs. Ashby and the Board of Zoning Appeals:

I have reviewed the request for the proposed stairs to the secondary structure at 1134 King Street provided to me by the owners. I understand the addition of stairs requires a special exception granted by the Board due to the footprint encroaching the property lines on both the north and the south by several feet.

Zoning regulations require a structure to be located 9’ away from the south side (proposed at 6-feet, 10-inches) and 25 feet from the north side (proposed at 19-feet). The existing garage encroaches the setback to a greater degree.

I am not in opposition to the proposal. My property will not be adversely affected with the additional stairs.

Signed,

Richard E. Ogren, Sr./1134 King St./Richard Ogren, Sr. 3-14-2022
Neighbor / Address / Signature / Date

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Neighbor / Address / Signature / Date

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Neighbor / Address / Signature / Date

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Neighbor / Address / Signature / Date

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Neighbor / Address / Signature / Date

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Neighbor / Address / Signature / Date

March 14, 2022

BZA-Z
Lee Batchelder
Penny Ashby

Dear Mr. Batchelder and Mrs. Ashby and the Board of Zoning Appeals:

I have reviewed the request for the proposed stairs to the secondary structure at 1134 King Street provided to me by the owners. I understand the addition of stairs requires a special exception granted by the Board due to the footprint encroaching the property lines on both the north and the south by several feet.

Zoning regulations require a structure to be located 9’ away from the south side (proposed at 6-feet, 10-inches) and 25 feet from the north side (proposed at 19-feet). The existing garage encroaches the setback to a greater degree.

I am not in opposition to the proposal. My property will not be adversely affected with the additional stairs.

Signed,

Kathe Blumner 25 Maple St. 3/5/22
Neighbor / Address / Signature / Date

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Neighbor / Address / Signature / Date

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Neighbor / Address / Signature / Date

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Neighbor / Address / Signature / Date

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Neighbor / Address / Signature / Date

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Neighbor / Address / Signature / Date
February 28, 2022

BZA-Z
Lee Batchelder
Penney Ashby

Dear Mr. Batchelder and Mrs. Ashby and the Board of Zoning Appeals:

I have reviewed the request for the addition of stairs to the secondary structure at 1134 King Street provided to me by the owners. I understand the addition of stairs requires a variance from the city due to the footprint exceeding allowable building footprint per zoning regulations. I am not in opposition to the proposal, nor the increase in lot coverage as proposed. My property will not be adversely affected with the additional stairs.

Helen Watson 33 Maple St. Helen's Web
Neighbor / Address / Signature / Date

February 28, 2022

BZA-Z
Lee Batchelder
Penney Ashby

Dear Mr. Batchelder and Mrs. Ashby and the Board of Zoning Appeals:

I have reviewed the request for the addition of stairs to the secondary structure at 1134 King Street provided to me by the owners. I understand the addition of stairs requires a variance from the city due to the footprint exceeding allowable building footprint per zoning regulations. I am not in opposition to the proposal, nor the increase in lot coverage as proposed. My property will not be adversely affected with the additional stairs.

Anthony Speck 3-1-22 1138 King St.
Neighbor / Address / Signature / Date

Neighbor / Address / Signature / Date

Neighbor / Address / Signature / Date

Neighbor / Address / Signature / Date
February 28, 2022

BZA-Z
Lee Batchelder
Penny Aaboy

Dear Mr. Batchelder and Mrs. Aaboy and the Board of Zoning Appeals:

I have reviewed the request for the addition of stairs to the secondary structure at 1134 King Street provided to me by the owners. I understand the addition of stairs requires a variance from the city due to the footprint exceeding allowable building footprint per zoning regulations. I am not in opposition to the proposal, nor the increase in lot coverage as proposed. My property will not be adversely affected with the additional stairs.

Signed,

[Signature]

 Neighbor / Address / Signature / Date

David Alexander, 31 Maple St. / CHAPEL HILL, NC 27516 / 2-1-22

 Neighbor / Address / Signature / Date

[Signature]

 Neighbor / Address / Signature / Date
PROPOSED SITE PLAN