



# CITY OF CHARLESTON BOARD OF ZONING APPEALS – ZONING

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## PUBLIC COMMENT MAY 2, 2023

A meeting of the Board of Zoning Appeals – Zoning (BZA-Z) will be held on **Tuesday, May 2, 2023 at 5:15 p.m.** in the **Public Meeting Room, First Floor, 2 George Street.**

The following comments will be provided to the board members 24 hours in advance of the meeting and also be acknowledged into the record and summarized. The public is encouraged to attend the meeting in person to speak in order for comments to be fully heard.

Application information is available at [www.charleston-sc.gov/bza-z](http://www.charleston-sc.gov/bza-z). Please check the website on the meeting date to view any withdrawn or deferred agenda items.

For additional information, please contact:

**DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY**  
**2 George Street, Suite 3100, Charleston, SC 29401 | 843-724-3781**

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In accordance with the American with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at 843-577-1389 or email to [schumacherj@charleston-sc.gov](mailto:schumacherj@charleston-sc.gov) three business days prior to the meeting.



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

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**193, 195, 197 Jackson St.**

**Eastside | TMS #459-05-01-047 | Zoned: LB**

Request approval from Sec. 54-317 to amend the conditions of the BZAZ approval on May 7, 2019 that prohibit a restaurant use in 193 and 199 Jackson St and the yards behind these buildings; to permit one food truck to be stored and operate behind 193 Jackson St. as shown on site plan with no increase in restaurant patron use area.

Owner: Mount Vernon Partners, LLC-Cameron Glaws

Applicant: Kevan Hoertdoerfer

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## Ashby, Pennye

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**From:** EMILY COX <emily@onyxdesign.com>  
**Sent:** Thursday, April 27, 2023 4:03 PM  
**To:** Ashby, Pennye; Batchelder, Lee; Schultz, Eric  
**Subject:** BZA Zoning- May 2, Tobin's Market

**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.

Hi there!

I'm very concerned about the upcoming BZA appeals meeting on May 2 as it relates to the operation of a restaurant and food truck at Tobin's Market, in the historic freedman's cottages on Jackson Street. I would appreciate it if you would confirm receipt of this email and include my comments as part of the public record for this meeting.

My name is Emily Cox, and I am a homeowner at 74 Lee St, where I have lived for 15 years. I strongly oppose any amendment to the original conditions sent by the BZA for operations at 193-197 Jackson.

Tobin's Market has proven to be a poor neighbor for the duration of their prior operations. They began by pulling a bait-and-switch on the neighborhood by changing their entire business model after getting approval from the BZA. Loudly amplified live music and full-service restaurant operations were not part of their original approval, and they consistently ignored the neighborhood's liveability concerns while they conducted their unapproved business. They have been constantly cited for noise violations, they have built an outdoor stage without appropriate permissions or oversight, and they have expanded their kitchen capacity without regard to the city's jurisdiction over their operations. This behavior should not be rewarded.

The volume and frequency of their noise violations was such that it drove one homeowner to move out of his home, drove out the tenants that he subsequently lined up to rent his units, and ultimately contributed to him putting his home on the market. Tobin's failed to show up in liveability court to address noise complaints related to their amplified after-hours music multiple times, forcing myself and other concerned neighbors to take time off of work for multiple municipal court sessions in a row to testify to their noise violations and attempt to hold them accountable.

While many neighbors consistently called Liveability to report their excessive noise, Tobin's did not modify their behavior. All that would have been required was to turn down the speakers, but they did not choose to do that. Their outdoor space is the size of a large living room- the degree of amplification was utterly egregious as it could be heard inside homes within a three block radius. It shook the windows of my house multiple nights per week. In direct opposition, Bar Rollins across the street has been a courteous and thoughtful neighbor, so it's entirely possible to run a similar business successfully without amplified outdoor music or full-service kitchen.

Please uphold the reasonable conditions set in 2019 for Tobin's Market and don't allow them an additional inch, as they have proven they will take a mile. The Eastside has suffered enough through the construction noise of excessive development over the last several years- we shouldn't have to listen to live music blasting at all hours too. The quality of life for residents of Nassau, Hanover, Jackson, Lee, and Harris is definitely negatively affected by this business.

Thank you for your consideration- see you at the hearing on May 2!

Emily Cox

Emily E. Cox

843.367.3667

[www.onyxdesign.com](http://www.onyxdesign.com)

1640 Meeting Street Rd. Suite 205

Charleston, SC 29405



## Ashby, Pennye

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**From:** Maura Hasenfuss <mehasenfuss@gmail.com>  
**Sent:** Friday, April 28, 2023 4:26 PM  
**To:** Ashby, Pennye; Schultz, Eric; Batchelder, Lee  
**Subject:** 193-197 Jackson St

**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.

Hello Pennye, Lee, and Eric;

Included are my comments for the upcoming board of zoning appeals meeting related to the restaurant (food truck) operations at the Jackson Street Cottages. Please confirm receipt of this email and distribution of comments as part of the public records for this meeting.

I live at 204 Nassau Street and I oppose any amendment to the original conditions set by the BZA for operations at 193-197 Jackson Street.

When this business was open, it negatively impacted the quality of life of residents living nearby. The business did not consider or respect the neighbors when hosting events several times per week. Neighbors (including myself) reached out to the business directly with noise complaints and the business did not resolve or attempt to fix any issues. In addition to neighbors contacting the business, neighbors (including myself) would contact the police with noise complaints. The police visited the business countless times. I, myself, spoke with the police several times and they understood our frustration and were also surprised at how loud the business was.

My home is very close to the business and when they hosted events, I was forced to retreat to the back room in my house because the other rooms in my home were unusable because of how loud and disruptive the noise was. In an attempt to drown out the noise, I purchased several different machines but the noise was still incredibly disruptive.

A review of livability and police records for this business will show they were cited for noise and also they constructed an outdoor stage and modified their kitchen without permission from the city.

I ask the Board to uphold the conditions set in 2019. If the conditions are not upheld, you will be showing the resident living adjacent to this business (on Jackson, Hanover, Lee and Nassau Streets) that their quality of life is not important and was not considered when making your decision.

I also agree with and support my neighbor, Aaron Pope, comments emailed to you.

Sincerely,  
Maura Hasenfuss  
204 Nassau Street

## Ashby, Pennye

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**From:** Batchelder, Lee  
**Sent:** Friday, April 28, 2023 12:38 PM  
**To:** Aaron Pope; Schultz, Eric  
**Cc:** Ashby, Pennye  
**Subject:** RE: 193 Jackson Street Waiver of Conditions

Aaron,

Thanks for sending your comments. Your comments will be included in the public comment packet that we post on our website and send to Board members on Monday.

**Lee C. Batchelder AICP | Zoning Administrator**  
City of Charleston | Department of Planning Preservation & Sustainability  
2 George Street | Suite 3100 | Charleston, SC 29401  
T:(843) 724-3771 | F:(843) 724-3772 | e: [batchelderl@charleston-sc.gov](mailto:batchelderl@charleston-sc.gov) | [www.charleston-sc.gov](http://www.charleston-sc.gov)

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**From:** Aaron Pope <aarongpope@gmail.com>  
**Sent:** Thursday, April 27, 2023 10:37 AM  
**To:** Batchelder, Lee <BATCHELDERL@charleston-sc.gov>; Schultz, Eric <SCHULTZE@charleston-sc.gov>  
**Subject:** Fwd: 193 Jackson Street Waiver of Conditions

**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.

Good morning,

I submitted the comments below for the BZA Zoning on May 2. Pennye's auto reply indicates that she won't be in the office until May 1.

I do not want to miss the deadline for submitting comments. Please confirm receipt of this email and distribution to the Board as public comment.

Aaron Pope

----- Forwarded message -----

**From:** Aaron Pope <aarongpope@gmail.com>  
**Date:** Thu, Apr 27, 2023 at 9:14 AM  
**Subject:** 193 Jackson Street Waiver of Conditions  
**To:** Ashby, Pennye <ASHBYP@charleston-sc.gov>

Pennye,

Please see below comments for the upcoming board of zoning appeals meeting related to restaurant operations at the cottages on Jackson Street. Please confirm receipt of this email and distribution of the comments as part of the public record for this meeting.

My name is Aaron Pope, I currently live at 109 and 1/2 Hanover Street and previously resided at 204 Nassau Street. I oppose any amendment to the original conditions sent by the BZA for operations at 193-197 Jackson.

The conditions of the original approval were put in place to protect the residents of the neighborhood around Tobin's market. By their own admission, the operators of this business pivoted from the original plan submitted (and publicized to the neighborhood) to create a live music venue and full-service restaurant. This is well documented in a September 2021 article from the Post and Courier.

[https://www.postandcourier.com/charleston\\_scene/outdoor-charleston-venue-tobins-market-born-during-covid-19-and-thriving-1-year-later/article\\_581788fa-099d-11ec-a94c-7bb38a108172.html](https://www.postandcourier.com/charleston_scene/outdoor-charleston-venue-tobins-market-born-during-covid-19-and-thriving-1-year-later/article_581788fa-099d-11ec-a94c-7bb38a108172.html)

Despite requests from neighbors and multiple police visits for noise calls, this business did not modify their operations. They continued to host multiple events each week which could be heard inside of my home, which is almost 900 feet away. A review of livability and police records show that they were cited for noise, discovered to have illegally constructed an outdoor stage, and modified their kitchen capacity without permission from the city.

I urge the Board to stand firm and uphold the conditions set in 2019. Otherwise, you are once again placing the quality of life of neighbors on Nassau and Hanover Street in danger. The operators of this business have shown that they will push the boundaries of any approval.

Aaron Pope

## Ashby, Pennye

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**From:** Maura Hasenfuss <mehasenfuss@gmail.com>  
**Sent:** Sunday, April 30, 2023 10:37 AM  
**To:** Ashby, Pennye; Batchelder, Lee; Schultz, Eric  
**Subject:** 193-197 Jackson Street - emailing on behalf of Ms. Yvonne Grant

**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.

Hello Pennye, Lee, and Eric;

I am emailing on behalf of Ms. Yvonne Grant who lives at 175 Jackson Street. Ms. Yvonne agrees with and supports Aaron Pope's comments submitted to you by email. She urges the Board to uphold the conditions set in 2019. Her quality of life was negatively impacted when this business was open.

Please confirm you received this email.

Thank you,  
Maura Hasenfuss  
204 Nassau Street





# CITY OF CHARLESTON BOARD OF ZONING APPEALS – ZONING

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**60 Tradd St.**

**Charlestowne | TMS #458-09-03-174 | Zoned: SR-5**

Request variance from Sec. 54-301 to allow a 3-story piazza addition with a 46% lot occupancy (35% limitation; existing lot occupancy 30%).

Owner: John and Marnie Kerrison

Applicant: Bill Huey & Assoc., Architect

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## Ashby, Pennye

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**From:** Wood, April <awood@historiccharleston.org>  
**Sent:** Thursday, April 6, 2023 3:05 PM  
**To:** Ashby, Pennye  
**Cc:** Bill Huey; Drolet, Cashion  
**Subject:** 60 Tradd

**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.

Hi Pennye,

I hope you are well! HCF has an easement on 60 Tradd. They are putting piazzas back on the house and we are in support of the upcoming application to zoning. Please let me know if you have any questions.

Thanks!  
April

April J. Wood  
*Manager of Easements and Technical Outreach*  
Historic Charleston Foundation  
40 East Bay Street, Charleston, SC 29401  
(843) 805-6731



HISTORIC CHARLESTON  
FOUNDATION

HistoricCharleston.org  
@HistoricCharlestonFoundation

APRIL 3, 2023

WE ARE NEIGHBORS TO JOHN + MARNIE  
KERRISON AT 60 TRADD ST. WE  
HAVE LOOKED OVER THE KERRISON'S  
PLANS FOR RESTORING THE PIAZZA  
TAKEN OFF DURING TORNADO OF 1939.  
OUR ADDRESSES / + SIGNATURES ARE  
BELOW. WE ARE GIVING OUR APPROVAL  
TO THEIR HOUSE PLANS.

58 TRADD ST. (PRINT) NAME DATE  
(SIGN) Gail Kahn 4/3/23  
(SIGN) Paul Kahn

61 TRADD ST. (PRINT)  
(SIGN)

59 TRADD ST. Heather McFarlin April 3 2023  
(PRINT) Heather McFarlin  
(SIGN)

68 MEETING ST (PRINT) Verreen H Coel 4/3/23  
(SIGN) Verreen H Coel  
(BACK NEIGHBOR)

62 TRADD ST (PRINT) emailing signature  
(SIGN)

57 TRADD ST. (PRINT) THOMAS E. NUGENT DIANE V. NUGENT  
(SIGN) Thomas E. Nugent 4-3-23 Diane V. Nugent

53 TRADD ST. (PRINT) MAUREEN KERRISON  
(SIGN) Maureen Kerrison 4/3/23



# CITY OF CHARLESTON BOARD OF ZONING APPEALS – ZONING

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**167 Grove St.**

**Wagener Terrace | TMS #463-15-01-012 | Zoned: SR-2**

Request special exception under Sec. 54-110 to allow a horizontal expansion (kitchen expansion/laundry room/bath/stairs) and vertical extension (bedroom/closet/stairs/balcony) that extends a non-conforming 2.5-ft. east side setback (9-ft. required).

Owner/Applicant: Lauren Flatley and Ben Rabin

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**RE: 167 Grove Street / BZA-2 Special Exception**

**Members of the board,**

**Today I spoke with Mr. Tomlin of 165 Grove Steet, the property directly adjacent on the east side of the above referenced. After sharing our proposed rear addition project Mr. Tomlin offered his verbal support.**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Benjamin Rabin", with a horizontal line underneath.

**Print: Benjamin Rabin**

**Address: 167 Grove Street**

**Date: April 16, 2023**

RE: 167 Grove Street / BZA-Z Special Exception

Members of the board,

I reside at the below address, a neighboring property to 167 Grove Street. Ben & Lauren approached me seeking support for their proposed addition and shared their plans. This letter serves to confirm my support of the project.

Sincerely, 



Print: GEORGE KYRIE WHITLOCK

Address: 170 GROVE ST.

Date: 4/17/2023

RE: 167 Grove Street / BZA-Z Special Exception

Members of the board,

I reside at the below address, a neighboring property to 167 Grove Street. Ben & Lauren approached me seeking support for their proposed addition and shared their plans. This letter serves to confirm my support of the project.

Sincerely,



Print:

Gina Jennings

Address:

166 Grove St Charleston SC 29403

Date:

4/17/23

RE: 167 Grove Street / BZA-Z Special Exception

Members of the board,

I reside at the below address, a neighboring property to 167 Grove Street. Ben & Lauren approached me seeking support for their proposed addition and shared their plans. This letter serves to confirm my support of the project.

Sincerely,

Print: Elizabeth Trembley

Address: 24 Dunne Mann Ave, Charleston SC 29403

Date: 4/17/23



Wagener Terrace Neighborhood Association (WTNA)

Charleston, SC 29403

April 25, 2023

WTNA Board Members

Petar Lemajic, President

Jarret Nicholson, Vice-President

Gail Thomas, Treasurer

Nancy Wilson, Secretary

Tyler Hueter, Board Member

Anna Lee Turner, Board Member

Susan Cale, Board Member

Jeanie Knowlton, Board Member

Re: TMS #463-15-01-010, 167 Grove St.

Pennye Ashby

DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY

2 George Street, Suite 3100

Charleston, SC 29401

Dear Ms. Ashby:

Wagener Terrace Neighborhood Association conducted a public meeting on Monday, April 17, 2023, where we considered Lauren Flatley and Ben Rabin's request for WTNA support for a special exception to allow a horizontal expansion and vertical extension that extends a non-conforming 2.5-ft. east side setback for their home at 167 Grove Street.

With a quorum present, WTNA voted unanimously to support the Flatley/Rabin plan, submitted for review and consideration to the Board of Zoning Appeals meeting to be held on May 2, 2023.

Given that Flatley/Rabin have the support of their direct neighbors and the neighborhood at large, the Wagener Terrace Neighborhood Association encourages the BZA to approve their application.

Respectfully submitted,



Petar Lemajic

President WTNA



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

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### **4 Trumbo St.**

**Harleston Village | TMS #457-12-01-010 | Zoned: DR-1F**

Request variance from Sec. 54-301 to allow a 1-story stair addition with a 3.52 ft. west side setback, a 3.52 total side setback (9-ft. and 15-ft. required). Request special exception under Sec. 54-110 to allow a 2nd floor addition, porch enclosure (bathrooms/closet/office) to a non-conforming building foot print having a 7.0-ft west side setback (9-ft. required).

Owner: Charleston and Kerry Missel  
Applicant: Jeremy Kruska/Chatauk Studio, LLC

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## Ashby, Pennye

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**From:** Jeremy Kruska <jeremy@chatauk.com>  
**Sent:** Friday, April 28, 2023 11:41 AM  
**To:** Ashby, Pennye  
**Subject:** Re: FW: 4 Trubmo Street

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

**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.

Hi Pennye,

They have reached out to the neighbor at 6 Trumbo and have not heard back (they have his phone number). I am going to go knock at the door myself today and leave a note to call and meet/ discuss. I will keep you updated.

Thank you!

Best,  
Jeremy Kruska  
Chatauk Studio  
917.734.5641



Virus-free. [www.avast.com](http://www.avast.com)

On Tue, Apr 25, 2023 at 5:39 PM Ashby, Pennye <[ASHBYP@charleston-sc.gov](mailto:ASHBYP@charleston-sc.gov)> wrote:

Good afternoon Jeremy,

Hoping all is well.

Following up with the letters of support. The most immediate/adjacent neighbor is the owner at (6 Trumbo) , what is this neighbor/owner's position? I believe Lee and the BZAZ Board will want to know.

Thank you,

**From:** Ashby, Pennye  
**Sent:** Monday, April 24, 2023 1:55 PM  
**To:** Jeremy Kruska <[jeremy@chatauk.com](mailto:jeremy@chatauk.com)>  
**Subject:** RE: 4 Trubmo Street

Greetings Jeremy,

Thank you for providing this information.

Take care,

Pennye

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**From:** Jeremy Kruska <[jeremy@chatauk.com](mailto:jeremy@chatauk.com)>  
**Sent:** Monday, April 24, 2023 1:46 PM  
**To:** Ashby, Pennye <[ASHBYP@charleston-sc.gov](mailto:ASHBYP@charleston-sc.gov)>  
**Subject:** 4 Trubmo Street

**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.

Hi Pennye,

I had the owner forward me the letters of support that they have. They said they did go by other houses or reach out to other homes nearby but these are the ones who had responded. Please see attached.

As discussed we could have letters updated to be addressed to the BZAZ in advance of the meeting.

Best,  
Jeremy Kruska

*Chatauk Studio*

917.734.5641

City of Charleston  
Board of Architectural Review  
2 George Street, Suite 3100  
Charleston, SC 29401

Re: Missel Residence Proposed House Elevation and Renovation  
4 Trumbo Street, Charleston, SC 29401

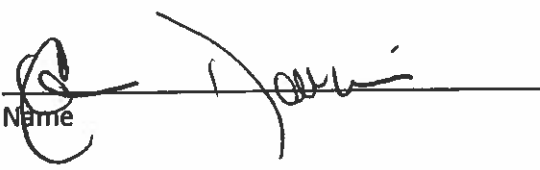
Dear Members of the Board,

I have been made aware by my neighbors, Erica and Charleston Missel, that they are proposing to elevate their historic house to help save it from future flood events. I understand that they will be renovating the house, as well, in part due to recent fire damage, and that work would all occur at the same time as the elevating of the home. I know that this work requires approval by the Charleston Board of Architectural Review

The Missels have shown me the proposed design as it had been presented to the City and Board of Architectural Review. I have no objection to their proposal and feel that the house will still maintain the historic character that makes our neighborhood so special.

I am fully in support of Erica and Charleston Missel's design and proposal and would encourage you to approve their application.

Sincerely,

  
Name \_\_\_\_\_ Date April 7, 2023  
20 Trumbo St  
Street Address \_\_\_\_\_

City of Charleston  
Board of Architectural Review  
2 George Street, Suite 3100  
Charleston, SC 29401

Re: Missel Residence Proposed House Elevation and Renovation  
4 Trumbo Street, Charleston, SC 29401

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I am fully in support of Erica and Charleston Missel's design and proposal and would encourage you to approve their application.

Sincerely,

W G MATNEY  
Name

4/7/23  
Date

30 RUTLEDGE AVE.  
Street Address

City of Charleston  
Board of Architectural Review  
2 George Street, Suite 3100  
Charleston, SC 29401

Re: Missel Residence Proposed House Elevation and Renovation  
4 Trumbo Street, Charleston, SC 29401

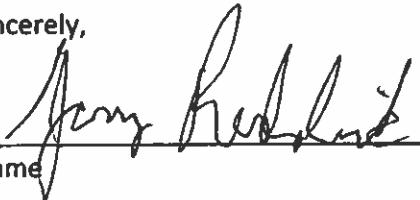
Dear Members of the Board,

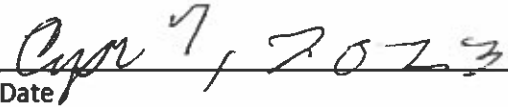
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I am fully in support of Erica and Charleston Missel's design and proposal and would encourage you to approve their application.

Sincerely,

  
Name

  
Date

  
Street Address

City of Charleston  
Board of Architectural Review  
2 George Street, Suite 3100  
Charleston, SC 29401

Re: Missel Residence Proposed House Elevation and Renovation  
4 Trumbo Street, Charleston, SC 29401

Dear Members of the Board,

I have been made aware by my neighbors, Erica and Charleston Missel, that they are proposing to elevate their historic house to help save it from future flood events. I understand that they will be renovating the house, as well, in part due to recent fire damage, and that work would all occur at the same time as the elevating of the home. I know that this work requires approval by the Charleston Board of Architectural Review

The Missels have shown me the proposed design as it had been presented to the City and Board of Architectural Review. I have no objection to their proposal and feel that the house will still maintain the historic character that makes our neighborhood so special.

I am fully in support of Erica and Charleston Missel's design and proposal and would encourage you to approve their application.

Sincerely,

Joseph Roddley  
Name

4.7.23  
Date

13 Trumbo Street  
Street Address