City of Charleston

BOARD OF ZONING APPEALS-ZONING

Your Board of Zoning Appeals-Zoning Members are:

- John Bennett
- Howell Morrison
- Bill Goodwin, Jr.
- Robben Richards
- Allison Cannon Grass
- Jeffrey Tibbals
- Chappy McKay

Your City of Charleston Staff are:

- Lee Batchelder, Zoning Administrator
- Pennye Ashby, Senior Planner
- Scott Valentine, TRC Coordinator

DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY

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.
Board of Zoning Appeals-Zoning

Requirements for Granting a Variance

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

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

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

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

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

Approval of June 21, 2022 BZA-Z Minutes

https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/_06212022-7537
Request the fourth one-year extension of a vested right that expires on July 18, 2022, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on July 18, 2017 with conditions for a 50-unit accommodations use in a GB-A (General Business-Accommodations) zone district.
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)
City of Charleston

Instructions: This application, along with the required information and fee, must be submitted to the Permit Center 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 stops 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: June 21, 2022

Property Address: 235 E. Bay, 36 N. Market Street, 5 Guilford Street, TMS #, 458-03-05-01-00:1-138-036

Property Owner: ____________ Pearce Development, LLC__________ Daytime Phone: ____________ 843-972-1111

Applicant: ____________ Womble Bond Dickinson (US) LLP, James Wilson ____________ Daytime Phone: ____________ 843-720-4646

Applicant’s Mailing Address: 5 Exchange Street, Charleston SC 29401 ____________ E-mail Address: ____________ James.Wilson@wbd.us.com

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

Zoning of property ____________ GB, Accommodations Overlay A-1

Information required with application: (Check information submitted)
☐ Scanned plans or prints (including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-27-1145 of the South Carolina Code of Laws

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

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

Applicant

Date 5/10/22

For Office use only
Date application received ____________ Fee ____________ Time application received ____________

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

Page 2 of 2

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 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.
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 § 6-27-1100)

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

See Attached Exhibit

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 within a period of six (6) months has lapsed.

5/19
EXHIBIT A

to
Application for Extension of Special Exception

Pursuant to Section 54-962 of the Ordinances of the City of Charleston, the Owner hereby requests a one-year extension of the previously approved Special Exception for a 50 room hotel and related facilities to be constructed at 235 East Bay Street, 36 N. Market Street and 5 Guignard Street. A copy of the Minutes from the previously approved Special Exception granted by the BZA on July 18, 2017, along with copies of the previously approved first, second and third one-year extensions granted by the BZA on January 15, 2019, July 21, 2020, and July 20, 2021 are attached hereto and incorporated herein by reference. This is the fourth one-year extension being requested.

The two-year vested right term for the Special Exception for 235 East Bay Street, 36 N. Market Street and 5 Guignard Street commenced upon approval by the BZA on July 18, 2017 and extended through July 18, 2019. The first one-year extension period granted by the BZA commenced on July 19, 2019 and extended through July 18, 2020. The second one-year extension period granted by the BZA commenced on July 19, 2020 and extends through July 18, 2021. The third one-year extension period granted by the BZA commenced on July 20, 2021 and extends through July 18, 2022. This fourth one-year extension period should commence on July 19, 2022 and extend through July 18, 2023.
Board of Zoning Appeals - Zoning

City of Charleston

PROPERTY LOCATION, TAX NUMBERS, AND DESCRIPTION OF REQUEST(S):
233 EAST BAY ST., 56 MARKET ST., AND 5 GURNARD ST. (658-05-00-061, 138 AND 036)
Request the three-year extension of a vested right that expires on July 18, 2023, pursuant to Sec. 34.965 Vested right pertains to a special exception granted under Sec. 34.965 on July 18, 2017 with conditions for a 50-unit accommodations use in a G-B/A (General Business-Accommodations) zone district.

Order on Special Exception Request
The Board of Zoning Appeals 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.

D. DENIED: The Board concludes that the standards in the Zoning Ordinance are met, and nothing in the record requires the Board to grant the requested special exception.

APPROVED: The Board concludes that the standards in the Zoning Ordinance are met, and that the special exception is granted subject to the following conditions.

Date Issued: [Date]
Chairman: [Name]

Order on Variance Request
The Board of Zoning Appeals held a public hearing to consider an appeal for a variance from 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.

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

APPROVED: The Board concludes that:
1. The applications and supporting documents submitted in compliance with the provisions of Section 34.962 and Sec. 34.963.
2. The variance is consistent with the purposes of the Zoning Ordinance and will not be detrimental to the public welfare and public convenience.
3. The variance is consistent with the public welfare and public convenience.
4. The variance will not permit non-conforming conditions.
5. The variance will not permit the erection of any building in violation of the Zoning Ordinance.

APPROVED: The Board therefore finds that the variance is necessary and in the public interest and permits the variance to be granted subject to the following conditions:

Date Issued: [Date]
Chairman: [Name]
Agenda Item #B-2

257-261 KING STREET
TMS #457-08-01-050

Request first one-year extension of a vested right that expires on July 21, 2022, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on July 21, 2020 for a 12-unit accommodations use in a GB-A (General Business-Accommodations) zone district.
Application for Variance, Special Exception, Reclassification, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)

City of Charleston

Instructions – This application, along with the required information, must be submitted in PDF format to the Board Administrator at:<a>webmaster@charlestonsc.gov</a>. Applicant will then be invoiced for fee. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

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

MEETING DATE REQUESTED: July 14, 2022

Property Address 257-261 King Street

Property Owner 257 King Street Partnership

Daytime Phone 843-229-9210

Applicant Reggie Gibson Architects-Alika Ford

Daytime Phone 843-772-4040

Applicant’s Mailing Address 133 Vandover St Charleston, SC 29403

alicia@reggiegibsonarchitects.com

E-mail Address

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

Zoning of property GB

Planningrequirements (check information submitted)
☐ Planned or pilot units, including elevations, showing the variance(s) or special exception(s) being requested (5 sets)
☐ New construction or additions within a flood zone, show HVAC units and platform on scaled plan.
☐ Existing building or additions within a flood zone, elevation certificate or FEMA certification must be submitted.
☐ New construction or additions within a flood zone, show HVAC units and platform on scaled plan.
☐ Zoning variances or special exceptions: In compliance with the Circular 1, Sec. 6-29-1200 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. I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant

Date: 6/1/2022

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

Variances Test: The Board of Zoning Appeals – Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when, after a public hearing, it finds that the following conditions are met:

1. There are special features of the land or its location that make it inordinately difficult to comply with the intent of the Zoning Ordinance.
2. The variance will not, by reason of the variance, create a danger or a nuisance to the public safety, health, or general welfare.
3. The variance will not, by reason of the variance, create a danger or a nuisance to the public safety, health, or general welfare.

In granting a variance, the Board may attach such conditions as are necessary to ensure the condition being variances from the provisions of Article 9, Part 5 of the Zoning Ordinance.

For Special Exception requests, applicants should list the specific exception being requested and provide documentation demonstrating compliance with the standards.

See Attached

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 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) 724-7281
www.charlestonsc.gov/planning
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 the 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: 4/21/2020

Property Address: 251-251 King Street

Property Owner: King Street Partnership

Daytime Phone: 229.9260

Applicant: Ronnie Gibson

Architects: Alicia Reed

Daytime Phone: 244.722.9004

Applicant’s Mailing Address: 125 Vadero Street, Charleston, SC 29403

Email Address: Alicia@ginцин.com

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

Zoning of property: C-5B

Information required with application: (check information submitted)

☐ Zoned plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ New construction or additions to a zoning map zone, show HVAC units and platforms on scaled plans
☐ Existing floor plans with rooms labeled and the total floor area for each dwelling unit noted for all accessory buildings and additions, unless exempted by the Zoning Board (3 sets)
☐ Existing 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)

☐ REQUEST – Is the property restricted by any recorded covenant that is contrary to this variance request or prohibits the proposed land use encompassed in this permit application? § 6-29-1455 of the South Carolina Code of Laws

Optional but very helpful information:

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

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

Applicant: Alicia Reed

Date: 3/14/2020

For office use only.

Clear applications received.

Fee: $25

Time application received.

Receipt # A-123
ORDER OF SPECIAL EXCEPTION REQUEST

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

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

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

Date issued: [Signature]

ORDER ON VARIANCE REQUEST

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

APPROVAL OF THE BOARD will remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article IV. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has expired.
ACCOMMODATIONS SPECIAL EXCEPTION

257-261 KING STREET
CHARLESTON, SC 29401

TMS N°s: 457-08-01-050

ZONING
Submit: MARCH 23, 2020
Meeting: APRIL 21, 2020

DRAWING LIST

T101 TITLE SHEET
MAP-C1 ZONING MAP
MAP-C2 RESIDENTIAL & ACCOMMODATIONS PROXIMITY MAP
MAP-C3 ATTRACTIONS & PUBLIC TRANSIT PROXIMITY MAP
A100 CONCEPTUAL SITE PLAN
A101 CONCEPTUAL FIRST FLOOR PLAN
A102 CONCEPTUAL SECOND FLOOR PLAN
A103 PHOTOS
A201 CONCEPTUAL ELEVATIONS
A202 CONCEPTUAL ELEVATIONS
A203 CONCEPTUAL ELEVATIONS
Agenda Item #B-3

6180 FIELDSTONE CIRCLE
(VILLAGE GREEN)
TMS #359-13-00-037

Request variance from Sec. 54-250 Village Green PUD Master Plan Zoning regulations to allow a 1-story addition (bathroom/closet) with a 21.4-ft. rear setback (25-ft. required).

Zoned PUD
Application for Variance: Special Exception, Reclassification, or Extension to the Board of Zoning Appeals – Zoning (RZA-Z)

City of Charleston

Instructions – This application, along with the required information, must be submitted in PDF format to the Board Administrator at planning@charleston.sc.gov. Applicants will then be invoiced for fees. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A signed copy will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for variances, per special exception appeal, 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:
1. A Variance and/or Special Exception as indicated on page 2 of this application.
2. Reconsideration of a decision of the Board or action of a zoning official (Attach Appeal Form).
3. Extension of an expired Variance and/or Special Exception approval.

Meeting Date Requested: July 19, 2022

Property Address: 6180 Fieldstone Circle
TMS #: 359-13-00-037

Property Owner: Timothy W. Mauli
Daytime Phone: 843-509-2809

Applicant: Timothy W. Mauli
Daytime Phone: 843-509-2809

Applicant’s Mailing Address: 6180 Fieldstone Circle Charleston, S.C. 29414

Email Address: tmauli@fossenbro-engineering.com

Relationship of Applicant to Owner: Same, Representative, Prospective Buyer, Other: Same

Zoning of Property: R-2

Information required with application (check information submitted):
1. scaled plans or photos, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
2. For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
3. 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)
4. Plans or documents necessary to show compliance with special exception requirements (3 sets)
5. 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 it contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? Yes or No

6.29-1145 of the South Carolina Code of Laws

Optional but very helpful information:
1. Photographic
2. Letters or petitions from neighbors or organizations directly affected by your request.

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

Applicant: ____________________________

Date: ____________________________

For Office Use Only

Date Application Received: ________________

Time Application Received: ________________

Staff Person: ____________________________

Fee: $ ________________

Received: ________________

RZA-Z Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance will be met (add as an attachment if necessary).

We request a variance to the rear setback line of 21.4 feet in order to add a small addition. The addition is to add a small bathroom and closet to a nondescript room in order to make a bedroom for my elderly mother. We considered trying to find a house that would better accommodate us for this, but due to the extreme jump in home costs we cannot afford to move. The current 25' setback makes this addition too small and there is no other area in the house suitable. The area directly behind my property is a 3D buffer owned by Village Green HOA and is not expected to change in the near future. The property beyond the buffer is rumored to be a future road. Because of the size and orientation of these properties, I believe it would be almost impossible to change their use, therefore I believe my request would have no affect on this area.

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.
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 § 6-29-4000)

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, § 54-266, 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) 724-2281
www.charlestonsc.gov/zoning

5/22
GROUND FOR VARIANCE
TMS Parcel No. 359-13-00-0377
Location: 6180 Fieldstone Circle
Owner/Applicant: Timothy W. Maull

Overview of Application

The Applicant, Timothy W. Maull, is the owner of 6180 Fieldstone Circle. The property is comprised of approximately 0.21 acres.

To be able to provide a comfortable living area at my existing residence for my elderly mother to live.

See existing conditions and site plan provided along with application.

The addition design and layout require a variance reduction from a rear 23' setback to a 21.4' rear setback.

Grounds for Requested Variances

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

The house is too close to the current setback lines to create the addition needed for an efficient area for a bathroom and closet. There is an existing deck that was constructed that is non-conforming. The new construction would not exceed the extent of this deck.

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

There is an existing 20' drainage easement on the rear of the property. There is also a 35' buffer area adjacent to the rear of the property line owned by the HOA. That makes this property unique. There is not a residential house behind the property.

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.

Because of the need to move my mother in with us we did consider moving. After looking into this, we found that any house in the area with the same square footage, that would accommodate us, is not affordable. Because my mother should not be alone this is the only way we would be able to move her in with us.

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

As this is a rear setback variance request, it will not affect my neighbors to the right or the left.

As earlier stated, the adjacent property in the rear is a 35’ buffer owned by Village Green HOA and beyond that is privately owned land rumored to become a road sometime in the future. There are no houses in close proximity to the rear property line; therefore, no residences will be affected by the setback reduction.
Agenda Item #B-4

5 GLENWOOD AVENUE
(HAMPTON PARK TERRACE)
TMS # 460-03-03-109

Request variance from Sec. 54-301 to allow an 8-ft. fence along rear property line (7-ft. height limitation).
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):

- **See attached** - the piece of wood in the picture is 8' long. The 8' white pipe is a 7' piece of wood.

- Letters of support expected from neighbors - verbal given.

**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, if 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 § 5-29-600)

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 § 59-110, § 54-209, or sections in Article 5 (add as an attachment if necessary):

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- 

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
The backyard of my property, 5 Glenwood Ave., Charleston 29403, is unique as it has structures on all four sides. The entire backyard is approximately 40’ by 20’ feet. My house is to the front of the backyard, leaving a driveway space of 6 feet.

**REAR:** To the rear (8 Sutherland Ave.) is an A-framed roof, garage structure. The bottom of the roof (un-guttered) is 7’ off the ground at it’s lowest point. The fence (regardless of height) will not be visible from this property, which itself has a fenced-in yard.

**RIGHT:** To the right (7 Glenwood Ave.) is a 2-story apartment, on the property line, adjoined to a 6’ fence. The house has a raised back porch.

**LEFT:** To the left (3 Glenwood Ave.) is a 10’ tall shed, which has a rear corner located over the property line. The shed’s roof (un-guttered) extends over my property.

The run-off from the roofs of these three buildings comes towards my property, creating erosion around my yard. My biggest concern would be having a fence the exact height of the roof in the REAR of the property. The water would run off and hit the top of the fence, shooting in all directions. The plan of having an 8’ fence, above the bottom of the roof run-off, is to direct some of the water, and put in drainage to protect the area from erosion. This would be impossible if the fence was the same height as the bottom of the roof.

Also given the elevated back deck from Right a higher fence is necessary to provide privacy, both for me and my neighbors. In addition, I have pool equipment which is elevated. This could be hidden from the neighborhood view with a taller fence, as well as functioning as a sound buffer.

The is only approximately 15 linear feet of fencing that is not obstructed by buildings owned by adjacent property owners; and less than 6’ visible from the front of the house – which is over 60’ from the road.

Given that all adjacent property owners have structures near the property line, I believe my lot faces conditions that are unique and therefore request an exception to the 7’ fence height limit. Few, if any, of the other properties in my neighborhood have this same situation.

Having an 8’ fence surrounding my back yard would not be a detriment to my neighbors, but instead is seen by them as a benefit, both for privacy and safety/security purposes surrounding a pool.
Dear Mr. Matheson,

I hope this letter finds you well.

My client, Cicilia Gordon Rogers, has given me authorization to grant your request and agree to approve your variance of your fence height from seven to eight feet at 5 Glenwood Avenue, Charleston, South Carolina 29403.

Sincerely,

[Signature]
The Curry Law Firm, P.A.
11900 Davenport Road
North Charleston, SC 29420
843-975-5286
843-767-5286 (fax)
currylawfirm@bcnmail.net
ES.CC

TO: City of Charleston Permitting/Zoning
RE: Fence Variance Request at 5 GLENWOOD AVENUE, CHARLESTON 29407

My Address: 7 Glenwood Ave [

I am writing in support of an eight (8) foot fence being installed in the backyard of 5 Glenwood Avenue. My property is next door to this property. Permitting the one foot variance will not be detrimental to my property. In fact, the additional height would be beneficial in providing more privacy and securing the pool located at your address. We would prefer this higher fence as we have an elevated back porch. Additionally, there is pool equipment visible from our yard, which we would prefer be shielded back for aesthetics and sound dampening purposes.

Sincerely,

[Signature] William Sterling Harper
TO: City of Charleston Permitting/Zoning  
RE: Fence Variance Request at 5 GLENWOOD AVENUE, CHARLESTON 29403

My Address: 8 Sutherlund Ave (REAR)

I am writing in support of an eight (8) foot fence being installed in the backyard of 5 Glenwood Avenue. The fence there previously was 8 feet tall. My property is located directly behind this property. Permitting the one foot variance will not be detrimental to my property. My building completely obstructs my view of this fence.

Sincerely,

[Signature]

Marguerite W. Chaplin
Printed.
Agenda Item #B-5

41 HAZELHURST AVENUE
(DANIEL ISLAND)
TMS # 271-15-03-028

Request variance from Sec. 54-263 Daniel Island PUD Master Plan zoning regulations to allow a stair/landing addition with a 17-ft. 9-inch rear setback (20-ft. required).
Zoned PUD
Instructions: The application, along with the required information, must be submitted in PDF format to the Board Administrator at Admin@Charleston.gov. Applications must be postmarked or delivered to the Board Administrator 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 following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) business days from the date of the hearing. Appeals to the Board during this appeal period stop 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: July 19, 2022

Property Address: 41 Hartwell St

Property Owner: Dave & Barbara Cheapey
Daytime Phone: 843-466-1955

Applicant: Dave & Barbara Cheapey
Daytime Phone: 843-466-1955

Applicant’s Mailing Address: 41 Christopher Court, Baby Boys, N.Y. 11102

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

Zoning of property: Residential

Information required with application: (check information applicable)
- Scanned plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- For new construction or additions within a mobile home or manufactured unit or property protected (3 sets)
- Scanned floor plans with rooms labeled and the total floor area of each dwelling unit specified for all density variances and building additions, unless exempted (3 sets)
- Plans or documents necessary to show compliance with special exception requirements (3 sets)
- Check, certified, or cashier’s checks payable to the City of Charleston for $500 per special exception (3 sets)
- If a variance or Special Exception is to be used, all necessary permits obtained (3 sets)
- All other documents necessary to fulfill the conditions of the variance or Special Exception (3 sets)

Optional but useful information:
- Photographs
- Letters or petitions from neighbors or organizations already affected by your request

I certify that the information on this application and any attachments is correct, that the public hearing is, in part, an opportunity to address concerns expressed by any person, 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 according to Section 13-20-450 of the Code of Charleston. (Note: This notice will be posted, at the property owner's expense, within ten (10) days before the hearing and will be posted until the final decision is made.

Applicant: Dave & Barbara Cheapey

Date: 7/1/22

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
3 George Street
Charleston, South Carolina 29401
(843) 724-7519
www.charleston.gov/zoning
June 24, 2022

Via:
Doug Chapey Doug@chapefamily.com
Jamison Howard Jamison@maxsiseyconstruction.com

Re: B101 41 Hazelhurst Street Variance Request for Rear Stairs

The ARB has reviewed and supports the proposed variance for a portion of rear stairs to encroach over the 20’ rear setback because the encroachment does not negatively impact the neighborhood or adjacent properties.

The ARB will require that the foundation of the exterior stairs be enclosed with louvered and screened from view with large evergreen shrubs and/or trees.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Carson Jackson
Architectural Review Board Associate
Daniel Island Property Owners’ Association
130 River Landing Drive, Suite 1-C
Charleston, SC 29492
phone: 843.971.4463

Any approval by the Architectural Review Board (ARB) relates to the external design and site design only. The ARB does not assume liability for structural design or material sufficiency. Board approval does not constitute any opinion or representation by the Board or Staff that the design plans comply with any Municipal, State or Federal laws.
Agenda Item #B-6

92 ASHLEY AVENUE
(HARLESTON VILLAGE)
TMS # 457-03-04-072

Request special exception under Sec. 54-110 to allow a 2-story addition (family room/bath/porches/master bedroom/bath) that extends a non-conforming 2.14-ft. north side setback, a non-conforming 10.6-ft. south side setback, a non-conforming 12.7-ft. total side setback (6-ft. 12-ft. 18-ft. required).

Request variance from Sec. 54-301 to allow a 2-story addition with a 22.7-ft. rear setback (25-ft. required).

Zoned STR
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: July 19th

Property Address: 71 Ashley Avenue
TMS # 457-03-04-072

Property Owner: Kenneth Bible
Daytime Phone: 843-513-5856

Applicant: Ben Dammeier
Class: Demolition
Daytime Phone: 843-981-9390

Applicant’s Mailing Address: 1852 Envy Rd, Johns Island, SC 29455
E-Mail Address: ben@benjaminlaine.com

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

Zoning of property: ST R

Information required with application: (check information submitted)

☐ Additional 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, certified or cash (make checks payable to the City of Charleston)
☐ YES or ☐ NO - Is the 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 comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant: ____________________________ Date: __________

For office use only

Date application received: __________

Staff refusal: __________ Fee: $ ________

Time application received: __________

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):

See Attached Letter

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 Exceptions 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) 724-3761 www.charlestonsc.gov/zoning

5/19
June 17, 2022

Penny Ashby, Senior Zoning Planner
City of Charleston Zoning Department
2 George Street, Suite 3100
Charleston SC 29401

Re: Special Exception Request – 92 Ashley Avenue

Dear Penny,

Please consider this letter an attachment to the zoning application for 92 Ashley Avenue, which addresses the special exception request for this property. We respectfully request extension of a non-conforming setback at the North-West and South-East side yards of the property.

The home currently encroaches into the NW setback (plan left side) by 57” and into the SE setback (plan right side) by 23”. Our proposed addition would add 18’ of length to the rear of the home but would “bump in” from both non-conforming side yard setbacks. The proposed addition would only encroach 42” (down from 57”) into the NW side setback and 15” (down from 23”) into the SE setback.

While this addition does add an extra bedroom to this single family home, we feel that it will not contribute to an unreasonable intensification in the use of the property. The current owners have only 2 small cars and do not have any plans to add any additional vehicles to the property. The scale of this renovation is modest in comparison to the larger homes surrounding it and therefore, will not negatively impact light and airflow, and of the neighboring properties. If allowed, the renovation would help to bring the home up, more in-keeping with the size and scale of the neighboring homes. We feel it will enhance the character of Ashley Ave and the surrounding neighborhood.

Thank you for your consideration,

Ben Dammeney
Architectural Draftsman
Classic Remodeling & Construction, Inc.
1832 River Road, Johns Island, SC 29455
office: 843.763.3297 | cell: 843.936.9390

June 17, 2022

Penny Ashby, Senior Zoning Planner
City of Charleston Zoning Department
2 George Street, Suite 3100
Charleston SC 29401

Re: Zoning Request – 92 Ashley Avenue

Dear Penny,

Please consider this letter an attachment to the zoning application for 92 Ashley Avenue. We respectfully request review and approval of a small encroachment (194 Sq.ft.) into the rear and side setbacks for an addition to the property.

The home is currently non-conforming to the front and both side yard setbacks as shown on the existing site plan. We are requesting an extension of the existing non-conforming side yard setbacks in addition to a new encroachment into the rear setback.

We feel that we meet the variance test in the following manner:

The lot poses an extraordinary and exceptional condition n that it is much smaller and thus, more restrictive than the neighboring lots in the immediate vicinity. The owner would like to construct an addition that fits proportionally with the existing home and lot size, but also provides adequate living space for the needs of today’s modern family. The addition would provide a small side porch, giving the owners much needed covered outdoor space which the home currently lacks. This project will have no impact on the surrounding properties. The placement of the addition at the rear of the property makes it minimally visible from any public right of way. Letters of support from all adjacent neighbors have been included with this variance request.

Thank you for your consideration,

Ben Dammeney
Architectural Draftsman
Classic Remodeling & Construction, Inc.
1832 River Road, Johns Island, SC 29455
office: 843.763.3297 | cell: 843.936.9390
EXISTING 1ST FLOOR PLAN - (873 SQ.FT.)
SCALE: 1/4" = 1'-0"
June 10, 2022

To whom it may concern,

I understand that my neighbors at 92 Ashley Avenue are planning to build an addition onto the rear of their home. I have thoroughly reviewed the proposed plans produced by their design team at Classic Remodeling. I understand the new addition encroaches past the current rear and side setbacks, but I feel this project improves the home and adds value to the neighborhood. Therefore, I would like to give my full approval for this project and the required zoning variance.

Sincerely,

William Crowder
96 Ashley

Dang Minh Nguyen

Prepared & submitted by:
Classic Remodeling & Construction, Inc.
SC Homebuilders License #8930
SC General Contractors License #13755

June 10, 2022

To whom it may concern,

I understand that my neighbors at 92 Ashley Avenue are planning to build an addition onto the rear of their home. I have thoroughly reviewed the proposed plans produced by their design team at Classic Remodeling. I understand the new addition encroaches past the current rear and side setbacks, but I feel this project improves the home and adds value to the neighborhood. Therefore, I would like to give my full approval for this project and the required zoning variance.

Sincerely,

Tony Snears
89 Ashley Avenue

Prepared & submitted by:
Classic Remodeling & Construction, Inc.
SC Homebuilders License #8930
SC General Contractors License #13755
May 26, 2022

To whom it may concern,

I understand that my neighbors at 92 Ashley Avenue are planning to build an addition onto the rear of their home. I have thoroughly reviewed the proposed plans produced by their design team at Classic Remodeling. I understand the new addition encroaches past the current rear and side setbacks, but I feel this project improves the home and adds value to the neighborhood. Therefore, I would like to give my full approval for this project and the required zoning variance.

Sincerely,


90 Ashley

Prepared & submitted by:
Classic Remodeling & Construction, Inc.
SC Homebuilders License #98930
SC General Contractors License #18755

June 10, 2022

To whom it may concern,

I understand that my neighbors at 92 Ashley Avenue are planning to build an addition onto the rear of their home. I have thoroughly reviewed the proposed plans produced by their design team at Classic Remodeling. I understand the new addition encroaches past the current rear and side setbacks, but I feel this project improves the home and adds value to the neighborhood. Therefore, I would like to give my full approval for this project and the required zoning variance.

Sincerely,

Diane S. McCall (843-323-2062)
Mod. 9 McCall
88 Ashley Avenue

Prepared & submitted by:
Classic Remodeling & Construction, Inc.
SC Homebuilders License #98930
SC General Contractors License #18755
May 26, 2022

To whom it may concern,

I understand that my neighbors at 92 Ashley Avenue are planning to build an addition onto the rear of their home. I have thoroughly reviewed the proposed plans produced by their design team at Classic Remodeling. I understand the new addition encroaches past the current rear and side setbacks, but I feel this project improves the home and adds value to the neighborhood. Therefore, I would like to give my full approval for this project and the required zoning variance.

Sincerely,

[Signature]

(THOMAS BERRY)

Prepared & submitted by:
Classic Remodeling & Construction, Inc.
SC Homebuilders License #93930
SC General Contractors License #13755
Agenda Item #B-7

2166 WAPPOO DRIVE
(RIVERLAND TERRACE)
TMS # 343-06-00-188

Request variance from Sec. 54-824 to allow a subdivision to create two lots with one lot having a lot frontage of 67.82-ft. (88.6-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 - Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals - Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
X 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 expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: July 19, 2022

Property Address 2166 Wappoo Drive

TMS / 343-06-00-188

Property Owner Linda Robinson

Daytime Phone (843) 830-8888

Applicant Gregory Robinson

Daytime Phone 843-709-1911

Applicant's Mailing Address: 2160 Stonewall Drive. Charleston, SC 29412

E-mail Address gregrob1212@gmail.com

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

Zoning of property residential

Information required with application: (check information submitted)
X Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exceptions requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☒ YES or ☐ NO - Is this property excluded 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 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

Gregory Robinson

Date 06/17/2022

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):

See "Variance Request" attachment

Variance Test: The Board of Zoning Appeals - Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in the 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 § 6-29-405)

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 FAX (843) 724-3772 www.charleston-sc.gov

6/15
June 16, 2022

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

To whom it may concern:

Please see below for additional information regarding the variance request submitted by Gregory Robinson, regarding the subdivision of the property owned by Linda Robinson.

According to the Plat Review Committee, the new survey and lot subdivision does not meet the minimum average frontage of 88.6 feet. Applicant is requesting a variance to allow a total 67.82 feet of frontage as an exception to the minimum.

Please note that attachment A is a screen capture of the 98 Tax Map document found through the Charleston County Register of Deeds website search specifically focusing on the Wappoo Drive area.

Variance Test:

1. Exceptional and extraordinary to the area and typical lot sizing of the vicinity, 2166 Wappoo Drive was originally three total lots and is over a half acre in size. The current frontage of the property is 188 feet, approximately triple the size of other lots in the vicinity.

2. The frontage minimum of 88.6 feet does not generally apply to property in the vicinity (see attachment A), as the neighboring lot frontage is currently 55 feet (parcel #5430600185). Attachments A shows that only three properties on Wappoo Drive have a minimum frontage of 88.6 feet while six have frontages of less than 67.82 feet.

3. Because of these conditions, if the variance is not granted, this extraordinarily large property cannot be subdivided to accommodate the minimum average frontage. A subdivided frontage of 67.82 feet is the largest frontage that the owner can allow in order to properly utilize the property.

4. If the variance is granted, there will be no detriment to the public good. The allowance of a 67.82 feet frontage will not be out of character of the district. Adjacent properties, some of which also do not meet the minimum average frontage requirements, will not be negatively affected by the variance.

Respectfully,

Greg Robinson

C/o: Cameron Spencer, Realtor
Cameron@spencercharlestonrealtors.com
(864) 419-6814
A BOUNDARY SURVEY AND
LOT LINE ABANDONMENT
OF THE LANDS OF
LINDA W. AND JAMES F. ROBINSON
LOCATED ON JAMES ISLAND
CHARLESTON COUNTY, S.C.

NOTES: 1. TMS #343-06-00-168.
2. IRON PIPES FOUND AT ALL CORNERS.
3. PLAT REFERENCE: BOOK E PAGES 33, AN UNRECORDED PLAT
   BY MOSES THOMAS DATED 3/05/92.
4. THIS LOT KNOWN AS LOTS 65,87, AND PART OF LOT 88 OF
   THE RIVERLAND TERRACE S/D.
5. THERE ARE NO SIGNIFICANT TREES 24" DBH OR GREATER
   LOCATED ON THIS LOT.

APPROVED PLAT

REVISIONS:
- AUGUST 27, 1999

GRAPHIC SCALE

NOTE: THIS PLAT DOES NOT CONSTITUTE AN OFFICIAL SURVEY OF THIS
PROPERTY UNLESS STAPLED WITH THE COMMISSION SEAL OF THE
MUNICIPALITY.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION
AND BELIEF, THE SURVEY SHOWN HERETO WAS MADE IN ACCORDANCE
WITH THE MARRICK STANDARD MANUAL FOR THE PRACTICE OF LAND
SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUISITES
FOR CLASS A SURVY AS SPECIFIED THEREIN. ALSO THESE ARE NO NOTICE ENCROACHMENTS OR PROJECTORS OTHER THAN SHOWN.
June 16, 2022

Gregory Robinson
2166 Stonewood Drive,
Charleston, SC 29412

Subject: Petition for Variance Request, 2166 Wappoo Drive, Charleston, SC 29412

The undersigned support the variance request for 2166 Wappoo Drive, Charleston, SC 29412. The undersigned understand that, if granted, a zoning variance would allow a subdivision of this property with a frontage of 67.82 feet, which is less than the minimum average frontage of 88.6 feet.

<table>
<thead>
<tr>
<th>NAME</th>
<th>SIGNATURE</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nathan Messner</td>
<td>[Signature]</td>
<td>2161 Wappoo Dr.</td>
</tr>
<tr>
<td>Christina Thompson</td>
<td>[Signature]</td>
<td>2161 Wappoo Dr.</td>
</tr>
<tr>
<td>Elizabeth Thompson</td>
<td>[Signature]</td>
<td>2161 Wappoo Dr.</td>
</tr>
<tr>
<td>Summer Teegarden</td>
<td>[Signature]</td>
<td>2165 Wappoo Dr.</td>
</tr>
<tr>
<td>Erik Lugarz</td>
<td>[Signature]</td>
<td>2161 Wappoo Dr.</td>
</tr>
</tbody>
</table>
Request variance from Sec. 54-301 to allow a detached accessory structure (cabana) with a 21-ft. setback from side street property line (25-ft. required).

Zoned SR-1
Application for Variance, Special Exception, Reconsideration, or Extension

City of Charleston

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

The Applicant Hereby Requests:

- A Variance and/or Special Exception as indicated on page 2 of this application.
- Extension of an expired Variance and/or Special Exception approval.

Meeting Date Requested: 7/19/2022

Property Address: 1416 Rivers Cotton Rd

Property Owner: Jarred & Carlaiss Overcash

Applicant: Jarred & Carlaiss Overcash

Applicant's Mailing Address: 1416 Rivers Cotton Rd Charleston, SC 29412

E-mail Address: Carlaiss2424@yahoo.com

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

Zoning of property: SR-1

Information required with application (check information submitted):
- Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- New construction or additions within a flood zone, show HVAC units and/or plumbing on sealed plans
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
- Plans or documents necessary to show compliance with special exception requirements (3 sets)
- Check, credit card or cash payment checks payable to the City of Charleston
- Yes ☑ No ☐ Is this Property restricted by any recorded covenant that is contrary to this application or interfere with 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 by the Board hearing and inspected.

Applicant:

Date: 1/1/2023

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

1. We are requesting a variance because we have an existing pool and the location prohibits us to be able to move the cabana. If we moved it 4 feet to accommodate 25ft setback from property line, it would be a serious safety issue. The column would be at the edge of the pool which would never work and the other column would be directly in front of the exit of our screened patio.

2. We cannot move the pool making the cabana impossible to move anywhere else based on other setbacks.

3. Unfortunately, we were not aware until last week that the side setback is 25 feet from the property line, not

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 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.charlestonsc.gov/zoning

Date: 5/22

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 apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
Variance cont.

3) the street. Our home is only 21 feet from the property line. The cabana is directly behind the house, it does not go past side of house.

4) No, we have HOA approval and no street or structure is affected by the cabana.
In accordance with the Association’s Covenants, Conditions, and Restrictions and Architectural Review and Design Guidelines, I hereby apply for written approval to make the following exterior alterations, improvements, or changes to my property.

Date: 4/28/22
Lot #: Name: Jarred & Cassie Oveschak
Street Address: 1416 Rivers Cotton Rd
City: Charleston
State: SC Zip Code: 29412 Preferred Phone: 843-442-6107
Owner's Email: jannée47@yahoo.com

Type of Modification Request (Check All That Apply)

- Painting/Staining/Coating
- Landscaping
- Outdoor Lighting
- Shutters
- Playground Equipment
- Porch Enclosures
- Gutters & Downspouts
- Door (Entry & Garage)
- Structural (Need Plans)
- Covered Outdoor Kitchen

Other: Covered Outdoor Kitchen

Description of Improvement: New plans for covered outdoor kitchen installed on existing pool deck. Not planning to connect to house as originally planned. This will be a separate structure. Kitchen will be constructed from concrete, wood, and metal. All wood will be painted white and pool will be same travertine metal to match home.

**To order to be complete, all applications must include scope of work with detail of materials, color chips, sample material, brand, size, photo, and/or any other pertinent information with this application. If approved, applications must be submitted with a plot plan showing the footprint of the home and property lines. A plan is required in the proposed modifications. Proposed modifications must be sketched on the plot plan. All plans must be received. Applications are not considered to be complete or subject to review until the ARC receives all necessary information.**

IMPORTANT NOTE: APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE DOES NOT CONSTITUTE APPROVAL BY LOCAL GOVERNING AGENCIES. IT IS THE SOLE RESPONSIBILITY OF THE APPLICANT TO DETERMINE AND COMPLY WITH ALL GOVERNMENTAL REGULATIONS, STATUTES, CODES, AND ZONING REQUIREMENTS. IT IS THE RESPONSIBILITY OF THE APPLICANT TO SECURE ANY PERMITS, INSPECTIONS, AUTHORIZATION, AND/OR PERMISSION FROM GOVERNMENT AGENCIES PRIOR TO WORK COMMENCEMENT. IT IS THE APPLICANT'S SOLE RESPONSIBILITY TO PROTECT ALL ELEMENTS INSIDE THE ASSOCIATION EASEMENTS, AND TO RETURN ANY AREA DISTURBED BY THE INSTALLATION OF A MODIFICATION TO THE SAME STANDARDS AS PREVIOUSLY EXISTED. UPON COMPLETION WITH THE IMPROVEMENT, THE ASSOCIATION SHALL REVIEW AND DETERMINE THAT THE INSTALLATION IS IN COMPLIANCE WITH THE APPROVAL PROVIDED. IF THE IMPROVEMENTS ARE DEEMED INCOMPLETE OR
FURTHER WORK IS NECESSITATED, APPLICANT SHALL BE PROVIDED WITH A DEADLINE FOR THE COMPLETION OF THE WORK. IF
THE IMPROVEMENTS ARE NOT COMPLETED TO THE SATISFACTION OF THE ASSOCIATION WITHIN THE TIMELINES PROVIDED, THE
ASSOCIATION MAY IMPOSE PENALTIES UNTIL COMPLETION OCCURS.

ANY EXISTING OR PROPOSED INSTALLATION WITHIN AREAS DESIGNATED AS DRAINAGE AND OTHER EASEMENTS CARRIES WITH IT
SOME RISKS TO THE OWNER. OWNERS WISHING AND APPROVED TO MAKE ANY MODIFICATIONS WITHIN DRAINAGE EASEMENTS
DO SO WITH AN UNDERSTANDING, AGREEMENT, AND ACCEPTANCE OF THE FOLLOWING:
• MODIFICATIONS WITHIN ANY EASEMENTS ARE SUBJECT TO REMOVAL BY ANY AUTHORIZED ENTITY OR MUNICIPAL
AUTHORITY REQUIRING ACCESS INTO THE EASEMENT AREA. SUCH REMOVAL MAY BE COMPLETED WITHOUT PRIOR
NOTICE TO THE OWNER.
• NEITHER THE DEVELOPER, BUILDER, ARC, PDA, OR MANAGEMENT COMPANY ARE UNDER ANY OBLIGATION TO REPAIR,
REPLACE OR REPLACE ANY OR PART THEREOF REMOVED OR DAMAGED WITHIN THE EASEMENT.
• HOMEOWNERS ARE REQUIRED TO OBTAIN ENCROACHMENT PERMITS FROM LOCAL MUNICIPALITIES FOR FENCES
CONSTRUCTED WITHIN DRAINAGE EASEMENTS.
• THIS DISCLAIMER AND THE ASSOCIATED ARC RULES WILL BE MODIFIED FROM TIME TO TIME.

PLEASE INITIAL/COMPLETE BELOW (Application will not be deemed complete without):

☐ I have completed and reviewed this form in its entirety.

☐ I have included a copy of the official property survey/plat/plot plan with all completed and proposed
improvements drawn in, to scale.

☐ I have included picture examples of any plans, styles, colors, models, etc. of the proposed improvement.
Structural improvements will require architectural plans.

My project will be requires and will be completed by a contracted professional (yes/no): ☐ Yes

☐ If so, the contracted professional will be: ____________________________

☐ I understand that it could take up to 30 days for this application to be reviewed and a decision rendered.

Signature of Property Owner: ____________________________

Architectural Review Committee Resolution

Approved ☑ Approved With Conditions ☐ Not Approved ☐

Submit Application To:
Bennett’s Bluff PDA
Attn: Kathryn Reynolds
Email (PREFERRED): kathyreynolds@postanco.com
635 Rutledge Ave., Ste. 105
Charleston, SC 29403
Office: (843) 937-6886
Agenda Item #:B-9

280 MEETING STREET
(ANSONBOROUGH)
TMS #: 458-01-03-093

Request variance from Sec. 54-317 to allow an additional theater group on the 2nd floor, with 4 on-site parking spaces (17 spaces required).

Zoned GB
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZA-2)

City of Charleston

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

Meeting Date Requested: JULY 19

Property Address 280 Meeting Street TMS # 4580103003

Property Owner 280 Meeting Street Associates LLC Daytime Phone

Applicant Ketta Morgan Architects, LLC Daytime Phone 843.345.1534

Applicant's Mailing Address 238 Congress St.

Charleston, SC 29403 E-Mail Address ketta@kettamorganarchitect.com

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

Zoning of property GB

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 noted are required for all density variances and building additions, unless exempted by the Zoning Staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES ☐ NO - Is this property restricted by any recorded covenants that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

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

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

Applicant

Date 6/10/22

For office use only
Date application received 6/10/22
Time application received
Feef $ 843.345.1534
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):
Request variance from Sec. 54-317 to allow a community theater with an occupancy of 99 people to operate with 4 full time on-site parking spaces and 8 additional parking spaces available after 6pm (99 Occupant theater requires 1 space per 6 patrons or 17 spaces total, 4 spaces provided).

Zoned GB

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
VILLAGE REPERTORY THEATER UPFIT
280 MEETING STREET
CHARLESTON, SC
BZAZ REVIEW SET
7.19.22 MEETING
Agenda Item #B-10

1818 PEBBLE ROAD
(DUPONT AREA)
TMS # 350-05-00-084

Request variance from Sec. 54-301 to allow a 10-ft. fence along rear property line (back left corner to back right corner (6-ft. height limitation).

Zoned DR-1F
For **Variances** 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):


For **Special Exceptions** 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.
To Whom It May Concern:

We are requesting the ability to build up to a 10-foot fence on only our back property line from the back left corner to the back right corner and at no other location. This request is being made due to the extraordinary and exceptional circumstances that only affect our property. Our back yard directly abuts to the commercial property behind our house. There is no buffer. This area is an eyesore and a security threat. It is an eyesore because we can see directly into the unkempt back lot where the mechanical/auto shop can be seen working. It is a security threat because they can see into our back yard and patio where my wife and children spend time. The commercial property's fence is dilapidated and not cared for at all. The owner is very difficult. It took about 6 months to get him to remove a commercial grade privacy fence that had fallen on my old shed that I am about to dismantle.

The height of the fence we are requesting is simply to match the height of his fence. My property has a lower elevation which requires a higher height to be able to match the height of his dilapidated fence that is creating the eyesore (see attached pictures) and security threat. This will not affect the surrounding neighbors as it is in the very back of my property. My intentions are to not go much higher than his fence that already exists.

Thank you,

David Cole

Ms. Ashby,

Thank you again for your help.

Attached is the picture that we were discussing. The bottom of the black line represents the height of approximately 6 feet. You may also reference the 6 foot ladder. It is approximately 15 inches from the bottom of the black line to the top of the fence. For some reason the fence is about 12 to 15 inches off the ground at the bottom which leaves a sizable hole that a stray dog used to enter our yard in the past. I am asking to be allowed to build a fence approximately 7 feet 3 inches tall to be no higher than the existing firefighter memorial fence. This would allow me to not see the memorial fence and for those at the memorial to not see my fence.

Thank you,

David Cole
Ms. Ashby,

Thank you again for your help.

Attached is the picture that we were discussing. The bottom of the black line represents the height of approximately 6 feet. You may also reference the 6 foot ladder. It is approximately 15 inches from the bottom of the black line to the top of the fence. For some reason the fence is about 12 to 15 inches off the ground at the bottom which leaves a sizable hole that a stray dog used to enter our yard in the past. I am asking to be allowed to build a fence approximately 7 feet 3 inches tall to be no higher than the existing firefighter memorial fence. This would allow me to not see the memorial fence and for those at the memorial to not see my fence.

Thank you,
David Cole
I am 6'2. This is the view when I hold camera a tad higher than forehead.
More can be seen when foliage not present
Agenda Item #B-11

438 KING STREET
(MAZYCK/WRAGGBOROUGH)
TMS # 460-16-02-066

Request special exception under Sec. 54-220 to allow a 36-unit accommodations use in a GB-A (General Business-Accommodations) zone district.
Application for Variance, Special Exception, Reconsideration, or Extension - Zoning (BZA-Z)

City of Charleston

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

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

MEETING DATE REQUESTED: JULY 18 2022

Property Address: 438 KING ST TMS: # 460-16-02-006

Property Owner: BASIC INVESTMENTS, LLC

Applicant: NEIL STEVENSON (NEIL STEVENSON ARCHITECTS)

Applicant’s Mailing Address: 680 KING ST SUITE B CHARLESTON SC 29403

TARA@NEILSTEVENSONARCHITECTS.COM

E-mail Address: 

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

Zoning of property: GB

Information required with application: (check information submitted)
☒ Scanned 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 H/V/C units and platform on scaled plans
☒ Scanned floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☒ Check, credit card or cash (make checks payable to the City of Charleston)

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

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

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

Applicant: 

Date: 08/17/22

For use only
Date application received ________________ Time application received __________________
Interpreter: 

Fees: $ 100.00

For Section 54-220 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 FAX (843) 724-3772 www.charlestonsc.gov
438 KING STREET DEVELOPMENT

Special Exception reviewed per Section 54-220 for Accommodations uses.

Response to the Special Exception Criteria. Section 54-220 for the accommodations overlay district for 438 King St.

a. Intent. The A Overlay Zone is intended to identify those areas within the City limits where accommodations uses are allowed. Accommodations uses are prohibited except within the A Overlay Zone, with the exception of short term rentals and bed and breakfasts that are approved in accordance with the provisions of sections 54-206, 54-208.1, 54-208.2, 54-208.3, 54-224.1 to 54-224.6. The City places a high value on the preservation of the character of its residential districts. Outside of its residential districts, the City places a high value on the preservation and creation of a diverse mix of uses, containing a balance of uses comprised of retail uses, office uses, service industry uses, educational uses, cultural uses, and appropriate residential uses. Potential negative impacts of accommodations uses affecting residential districts shall be avoided or minimized to the greatest extent possible and, outside residential districts, accommodations uses shall contribute to preservation or creation of diverse, mixed-use districts. The City places a high value on ensuring that its residents have access to housing that is safe and decent and affordable to persons of all income levels. While accommodations uses are a source of jobs, many, if not most, of the jobs created are low-paying, with minimal benefits, highlighting the need for housing that is attainable by these employed in the field of accommodations uses and rendering it necessary and proper for accommodations uses to reasonably contribute to the creation of housing affordable for its workforce. The City places a high value on maintaining a free and safe flow of traffic and the availability of parking spaces convenient to residents, patrons, workers and visitors. As accommodations uses give rise to employees often having to drive to reach the workplace, to assist in the maintenance of a free and safe flow of traffic and convenient parking, it is necessary and proper and in furtherance of good order that accommodations uses provide a plan for parking employees and/or promoting the use of public transportation.

b. Permitted uses. In any Accommodations overlay zone, land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the base zoning district as listed in Article 2; Part 3, and the following uses, subject to the approval of the Board of Zoning Appeals-Zoning:

1. Accommodations uses. The Board of Zoning Appeals-Zoning may permit accommodations uses as an exception where it finds that:
   a. the accommodations use will not result in a net loss of dwelling units that have been occupied within five years of the date of application for the exceptions; provided however, the BZA-Z may approve the alteration or replacement of existing dwelling units on the same site as the accommodations use, or within a radius of one quarter mile from the site if the proposed off site location does not result in an over concentration of low income households, as defined by the U.S. Department of Housing and Urban Development, as adjusted by the Department of Housing and Community Development; and provided further, the BZA-Z shall require any such alterations or replacement to include dwelling units of substantially the same size and type of those being altered or replaced and shall require that no certificate of occupancy shall be issued for the accommodations use until either a certificate of occupancy has been issued for all dwelling units being altered or replaced or irrevocable bonds or letters of credit in favor of the City in amounts equivalent to one hundred twenty-five (125%) per cent of the costs to complete construction or renovation of the dwelling units, as determined by the Chief Building Inspector, be filed with the City.
   b. No housing is being displaced yielding a zero net loss of housing in this project.

   (b) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not reduce or displace more than 25% of office space that has been used for such purpose within five years of the application for the exception;
   c. This project is located in the accommodations overlay district. The building has been unoccupied for 5 years. The previous use of this building was retail on the ground floor and office on the upper floors.
   d. the accommodations use, if located in the Accommodations Overlay on the peninsula, will not displace more than 25% of the linear frontage of existing ground floor storefront retail space on the property;
   e. 100% of the storefront is to remain retail use.
   f. the location of the accommodations use will not significantly increase automobile traffic on streets within residential districts;
   g. The proposed accommodations use is 36 rooms and has a drop off, pick up and parking area, on-site, in the rear of the property, accessed off of John Street. The main King St entrance is a pedestrian entrance. There is an existing loading zone on King Street 35'-7" away. Drop-off and loading zones have been reviewed and approved by the Department of Traffic and Transportation.
   h. The property is surrounded by commercial uses and no residential uses therefore, there will be no increase in automobile traffic on streets within residential neighborhoods.

   (e) the location of the accommodations use will contribute to the maintenance, or creation, of a diverse mixed use district;
   f. The facility will have a mix of uses compatible with the urban context.

   (f) the total square footage of interior and exterior floor area for restaurant and bar space in the proposed accommodations use, including restaurant/bar patron use areas, bar areas, kitchen, storage, and bathroom facilities, shall not exceed 12 percent of the total interior, conditioned floor area in the accommodations use, except that each accommodations use shall be permitted to exempt from the calculation of total restaurant floor area one interior, ground floor restaurant tenant space if the total tenant space does not exceed 2,000 square feet, the restaurant tenant does not serve alcoholic beverages, and the exempt restaurant tenant space is clearly labeled with these restrictions on the floor plans submitted with the application for this zoning special exception.

   (g) The total square footage of interior and exterior floor area for restaurant and bar space in the proposed accommodations use, including restaurant/bar patron use areas, bar areas, kitchen, storage, and bathroom facilities, is 3,173 sq ft which is less than 12% of the 23,137 sq ft of the total interior, conditioned floor area in the accommodations use.

   (h) accommodations use on the property provided guest drop off and pick up areas is located outside the public right-of-way and on the property utilized for the accommodations use if the accommodations use contains more than 50 sleeping units, and if 50 sleeping units or less, the proposed guest drop off and pick up area(s) are located outside the public right-of-way if
feasible, and the location and design of the guest drop-off and pick-up areas has been reviewed by the Department of Traffic and Transportation and determined to be safe and not an impediment to traffic and that every effort has been made to minimize traffic impacts; and

The proposed accommodations use is in 36 rooms and has a drop-off, pick up and parking area, on-site, in the rear of the property, acrossed off of John Street. The main King St entrance is a pedestrian entrance. There is an existing loading zone on King Street 35-71 away. Drop-off and loading zones have been reviewed and approved by the Department of Traffic and Transportation.

(h) the total number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located is equal to or exceeds ten (10) sleeping units.

(i) the total number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located shall not exceed 50 in areas designated "A-1", 100 in areas designated "A-2", 225 in areas designated "A-3", 100 in areas designated "A-4", 150 in areas designated "A-5", 69 in areas designated "A-6", and 175 in areas designated "A-7"; provided, however, that within the portion of the area designated "A-1" located by King Street on the west, Meeting Street on the east, Mary Street on the south and Lime Street on the north (the "Full-Service Corridor"), the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located may exceed 50, but shall not exceed 230, if the accommodations use qualifies as a Full-Service Hotel, meaning that the accommodations use provides 2,000,000 square feet of meeting, conference and banquet space of which 15,000 square feet thereof is contiguous, an on-site restaurant that serves breakfast, lunch and dinner seven days a week and other services such as a concierge, a spa/health club, laundry, room service, newspaper delivery, security personnel and airport shuttle; and in no event shall any accommodations use on the premises exceed 230 sleeping units.

The total number of sleeping units within the buildings or structures on the lot or parcel located in accommodations zones A-6 is 99

(i) the proposed accommodations use will not share any of its buildings, structures, facilities, or operations with another accommodations use;

The proposed accommodations use will not share any of its buildings, facilities or operations with another accommodations use;

(ii) the proposed accommodations use incorporates meeting and conference space at a rate of 400 square feet per 10 sleeping units, or fraction thereof, with respect to the first 150 sleeping units, and incorporates meeting and conference space at a ratio of 1000 square feet for every 100 sleeping units, or fraction thereof, exceeding 150 sleeping units. In other cases, at least 75% of the meeting and conference space shall be contiguous;

1440 sq. ft of meeting space is required (36 rooms x 40 sq ft = 1440)

ii. 2,217 of meeting and conference space is provided including one 1440 sq. ft. contiguous meeting space, which is over 75% of the required 1440 sq. ft. and two adjoining meeting spaces of 433.5 sq. ft. and 335.5 sq. ft.

(2) Notwithstanding subsection (ii) hereof, if the accommodations use contains more than 50 sleeping units, and is located in the Full-Service Corridor, the provisions of subsection (i) hereof shall govern the square footage of required meeting and conference space;

This property does not contain more than 50 sleeping units.

(j) the proposed accommodations use will not result in there being more than eight (8) Full-Service Hotels on the peninsula, inclusive of those Full-Service Hotels existing on the peninsula and those with approved special exceptions as of the effective date of the ordinance from which this section derives; for purposes of this subsection (j) only, a Full-Service Hotel means a Full-Service Hotel as defined in subsection (j) having in excess of 150 sleeping units; and

This accommodation will not be considered a Full-Service Hotel.

(m) to exist in providing affordable housing opportunities for its employees, the applicant for the accommodations use commits to contribute to the City of Charleston Affordable/Workforce Housing Account a fee payable upon the issuance of a Certificate of Occupancy, calculated as follows: $3.50 per square foot of area used for sleeping units and the hallways adjacent to sleeping units, stairwells and elevators.

Will Comply.

(c) Application requirements. In making the findings required in subsection (b), the Board of Zoning Appeals shall consider the following information to be provided by the applicant in site plans, floor plans and building elevations that will govern the construction of the building in which the accommodations use is located, along with a detailed written assessment report to be submitted with the application:

1. The number of existing dwelling units on the property, including units on the property that were occupied as dwelling units within five years of the date of the application for the exception, the type of unit (rental or owner-occupied), one-family detached, one-family attached, two-family or multi-family, occupied or unoccupied, by income range of the most recent occupant(s), the rental price for rental units and market price for owner occupied units relative to the area medium income figures that are determined annually by the U.S. Department of Housing and Urban Development and adjusted by the City of Charleston Department of Housing and Community Development, or its successor, the physical condition of the units (sound, deficient, deteriorated or dilapidated), the square footage and number of bedrooms in each unit, and if the units are proposed to be physically altered or replaced, a description and plan showing the square footage and number of bedrooms in the altered or replaced units, and their location;

This project does not displace or alter any existing dwelling units.

2. The effect of the physical alteration or replacement or relocation of dwelling units on the housing stock of a particular type on the property and whether a condition should be attached to a special exception approval for the accommodations use requiring a minimum percentage of the dwelling units on the property or replaced off-site to remain affordable based on the annually updated median area income values;

This project does not displace or alter any existing dwelling units.

3. The presence of office space on the property, or the presence of spaces on the property that were occupied as office spaces within five years of the date of application for the exception;

The 2nd & 3rd floors of building have been unoccupied for 5 years yielding zero net loss of office space in this project.

4. The linear frontage of existing ground floor storefront retail space on the property;

100% of the storefront is to remain retail use.
5. The location and design of guest drop off and pick up areas for the accommodations use;
   - The proposed accommodation has a drop off, pick up and parking area, on-site in the rear of the property. The drive to the parking/vallet area is accessible from John St.

6. The cumulative number of vehicle trips generated by the proposed accommodations use and other accommodations uses that are either existing or approved within an area identified by the Department of Traffic and Transportation, the traffic circulation pattern serving the accommodations use and efforts made to minimize traffic impacts;
   - See attached Traffic / Trip study.

7. The distance of the main entrance and parking entrance of the accommodations use from a road classified as an arterial or collector road;
   - The main pedestrian entrance is on King Street.
   - The distance from the vallet/parking entrance from King Street is 140’

8. The land uses within five hundred feet (500’) of the accommodations use, to include the location, square footage, and number of rooms in existing accommodations uses and accommodations uses that have been approved;
   - There is an existing hotel within 500’, the Hampton Inn at 345 Meeting St. It contains: 170 guest rooms with (1) 400sqft meeting room. There are no other known approved accommodations use within 500’.

9. The proximity of residential districts to the accommodations use;
   - The adjacent properties are General Business.
   - The closest Residential Districts are located approximately 275-60’ from this property.

10. The accessory uses proposed for the accommodations use, such as restaurants, spas, bars, pools and the like, in terms of their location, size, impact on parking, traffic generation, noise or odors in or to a residential district;
    - The accommodations use is located between King and Meeting Streets and John and Ann Streets and surrounded by commercial uses which are similar and complimentary to the accessory uses on this property.

11. The demonstrated provision of off-street parking at the rate of two spaces that meet the design requirements of section 56-318 for each three sleeping units, provided however, the utilization of mechanical or other means of parking that meet the ratio of two spaces for each three sleeping units shall be allowed;
    - Accommodations with 36 rooms = 36 required parking spaces. There will be 32 on-site parking spaces provided, 6 of which are for employees.

12. The presence of industrial uses and uses which use, store, or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials, within five hundred feet (500’) of the accommodations use;
    - No known industrial uses which use, store or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials are located within 500’ of the project.

13. The commitment to environmental sustainability and recycling;
    - The ownership is committed to environmental sustainability and recycling and intends to utilize sustainable measures and recycling where possible.

14. The distance of the accommodations use from major tourist attractions;
    - The major tourist attractions are within walking distance or public transit as indicated by sheet A6.1

15. The distance of the accommodations use from existing or planned transit facilities;
    - King Street is part of the tourist oriented Dash line.

16. The long term provision of on- or off site parking for employees who drive vehicles to work, including an estimate of the number of employees that will drive to work during the maximum shift and the location of parking spaces to be provided, and the demonstrated provision of free transit passes or other incentives to encourage employee use of public transportation;
    - The maximum number of shift employees for the restaurant and hotel combined will be 12. Six employee parking spaces will be provided on site. A combination of bus passes and passes for nearby parking garages will be used to provided parking for the remaining 8 employees.

17. The number of sleeping units proposed as part of the accommodations use;
    - The number of proposed sleeping units shall be 36 rooms.

18. The provision of shuttle bus services to and from the Historic Districts by accommodations uses with more than 30 sleeping units located outside the area designated “A-1” through “A-6” on the zoning map;
    - This property is within the area designated area A-6.

19. The commitment to make affirmative, good faith efforts to see that construction and procurement opportunities are available to MBEs (minority business enterprises) and WBEs (women business enterprises) as outlined in section 2-268 (a)(1), (2), and (3) of the Code of the City of Charleston;
    - The Ownership plans to make an affirmative, good faith effort to see that construction and procurement opportunities are available to MBEs’s and WBEs.

20. The commitment to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels;
    - The Ownership is committed to hiring personnel representative of the population of the Charleston community at all employment levels.

21. Violations: In addition to any remedies otherwise available to the City under State law or the City Code, a violation by the owner or operator of the accommodations use of any provisions or conditions of an exception granted hereunder, to include any deviation from the plans and written assessment as required by subsection c. hereof, shall subject the owner or operator of the accommodations use to having its business license and/or certificate of occupancy revoked.

22. Applicability: The provisions of this Section 54-220 shall apply to special exceptions for accommodations uses granted by the Board of Zoning Appeals Zoning After May 28, 2019, it being the intent of City Council that
special exceptions approved by the Board of Zoning Appeals prior to May 28, 2019 be entitled to and
governed by the vested rights provisions accorded by Article 9, Part 5 of this Chapter. The provisions of this
Section 54-220 shall not apply to Planned Unit Developments that include accommodations uses as an
authorized use that were approved as of May 28, 2019.

(Ord. No. 1996-76, § 2, 4-28-96; Ord. No. 1999-02, §§ 3—5, 1, 12-99; Ord. No. 1999-54, § 4, 4-27-99; Ord. No. 2006-
6, 9-24-13; Ord. No. 2013-93, §§ 1—6, 9-24-13; Ord. No. 2017-093, § 1, 8-15-17; Ord. No. 2018-008, § 1, 2-13-18;
Ord. No. 2018-043, § 11, 4-10-18; Ord. No. 2019-064, § 1, 10-8-19; Ord. No. 2020-064, § 1, 5-26-20)
Good Afternoon Penny,

City of Charleston Traffic and Transportation (T&T) has reviewed the B2AZ application for 438 King Street and has determined the following regarding compliance with the following subsections in Sec. 54.220, b.1.:

(d) Based on the submittal package and trip generation memo, T&T finds the proposed development will not significantly increase vehicular traffic in neighborhoods due to the location being on King St. and John St. Vehicular traffic will only use King St., John St. and Meeting St. to access the site and exit the site. In addition, the trip generation potential of the proposed land uses and the trip generation potential of the existing land uses are very similar. Finally, once patrons reach the hotel, they will likely travel to areas within the peninsula on foot or via alternative transportation modes. T&T believes the applicant complies with this subsection.

(g) The proposed development has 38 sleeping units. The guest pick-up/drop-off location will be off of John St. on private property off of the public right-of-way. There is an existing commercial loading zone in front of 432 King St. near the proposed development that can be utilized for deliveries. The applicant has been notified and acknowledged that a guest pickup/drop off area on King Street in front of the building will not be allowed. Therefore, T&T has determined that it will not be an impediment to traffic and that every effort has been made to minimize traffic impacts. In addition, no existing on-street parking is impacted by this proposal. T&T believes the applicant complies with this subsection.

Please let me know if you have any questions or need additional clarification.

Thanks,

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