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

City of Charleston

BOARD OF ZONING APPEALS-ZONING

August 3, 2021
5:15 PM

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

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

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

Providing Comment:
• People who sign up to speak prior to the 12 noon deadline will be called on when it is your turn to speak and your microphone will be enabled. You may only speak once on each item.
• Your microphone will be disabled after you are finished speaking.
**Board of Zoning Appeals-Zoning**

<table>
<thead>
<tr>
<th>Your Board of Zoning Appeals-Zoning Members are:</th>
<th>Your City of Charleston Staff are:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael Robinson - Chair</td>
<td>Lee Batchelder, Zoning Administrator</td>
</tr>
<tr>
<td>Howell Morrison</td>
<td>Pennyye Ashby, Senior Planner</td>
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<tr>
<td>John Bennett</td>
<td>Robben Richards</td>
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<tr>
<td>Vanessa Ellington, Clerk</td>
<td>Scott Valentine, TRC Coordinator</td>
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<td>Allison Cannon Grass</td>
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<td>Walter Jaudon</td>
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<td>Geiza Vargas-Vargas</td>
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</table>

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.

Go to www.charleston-sc.gov/bza-z for instructions to join. Call (843) 724-3770 if you are experiencing technical difficulties.
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 July 20, 2021 BZA-Z Minutes
(click on link below)
https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/_07202021-6700
Request an appeal of the Zoning Administrator’s decision to deny building permit on the grounds that the proposed home exceeds the 2 ½ story height restriction for the SR-1 (Single-Family Residential) zone district under Sec. 54-301, because the home’s designed drive under garage constitutes a 3rd story under Sec. 54-120
<table>
<thead>
<tr>
<th>Zone District Designation</th>
<th>Total</th>
<th>Front</th>
<th>Rear</th>
<th>Total</th>
<th>South/West</th>
<th>North/East</th>
<th>1-Fam.</th>
<th>2-Fam.</th>
<th>Multi-Fam.</th>
<th>Maximum % of Lot Occupied by Buildings</th>
<th>Max. Height Limits</th>
<th>Max. Height Limits</th>
<th>Max. Height Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR-1 12</td>
<td>50'</td>
<td>25'</td>
<td>25'</td>
<td>18'</td>
<td>9'</td>
<td>9'</td>
<td>9,000(4.8)</td>
<td>NA</td>
<td>NA</td>
<td>35%</td>
<td>35/2½ str.</td>
<td>6'</td>
<td></td>
</tr>
</tbody>
</table>
Chapter 54  Zoning Ordinance

Sec. 54-120 Definitions.

**Story.** That portion of a building included between the surface of any floor and the surface of the next floor above, or if there be no floor above it, then the space between such and the ceiling next above it.
Figure 7. Recommended construction in Coastal A Zone and V Zone.
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals — Zoning (BZA-2)

City of Charleston

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

The Applicant herewith requests:

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

Meeting Date Requested: June 15, 2021

Property Address: 1012 Avenue of Oaks, Charleston, SC 29407 TMS #: 418-06-00-124

Property Owner: Crescent Homes SC, LLC Daytime Phone: 843-579-9635

Applicant: E. Brandon Gaskins, Esq. Moore & Van Allen PLLC Daytime Phone: 843-579-7038

Applicant’s Mailing Address: PO Box 22828, Charleston, SC 29413

E-mail Address: gaskins@mvawlaw.com

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

Zoning of property: SR-1

Information required with application: (check information submitted)
☐ Platted 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 scale plans
☐ Scale 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 covenant, 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: /s/ E. Brandon Gaskins Date: 5/17/2021

For office use only

Date application received __________________________ Fee: ______________________ Time application received __________________________

Staffperson: __________________________ Receipt # __________________________
Applicants appealing for reconsideration of a Board decision or decision of the zoning administrator must submit the following information with the BZA-Z application and fee, to the Permit Center at 2 George Street:

In the case of an appeal for reconsideration of a Board decision, applicant shall state below the grounds upon which it is considered that the Board misinterpreted or misconceived the question or questions involved, or the ground or grounds upon which it is considered that the Board has erred in its finding or disposition of the appeal, application or matter (add as an attachment if necessary). **THE DEADLINE FOR SUBMITTING THIS APPEAL FORM WITH THE BZA-Z APPLICATION AND FEE IS THE CLOSE OF BUSINESS ON THE 5TH BUSINESS DAY FOLLOWING THE DATE OF THE BOARD DECISION BEING APPEALED.**

In the case of an appeal for reconsideration of a decision of the zoning administrator, applicant shall state below the interpretation(s) of the Zoning Ordinance being appealed, how the applicant is aggrieved by the interpretation(s), and what the applicant contends is the correct interpretation of the Zoning Ordinance (add as an attachment if necessary). The City has denied a building permit for 1012 Avenue of Oaks on the grounds that the designed home exceeds the 2 1/2 story height restriction for the SR-1 zoning district under Zoning Code Section 54-301 because the home's designed drive-under garage constitutes a "story" under Zoning Code Section 54-120. For the reasons set forth in the attached letter, a drive-under garage should not be considered a story, and the City's interpretation is in error and contrary to the purposes of the zoning ordinances.

Signature of Applicant __________________________ Date 5/17/2021

For office use only
Date application received 5/17/2021 Time application received 11:41 Staffperson
May 17, 2021

VIA EMAIL
Board of Zoning Appeals – Zoning
City of Charleston
2 George Street
Charleston, South Carolina 29401

Re: Crescent Homes SC, LLC
Appeal of Denial of Building Permit for 1012 Avenue of Oaks

Dear Members of the City of Charleston Board of Zoning Appeals:

Pursuant to S.C. Code Ann. § 6-29-800(A)(1) and City Zoning Code § 54-926, I am writing in support of Crescent Homes SC, LLC’s appeal of the City Planning Department’s denial of a building permit for 1012 Avenue of Oaks in the Avenue of Oaks subdivision in the City of Charleston. As explained in more detail below, the City denied Crescent Homes’ building permit application because the designed plan purportedly exceeds the 2 1/2 story limitation for the SR-1 zoning district. This conclusion is based on the interpretation that the home’s designed drive-under garage area is a “story,” as defined by the City’s zoning code. This interpretation impacts not only 1012 Avenue of Oaks but eight other lots that are planned to have drive-under garages.

The City’s interpretation is in error because it conflicts with the City’s ordinances and is not supported by the text of the applicable zoning provisions. Moreover, the City’s interpretation is contrary to the purposes of the City’s zoning ordinances because it will encourage inconsistency in the subdivision’s home designs as a result of the City’s prior approval of other homes with drive-under garages. In addition, it will discourage elevated home designs intended to protect property and residents from the threat of flooding.

I. Factual Background

Crescent Homes is the owner and builder of residential lots in the Avenue of Oaks subdivision in the Maryville neighborhood of West Ashley. Avenue of Oaks is in zoning district SR-1, and it was developed subject to the cluster development requirements under Zoning Code §§ 54-299.11, et seq. The final plat of Avenue of Oaks with 42 developable lots was approved by the City in March 2020. (Ex. 1 – Final Plat.)

Avenue of Oaks is adjacent to the marshland of Oldtown Creek. As a result, it is in a relatively low area and has a higher risk of flooding. At the time the final plat was approved, all residential lots were in Flood Zones AE-14 or AE-13, which are special flood hazard areas under Code § 27-105. (Id.)

In the SR-1 zoning district, the maximum height for structures is 35’ and 2 1/2 stories. (Zoning Code § 54-301.) Under Zoning Code § 54-120, “story” is defined as “that portion of a building included between the surface of any floor and the surface of the next floor above, or if there be no floor above, then the space between such and the ceiling next above it.” Although the City has not always interpreted this term consistently, the City’s Planning Department recent interpretation of
"story" has not included unfinished drive-under areas if such areas are within a flood zone. (Ex. 2 - Email re: Past Interpretation of Story; Ex. 3 - Email from L. Baskelder, 3/8/21.)

Based on that interpretation, Crescent Homes designed 22 of the lots with a drive-under design and two stories of living space over the drive-under area. Of those, 13 lots have already received building permits from the City.

In January 2021, FEMA’s revised flood maps for Charleston County became effective pursuant to City Ordinance No. 2020-140. Under the new flood maps, 25 of the lots are now within Flood Zone X, and the other 17 lots are now within Flood Zone AE-11. (Ex. 4 - Plat w/ New Flood Zones.) Of the 25 lots that are now within Flood Zone X, 9 lots utilize the drive-under design but do not have building permits.

On March 29, 2021, Crescent Homes applied for a building permit for 1012 Avenue of Oaks (Lot 6). (Ex. 5 - Permit Application.) The permit application included a schedule of building plans depicting the design for the home. (Ex. 6 - Building Plans.) The building plans show two stories of living space supported by piers and over a drive-under that serves as the home’s foundation. (Id.) The building plans also show that the drive-under garage is unfinished and unheated. The garage’s side and rear have louvered wood exterior walls, and the front of the home has two garage doors surrounded by brick exterior walls covering the piers. (Id.)

On April 15, 2021, Sean Killion, Associate Planner for the City, emailed Crescent Homes to provide notice that the proposed design for 1012 Avenue of Oaks did not comply with applicable zoning requirements. According to Mr. Killion, "[T]he proposed design has a drive under in an X flood zone. This would make the house 3 stories and therefore non-conforming to the SR-1 regulations. Please revise for zoning approval." (Ex. 7 - Killion Email.)

This appeal challenges the City’s determination that the drive-under garage for 1012 Avenue of Oaks, as well as any other unpermitted lots in the subdivision with a drive-under garage in Flood Zone X, is a story under the City’s zoning ordinances.

II. Argument

This appeal raises the issue of whether the City’s planning department erred in denying the building permit for 1012 Avenue of Oaks based on its interpretation of the term “story,” as defined by Zoning Code § 54-120. As such, this case involves a matter of construction of the City’s zoning ordinances.

In reviewing a zoning ordinance, the Board should give the ordinance a “practical, reasonable and fair interpretation consonant with the purposes, design, and policy of the lawmakers.” Body v. Town of Sullivan’s Island Bd. of Zoning Appeals, 423 S.C. 169, 184, 813 S.E.2d 874, 881 (Ct. App. 2018). The ordinance’s language must be construed in context, and “the meaning of particular terms in a statute may be ascertained by reference to words associated with them in the statute. The language must also be read in a sense that harmonizes with its subject matter and accords with its general purpose.” Id.
In analyzing zoning ordinances, courts and zoning boards should be guided by the well-founded principle of law that:

Statutes or ordinances in derogation of natural rights of persons over their property are to be strictly construed as they are in derogation of the common law right to use private property so as to realize its highest utility and should not be impliedly extended to cases not clearly within their scope and purpose. It follows that the terms limiting the use of the property must be liberally construed for the benefit of the property owner.

*Helicopter Solutions, Inc. v. Hinda*, 414 S.C. 1, 13, 776 S.E.2d 753, 759 (2015). Furthermore, zoning ordinances must be construed "to allow people to use their property so as to realize its highest utility" when the ordinances are drafted so that people do not have a clear understanding as to what they are permitted to do with their property. *Keane/Sheppard P’ship by Keane v. Hodge*, 292 S.C. 459, 465, 357 S.E.2d 193, 196 (Ct. App. 1987).

In this case, the City’s interpretation of "story" as including unfinished drive-under garages is in error because the City’s ordinances demonstrate that City Council did not intend for such areas to be a "story." As stated above, the zoning code defines "story," in pertinent part, to mean "that portion of a building included between the surface of any floor and the surface of the next floor above." Zoning Code § 54-120. Therefore, whether a drive-under garage constitutes a "story" necessarily depends on whether it is a "floor."

Although the City’s zoning code does not define "floor," City Council defined that term in its stormwater management ordinance. As a result, it is appropriate to look to that ordinance for guidance in determining the meaning of "floor." See *Mathis v. Hair*, 358 S.C. 48, 53, 594 S.E.2d 851, 854 (2003) (considering definitions of term in other statutes to determine statutory term’s meaning); *United Sav. Ass’n of Tex. v. Timbers of Irwin Forest Assocs., Ltd.*, 484 U.S. 365, 371 (1988) (“Statutory construction . . . is a holistic endeavor. A provision that may seem ambiguous in isolation is often clarified by the remainder of the statutory scheme.”); *Brown v. Gardiner*, 313 U.S. 115, 118 (1941) (looking to how ambiguous term is used in analogous statutes). This principle is especially applicable here because the City’s interpretation of "story" depends on whether the home is located in a flood zone. *See Burk*, 423 S.C. at 184, 813 S.E.2d at 881 (stating that a zoning ordinance “must also be read in a sense that harmonizes with its subject matter and accords with its general purpose”). Thus, the City’s stormwater management ordinance provides the best guidance as to whether a drive-under garage in a flood zone is a "floor," and, thus, a "story."

In the stormwater management ordinance, the surface of an unfinished drive-under garage is not a "floor." This ordinance defines "floor" to mean "the top surface of an enclosed area in a building (including basement) i.e., top slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles." (Code § 27-103) (emphasis added). Furthermore, the stormwater ordinance further defines "lowest floor" as not including unfinished garages or enclosures. “An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access, or storage in an area other than a basement area is not considered a building’s lowest floor, provided that such enclosure is
not built so as to render the structure in violation of the applicable non-elevated design requirements of this article.” (Id.)

Here, the drive-under garage designed for 1012 Avenue of Oaks does not fall within the definitions of “floor” or “lowest floor” because it meets the express criteria for exclusion. It is an unfinished garage that is only partially enclosed and designed solely for parking vehicles and storage. Therefore, it is not a “floor,” and consequently, it is not a “story.”

Not only does a drive-under garage not meet the definition of “story,” the City’s interpretation of the term based on its relationship to a flood zone lacks textual support. According to the City, the determination of whether a drive-under garage is a story depends on whether it is in a flood zone and what flood zone it is in. The City approved building permits for other houses with drive-under garages in Avenue of Oaks on lots that were in Flood Zones AE-14 and AE-13 prior to the issuance of the new FEMA flood maps. In so doing, the City did not consider the drive-under garages on those lots to be a story, thereby concluding that the proposed design did not exceed the 2 ½ story maximum height in the SR-1 zoning district. Now, however, the City takes the position that a drive-under garage is a story if it is located on a lot in Flood Zone X.

Yet nothing in the definition of “story” or any other zoning provision suggests that the term’s meaning changes based on the location of a flood zone. In fact, the definition does not use the term “flood zone” in any manner. And the City’s planning department has never articulated which specific flood zones or conditions permit a drive-under garage to be excluded from the definition of “story.” Instead, the definition appears to be determined on the whims of the City’s planning department, which has failed to provide property owners with a clear understanding of what criteria applies for determining whether a drive-under garage constitutes a “story.” This type of decision making is the epitome of arbitrariness that cannot be tolerated under the rule of law.

In addition, the City’s interpretation of “story” in this case undermines the purposes of the zoning code. Zoning ordinances are intended, among other things, “to facilitate the creation of a convenient, attractive, and harmonious community” and “to secure safety from fire, flood, and other dangers.” S.C. Code Ann. § 6-29-710. The City’s interpretation of “story” advances neither of these purposes.

In this case, Avenue of Oaks is an attractive community consisting of several elevated homes that utilize drive-under garages. Allowing other homes in the subdivision to utilize a similar design will support a harmonious community. Neither 1012 Avenue of Oaks nor the other homes planned with drive-under garages will be disproportionately higher than the permitted homes because they are all subject to the same maximum height requirements set forth in the zoning code. Put simply, there is no logical reason why some drive-under garages are permitted in Avenue of Oaks and others are not.

The City’s interpretation of “story” is also contrary to the zoning ordinances’ purpose of securing safety from flooding. Avenue of Oaks borders a marsh and is in a flood zone. Although the new flood map indicates the flooding risk is less than previously determined under the prior flood map, that risk has not been eliminated. The elevated design that utilizes drive-under garages helps protect property and residents from flooding risk. This fact has recently been recognized by the
City in the Dutch Dialogues efforts. As seen in the attached excerpts from the Dutch Dialogues report, using elevated designs is a measure that is encouraged to protect our City’s residents and their property not just from flooding today but also from the uncertain but growing threats from climate change and sea-level rise in the future. (Ex. 8 - Dutch Dialogues Report Excerpts.)

By interpreting “story” to include drive-under garages, the City is discouraging homeowners from using this design feature, thereby increasing the threat to safety and property from flooding. This interpretation is contrary to the purposes of the zoning ordinances and the City’s other recent efforts to protect its residents and their property from flooding. Therefore, the City’s interpretation of “story” should be rejected for this reason, as well as the others cited above.

III. Conclusion

In sum, the City’s interpretation of “story” is not supported by the text of the relevant ordinances and is based on unclear standards that prevent property owners from understanding how they can utilize their property. Also, the City’s interpretation is contrary to the purposes of zoning ordinances intended to create harmonious communities and protect residents and properties from the threat of flooding. As a result, the Board should reject the City’s interpretation and grant Crescent Home’s appeal.

On behalf of Crescent Homes, we appreciate your consideration of our position, and we look forward to presenting our position at your upcoming hearing.

Sincerely,

E. Brandon Gaskins

Enclosures: As stated.
Brandon Gaskins

From: Kelly McGuinn <kelly.mcginn@crescenthomes.net>
Sent: Monday, November 11, 2019 10:53 AM
To: Ted Terry; Bob Pickard; Craig Hobart
Subject: Fwd: 1111 & 1131 Oak Bluff
Attachments: image001.png; image001.png

below is the last correspondence from the city on the oak bluff permits.

-Kelly

Begin forwarded message:

From: Killion, Sean <killion@charleston-sc.gov>
Sent: Thursday, November 7, 2019 12:03 PM
To: Permitting <permitting@crescenthomes.net>
Subject: RE: 1111 & 1131 Oak Bluff

Jessica,

I agree this is a complicated issue. The problem emerged when a former zoning planner who used to work for the City of Charleston approved a couple of 3 story structures in this subdivision that shouldn’t have been approved. Since then myself and Lee Batchelder have spoken with Bob that we would approve the ones in the direct neighborhood of those that shouldn’t have been approved in the first place (1111 Oak Bluff), but all future proposed houses must follow the SR 1 guidelines of 35’/7.25 stories.

Sean Killion
Associate Planner
City of Charleston| Department of Planning, Preservation and Sustainability
Zoning Division
2 George Street | Charleston, SC 29401
T: (843) 724-7791 | killion@charleston-sc.gov | www.charleston-sc.gov
From: Permitting [mailto:permitting@crescenthomes.net]
Sent: Thursday, November 7, 2019 11:48 AM
To: Killian, Sean [mailto:skillian@charleston-sc.gov]
Subject: 1111 & 1131 Oak Bluff

Based off of the email you sent me, "for 1111 and 1131 Oak Bluff I came across a problem with the height of said buildings being over the SR-1 limits of 2 ½ stories. Both properties aren’t located in a flood zone and therefore cannot be granted the FEMA exception," I was under the impression that both 1111 & 1131 had the same issues. Since 1111 was issued with the unfinished first floor and 1131 first floor is unfinished I thought that it would be issued as well. Am I reading that wrong? My apologies if I am, I myself am just getting confused.

If you should have any questions, please let me know.

Thank you,

JESSICA DICKSON
Permitting Coordinator
O: 843-573-9235 ext. 5101 | [mailto:permitting@crescenthomes.net]
1519 Hay, 17 N., ML Pleasant, SC 29460 | www.crescenthomes.net

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From: Killion, Sean <killion@charleston-sc.gov>
Sent: Thursday, November 7, 2019 11:35 AM
To: Permitting <permitting@crescenthomes.net>
Subject: RE: CORRECTIONS NEEDED - FW: 1111 & 1131 Oak Bluff

Jessica,

I have no received revisions that are 2.5 stories for 1131 Oak Bluff, therefore it cannot receive zoning approval.

Sean Killion | Associate Planner
City of Charleston | Department of Planning, Preservation and Sustainability
Zoning Division
2 George Street | Charleston, SC 29401
T:(843) 724-3779 | killion@charleston-sc.gov | www.charleston-sc.gov
Hey Sean,

I see that 1111 Oak Bluff is ready to be issued. Do you happen to have any update on 1131 Oak Bluff?

If you should have any questions, please let me know.

Thank you,

JESSICA DICKSON
Permitting Coordinator
O: 843-573-3635 ext. 5101 | Permitting@crescenthomes.net | 1510 Hwy. 17 N., Mt. Pleasant, SC 29464 | www.crescenthomes.net

This message and any attachments are strictly confidential and protected from disclosure. If you are not the intended recipient, please notify us immediately. Although precautions have been taken to ensure the email, the company does not accept responsibility for any loss or damage that arises from the use of the information contained herein.

From: Killion, Sean <killions@charleston-sc.gov>
Sent: Wednesday, October 2, 2019 11:10 AM
To: Permitting <permitting@crescenthomes.net>
Cc: Alltop, Crystal <alltop@crescenthomes.net>
Subject: 1111 & 1131 Oak Bluff
Hello,

While reviewing the plans for 1111 and 1131 Oak Bluff I came across a problem with the height of said buildings being over the SI-1 limits of 2 1/2 stories. Both properties aren't located in a flood zone and therefore cannot be granted the FEMA exception. This needs to be addressed in order to receive zoning approval. If you have any questions or concerns feel free to email me or call me at 843-724-3779.

Sean Killian | Associate Planner
City of Charleston | Department of Planning, Preservation and Sustainability
Zoning Division
2 George Street | Charleston, SC 29401
T: (843) 724-3779 | skillian@charleston-sc.gov | www.charleston-sc.gov
EXHIBIT 3
Hi Ross,

Sorry for my tardy response. I am not in favor of this change because it would conflict with our current zoning restrictions for most neighborhoods outside the peninsula which limit houses to 2 1/2 stories. We already allow ground floor stories in flood zones to not count toward the 2 1/2 story limit, which has worked well. However, with the amendment Ellis is proposing, we might as well change the 2 1/2 story limit to 3 1/2 stories which would be out of character for suburban neighborhoods. We (zoning) also don’t review building permit applications to make interior alterations to SF homes so we would have no way to catch conversions of ground floor spaces from storage/garage spaces to living spaces, which is sure to happen.

I do think we should consider modified height restrictions as we implement the new comp plan, which hopefully will lead into a concerted effort on behalf of the City to revise our zoning regulations. I think the new comp plan will reflect the Dutch Dialogues recommendations and others dealing with sea level rise so it seems appropriate to consider height restrictions then.

Thanks for asking. Let me know if you have any further thoughts or questions.

Lee C Batchelder AICP | Zoning Administrator
City of Charleston | Department of Planning Preservation & Sustainability
2 George Street | Suite 3100 | Charleston, SC 29401
T:(843) 724-3773 | F: (843) 724-3773 | lbatchelder@charlestonsc.gov | www.charlestonsc.gov

---

From: Ross Appel <ross@mklawsc.com>
Sent: Monday, March 1, 2021 11:28 AM
To: Morgan, Christopher <CHRIS@charleston-sc.gov>; Batchelder, Lee <BATCHELDERL@charleston-sc.gov>
Subject: FW: Revision to Definition of “Story” under City Ordinance

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

Christopher and Lee,

I hope this finds both of you well. I am forwarding an e-mail from Ellis Leesman regarding a rather technical zoning change. The logic behind this sounds reasonable to me, but I want to get your perspective on this issue.

Once you’ve had a chance to review, please let me know and we can go from there.

Thanks, as always.

Ross
Hello Ross:

I am writing to follow up on the issue that we had discussed over the past several months relating to revising the City’s Ordinances in order to encourage/allow newly constructed two-story homes to be elevated. This is a construction technique that is recommended repeatedly within the Dutch Dialogues.

Over the past two months, I’ve worked with Bill Eubanks in order to come up with the revision language that could facilitate this, which focuses on the definition of “story” under the City’s Zoning Ordinance. We’ve developed wording that we believe is narrowly tailored and would not result in any unintended consequences. In light of your knowledge and background, and your support for the idea, we wanted to present the language to you and get your thoughts.

Once the language is in good form, we are hopeful that you and perhaps other members of City Council could steer this through to enactment and implementation.

Attached are: (1) highlighted excerpts from the Dutch Dialogues indicating the importance of elevating homes, both new and existing; and (2) the proposed draft language for a revision to the definition of “story” under the City’s Zoning Ordinance that, if adopted, would make an immediate impact by allowing new two-story homes to be elevated.

Under the existing language and interpretation, if a home is elevated, it cannot be two stories, because the City’s Planning, Preservation & Sustainability Department considers the unfinished area that would be underneath the house to be a “story.” This results in an elevated two-story house being considered a “three-story” house, which isn’t allowed in SI-1 and certain other zoning districts.

This wasn’t always the interpretation, but it has become the current view within the Department. The result of this interpretation is that, in order to have a new two-story home, the home cannot be elevated. This undermines the goal of adapting construction practices in order to expect and accommodate rain events, climate change, and sea level rise. It also imposes an undue limitation on the options available for purchasers of new homes.

Adopting the proposed revision is an important action that we, together as a City, can take to implement this key lesson and recommendations from the Dutch Dialogues.

Talk soon,

From: Ellis Lesemann <elesmann@alawsc.com>
Sent: Thursday, February 25, 2021 10:43 AM
To: Ross Appel <ross@mklawsc.com>
Cc: Bill Eubanks <beubanks@stanwdesign.com>
Subject: Revision to Definition of “Story” under City Ordinance
Ellis

Ellis R. Lesemann
Lesemann & Associates LLC
418 King Street, Suite 301
Charleston, SC 29403
Phone: (843) 724-5155
Mobile: (843) 367-8001
Email: eri@lalausc.com
Website: www.lalausc.com

STATEMENT OF CONFIDENTIALITY:
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Any unauthorized dissemination or copying of this electronic message and any attachments is strictly prohibited.
Please call Lesemann & Associates immediately at (843) 724-5155 and destroy all copies of this message and any attachments.
You will be monitored for improper access involved in modifying or.
City of Charleston New Single Family Permit Application

Name and Address of Property Owner: Crescent Homes SC, LLC 572 Savannah Hwy, Charleston SC 29407
Contractor: Crescent Homes SC, LLC
Office No. 843-573-9635 x 510 E-mail: Permitting@crescenthomes.net
State License No. 18591 City Business License No. 39245

Lot 6 Block 2 Parcel Address (if known) 1012 Avenue of Oaks
Subdivision Avenue of Oaks Phase TMS 418-06-06-124 Zoning

Heated Square Feet 1st floor: 1200 2nd floor: 999 3rd floor: 
Unheated Square Feet (includes garages, porches, decks): 1636
Actual setbacks: Front 17 Rear 17 North/East Side 9.29 South/West Side 12.71
Height of Dwelling: +/- 36' - 9" (measured from the curb to the highest point of the finished roof)

"Is this an Affordable Housing Project? NO (If yes, a letter must be included with this
application stating that the construction meets the Affordable Housing Ordinance requirements.)"

REVIEW REQUIRES THE FOLLOWING PLANS WITH THIS APPLICATION:
Please see checklist for full requirements. Plans will not be accepted if all requirements have not been met.

1. THREE (3) SCALED SITE PLANS should be prepared, signed and sealed by a South Carolina licensed professional (i.e., surveyor or engineer; include state registration number on the site plan)
2. MANUAL detailing HVAC calculation - 1 copy
3. INTERNATIONAL ENERGY CONSERVATION CODE FORM - 1 copy
4. TWO (2) SETS of BUILDING PLANS
   - Indicating the height of all buildings measured from curb line elevation, or street elevation if there is no curb, to the highest point of the finished roof.
   - Plans by a registered design professional
   - Foundation plan
   - Framing Details or floor, wall, ceiling, roof, headers, beams, and girders
   - Floor Plans
   - Indicate how glazing will be protected from window debris
   - Structural details

NOTE: An engineering permit and inspection by the Engineering Division is required prior to the issuance of a Certificate of Occupancy. Call 744-5792 for permit information and inspection requests.

For customer service, please contact the Customer Service Coordinator at 843-724-7450
For technical information, please contact the following:
GIS 843-865-3230 Zoning 843-724-3755
Engineering 843-724-3792 Inspections 843-724-7448

I certify that the information on the application and its 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 inspected for verification of same.

Applicant's Signature: ___________________________ Date: 3/29/2021

"You must fill out the second section of this application for your submittal to be considered complete. The International Residential Code Correction Sheet (IRC) is required by the Building Inspections Division for plan review."
International Residential Code Correction Sheet

------------------------------THIS SECTION MUST BE COMPLETED BY THE APPLICANT------------------------------

Contractor: Edward M. Terry, Crescent Homes SC, LLC
Address of Project (if known): 1012 Avenue Of Oaks
Number of: Stories 2  Rooms 6  Bathrooms 3 5  Bedrooms 3  Kitchens 1
Type of Construction: Wood Frame  Exteriar of Building: Cement-board Siding
Type of: Heat (electric or gas) Gas  Roof Covering: Shingles
Foundation (if slab, monolithic or raised: piers or continuous wall): Drive Under
Fireplace (precut, site built, wood burning or gas): Prefab, Gas
Are roof trusses being used? YES Is sewer available? YES (If not, DHEC septic tank approval must be submitted)
Permit includes: Electrical ( ), Plumbing ( ), Mechanical ( ), Gas ( ), Separate permit to be obtained.

Window Agreement: (Please sign and date)
Crescent Homes, SC LLC (Owner/Contractor/Agent) will install windows that meet the American Architectural Manufacturers Association specification per 2015 SC IRC, R609.3 for the following address
Signature: ___________________________ Date: 3/29/2021

ITEMS NOTED BELOW SHALL BE CORRECTED IN THE FIELD

( ) Submit under construction flood zone elevation certificate prior to rough-in inspections.
( ) Submit finished construction flood zone elevation certificate prior to final inspections.
( ) Submit as-built v-zone and break away wall certifications prior to final inspections.

Approved By: ___________________________ Date: ___________________________

Corrections indicated above will be complied with.
Owner/Contractor/Agent: ___________________________ Date: ___________________________

Revised 2/20/2019
Good Morning Ms. Ashby,

Sent on behalf of Brandon Gaskins, please find attached the following:

1. Application;
2. Appeal Form;
3. Letter in support of Appeal dated May 17, 2021;

Sincerely,

Laura L. Phillips
Paralegal
843.576.7043
e 843.576.7099
lauraphillips@mvalaw.com

Moore & Van Allen
78 Wentworth Street
Charleston, SC 29401-1428
843.576.7000
www.mvalaw.com

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### CHARLESTOWNNE GARAGE LEFT

**AVO 6**  
1012 Avenue of Oaks  
Charleston, SC

#### SQUARE FOOTAGE TOTALS

<table>
<thead>
<tr>
<th>Description</th>
<th>Area</th>
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<tbody>
<tr>
<td>FIRST FLOOR HEATED</td>
<td>1200</td>
</tr>
<tr>
<td>SECOND FLOOR HEATED (ELEV A)</td>
<td>1089</td>
</tr>
<tr>
<td>(SECOND FLOOR HEATED (ELEV B)</td>
<td>(1099)</td>
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<td>TOTAL HEATED AREA</td>
<td>2290 (2509)</td>
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<td>1ST FLOOR FRONT PORCH (ALL ELEV)</td>
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<td>REAR SCREENED PORCH</td>
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<td><strong>TOTAL AREA</strong></td>
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#### OPTIONS

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<tr>
<td>2ND FLOOR FRONT BALCONY</td>
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#### SCHEDULE OF DRAWING SET

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<tr>
<td>A0</td>
<td>COVER LAYOUT</td>
</tr>
<tr>
<td>A1</td>
<td>ELEVATIONS - FRONT</td>
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<tr>
<td>A2</td>
<td>ELEVATIONS - SIDES &amp; REAR</td>
</tr>
<tr>
<td>A3</td>
<td>ROOF PLAN</td>
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<tr>
<td>A4</td>
<td>GROUND FLOOR PLAN</td>
</tr>
<tr>
<td>A5</td>
<td>FIRST FLOOR PLAN</td>
</tr>
<tr>
<td>A6</td>
<td>SECOND FLOOR PLAN</td>
</tr>
<tr>
<td>E1</td>
<td>GROUND FLOOR ELECTRICAL</td>
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<tr>
<td>E2</td>
<td>FIRST FLOOR ELECTRICAL</td>
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<tr>
<td>D2</td>
<td>DETAILS</td>
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*Please to be built according to the latest adopted edition of the International Residential Building Code Standard for Single Family Residential Dwellings*
EXHIBIT 7
From: Killion, Sean <killions@charleston-sc.gov>
Sent: Thursday, April 15, 2021 9:07 AM
To: Permitting <permitting@crescenthomes.net>
Subject: 1012 Avenue of Oaks

Good Morning,

I was reviewing the plans for 1012 Avenue of Oaks and I saw the proposed design has a drive under in an X flood zone. This would make the house 3 stories and therefore non-conforming to the SR-1 regulations. Please revise for zoning approval.

Sean Killion | Associate Planner
City of Charleston | Department of Planning, Preservation and Sustainability
Zoning Division
2 George Street | Charleston, SC 29401
T: (843) 724-3779 | kilions@charleston-sc.gov | www.charleston-sc.gov
EXHIBIT 8
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A Layered Approach

A layered planning approach begins with Charleston’s most basic layer: its physical ground, the land and water upon which infrastructure and inhabitation, history and culture, are based.

Safety first. Safety is increased through elevation and redundancy. Multiple lines of defense begin outside the city, in the landscape, and are also structured from within. Sustainable inhabitation is connected to deep geology.

Elevation is survival from inundation. Elevation is critical in low-lying place, and awareness of place translates to informed action. Charleston has areas of stable, relatively high ground, a critical asset in high water.

Know where you are. The Ashley and Cooper are tidal rivers. Shorelines shift across a low landscape, and plants and habitat move with them, if allowed. Healthy ecology supports a healthy economy and can provide protective benefits. Sustainable infrastructure aligns with ecological function. Water in the region must be understood as a holistic system, man-made and natural in tandem.

Work at multiple scales. Focus on the smallest scale, with an understanding of larger watersheds and system functions. Conflicts between and within layers are acknowledged—culture and technology sometimes produce misalignments—and design solutions begin by asking what lies underneath.

Pursue multiple benefits. Single-purpose infrastructure is a poor investment.

No regrets. Make sure action taken now will not compromise future opportunities. Projects should fit within a comprehensive planning vision, but should be able to operate independently with success. Plans must be adaptable over time.
Disadvantages of a regional approach are that it requires:

- Robust implementation; the system is only as strong as its weakest link, requiring gates and barriers where open water crosses the (primary) lines of defense.
- Substantial inter- and intra-governmental cooperation and coordination.
- Additional measures, often related to stormwater drainage and local sea level rise adaptation.
- Reliable, steady investment, for long-term design, construction, operations and maintenance (O&M) funding. O&M costs are generally estimated as between 2%-4% per year of the original cost of construction.
- Trade-offs between protection and environmental considerations. Some environmental impacts can often be mitigated post construction, for a price.

Elements of a Theoretical Regional System

A Hurricane Risk Reduction System for Charleston would consist of broad elements from offshore to inland areas.

- Reinforcing / strengthening / and possible reestablishment of barrier islands.
Dutch Sand Engine

This Building with Nature project distributes sand along the Dutch coast with the forces of wind and water.

Credit: Netherlands' Institute for Coastal Engineers (IOP)

- A robust intertidal and coastal marsh zone, buffering land and sea, with coastal marsh restoration, increased oyster banks and similar "building with nature" components.

- Pockets of resilient, elevated communities, able to adapt to storm, surge and sea level rise outside of the primary coastal defense system.

- A coastal defense alignment, behind which all infrastructure and buildings will be protected against the impacts of storm surge at the defined risk reduction level. This line would consist of coastal ridges, dunes, berms, sea dikes, levees, and, where necessary (due to spatial constraints), floodwalls.

Note: the Dutch have begun using more multifunctional flood protection structures in which primary flood protection and other economic, environmental, mobility or social benefits are combined.

- Gates / Barriers integrated into the coastal defense line to limit storm surge impacts that would occur via open water channels. To lessen ecosystem impacts and ensure normal riverine and tidal exchange and shipping access, movable gates would be required. These are complex structures and can be vertical lift gates or navigable barriers or a combination thereof.
more) and bridges— with little to no landfill and no large-scale removal of existing soils and trees. Maintaining the existing coastal forest is essential: the average forest canopy should be maintained at 50% or more of land cover in this zone.

The ecological zone carries substantial flood risk and can expect to get wet in a 100-year storm which, oddly, means a 1% chance of flooding in any year but also a 26% chance that a home with a 30-yr mortgage will flood once over the mortgage term. Those living in this zone should be fully aware of the risk they assume by living there.

The transition zone is defined as areas between 10-15ft above MSL. In the transition zone, development is possible, including clustered, elevated homes. Development here must respect the dynamic nature of the landscape, with fluctuating water levels and sufficient, maintained overland drainage channels, and the need for tailored flood risk reduction strategies. Fill should be sparingly used, primarily for road construction or to elevate only certain homes. The coastal forests in this zone should not be further degraded as trees are essential for storing and managing stormwater.

The community zone, at 15 feet and more above MSL, is on historic and stable sand ridges, the most prominent of which are along Mobsbank Ridge and Upper Buxton Creek. This is stronger, higher, safer, and thus valuable ground, although it is neither scarce nor abundant. Clustered development combined with stormwater infiltration could be encouraged in this zone, especially where the soils readily infiltrate and store water. The existing water systems—channels, swales, creeks, ditches—in these zones must also be protected, maintained and not further compromised, filled or eliminated. These systems store and infiltrate stormwater, providing stormwater management and hydrologic balance. Clear rules to protect these hydrologic features must be developed and enforced.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Approx. Land Elev. (NAV)</th>
<th>Allowable Development Density</th>
<th>Allowable Foundation Types</th>
<th>Fill Allowed</th>
<th>Potential Stormwater BMPs</th>
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<tbody>
<tr>
<td>Wet Zone</td>
<td>0 – 6'</td>
<td>None</td>
<td>N/A</td>
<td>No</td>
<td>Living Shorelines/Buffers</td>
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<td>Ecological Zone</td>
<td>6 – 10'</td>
<td>Limited (Single)</td>
<td>Elevated</td>
<td>No</td>
<td>Promote Buffers/Open Systems/Space/Storage Only</td>
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<tr>
<td>Transition Zone</td>
<td>10 – 15'</td>
<td>Moderate</td>
<td>Elevated/Limited Slab on Grade</td>
<td>Limited</td>
<td>Closed Systems/Open Space/Storage and Green Infrastructure/Infiltration</td>
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<tr>
<td>Community Zone</td>
<td>&gt; 15'</td>
<td>Moderate to Urban</td>
<td>Mix</td>
<td>Limited to Moderate</td>
<td>Green Infrastructure/Infiltration and Limited Closed Systems</td>
</tr>
</tbody>
</table>

Elevation Zones:
Four different zones are described relative to development strategies.
Church Creek

Landscape Context
The West Ashley / Church Creek area, unlike Johns Island or the Peninsula, is upland (but still low-lying), upstream, and influenced by fluvial conditions more than coastal ones. Ecologically, Church Creek and much of West Ashley is a water basin. The sponge-like functioning of the basin is compromised by constraints upon its water systems and by land-use and development patterns. While Church Creek is lower in elevation than both Johns Island and the Peninsula, the issues of hurricane storm surge and sea level rise are less urgent here.

Before human settlement, Church Creek was a sinuous waterway that had multiple branches and outlets. It was reminiscent to the nearby Angel Oak tree, with its vascular system that spreads out in a multitude of winding paths. Just as the Angel Oak gives life, form and energy to Johns Island, the long forgotten Church Creek landscape provides the same for West Ashley. The Creek's natural functions are needed to restore health, safety and balance to the Ashley and Stono river watersheds. Ignore these, and more flood disruption and devastation along these floodplains will occur.

The Church Creek basin has been irreparably shaped by human activity. The basin, once once a lowland swamp between the Stono and the Ashley River, was first drained for rice cultivation. The second wave of alteration came after the Civil War when the it was further drained and cleared for phosphate mining. After phosphate extraction had subsided, the basin became a suburb. The system of ditches which drained the swamp became the drainage system for neighborhoods. The remaining swamp was developed, constructing an already unnatural drainage system.

North of the railroad, Church Creek is now entirely artificial, a man-made ditch that runs behind backyards, under culverts and through the old phosphate mines. This section suffers the worst flooding. Culverts constrict flow and homes are built directly along channel and old creek bed. Below the railroad the creek is tidal and still largely natural. Flood risk in this lower zone stems primarily from tidal impacts.

Development In the Basin
The flood challenge in Church Creek is partly about the water system and partly about occupation and land-use planning. Development pressure is high and most of the remaining developable space in the basin will be built out soon. Most of the basin is incredibly low in elevation. Homes in the floodplain may be only slightly lower than homes outside of it. Homes along the tidal portion of the creek are at an additional risk from tides and sea level rise. Neighborhoods’ ability to store water is challenged. Even as developmental regulations become more strict, existing homes retain substantial tidal flooding and stormwater risks.

There are things to embrace and things to change in the Church Creek basin. The tidal landscape can be used to accrete land and resilient waterfront development. The retrofitted creek, and the historical phosphate mines, must become functioning pieces of a basin-wide stormwater system. New elevated homes have limited some flood risk but are disconnected from each other and the landscape. Without water and development working together problems are often transferred downstream.
New Development

Our proposed blue-green network might be supplemented with new or repurposed developments (red areas in opposite drawing) within the floodplain. This development pattern establishes a vision and direction for the region and can be achieved over the next decade or two. We suggest starting on this vision as soon as possible, through a process that includes new developments in the pipeline and those already on the drawing board.

Sea level rise will extend the floodplain inland.

Some development here—we all like to live near the water—is acceptable if properly elevated. An old Cajun saying is relevant: Elevation is salvation from inundation. But this development will have to adapt to the water system, not the other way around. A new type of water-centric development could be a cultural and economic asset for Charleston. Connectivity for cars, bikes, and pedestrians via possible new linear parks—could reinforce this living with water vision.
Historic Charleston Foundation

Flood Adaptations for Historic Structures

**Historic Examples of Building Elevations**
Structures from the nineteenth century are
encased several feet, with facades and porches
that evoke a concise, traditional streetcape.
Credit: City of Charleston

**Historic Charleston Foundation**
Charleston is unwaveringly proud of its historic architecture.
The city has one of the most, if not the most, important
collections of residential and civic architecture in the United
States for which Charleston was designated as a National
Historic Landmark District in 1960. Both the local and the
nationally recognized district have been greatly expanded
cover the years and for both designations, retaining the
historic character of individual buildings is key to the
preservation of the whole.

Until fairly recently, Charleston’s preservation community
was adamantly opposed to elevating historic buildings
simply because of flood risk. The visual character of a
historic building is closely linked to its overall design, its
height, massing, proportion and the overall scale of its
architectural features. When an historic building is raised,
the process can affect its integrity by altering its proportions
and compromising its relationship to adjacent buildings and
to the historic district as a whole. Massoe damage from
Hurricane Hugo in 1989 demonstrated the dangers for
historic buildings within the low-lying areas of the city, yet
the event – at the time – seemed isolated.

However today, with escalating rain events, sea level
rise and tidal flooding, we know that water constitutes
an increasing threat to our historic district, and our
position on elevating threatened buildings has evolved.

A key component of historic preservation is adaptability,
therefore, we must accommodate the elevation of historic
buildings where warranted in order to improve resiliency for
our historic district and ensure their very survival.

All images this spread credit: City of Charleston
Agenda Item #A-3

16 BROUGHTON ROAD
(CRESCENT)
TMS # 421-14-00-046

Request variance from Sec. 54-301 to allow an addition (garden room) to an existing garage with a 5.4-ft. east side setback and a 6.4-ft. rear setback (9-ft. and 25-ft. required).

Request special exception under Sec. 54-110 to allow an existing hvac platform expansion that extends a non-conforming 3.2-ft. rear setback (25-ft. required).

Zoned SR-8
To: The Staff and Board of the Charleston BZA-Z

Our names are Stephen and Mary Hughes and we live at 14 Broughton Road directly adjacent to 16 Broughton Rd. in Charleston, SC 29407. We have discussed the plans for the proposed addition to the Garage at 16 Broughton Road with the owner, HN Ritter, and support their request for a Special Exception to extend the building as drawn.

Sincerely,

[Signature]

Stephen and Mary Hughes

Owners, 14 Broughton Road
June ___, 2021

To: The Staff and Board of the Charleston BZA-Z

Our name is Mark and Alex Andrews and we live at 18 Broughton Road, adjacent to 16 Broughton Rd. in Charleston, SC 29407. We have discussed the plans for the proposed addition to the Garage at 16 Broughton Road with the owner, HN Ritter, and we support their request for a Special Variance to extend the building as drawn.

Sincerely,

Mark and Alex Andrews
Owners, 18 Broughton Road, Charleston, SC 29401
June 28, 2021

To: The Staff and Board of the Charleston BZA-Z

My name is Catherine Meehan and I live at 13 Guerard Road, behind 16 Broughton Rd. in Charleston, SC 29407. I have discussed the plans for the proposed addition to the Garage at 16 Broughton Road with the owner, HN Ritter, and I support their request for a Special Variance to extend the building as drawn.

Sincerely,

Catherine Meehan

Owner, 13 Guerard Road, Charleston, SC 29401
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 expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: July 20, 2021

Property Address: 16 Roosevelt Road
Property Owner: H. N. Ritter III and Ann K. Ritter
Applicant: Sebastian von Marshall Architect, LLC
Applicant's Mailing Address: 3 Lidson Street, Charleston, SC 29401

TMS # 421-14-00-046
Daytime Phone: 843-791-4924
E-mail Address: sebastian.von.marshall@gmail.com

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

Zoning of property: SR-8

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

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

Optional but any 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: Sebastian von Marshall
Date: 6/30/2021

For office use only
Date application received: ____________
Time application received: ____________
Staff person: ____________
Fee: $ ____________
Receipt #: ____________
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

The applicant is requesting a variance pursuant to section 54-301, for an addition to an existing Accessory structure with a rear yard setback of 6.5’ (25’ required). 1. The existing accessory structure was granted an exception pursuant to §54-506 in 2002, locating it within the 25’ rear yard setback. 2. It appears to the applicant that other accessory structures nearby exceed the 600sf limit for the exception in §54-506 making them existing non-conforming.

3. As a result, this accessory structure can not be enlarged without a variance. 4. The accessory structure is located in the rear of the property with limited visibility from the public ROW. The owner is reaching out to adjacent neighbor for support of the proposed addition. Furthermore, there is precedent for Accessory Structures larger than 600sf located in the side and rear yard setback in this neighborhood as mentioned in item 2 above.

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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property, and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws §§ 6-29-800)

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

- Request for a Special Exception pursuant to Section 54-110, extending an existing non-conforming rear yard setback (25’ required, 6.5’ existing) of an existing non-conforming garage mechanical stand.
- The proposed extension would follow the existing 6.5’ existing setback. The proposal would locate additional equipment in line with the existing units.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with Article 9, Part 2 of the zoning ordinances. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
16 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)
11 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)
10 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)
13 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)
21 Broughton Road, seen from the Street (Photo by SvMA, taken 7.22.2021)
Agenda Item #A-4

301 ASHLEY AVENUE
(WESTSIDE)
TMS # 460-07-02-015

Request variance (after-the-fact) from Sec. 54-301 to allow a deck/gazebo addition with a 1.5-ft. west side setback (7-ft. required.)

Zoned DR-2F
Application for Variances, Special Exceptions, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZA)

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 expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: 6/17/21

Property Address: 361 Ashley Avenue TMS #: 460-07-02-015

Property Owner: Stephen Gerhard

Applicant: Stephen Gerhard

Applicant's Mailing Address: 361 Ashley Avenue, Charleston, SC 29403

Daytime Phone: 720-296-2661

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

Zoning of property: Residential

Information required with application: (check information submitted)
☒ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☒ For new construction or additions within a flood zone, show HVAC units and 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 check payable to the City of Charleston)
☒ YES or ☐ NO - Is this property restricted by any recorded covenant that is contrary to conflicts with or precludes 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: Stephen Gerhard

Date: 6/17/21

Fee: $5

Receipt

[Signature]
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 an attachment if necessary):

(See attached)

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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. [SC Code of Laws § 6-29-800]

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add 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
301 Ashley Avenue, Charleston, SC 29403
Request by Owner: Stephen Gerhard

Part I: Permit
I am requesting a permit retroactively for a wooden deck structure that I built without permission in 2020. Per the updated Site Survey attached, the deck is approximately 43" by 13", and extends from the rear of my home to the southwestern corner of my lot.

Before contemplating a deck, my first task was to repair or replace a large, damaged concrete slab (5" thick, ~225 sqft) which (per pics below) was cracked by the root system of the large oak tree in my yard. Each crack elevated the slab, exposing sharp corners & edges, which were identified as a Trip Hazard on my Inspection Report January 2020. Over time, previous owners of my house continually poured a combination of asphalt (black) and bricks (red) on-top of the cracked concrete slab. Each layer put more pressure on the root system, and created an eye-sore beneath the tree.
With approvals from all utility providers, I removed all concrete/asphalt/bricks using tools rented from Sun Belt Rentals. Below is a picture of the fully cleared area.

With the ground cleared, I decided to construct an elevated surface to ensure that the roots of the Oak Tree are protected permanently from materials and foot traffic. I did not secure a permit, which was a crucial mistake, and one I'm extremely motivated to atone for now, per your decision.

**Part II: Variance**
I am requesting a 1.5' variance against the 3' setback along the western property line of my lot, which is a zero-lot-line. All other setbacks have been honored. I am requesting a Variance for 2 reasons:

1. **Protecting the root system of the Oak Tree**
The deck is grounded by concrete footers. From the beginning, I ensured that each footer was set intentionally, in a location that DID NOT impact the root system of the oak tree. Per the image below, there is a large network of tree roots in the 'last row,' and '2nd to last row' of footers.
To protect those roots, I set my footer 1.5” further west, thus encroaching into the set-back-area by 1.5”. In the picture below (last row), the GREEN marker represents 3” from property line (see roots), and the WHITE marker is 1.5” from the property line (see concrete footer).

2. Existing Encroachment from south-side neighbor (297 Ashley)

In the southwest corner of my lot, a wooden privacy fence was installed “4’ inside my property line. This south-side fence shortens the width of my lot. I’m blocked from accessing that square-footage, it is only accessible from my southside neighbor at 297 Ashley. The foulfrayed square-footage (southern property line) impacted placement on the deck, thus I am requesting a variance for encroaching into the set-back-area to the west (western property line).

For the avoidance of doubt, I am not challenging the encroachment from 297 Ashley (South), I am strictly requesting a variance for encroaching into 3” set-back-area for 193 Fishburne. Per the neighbor acknowledgement letter also attached, the new owner of 193 Fishburne, Ryan Kaupan, is fully supportive of the encroachment, as it is not detrimental or restrictive to his home or lot.

Part III: Summary

In summary, I made two critical mistakes: 1) failing to request a permit to build the deck, and 2) failing to comply with the 3” set-back-laws. I’m writing to apologize, and with full admission of guilt, request permit approval retroactively, and a variance to the set-back-rule on the western property line.

Below are photos of the deck in its current state as of 6/18/21. No construction has been done since receiving the Stop Work Order. Thank you for your consideration, please do not hesitate to contact for additional photos or information.
Dear Charleston Board of Zoning Appeals – Zoning (BZA-2),

I have been informed of and approve of the proposed plans to build a residential deck in the back yard of 301 Ashley Avenue, Charleston, SC by the owner of the adjoining property, Stephen Gerhard. I understand that the site plan includes the following:

- Structure is approximately 13' x 37' deck dimensions (~480 square feet)
- Structure is to be built in the SW corner of the lot (301 Ashley)
- Structure is to be built with a 1.5' setback on the west side property line (193 Fishburne)
  - 1.5' variance from the 3' setback rule
- Structure is to honor the south-side property line setback (297 Ashley)

Sincerely,

[Signature]

Printed Name: [Name]

Home Address: 297 Ashley Avenue

Date: 5/25/21
Agenda Item #B-1

62 CHURCH STREET
(CHARLESTOWNE)
TMS# 458-13-01-097

Request special exception under Sec. 54-110 to allow a horizontal expansion (garden room) and vertical extension (hall/closet/exercise/laundry) that extends a non-conforming 6.2-ft. south side setback (9-ft. required).

Request variance from Sec. 54-301 to allow a 2-story addition having a 43% lot occupancy (35% limitation; existing lot occupancy 37%).

Zoned SR-4
Application for Variance, Special Exception, Reconsideration, or Extension
Page 1 of 2

City of Charleston

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

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

MEETING DATE REQUESTED:
Property Address 62 Church St TMS # C 4581801097

Property Owner Erika and George Wallace Daytime Phone 804-301-6120

Applicant George Wallace Daytime Phone 804-301-6120

Applicant's Mailing Address 62 Church St, Charleston, SC 29401

E-Mail Address skip@islandarchitects.com

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

Zoning of property

Information required with application: (check information submitted)
- Sealed plans or plans, 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 sealed plans
- Sealed floor plans with residential 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 the Property restricted by any recorded covenant that is contrary to, conflict with or prohibit the proposed land use encompassed in this permit application? § 6-29-115 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 [Signature]

Date 5/27/21

For office use only:
Date application received ____________________ Time application received ____________________
Staffer ____________________ Fee $ ____________________ Receipt # ____________________
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

A variance is requested to increase the lot occupancy which is currently over the allowable lot coverage of 35% (16.78 sq. ft.) by 103 sq. ft (37.1%). We are requesting to add a one room addition on the rear (East) side of the residence not visible from Church Street of 276 sq. ft. Bringing the total lot occupancy to 2,066 sq. ft. (42.9%). The house is 213 years old, is currently 2,054 sq. ft. of conditioned 1 story space on a lot that is 4,795 sq. ft. and is surrounded by much larger residences. We desire to add a Louis X111's inspired "Garden Room" off of the rear (East) side of the house in order to have a sun filled room to eat casual meals and lounge in a "Garden". Our original gardenes were designed by Louis X111 in 1774, one of his last in Charleston. These requirements do not exist in our neighboring houses as they are much larger and considerably more expensive. Because of these conditions, the allowable house coverage would only cause a variance of 16.78 sq. ft. (and the existing footprint of 1,781 sq. ft.) and would render the ability of the house to function appropriately in the 21st Century. The granting of this variance would add as a historical document to the adjacent properties not visible as all from the residence at 64 Church St. or to the good of the public, and being not visible from Church Street at all, the character of the district will not be harmed by the granting of the variance.

**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 §§ 5-29-803)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance; such as § 5-41-100, § 5-41-206, or sections in Article 5 (add as an attachment if necessary):

We are requesting a zoning special exception to extend the non-conforming South side setback (Sec. 5-41-100). The current house sits 5' 1/2" from the South property line (is a pre-existing encroachment of 3' 10", 3/8" into the 9' setback from the South property line), and our proposed room sits 2' 3/8" from the South property line (an encroachment of 2' 9 5/8" into the 9' South setback). The existing Tool Shed built in 1973 also encroaches and sits fully within the South setback. One proposed brick wall of the Garden Room extends 3' 1/2" to the West of the existing shed and one proposed brick wall extends 2' 1 1/8" to the East of the existing shed. Both proposed walls are 11'- 4" tall. We propose to connect the existing shed to the proposed Garden Room with an 8" connecting brick wall that will be 2' inside the exterior wall of the existing shed and 2' behind its existing fence. We will remove the existing shed and its existing fence but intend to expose the old brick on the exterior parged wall and replace an old rotted door with an antique salvaged window (see Architectural Drawing).

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

6/19
Tool Shed (door rotted)
Looking East at rear wall

Looking SE at Tool Shed and HVAC platform
Generator Platform behind Tool Shed (existing)
City of Charleston
Board of Zoning Appeals

June 16, 2021

Re: 62 Church St Zoning Variance & BAR Application

To Whom it may Concern,

We are the property owners of 64 Church St directly to the North of the Wallace's home located at 62 Church St. Erika and Skip have shown us their Architectural Plans for their proposed Garden Room addition, and we are in favor of granting them a variance for the density to be 42% which we realize exceeds the allowable 33% density for the property. We are also in favor of granting them the variance for the South wall of the Garden room addition which will extend into the required 9' setback by 2' 9 5/8", which is set back 12.75" from the existing encroaching wall of the current house and is therefore not visible from Church St. As far as the design of the addition goes, we approve the drawings that we were shown dated June 14, 2021 consisting of 35 sheets, including the removal of the screened porch from the Upper Porch, the addition of the lowered panel on the West side of the Upper Porch, the addition of the dormer on the West façade, as well as the addition on the East side of the house of a (2) story Garden Room, the attaching to the existing Tool Shed and the elevating of the existing generator platform to the East of the existing shed. We also are in favor of them extending the historic brick wall in the rear of their property to the South property line, replacing the newer and lower brick wall there currently.

Yours truly,

[Signature]

John and Meredith Dunnan
64 Church St.
Charleston, SC 29407
Agenda Item #B-2

1029 AVENUE OF OAKS (LOT 40)
(MARYVILLE/ASHLEYVILLE)
TMS # 418-06-00-158

Request variance from sec. 54-301 to allow construction of a 3-story single-family residence that exceeds 35-ft. in height (Limit is 2 ½ stories, 35-ft.)

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

City of Charleston

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

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

MEETING DATE REQUESTED: ________________

Property Address 1624 - Avenue of Parks, TMS # 418-06-00-168

Property Owner Crosspointe, LLC Daytime Phone 803-600-6929

Applicant Kelly McQueen Daytime Phone ____________________________

Applicant’s Mailing Address 522 Summers Drive, Charleston, SC 29407
Email Address Kelly.mcqueen@crosspointe.com

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

Zoning of property D-1 Cluster

Information required with application: (check information submitted)
☐ Site plans or plans including elevations showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone show HWZ, VFL, and AFV on scaled plans.
☐ Scale floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all one-family and two-family dwellings and detached accessory buildings, unless exempted by the zoning staff (3 sets).
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, money order, or cash (make checks payable to the City of Charleston)
☐ YES or NO - is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? Yes/No

Section 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 inspection.

Applicant ________________________________

For office use only

Date application received ________________ Fee $ __________________

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


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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property, 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 § 4-29-1800]

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.
AVENUE OF OAKS VARIANCE REQUEST

Pursuant to S.C. Code Ann. § 6-29-800 and Zoning Code § 54-924, Applicant Crescent Homes SC, LLC submits this information in response to the applicable criteria in support of a variance for nine lots (Lots 1-7, 18, and 42) within the Avenue of Oaks subdivision.

1. There are extraordinary and exceptional conditions pertaining to the particular properties.

Extraordinary and exceptional conditions pertain to these particular properties because they have been impacted by the new FEMA flood maps, which became effective in January 2021 pursuant to Ordinance No. 2020-44. Under the City’s planning department’s interpretation of the zoning code, a drive-under garage area of a home is not considered a “story” for purposes of determining compliance with a zoning district’s height restrictions if the home is located in a certain flood zone.

At the time Avenue of Oaks was being designed, all of the developable property was located in either Flood Zones AE-13 or AE-14. As a result, Crescent Homes designed the subdivision based on the City’s interpretation that all homes could be designed with drive-under garages that would not be considered a “story” for purposes of the SR-1 zoning district’s 2 ½ story height restriction. Relying on this interpretation, Crescent Homes designed 22 of the lots in Avenue of Oaks to have drive-under garages with two stories of living space above.

The City approved the final plat for Avenue of Oaks in March 2020, and Crescent Homes began developing the lots in accordance with its design. To date, Crescent Homes received building permits for 13 out of the 22 planned homes that utilize a drive-under garage. However, FEMA issued new flood maps for Charleston County in 2020, which became effective in January 2021. As a result of the flood map changes, the nine remaining the lots planned for drive-under garages have been rezoned from Flood Zone AE-13 to Flood Zone X.

Under the City’s interpretation of the zoning ordinances, a drive-under garage area on a lot in Flood Zone X is considered a story. Therefore, the homes designed for these remaining nine lots with two stories of living space above a drive-under garage are considered three-story homes and, consequently, not in compliance with the applicable height restrictions for SR-1, according to the City’s interpretation.

Based on these facts, the changes to the flooding zones during the development process after the final plat has been approved constitutes an extraordinary and exceptional condition.

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

Crescent Homes is unaware of any other properties in the vicinity that were under development and impacted by the flood map changes. Therefore, 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.

The application of the City's interpretation of "story" and SR-1 height restrictions will unreasonably restrict the utilization of the property by prohibiting two-story homes with drive-under garages and by nullifying Crescent Home's existing designs for the subdivision. Although Crescent Homes can utilize the nine lots in question with other designs, it is "not required to show that without the variance there exists no feasible conforming use for the property in question" to show an unreasonable restriction. *Restaurant Row Assocs. v. Horvitz City*, 335 S.C. 209, 217, 516 S.E.2d 442, 446 (1999).

In this case, the inability to use the design of two stories over a drive-under garage is unreasonable because the lots in question remain in a flood zone and are subject to the risk of flooding. The City's interpretation is forcing a choice between a one-story living space with a drive-under garage to protect from flooding or two-stories of living space without additional flood protection from being elevated over a drive-under garage. Because the designs in question provide for reasonably sized homes, especially considering the narrow lot dimensions utilized under the cluster development zoning ordinance for this neighborhood, this is an unreasonable choice being imposed by the City's interpretation of the ordinance.

The unreasonableness of this choice is compounded by the fact that the designs in question were permissible just a few months ago before the new flood maps became effective. The subdivision was designed based on the old flood maps and in reliance on the reasonable belief that drive-under garages could be utilized without them being considered a story. It would now be unreasonable to restrict the use of the drive-under designs when other homes have already been permitted with the same design feature.

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

The authorization of the variance will not be of substantial detriment to adjacent property as those properties have homes that utilize the same drive-under garage feature. Thus, the design of the new homes will be harmonious with those properties and consistent with the original plan for the subdivision.

The variance will also not be of any detriment to the public good. If anything, the public good will be enhanced because the drive-under design will provide additional protection from possible flooding, thereby reducing the potential social and indirect impacts that flooding often creates.

Last, the variance will not harm the character of the zoning district as the homes will comply with all other zoning requirements for the SR-1 zoning district, and the variance will not permit prohibited uses. Significantly, even if the drive-under garages are permitted with a variance, the homes will still be subject to the maximum height restrictions imposed by the zoning code.
Agenda Item #B-3

1027 AVENUE OF OAKS (LOT 41)  
(MARYVILLE/ASHLEYVILLE)  
TMS # 418-06-00-159

Request variance from Sec. 54-301 to allow construction of a 3-story single-family residence that exceeds 35-ft. in height (Limit is 2 ½ stories, 35-ft.).

Zoned SR-1
APPLICATION FOR VARIANCE, SPECIAL EXCEPTION, RECONSIDERATION, OR EXTENSION TO THE BOARD OF ZONING APPEALS — ZONING (BZA-2)

City of Charleston

Instructions — This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 noon on the deadline date and must be complete 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 disallows 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: August 3, 2023

Property Address: 1023 Howard Ave TMS 8

Property Owner: Crescent Homes, LLC Daytime Phone: 803-269-6929

Applicant: Kelly Peterson Daytime Phone: 803-269-6929

Applicant's Mailing Address: 572 Savannah Highway, Charleston, SC 29412

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

Zoning of property: R-1 Cluster

Information required with application: (check information submitted)
- Scaled floor plans or plots, showing the variance(s) or special exceptions 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 multi-family and building additions, unless reviewed 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 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: 6-30-21

For office use only
Date application received ____________________________ Fees $ __________
Submittor Time application received ____________________________ Receipt #
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

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 § 8-29M.100)

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.
AVENUE OF OAKS VARIANCE REQUEST

Pursuant to S.C. Code Ann. § 6-29-800 and Zoning Code § 54-924, Applicant Crescent Homes SC, LLC submits this information in response to the applicable criteria in support of a variance for nine lots (Lots 1-7, 18, and 42) within the Avenue of Oaks subdivision.

1. There are extraordinary and exceptional conditions pertaining to the particular properties.

Extraordinary and exceptional conditions pertain to those particular properties because they have been impacted by the new FEMA flood maps, which became effective in January 2021 pursuant to Ordinance No. 2020-44. Under the City planning department’s interpretation of the zoning code, a drive-under garage area of a home is not considered a “story” for purposes of determining compliance with the zoning district’s height restrictions if the home is located in a certain flood zone.

At the time Avenue of Oaks was being designed, all of the developable property was located in either Flood Zones AE-13 or AE-14. As a result, Crescent Homes designed the subdivision based on the City’s interpretation that all homes could be designed with drive-under garages that would not be considered a “story” for purposes of the SR-1 zoning district’s 2 1/4 story height restriction. Relying on this interpretation, Crescent Homes designed 22 of the lots in Avenue of Oaks to have drive-under garages with two stories of living space above.

The City approved the final plat for Avenue of Oaks in March 2020, and Crescent Homes began developing the lots in accordance with its design. To date, Crescent Homes received building permits for 13 out of the 22 planned homes that utilize a drive-under garage. However, FEMA issued new flood maps for Charleston County in 2020, which became effective in January 2021.

As a result of the flood map changes, the nine remaining lots planned for drive-under garages have been rezoned from Flood Zone AE-13 to Flood Zone X.

Under the City's interpretation of the zoning ordinances, a drive-under garage area on a lot in Flood Zone X is considered a story. Therefore, the homes designed for these remaining nine lots with two stories of living space above a drive-under garage are considered three-story homes and, consequently, not in compliance with the applicable height restrictions for SR-1, according to the City’s interpretation.

Based on these facts, the changes to the flooding zones during the development process after the final plat has been approved constitutes an extraordinary and exceptional condition.

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

Crescent Homes is unaware of any other properties in the vicinity that were under development and impacted by the flood map changes. Therefore, 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.

The application of the City's interpretation of "story" and SR-1 height restrictions will unreasonably restrict the utilization of the property by prohibiting two-story homes with drive-under garages and by nullifying Crescent Home's existing designs for the subdivision. Although Crescent Homes can utilize the nine lots in question with other designs, it is "not required to show that without the variance there exists no feasible conforming use for the property in question" to show an unreasonable restriction. *Restauranteur Row Associates v. Narvry City*, 335 S.C. 209, 217, 516 S.E.2d 442, 446 (1999).

In this case, the inability to use the design of two stories over a drive-under garage is unreasonable because the lots in question remain in a flood zone and are subject to the risk of flooding. The City's interpretation is forcing a choice between a one-story living space with a drive-under garage to protect from flooding or two-stories of living space without additional flood protection from being elevated over a drive-under garage. Because the designs in question provide for reasonably sized homes, especially considering the narrow lot dimensions utilized under the cluster development zoning ordinance for this neighborhood, this is an unreasonable choice being imposed by the City's interpretation of the ordinance.

The unreasonable nature of this choice is compounded by the fact that the designs in questions were permissible just a few months ago before the new flood maps became effective. The subdivision was designed based on the old flood maps and in reliance on the reasonable belief that drive-under garages could be utilized without them being considered a story. It would now be unreasonable to restrict the use of the drive-under designs when other homes have already been permitted with the same design feature.

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

The authorization of the variance will not be of substantial detriment to adjacent property as those properties have homes that utilize the same drive-under garage feature. Thus, the design of the new homes will be harmonious with those properties and consistent with the original plan for the subdivision.

The variance will also not be of any detriment to the public good. If anything, the public good will be enhanced because the drive-under design will provide additional protection from possible flooding, thereby reducing the potential social and indirect impacts that flooding often creates.

Last, the variance will not harm the character of the zoning district as the homes will comply with all other zoning requirements for the SR-1 zoning district, and the variance will not permit prohibited uses. Significantly, even if the drive-under garages are permitted with a variance, the homes will still be subject to the maximum height restrictions imposed by the zoning code.
SPOT ELEVATIONS SHOWN TAKEN ON SITE 5/17/2021 NAVD 88 DATUM
NEW FLOOD MAP 45019C 0511 K. REVISED JANUARY 29, 2021
Agenda Item #B-4

131 COLUMBUS STREET
(CANNONBOROUGH/ELLIOTBOROUGH)
TMS # 460-08-02-001

Request special exception under Sec. 54-220 to allow a 175-unit accommodations use in a LI-A (Light Industrial-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 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: August 3, 2021

Property Address: 321 Columbus Street

TMS #: 460-08-02-002

Property Owner: Southern Realty Development Corporation

Daytime Phone: 843-414-9733

Applicant: Hellman & Yates, PA, Brian A. Hellman

Daytime Phone: 843-414-9733

Applicant’s Mailing Address: 105 Broad Street, Third Floor, Charleston, SC 29401

E-Mail Address: bh@hellmanyates.com

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

Zoning of property: GB-A

Information required with application: (check information submitted)
- Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning Staff (3 sets)
- Plans or documents necessary to show compliance with special exception requirements (3 sets)
- Check, credit card or cash (make checks payable to the City of Charleston)
- YES ( ) NO ( ) Is this property rezoned by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use as requested in this permit application? § 5-291.145 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 inspection.

Applicant: [Signature]

Date: July 3, 2021

For office use only

Date application received: Time application received: 

Supervisor: Fee: $ 

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

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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property, and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. [SC Code of Laws § 6-29-800]

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 5A-110, § 5A-216, or sections in Article 5 [add as an attachment if necessary].

The Applicant, on behalf of Property Owner Southern Realty Development Corporation, seeks a Special Exception for a 175 room Accommodations Use pursuant to Section 5A-220 of the Zoning Ordinance for the City of Charleston. Attached hereto and incorporated herein is the Project Overview by McMillan Pazdan Smith, the Traffic Impact Analysis by B&M Engineering, and the application of the plans to the Ordinance by Bellman & Yates, PA.

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.
July 1, 2021

Lee Batchelder AICP
Zoning Administrator
Department of Planning, Preservation & Sustainability
City of Charleston
2 George Street
Charleston, South Carolina 29401

RE: Request for Special Exception for Accommodation Use of 131 Columbus Street (TMS # 460-08-02-001)

Dear Mr. Batchelder:

On behalf of Southern Realty Development Corporation ("SRDC"), the enclosed supporting materials are provided to assist the City of Charleston Board of Zoning Appeals in its consideration of SRDC’s request for a Special Exception for Accommodation Use for the development of a hotel at 131 Columbus Street.

SRDC’s property at 131 Columbus Street consists of a 0.404 acre parcel. The property abuts the former railroad right-of-way, now Lowcountry Lowline. It was developed and formerly used by SRDC as a warehouse with rail access for its affiliated wine and liquor distribution operations. It is a block and metal siding building currently utilized as a bowling alley.

Section 54-220 of the City of Charleston Zoning Code provides the criteria for a special exception to permit an Accommodation Use in the Accommodations Overlay Zone. The proposed hotel is fully compliant with all of the section as shown below. We will take the liberty of recasting the Special Exception criteria of Sec 54-220 with our compliance below in bold.

Sec. 54-220. - Accommodations overlay zone.

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 exception; provided however, the BZA-Z may approve the alteration or replacement of such existing dwelling units on the same site as the accommodations use, or within a radius of one quarter (¼) 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 RPA-2 shall require any such alteration 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 unless 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, has been filed with the City.

The proposed accommodations will not result in a net loss of dwelling units that have been occupied within five years of the date of application for the exception.

(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;

The proposed accommodations are located in the Accommodations Overlay on the peninsula and will not reduce or displace any office space.

(c) 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;

The proposed accommodations are located in the Accommodations Overlay on the peninsula and will not displace more than 25% of the linear frontage of existing ground floor storefront retail space, if any, on the property.

(d) the location of the accommodations use will not significantly increase automobile traffic on streets within residential districts;

The proposed accommodations are located on non-residential sections of Columbus and Spring Streets which connect to King and Meeting Streets, both and will not significantly increase automobile traffic on streets within residential districts per the Traffic Impact Analysis of Bihl Engineering, LLC.

(e) the location of the accommodations use will contribute to the maintenance, or creation, of a diverse mixed-use district;

The location of the proposed accommodations will contribute to the maintenance, or creation, of a diverse mixed-use district, as the immediate block surrounding this property includes a shuttered grocery store and a moving and storage company.

(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;

The total square footage of interior and exterior floor area for restaurant and bar space in the proposed accommodations use will be less than 9,000 square feet (or 6.3%), including restaurant/bar patron use areas, bar areas, kitchen, storage, and bathroom facilities which does not exceed 12 percent of the total interior, conditioned floor area in the accommodations use (or 16,976 square feet).

(g) the accommodations use proposed guest drop off and pick up area(s) 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 area(s) has been reviewed by the Department of Traffic and Transportation and determined to be safe and not be an impediment to traffic and that every effort has been made to minimize traffic impacts;

The proposed accommodations use guest drop off and pick up area is located outside the public right-of-way and on the property to be utilized for the accommodations use to minimize traffic impacts;

(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.

The total number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located is one hundred seventy five (175) units which exceeds ten (10) sleeping units.

(i) within areas of the accommodations overlay zone designated as "A-1", "A-2", "A-3", "A-4", "A-5", and "A-7" on the zoning map, the 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"; 150 in areas designated "A-2"; 225 in areas designated "A-3"; 300 in areas designated "A-4"; 450 in areas designated "A-5"; 650 in areas designated "A-7"; and 175 in areas designated "A-7" provided, however, that within the portion of the area designated "A-7" bounded by King Street on the west, Meeting Street on the east, Mary Street on the south and Low 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 250, if the accommodations use qualifies as a Full-Service Hotel, meaning that the accommodations use provides 20,000 or more 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, turn-down service,
The property is within the Full-Service Corridor and will have one hundred seventy-five (175) sleeping units and will provide 20,000 or more 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.

(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, structures, facilities, or operations with another accommodations use.

(b) (i) The proposed accommodations use incorporates meeting and conference space at a ratio 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 3,000 square feet for every 10 sleeping units, or fraction thereof, exceeding 150 sleeping units. In either case, at least 75% of the meeting and conference space shall be contiguous;

(ii) Notwithstanding subsection 3(i) 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;

The proposed accommodations use will contain more than 50 sleeping units and is located in the Full-Service Corridor, and is governed by the provisions of subsection (i) hereof;

(h) 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 (i) only, a Full-Service Hotel means (i) a Full-Service Hotel as defined in subsection (i); and (ii) any accommodations use on the peninsula having in excess of 150 sleeping units and

The proposed accommodations use will not result in there being more than eight (8) Full-Service Hotels on the peninsula.

(m) to assist 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: $8.00 per square foot of area used for sleeping units and the hallways adjacent to sleeping units, stairwells and elevators.

To assist in providing affordable housing opportunities for its employees, the developer of 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: $5.10 per square foot of area used for sleeping units and the hallways adjacent to sleeping units, stairwells and elevators.

c. Application requirements. In making the findings required in subsection b.1, the Board of Zoning Appeals-Zoning 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 median 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;

   No existing dwelling units have been on this property in more than five (5) years.

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;

   No existing dwelling units have been on this property in more than five (5) years.

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

   No existing office space has been on this property in more than five (5) years.

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

   There is no linear frontage of existing ground floor storefront retail space on the property.

5. The location and design of guest drop off and pick up areas for the accommodations use;
The guest drop off and pick up areas for the proposed accommodations use will enter and exit from Columbus Street and are located internal to the project as shown on Page 8 of the enclosed drawings.

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:

The cumulative number of vehicle trips the proposed accommodations use is projected to generate is 82 new vehicle trips during the AM peak hour (48 entering and 34 exiting), 90 new vehicle trips during the PM peak hour (54 entering and 36 exiting), and 1,549 daily. Efforts made to minimize traffic impacts include location on the Lowline and near CARTA stops as well as providing bicycle parking.

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 and parking entrance of the proposed accommodations use is 298' feet from King Street and 370' feet from Meeting Street, which are both classified as major arteries as is visually depicted on Page 6 of the enclosed drawings.

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:

The existing land uses within 500' of the proposed accommodations use are depicted on Page 5 of the enclosed drawings and include accommodations, manufacturing/printing, commercial/office, park, parking, and residential.

9. The proximity of residential districts to the accommodations use:

Residential districts are located west of King Street and east of Meeting Street as depicted on Page 6 of the enclosed drawings.

10. The necessary 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:

A restaurant is being proposed for this accommodations use. This proposed use is not expected to have any consequential impact on parking, traffic generation, noise or odors in or to any residential districts.

11. The demonstrated provision of off-street parking at the rate of two spaces that meet the design requirements of section 54-318 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;
The proposed accommodations use will have at least 125 parking spaces which exceeds two spaces for each three sleeping units through the utilization of mechanical and other means of parking.

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.

There are 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 within five hundred feet (500') of the proposed accommodations use.

13. The commitment to environmental sustainability and recycling;

The proposed accommodations use will be committed to environmental sustainability and recycling.

14. The distance of the accommodations use from major tourist attractions;

The proposed accommodations use is located on the peninsula and is in close proximity to major tourist attractions on the peninsula as well as off-peninsula locations such as Patriot's Point and Highway 61 plantations.

15. The distance of the accommodations use from existing or planned transit facilities;

The proposed accommodations use is located within 400' from a CARTA bus stop and IOP bus stop, and abuts the proposed Lowline which will provide access to the proposed LCRT stop as depicted on Page 6 of the enclosed drawings.

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 proposed accommodations use will have 125 parking spaces in excess of the zoning-required amount, a portion of which will be provided to employees for parking, furthermore transit passes and bicycle parking, where appropriate, will be provided.

17. The number of sleeping units proposed as part of the accommodations use;

175 sleeping units are proposed as part of the accommodations use.

18. The provision of shuttle bus services to and from the Historic Districts by accommodations uses with more than 50 sleeping units located outside the area designated "A-1" through "A-6" on the zoning map;

Not applicable.
10. 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 (c)(1), (2), and (3) of the Code of the City of Charleston.

*The proposed accommodations use is committed 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 (c)(1), (2), and (3) of the Code of the City of Charleston.*

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 proposed accommodations use is committed to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels.*

If you have any questions or concerns regarding this request, please contact me at any time. I can be reached at (843) 414-7756.

I appreciate your assistance with this application.

With warmest regards, I am

Yours very truly,

[Signature]

Samantha A. Heldman
PROJECT INFORMATION
ADDRESS: 131 COLUMBUS ST
TMS: 460-08-02-001
FLOOD ZONE: X, ELEVATION: 14

EXISTING SITE SURVEY

SITE SURVEY (EXISTING)
LAND USE LEGEND
- ACCOMMODATIONS
- COMMERCIAL/OFFICE
- PARKING
- PARK
- RESIDENTIAL
- VACANT LOT

FULL SERVICE HOTEL CORRIDOR

EXISTING
E1 BULO Grocer (VACANT)
E2 ELAN Midtown
E3 THE SIVGARDEN
E4 HOLIDAY INN (120 KEYS)
E5 HOMEWOOD SUITES (139 KEYS)
E6 WOOLFE ST PLAYHOUSE
E7 HYATT (191 KEYS)
E8 U-HAUL
E9 POST AND COURIER
E10 THE GUILD
E11 LIFESTYLE COMMUNITIES

POTENTIAL FUTURE
F1 THE WOOLFE HOTEL (252 KEYS)
F2 411 MEETING ST (300 KEYS)
F3 MORRIS SCHOOL (200 KEYS)
F4 POST AND COURIER
F5 THE LOWLINE
MEETING SPACE @ LVL 02 : 11,513 SF
MEETING SPACE @ LVL 03 : 8,602 SF
(Overall Meeting Space : 20,115 SF)
MEETING SPACE IS UNIFIED AND CONTIGUOUS
THROUGH A CENTRAL ATRIUM OVERLOOKING
THE LOWLINE, SEAMLESSLY BLENDING PUBLIC
AND PRIVATE SPACE THROUGH A 3 STORY
GLASS FACADE.
GUESTROOMS @ LVL 03 : 9 KEYS
(Overall Guestrooms : 57 KEYS)
MASSING WEST ELEVATION (AT U-HAUL)

MASSING SOUTH ELEVATION (AT SPRING)

MASSING PERSPECTIVE (COLUMBUS + U-HAUL)
(LOWLINE DESIGN SHOWN FOR CHARACTER ONLY)
Agenda Item #B-5

657, 661 AND 663 KING STREET
(CANNONBOROUGH/ELLIOTBOROUGH)
TMS# 460-04-04-090, 091 AND 092

Request special exception under Sec. 54-220 to allow a 50-unit accommodations use in a GB-A (General Business-Accommodations) zone district.
City of Charleston

Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZ+2)

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 unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: AUGUST 3, 2021

Property Address: 587, 661, 663 KING STREET
TMS #: 460-04-04-986, 081, 092

Current Owner/Seller: Richard Gregory, The Twisted Bubble LLC
John Hamilton

Property Owner: Future Owner/Buyer: John Hamilton, Hamilton Development, INC

Applicant: STEPHEN RAMOS, LSIP

Daytime Phone: 803-761-2221

Applicant’s Mailing Address: LSIP, 205 1/2 KING STREET

E-mail Address: STEPHENRAMOS@LSIP.COM

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

Zoning of property: GB

Information required with application: (check information submitted)
☒ called plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☒ floor plans showing the building, floor plans showing the building addition(s) (3 sets)
☒ structural drawings showing the building elevation(s) (3 sets)
☒ photographs of the property showing the building and surrounding context
☒ statements with regard to the proposed improvements and building (3 sets)
☒ Any statements of fact with regard to the proposed improvements and building (3 sets)

Optional but very helpful information:
☒ Other documents necessary to show compliance with special exception requirements (3 sets)
☒ Credit card or cash (make checks payable to the City of Charleston)

YES ( ) or NO ( ) - Is this property restricted by any recorded covenants that are contrary to, conflict with or prohibit the proposed improvements? (3 sets)

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: 7/1/2021

For office use only
Date application received: ____________ Time application received: ____________
Submitter: ____________ FEE: $ ____________ Receipt #: ____________
For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):


Variance Test: The Board of Zoning Appeals 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 §§ 54-1-10, § 54-206, or sections in Article 5 (add as an attachment if necessary).

REQUESTING APPROVAL OF 50 ROOM HOTEL AT 557 KING STREET. SEE ATTACHED SPECIAL EXCEPTION EXHIBITS, ZONING NARRATIVE AND TRIP GENERATION LETTER.


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.
657 King Street Hotel

Accommodations Overlay Zone Special Exception Request

July 2, 2021 Submission

August 3, 2021 Meeting

Special Exception Narrative by Steve Ramos/LS3P

Summary

1. ZONING CONFORMANCE - The proposed 50 room hotel fulfills all of the 20 requirements of the City of Charleston Accommodations Special Exception Test.

2. GOOD FOR PEOPLE - A vibrant mixed use development will be developed which will fill in a ‘missing tooth’ along King Street.

3. GOOD FOR CARS - The site is easily accessible from Line Street which will minimize traffic impacts to the neighborhood. The hotel drop-off, pick up and parking are contained entirely on site.

4. AFFORDABLE HOUSING - The project will contribute over 200 Thousand Dollars to the City of Charleston Affordable & Workforce Housing Fund.
Responses to Accommodations text in Red Italic.

Sec. 54-220. - Accommodations overlay zone.

a. Intent. The A Overlay Zone is intended to identify those areas within the City limits where accommodations uses are allowed. Accommodation 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 54-208, 54-208.1, 54-208.2, 54-208.3, 54-224, 1, or 54-227. 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. 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 are not paid, of the jobs created are low-paying, with minimal benefits, heightening the need for housing that is attainable by those employed in the field of accommodations uses and providing 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 safe and stable flow of traffic and the availability of parking spaces convenient to residents, patrons, workers and visitors. An accommodations use gives rise to employees often having to travel to the workplace, to assist in the maintenance of a safe and stable 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 for buildings or structures which may be erected, altered, or used for any purpose allowed by the base zoning district as listed in Article 2: Pa 9, and the following uses, subject to the approval of the Board of Zoning Appeals-Zoning:

1. Accommodation uses. The Board of Zoning Appeals may permit accommodation uses as an exception where it finds that:

a. the accommodation use will not result in a net loss of dwelling units that have been occupied within 5 years of the date of application for the exception; provided however, the BZA-Z may approve the alteration or replacement of such existing dwelling units on the same site as the accommodation use, or within a radius of one quarter (1/4) mile from the site if the proposed 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 for, the BZA-Z shall require any such alteration or replacement to include dwelling units of substantially the same size and type as those being altered or replaced and shall require that no certificate of occupancy shall be issued for the accommodation uses until either a certificate of occupancy has been issued for all existing 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, has been filed with the City.

The proposed development will not displace any housing units.

b. Such accommodation use, if located in the Accommodations Overlay on the peninsula, will not relocate or displace more than 25% of office space that has been used for such purpose within 5 years of the application for the exception;
The proposed development will not displace any office space.

(c) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not displace more than 25% of the linear footage of existing ground for storefront retail space on the property;

The proposed development will not displace any retail space.

(d) the location of the accommodations use will not significantly increase automobile traffic on streets within residential districts;

Access to the site will be handled on King and Line which will limit the amount of cars travelling through the Cannonsborough-Ellaborough Neighborhood.

(e) the location of the accommodations use will contribute to the maintenance, or creation, of adverse mixed-use district.

This building is a mixed-use project. It will be constructed within an area that is experiencing a renaissance of development. There is over one million square feet of development occurring in the immediate area that includes offices, retail, restaurant and residential. However, there are no hotels currently planned in the immediate area. Therefore, the insertion of this hotel will contribute to the mixed-use district.

(f) the total square footage of interior and exterior floor area for restaurant and bar spaces in the proposed accommodations use, including restaurant/bar poison 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.

The proposed hotel design is within the allowable F&B square footage. The ground floor bar and 9th floor bar and restaurant are below 12% of the conditioned area of the building. There is an additional cafe at the ground floor which is below 1,000sf and that will not serve alcohol.

(g) the accommodations use proposed guest drop off and pick up area(s) is located outside the public right-of-way and on the property utilized the accommodations use. If the accommodations use contains more than 50 sleeping units, and it 50 sleeping units or less, the proposed guest drop off and pick up area(s) is located outside the public right-of-way if feasible, and the location and design of the guest drop-off and pick-up area(s) 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;

The hotel has dedicated motorcourt that is accessed from Line Street. This motorcourt is outside of the public right-of-way and has 6 queuing spaces for guests. Valet staff will park cars within the parking garage. All of this is handled outside of the public right-of-way.
The total number of sleeping units is 90.

Within areas of the accommodations overlay zone designated as "A-1", "A-2", "A-3", "A-4", "A-5", "A-6", or "A-7" on the zoning map, the 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", 150 in areas designated "A-2", 225 in areas designated "A-3", 100 in areas designated "A-4", 150 in areas designated "A-5", 65 in areas designated "A-6", and 75 in areas designated "A-7"; provided, however, that the portion of the area designated "A-1" bounded by King Street on the west, Meeting Street on the east, Mary Street on the south and Line 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 250, if the accommodations use qualifies as a Full-Service Hotel, meaning that the accommodations use provides 20,000 or more 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, turn-down service, newspaper delivery, security personnel and airport shuttle; and in no event shall any accommodations use on the peninsula exceed 250 sleeping units.

50 units are allowed within the A-1 zone.

The proposed development will not share buildings, structures, facilities, or operations with another accommodations use.

The proposed development will not share buildings, structures, facilities, or operations with another accommodations use.

(k) (1) The proposed accommodations use incorporates meeting and conference space at a ratio 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 100 square feet for every 10 sleeping units, or fraction thereof, exceeding 150 sleeping units. In either case, at least 75% of the meeting and conference space shall be contiguous.

The proposed development will contain the 2,000 sqft of meeting and conference space which is required for a 50 unit hotel. The 4th floor meeting space contains over 1,000 sqft of contiguous meeting space fulfilling the 75% requirement.

(2) Notwithstanding subsection (k)(1) above, if the accommodations use contains more than 50 sleeping units and is located in the Full-Service Corridor, the provisions of subsection (k) shall govern the square footage of required meeting and conference space.

The proposed development does not contain more than 50 hotel rooms.

(1) 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 this ordinance; for purposes of this subsection (1) only, a Full-Service Hotel means (1) a Full-Service Hotel as defined in subsection (k); and (2) any accommodations use on the peninsula having in excess of 150 sleeping units; and

The proposed hotel does not contain more than 50 hotel rooms.
(n) to assist 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 five percent upon the issuance of a Certificate of Occupancy, calculated as follows: $5.10 per square foot of area used for sleeping units and the hallways adjacent to sleeping units, stairwells and elevators.

The design includes 42,912sf of area dedicated to sleeping units and hallways adjacent to sleeping units. Therefore, the applicant will contribute $218,541 to the City of Charleston Affordable/Workforce Housing Account.

c. Application requirements. In making the findings required in subsection b.1, the Board of Zoning Appeals-Zoning 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 5 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 median 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;

No housing units will be displaced.

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;

No housing units will be displaced.

3. the presence of office space on the property, or the presence of spaces on the property that were occupied as office spaces within 5 years of the date of application for the exception;

No office space will be displaced.

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

No retail space will be displaced.

5. the location and design of guest drop and pick up areas for the accommodations use;
The hotel has a dedicated motorcourt that is accessed from Lime Street. This motorcourt is outside of the public right-of-way and has 8 queueing spaces for guests. Valet staff will park cars within the parking garage.

(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 trip generation letter.

(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 driveway for the hotel is located on Lime Street which is classified as a local road. The driveway is 220’ feet from King Street which is classified as a primary arterial road.

(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;

Within 500’ of the site the following uses exist: houses, short term rental units, office space, retail space and restaurant space. There are currently no hotels within 500’ of the site, nor are there any planned.

(9) the proximity of residential districts to the accommodations use;

This site is located at the edge of the Cannenborough-Ellisborough Neighborhood.

(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 mixed use development provides the following accessory uses:

- Bar at the Ground Floor
- Café at the Ground Floor
- Meeting Space at Level 4
- Pool, Bar and Restaurant at Level 5

These uses are comparable to the other uses common on King. Meeting and within the Cannenborough-Ellisborough Neighborhood. Many of the amenities will be used by guests of the hotel therefore will not require additional parking. Guests of this hotel are most likely to affiliate ride-sharing companies and less likely to use a personal car. In addition, full time valet personnel will be on site to manage parking. For those reasons, we are confident that the design parking solution is more than adequate to handle those uses.

Noise created at the rooftop bar and restaurant will be mitigated by the massing of the building which provides a 2-story tall buffer to the west and a 40” buffer to
the south. These buffers coupled with the height of the rooftop terrace should make any rooftop noise inaudible.

(11) The demonstrated provision of off-street parking at the rate of two spaces that meet the design requirements of Sec. 64-21E for each three sleeping units, provided, however, that the utilization of mechanical or other means of parking that meet the ratio of two spaces for each three sleeping units shall be allowed.

The project has 50 sleeping units, therefore 34 spaces are required. We estimate that there will be approximately 20 employees during the peak shift which will occur in the evenings. Of these 20 employees we expect 90% or 10 employees to drive single occupant vehicles to the hotel. Therefore a total of 44 parking spaces are needed for this project. The design includes a total of 45 parking spaces.

(12) The presence of industrial uses and uses which are store, or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials, within 500 feet (500') of the accommodation use.

To the best of the owner's knowledge, no such materials exist within 500' of the development.

(13) The commitment to environmental sustainability and recycling.

The owner and operator of the facility are committed to environmental sustainability, recycling, bicycle parking and the use of mass transit.

(14) the distance of the accommodations from major tourist attractions;

The site is located at a convenient mid-point on the Charleston Peninsula. It is less than 1/4 mile (5 minute walk) to the Upper King Street District, ¾ mile (15 minutes walk) to Calhoun Street and and 1 1/2 miles (25 minute walk) to Market Street.

(15) the distance of the accommodations from existing or planned transit facilities;

The following bus systems have stops nearby: The Dash line has a stop on Spring between King and Meeting. The 520 bus has a stop at Meeting and Columbus, and there are several bus routes that depart from the Charleston Visitor Center.

(16) the long term provision of on or off-street 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 project has 50 sleeping units, therefore 34 spaces are required. We estimate that there will be approximately 20 employees during the peak shift which will occur in the evenings. Of those 20 employees we expect 90% or 10 employees to drive single occupant vehicles to the hotel. Therefore, a total of 44 parking spaces are needed for this project. The design includes a total of 45 parking spaces.
(17) the number of sleeping units proposed as part of the accommodations use.

The proposed 50 room facility is permitted in the A-1 overlay zone.

(18) the provision of shuttle bus services to and from the Historic Districts by accommodations uses with more than 50 sleeping units located outside the area designated "A-1" through "A-6" on the zoning map;

This hotel is within the A-1 zone therefore a shuttle will not be required.

(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 2-266 (a)(1), (2), and (3) of the Code of the City of Charleston;

The owner and operator is committed to working with the City of Charleston Office of Economic Development to see that construction and procurement opportunities are available to MBE’s and WBE’s.

(20) the commitment to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels.

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 agreement 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. e. 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-Zoning 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.

The owner and operator is committed to making affirmative, good faith efforts to hire personnel representative of the population of the Charleston community, at all levels of employment.
**BZA-Z HOTEL SPECIAL EXCEPTION SUBMISSION**

**DUE DATE:** JULY 2, 2021  
**MEETING DATE:** AUGUST 3, 2021  
**APPLICANT:** STEVE RAMOS, LS3P  
**ADDRESS:** 657, 441, 663 KING  
**TMOR: 464-04-002/001/000**

**PROJECT DESCRIPTION**

A BZA-Z Hotel Special Exception is being made for a 50 key boutique hotel at 657 King Street. The hotel is a mixed-use project including the following: ground floor cafe, ground floor bar, meeting space, rooftop pool, rooftop restaurant and bar. The building will be a combination of 6 and 4 stories. The project fulfills the 20-point special exception test. No variances or rezone requests required. This project is under SMPV process.

A new apartment building at 70 Line street will be developed concurrently with the hotel. There are no zoning approvals necessary for the apartment building. It is being shown for informational purposes only.
SUMMARY

1. **ZONING CONFORMANCE** - The proposed 80 room hotel fulfills all of the 20 requirements of the City of Charleston Accommodations Special Exception Test.

2. **GOOD FOR PEOPLE** – A vibrant mixed-use development will be created which will fill in a “missing tooth” along King Street.

3. **GOOD FOR CARS** – The site is easily accessible from Line Street which will minimize traffic impacts to the neighborhood. The hotel drop-off, pick-up and parking are contained entirely on site.

4. **AFFORDABLE HOUSING** – The project will contribute over 200 Thousand Dollars to the City of Charleston Affordable & Workforce Housing Fund.

**EXCERPTS FROM THE HOTEL SECGAL EXCEPTION TEST RESPONSE**

The proposed development will not displace any housing units, office space or retail space. Access to the site will be handled on King and Line streets which will limit the amount of cars traveling through the Charleston Historic District.

This building is a mixed-use property. It will be constructed within an area that is experiencing a renaissance of development. There is 440,000 square feet of development occurring in the immediate area that includes office, retail, restaurant and residential. However, there are no new hotel rooms planned in the immediate area.

Therefore, the addition of this hotel will contribute to the mixed-use district.

The proposed hotel design is within the allowable 130' height square footage. The ground floor has 13,000 square feet and represents only 12% of the conditional area of the building.

There is an additional floor on the ground floor which is below 25,000' and that will not serve alcohol.

The hotel has a dedicated vehicle that is accessed from Line Street. The vehicle is outside of the public right-of-way and has designated spaces for guests. Valet staff will park cars within the parking garage. All of this is handled outside of the public right-of-way.

The proposed development will not share buildings, structures, facilities or operations with another accommodation use.

The proposed development will contain the 2,000 sqft of meeting and conference space which is required for a 50 room hotel. The 6th floor meeting space contains over 1,000 sqft of conference meeting space fulfilling the 15% requirement.

The design includes 43,000 sqft of area dedicated to sleeping units and bathroom suites in sleeping rooms. Therefore, the applicant will contribute $277,365 to the City of Charleston Affordable/Workforce Housing Account.

The project has 9 sleeping units, therefore 54 spaces are required. We estimate that there will be approximately 20 employees during the peak shift which will use in the average. Of those 20 employees we expect 10 employees to drive single occupancy vehicles to the hotel. Therefore a total of 60 parking spaces are required for this project. The design includes a total of 65 parking spaces.

*Note attached special exception request for complete response in 20 point not.*
21 FENWICK DRIVE
(OLD WINDEMERE)

Request special exception under Sec. 54-110 to allow a horizontal expansion (1-story porch addition) and vertical expansion (bedrooms/closets/baths/family room/laundry room) to a non-conforming building footprint that extends a non-conforming 0-ft. south side setback (9-ft. required).

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

City of Charleston

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

THE APPLICANT HEREBY REQUESTS:

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

MEETING DATE REQUESTED: August 3, 2021

Property Address ____________________________ TMS # ____________________________

Property Owner ____________________________ Daytime Phone ____________________________

Applicant ____________________________ Daytime Phone ____________________________

Applicant’s Mailing Address: ____________________________ E-mail Address ____________________________

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

Zoning of property ____________________________

Information required with this application (check information submitted):

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

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

Optional but very 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 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 ____________________________

Signature ____________________________ Fee $ ____________________________ Receipt # ____________________________
For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows it met (add as an attachment if necessary):


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

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-400)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 34-110, § 34-206, or sections in Article 9 (add as an attachment if necessary):

Request Special Exception pursuant to § 34-110 to extend the non-conforming side setback on the south side for new front porch. The request is limited to extending the non-conforming use now in existence and would not result in an unreasonable intensification of the non-conforming use. Additionally, there is no neighbor on the south side as the property is located adjacent to the greenway.

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.
Second Floor Plan

- Bedroom
- Bathroom
- Family/Play Room
- Laundry Room
- Stairs
- Closet

Dimensions:
- 17'-5.2932" x 17'-8.00" x 12'-0.1732" x 10'-5.32"
Agenda Item #B-7

42 HALSEY BOULEVARD
(HARLESTON VILLAGE)
TMS # 457-03-03-169

Request variance from Sec. 54-301 to allow construction of a single-family residence with a 7.4-ft. south side setback, a 10.3-ft. total side setback, having a 44% lot occupancy (9-ft., 15-ft. required, 35% limitation).

Zoned DR-1
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (RZA-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. 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: AUGUST 3, 2021

Property Address: 321 NASH LTD BLVD
TMS # 457-03-02-169

Property Owner: LINDSAY COLBERT AND GARRET VOEGELI
Daytime Phone:

Applicant: AJ ARCHITECTS
Daytime Phone: 843.810.0029

Applicant's Mailing Address: 538 KING ST, CHARLESTON SC 29403
E-mail Address: ashley@ajarch.net

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

Zoning of property: DR-1

Information required with application: (Check information submitted)
☐ Scaled plans or plot, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)☐ For new construction or additions within a variance area, show MAC 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)
☐ Plots or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check (X) cash or check 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 improvement(s) comply with private neighborhood covenants, if any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with notice of the Board hearing and inspected.

Applicant: [Signature]
Date: 7.2.21

For office use only
Date application received
Time application received
Staff Person
File #: 5
Receipt #: 1
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary).

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

1. There are extraordinary and exceptional conditions peculiar 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 § 6-29A-40)

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.
aj architects

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

Re: Zoning Request - 42 Halsey Blvd

Dear Penry,

Please consider this letter an attachment to the Zoning application for 42 Halsey Blvd. My clients have purchased this vacant lot and would like to build a single family residence. The lot is zoned DR-1, is bounded by Halsey Blvd and has aley-way access from Wadbee Lane in the rear. This area is in a flood zone and the new house must be elevated at least 8'-0" above grade. A 10'-0" rear-yard utility easement must be maintained. So, the proposed design will require the following zoning approvals:

VARIANCE:
• Construction of a single family residence with non-conforming s/w side-yard setbacks. Ordinance requires a minimum n/e side-yard setback of 9'-0" (10'-0" combined) and the proposed structure encroaches into the combined setback 5'-2" with an exterior stair element.
• Construction of a single family residence that exceeds maximum lot coverage. The proposed house occupies 44% of the lot, which exceeds the ordinance maximum of 35%.

With regards to the variance test, this property is unique, and has several factors that are driving the design:
• The flood zone - elevating a structure a full story requires access from grade with a large exterior stair. This stair is the element that creates the side yard encroachment and also affects the total footprint size.
• Rear utility easement - the rear easement limits the length of the structure to work within side yard setbacks.
• Dual access - having street frontage on both the east and west sides of the lot creates a duality that must be addressed from a design perspective, limiting placement of mechanical units and other functional elements.

While these conditions do apply to other properties in the neighborhood, many have exceeded lot coverage and have encroached into set-backs. We do not believe that the proposed design will impact immediate neighbors negatively, since the n/e side yard setback is being maintained. We believe this is a reasonable request.

Thank you for your consideration.

[Signature]

Ashley Jennings
PROPOSED SINGLE FAMILY RESIDENCE: 42 HALSEY BLVD

ARCHITECT: ALINUM CONCEPTS, LLC

ADVISORY: ARCHITECT, ENGINEER, LANDSCAPE ARCHITECT

STRUCTURAL ENGINEER: TBD

SCOPE OF WORK IS REQUESTED

1. NEW SINGLE FAMILY RESIDENCE ON A 10,000 sf LOT. THE PROPOSAL FOR THE NEW RESIDENCE EXCEEDS THE 2,000 AVERAGE LOT SIZE LIMIT OF 1,000 sf AND ENTERS INTO THE R6 ZONING BOUNDARY (12 LF OFF STREET YARD AND 16 LF FRONTAGE)

PRELIMINARY DRAWINGS

A0/35

[Diagram of proposed single family residence]
Lindsay,

This is a copy of a letter we sent to the Board. We are looking forward to having you as a neighbor.

25 July 2021

To: Board of Zoning Appeals - Site Design
2 George Street
Charleston SC 29401

Regarding: 42 Halsey Blvd. Lot Coverage Variance Support Letter

From: Gloria Smith and Norman Smith
44 Halsey Blvd.
Charleston SC 29401.

We have been asked to give an opinion about plans for a house directly adjacent to us on 42 Halsey Blvd. by Lindsay Colbert. Lindsay has provided us with house plans and a drawing of how the proposed house is situated on the lot. If you are standing on Halsey Blvd our house will be to the immediate left of the proposed house. We have no objection to the house plan or the size of the house in proportion to the lot or the location of the proposed house on the lot. We perceive it as an addition or positive thing for our neighborhood.

Norman Smith
Gloria Smith

Cell 478-972-1113
NormanGeorgia@aol.com

Lindsay A. Colbert
(607) 227-8069
42 LEGARE STREET
(CHARLESTOWNE)
TMS # 457-12-04-092

Request special exception under Sec. 54-110 to allow a horizontal expansion (den/kitchen expansion) and vertical extension (master bedroom/bath) that extends a non-conforming 6-inch north side setback (3-ft. required).

Request variance from Sec. 54-301 to allow a (2-story addition, hvac stand and deck) having a 43% lot occupancy (35% limitation; existing lot occupancy 37%).

Zoned SR-4
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-2)

City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete 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: AUGUST 3, 2021

Property Address 42 LEGARE ST, CHARLESTON SC 29401  TMS #: 457.12-04-092

Property Owner HARRISON MALPASS  Daytime Phone:

Applicant A2 ARCHITECTS  Daytime Phone: 843.810.0029

Applicant’s Mailing Address 538 KING STREET, CHARLESTON SC 29403  E-mail Address ashley@arch.net

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

Zoning of property 5R-4

Information required with application: (check information submitted)
☐ Scaled plans or plans, 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 or 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 drawings necessary to show compliance with special exception requirements (3 sets).
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES ☑ 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? 

$ 629.1145 of the South Carolina Code of Laws

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

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

Applicant [Signature]  Date 7.22.21

For office use only
Date application received ____________________
Fee $ __________  Time application received ____________________
Staff Person __________  Receipt # __________
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

**see attached letter**

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**Variance Test:** The Board of Zoning Appeals (BZA) 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. (S.C. Code of Laws § 4-29-900)

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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. § 54-204, or sections in Article 5 (add as an attachment if necessary):

**see attached letter**

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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.
Re: Zoning Request - 42 Legare Street

Dear Penny,

Please consider this letter an attachment to the Zoning application for 42 Legare Street. My client has purchased this property and would like to renovate the historic residence. There is a poorly constructed rear addition and shed they would like to demolish, and are considering a slightly larger rear addition to accommodate a kitchen and den on the first floor and master suite on the second floor. The lot is zoned SF-4, the existing structure does not meet the minimum n/e side-yard setback, and currently exceeds the maximum lot coverage. So, the proposed design will require the following zoning approval:

SPECIAL EXCEPTION:

- Extension of a single family residence with non-conforming n/e side-yard setbacks.

Ordinance requires a minimum n/e side-yard setback of 3'-0" , and the existing structure encroaches into the setback 2'-6". The proposed addition will extend that 2'-6" encroachment along the north property line.

VARIANCE:

- Further expansion of a residence that exceeds maximum lot coverage.

The existing house and shed occupy 37% of the lot, which exceeds the ordinance maximum of 35%. This proposal includes demolition of the shed and rear addition, with a new addition. The configuration of that addition, HVAC stand, and outdoor deck increases the lot coverage to 42%.

With regards to the variance test, this property is unique with regards to the historic single house and it's current configuration. In order to re-work the existing addition to accommodate a modern kitchen and master suite, we must consider the impact on the historic structure, and follow BAR guidelines for additions. Therefore, the addition must align with the existing structure, and work with existing interior circulation. This alignment triggers the extension of the non-conforming side-yard setback, but also limits the configuration of the layout, which, in turn, affects the shape and size of the additions' footprint and lot coverage. We are proposing to relocate the HVAC from the roof to a platform in the rear, which also impacts lot coverage.

While these conditions do apply to other properties in the neighborhood, this property is unique in configuration. We do not believe that the proposed rear addition will impact immediate neighbors negatively, since the addition will replace the existing addition and shed. We have designed the addition with consideration of the immediate neighbors - eliminating windows on the north side and removing HVAC equipment from the roof. We believe this is a reasonable request.

Thank you for your consideration.

[Signature]
proposed site plan: 1/4" = 1'-0"

ZONING INFORMATION:

lot 450' x 204' 352
area 95,000
lot size 4,615.8
setbacks front 50', conformance
rear 25', conformance
maximum size: 3,000 sq ft conforming, REQUIRE SPECIAL EXCEPTION
maximum size: 4,500 sq ft non-conforming

 ULT carriage: 216 maximum, 110 existing house with option: 420, non-conforming, fees:679' YARDAGE
 parking: 2 car per residence = 2 spaces, 2 spaces proposed, conformance
 fixed area: RID, DFE 1,313 sf
Agenda Item #B-9

66 DARLINGTON AVENUE
(WAGENER TERRACE)
TMS # 463-11-02-128

Request special exception under Sec. 54-110 to allow a detached accessory building (storage/office/guest room) that extends a non-conforming 1.5-ft. south side setback, a non-conforming 2.5-ft. rear setback (9-ft. and 25-ft. required).

Zoned SR-2
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: August 4th, 2021

Property Address: 66 Darlington Ave 29403

TMS: 483-11-02-128

Property Owner: Caitlin Dirkes

Type text here

Daytime Phone: 516-639-1252

Applicant: Caitlin Dirkes

Daytime Phone: 516-639-1252

Applicant’s Mailing Address: 66 Darlington Ave, Charleston, SC 29403

Email Address: cbdirkes@gmail.com

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

Zoning of property: SR-2

Information required with application: (check information submitted)
☐ Signed plans or maps, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show the flood plain and/or flood elevation 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 located 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: Caitlin Dirkes

Date: 8/27/2021

For office use only
Date application received
5/10/2021
Time application received
9:40 AM
Case number: 21-113
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):

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

1. There are extraordinary and exceptional conditions **pertaining to the particular piece of property**;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws $6-29-600)

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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 $6-4-116, § 54-206, or sections in Article 3 (add as an attachment if necessary):

1. The existing structure's rear wall currently sits within an exceptional proximity of the property line. The proposed structure will maintain that proximity in order to utilize the existing footprint of the structure.
2. Neighboring homes have historic or new structures within the same proximity of the property line.
3. Given the existing structure and variance, in order to modify the structure which is currently structurally unsound, this exception is being requested.
4. Both neighbors are supportive of our plans and given we are modifying an existing structure will only serve to increase the character of the district.

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.
CONTRACTOR TO COMPLY WITH ALL CITY TREE PROTECTION ORDINANCES.

TREES GROWING ON Lot 46-6" FROM GROUND TO BE PROTECTED WITH AT LEAST 5.4" TUBES TO AVOID DAMAGE.

Any drawing to be completed by all licensed arborists.
**PROPOSED FOUNDATION PLAN**

**GENERAL NOTES**

All existing walls shall be replaced and new walls to match. Match addition windows in size to existing where appropriate.

- Reuse: E-1986/1949 Low-E Insulated Glass
- 1/8" C/D 1200, 2043 base material to suit for high velocity furnace zone (HVHZ)
- ANM/ANW 6M 10/1.5-2 MM-G-CB

Window frame to be Black, verify with owner.

GC to provide required blocking, sheers, all panes, head flashing, jamb flashing and sills.

Closets shall be 1/8" insulated, temper-resistant louvered door P4C to be O.3, with U-Factor of 0.36 or better.

Provide inset screens.
EXISTING WEST ELEVATION

EXISTING SOUTH ELEVATION

PROPOSED WEST ELEVATION

PROPOSED SOUTH ELEVATION