**Video and microphone is currently disabled for all attendees.**
This meeting is being recorded.
Your Board of Zoning Appeals-Zoning Members are:

- Joel Adrian
- Amanda Graham Barton
- Jennifer DeCiantis
- Paula Murphy

- Ruthie Ravenel
- Kelvin Huger
- Jeff Webb

Your City of Charleston Staff are:

- Lee Batchelder, Zoning Administrator
- Scott Valentine, TRC Coordinator

- Eric Schultz, Board Administrator/Principal Planner
Meeting Protocol

Order on Each Application:

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

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

1. Hear appeals to decisions of the Zoning Administrator;
2. Grant special exceptions, a fact finding function of the Board; and
3. Grant variances to the Zoning Ordinance if the application meets the hardship test outlined in Section 54-924 of the ordinance.
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.
Approval of the July 6, 2022 BZA-SD Meeting Minutes.

2. 4 & 6 ROSEMONT STREET
Cannonsborough/Ellistoborough | TMS#460-11-02-105 & 106 | BZA2023-001525
Request a variance from Sec 54-327 to allow the removal of one grand tree.
Owner: Jared Rodes
Applicant: Same
Zoning: DR-2F
APPROVED XX with staff conditions WITHDRAWN
DISAPPROVED DEFERRED
MOTION: Approval with staff recommendations and conditions
1. Must maintain three of the protected trees on the lot around the perimeter
2. Must plant 24 caliper inches of canopy trees on the lot in the form of one 2 ½ caliper native tree and a contribution to the City's Street Tree Program in the form of 4 trees in $118.00.
3. Must use a City approved barricade to protect the trees to be preserved.
MADE BY: Kelvin Huger SECOND: Jennifer DeCantis VOTE: FOR 5 AGAINST 0
NOTES: NA

3. 1990 DANIEL ISLAND DRIVE
Daniel Island | TMS#275-00-00-320 | BZA2022-001526
Request a variance from Sec 54-327 to allow the 15 protected trees per acre requirement.
Owner: Atlantic Daniel Island MF LP
Applicant: SeafordWhiteside+Associates
Zoning: DI-GO
APPROVED XX with staff conditions WITHDRAWN
DISAPPROVED DEFERRED
MOTION: Approval with staff recommendations and conditions
1. Must plant 80 caliper inches of native canopy trees on the project site.
2. Must provide a landscape plan for both DBB and TRC review and approval.
MADE BY: Paula Murphy SECOND: Kelvin Huger VOTE: FOR 5 AGAINST 0
NOTES: NA
4. **2012 MEETING STREET ROAD**  
Peninsula | TMS#465-16-00-012 | BZA2022-001527  
Request a variance from Sec 54-327 to allow the removal of one grand tree.  
Request a variance from Sec 54-330 to allow a reduced impervious construction setback near the bases of two grand trees.  
Owner: T and L Property, LLC  
Applicant: Forsberg Engineering & Surveying, Inc.  
Zoned: LI  
APPROVED XX with staff conditions  
WITHDRAWN  
DISAPPROVED  
DEFEERED  
MOTION: Approval with staff recommendations and conditions:  
1. Must plant 17 caliber inches of native canopy trees on the lot.  
2. Must remove the Tallow tree (#4) in the southeast corner and plant a 2 1/2" Live oak.  
3. Must use 4' chain-link fence as tree protection barricades.  
4. Must have a Certified Arborist prune and treat the trees to be preserved and consult on the driveway materials and details.  
5. Must provide a landscape plan for DFR and TRC review and approval.  
MADE BY: Jeff Webb  
SECOND: Kelvin Huger  
VOTE: FOR 5  AGAINST 0  

**BOARD OF ZONING APPEALS - SITE DESIGN**  
**MEETING RESULTS** | **JULY 6, 2022**  

5. **63 COLUMBUS STREET**  
Eastside | TMS#459-09-02-152, 153 & 168 | BZA2022-001528  
Request a variance from Sec 54-327 to allow the removal of one grand tree.  
Owner: Charleston County School District  
Applicant: Reveer Group  
Zoned: DR-2F  
APPROVED XX with staff conditions  
WITHDRAWN  
DISAPPROVED  
DEFEERED  
MOTION: Approval with staff recommendations and conditions:  
1. Must plant 25 caliber inches of native canopy trees on the project site.  
2. Must submit a landscape plan for staff review and approval.  
3. Must use 4' chain-link fence as tree protection barricades for the tree to be preserved.  
4. Must have a Certified Arborist prune and treat the trees to be preserved within 25' of any construction.  
MADE BY: Kelvin Huger  
SECOND: Jeff Webb  
VOTE: FOR 5  AGAINST 0  
NOTES: NA  

6. **97 LINE & 267 COMING STREET**  
Cannenborough/Elliotborough | TMS#465-08-01-192 & 199 | BZA2022-001529  
Request a variance from Sec 54-327 to allow the removal of one grand tree.  
Request a special exception from Sec 54-327 to allow the removal of one grand tree.  
Request a variance from Sec 54-330 to allow the 15 protected trees per acre requirement.  
Owner: 95 Line Street, LLC  
Applicant: Cline Engineering, Inc.  
Zoned: DR-2F  
APPROVED  
WITHDRAWN  
DISAPPROVED  
DEFEERED XX  
MOTION: Deferral  
MADE BY: Paula Murphy  
SECOND: Jeff Webb  
VOTE: FOR 5  AGAINST 0  
NOTES: Deferral by board  

7. **1737 SAM RITTENBERG BOULEVARD**  
West Ashley | TMS#351-11-00-003 & 004  
Request a variance from Sec 54-237 to allow the removal of one grand tree.  
Request a variance from Sec 54-327 to allow the 15 protected trees per acre requirement.  
Request a variance from Sec 54-330 to allow a reduced impervious construction setback near the bases of protected trees.  
Request a variance from Sec 54-347 to allow a reduce landscape buffer width adjacent to Ashley River Road.  
Owner: Morris Harper  
Applicant: Kimley-Horn & Associates, Inc.  
Zoned: G8 (pending)  
APPROVED  
WITHDRAWN  
DISAPPROVED  
DEFEERED XX  
MOTION: Deferral prior to meeting  
MADE BY: Kelvin Huger  
SECOND: Jeff Webb  
VOTE: FOR 5  AGAINST 0
8. 860 MORRISON DRIVE
Eastside | TMS#459-02-00-002 & 005 | BZA2022-001531
Request a variance from Sec 54-327 to omit the 15 protected trees per acre requirement.

Owner: ODP Hotel Owner, LLC
Applicant: Seaman Whitseth & Associates
Zoned: UP

APPROVED XX with staff conditions WITHDRAWN
DISAPPROVED DEFERRED

MOTION: Approval with staff recommendations and conditions:
1. Must plant 20 collper inches of native canopy trees on the project site.
2. Must relocate (and/or plant new) the existing palms on the project site.

MADE BY: Jennifer DeCantis SECOND: Jeff Webb VOTE FOR 5 AGAINST 0

NOTES: NA

9. 18 & 20 ORRS COURT & 313 ASHLEY AVENUE
Westside | TMS#460-07-02-055, 069, 070 & 071 | BZA2022-001532
Request a variance from Sec 54-327 to allow the removal of three protected trees.
Request a special exception from Sec 54-327 to allow the removal of one grand tree.

Owner: Ashley and Co, LLC
Applicant: Synchracity, LLC
Zoned: DR-2F

APPROVED XX with staff conditions WITHDRAWN
DISAPPROVED DEFERRED

MOTION: Approval with staff recommendations and conditions:
1. Must plant 9 inches of native canopy trees on the project site for the removal of the Grand Elm.
2. Must plant 15 inches of native canopy trees on the project site for the removal of the protected trees.
3. Must provide a landscape plan for staff review and approval.

MADE BY: Paula Murphy SECOND: Jeff Webb VOTE FOR 5 AGAINST 0

NOTES: NA

10. FENWICK HALL ALLEE
Johns Island | TMS#346-00-00-260 | BZA2022-001523
Request a variance from Sec 54-327 to allow the removal of 17 grand trees.
Request a special exception from Sec 54-327 to allow the removal of four grand trees.
Request a variance from Sec 54-330 to allow a reduced impervious construction setback near the bases of grand trees.

Owner: AMH Development, LLC
Applicant: Same
Zoned: PUD

APPROVED WITHDRAWN
DISAPPROVED DEFERRED XX

MOTION: Deferral

MADE BY: Jennifer DeCantis SECOND: Kelvin Hugan VOTE FOR 5 AGAINST 0

NOTES: Deferred by Board

11. PLOWGOUND ROAD & RIVER ROAD
Johns Island | TMS316-00-00-034, 026-045 & 057 | BZA2022-001533
Request a variance from Sec 54-327 to allow the removal of 43 trees.
Request a special exception from Sec 54-327 to allow the removal of 128 grand trees.

Owner: Wooddale, a Partnership
Applicant: Thomas & Hutton
Zoned: PUD

APPROVED WITHDRAWN
DISAPPROVED DEFERRED XX

MOTION: Deferral prior to meeting

NOTES: Deferred prior to meeting
Agenda Item #A-1

97 LINE & 267 COMING STREET
(Cannonborough/Elliottborough)

TMS # 460-08-01-192 & 199

Request a variance from Section 54-327 to allow the removal of one grand tree.
Request a special exception from Section 54-327 to allow the removal of two grand trees.
Request a variance from Section 54-327 to omit the 15 protected trees per acre requirements.

Zoned DR-2F
BZA-SD Application (continued)

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

- Out of tree are saving requirement due to the location of a proposed structure at the rear of the property. There are several existing fence line trees that will restrict the use of the rear yard for the proposed structure. This variance is required because there are not enough existing trees on the lot to allow any tree removal which is extraordinary for this property. The proposed development will plant better trees in more beneficial locations.

- There is also a 24" Pecan shown for removal. This particular tree has a small size, limited canopy, significant lean, and very poor symmetry characteristics. Due to the size of the property and tree location, designing around it would significantly impede development.

This tree does not appear to provide value to the adjacent parcels, thus removal should not be a deterrent.

Variance Test: The Board of Zoning Appeals-Site Design is authorized to approve a variance from the requirements of the Zoning Ordinance when said 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, Section 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 Sec. 5A-229, Sec. 5A-511(b), or Sec. 5A-513 (add as an attachment if necessary).

There is a 24" and 27" American Elm which appears to be a grand trees also shown to be removed.

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.
ITEM A 1
97 LINE & 267 COMING STREET
(Cannonborough/Elliottborough)
TMS# 460-08-01-192 &199
ZONED DR-2F
TOPOGRAPHIC PLAT

TMS: 460-08-01-199
TOTAL AREA
0.11 acres
4,803 sq ft
B-C-D-E-F-G-J-B

TMS: 460-08-01-051
No. 263 COMING STREET
N/F: ROBERT G. HINES &
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Agenda Item #A-2

1757 SAM RITTENBERG BOULEVARD
(West Ashley)

TMS # 351-11-00-003 & 004

Request a variance from Section 54-327 to omit the 15 protected tree per acre requirement.
Request a variance from Section 54-330 to allow a reduced impervious construction setback near the bases of protected trees.
Request a variance from Section 54-347 to allow a reduced landscape buffer width adjacent to Ashley River Road.
Request a variance from Section 54-347 to allow a reduced landscape buffer width adjacent to Sam Rittenberg Boulevard.

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

THE APPLICANT HEREBY REQUESTS:
☐ A Variance and/or Special Exception as explained on page 2 of this form.
☐ Tree Removal ☐ Landscaping/buffers ☐ Parking surface ☐ Other ☐ 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 3rd, 2022

Property Address 1757 Sam Rittenberg Blvd TMS #: 351-11-00-003 & -004

Property Owner Drayton-Parker Companies

Daytime Phone 912-677-0583

Applicant 843-823-6793

Daytime Phone

Applicant’s Mailing Address 115 Fairchild Street, Suite 250 Charleston, SC 29402

E-mail Address andrew.todd-burke@kimley-horn.com

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

Zoning of property First reading approval for GB

Information required with application: (check information submitted)
☐ Scale site plan or plot showing the variance(s) or special exception(s) being requested (3 sets)
☐ Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
☐ For requests to remove trees, evaluations/reports from certified or qualified arborists
☐ 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? § 6-29-1145 of the South Carolina Code of Laws Optional but very helpful information:
☐ Letters or postcards from neighbors or organizations directly affected by your request

I certify that the Information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if any are there, 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 hearing before the Board and inspected.

Applicant:

For office use only
Date application received Time application received

S/22
July 15, 2022

Mr. Eric Schultz
City of Charleston - BZA-SD
2 George Street
Charleston, SC 29401

RE: Requested variances for reduction of impervious setback zones around Grand Trees, required buffer reduction and removal of 1 protected tree to allow for less than 15 trees per acre.

Dear Mr. Schultz,

Please find attached our request, on behalf of our client, for a variance to allow the encroachment into the impervious setback zones of 4 grand trees, buffer reductions along Ashley River Road and Sam Rittenberg Blvd., and the removal of 1 protected tree to allow for less than 15 trees per acre as indicated on the attached exhibit. The design team has worked together with staff to keep as many trees onsite as possible. Following are the reasons for our requested variances.

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

a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;
   This property is located on the corner of two high traffic commercial corridors. Directly behind the project site are properties that are zoned commercially but have occupied residential homes. The setback of the gas pump equipment, and the necessary site functionality greatly limits the options for site design. The site elements, as depicted on the enclosed site plan, are placed in a manner that allows use of the site for its intended purposes.

b. these conditions do not generally apply to other property in the vicinity;
   The conditions described do not generally exist in this combination on adjacent properties.

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
   Due to the restrictions on the site the strict application of the ordinance would limit the flexibility of the site to react to the site’s constraints in order to have a functional gas station which is allowed by right with the proper conditions.

The granting of the variances will allow the project to react to the constrained conditions of the site.

d. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
   A local certified arborist, Mike Russell of Natural Directions, was employed to review and evaluate the condition and health of the grand trees on site. The trees were given a grade of A, B, C, D, or F, with “A” being the best and “F” being the poorest condition and possibly dead or dying. Also considered in the selection of trees for removal is the long term ability of a tree to survive the proposed constructed environment and remain safe for the future residents. The authorization of the variance will allow for an appropriate development in a heavily trafficked commercial corridor similar to the surrounding developments.

With Kimley-Horn, you should expect more and will experience better. Please contact me at (843) 823-6793 or andrew.todd-burke@kimley-horn.com should you have any questions.

Sincerely,

Andrew Todd-Burke, PLA, ASLA
ITEM A 2
1757 SAM RITTENBERG BOULEVARD

(West Ashley)

TMS# 351-11-00-003 & 004

ZONED GB
Tree #1 "D" 15' Maple to be removed

Tree #2 "B" 26' Water Oak to remain
Tree #9 18' Live Oak to remain

Tree #7 18' 27" Live Oak to remain
Tree #8 18' 34" Live Oak to remain
View of existing 5' buffer along Ashley River Road.
Agenda Item #B-1

3588 MAYBANK HIGHWAY
(Johns Island)

TMS # 279-14-00-039

Request a variance from Sec 54-347 to allow a reduced landscape buffer width adjacent to Maybank Hwy.
Request a variance from Sec 54-347 to allow a reduced landscape buffer width adjacent to a SR-1 zoned parcel.

Zoned LB
BZA-SD Application (continued)

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

Sec. 54-347 states that a commercial property adjacent to a single family residential home requires a type C 26’ buffer. We are requesting to substitute the 26’ buffer with a proposed 6’ privacy fence along the east side of the property, adjacent to the single family residential property. There is an additional requirement of a type G 75’ buffer from Maybank Highway. We are requesting to reduce that to an 8’ buffer in one section that increases to a 25’ buffer along the site. With the site being on a small parcel (0.35 acres) and with the collective total of buffers there is only an area of 2043 SF of space to build on. These request will not be detrimental to the field of view of the adjacent residential property or the Maybank highway. This request will also allow for a larger permeable parking lot for the site. The area we request to reduce will still have implementations of privacy fences and planted buffer material. As the property currently zoned as limited business, buffer requirements per zoning creates a hardship on the property and limits the site for its zoned use.

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 for the purpose for which it is adaptable;
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 granting 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 Section 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 Sec. 54-329, Sec. 54-511(b), or Sec. 54-513 (add as an attachment if necessary):

I certify that the information on this application and any attachments that are correct, that I am 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 hearing before the Board and inspected.

Applicant: Stantec / Josh Lilly

Date: 06/08/2022

Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
(843) 724-3781 FAX (843) 724-3772 www.charleston-sc.gov

Page 2 of 2
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, August 3 2022

ITEM B 1
3588 MAYBANK HIGHWAY
(Johns Island)
TMS# 279-14-00-039
ZONED LB
TMS#: 279-14-00-038
OWNER: SESSIONS LIVING TRUST
ZONE: SR-1 SINGLE FAMILY RESIDENTIAL

TMS#: 279-14-00-119
OWNER: SESSIONS LIVING TRUST
ZONE: GB GENERAL BUSINESS

OWNER: 3582 MAYBANK LLC
ZONE: RO THE RESIDENTIAL OFFICE
TMS#: 279-14-00-038
OWNER: SESSIONS LIVING TRUST
ZONE: SR-1 SINGLE FAMILY RESIDENTIAL

TMS#: 279-14-00-119
OWNER: SESSIONS LIVING TRUST
ZONE: GB GENERAL BUSINESS

TMS#: 279-14-00-048
OWNER: 3582 MAYBANK LLC
ZONE: RO THE RESIDENTIAL OFFICE
Architect’s conceptual plans
Agenda Item #B-2

518 EAST BAY STREET
(Peninsula)

TMS # 459-13-02-004, 005, 009 – 011

Request a variance from Sec 54-327 to omit the 15 protected trees per acre requirement.
Request a special exception from Sec 54-327 to allow the removal of one grand tree.

Zoned MU-2/WH & GB to MU-2/WH (pending)
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Site Design (BZA-SD)

City of Charleston

Instructions – This application, along with the required information, must be submitted in PDF format to the Board Administrator at SCHULTZ@charleston.gov. Applicant will then be invoiced for fees. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals-Site Design. Permission authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board. An appeal to the Board during this five (5) business day appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
- A Variance and/or Special Exception as explained on page 2 of this form.
- Tree Removal
- Landscape/buffers
- Parking surface
- Other
- Redetermination 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, 2022

Property Address: 8 Charlotte Street, Charleston, SC TMS #: 459-13-02-009 + 459-13-02-005

Property Owner: Hillsbank Charleston Developments, LLC, Daytime Phone: 843-817-7700

Applicant: William T. Exsbanks, PASLA - SGA | NW, Daytime Phone: 843-224-8804

Applicant's Mailing Address: 804 Meeting Street, Suite 103, Charleston, SC 29403

Email Address: beubanks@sganwdesign.com

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

Zoning of property MIZ-WH

Information required with application: (check information submitted)
- Scanned site plan or plot showing the variance(s) or special exception(s) being requested (3 sets)
- Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
- For requests to remove trees, evaluations/reports from certified or qualified arborists
- 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, 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:
- Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attached documents 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 hearing before the Board and inspected.

Date: 01 JUL 22

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 Sec. 54-329, Sec. 54-511 (b), or Sec. 54-513 (add as an attachment if necessary): N/A

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

OVERVIEW:
The project, known as 518 East Bay, is a Mixed Use Development that will include commercial and residential uses, utilizing structured parking. The project is subject to BAR-L approval.

In addition to the new construction, the BAR-L has already granted approval for the partial demolition and relocation of a very derelict Charleston Single house currently located on Washington Street.

The intent is to relocate the Charleston Single from Washington Street to Charlotte street, adjacent to the existing Charleston Single, which is not a part of this project. This will enhance Charlotte Street by reinforcing its urban character and provide context for both residential structures. This relocation has been supported by City of Charleston staff, the Historic Charleston Foundation, and the Preservation Society of Charleston.

Charlotte Street is in a 4 story height district where the remainder of the site is in a 6 story height district. The parcels are being combined as some land has been traded with Moluf's to place their outdoor storage area immediately adjacent to their building. The parcels have been rezoned as MU-2WH and the project will include Workforce Housing. The project is currently going through the DRC, TRC, and BAR-L processes.

There are 7 trees on the interior of the site. These trees are a 22.5” Live Oak (Category I - Grade B) and a 20” Live Oak (Category I - Grade B) that were parking lot trees at the Drive Through Bank facility that occupied the corner parcel at East Bay and Charlotte Streets. Neither of these trees are Grand. Both of these trees are mounded up from surrounding grade and have paving very close to the trunks.

There is also a 17” Bradford Pear (Category III - Grade D) that was a parking lot tree, with storm damage and poor form. Bradford Pears have also been identified as invasive Species in the State of South Carolina.

Additionally there are four trees that were most likely volunteer trees along fence lines. These trees include an 8.5” Ligustrum (Category IV? - Grade C), 9.5” Hackberry (Category III - Grade C), a 10” Hackberry (Category III - Grade C) and a 30” Elm (Category IV - Grade C). Only the Elm is a Grand Tree. It has been identified by the Arborist as in decline and having poor form.

REQUEST:

This site currently contains less than 15 Protected Trees per acre. So, we are seeking a variance to remove both five (5) Protected Trees (one Category I, three Category III, and one Category IV – assuming a Ligustrum is a Category IV) and one (1) Category IV Grand Tree.

One Protected Tree shall remain (the 20” Live Oak) and the Charleston Single will be placed at the edge of its protected area (10’ radius from trunk) with suitable landscaping and paving as its foreground. SGA|NW will continue working with a Certified Arborist to determine where the crown can be reduced, following industry crown reduction standards. The Arborist will also recommend other treatments to assure the long-term viability and health of the tree both during and after construction.

Submitted by:

William T. Eubanks, FASLA
Design Principal | Director of Planning and Landscape Architecture
Greenberg Farrow Architecture Incorporated,
dba SGA|NW, a GF Design Company
VARIANCE TEST

Variance Test: The Board of Zoning Appeals-Site Design 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;

Response: Most of the parcels along East Bay have been developed within a more urban context and as redevelopments occur both on East Bay and further north on Morrison, those developments are assuming a much more urban form. This section of East Bay (from Charlotte to Chapel Streets) has had a more industrial feeling with warehouses, outdoor storage areas, and vacant land. The trees growing here are either parking lot trees (for the vacant Drive-Through Bank) or volunteer trees along fence and property lines. So, these are extraordinary and exceptional conditions that are particular to these parcels. These conditions do not exist within surrounding properties.

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

Response: Within this site, there are volunteer trees along fence rows and parking lot trees for the vacant Branch Bank, which is a very suburban land use type. Due to the industrial nature of the previous development and the nature of the outdoor material storage areas, which differ greatly from surrounding land uses, these conditions do not generally exist nor do they apply to other properties 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

Response: As the peninsula of Charleston continues to grow to the north it will be with increasingly more urban forms. The Charleston City Plan, adopted in 2021 identifies this site as part of the "City Centers", which is the most urban of all future land use types on the peninsula. Additionally, the City Height Districts were established to anticipate that kind of urban form. That is why these parcels have been given height districts of four and six floors. More urban projects will inevitably address the street with wider sidewalks (10’ minimum is required) and buildings that address and form the street edge. Additionally, the MU2-WH zoning district was created to be "incentive based and is intended to permit high density nonresidential uses with a mixture of housing opportunities, along with a broad range of nonresidential uses in urban areas of the city". So, saving lower value interior trees, such as Hackberry, Ligustrum, Bradford Pear or former parking lot trees, including Live Oaks, would effectively prohibit or unreasonably restrict the utilization of the property in the height, mass, and scale that is anticipated by the City of Charleston.

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.

Response: This project will include approximately 119 dwelling units. Of those, 109 will be market rate units and 10 will be workforce units. The developer will also contribute a fee, on a per unit basis, to the City’s Affordable/Workforce Housing Account for fourteen (14) additional workforce housing units. Additionally, the project will preserve and substantially rebuild, an existing Charleston Single House that will be relocated from Washington Street (where is sits across from an industrial use) to Charlotte Street, which is more residential in character. This house will have a retail use and is approximately 900 square feet. There will also be an additional 940 square feet of retail space to serve the neighborhood and the residents.

This project is subject to approval from the City’s Board of Architectural Review – Large (BAR-L) and the Design Review Committee (DRC) for elements in the public Right of Way, assuring quality design. In fact, though not subject to BZA review, the developer will be working with the City of Charleston to replace damaged and declining street trees on East Bay (as well as add more trees) and introduce new street trees on Charlotte Street and Washington Street, thereby increasing the urban tree canopy in the area. So, this project, far from being a detriment to adjacent properties or the public good, will be a benefit to the community by providing much needed housing, including workforce housing and a stronger streetscape. The character of the district will not be harmed by the granting of this variance. It will be enhanced.
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, August 3 2022

ITEM B 2
518 EAST BAY ST
(Peninsula)

TMS# 459-13-02-004, 005, 009-011

ZONED MU-2/WH & GB to MU-2/WH
Agenda Item #B-3

2815 CLEMENTS FERRY ROAD
(Cainhoy)

TMS # 271-00-02-169

Request a variance from Sec 54-327 to allow the removal of five grand trees.
Request a variance from Sec 54-327 to allow the relocation of one grand tree.

Zoned GP
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 as an attachment if necessary):

Grand Tree Removal: Requesting a variance to Section 5.4-327 Removal of Grand Trees 24" or Greater. Removal of Use (6) Grand Trees:

<table>
<thead>
<tr>
<th>Tree ID #</th>
<th>Tree Name</th>
<th>Size (D.B.H.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>231-01-12</td>
<td>Upright Oak</td>
<td>24&quot;</td>
</tr>
<tr>
<td>231-01-13</td>
<td>Upright Oak</td>
<td>24&quot;</td>
</tr>
<tr>
<td>231-01-14</td>
<td>Upright Oak</td>
<td>24&quot;</td>
</tr>
</tbody>
</table>

**Variance Test:** The Board of Zoning Appeals-Site Design 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 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 Section 6-29-800)

For **Special Exception** requests, applicants should list the specific exception(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 5.4-329, Sec. 5.4-511[b], or Sec. 5.4-513 (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.
June 30, 2022

BZA-SD SUPPLEMENTAL INFORMATION
RE: 2815 Clements Ferry Road

The Board of Zoning Appeals-Site Design 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:
   - City ordinances require the finish floor elevation for the development to be 2’ above the Base Flood Elevation. For this site the BFE is AE10/11 requiring an average 8’ of fill over existing conditions eliminating the feasibility of retaining existing Grand Trees.
   - The project is to fill approximately 1.45 Acres Four (4) out of the five (5) Grand Tree removals are located within this fill area.
   - Due to existing site conditions and existing wetlands, the majority of the existing Grand Trees are in decline due to salt intrusion.

2. These conditions do not generally apply to other property in the vicinity;
   - Base flood elevations (BFE) and Wetland Fill specific to this site does not generally apply to properties within 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
   - The above conditions would effectively prohibit or restrict the property as there is no feasible way to meet the Base flood elevation freeboard for the occupied space and meet stringent building frontage requirements within the Gathering Place (GP) Zoning.

4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
   - The only Grand Tree determined worth saving through coordination with the City of Charleston and a Certified Arborist is a 26’ Live Oak Good/B Rating is planned for relocation.

Majority of Grand trees for which variance(s) are being requested have a health/quality rating of (C, D & F) and/or have been assessed as in decline or other negative attributes, as determined by a Certified Arborist and confirmed by City Principal Planner.

Mitigation requirements as required from the removal of the Grand trees will further enhance the district for the good of the public.

Sincerely,

SITECAST, LLC
(R Cordray)

Jacob Cordray, RLA
Principal
ITEM B 3
2815 CLEMENTS FERRY ROAD
(Cainhoy)
TMS# 271-00-02-169
ZONED GP