City of Charleston

BOARD OF ZONING APPEALS-ZONING

August 18, 2020
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.

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

Your Board of Zoning Appeals-Zoning Members are:

Leonard Krawcheck – *Chair*

Allison Cannon Grass

Walter Jaudon

Howell Morrison

Robben Richards

Michael Robinson

Your City of Charleston Staff are:

Lee Batchelder, *Zoning Administrator*

Scott Valentine, *TRC Coordinator*

Pennye Ashby, *Senior Planner*

Vanessa Ellington, *Clerk*

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

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

Board of Zoning Appeals-Zoning

Requirements for Granting a Variance

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

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

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

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

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

Public Comment

Order on Each Application:

- Chair announces each application followed by staff presentation and recommendation.
- Staff will call on applicant to present their application after being sworn in by Chair
- Staff will open the public comment period to receive comments from registered attendees in favor (first spoken, then written). Each speaker will be sworn in by the Chair.
- Staff will then recognize registered attendees for public comments in opposition after speaker is sworn in (first spoken, then written).
- Staff will recognize the applicant for a short rebuttal.
- Chair will then close the public comment period and begin Board discussion.

Providing Comment:

- If you submitted a request to speak on an item before the deadline, staff will call your name when it is your turn to speak and enable your microphone.
- Your microphone will be disabled after you are done speaking.
- **<u>You may only speak once for each item</u> and you must state your name and address for the record or you will not be permitted to provide comment.**

Board Discussion

- Following public comment period, Board members can make comments, ask questions and make motions.

- After a motion and second, Board members will vote “Aye, in favor” or “Nay, not in favor”. If vote is not unanimous, Chair will poll each member for their vote. The Chairman shall announce the vote on the motion and the final decision on the application.

- If a Board member needs to recuse, he will be temporarily removed from the meeting and placed back in the meeting at the start of the next agenda item.

- If the Board needs to go into Executive Session, they will call into a separate conference line and all video and audio on Zoom will be temporarily turned off until they are ready to return to the regular meeting.

Virtual Meeting Protocol

Staff will control the slides displayed throughout the meeting.

Applicants, staff, Board members and members of the public should give their name first whenever speaking.

Applicants and members of the public must be sworn in before speaking for the first time.

Only attendees who have registered to speak before the deadline at noon today may speak during the meeting.

Video and microphone have been disabled for all attendees. Attendees will only be given the capabilities to speak when they are called on during the public comment period.

Board members who need to recuse themselves from voting will be temporarily removed from the meeting and re-admitted prior to addressing the next item.

If the Board needs to go into Executive Session, they will call into a separate conference line and all video and audio on Zoom will be temporarily turned off until they are ready to return to the regular meeting.

Chat has been disabled for everyone.

This meeting is being recorded.

Agenda Item #B-1

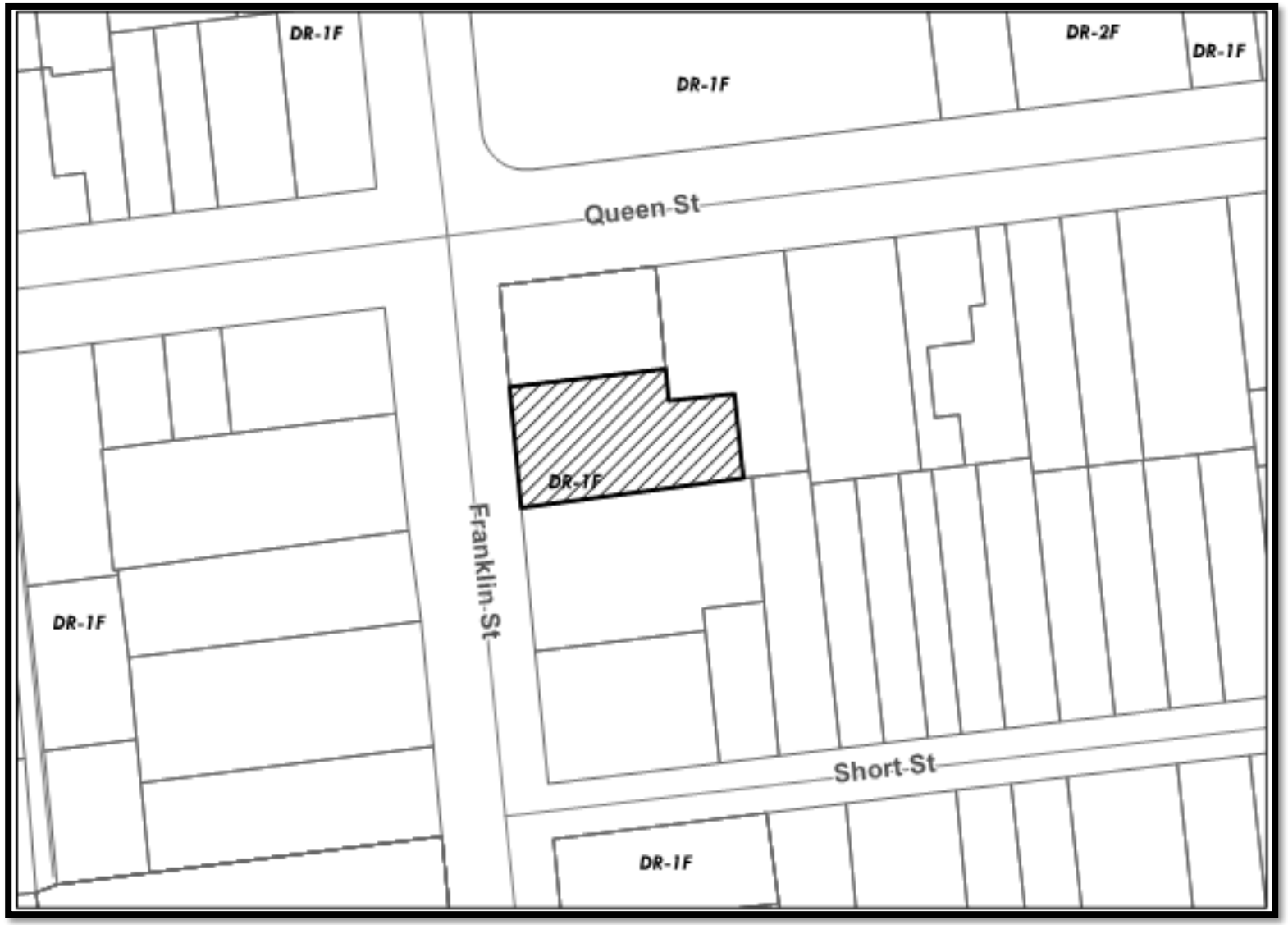
12 FRANKLIN STREET

(HARLESTON VILLAGE)

TMS # 457-12-01-054

Request special exception under Sec. 54-110 to allow a bathroom addition to a non-conforming building footprint (carriage house) having a non-conforming 0-ft. rear setback (25-ft. required).

Zoned DR-1F


DR-1F
DR-1F
DR-2F
DR-1F
Queen St
DR-1F
Franklin St
DR-1F
Short St
DR-1F

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

City of Charleston

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

THE APPLICANT HEREBY REQUESTS:

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

MEETING DATE REQUESTED: First available (Aug 14 2020?)

Property Address: 12 Franklin Street TMS #: 457-12-01-054

Property Owner: Chris Seery Daytime Phone: (404) 385-8541

Applicant: Rob Hammett Daytime Phone: (843) 425-0565

Applicant's Mailing Address: 4436 Durant Ave N Charleston, SC 29405

E-mail Address: inspired construction@gmail.com

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

Zoning of property: DR-1F

Information required with application: (check information submitted)

- ☑ Sealed 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 sealed plans (elevation)
- ☑ 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 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: Rob Hammett Date: 7/6/2020

For office use only
Date application received: 7/7/20 Fee: $ 150 Time application received: 13:30am
Staff person: [illegible] 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 restriction being cited has to do with the pre-existing structure being non-conforming by being at the property line.

The small (4x4) sensible (and tasteful) addition is tastefully done, conforms to All setback requirements, and is in a rear corner of the property where there is little to no visibility or disturbance to either the street or the rear neighbors.

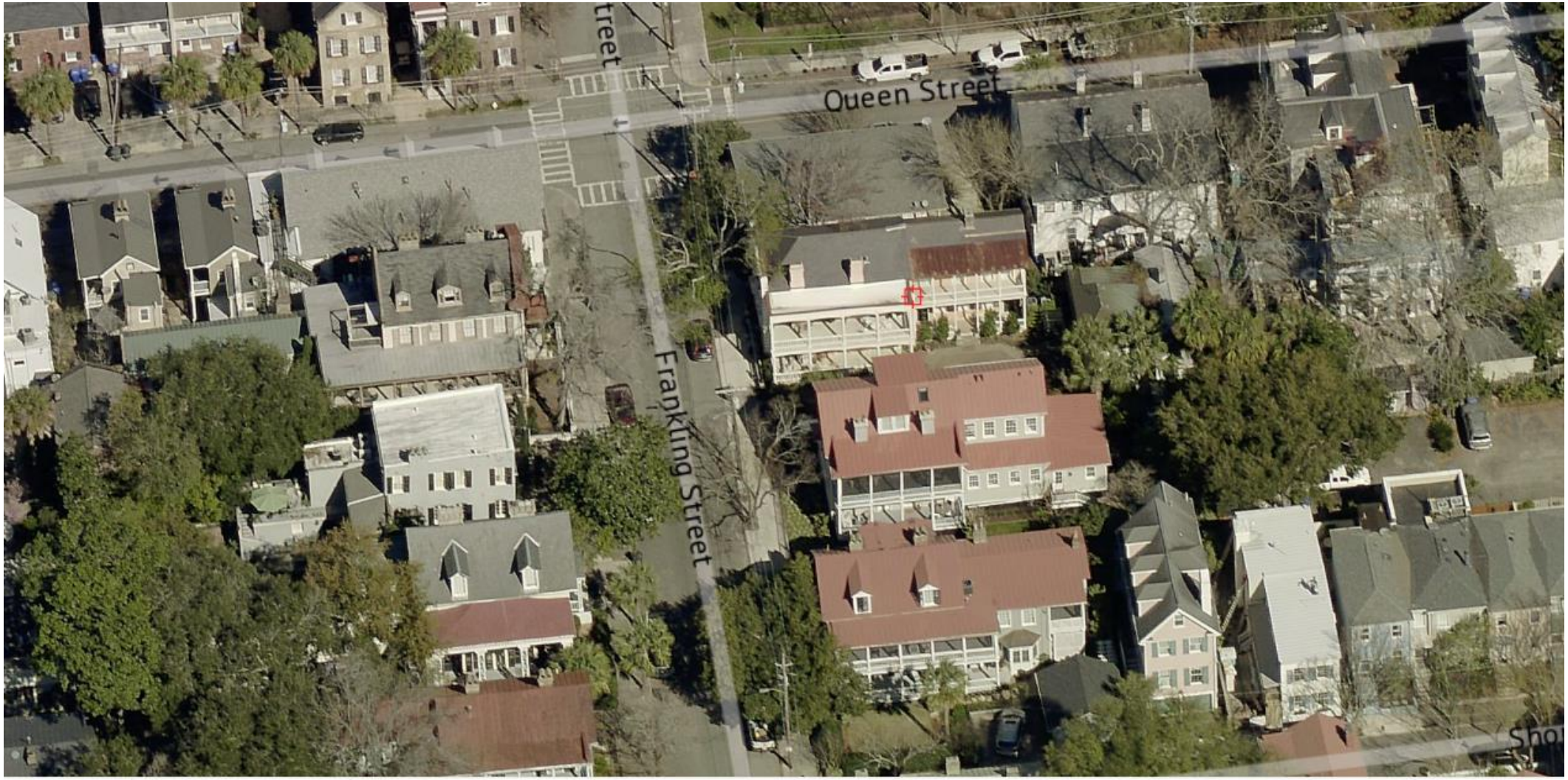
Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship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

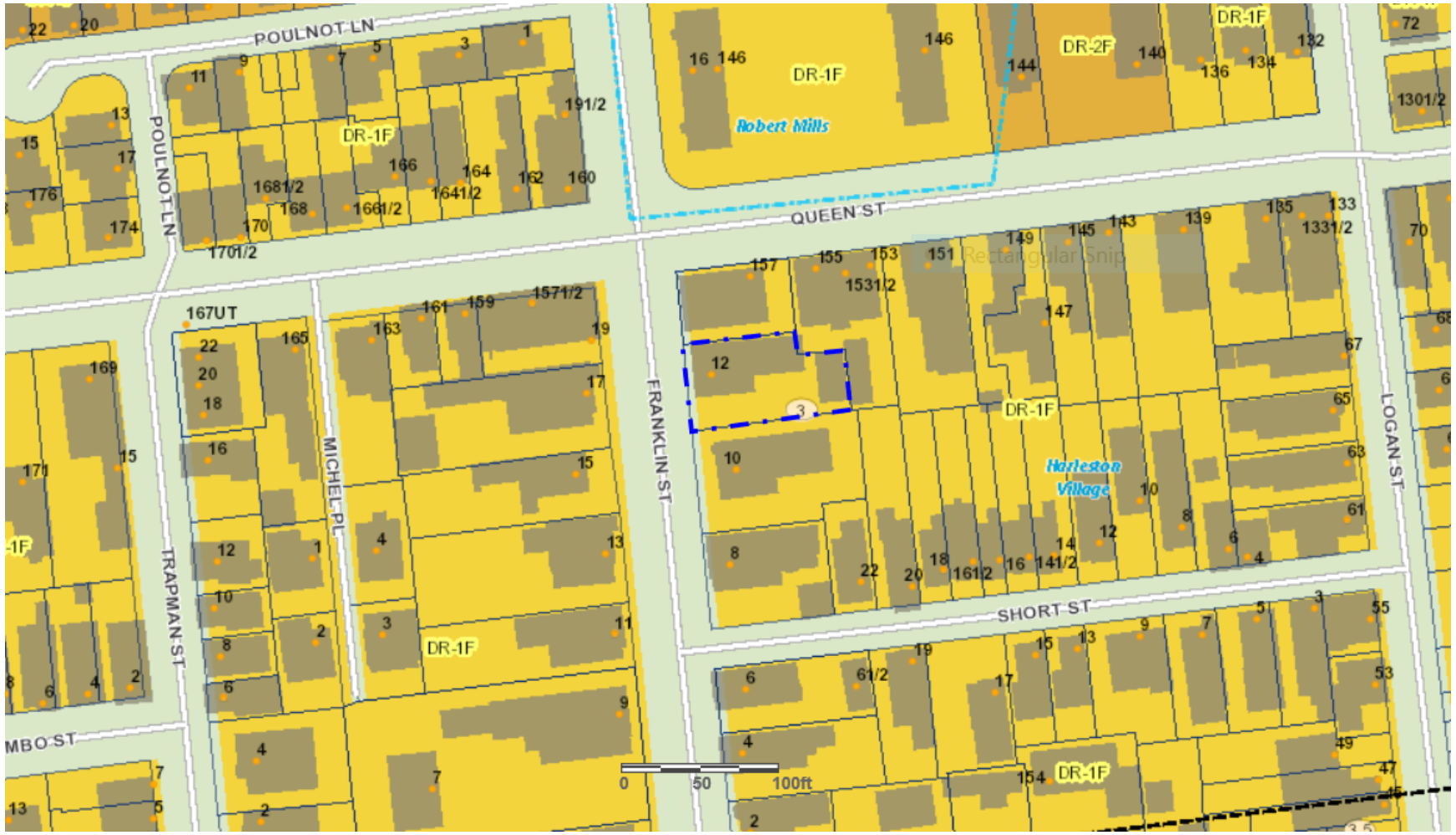
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit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

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

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

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


Queen Street
Frankling Street


POULNOT LN
QUEEN ST
SHORT ST
FRANKLIN ST
LOGAN ST
TRAPMAN ST
MICHEL PL
MBO ST
DR-1F
DR-2F
Robert Mills
Harleston Village
0
50
100ft

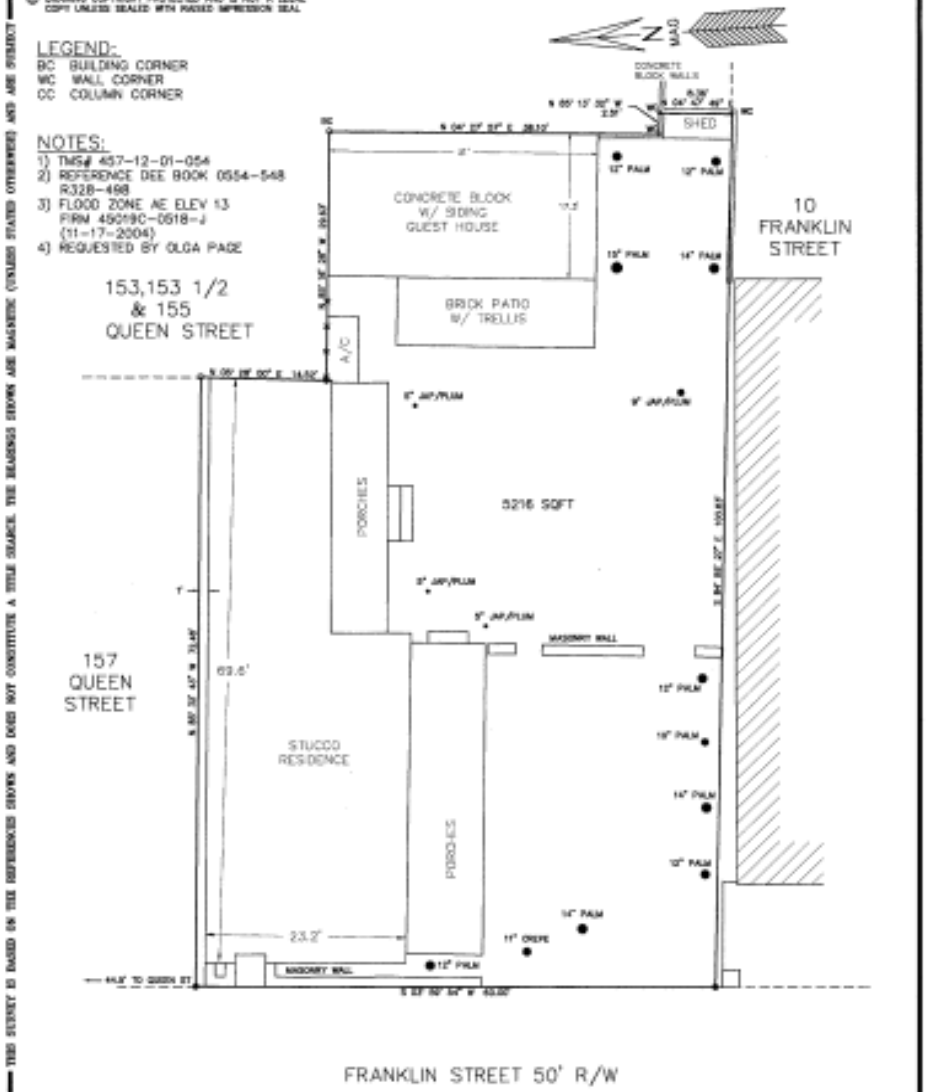
TO LOCAL ATTRACTION. ANYTHING SHOWN OUTSIDE THE PROPERTIES BOUNDARIES ON THIS SURVEY IS FOR DESCRIPTIVE PURPOSES ONLY

© DRAWING COPYRIGHT PROTECTED AND IS NOT A LEGAL COPY UNLESS SEALED WITH RAISED IMPRESSION SEAL

THIS SURVEY IS BASED ON THE REFERENCES SHOWN AND DOES NOT CONSTITUTE A TITLE SEARCH. THE BEARINGS SHOWN ARE MAGNETIC (UNLESS STATED OTHERWISE) AND ARE SUBJECT

LEGEND:
BC BUILDING CORNER
WC WALL CORNER
CC COLUMN CORNER

NOTES:
1) TMS# 457-12-01-054
2) REFERENCE DEE BOOK 0554-548
R328-498
3) FLOOD ZONE AE ELEV 13
FIRM 45019C-0518-J
(11-17-2004)
4) REQUESTED BY OLGA PAGE



SCALE: 1" = 20' DATE: JULY 26, 2016
20 0 20 40

JOHN E. WADE JR., RLS
PO BOX 686
ISLE OF PALMS
SOUTH CAROLINA
29451
(843) 886-6262
wadeur@yahoo.com
FILE #098-16

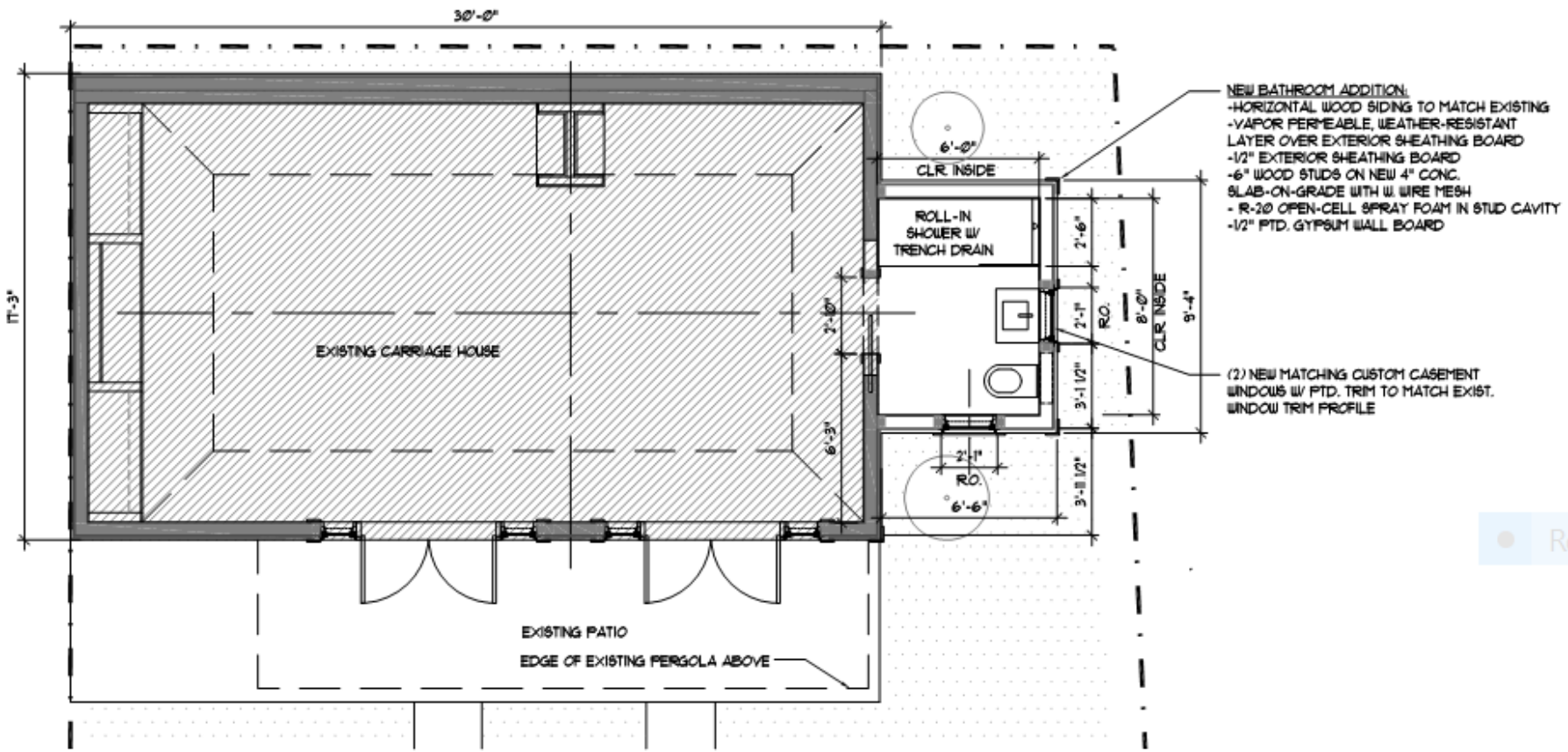
#12 FRANKLIN STREET
TMS# 457-12-01-064
LOCATED IN THE
CITY OF CHARLESTON
CHARLESTON COUNTY
SOUTH CAROLINA

SOUTH CAROLINA PROFESSIONAL REG. NO. 13171 LAND SURVEYOR JOHN E. WADE JR.

"I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN."

JOHN E. WADE JR., R.L.S.
S.C. REG. NO. 13171

G.C. TO VERIFY ALL DIMENSIONS IN THE FIELD PRIOR TO CONSTRUCTION



EXIST. CARRIAGE HOUSE WITH PROPOSED BATHROOM PLAN

1/4" = 1'-0"

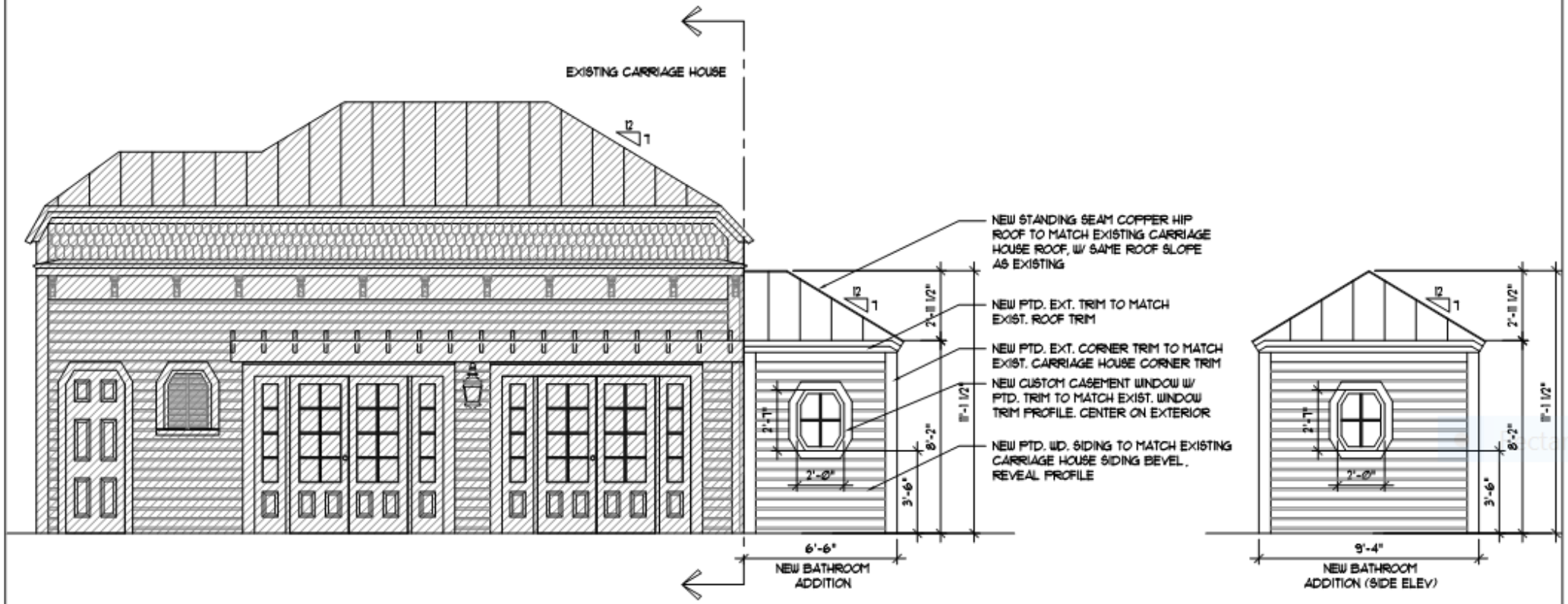
rittenhaus a+d
5350 pinehurst park drive, #3068
charlotte, nc 28211 | 202.277.7962

SERCY BATHROOM ADDITION
12 FRANKLIN STREET | CHARLESTON, SC

EXISTING CARRIAGE HOUSE W/ PROPOSED BATHROOM ADDITION PLAN | 5.21.20

A.1

G.C. TO VERIFY ALL DIMENSIONS IN THE FIELD PRIOR TO CONSTRUCTION



EXIST. CARRIAGE HOUSE WITH PROPOSED BATHROOM ELEVATIONS

1/4" = 1'-0"

rittenhaus a+d
5350 pinehurst park drive, #3068
charlotte, nc 28211 | 202.277.7962

SERCY BATHROOM ADDITION
12 FRANKLIN STREET | CHARLESTON, SC

EXISTING CARRIAGE HOUSE W/ PROPOSED BATHROOM ADDITION ELEVATIONS | 5.21.20

A.2

Agenda Item #B-2

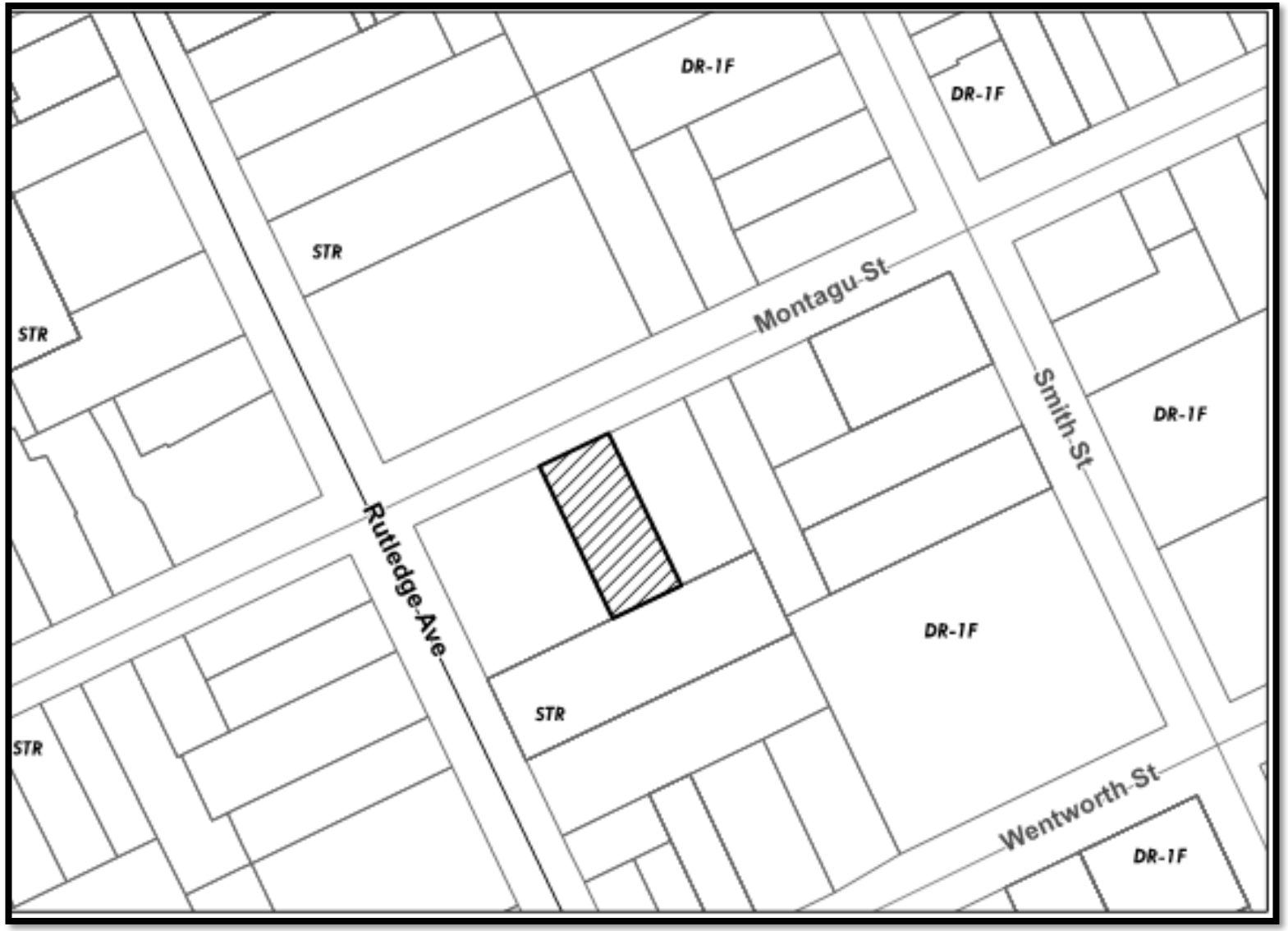
39 MONTAGU STREET

(HARLESTON VILLAGE)

TMS # 457-03-04-088

Request variance from Sec. 54-301 to allow a detached accessory building (storage/bike shed) with a 3-ft. rear setback and 3-ft. west side setback (25-ft. and 12-ft. required)

Zoned STR


DR-1F
DR-1F
STR
STR
Montagu St
Smith St
DR-1F
Rutledge Ave
DR-1F
STR
STR
Wentworth St
DR-1F

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

City of Charleston

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

THE APPLICANT HEREBY REQUESTS:

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

MEETING DATE REQUESTED: Sept 1st August 18th

Property Address: 39 Montague TMS #: 457-03-04-088

Property Owner: Mike Sheppa & Jane Stevens Daytime Phone: 919.819.4915

Applicant: Bill Huey & Associates Daytime Phone: _____

Applicant's Mailing Address: 3582 Maybank Hwy Johns Island, SC 29455

_____ E-mail Address: _____

Relationship of applicant to owner (agent, representative, prospective buyer, lessee): _____

Zoning of property: STR

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, either a field survey showing HVAC units and dumpsters 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 Code (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, 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: Michelle P. Allen Date: 7.9.20

For office use only

Date application received: 7/9/20 Fee: $ 150.00 Time application received: 2:40

Initials: _____ 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):

Please see attachment.

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in 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, § 54-296, 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.

BILL HUEY

+ASSOCIATES

Variance Hardship Test - 39 Montagu Street

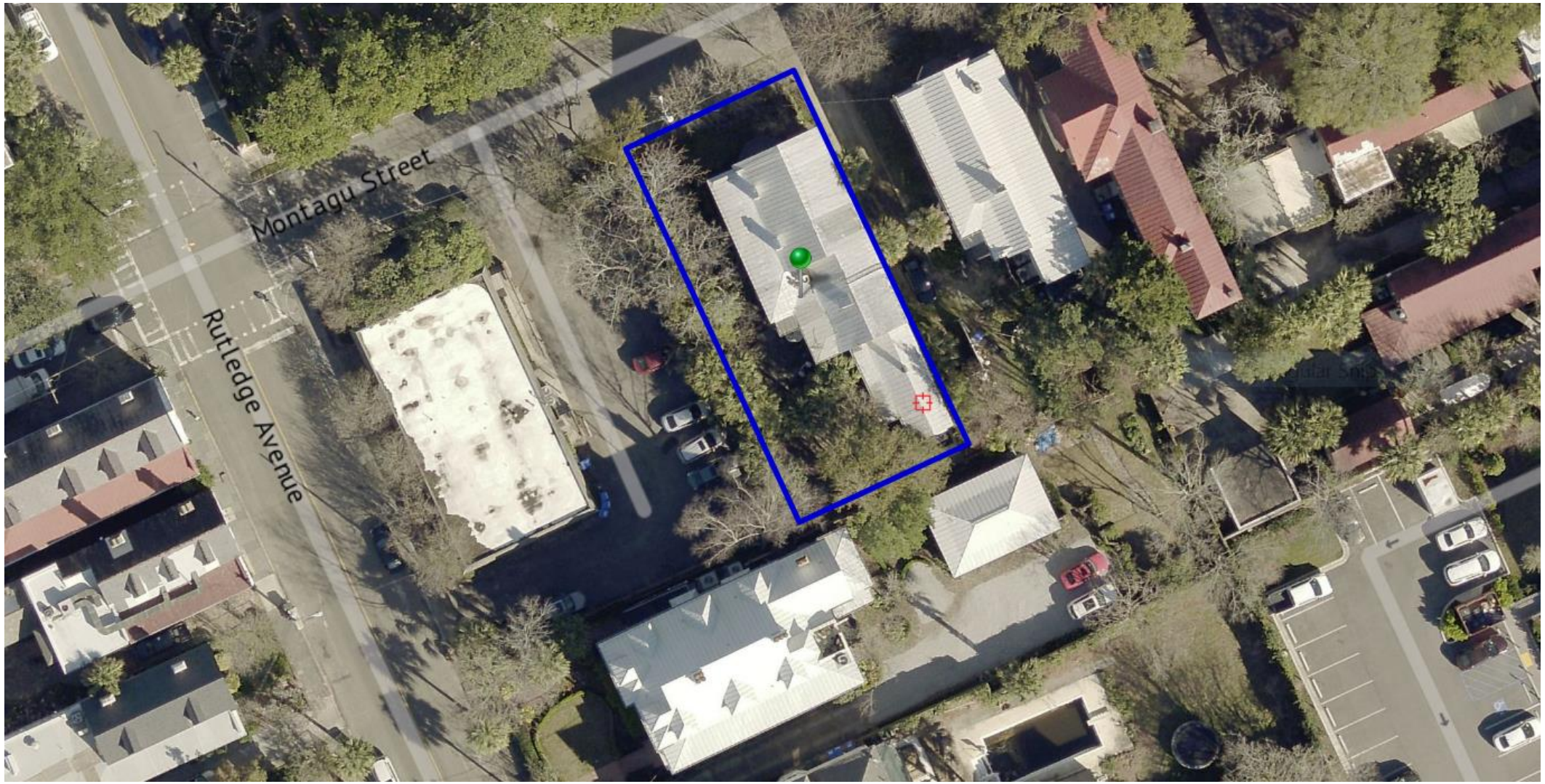
We are requesting a variance to encroach into the primary building's 12' side and 15' rear setbacks.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
Per Sec. 54-530, we have two conditions that we cannot meet in order to abide by the typical 3' side and rear setbacks. There is currently a small existing accessory building as well as limited space behind the principal building to build a more accessible accessory building. Within this limited building area, there is a large 18" Oak tree with a 10' radius protection zone. Between the limited building area behind the principal building and the size of the tree protection zone, there is very little space to allow for an accessible outbuilding.

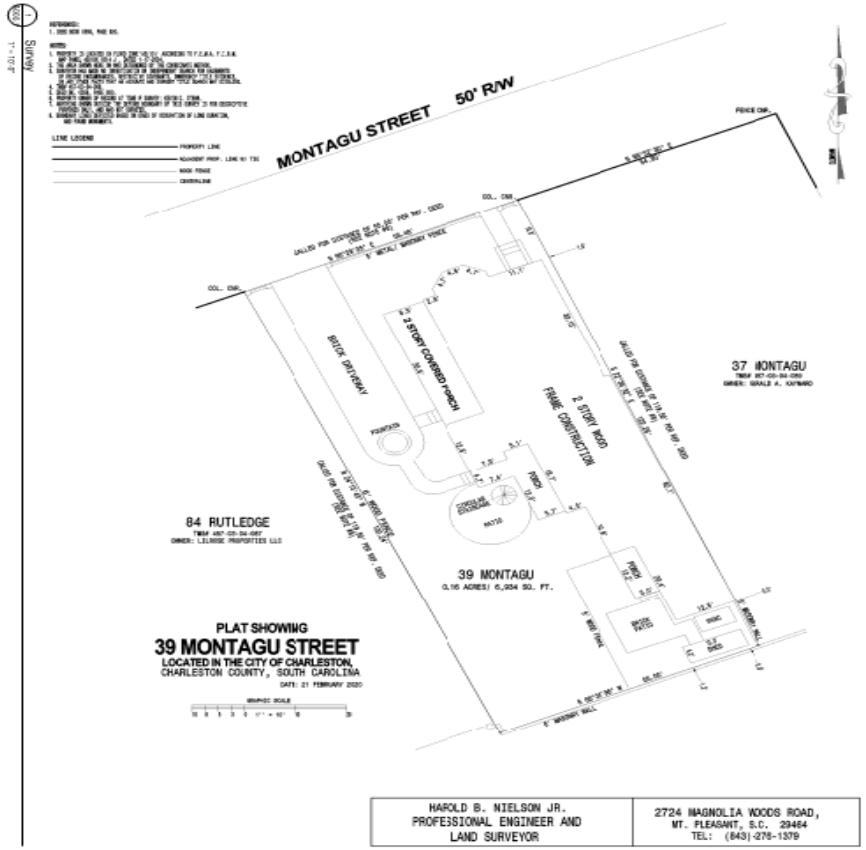
2. These conditions do not generally apply to other property in the vicinity.
The property is located directly adjacent to a business with a parking lot, on the corner of Montagu Street and Rutledge Avenue. For accessibility purposes, our client's tenants utilize the walkway on the property to the neighboring parking lot. This necessary walkway is located to the rear of the primary building, which in turn, further occupies the limited building area for an accessory structure.

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.
This is a new home for our clients. The purpose of the proposed outbuilding is to allow them a space to take care of the property and tend to its needs concerning maintenance and gardening. Without this accessory structure, our clients will have more difficulty with upkeep around the property. The existing storage shed is very narrow and does not facilitate a working area.

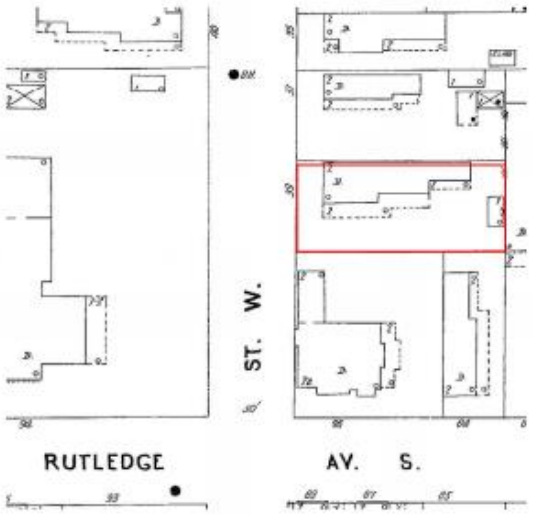
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and character of the district will not be harmed by the granting of the variance.
The proposed accessory building would be located to the rear right corner of the property and not immediately viewed by the public. However, the materials and design of the structure would speak to the primary building and character of the neighborhood. The accessory structure would abut properties to the side and to the rear, both of which we have received letters of acceptance. The neighboring side property at 84 Rutledge is a business with a parking lot that would be adjacent to the structure. The neighboring rear property at 82 Rutledge does not have any windows in the area immediately next to the structure so as not to inhibit any views.


Montagu Street
Rutledge Avenue

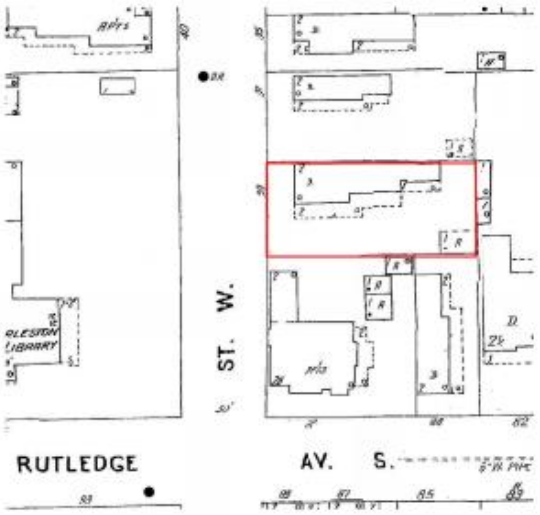
RUTLEDGE AVE
MONTAGU ST
SMITH ST
WENTWORTH ST
STR
DR-1F
Harleston Village
0 50 100ft



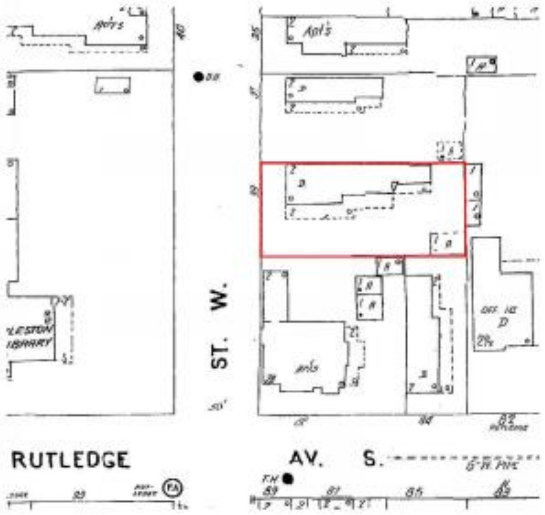
HAROLD B. NIELSON JR. PROFESSIONAL ENGINEER AND LAND SURVEYOR	2724 MAGNOLIA WOODS ROAD, MT. PLEASANT, S.C. 29464 TEL: (843)-276-1379



Sanborn Map 1902



Sanborn Map 1944



Sanborn Map 1951

REVISIONS:

DESIGNED BY:
CHECKED BY:
DRAWN BY: M.P.

- PRELIMINARY ISSUE
- BID ISSUE
- PERMIT ISSUE
- CONSTRUCTION ISSUE

BILL HUEY
ASSOCIATES

2582 Maybank Highway
Johns Island, South Carolina 29455
Phone: 843.905.6706

Sheppa Residence

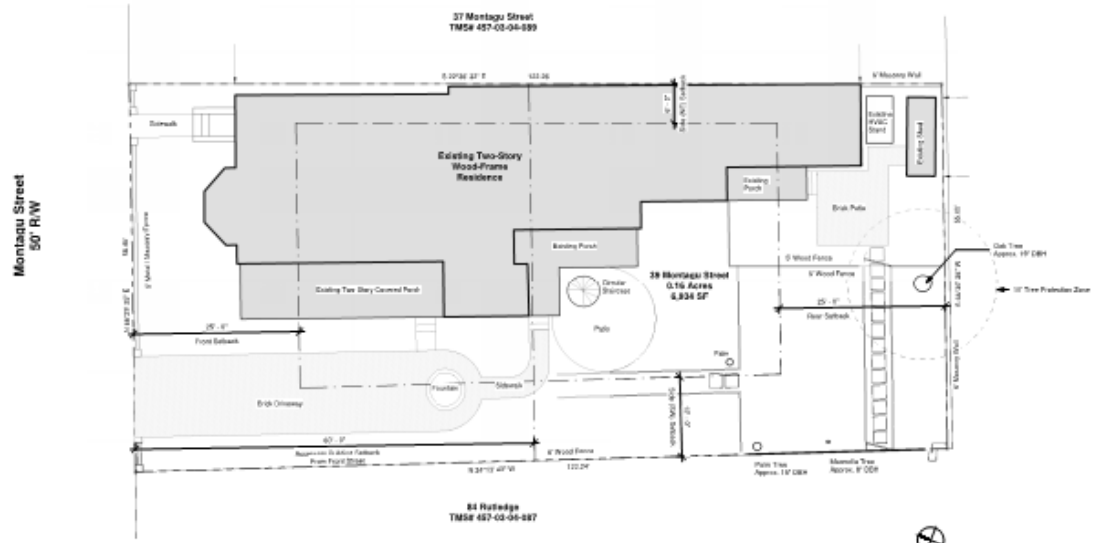
39 Montagu Street
Charleston, SC

SEAL:

SEAL:

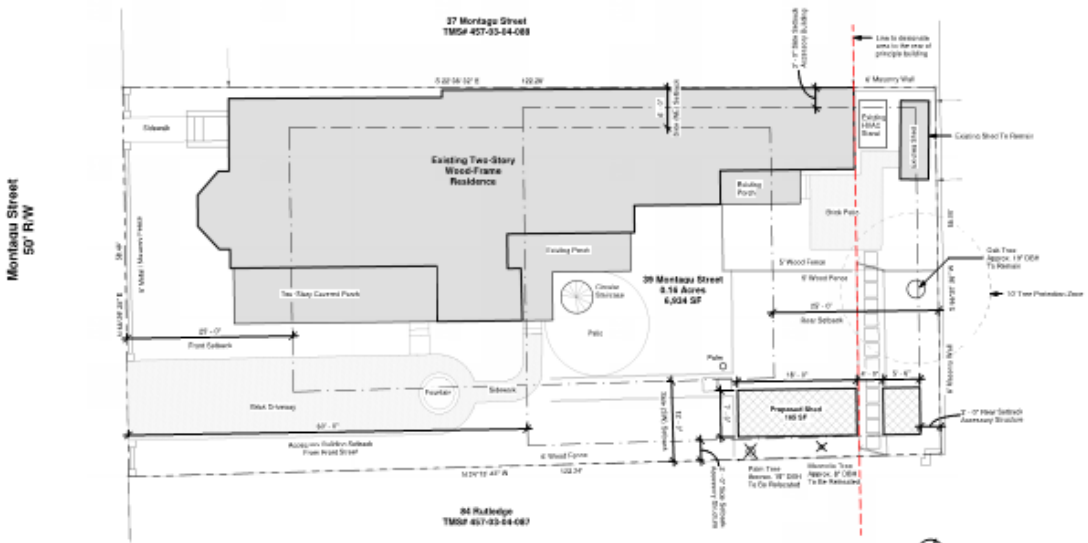
SHEET:
A002

SCALE: 1/8" = 1'-0"
PROJECT NO:
DATE: 11.19.2020 | 2:11:06 PM



1 A003 Site Plan - Existing

1/8" = 1'-0"



2 A003 Site Plan - Proposed

1/8" = 1'-0"

Zoning and Site Information

Category	Answer	Initials
Municipality	Charleston	MP
TMS#	4570304089	MP
Zoning Designation	DTR	MP
Neighborhood	Harleston Village	MP
Flood Zone	AE (EL 13)	MP
Freeboard (Amount)	+1'	MP
B.F.E.	MSL + 14	MP
Height Adjacent Grade		
Height Restriction from Grade	35' / 2.5 Stories	MP
Principle Building Setbacks: (Sec. 54-301)		
Front Setback	25'	MP
Rear Setback	25'	MP
Total Front & Rear Setback	50'	MP
Side Setback SW	12'	MP
Side Setback NE	5'	MP
Total Side Setback	18'	MP
Accessory Building Setbacks:		
Front Setback (Sec. 54-307)	60'	MP
Side Setbacks (Sec. 54-308)	2'	MP
Rear Setback (Sec. 54-308)	2'	MP
Max. Height of Accessory Building	12'	MP
Are Easements	No	MP
Off Street Parking Spaces Req.	2	MP
Lot Area	6,934 SF / 0.16 Acres	MP
Lot Area High Ground	N/A	MP
Lot Area Marsh	N/A	MP
CORM Sign at Required - Y/N	No	MP
Lot Coverage Allowed (%)	30%	MP
Lot Coverage Allowed (SF)	2,080 SF	MP
Current Lot Coverage Including: Building Footprint, Covered Porches, Accessory Buildings, HVAC Stand over 2-0"	2,639 SF (37.9%)	MP
Proposed Lot Coverage	2,794 SF (40.3%)	MP
Soils Test Performed	No	MP
Zoning Variance Required?	TBD	MP
Setback Variance Required?	TBD	MP
BAR/BAR Approvals Required?	TBD	MP
Conceptual		
Preliminary		
Final		

REVISIONS:

DESIGNED BY:
CHECKED BY:
DRAWN BY: M.P.

- PRELIMINARY ISSUE
- BID ISSUE
- PERMIT ISSUE
- CONSTRUCTION ISSUE

BILL HUEY & ASSOCIATES

3582 Maybank Highway
Johns Island, South Carolina 29455

Phone: 843.905.6708

Sheppa Residence

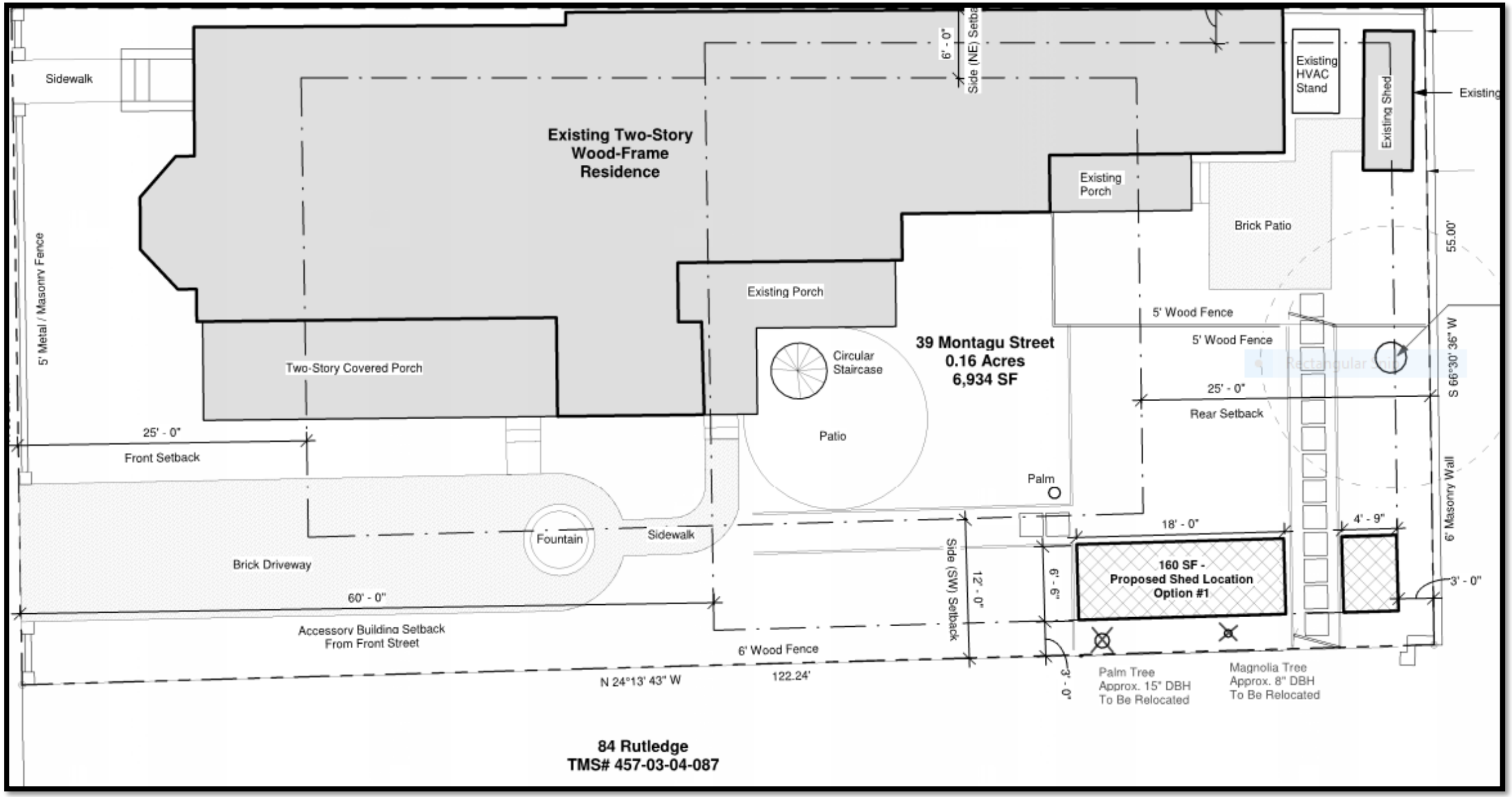
39 Montagu Street
Charleston, SC

SEAL:

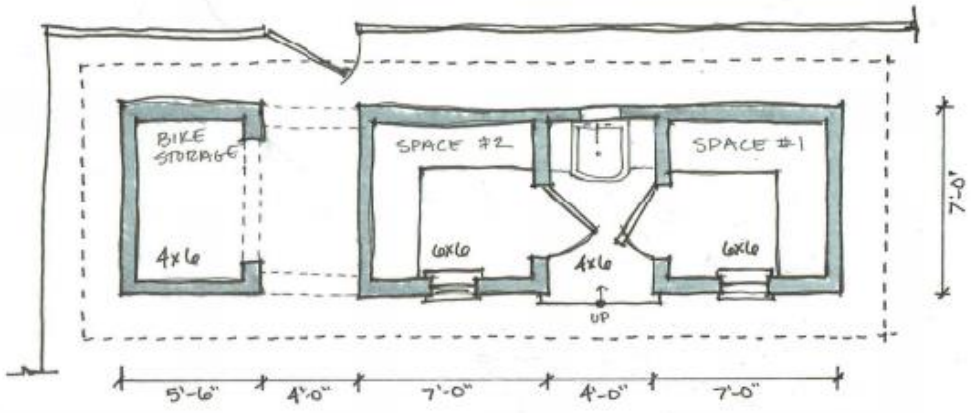
SEAL:

SHEET:
A003

SCALE: 1/8" = 1'-0"
PROJECT NO.:
DATE: 8.12.2021
PM



84 Rutledge
TMS# 457-03-04-087



1 A004 Conceptual Plan and Elevations

1/8" = 1'-0"

REVISIONS

DESIGNED BY: B.H.
CHECKED BY:
DRAWN BY: M.P.

- PRELIMINARY ISSUE
- BID ISSUE
- PERMIT ISSUE
- CONSTRUCTION ISSUE

BILL HUEY & ASSOCIATES

3582 Maybank Highway
John Island, South Carolina 29455

Phone: 843.806.6706

Sheppa Residence

39 Montagu Street
Charleston, SC

SEAL:

SEAL:

SHEET:

A004

SCALE: 1/8" = 1'-0"
PROJECT NO:
DATE: 7.9.2020 3:21:04 PM

REVISIONS

DESIGNED BY: R.H.
CHECKED BY:
DRAWN BY: M.P.

- PRELIMINARY ISSUE
- BID ISSUE
- PERMIT ISSUE
- CONSTRUCTION ISSUE

BILL HUEY
+ASSOCIATES

2562 Maybank Highway
Johns Island, South Carolina 29455

Phone: 843.805.6700

Sheppa Residence

39 Montagu Street
Charleston, SC

SEAL:

SEAL:

SHEET:
A005

SCALE:
PROJECT NO:
DATE: 5/20/2021 2:53:16 PM

Agenda Item #B-3

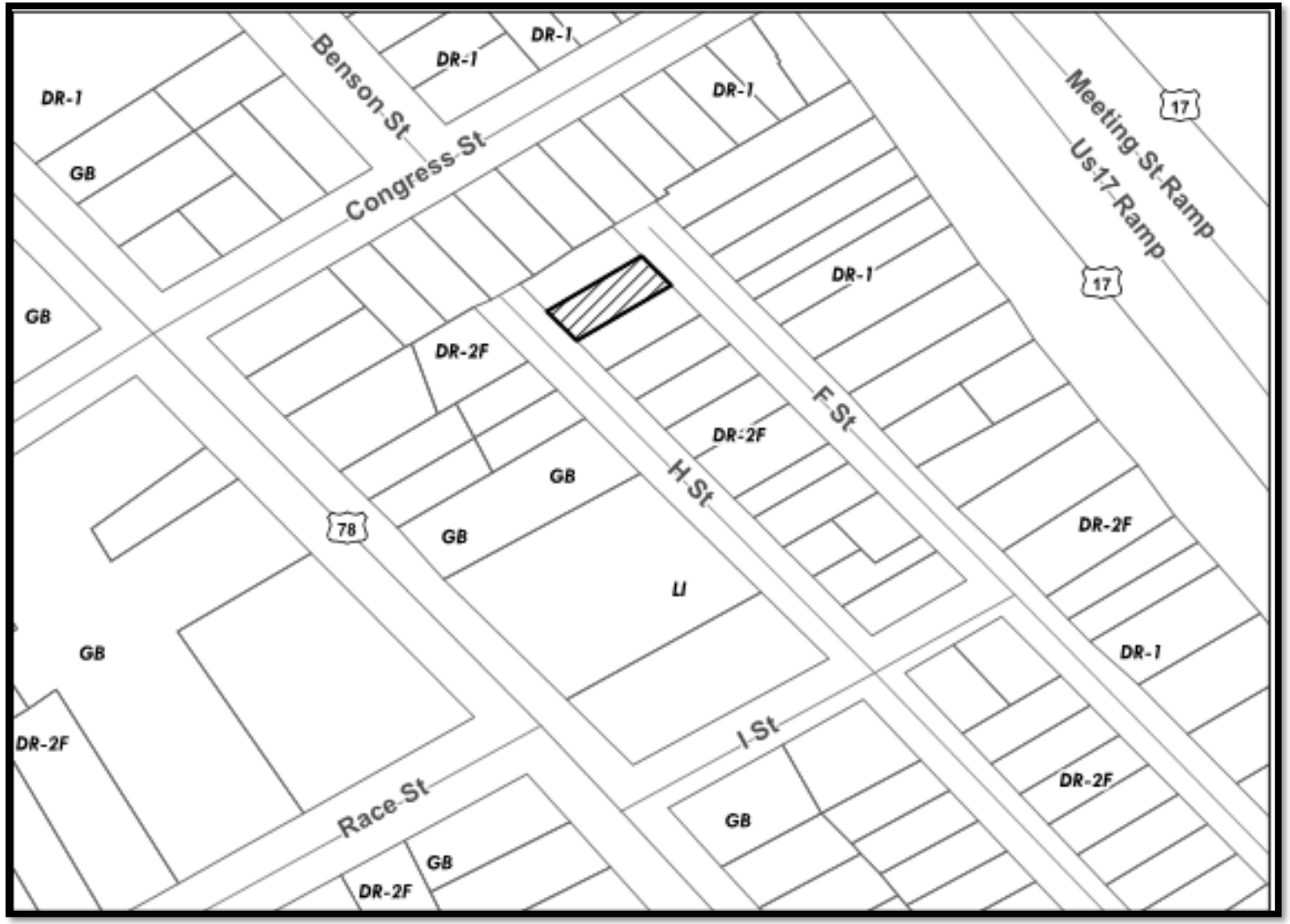
46 H STREET

(WESTSIDE)

TMS # 463-16-03-067

Request special exception under Sec. 54-501 to allow a single-family residence on a lot of insufficient size (Lot area 2,319sf; 2,500sf required).

Zoned DR-2F


Benson St
Congress St
Meeting St Ramp
Us17 Ramp
F St
H St
I St
Race St
17
17
78
DR-1
DR-1
DR-1
DR-1
DR-1
GB
GB
GB
GB
GB
GB
GB
DR-2F
DR-2F
DR-2F
DR-2F
DR-2F
DR-2F
DR-1
LI

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

City of Charleston

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

THE APPLICANT HEREBY REQUESTS:

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

MEETING DATE REQUESTED: August 18, 2020

Property Address: 46 H. ST. CHS 29403 TMS #: 463-16-03-067

Property Owner: STEPHEN HARRIS Daytime Phone: 843 296 6200

Applicant: GINA ABLESER Daytime Phone: 843.302.2050

Applicant's Mailing Address: c/o GUY I VITETTA, Esq. - 602 RUTLEDGE AVE. CHS 29403 E-mail Address: GUY@VITETTALAWGROUP.COM

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

Zoning of property: R-55

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 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: 8/1/2020

For office use only
Date application received: 7/30/20 Time application received: _____
Staff person: [illegible] Fee: 150 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 § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

SEE ATTACHED 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.

VITETTA
LAW GROUP

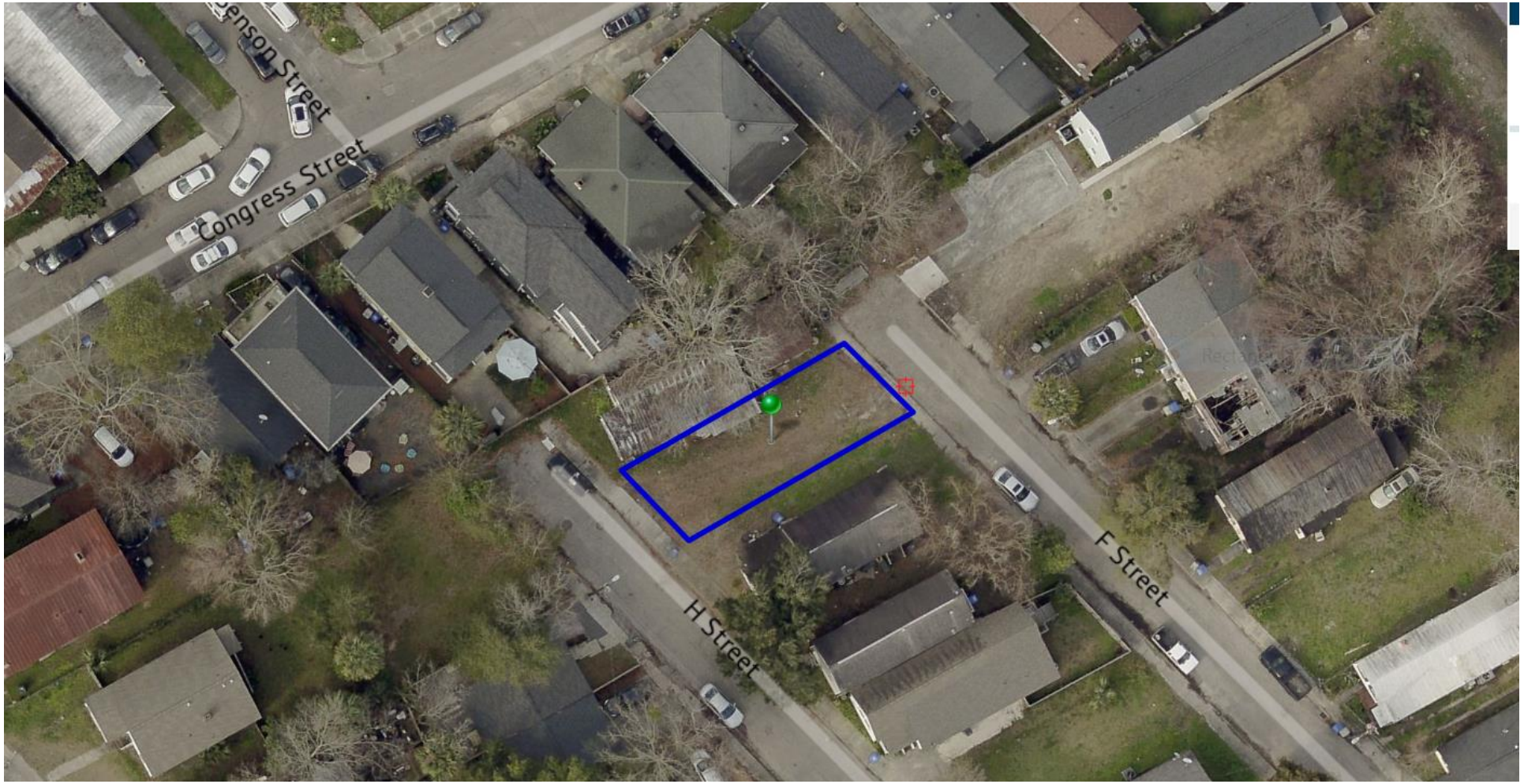
August 5, 2020

City of Charleston
Department of planning, preservation & Sustainability
2 George St.
Charleston SC 29401

Re: Request for Special Exception 46 H Street

Dear Sir or Madam:

I represent Gina Applebee who has applied for a foundation and power permit at 46H St. Gina is the owner of pre-manufactured home that is a total of 208sf. This kind of home is called "Tiny Home". She has a lease on this lot and plans to affix her home to the lot. She has been told that


Congress Street
H Street
F Street

BENSON ST
CONGRESS ST
KING ST
H ST
F ST
North Central
Westside
DR-1
DR-2F
GB
4631603105
4631603106
4631603107
4631603075
4631603074
4631603073
4631603076
4631603077
4631603078
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4631603064
4631603063
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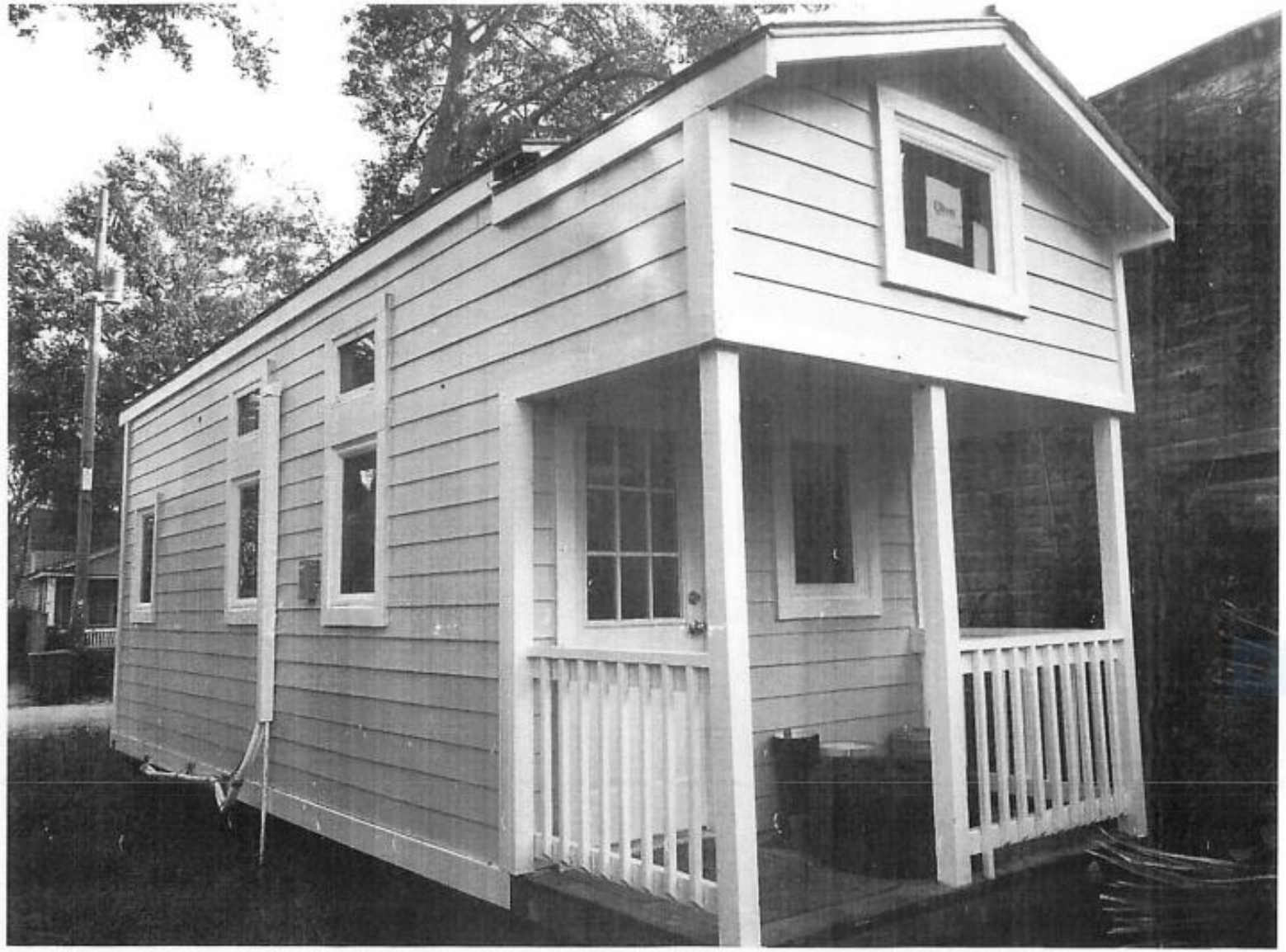
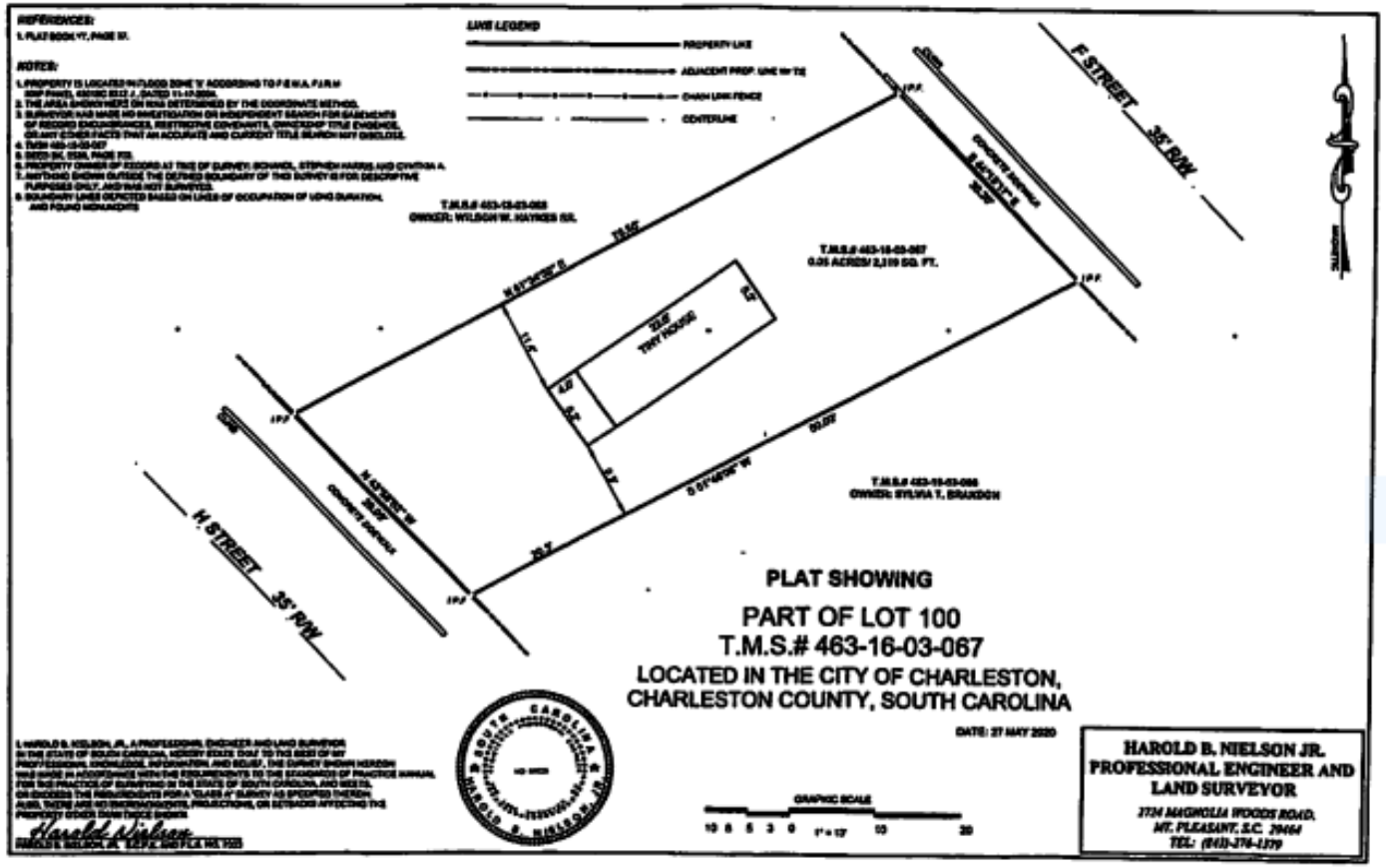
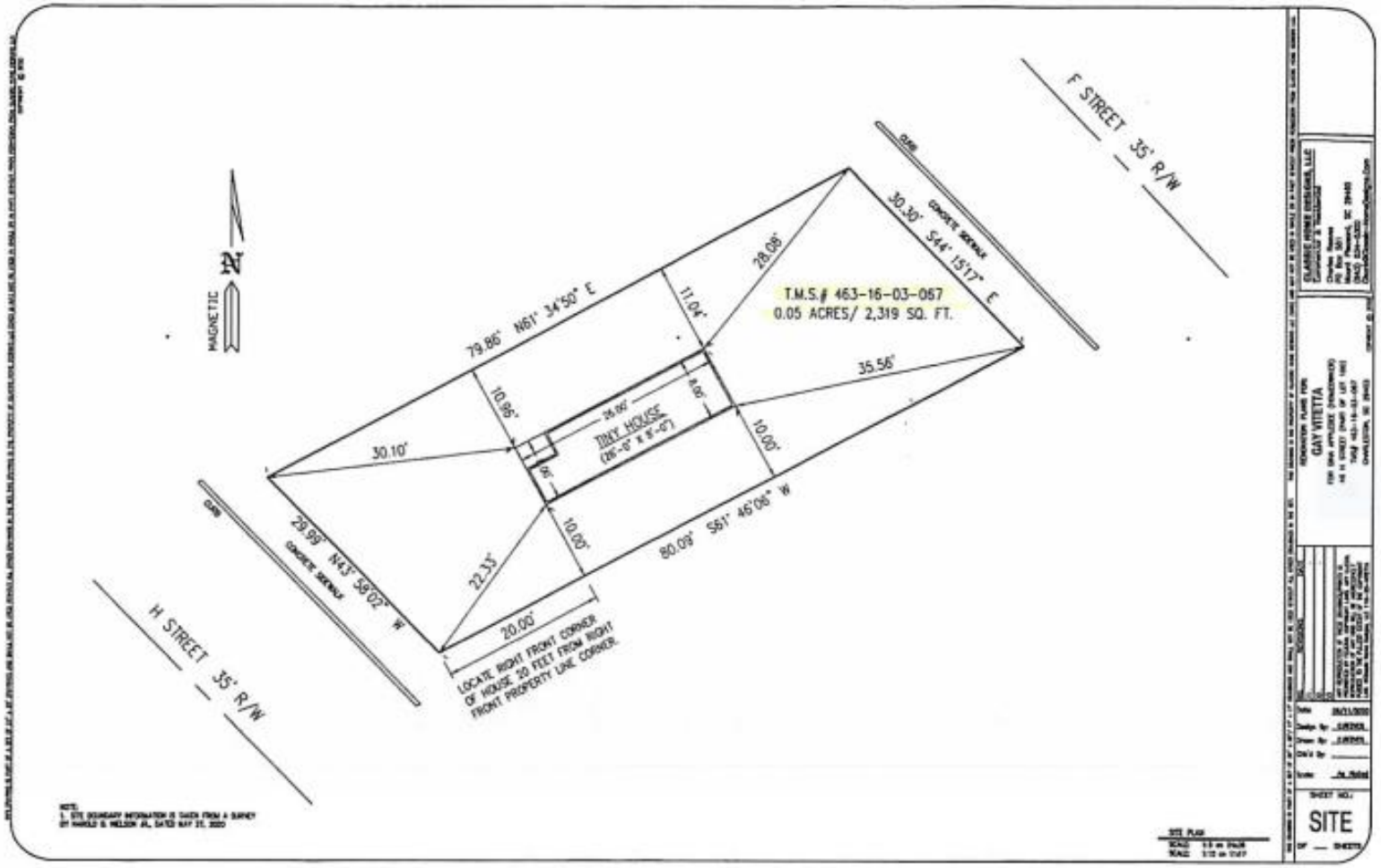



REFERENCES:
1. PLAT BOOK Y7, PAGE 97.
NOTES:
LINE LEGEND
PROPERTY LINE
ADJACENT PROP. LINE W/ TIE
CHAIN LINK FENCE
CENTERLINE
T.M.S.# 463-16-03-068
OWNER: WILSON W. HAYNES SR.
T.M.S.# 463-16-03-067
0.05 ACRES/ 2,119 SQ. FT.
TINY HOUSE
T.M.S.# 463-16-03-066
OWNER: SYLVIA T. BRAXDON
F STREET
35' R/W
H STREET
35' R/W
PLAT SHOWING
PART OF LOT 100
T.M.S.# 463-16-03-067
LOCATED IN THE CITY OF CHARLESTON,
CHARLESTON COUNTY, SOUTH CAROLINA
DATE: 27 MAY 2020
GRAPHIC SCALE
HAROLD B. NIELSON JR.
PROFESSIONAL ENGINEER AND
LAND SURVEYOR
3724 MAGNOLIA WOODS ROAD,
MT. PLEASANT, S.C. 29464
TEL: (843)-376-1379


F STREET 35' R/W
H STREET 35' R/W
CURB
CONCRETE SIDEWALK
MAGNETIC
N
T.M.S.# 463-16-03-067
0.05 ACRES/ 2,319 SQ. FT.
TINY HOUSE
(26'-0" X 8'-0")
79.86' N61° 34'50" E
30.30' S44° 15'17" E
29.99' N43° 58'02" W
80.09' S61° 46'06" W
30.10'
35.56'
28.08'
11.04'
10.96'
10.00'
22.33'
20.00'
LOCATE RIGHT FRONT CORNER OF HOUSE 20 FEET FROM RIGHT FRONT PROPERTY LINE CORNER.
SITE PLAN
SHEET NO.
SITE