BOARD OF ZONING APPEALS-ZONING

September 6, 2022
5:15 PM

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

This meeting is being recorded.
Your Board of Zoning Appeals-Zoning Members are:

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

Your City of Charleston Staff are:

- Lee Batchelder, Zoning Administrator
- Pennye Ashby, Senior Planner
- Omar Muhammad, Planner

DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY

www.charleston-sc.gov/bza-z

This meeting is being recorded.
Meeting Protocol

Order on Each Application:

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

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

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

Requirements for Granting a Variance

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

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

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

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

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

Approval of August 16, 2022 BZA-Z Minutes
https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/_08162022-7659
Agenda Item #A-2

37C F STREET
(WESTSIDE)
TMS#463-16-03-054
Request variance from Sec. 54-301 to allow construction of a detached single-family residence with a 6-ft. south side setback, a 9-ft. total side setback (9-ft. 15-ft. required).
Zoned DR-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 complete and be accepted and placed on a 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: MAY 17, 2022

Property Address: 37C F STREET TMS #: 443-16-03-054

Property Owner: Howard Barnc Daytime Phone: 843-997-1384

Applicant: Patrick Greifeld (Attorney at Law) Daytime Phone: 843-997-1384

Applicant's Mailing Address: 71 Folly Rd Blvd, Charleston, SC 29407

E-Mail Address: Patrick.2@attorney.com

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

Zoning of property

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? § 5-29-1145 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 or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant

Date: 5-13-2022

For office use only
Date application received: Time application received:
Submission: Fee $

BZA-Z Application (continued)

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

REQUEST VARIANCE FROM SECTION 27-301/MARBLE 31 TO ALLOW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE WITH A 6' SOUTH SIDE SETBACK AND COMBINED 9' SIDE SETBACKS (9' SOUTH AND 11' (COMBINED, NORTHERN SIDE) 31A).

Variances 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 § 6-29-600)

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

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

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
(843) 724-1281 www.charleston-sc.gov/zoning

5/16
August 11, 2022

RE: Variance Test Questions/Answers
37C F St, Charleston, SC 29403

1. Are there extraordinary and exceptional conditions pertaining to the particular piece of property?
   a. The exceptional condition for the property is that the existing lot size is not large enough to construct a single family residence if the variance and special exception are not granted.
   b. The owner and design team recognize that the previous building and what remains of the existing facade was construction as an attached dwelling. A new attached dwelling is not feasible due to a new structure needing to meet current flood codes.
   i. The property is in an AE Flood Zone, and as such the first floor level must be 2ft above Base Flood Elevation since any work done to the property will be considered Substantial Improvement per NFIP for detached or attached. This results in 2 issues:
      1. An attached raised home at 37 C would abut a 37 B structure that is at grade. This would result in an unfinished, exposed party wall that would retain pressure against the home at 37 B and leave a less than ideal foundation situation at both units. FEMA and NFIP codes are working to prevent this type of scenario.
      2. The NFIP/TEMA codes require 1 sq ft of flood openings under a raised home (crawl space) for every 1 sq ft of floor area. These openings are required to be on opposing sides of the structure. An attached structure would only allow opposing openings on the front and rear facades, which are the short-width elevations and not the most desirable or effective way to mitigate flood pressure on the foundations. These openings will be more effective on the longer facades to allow a higher volume and easier flow of water, which can only be achieved with a detached structure.

2. Do the zoning conditions generally apply to other properties in the vicinity?
   a. Many of the neighboring properties along F Street are narrow and have houses constructed within current setback requirements. The proposed house fits in with the neighborhood lot layouts.

3. Because of these conditions, would the application of the ordinance to the particular piece of property effectively prohibit or unreasonably restrict the utilization of the property?
   a. Current zoning regulations make the lot unbuildable for a detached single family residence. A large majority of the properties on F Street are detached single family houses. The current regulations only allow for an attached dwelling unit to be constructed, but would be unfeasible to meet current flood ordinances.

4. Will authorization of the variance be of substantial detriment to the adjacent properties or to the public good, or will the character of the district be harmed by the granting of the variance?
   a. Most of the properties in the neighborhood have detached single family homes on small lots. A new detached single family with the variance will be in line with the existing nature of the neighborhood and character of the area. Approval will also allow for the removal of a derelict structure further enhancing the neighborhood. The overall impact with variance approval would be positive for the area.
Good afternoon, Mr. Harris,

Thank you for your call today to discuss the project at 37 F Street, Unit C in Charleston. Per our discussion you have reviewed the drawing packet that was mailed out, and you are in support of this single family home being constructed on the lot with the zoning variances for setbacks as shown.

Would you please respond to this email as confirmation of this support as owner of a nearby property?

Please don’t hesitate to call or email with any further questions or concerns.

Thank you,

Patrick Orefice, RA, LEED AP
Arwen Studio, LLC
843.996.2383

Steve Harris <aghpi@yahoo.com>  
Tue, Jul 5, 2022 at 1:48 PM

Yes, I received the packet and after review I support the plans.

Stephen Harris

Sent from Yahoo Mail for iPhone

[Quote text hidden]

Patrick Orefice <patrick@arwenstudio.com>  
Tue, Jul 5, 2022 at 1:51 PM

Thank you.

Patrick Orefice, RA, LEED AP
Arwen Studio, LLC
843.996.2383

[Quote text hidden]
July 18, 2022

On the morning of Friday, July 15, 2022, property owner Harold Barrow and Architect Patrick Orellice met with Mr. Hal Washington, property owner of 37 F Street, Unit B, on the site of 37 F Street, Unit C. The intent of this meeting was to review the proposed construction of a new detached single-family house and how this construction would affect the residence at 37 F Street, Unit B.

Mr. Washington expressed concerns about the demolition of the existing brick façade at 37 F Street, Unit C, and what the removal would affect on his home. The following items were discussed and addressed:

1. The cutting and removal of the brick along the facades of the two properties facing F Street (West Elevation).
   a. Parties agreed that the brick façade would be saw cut approximately 12" from the existing party wall. This will allow the front façade of Unit B to remain unaltered, keep the existing electrical motor in place, and allow for a clean trim detail behind the brick to seal and weatherproof the corner.

2. The exposed existing masonry wall between properties/party wall (South Elevation).
   a. Parties agreed this wall will be sided with fiber cement lap siding. This will blend with the front face of Unit B as well as match the façade of the new Unit C building. The use of fiber cement siding will provide a weather tight facade and pleasing aesthetic.

3. The cutting and removal of the brick facades of the two properties at the rear (East Elevation).
   a. A similar approach to the front façade will be used, saw cutting approximately 12" from the existing party wall.
   b. This will mostly be seen only at the second floor level as the first floor level has a utility room.

4. The cutting and removal of the utility room at the rear of the properties.
   a. Currently there are back-to-back utility rooms along the property line. Supply water for washing machines are in the shared wall between utility rooms.
   b. The room on Unit C side will be completely demolished.
   c. The stub in the shared wall have reared away at the bottom and will be replaced.
   d. The exterior wall facing Unit C will receive fiber cement lap siding like the rest of the South Elevation.
   e. A new roof will be needed over the Utility Room structure at Unit B.

These items will be addressed during the design and construction document drawings. Construction work as presented in this document and the construction document drawings will be paid for by Mr. Barrow as part of the construction of the new detached dwelling at Unit C.

Patrick Orellice, Architect, LEED AP
Arwen Studio, LLC
843.396.2383
patrick@arwellstudio.com

A party's signature below confirms the accuracy of this on-site discussion as noted in this document, and as such, work will be addressed as noted.

Mr. Hal Washington
Property owner of 37 F St., Unit B

Mr. Howard Barrow
Property owner of 37 F St., Unit C

Document prepared by:

Patrick Orellice, Architect, LEED AP
Arwen Studio, LLC
843.396.2383
patrick@arwellstudio.com
Agenda Item #B-1

431 MEETING STREET
(CANNONBOROUGH/ELLIOTBOROUGH)
TMS #459-09-01-049

Request first one-year extension of a vested right that expires on September 1, 2022, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on September 1, 2020 to allow modifications of the plans to include a roof top amenity and revised parking plans with conditions for a 250-unit accommodations use in a GB-A/LI-A (General Business-Light Industrial-Accommodations) zone district.
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 expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: September 6, 2022
Property Address: 431 Meeting Street
Property Owner: OMS Charleston, LLC
Applicant: Capers G. Barr, III

Applicant’s Mailing Address: 11 Broad Street, Charleston, SC 29401
E-mail Address: rbg@barangerminton.com

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

Zoning of property GB

Information required with application: (check information submitted)
☐ Scanned plans or prints, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HIC and platform on scaled plans
☐ Scanned floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building alterations, unless exempted by the Zoning (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 (?) – 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 noticed with a notice of the Board hearing and inspected.

Applicant: Capers G. Barr, III

For office use only
Date application received
Fee $ Time application received
Receipt #

BZA/Z Application (continued) Page 2 of 2

For Variance requests, applicants shall 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 specific 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 prevent 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 shall 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)

Extension of Vested Rights: This Application is submitted pursuant to the Vested Rights ordinance for the City of Charleston, Sections 54-600, et seq., of the City Code of Ordinances. Sections 54-602 thereof provides, among other things, that “the term shall be extended on an annual basis for up to five annual extensions, provided that there have been no amendments to this Chapter which preclude or prohibit any aspect of the site specific development plan.” On information and belief, there have been no significant amendments that would impact on this Application.

The extension should be granted, as a matter of course.

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

5/19
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)

City of Charleston

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

THE APPLICANT HEREBY REQUESTS:

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

MEETING DATE REQUESTED: July 21, 2020

Property Address: 431 Meeting Street

TMS #: 459-09-01-049

Property Owner’s Name: CMS Charleston LLC

Applicant: Capers G. Barr, III

Applicant’s Mailing Address: 11 Broad Street, Charleston, SC, 29401

Email Address: cgb@barngermanifesto.com

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

Zoning of property: GB

Information required with application: (check information submitted)

☐ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ Property lines as shown on deeds
☐ Plans or drawings necessary to show compliance with special exception requirements (3 sets)

☑ Yes ☐ No - Is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed use? (If no, attach the recorded documents)

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 noticed by the Board hearing and inspected.

Applicant: ____________________________ Date: June 22, 2020

For office use only

Date application received: June 22, 2020

For FM:

Time application received: 11:50

For BZA:

Reply #
PROPERTY LOCATION: TMS NUMBER(S) AND DESCRIPTION OF REQUEST(S):
431 MEETING ST. (CANNONBOROUGH/ELLIOTBOROUGH) (459-09-01-049)
Request special exception under Sec. 54-230 to amend the approved site specific development plan for a
250-unit accommodations use. Pursuant to Sec. 54-954 to allow modifications of the plans to include a
roof top amenity and revised parking plan.
Zoned GB-A/L1-A

Order on Special Exception Request
The Board of Zoning Appeals (BZA) held a public hearing to consider the above appeal for a special exception which
may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration
of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

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

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

Date issued: 11/21/1
Chairman: [Signature]

Order on Variance Request
The Board of Zoning Appeals (BZA) held a public hearing to consider an appeal for a variance from the strict application
of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented,
the Board makes the following findings of fact and conclusions.

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

APPROVED. The Board concludes that:
1. 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. Authorization of the variance will not be of substantial detriment to adjacent property or to the public good and
   the character of the district will not be harmed by the granting of the variance.

THE BOARD, THEREFORE, finds that the applicant has an unnecessary hardship and orders that the variance be granted,
subject to the following conditions, if any:

Date issued: 11/21/1
Chairman: [Signature]

Approval of this Board shall remain valid for two (2) years from the approval date, unless extended in accordance with
the provisions of Section 54-952. Applicants may not apply for the same request that has been denied by the Board until
a period of six (6) months has lapsed.
Request second one-year extension of a vested right that expires on October 1, 2022, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on October 1, 2019 with conditions for a 152-unit accommodations use in a MU-2/WH (Mixed Use Work Force Housing) 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, must be submitted in PDF format to the Board Administrator at Aplh@charleston Sc.gov. Applicant will then be notified for fee. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
- A Variance and/or Special Exception as indicated on page 2 of this application
- 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: 9-5-22
Property Address: 200-210 Spring Street

Property Owner: 200 Spring Street Development, LLC and JVR Development, LLC
Applicant: Jeff Roberts, Managing Member, JVR Development, LLC
Applicant’s Mailing Address: 42 Broad Street, 2nd Floor, Charleston, SC 29401
E-mail Address: jroberts11@bellsouth.net

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

Zoning of property: MU-20W

Information required with application (check information submitted):
- A list of plans or site, including elevations, showing the variance(s) or special exception(s) being requested
- A new construction or additions within a flood zone, show HVAC units and platform on seated plans
- Add text for each nonconforming building or part of a nonconforming building not re-built after a disaster; after being newly constructed; under any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use as encompassed in this permit/applicat

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’s hearing as required.

**FOR OFFICE USE ONLY**
Date application received: ____________
Time application received: ____________
Received: ____________

Page 1 of 2

SZA-Z Application (continued) Page 2 of 2

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add 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 unnecessarily hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-808)

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 or Section 5 of Article 9 of the South Carolina Code of Laws (add as an attachment if necessary).

Second Extension of an expired Special Exception Accommodations use.

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.

Applicant: __________________________
Date: __________________________

Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
(843) 724-5803
www.charleston sc.gov/zoning

6/22
PROPERTY LOCATION, TMS NUMBER(S) AND DESCRIPTION OF REQUEST(S):
Request first one-year extension of a vested right that expires on October 1, 2021, pursuant to Sec. 34-962. Vested right pertains to a special exception granted under Sec. 24-230 on October 1, 2019 with conditions for a 152-unit accommodations use in a MU-2/WH (Mixed Use Work Force Housing) zone district.

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

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

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

Date issued: [Signature]
Chairman
[Name]

Order on Variance Request:
The Board of Zoning Appeals (BZA) held a public hearing to consider an appeal for a variance from the strict application of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

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

APPROVED: The Board concludes that:
1. 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. Authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

THE BOARD, THEREFORE, finds that the applicant has an unnecessary hardship and orders that the variance be granted, subject to the following conditions, if any:

Date issued: [Signature]
Chairman
[Name]

Approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 54-962. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has elapsed.
PROPERTY LOCATION, THE NUMBER(S) AND DESCRIPTION OF REQUESTED PROPERTY:
200 AND 210 SPRING ST. (WESTSIDE) (60-11-01-011 AND 013)
Request special exception under Sec. 54-220 to allow 125-unit accommodations use in a MU-2BW
(Mixed Use Work Force Housing) zone district.

ORDER AND SPECIAL EXCEPTION REQUEST

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

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

APPROVED. The Board concludes that the standards in the Section(s) of the Zoning Ordinance noted above, which are applicable to the requested special exception(s), have been met and therefore orders that the special exception(s) be approved.

Chairman

ORDER ON VARIANCE REQUEST

The Board of Zoning Appeals/Zoning is held a public hearing to consider an appeal for a variance from the strict application of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

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

APPROVED. The Board concludes that:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not primarily 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 prevent or unreasonably restrict the utilization of the property and
4. Authorization of the variance will not be of substantial detriment to adjacent property or to the public, good, and the character of the district and will not be harmful to the granting of the variance.

The Board, therefore, finds that the applicant has an unnecessary hardship and orders that the variance be granted, subject to the following conditions, if any:

Date issued

Chairman

Approval of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 54.96. Applicants may not apply for the same request that has been denied by the Board until a period of 5 (five) months has elapsed.
Request special exception under Sec. 54-110 to allow a horizontal expansion (stairs/master bedroom/closets/bathrooms/laundry/pantry) and vertical extension (bedrooms/bathrooms/closet) that extends a non-conforming 13.3-ft. total side setback (15-ft. required).

Zoned DR-!F
Agenda Item #B-4

12 CANNON STREET
(CANNONBOROUGH/ELLIOTBOROUGH)
TMS # 460-08-04-067

Request special exception under Sec. 54-110 to allow a 2-story addition (bathrooms/porches) that extends the non-conforming 5.8-ft. west side setback, 0.3-ft. east side setback, a 6.01-ft. total side setback (9-ft., 3-ft., 15-ft. required).
Zoned GB
Application for Variance, Special Exception, Reconsideration or Extension

Page 2 of 2

City of Charleston

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):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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

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

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-805)

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 § 44-11-6, § 44-206, or sections in Article 5 (add an attachment if necessary):

__1__

Extend the non-contiguous side setback for the addition planned parking as existing (30 spaces) with less demand from 5K guests -

(2) 5K guests are 2 spaces per 3 bedrooms. Not increasing bedrooms, only conflict space. 5-110.4.1 and 6 are not on the plans.

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 5, 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) 720-5791 www.charlestonsc.gov/planning

Page 1 of 2

Application for Variance, Special Exception, Reconsideration or Extension

Page 2 of 2

City of Charleston

Instructions - This application, along with the required information, must be submitted in PDF format to the Board Administrator at ABPDispenser@charleston.gov. The application fee will be invoiced by the Board. Appeals are due by 12 noon on the deadline date and must be complete to be accepted and placed on the agenda. A hearing will be held 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 period of time that is too long on appeal or after the decision of an appeal. If a variance is appealed, the appeal period shall be fifteen (15) calendar days. Appeals to the Board during this appeal period stay 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).
☐ Determination of an unappealable variance and/or special exception approval.

MEETING DATE REQUESTED: __Sept 6, 2022__

Property Address 16 Cannon Street TMS # 960-08-067

Property Owner: Breathing, LLC Daytime Phone: 843-847-8025

Applicant: Frederick J. Whittle Daytime Phone: 843-847-8025

Applicant's Mailing Address: 78 Ashley Faye Dr, Ste 300 Charleston, SC 29401 E-Mail Address: fwhittle@breathinginc.com

Relationship of applicant to owner (name, representative, prospective buyer, etc.): Chief Operating Officer

Zoning of property: GB

Information required with application: (check information submitted)
☐ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested
☐ For new construction or additions within a flood zone, show NFIP units and platforms 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
☐ Plans or documents necessary to show compliance with special exception requirements
☐ YES or NO - Is this Property restricted by any recorded covenant or is stating for use? Conflicts with or prohibits the proposed land use encompassed in this permit application? § 5-29-145 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 improvements comply with private neighborhood covenants, and that the signed representative of the owner. I authorize the subject property to be posted with a statement of the Board hearing and inspection.

Applicant: Frederick J. Whittle Date: __Sept 6, 2022__

For use only
Date application received __Sept 6, 2022__
Time application received __1:05 PM__
Additions & Renovations to
12 Cannon Street
CHARLESTON, SC
29401

TMS # 460 08 04 067
ZONING = GB

PROJECT DIRECTORY

PROJECT DESCRIPTION

GENERAL NOTES:

1. This is a detailed project description for the design of an addition and renovation to the building at 12 Cannon Street in Charleston, SC.
2. The project involves the extension of the building and modifications to the existing structure.
3. The project is under the zoning category GB.
4. The project is designated as TMS # 460 08 04 067.
Request special exception under Sec. 54-110 to allow a 1-story porch addition that extends a non-conforming 10.5-ft. south side setback (12-ft. required).

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

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

THE APPLICANT HEREBY Requests:
☐ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ 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: 9/6/2022
Property Address: 4 Colonial Street Charleston, SC 29401
TMS # 457-12-03-004
Property Owner: Jeff and Anna Crudup
Daytime Phone: (803) 651-5065
Applicant: Marc Eves
Daytime Phone:
Applicant’s Mailing Address: 1333 Winfield Street Mount Pleasant, SC 29464
E-mail Address: Marc@mudpawbuilders.com
Relationship of applicant to owner (same, representative, prospective buyer, other): Builder / Designer

Zoning of property: STR

Information required with application: [check information submitted]
☐ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested.
☐ 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.
☐ Plans or documents necessary to show compliance with special exception requirements.
☐ 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 Board hearing and inspected.

Applicant: Marc Eves
Date: 9/6/2022

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. Applications 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

BZA-Z Application (continued)
Begin forwarded message:

From: Jeff Crudup <jcrudup@gmail.com>
Date: August 24, 2022 at 6:24:44 PM EDT
To: Marc Eves <marc@mudpawbuilders.com>
Cc: Anna Crudup <annamcrudup@gmail.com>
Subject: Re: 4 Colonial

Mark,

Does this language work:

To Whom It May Concern:

Our names are Bob and Heidi Herman. We live and own the home located at 2 3/4 Colonial St. which is situated directly south of 4 Colonial St. It is our understanding the owners of 4 Colonial St. have proposed a screen porch special exception to the existing non-conforming side setback on their property. In layman terms, they wish to extend their existing screen porch a few feet into their backyard.

We write to fully endorse their proposal and look forward to seeing it completed. Should you have any questions or concerns, please do not hesitate to contact us.

On Tue, Aug 23, 2022 at 8:53 AM Marc Eves <marc@mudpawbuilders.com> wrote:
Yes, directly to your south. I believe the house number is 2 1/2.

Marc Eves
Mudpaw Builders
Agenda Item #B-6

8 KING STREET-DEFERRED
   (CHARLESTOWNE)
   TMS # 457-16-02-063

Request special exception under Sec. 54-110 to allow a vertical extension (3rd story bath/closet/outdoor terrace) of a non-conforming building footprint with a .5-ft. north side setback, a 7.8-ft. south side setback, an 8.3-ft. total side setback (3-ft., 9-ft., 15-ft. required).

Zoned SR-4
Agenda Item #B-7

267 COMING STREET
(CANNONBOROUGH/ELLIOTBOROUGH)
TMS # 460-08-01-199

Request variance from Sec. 54-301 to allow construction of a single-family residence with a 2-ft. south side setback (7-ft. required).
Zoned DR-2F
BZA-Z Application (continued)

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

WE REQUEST A REDUCTION OF THE SOUTH SIDE SETBACK FROM 7 FEET TO 2 FEET.

HARDSHIP: EXISTING STRUCTURE ON ADJACENT LOT (95 LINE STREET) ENCROACHES ON NORTH SIDE, AND EXISTING CURB CUT IS TOWARDS NORTH SIDE OF LOT. THISQUIRES THE PROPOSED HOUSE TO BE LOCATED TOWARDS THE SOUTH SIDE OF THE LOT.

THE DRIVEWAY AT 267 COMING IS EXPECTED TO BECOME THE MAIN VEHICULAR EGRESS FOR A SUBSTANTIAL FUTURE DEVELOPMENT SPANNING SEVERAL ADJOINING LOTS, SO WE NEED TO MAKE THAT DRIVEWAY AT LEAST 12 FEET WIDE FOR REASONABLE SAFETY AND FUNCTIONALITY. SANBORN MAPS INDICATE THAT THERE WAS HISTORICALLY A HOUSE AT THIS PROPOSED LOCATION.

Variance Test: The Board of Zoning Appeals - Zoning 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. [S.C. Code of Laws § 6-29-800]

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

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

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

6/22

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, must be submitted in PDF format to the Board Administrator at ASHBY@charleston-sc.gov. Applicants will then be invoiced for fee. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.

A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals - Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

☐ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ 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: __/__/22

Property Address: 267 COMING (AKA 265 COMING) TMS #: 460-008-01-199

Property Owner: CAMERON GLAWS Daytime Phone: 843-610-4015

Applicant: ANDREW GOULD Daytime Phone: 215-605-6982

Applicant’s Mailing Address: 21 CATHFIDALE STREET, CHARLESTON, SC 29403

Email Address: ANDREW@NEWWORLDBYZANTINE.COM

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

Zoning of property: OR-2F

Information required with application (check information submitted):
☐ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested
☐ For new construction or additions within a flood zone, show HVAC units and platforms on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted for all density variances and building additions, unless exempted by the Zoning staff
☐ Plans or drawings necessary to show compliance with special exception requirements
☐ 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? § 6-29-114S 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 inspection.

Applicant: ________________

For office use only
Date application received
Signature
Free
Time application received
Receipt #
267 COMING STREET

UNIT A

VARIANCE REQUEST:
REDUCTION OF SOUTH-SIDE SETBACK
FROM 7 FEET TO 2 FEET

HARDSHIP: EXISTING STRUCTURE ON ADJACENT LOT (95 LINE STREET) ENCROACHES ON NORTH SIDE, AND EXISTING CURB CUT IS TOWARDS NORTH SIDE OF LOT. THIS REQUIRES THE PROPOSED HOUSE TO BE LOCATED TOWARDS THE SOUTH SIDE OF THE LOT.

THE DRIVEWAY AT 267 COMING IS EXPECTED TO BECOME THE MAIN VEHICULAR EGRESS FOR A SUBSTANTIAL FUTURE DEVELOPMENT SPANNING SEVERAL ADJOINING LOTS, SO WE NEED TO MAKE THAT DRIVEWAY AT LEAST 12 FEET WIDE FOR REASONABLE SAFETY AND FUNCTIONALITY.

ZONING INFORMATION
LOT AREA: 4,803 SF
ZONING: DR-2F
FLOOD ZONE 'X'

EXISTING:
VACANT

PROPOSED:
SINGLE-FAMILY RESIDENCE
1,700 SF
4 BEDROOMS

2 PARKING SPACES
LOT COVERAGE: 15%
(50% COVERAGE ALLOWED)
Agenda Item #B-8

9 AND 11 ELLIOT STREET
(CHARLESTOWNE)
TMS # 458-09-03-101

Request special exception (after-the-fact) under Sec. 54-110 to allow a horizontal expansion (ladder) and vertical extension (deck for pool and hvac equipment) that extends a non-conforming 1-ft. north side setback (3-ft. required).
Zoned SR-5
EXHIBIT A

Applicant seeks a Special Exception pursuant to Section 54-110(f) to extend or increase the non-conforming use now in existence and Applicant intends to show the Board as follows:

1. The extension or increase is limited to extending or increasing the non-conforming use now in existence as shown on the attached drawings by South Carolina Registered Architect Babak Bryan; and

2. The extension or increase of the non-conforming use would not result in an unreasonable intensification of the non-conforming use as it simply for mechanical systems to be above grade.

3. The extension or increase in the non-conforming use will have:
   a. Little or no impact on properties in the vicinity, and will create no traffic impact whatsoever;
   b. no impact on vehicular and pedestrian safety;
   c. no impact on parking;
   d. little or no impact on noise, lighting, fumes, or obstruction of air flow or light on adjoining property; and
   e. little or no impact on the aesthetic character of the environs, as shown on the attached photos, as all mechanical equipment will be screened.
Agenda Item #B-9

30 PINCKNEY STREET
(ANSONBOROUGH)
TMS # 458-05-01-093

Request special exception under Sec. 54-511 to allow a restaurant use with 198sf of inside patron use area without providing 2 required off-street parking spaces.

Zoned CT
Application for Variance, Special Exception, Reconversion, or Extension to Board of Zoning Appeals - Zoning (BZA-2)

City of Charleston

Instructions: This application, along with the required information, must be submitted in PDF format to the Board of Zoning Appeals - Zoning via email at ASB@Charleston.gov. Applicants 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 must 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 mentioned in page 1 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: September 1, 2022

Property Address: 30 Pinckney Street, Charleston, SC 29401
Property Owner: Daniel Meine
Applicant: Michael Webb
Applicant's Mailing Address: 170 Battery Street, North Charleston, SC 29403

E-mail Address: mike.83charleston@gmail.com

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

Zoning of property:

Information required with applications (Check information submitted):
- Scale plans or photos, including elevations, showing the variance(s) or special exception(s) being requested
- 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
- Plans or documents necessary to show compliance with special exception requirements
- 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 or No

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 will 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: Mary Webb on behalf of Michael Webb

Date: September 1, 2022

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 § 1-110, § 1-115, or sections in Article 5 (add as an attachment if necessary).

Please see attached correspondence.

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
August 8, 2022

Submitted via Application for Special Exception
City of Charleston
Board of Zoning Appeals - Zoning (BZA)
ASHBTP@charleston-sc.gov

Dear Board Members:

Please be advised that our firm has been retained by Michael Hebb regarding denial of his business license application for his company, Historic Charleston Supper Club, LLC, to operate at 30 Pinckney Street. Mr. Hebb's application was denied for failure to comply with Section 54-317, a copy of which is attached hereto as Exhibit A. As set forth in the drawings attached hereto as Exhibit B, the patron use square footage at this location is 198 square feet. Accordingly, to comply with the attached ordinance, Mr. Hebb must provide two off-street parking spaces.

The subject address is currently zoned in the Commercial Transitional zoning district, which is intended to permit residential uses and small, neighborhood commercial uses on properties adjacent to the residential areas. The commercial uses are allowed as conditional uses where the size of the establishment and hours of operation are restricted. Mr. Hebb seeks to operate Historic Charleston Supper Club out of the building located at 30 Pinckney Street. His company provides historic dinners to locals and tourists, and it limits each dinner to 12 patrons per night. Each dinner begins at our around 7pm and ends at our around 10pm. His business is limited in size and the hours of operation are restricted, thereby bringing it within the permissible commercial use for this zoning district.

Mr. Hebb submits the subject application for a special exception under Section 54-511, a copy of which is attached hereto as Exhibit C, because requiring him to provide two off-street parking spaces will create an undue hardship and is not feasible given the current street frontage of the existing building. Moreover, despite good faith efforts, Mr. Hebb has been unable to locate any potential parking spaces in the vicinity that he would be able to rent to meet the requirements of this ordinance. Finally, the special exception will not adversely affect neighboring properties because there are two public parking lots across the street that are often near empty at 7pm, the time in which Mr. Hebb operates his business.

My client requests a public hearing on his application for a special exception at the upcoming hearing date, on September 6, 2022. In the meantime, if there is any additional information that we can provide to the Board for consideration, please do not hesitate to reach out.

Sincerely,

Mary Willis

MARY S. WILLIS