City of Charleston

BOARD OF ZONING APPEALS-SITE DESIGN

October 5, 2022
5:00 PM

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

**Video and microphone is currently disabled for all attendees.**
This meeting is being recorded.
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-Site Design

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 the September 7, 2022 BZA-SD Meeting Minutes.

NOTE: Item #2: 2813 Clements Ferry Road
1. Must plant 21.5 caliber inches of native canopy trees on the project site; residual inches in the form of a contribution to the City’s Street Tree Program and in addition must plant 3’2” to 14” DBH Live oak trees (must total 26”) transplanted from the SC form, and a 2 year warranty on the transplanted trees from date planted. (Note: Amanda Barton obtained)

2. 2813 CLEMENTS FERRY ROAD
Gainey | TMS # 271-00-02-169 | Zoned: DP
Request a variance from Sec 54-327 to allow the removal of five grand trees. Owner: Yarboro, LLC
Applicant: Middle Street Partners, LLC

MOTION: Approval of staff recommended conditions and amendment to allow removal of 26” grand tree (Relocation tree)

MOTION: Approval with conditions recommended by staff
MADE BY: Amanda Barton  SECOND: Jeff Webb  VOTE: FOR 5, AGAINST 0.

NOTES:
1. Must plant 1.5 caliber inches (3 protected trees removed as shown) of native canopy trees on the project site; must preserve the S. Magnolia in an island as per sketch.
2. Must maintain the existing trees in the Sav. Hwy. buffer and supplement with shrubs and understory trees to meet minimum requirements.
3. Must install a 6" wood fence painted black along the common property line with the SR-1 parcel as the sketch.
4. Must plant the bio-swale with canopy trees as per the stormwater management and landscape architects plan and approval.
5. Must supplement the entire length of the rear buffer with native plants.
6. Must provide canopy trees at the end of the parking spaces and provide triangular cut outs for palms to be planted as per sketch or landscape architects’ spacing (minimum of 4).

3. 2300 HENRY TECKLENBURG BOULEVARD
W. Ashley | TMS # 309-00-00-262 & 483 | Zoned: PUD
Request a variance from Sec 54-327 to allow the removal of eight grand trees.
Request a special exception from Sec 54-327 to allow the removal of two grand trees.
Owners: Dominion SC
Applicant: Forberg Engineering & Surveying, Inc

APPROVED XX WITHDRAWN
DENY DEFERRED
MOTION: Approval with conditions recommended by staff

MADE BY: Rhodie Ravenel  SECOND: Jeff Webb  VOTE: FOR 5, AGAINST 0.

NOTES:
4/28/21 DCL:
1. Must plant 33 caliber inches of native canopy trees on the project site.
2. Must have a Certified Arborist prune and treat the grand trees to be preserved and the protected trees within 25-feet of any construction activity.
3. Must use 4’ chain-link fence as tree protection barricades.
4. Must provide a tree preservation plan for the Southern magnolia trees on the site to be preserved.
5. 8/4/21 Domion:
1. Must plant 1.5 caliber inches of native canopy trees on the project site; landscape plan to be approved by both DRB (sites only) and TRC.
2. Must use 4’ chain-link fence as tree protection barricades.
3. Must maintain as many non-grand trees as possible in the narrow strip adjacent to the CWS access easement and project elements.

4. 1888 CLEMENTS FERRY ROAD
Cainhoy | TMS #268-00-00-092 | Zoned: LI
Request a variance from Sec 54-327 to allow the removal of two grand trees.
Request a special exception from Sec 54-327 to allow the removal of one grand tree.
Owner: Long Torrant
Applicant: Long Torrant

APPROVED XX WITHDRAWN
DENY DEFERRED
MOTION: Approval with conditions recommended by staff

MADE BY: Jeff Webb  SECOND: Ruthie Ravenel  VOTE: FOR 5, AGAINST 0.

NOTES:
1. Must plant 67 caliber inches of native canopy trees on the project site in the form of;
   a) 10 – 3” (30”) Live oaks
   b) Make a contribution to the City’s Street Tree Program in the form of 15 trees (37/2.5) x $295.00 = $4,425.00.
2. Must submit a landscape plan for staff review and approval.
3. Must use 4’ chain link fence to protect any protected tree within 25’ of construction.

5. 2923 ZACHARY GEORGE LANE
Johns Island | TMS #285-00-00-268 | Zoned: SR-1
Request a variance from Sec 54-347.1 to allow a reduction in the OCRM Critical Line Buffer and building setback.
Owner: KT Properties LLC
Applicant: KT Properties LLC

APPROVED XX WITHDRAWN
DENY DEFERRED
MOTION: Approval with conditions recommended by staff

MADE BY: Jennifer DeClaman  SECOND: Jeff Webb  VOTE: FOR 5, AGAINST 0.

NOTES:
Must submit a landscape plan for staff review and approval that demonstrates the full 25' OCRM. Critical Buffer adjacent to the ‘canal’ is planted with native plants and maintained in a natural condition.

6. 20 JOHNSON ROAD
   Crescent | TMS # 421-10-00-044 | Zoned: SR-8
   Request a special exception from Sec 54-327 to allow the removal of one grand tree.
   Owner: William Stovall Living Trust
   Applicant: William Stovall

   APPROVED
   WITHDRAWN
   DENY
   DEFERRED XX

   MOTION: Deferral

   MADE BY: Ruthie Ravenel   SECOND: Jennifer DeCiantis   VOTE: FOR 5 AGAINST 0

   NOTES:
Agenda Item #B-1

2280 HENRY TECKLENBURG DRIVE
(West Ashley)

TMS # 309-00-00-467

Request a variance from Section 54-327 to allow the removal of two grand trees.
Request a special exception from Section 54-327 to allow the removal of one grand tree.

Zoned PUD
Application for Variance, Special Exception, Reconsideration, or Extension

to the Board of Zoning Appeals – Site Design (BZA-SD)

City of Charleston

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

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

MEETING DATE REQUESTED: 3/15/2022

Property Address: 2200 Henry Tecklenburg Dr., Charleston, SC

TMS #: 0029062687

Property Owner: Magnolia Office Park, LLC

Daytime Phone: 843-574-3365

Applicant: John Marshall (The Gateway Companies)

Daytime Phone: 843-980-3345

Applicant’s Mailing Address: 22 Inverness Parkway Suite 222 Birmingham, AL 35242

E-mail Address: jmarshall@thegatewayco.com

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

Zoning of property: Esso Farms Village Center (PUD)

Information required with application:
- Site plan or plot showing the variance(s) or special exception(s) being requested.
- Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
- For requests to remove trees, evaluation/records from certified or qualified arborists.
- YES or NO – Is the property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed use encompassed in this permit application? 6-29-1145 of the South Carolina Code of Laws

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

I certify that the information on this application and any 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 hearing before the Board and Inspected.

Applicant: John Marshall 
Date: September 1, 2022

For Official use only
Date application received: 
Time application received: 
Department of Planning, Preservation & Sustainability
2 George Street Charleston, South Carolina 29501
(843) 724-3781 www.charleston-sc.gov

3/12

BZA-SD 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).

See attached documentation for removal of a 27’ dia. Southern Red Oak Tree and a 26’ dia. Swamp Chestnut Oak Tree.

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

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

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws Section 6-29-803)

For Special Exception requests, applicants should list the specific approvers being requested and include documentation of compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 54-321, Sec. 54-511(b), or Sec. 54-513 (add as an attachment if necessary).

See attached documentation for removal of a 26’ Water Oak Tree.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accord 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
Variance Request

We respectfully request a variance to remove a 27” diameter Southern Red Oak tree (Category 2) and a 26” diameter Swamp Chestnut Oak tree (Category 2) from the subject property in order to develop the property for a 100% affordable housing project. Because of the location of the trees, an inability to remove the trees contributes to a detrimental hardship to the development of the property.

In accordance with the Variance Test, we request the removal of the two Category 2 trees for the following reasons:

- The existing trees are located on the parcel that inhibits the placement of the affordable housing apartment building. The building is required to be placed at the Henry Tecelenburg Dr. right of way in accordance with the Essex Farms Village Center PUD. In addition to the placement of the building, the site is located in a Special Protection Area for flood / stormwater control. In order to meet the Special Protection Area requirements, a large detention area is required for stormwater control. The detention area placement is dictated by the natural low area of the site. This also makes the placement of the building and parking areas critical to the development of the site. Unfortunately, the trees are located in these critical areas and need to be removed in order to develop the affordable housing project.
- There is one access point into the site. This access into the site is limited by the need for the detention area, which also controls the placement of the parking needed by the development. In order to maximize the available space, the apartment building will be elevated to allow for some parking to be placed underneath the building. In addition to parking needed for the development, the site requires adequate aerial fire truck access to the 3 story apartment building (plus parking garage level). To provide aerial fire truck access, the trees must be removed for the drive aisles.
- Because of these limiting site conditions, the ability to allow the trees to remain severely restricts the housing project.
- The affordable housing project will provide up to 69 units of needed affordable housing to the area which otherwise would not be available, if the trees remain.

Special Exception Request

We respectfully request a special exception to remove a 26” diameter Water Oak tree (Category 3) from the subject property in order to develop the property for 100% affordable housing. An inability to remove the tree contributes to a detrimental hardship to the development of the property. All reasons for hardship provided in the variance request also apply to the special exception request to remove the Category 3 tree.
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, October 5, 2022

ITEM 8.1
2280 HENRY TECKLENBURG DRIVE
(WEST ASHLEY)
TMS/ 309-00-00-467
ZONED PUD
REMOVE WATER OAK TREE CAT 3

REMOVE SWAMP CHESTNUT OAK TREE CAT 2

APARTMENTS (ON PIERS) (69 UNITS)

REMOVE SOUTHERN RED OAK TREE CAT 2
Tree Health Evaluation Report

<table>
<thead>
<tr>
<th>Tree Species</th>
<th>DBH</th>
<th>Condition</th>
<th>Mitigation Category</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Oak</td>
<td>26&quot;</td>
<td>C - Fair Condition</td>
<td>III</td>
<td>1 Co-dominant stem, and dead wood in crown</td>
</tr>
<tr>
<td>Red Oak</td>
<td>27&quot;</td>
<td>B - Good Condition</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>Swamp Chestnut Oak</td>
<td>26&quot;</td>
<td>B - Good Condition</td>
<td>II</td>
<td>Dead wood in crown</td>
</tr>
</tbody>
</table>

Swamp Chestnut Oak

Water Oak
Red Oak

Steven Lane ISA #SO-10038A
Agenda Item #B-2

829 SAINTS ANDREWS BOULEVARD

(West Ashley)

TMS # 418-10-00-033

Request a variance from Sec 54-327 to allow the removal of three protected trees.

Zoned GB
Application for Variance / Special Exception / Reconsideration / Extension
City of Charleston

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

THE APPLICANT HEREBY REQUESTS:
☐ A Variance and/or Special Exception as explained on page 2 of this form.
☐ Tree Removal
☐ Landscape/Buffer
☐ Parking surface
☐ Other
☐ Extension 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: October 5, 2022

Property Address: Saint Andrews Mixed Use Development
TMS #: 518-10-50-033

Owner: Granting Brothers Real Estate & Development, Inc.

Applicant: Thomas & Hutton (Contact: Dornic Jones)

Applicant’s Mailing Address: 887 Johnna Dodds Boulevard, Suite 100 Mt. Pleasant, SC 29464

E-mail Address: Jones.D@thud.com

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

Zoning of property: CB

Information required with application: (check information submitted)
☐ Zoned site plan or plat showing the variance(s) or special exception(s) being requested (1 set)
☐ Photographs of the site, grade, tee signs, etc. to be removed, quality trees to be replaced by removing others, etc.
☐ For requests to remove trees, evaluation reports from certified or licensed arborists
☐ 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? 

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

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

Applicant: __________________________ Date: 9/23/2022

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

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 54-329, Sec 54-511b, or Sec 54-513 (add an attachment if necessary).

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 a Variance per ordinance section 54-329.a to remove an 9" Oak, 11" Oak and an 11" Tale located within twenty-five (25) feet from the property line.

Variance Test:
1. Pedestrian/Vehicular bridge is proposed to allow Cell Tower access as well as pedestrian access to the City Park
2. In the preliminary DB meeting the Board was in favor of utilizing the pedestrian/vehicular bridge as a means of ingress/egress to the City park.

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

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

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 IV, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
ITEM B 2
829 SAINT ANDREWS BOULEVARD
(WEST ASHLEY)
TMS# 418-10-00-033
ZONED GB
Agenda Item #B-3

122 & 124 CANNON STREET
(Cannonborough/Elliottborough)

TMS # 460-11-04-160 & 161

Request a variance from Sec 54-327 to allow the removal of four protected trees.

Zoned LB
Application for Variance, Special Exception, Reconsideration, or Extension Page 1 of 2
to the Board of Zoning Appeals – Site Design (BZA-SD)
City of Charleston

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

THE APPLICANT HEREBY REQUESTS:
☐ A Variance and/or Special Exception as explained on page 2 of this form.
☐ Tree Removal ☐ Landscaping/buffer ☐ Parking surface ☐ Other ☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: October 5, 2022
Property Address 122 and 124 Cannon Street, Charleston, SC
TMS # 460 11-04-160 : 460 11-04-161

Property Owner Cannon Street Vacation Rentals, LLC
Daytime Phone 607-227-8070

Applicant Bill Eubanks, SGA/NW
Daytime Phone 843-224-8804

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

E-mail Address beubanks@sgawdesign.com

Relationship of applicant to owner (same, representative, prospective buyer, other): Landscape Architect
Zoning of property Limited Business, LB

Information required with application:
☐ Check all that apply: Site plan or plat showing the variance(s) or special exception(s) being requested (3 sets)
☐ Photographs of the site; grand trees to be removed, grey trees to be saved by removing others, etc.
☐ For requests to remove trees, evaluations/reports from certified or qualified arborists
☐ Check credit card or cash (make check payable to the City of Charleston)
☐ YES ☐ NO - Is this Property restricted by any recorded covenant that it contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws Optional but very helpful information:
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any 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 hearing to be before the Board and inspected.

Applicant

Date August 31, 2022

For office use only
Date: application received Time: application received
Stamp
Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
(843) 724-3772 www.charlestonsc.gov

BZA-SD Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary): Sec. 54-327. - Tree removal restrictions; states: “For parcels of land proposed for development, a minimum number of protected trees on the entire parcel equal to fifteen (15) protected trees per acre shall be saved. The parcels combined are .38 ac. so 6 trees must remain. The site has 13 trees on the interior of the site. We are asking for a variance to remove 4 protected trees: 10" mulberry, 27" Hackberry, and 4"/7" Cherry Laurel. The palms will be transplanted. S. magnolia is to be preserved. See attached narrative, photos, letters, site surveys, and conceptual site plan. (Revised per email from Eric Schultz, dated Sep 13, 2022, at 8:38 AM)

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

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

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 54-329, Sec. 54-511 (b), or Sec. 54-513 (add as an attachment if necessary)

N/A

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

Variance Test: The Board of Zoning Appeals-Site Design is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship.

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

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

   Response: Most of the parcels along Cannon Street are residential in character with structures that occupy most of the lots. These lots are being redeveloped for short term leases and will share parking an open space. These conditions do not generally exist within surrounding properties.

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

   Response: Within this site, there are volunteer trees along fence rows, some of which are being abandoned. These conditions do not generally exist nor do they apply to other properties in the vicinity.

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

   Response: As the peninsula of Charleston continues to grow it will be with increasingly more dense forms. The Charleston City Plan, adopted in 2021 identifies this site as part of the “Neighborhood”. This project maintains that character and preserves existing architecture. So, saving lower value interior trees, such as Hackberry and Ligustrum, would effectively prohibit or unreasonably restrict the utilization of the property in the height, mass, and scale.

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

   Response: This project is subject to approval from the City's Board of Architectural Review - Large (BAR-L) and has already received Conceptual Design approval. So, this project, far from being a detriment to adjacent properties or the public good, will be a benefit to the community. The character of the district will not be harmed by the granting of this variance. It will be enhanced.
ITEM B 3
122 & 124 CANNON STREET
(Cannonborough/Elliottborough)
TMS# 460-11-04-160 & 161
ZONED LB
F.A. Bartlett Tree Experts Company

2285 Technical Parkway 843-556-8096 Office 843-556-7581 Fax
North Charleston, South Carolina 29406 www.Bartlett.com

122/124 Cannon St. 8/3/22
Charleston, SC 29403

Re: Property Inspection

To whom it may concern,

I was asked to inspect the properties at 122 and 124 Cannon Street. The purpose of the inspection was to identify the condition of the trees on the property prior to proposed development. There are 6 trees listed below shown on the survey that should be removed.

1) 20’ Hackberry at left side of property
   This tree has a large codominant lead located approximately 8 feet up on the stem. Both leads will continue to grow over time and create an unacceptable amount of bark inclusion with significant loads above this defect. This can be seen in Example 1 below.

2) 27’ Hackberry at left side of property
   This tree looks to be in serious decline, likely Hackberry Decline. There is no known remedy for treatment of Hackberry Decline and I would expect it to be totally dead by next year.

3) 16’ Palm at right side of property
   There is nothing wrong with this Palm, however given the species, it can be easily replaced and currently does not provide any real value to the property. It is currently covered in vines and looks to have been neglected for a number of years.

4) 10’ Ornamental at right side of property
   Listed as “Ornamental” on the survey, this is actually a Ligustrum. As Ligustrum take tree form they develop weak points of attachment while getting top heavy. I would recommend removal and replacement with a more desirable species or a smaller one that can be better maintained.

5) 11’/11”/10” Hackberry at right side of property

This too is a Ligustrum, not Hackberry. As seen below in Example 2, this also has codominant leads and given the weak nature of the tree, removal should be strongly considered for removal.

6) 7’/4’ Cherry Laurel at right side of property
   This tree also should be removed. It is a weaker wood with multiple leads. Replacement with a more desirable species is recommended.

Please feel free to contact me with any questions.

Sincerely,

Cameron Rickett
ISA Certified Arborist #80-6583A

Bartlett Tree Experts was founded in 1907 with the mission to further the science of arboriculture and to provide scientific tree and shrub care using preventive techniques. This mission has not changed through three generations of family management.
TREE #: 1  
TYPE: 8" Magnolia  
GRADE: B  

TREE #: 2  
TYPE: 20" Hackberry  
GRADE: D  

TREE #: 3  
TYPE: 27" Hackberry  
GRADE: D  

TREE #: 4  
TYPE: 10" Mulberry  
GRADE: D  

TREE #: 5  
TYPE: 9" Cherry  
GRADE: C  

TREE #: 6  
TYPE: 12" Ligustrum  
GRADE: C  

TREE #: 7  
TYPE: 11" Cherry  
GRADE: C  

TREE #: 8  
TYPE: 11/11/10" Ligustrum  
GRADE: C  

PRESERVE  
REMOVE  
REMOVE  
PRESERVE  
PRESERVE  
REMOVE  
PRESERVE  
REMOVE
TREE #: 9
TYPE: 10" Ligustrum
GRADE: D

TREE #: 10
TYPE: 16" Palm
GRADE: C

TREE #: 11
TYPE: Palm
GRADE: B
Agenda Item #B-4

8 STOCKER DRIVE
(Old Windemere)

TMS # 421-06-00-112

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

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

City of Charleston

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

THE APPLICANT HEREBY REQUESTS:

☐ A Variance and/or Special Exception as explained on page 2 of this form.
☐ Lot removal ☐ Landscaping/buffers ☐ Parking surface ☐ Other
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form)
☐ Extension of an expired Variance and/or Special Exception approval

MEETING DATE REQUESTED: 10/5/52

Property Address: 88 Stockade Dr

TMS #: 421-06-00-112

Property Owner: Apolline Holdings, LLC (Brian Wells)

Daytime Phone: 843-719-1790

Applicant: Brian Wells

Daytime Phone: 843-774-7790

Applicant’s Mailing Address: Suite 220 Belle Hall Plaza, Unit 201

Mt. Pleasant, SC 29464

Email Address: brian@wellsengineering.net

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

Zoning of property: SA-2

Information required with application (check information submitted):
☐ A site plan or plot showing the variance(s) or special exceptions, being requested
☐ Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
☐ For requests to remove trees, evaluations/reports from certified or qualified arborists
☐ Yes ☐ No - is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

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

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

Applicant: ___________________________

Date: 9/9/52

For office use only

Date application received 9/9/52

Time application received 9:00

Applicant signature ___________________________

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

(843) 724-3761 www.charleston-sc.gov

BZA-SD Application (continued)

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

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

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

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

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 54-329, Sec. 54-511(b), or Sec. 54-513 (add as an attachment if necessary).

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

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

(843) 724-3761 www.charleston-sc.gov
For option #2 (Preferred Option), we are seeking removal of the 30' Live Oak on 8 Stocker.

30’ Live Oak – 8 Stocker Drive - Seeking tree removal to allow for an addition behind the existing historic house at 8 Stocker Drive.

1. The tree is located towards the center of the lot prohibiting any addition to the existing house. We have approval to demolish the existing home, but the neighborhood has requested the house be saved due to its historic status and value to the community. We have agreed to save the home if an addition can be added to the rear which forces the removal of the tree.

2. The request to save the existing house came from the neighborhood after we had approval for demolition.

3. If we accommodate the neighborhood’s request to save the existing house the application of the ordinance unreasonably prohibits the use of the property.

4. The granting of this variance request will not harm the character of the neighborhood. The tree is located behind the existing house which will be preserved.

Background:

Apostle Holding, LLC purchased the property at 8 Stocker Drive in March 2022. This parcel of land is 23,341 SF (Half Acre Parcel). During the due diligence period, prior to the sale of the property, the owner researched the options for the parcel of land including zoning guidelines and confirmed the existing house could be demolished. Prior to the sale of the land, Apostle Holdings concluded the highest and best use of the property was to demolish the existing house and build two new houses. Apostle Holdings had the property line moved to the approximate center of the half acre parcel and designed two new houses for the property. Permits for the demolition and new construction were issued in August of 2022. All of this is shown as “Option 1” on the attachments/drawings.

Following the application submission to demolish the existing house, Mayor John Tecklenburg, preservation groups, and neighbors contacted Apostle Holdings to save the existing house on 8 Stocker Drive. They considered the existing house to have substantial historical value and it is a key part of the character of the neighborhood. The Post and Courier also published an article related to the demolition of the 8 Stocker Drive house on August 20, 2022.

Apostle Holdings, and its architectural designer met with Mayor Tecklenburg and Chief of Zoning, Lee Butcher, on Sep 6, 2022 to design an alternative plan for the project. The parties agreed on a possible solution that would keep the existing historic house in the left center of the parcel, allow for the construction of a new house to the right and a smaller home to the left. The property would change from 2 parcels with 1 house/accessory unit per house (4 total buildings) to 3 parcels with 1 house/accessory unit on 2 of the lots and 1 house on the 3rd lot (5 total buildings). Following that meeting, the design team worked on the updated site plan, and elevations, showing different options for the parcel.

The options for the parcel are attached.

Overview, description of the 2 options – See attached site plan, and street elevations.

Option #1 – 2 lots, currently permitted and ready to execute – this option shows the demolition of the existing house and the construction of 2 new houses on the parcel. The left lot is 8 Stocker and the right lot is 6 Stocker.

Option #2 (PREFERRED OPTION) by all interested parties – 3 Lots, with smaller house footprint on far-right lot – this alternative shows keeping the existing house at its current location with a new house to the right and adding a house to the left. For this option, each lot has its own driveway. The far, left lot is 10 Stocker, the center lot is 8 Stocker and the right lot is 6 Stocker.

Community Preferred Option –

The neighborhood and preservation groups that have contacted Apostle Holdings are in support of Option #2, to the best of our knowledge at this date. Support letters will be presented at the BZA meeting.

Owner Preferred Option –

Owner prefers Option #2 - However, if the application is deferred or denied at the BZA meeting, then the owner will mobilize, demo the existing house, and move forward with building the 2 new houses, permits in hand, shown as Option #1 in this presentation.

Hardship Write Up -

See explanation above.
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, October 5 2022

ITEM B 4
8 STOCKER DRIVE
(OLD WINDEMERE)
TMS# 421-06-00-112
ZONED SR-2

Subject Property
OPTION #2 SITE PLAN - PREFERRED OPTION
SCALE 1" = 10'

10 STOCKER DR.
PROPOSED COVERAGE
TOTAL LOT AREA 6,001 SQFT
1ST FLOOR 989 SQFT
PORCHES 311 SQFT
TOTAL COVERAGE 1,300 SQFT
TOTAL COVERAGE % 21.66%

8 STOCKER DR.
PROPOSED COVERAGE
TOTAL LOT AREA 8,148 SQFT
1ST FLOOR 1,054 SQFT
ACCESSORY STRUCTURE 600 SQFT
TOTAL COVERAGE 2,254 SQFT
TOTAL COVERAGE % 27.66%

6 STOCKER DR.
PROPOSED COVERAGE
TOTAL LOT AREA 9,090 SQFT
1ST FLOOR 1,677 SQFT
PORCHES 200 SQFT
ACCESSORY STRUCTURE 600 SQFT
TOTAL COVERAGE 2,477 SQFT
TOTAL COVERAGE % 27.24%