



# CITY OF CHARLESTON BOARD OF ZONING APPEALS – ZONING

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## PUBLIC COMMENT NOVEMBER 7, 2023

A meeting of the Board of Zoning Appeals – Zoning (BZA-Z) will be held on **Tuesday, November 7, 2023** at **5:15 p.m.** in the **Public Meeting Room, First Floor, 2 George Street.**

The following comments will be provided to the board members 24 hours in advance of the meeting and also be acknowledged into the record and summarized. The public is encouraged to attend the meeting in person to speak in order for comments to be fully heard.

Application information is available at [www.charleston-sc.gov/bza-z](http://www.charleston-sc.gov/bza-z). Please check the website on the meeting date to view any withdrawn or deferred agenda items.

For additional information, please contact:  
**DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY**  
**2 George Street, Suite 3100, Charleston, SC 29401 | 843-724-3781**

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# CITY OF CHARLESTON

## BOARD OF ZONING APPEALS – ZONING

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### **728 Rutledge Ave.**

**North Central | TMS #463-15-04-132 | Zoned: DR-1F**

Request reconsideration of the BZAZ Board's decision on September 19, 2023,  
to deny a Category 2 Residential STR permit application.

Owner: Angela and Dorsey H. Smith

Applicant: Dorsey Hayden Smith

**1 comment submitted**

<b>First Name</b>	<b>Last Name</b>	<b>Address</b>	<b>Comment</b>	<b>Submitted</b>
		Preservation Society of Charleston	See attached letter.	Submitted to Staff

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PRESERVATION  
ESTD SOCIETY 1920  
of CHARLESTON

**Position Statement  
Board of Zoning Appeals - Zoning  
November 7, 2023**

***728 Rutledge Avenue***

Dear Board Members:

The PSC urges the Board to uphold the Zoning Administrator's decision to deny the request to turn the principal residence at 728 Rutledge into a Short Term Rental (STR). We disagree with the applicant that the Administrator does not have discretion to determine when an STR would be "accessory" to the principal residential use, per the General Requirements outlined in Sec. 54-208 (a) of the Zoning Ordinance.

Further, Sec. 54-208.2 of the Ordinance indicates only that an STR "may be permitted" in the event several criteria are satisfied. The use of the term "may" suggests that City Council did not intend to limit the Zoning Administrator's authority to determine what constitutes an "accessory use" to effectuate the purpose of the ordinance. Here, the principal residential use would clearly be subservient to the STR use, and therefore not "accessory."

We fear a successful appeal could frustrate the purpose of the STR ordinance to maintain the residential character of city neighborhoods, as well as available housing stock. We ask the Board to uphold its previous decision.

Thank you for considering our position in this matter.

Sincerely,



Brian R. Turner  
President & CEO



# CITY OF CHARLESTON

## BOARD OF ZONING APPEALS – ZONING

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### **7 Murphy Ct.**

**Radcliffeborough | TMS #460-16-03-130 | Zoned: DR-2**

Request special exception under Sec. 54-110 to allow a rear 2<sup>nd</sup> story addition (bedroom expansion) to a non-conforming building footprint having a 2.5-ft. east side setback (3-ft. required).

Owner: Scott Reister

Applicant: Vinyet Architecture; Justin Smith

### **2 comments submitted**

<b>First Name</b>	<b>Last Name</b>	<b>Address</b>	<b>Comment</b>	<b>Submitted</b>
Paul & Katherine	McAfee	3 Murphy Ct.	See attached letter.	Submitted to Staff
Rick	Austin	5 Murphy Ct.	See attached letter.	Submitted to Staff

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Mackenzie Conlon <mackenzie@vin-yet.com>

**Fwd: 7 Murphy Court BAR Application**

1 message

**Scott Reister** <scott@tgrlandscape.com>  
To: Mackenzie Conlon <mackenzie@vin-yet.com>

Wed, Oct 18, 2023 at 3:56 PM

Number 3 Murphy  
Thanks,


D. Scott Reister, RLA, ASLA

TG&R Landscape Group  
Landscape Architecture | Landscape Construction

803.325.1010  
[www.tgrlandscape.com](http://www.tgrlandscape.com)

Sent from my iPhone

Begin forwarded message:

  
From: Paul McAfee <paul.mcafee47@gmail.com>  
Date: October 18, 2023 at 3:40:23 PM EDT  
To: SCOTT@tgrlandscape.com  
Subject: 7 Murphy Court BAR Application

Hi Scott, Laura,

As your plans for a second-story addition at 7 Murphy Court are now with the BAR, we want to add our support to you getting this approved and wish you all the best.

If there is anything else we can do to help you with your application, don't hesitate to reach out.

Paul & Katherine McAfee

3 Murphy Court



Mackenzie Conlon <mackenzie@vin-yet.com>

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**Fwd: Greetings**

1 message

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**Scott Reister** <scott@tgrlandscape.com>  
**To:** Mackenzie Conlon <mackenzie@vin-yet.com>

Tue, Oct 17, 2023 at 6:45 PM

Hey ...this is from Rick Austin at 5 Murphy ...

I afford from the other neighbors as soon as I get them...

Thanks,

D. Scott Reister, RLA, ASLA

TG&R Landscape Group  
Landscape Architecture | Landscape Construction

803.325.1010  
[www.tgrlandscape.com](http://www.tgrlandscape.com)

Sent from my iPhone

Begin forwarded message:

**From:** Rick Austin <rickaustin@yahoo.com>  
**Date:** October 17, 2023 at 6:23:55 PM EDT  
**To:** SCOTT@tgrlandscape.com  
**Subject:** Greetings

Howdy Scott,

It was so great to hear from you today, and hope to find Laura and yourself very well. It was kind of you to reach out about your addition at 7 Murphy's Court. I am so excited for you, and if I can be of any assistance to guys, as you go forward, please let me know. Give Larua my best and hope to see you soon neighbor!

Take Care.

Rick Austin



# CITY OF CHARLESTON

## BOARD OF ZONING APPEALS – ZONING

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### 128 Romney St.

North Central | TMS #463-12-03-112 | Zoned: DR-1F

- Request variance from Sec. 54-301 to allow construction of two detached single-family residences, lot having an existing detached single-family residence for a total of three detached single-family residences; with 2,182sf of lot area per dwelling unit (2,250sf required).
- Request variance from Sec. 54-301 to allow unit B to have a 3-ft. 7 ½-inch west side setback and unit C to have a 2-ft. 4 ¼-inch rear setback and 12.3-ft. total side setback (9-ft. 25-ft. 15-ft. required).

Owner: Heidi Brown  
Applicant: AJ Architects

**5 comments submitted**

First Name	Last Name	Address	Comment	Submitted
Owner		1 Simons St., 111 Romney St., 116 Romney St., 113 Romney St.	See attached letter.	Submitted to Staff
Lloyd	Taylor	115 Romney St.	See attached letter.	Submitted to Staff
One Simmons Street LLC		124 Romney St.	See attached letter.	Submitted to Staff
Owner		121 Romney St.	See attached letter.	Submitted to Staff
Michelle & Tyler	Smyth	126 Romney St.	See attached letter.	Submitted to Staff

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I have reviewed the drawings submitted to the City of Charleston Zoning Board to allow two (2) single-family detached houses at the rear of 128 Romney St. and support the request.

Name:  \_\_\_\_\_

Address: 1 Simons Street, 111 Romney St, 116 Romney St,

113 Romney St. \_\_\_\_\_

Phone Number: 843-514-8844 \_\_\_\_\_



I have reviewed the drawings submitted to the City of Charleston Zoning Board to allow two (2) single-family detached houses at the rear of 128 Romney St. and support the request.

Name: LLOYD A. TAYLOR

Address: 115 Romney Street

Phone Number: 843 901 5536

*Lloyd A. Taylor* 10/23/23

I have reviewed the drawings submitted to the City of Charleston Zoning Board to allow two (2) single-family detached houses at the rear of 128 Romney St. and support the request.

Name: one Simmons Street LLC

Address: 124 Romney St

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Phone Number: 843-276-6788

I have reviewed the drawings submitted to the City of Charleston Zoning Board to allow two (2) single-family detached houses at the rear of 128 Romney St. and support the request.

Name: Brandon Bartley

Address: Owner of 121 Romney St Charleston SC 29403

Phone Number: 843-732-4401

5 November 2023

Lee Batchelder  
City of Charleston Zoning Administrator  
2 George Street  
Charleston, SC 29401

RE: Variance Requests for 128 Romney Street

Dear Lee:

We own the property at 126 Romney Street, adjacent to the subject property.

We have reviewed the Variance Application, and are opposed to granting permission for a third residence and the rear setback variance. We understand the reasons for the west side setback variance, and support that part of the application.

We believe that allowing a third residence on a property of this size would negatively impact the immediate area, including our expectation of peaceful enjoyment of our property. We plan to develop our home here within the next year or two.

We fail to follow the argument that a single additional residence would necessarily be too large to follow the pattern of the neighborhood. We hope that they would instead develop a secondary residence of appropriate size which is subordinate to the existing historic residence.

We note that the proposed second and third residences are three stories, and will substantially exceed the height of the primary historic residence. We would suggest that a two-story residence might be a better solution in this situation.

While we appreciate the consideration given to the existing tree, we note that it is a 14" Hackberry (per the site plan). While an asset to the property worth preserving, a hackberry of this size is likely a volunteer tree of limited age. We are glad to see the development of a second residence falling behind the historic residence, rather than a third residence that jogs over to the east, justified by deference to this tree. We would encourage the applicant to keep this tree and design a second home that steps in to give it the space to thrive.

We do not see the justification for exceeding the rear setback by 22', and would encourage the Board to deny this part of the variance request. As proposed, the majority of the proposed residence here would fall behind the setback, casting shadows on our property to the east.

Sincerely,

Michelle and Tyler Smyth, Owners  
Marquee Moon, LLC