City of Charleston

BOARD OF ZONING APPEALS-ZONING

March 1, 2022
5:15 PM

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

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

Go to www.charleston-sc.gov/bza-z for instructions to join. Call (843) 724-3770 if you are experiencing technical difficulties.
Zoom Meeting Protocol

Order on Each Application:

• Chair announces each application followed by staff presentation and recommendation
• Staff presents application and City’s recommendation. Staff will control slide presentation
• Staff announces comments received and whether anyone has signed up to speak
• Applicant, after being sworn in, will be allowed to present their application if opposition or questions are raised, followed by public comments from pre-registered attendees in favor. Each speaker will be sworn in before speaking. Each speaker should state their name and address for the record.
• Staff then recognizes registered attendees for public comments in opposition. Each speaker will be sworn in. Each speaker should state their name and address for the record.
• Staff then recognizes the applicant for a short rebuttal before Chair closes public comments and begins Board discussion

Providing Comment:

• People who sign up to speak prior to the 12 noon deadline will be called on when it is your turn to speak and your microphone will be enabled. You may only speak once on each item.
• Your microphone will be disabled after you are finished speaking.

Go to www.charleston-sc.gov/bza-z for instructions to join. Call (843) 724-3770 if you are experiencing technical difficulties.
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 February 15, 2022 BZA-Z Minutes

https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/_02152022-7253
Agenda Item #A-2

15 BEDONS ALY
CHARLESTOWNE
TMS # 458-09-03-087

Request variance from Sec. 54-301 to allow construction of single-family residence with 42% lot occupancy (35% limitation).

Zoned SR-5
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 variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period will stay all further action on the application.

The Applicant Herewith 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: February 13, 2022

Property Address: 15 Broadway Ave, Charleston, SC 29401

Property Owner: Elizabeth C. Simmons

Daytime Phone: 843.760.4924

Applicant: Sebastian von Marshall Architect, LLC

Daytime Phone: 843.760.4924

Applicant’s Mailing Address: 43 Broad Street, Suite 200, Charleston, SC 29401

E-mail Address: sebastian@marshallarch.com

Relationship of applicant to owner: same, representative, prospective buyer, other: representative, design professional

Zoning of property: SR-5

Information required with application: (check information submitted)
- Scaled plans or sketches, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone: show a plot plan and plat on scaled paper
- 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 check payable to the City of Charleston)
- YES or No – is the property restricted by any recording covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws.

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

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

Applicant: [Signature]
Date: 1.14.2022

For office use only
Date application received: __________ Time application received: __________
Investigator: __________ Fee: $ __________ E-mail: __________ Receipt #: __________
Proposed Site Plan

Scale: $\frac{1}{\text{in.}} = 1\text{-ft}$
Landscape Plan

Scale: 1" = 1'-0"
First Floor Plan
Scale: 1/2" = 1'-0"
Garden Side Elevation
Scale: $\frac{1}{2}" = 1'-0"$

15 BEDON'S ALLEY
CHARLESTON, SC
2 Bedons Alley, looking East from Tradd Street
7 Bedons Alley, looking West on Bedons Alley
15 Bedons Alley, looking North-West on Bedons Alley
15 Bedons Alley, looking North-West on Bedons Alley
17 Elliott Street (North-East corner of Elliott Street and Bedons Alley) looking East on Bedons Alley
2 ANSON STREET
TMS # 458-05-03-131

Request fifth one-year extension of a vested right that expires on December 31, 2022, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on February 2, 2016 for a 50-unit accommodations use with conditions in a GB-A (General Business-Accommodations) zone district.
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)

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 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

December 7

MEETING DATE REQUESTED:

2 Anson Street Charleston SC

TMS # 4580053131

Property Address

Property Owner: Rainbow Market LLC

Daytime Phone: 8033200699

Applicant: Stephen Ramos - LS3P Associates

Daytime Phone: 8439585419

Applicant’s Mailing Address: 205 1/2 King Street, Charleston, SC 29401

E-mail Address: stephenramos@ls3p.com

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

Zoning of property: GB

Information required with application (check information submitted):

☐ Planning Commission hearing required with application.

☐ Plans or plans, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)

☐ For new construction or additions within a flood zone, show FEMA flood insurance rate map (FIM) and plans or 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 additions, unless exempted by the Zoning Officer (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 precludes the proposed land use encompassed in the 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 improvement(s) 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 Board hearing and inspected.

Applicant

Date

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401 (843) 724-3181 FAX (843) 724-3172 www.charleston-sc.gov

For Special Exception requests, applicants should list the specific variance(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).

FILING AN EXTENSION OF THE PREVIOUSLY APPROVED BZA SPECIAL EXCEPTION FOR A 36 ROOM INN

THIS WOULD BE THE 4TH EXTENSION.

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.
PROPERTY LOCATION, TMS NUMBER(S), AND DESCRIPTION OF REQUEST(S):  
2 ANSON ST. (438-01-03-31)  
Request fourth one-year extension of a vested right that expires on December 31, 2021, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on February 3, 2016 for a 3rd unit accommodation use with conditions in a GB-A (General Business-Accommodations) zone district.

ORDER ON SPECIAL EXCEPTION REQUEST:  
The Board of Zoning Appeals/Zoning Field 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 sections 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:

  Date issued: 12/24/2021
  Chairman: Michael Adams

ORDER ON variance REQUEST:  
The Board of Zoning Appeals/Zoning Field 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:

  Date issued: 12/24/2021
  Chairman: Michael Adams

Appraisals 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.

Date issued: 12/24/2021
Chairman: Michael Adams
Request fourth one-year extension of a vested right that expires on December 31, 2021, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on February 2, 2016 for a 50-unit accommodations use with conditions and a variance granted from Sec. 54-306 to allow a 3-story building in a GB-A (General Business-Accommodations) zone district.
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)

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 – 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: December 7

Property Address: 4046 Market Street Charleston SC 29407
TMS #: 4580503035

Property Owner: Rainbow Market LLC
Daytime Phone: 803-330-0689
Applicant: Stephan Ramos - LS3P Associates
Daytime Phone: 843-958-5439

Application’s Mailing Address: 205 1/2 King Street, Charleston, SC 29401

E-mail Address: stephenvmos@ls3p.com

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

Zoning of property: GB

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)

☒ Site plans or construction elevations within a flood zone, show FEMA units and platform on scaled plan

☒ 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 (2 sets)

☒ Plans or documents necessary to show compliance with special exception requirements: (2 sets)

☒ Check, credit card or cash (make checks payable to the City of Charleston)

☒ YES or NO - Is this Property subject to 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 supportive 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 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 notice of the Board hearing and inspected.

Applicant: Stephan Ramos
Date: 11/22/2021

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 elapsed.

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29403
484-729-3761 Fax 484-729-3772 www.charlestonsc.gov

6/15
PROPERTY LOCATION, TMS NUMBER(S) AND DESCRIPTION OF REQUEST(S):
40-44 N MARKET ST. (456-05-20-033)
Request fourth one-year extension of a vested right that expires on December 31, 2021, pursuant to Sec. 54-962. Vested right pertains to a special exception granted under Sec. 54-220 on February 5, 2016 for a 3-story building in a GB-A (General Business-Accommodations) zone district.

Order on Special Exception Request
The Board of Zoning Appeals—Zoning 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 cited above, which are applicable to the requested special exception(s), have not been met and therefore ordains that the special exception(s) be denied.

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

One-year use and zoning approval with conditions to expire on December 31, 2022.

Date Issued: 12/4/21
Chairman: Michael Peterson

Order on Variance Request
The Board of Zoning Appeals—Zoning 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, ordains 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 ordains that the variance be granted, subject to the following conditions, if any:

One-year vacant right approval to expire on December 31, 2022

Date Issued: 12/4/21
Chairman: Michael Peterson

Approval of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Sections 54-962. Applicant(s) may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
Request variance from Sec. 54-301 to allow construction of a single-family residence with a 3-ft. west side setback, a 6-ft. total side setback (9-ft., 15-ft. required).
Request variance from Sec. 54-317 to allow construction of a single-family residence with 1 maneuverable off-street parking space (2 spaces required).
Zoned GB
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: March 1, 2022

Property Address: 8 Cleveland Street

Property Owner: Charleston Development Company, LLC

Daytime Phone: 843-324-1161

Applicant: Julie O'Connor – American Vernacular, Inc.

Daytime Phone: 843-345-7248

Applicant’s Mailing Address: 515 Shepard Street, Charleston, SC 29403

E-Mail Address: julieconner1987@gmail.com

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

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)
☐ All new construction or additions within a flood zone, show NAVC units, and plumb 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 [ ] No [ ] Is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

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

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

Applicant: Julie O'Connor

Date: 1/22/22

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):

Requesting variance to west setback and total setbacks and parking. The lot is 17' wide and the total setbacks required by ordinance is 15'. We are proposing a single-family residence that meets all other setbacks and lot coverage requirements. We can probably park 2 cars in the front side-by-side, but the lot does not meet the required width of 2 parking spaces of 18'.

1. The extraordinary and exceptional conditions are that the lot is only 2' wider than the required setbacks, is a lot of record, and the setbacks would prevent any development.
2. Other properties in the vicinity are either significantly wider or do not meet their setbacks either.
3. As mentioned above, the remaining width of the lot, if required setbacks were used, would be around 2' which would prohibit building anything on this property.
4. The construction of a single-family residence in this residential neighborhood would not be a detriment and would enhance the neighborhood by continuing the streetscapes and eliminating a vacant piece of land.

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):

For 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 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).

All approvals of the Board shall remain valid for no less than 2 years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may apply for the same variance 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
Agenda Item #B-4

19 PEACHTREE STREET
(NORTH CENTRAL)
TMS # 463-12-01-058

Request special exception under Sec. 54-110 to allow a 1-story addition (hallway/living room/bedroom/bath/closet) that extends a non-conforming 3-ft. east side setback (9-ft. required).

Request variance from Sec. 54-301 to allow a 1-story addition with an 8.16-ft. rear setback (25-ft. required).

Zoned SR-2
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, 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on the 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 board of appeals.
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: March 1, 2022
Property Address: 19 Peachtree Street
Property Owner: Kristin VanGuilder
Applicant: Julie O'Connor
Applicant’s Mailing Address: 151 Sheppard Street, Charleston, SC 29403

Relationship of applicant to owner (same, representative, prospective buyer, other) _____________________________ E-mail Address: julieconner@americanvanguard.com

Zoning of property: SR-2
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)
☐ For new construction or additions within a flood zone, show FEMA U and/or Flood plans 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 (please payable to the City of Charleston)

☐ YES ☐ NO – Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit? 6-29-1115 of the South Carolina Code of Laws

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

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

Applicant: Julie O'Connor
Date 1/28/22

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

Department of Planning, Preservation & Sustainability
2 George Street, Charleston, South Carolina 29401
(843) 723-7000 www.charleston.gov/zoning

EZA-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 benefits the property. Applications for Variance should list the specific variance(s) being requested and, if necessary, explain how the variance benefits the property.

We are asking for a rear setback variance for a small addition to a single story residence.

The existing house is quite small – only 1,100 sq. The addition is modest at only 500 sq. Ms. VanGuilder has taken to her elderly mother to the rear of the house and needs to space. Many other properties in the vicinity encroach on the rear setback and have structures closer to the rear property lines. Clearly, these houses were built prior to the establishment of these setbacks. It is important to Ms. VanGuilder that the house is the residence of safety and long-term care reasons. A second floor is not an option due to the condition of the house and foundation and for better accessibility for her mom. There will be no detriment to the neighbors or the neighborhood as a detached structure would be allowed to sit in this spot. The only difference is the addition to the house and we have seen it as a benefit to their overall property.

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

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

For Special Exception requests, applicants should list the specific proposal(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance. Special Exceptions are regulated by Article 4, Sections 54-11-H, 54-11-J, 54-11-K, and 54-11-M, as amended.

We are asking for a special exception the east side setback to align with the existing house. The addition is one story as is the existing house.

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 4, 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.
PLAT
OF LOT 64, FORMERLY THE NARVA TRACT,
CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA.
PRESENTLY OWNED BY KRISTIN JOY VANGILDER.

ALEXANDER G. PEABODY, PLS /
PEABODY & ASSOCIATES, INC /
PROFESSIONAL LAND SURVEYORS /
P.O. BOX 29349, CHARLESTON, SC 29413 /
OFFICE: 843-723-3326 MOBILE: 843-878-0817

SCALE: 1" = 20'

DATE: JULY 27, 2021

TMS: 463-12-01-058
1. SOUTH ELEVATION - AS BUILT

2. SOUTH ELEVATION - PROPOSED
Hi Peneye - see below from abutting neighbors at 58 Cypress!

Julie O'Connor
American Vernacular
843-556-4311
www.americanvericular.com
Sent from my iPhone

Begin forwarded message:

From: Sean Coughlin <sean@fairstreet.com>
Date: February 18, 2022 at 5:19:20 PM EST
To: Julie O'Connor <julieoconnor@mac.com>
Cc: Rachel Coughlin <rachelc27@juno.com>, Kristin VanGuilder <kvyskin@gmail.com>
Subject: Re: Variance

Hi Julie,

OK, thank you for your response. We support this project. Please feel free to forward this note to Peneye Asby.

Sean & Rachel Coughlin

On Fri, Feb 18, 2022 at 12:03 PM Julie O'Connor <julieoconnor@mac.com> wrote:

Hi Rachel and Sean and thank you so much for reaching out to me.

The variance request is for the addition to extend past the required rear setback. In your zoning district, the main house (including an addition) has a 25' rear setback. A detached structure has a 3' rear setback. Kristin would prefer to build an addition rather than a detached structure so she can better care for her elderly mother. The addition will be a bedroom/bathroom and small little living space for her mom. We are asking for a variance that would place the addition 8.5' from her/your rear property line. If we don't get the variance, we will have to build a detached structure.

Mainly we wanted you to be aware of the project and of our request for a variance. If you are so moved, we'd love you to e-mail your support of our project to Peneye Asby at ashbyj@charleston-sc.gov

Please do ask more questions if you have them.

Thanks!

Julie
Agenda Item #B-5

468 KING STREET
(MAZYCK/WRAGGBOROUGH)
TMS # 460-12-02-031

Request special exception under Sec. 54-506 to allow existing late night use bar/restaurant within 500-ft. of a residential zone district to expand by adding outdoor patron use area (1,220sf deck).

Request special exception under Sec. 54-511 to allow existing bar/restaurant to add 1,220sf of outdoor patron use area (deck) without providing 10 parking spaces. (expanded restaurant requires 28 spaces).

Zoned MU-2/WH
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: 03/01/2022

Property Address: 686 KING STREET, TMS # 460-01-02-031
Property Owner: ROY NEAL
Phone: 843.670.1960

Applicant: SYNCRONYCITY
Phone: 843.203.4766

Applicant’s Mailing Address: 686 MORRIS ST, STE 101, CHARLESTON SC 29403
E-Mail Address: luke@synckriocitydesign.com

Relationship of applicant to owner [same, representative, prospective buyer, other] DESIGN PROFESSIONAL

Zoning of property: MU-2WH

Information required for application: [check information submitted]
☐ Scaled plans or plots, 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 unit(s) 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 check payable to the City of Charleston)

YES or ☐ NO - Is the property restricted by any recorded covenant that is in conflict with or prohibit the proposed land use encompassed in this permit application? ☐ Yes ☐ No

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

REQUEST SPECIAL EXCEPTION UNDER SEC. 54-51 TO ALLOW EXISTING RESTAURANT TO ADD 1220SF OF OUTDOOR PATRON USE AREA WITHOUT MEETING THE OFF-STREET PARKING REQUIREMENT (10 SPACES)

REQUEST SPECIAL EXCEPTION UNDER SEC. 54-206/1 TO EXTEND EXISTING LATE NIGHT ENTERTAINMENT ESTABLISHMENT APPROVAL TO NEW OUTDOOR PATRON USE AREA (1220SF)

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.

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

VARIVANCE 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 any instance 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 another 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 the surrounding area or to promote the public health, safety, or general welfare. [SC Code of Laws § 6-29-400]
468 KING STREET

BZA- Z PARKING SPECIAL EXCEPTION
& LATE OPENING SUBMITTAL
03.01.2022

synchronicity
LAND + ARCHITECTURE
PROXIMITY TO RESIDENTIAL ZONING

The establishment is requesting a special exception to extend on-premise consumption of alcohol after midnight.

There are two residential zoning districts (DR-2) within 500' of the site.

The establishment is within a site zoned MU-2WH (mixed use 2 workforce housing).
GARBAGE, RECYCLING, MAINTENANCE EQUIPMENT & SUPPLIES

APPROVAL WILL NOT CHANGE EXISTING SITE OF GARBAGE, RECYCLING OR MAINTENANCE AREAS. EXTERIOR AREAS FOR GARBAGE ARE HOUSED AT REAR OF ESTABLISHMENT. EXTERIOR AREAS FOR MAINTENANCE EQUIPMENT AND SUPPLIES ARE ENCLOSED BY A WOODEN FENCE AT THE REAR OF THE ESTABLISHMENT. RECYCLING IS KEPT ON THE INTERIOR AND IS COLLECTED WEEKLY.

EXTERIOR GARBAGE IS KEPT WITHIN A 6 YARD DUMPSTER. THIS CONTAINER IS STORED AT THE REAR OF THE ESTABLISHMENT. GARBAGE AND RECYCLING ARE COLLECTED 6 DAYS PER WEEK. GARBAGE CONTAINERS ARE NEVER OPEN TO THE AIR. ODORS ARE CONTAINED.

GARBAGE AND RECYCLING IS COLLECTED ALONG KING STREET 6 DAYS PER WEEK IN THE MORNING.
MEASURES ADDRESSING ADVERSE AFFECTS OF NOISE TO RESIDENTIAL ZONING

THE PRIMARY ENTRANCE/EXIT OF THE ESTABLISHMENT FACES KING STREET AND ALL PATRONS ENTERING, EXITING OR IN QUEUES AFTER MIDNIGHT SHALL USE THE PRIMARY ENTRANCE.

AN OUTDOOR PATRON USE AREA BEHIND THE ESTABLISHMENT IS ENCLOSED ON ALL SIDES BY A WOODEN FENCE.

THERE ARE TWO RESIDENTIAL AREAS WITHIN 500' OF THE ESTABLISHMENT, TO THE SOUTH-WEST ON RADCLIFFE STREET AND TO THE EAST ON MORRIS STREET.

THE CLOSEST RESIDENTIAL AREA IS TO THE SOUTH-WEST, JUST OVER 225' AWAY FROM THE REAR OF THE ESTABLISHMENT. NEITHER RESIDENTIAL AREA HAS ANY LINE-OF-SIGHT TO THE ESTABLISHMENT AND NOISE FROM THE PROPOSED REAR COURTYARD WILL BE BLOCKED BY MULTISTORY STRUCTURES ON BOTH SIDES OF KING STREET.

PARKING IN ADJOINING RESIDENTIAL DISTRICTS

THE ESTABLISHMENT UTILIZES ON-STREET PARKING ON KING STREET AND IN THE MARION SQUARE PUBLIC PARKING GARAGE. THESE PARKING USES ARE NOT OF SUBSTANTIAL DETRIMENT TO PARKING IN ADJOINING RESIDENTIAL AREAS.
CONCENTRATION WITHIN BLOCK
APPROVAL WILL NOT CHANGE CONCENTRATION OF ESTABLISHMENTS OF THE SAME KIND IN THIS BLOCK.

PERCENTAGE OF ESTABLISHMENTS OF THE SAME KIND
APPROVAL WILL NOT INCREASE THE EXISTING PERCENTAGE OF ESTABLISHMENTS OF THE SAME KIND IN THIS BLOCK.

AGGREGATE OCCUPANCY OF ESTABLISHMENTS OF THE SAME KIND
AGGREGATE OCCUPANT LOAD OF ESTABLISHMENTS OF THE SAME KIND WITHIN BLOCK ARE CURRENTLY NOT LESS THAN 300. APPROVAL WILL NOT CHANGE THE AGGREGATE OCCUPANCY OF ESTABLISHMENTS OF THE SAME KIND.

INDIVIDUAL OCCUPANCY OF ESTABLISHMENTS OF THE SAME KIND
ESTABLISHMENTS OF THE SAME KIND WITHIN BLOCK INDIVIDUAL OCCUPANT LOADS ARE CURRENTLY NOT LESS THAN 100. APPROVAL WILL NOT CHANGE THE INDIVIDUAL OCCUPANCY OF THE SUBJECT PROPERTY (150 OCCUPANTS).

LATE NIGHT USES WITHIN 175’ OF PROPERTY:
"OCCUPANT LOADS PER CITY ZONING RECORDS"

SUBJECT PROPERTY: EL Jefe ("150 OCCUPANTS")

1. STARS (645 KING ST) ("465 OCCUPANTS")
2. MARIO'S ITALIAN RISTORANTE (489 KING ST) ("48 OCCUPANTS")
3. MAYA (479 KING ST) ("42 OCCUPANTS")
4. COCKTAIL CLUB (479 KING ST) ("42 OCCUPANTS")
5. CHARLESTON BEER WORKS (480 KING ST) ("93 OCCUPANTS")
6. SILVER DOLLAR (478 KING ST) ("220 OCCUPANTS")
7. THE RAREBIT (474 KING ST) ("194 OCCUPANTS")
8. REPUBLIC (462 KING ST) ("318 OCCUPANTS")
PARKING SUMMARY

THE ESTABLISHMENT IS REQUESTING A SPECIAL EXCEPTION FOR 18 PARKING SPACES TO ALLOW CONTINUED USE OF OUTDOOR PATRON AREA

THE PROPERTY DOES NOT CONTAIN AREA FOR SUFFICIENT OFF-STREET PARKING

THERE IS NO AVAILABLE SURFACE PARKING SUITABLE FOR ZONING COMPLIANCE (LONG-TERM LEASE OF AT LEAST 10 YEARS) WITHIN 400'
February 10, 2022

Mr. Lee Batchelder, Zoning Administrator
City of Charleston
2 George Street
Charleston, SC 29401 Via Email: batchelder@charleston-sc.gov

Dear Mr. Batchelder:

The board of Mazyck-Wraggborough Neighborhood Association has reviewed the request by El Jefe that will be considered by the Board of Zoning Appeals on March 1.

We have not yet seen any proposal on the BZA's site, but have been in contact with Kevin and Luke, the architects at Synchronicity. It seems that the applicant is requesting a special exception to allow late night use of bar/restaurant, expand outdoor patron use, and requesting a variance to displace required parking, and to add outdoor patron space without providing the additional parking required under the zoning ordinance.

The conversion of the parking lot took most of the parking away, losing 10 to 12 parking spaces. The expanded restaurant would add enough square footage to require 10 more parking spaces, so their variance request would be for 23 parking spaces. Where are these employees and customers going to park? In our residential neighborhood?

We ask that the city deny the special exception and variance request. We find no basis for a hardship. Additionally, approval will continue a bad precedent that could easily extend to adjacent properties on King Street, as it already has with The Silver Dollar. Granting similar parking variances to the adjacent properties alone would reduce required parking by more than 70 spaces and it is doubtful that employees will use the parking garages, but instead, park in our neighborhood.

We are also concerned that the noise level related to amplified music and additional patrons will increase, especially as adjacent businesses see an opportunity to expand their footprints.

Similarly, Rodcliffeborough has successfully objected to the expansion of outdoor use and parking variances on the west side of King Street. Livability and safety are among our top concerns and expansion of late-night use and reduced parking will negatively impact our neighborhoods.

Yours truly,

Ferris D. Kaplan, President, MWNA — 47 Chapel Street, Charleston, SC 29403

cc: Kevin Crumley, Synchronicity, kevan@synchronicity.design
Luke Jarrett, Synchronicity, luke@synchronicity.design
Robert Mitchell, Councilman, mitchellr@charleston-sc.gov
Penny S Ashby, Senior Zoning Planner, ashbyw@charleston-sc.gov
MWNA Board & Fred Willis
Agenda Item #B-6

16 KING STREET
(CHARLESTOWNE)
TMS # 457-16-02-066

Request special exception under Sec. 54-110 to allow a vertical extension, 2nd story addition (bathroom/laundry area) to a non-conforming building footprint that does not meet the required 3-ft. north side setback and 3-ft. rear setback.

Zoned SR-4
For Variance requests, applicants should list the specific variances being requested and, in prose, explain how the variance test that follows is met (add an attachment if necessary).

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

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

For Special Exception requests, applicants should list the specific approval[s] being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 5A-110, § 5A-206, or Sections in Article 5 (and as an attachment if necessary):
We are requesting a special exception to allow a second story addition to be constructed over an existing one-story structure on the East side of the existing residence. The existing one-story portion of the house has a non-conforming setback of 25 feet to the East side (3' required) and 60 feet to the North side (3' required). The existing lot coverage will remain unchanged. We will also be requesting to relocate the existing HVAC unit to the roof of the new expanded second story area when submitted to the BZA.

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 6, 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 elapsed.
06 February 2022

Section 54-110: (f)

The special exception request for the vertical extension of the non-conforming one-story area on the north and east side of the property will not change the use of the property from its current use as single-family residential. The extension at the second floor will house only a bathroom for an existing bedroom. The current east walls of the home are already devoid of any windows, so the new second floor addition will maintain that situation as it relates to light and air. The addition is also not as wide as the existing house, and is a minimal extension vertically above a wall that already is in existence. Due to proximity to the property lines, these new walls will be fire-rated, including retroactively treating the existing walls to be fire-rated if necessary. As part of this application, the HVAC unit at the ground level is also proposed to be relocated to the roof of the second floor (pending BAC approval), so the impact of that unit to the directly adjacent neighbors also will be greatly minimized.
CITY OF CHARLESTON
CHARLESTON COUNTY, S. C.
CLOSING SURVEY 10 KING STREET
CONTAINING 0.08 ACRE
OWNED BY IVAN V. ANDERSON, JR., AS SUCCESSOR
TRUSTEE TO THE MAYO-MOHORER FAMILY TRUST
ABOUT TO BE CONVEYED TO DUNCAN JAMIE MACDONALD AND RITA CARTY MACDONALD

SCALE: 1"=5'
MAY 7, 2018
S.L.M. Seabrook
Engineers & Surveys
Agenda Item #B-7

2414 SYLVAN SHORES DR.
(SYLVAN SHORES)
TMS # 310-05-00-051

Request variance from Sec. 54-301 to allow an 8-ft. fence to rear and side property lines (6-ft. height limitation).

Zoned SR-1
Application for Variance, Special Exception, Reconsideration, or Extension

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 will nullify 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 of action of a zoning official (attach Appeal Form).

☐ Reconsideration of an unsigned Variance and/or Special Exception approval.

MEETING DATE REQUESTED: March 1, 2022

Property Address: 2414 Sylvan Shores Drive

Property Owner: Allan G Silver

Applicant: Allan G Silver

Applicant’s Address: 2414 Sylvan Shores Drive, Charleston, SC 29414

E-mail Address: altsheher@gmail.com

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

Zoning of property: SR-1

Information required with application: (check information submitted)

☒ Location plans and site plans, including information specifying the variance(s) or special exceptions being requested (3 sets)

☒ Floor plan showing all buildings located on the property and on the same floor plan, all additional structures required by applicable building codes and/or zoning shall be shown on the same floor plan

☒ Elevation plan showing any new construction or additions within five feet of any project, and all levels projected on the same plan

☒ Site plan showing lot layout and the total area for each dwelling unit; layout is required for all density variation and building additions, unless exempted by agreement or covenant.

☒ Plans or documents necessary to show compliance with special exception requirements (3 sets)

☒ Plot plan, or survey, or certificates of occupancy to support the proposed use, unless exempted by agreement or covenant, or in the discretion of the Board of Zoning Appeals.

☒ Yes ☐ No > Is the property listed in any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use as encompassed in this permit application? – 6-30-1915 of the South Carolina Code of Laws

Detailed but very basic information:

☒ Petition

☒ Petitions from neighbors or organizations directly affected by your request

☒ Letters of support from neighbors or organizations directly affected by your request

☒ Certificates of appearance from neighbors or organizations directly affected by your request

☒ Certificates of appearance from neighbors or organizations directly affected by your request

☒ Certificates of appearance from neighbors or organizations directly affected by your request

☑ I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspection.

Applicant: Allan G Silver

Date: 31 January 2022

For office use only

Date application received

Time application received

Received

BZA-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):

Request variance Sec. 54-301 to allow construction of 8-ft fence and gate to rear and portions of side property line (6-ft limitation). The side property on the east is shared with 2410 Sylvan Shores Drive (310-05-00-050) which shines a dusk to dawn light in our bedroom windows. This light is the equivalent of a 300 watt quarts light which shines all night, every night approximately 35 feet from our bedroom windows. The 8-ft fence is needed to reduce the light and add privacy from their vehicles being parked between the two residences.

Further details are attached here.

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 § 6-30-800)

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

5/19
Variance Test#1
There are extraordinary and exceptional conditions pertaining to the particular piece of property;
Response—Yes, extraordinary and exceptional conditions exist

SIDES - Our neighbor's existing light which shines on the side of the house enters our bedroom windows. This is a dusk to dawn light which burns all night, every night. We have asked the neighbor of 2410 Sylvan Shore (TMS#31005000050) to redirect the light downwards, but the owner refuses our request. Our neighbor's park their vehicle in their side yard between the two houses, due to driveway configuration, which is very close to our bedroom windows.

As a NOTE, we are experiencing neighbor disputes due to the unreasonable amount of light, along with trespassing, disturbing the peace caused by barking dogs, dogs at large and dogs defecating in our yard from the said neighbor.

Variance Test#2
These conditions do not generally apply to other property in the vicinity;
Response—Yes conditions do not generally apply to other properties

SIDES - No other property is affected by the light due to the neighbor only having the light on one side of their house, the side which faces our house.

As a NOTE, the neighbor of 2415 Two Oaks Dr. (TMS#3100500042) which lives directly behind 2410 Sylvan Shores Dr. has also requested that a separate light in their back yard which is shining on her house be pointed downward. Her request was denied.

Variance Test#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;
Response—Yes, the conditions unreasonably restrict the utilization of the property

SIDES - This light is very intrusive and shines within our field of vision which is preventing us of our right of peaceful and quiet enjoyment of our property. While we understand a balance needs to be maintained for security lighting and the right of your neighbors, shining an equivalent 300 watt quartz light thirty five feet away from a bedroom window, lighting up your neighbors property more than your own, is unreasonable for the security purpose in which it is intended.

Variance Test#4
The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and character of the district will not be harmed by the granting of the variance;
Response—No Substantial detriment

SIDES - The neighbor on our other side does not object to an eight foot fence.
BACK - The neighbor to our back side does not object to an eight foot fence.
There is already an eight foot fence coming into the neighborhood located at 2367 Eades Lane (TMS#3101000002). The eight foot fence has also been approved by the Sylvan Shores Neighborhood Association's ACRC Board.

Picture 1
Shows distance from current 8’ fence of 2367 Eades lane to applicants address of 2414 Sylvan Shores Dr.
Picture 2
Shows light shining into bedroom window

Picture 3
Shows light coming from neighbor

Picture 4
Shows trespassing with trespasser's items leaning on our home
Picture 5
Shows neighbor's light shining on our home
8' fence is red, gates are blue
Penny,
This is the correct email I meant to forward to you, please disregard the first forwarded email.
Thanks,
Alton Silver
Sent from Mail for Windows

From: Brian Keirnan
Sent: Tuesday, February 15, 2022 11:40 AM
To: altonsilver
Subject: Fwd: 2414 Sylvan Shores request for approval for fencing

Mr Silver

Your fence project has been reviewed and approved by the Sylvan shores ACRC board
Please note all projects must be permitted and meet municipality guidelines as required

If you have any additional questions please let us know

Brian Keirnan
ACRC-Chair
843-302-1776

Sent from my iPhone