City of Charleston

BOARD OF ZONING APPEALS-ZONING

January 19, 2021
5:15 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.

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.

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

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

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

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

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

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

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

Staff will control the slides displayed throughout the meeting.

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

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

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

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

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

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

Chat has been disabled for everyone.

This meeting is being recorded.
Agenda Item #B-1

32 COUNCIL STREET
(CHARLESTOWNE)
TMS # 457-11-02-017

Request special exception under Sec. 54-110 to allow an existing stair/landing to be relocated having an existing 0-ft. rear setback; to allow a 1-story porch/terrace addition that extends a non-conforming 5-ft. rear setback (25-ft. required).

Zoned SR-2
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 placed 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: 1/19/2021

Property Address: 32 COUNCIL STREET TMS # 457-11-02-011

Property Owner: EMIL + NATALIE EMANUEL - Daytime Phone: 

Applicant: JEM ARCHITECTS - Daytime Phone: 843-577-3775

Applicant's Mailing Address: 210 E DURIDGE AVE, CHARLESTON, SC 29403

Email Address: JULIA@JEMARCHITECTS.COM

Relationship of applicant to owner (name, representative, prospective buyer, owner, etc): ARCHITECT

Zoning of property: ER-2

Information required with application: (check information submitted)
☐ Scaled plans of lots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans, with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning Board (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, cash or certified check 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 improvements comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant: ____________________________ Date: 11/5/2020

For office use only
Date application received: ____________________________ Fee: $30.00 Time application received: ____________________________ Receipt #: ____________________________
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (and as an attachment if necessary):


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

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

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

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

See Attached

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
SPECIAL EXCEPTION
Requesting a special exception to permit the following:

- construction of a new covered porch on the south side of the existing house, and
- shifting of the existing rear steps (east side) approximately 12’ south, to align with a shifted back door

The entire house is currently non-conforming (the front setback overlaps the rear setback), and the proposed changes would not decrease any existing non-conforming setbacks, nor would they exceed the maximum lot coverage.

Pursuant to § 340.11 of the Ordinance, regarding special exceptions, the proposed changes...
1. are limited to extending/increasing the non-conforming use already in existence,
2. do not result in an unreasonable intensification of the non-conforming use (the back stair is simply shifted, and the new covered porch is unheated and modestly sized),
3. will not have any adverse effect on properties in the vicinity, and
4. (in the case of the new covered porch) actually reflect the original designer’s original co. 1936 intent for the property.

Pending approval by the BZA-Z, the proposed design will subsequently be submitted for review and approval by the Board of Architectural Review as required.
VIEW OF EXISTING GARDEN AND WAXMAMY TREE (SHOWN ON SOUTH ELEVATION OF HOUSE TO BE REPLACED BY NEW PORCH)

EXISTING GLASS ELEVATION TO BE SHIPPED E20 TO THE SOUTH
Agenda Item #B-2

29 LEGARE STREET
(CHARLESTOWNE)
TMS # 457-11-04-105

Request variance from Sec. 54-301 to allow a porte cochere with a 1.2-ft. north side setback (6-ft. required).

Zoned SR-3
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-2)

City of Charleston

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

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

MEETING DATE REQUESTED: January 19, 2021

Property Address: 29 Legare Street
TMS #:
457-11-04-105

Property Owner: Hillary Lamasdola
Daytime Phone:

Applicant: Glenn Keys Architects
Daytime Phone: 722-4100

Applicant’s Mailing Address: 120 Vendeford Street

E-mail Address: skl@glennkeysarchitects.com

Relationship of Applicant to owner (same, representative, prospective buyer, other, design professional)

Zoning of property: SR-3

Information required with application: [check information submitted]
☒ Scale 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 units and platform on scaled plans
☒ Scale floor plans with roof stated and the total floor area for each detached 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 check one 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? § 6-29-115 of the South Carolina Code of Laws

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

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

Applicant

Date: 12-4-20

For office use only
Date application received
5-21-20
Expiration
Time application received
5-21-20
Receipt #
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

See attached

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**Variance Test**: The Board of Zoning Appeals (BZA) 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 § 6-29-810)

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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 § 54-118, § 54-206, or sections in Article 5 (add as an attachment if necessary):

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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

1. There are extraordinary & exceptional conditions pertaining to the property.

The existing setback extends into the current driveway.

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

Neighboring properties on the street typically have driveways on the south or easier transition from parking to primary access by the homeowner.

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.

The north entrance with existing elevator is the main point of entry for the homeowner. It is reasonable to provide a covered area to unload since parking is at the back of the property.

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

The proposed porte-cochere will be set back from the public right-of-way and although visible, is a fully open structure whose design is compatible with the historic house. It will not affect any adjacent properties since water shedding off the roof will be handled on the property, and the structure is minimally higher than an existing brick wall on the north property line.
Agenda Item #B-3

90 SAINT MARGARET STREET
(WAGENER TERRACE)
TMS # 463-10-04-043

Request variance from Sec. 54-301 to allow a 1-story addition (chimney/mudroom) with a 22.8-ft. rear setback (25-ft. required).

Zoned SR-2
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 variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
☒ A Variance and/or Special Exception as indicated on page 2 of this application.
☒ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☒ Extension of an expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: January 19, 2021

Property Address: 30 St. Margaret Street, Charleston SC 29403 TMS #: 463.10.04.043

Property Owner: Whitney & Neil Butler Daytime Phone: 843.345.1896

Applicant: Laura F. Altman, LFA Architecture Daytime Phone: 843.901.8485

Applicant's Mailing Address: 32 S. Hampton Dr., Charleston SC 29407

E-mail Address: laura@LFA-architecture.com

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

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 alterations within a flood zone, show HOA units and platform on scaled plans.
☒ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all one or two family dwellings and buildings.
☒ Plans or documentation necessary to show compliance with special exception requirements (3 sets)
☒ Check, credit card or cash (make checks payable to the City of Charleston)
☒ YES or NO – Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29.1145 of the South Carolina Code of Laws

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: Laura Altman

Date: December 16, 2020

 Fee: $800

For office use only
Date application received
Surcharge
Time application received
Receive #
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 a variance form Section 54-301 to allow a one story addition with a 22'-10 1/2" rear setback (25-ft. required). The area requiring a variance is 19.19sf, extending into the setbacks. This includes a portion of the chimney, a portion of the entry porch, and a portion of the mudroom bay.

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

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

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

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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).

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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.
Existing South (front) Elevation, facing St. Margaret Street

Existing South (front) and East Elevations, from the corner of St. Margaret & 11th Ave.
Existing East Elevation, facing 11th Avenue

Existing North (rear) Elevation - lower roof and addition to be removed
Existing South (front) and West Elevations

Existing North (rear) and West Elevations
Existing South and East Elevations of the garage.
Request special exception under Sec. 54-110 to allow a 1-story addition (bedroom/bath/porch) that extends a non-conforming 4.3-ft. west side setback (9-ft. required).

Request variance from Sec. 54-301 to allow (bedroom/bath/porch/stairs) having a 39% lot occupancy (35% limitation; existing lot occupancy 35%).

Zoned SR-1
Application for Variances, 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: Jan 19, 2021

Property Address: 2328 Sunnyside Ave

Property Owner: Courtney Marvin

Applicant: Crosby Creations

Applicant's Mailing Address: 4770 Hwy 188 Suite D Meggett, SC 29449

Daytime Phone: 843-291-9779

Daytime Phone: 843-514-7354

E-mail Address: jcrosby@crosby-creations.com

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

Zoning of property: SR-1

Information required with application: (check information submitted)

- ☐ Signed plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- ☐ For new construction or additions within a flood zone, show elevation certificate (3 sets)
- ☐ For new construction or additions within a flood zone, show NFIP plans and plats on scaled plans (3 sets)
- ☐ 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) Please send link

☐ YES or NO - is the Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use? Section 4-921 of the South Carolina Code of Laws

Optional but very helpful information:

☐ Photographs

☐ Letters or opinions from neighbors or organizations directly affected by your request

☐ Any other information you wish to include (attach separate sheet)

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: Joani Crosby

Date: 12-14-20

Fee: $ Time: application received

For office use only

Application received

Signature

Record #
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 a variance for lot coverage of 167 SF due to non-conforming lot size of 4,678 SF**

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

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

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

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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, § 54-200, or sections in Article 5 (add as an attachment if necessary):

**Requesting a special exception for West setback, over by 4.3’ for addition, existing house is already non-conforming**

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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.
Agenda Item #B-5

61 CAMPBELL STREET
(BYRNES DOWNS)
TMS # 421-02-00-006

Request variance from Sec. 54-301 to allow a garage addition with a 21-ft. 10-inch front setback (25-ft. required).

Zoned SR-2
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: JAN. 19, 2021

Property Address: 61 CAMPBELL DR TMS #: 421-02-00-006

Property Owner: JOHN MITCHELL & WILLIAM GAULDIN Daytime Phone: 843-669-6332

Applicant: JOHN MITCHELL Daytime Phone: 843-669-6232

Applicant’s Mailing Address: 61 CAMPBELL DR, CHARLESTON, SC 29407

E-mail Address: johnmitcheII@gmail.com

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

Zoning of property: SR-2

Information required with application: (check information submitted)
☐ Scaled plans of plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show IVMC units and platform on scaled plans (same scale)
☐ Scaled floor plans with rooms labeled and the local floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check: credit card or cash [make checks payable to the City of Charleston]
☐ Yes or No - is the property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 29-11-65 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: 12/16/2020

For officer use only
Date application received
Said herein
Fee $ Time application received
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**

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

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

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

**NA**

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.
61 CAMPBELL DR (BYRNES DOWN) (421-02-00-006)

Request variance from Sec. 54-301 to allow a construction of a single-family residence
Garage addition to replacing existing carport with a 4.75 ft side setback & 22.16 ft front
setback (9-ft. side 25-ft. front required). Zoned SR-2

Owner: William Gaudlin & John Mitchell
Applicant: John Mitchell

In consideration of requesting a setback variance for a garage to replace an existing carport we have reviewed
the variance test guidance and provide the following findings:

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

Due to the shape of the lot, the pre-existing carport structure corner is currently over the setback variance by
6.4 ft with a 2.6 ft setback instead of 9 ft. Our request for the new structure has minimized this variance as
much as possible while preserving functionality for off-street parking. Both front and side variance requested are
not consistently over setbacks, only the far front corners of the garage structure at most extreme point is at the
requested setbacks. We have also reduced requested variance 5 ft vs the current variance average.

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

Comparable garages at neighboring residences are also over side setbacks and are typical due to the shape of
lots within the cul-de-sac and historical nature of the neighborhood. Because of the shape of the lot and curve of
the front setback lines vs the straight 16 ft garage door a variance is needed and required.

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

Due to the shape of the lot, it would prohibit utilization of the lot for a functioning garage since only the garage
corners go over the setback variance. We have considered the current carport structure already over the
setback variance, and designed the garage for the least amount of requested variance, it is our opinion that
achieving better utilization of the lot would not be possible without a variance.

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.

The authorization of the variance will be of no harm to the character of the neighborhood. It is our opinion that
the character of the new structure will be better suited to the character of Byrnes Down and will help alleviate
off street parking problems for both the public good and benefit of the surrounding properties.
Plat of Lot 6, Block T
Byrnes Down
Located in City of Charleston
Charleston County, South Carolina

FIELD DATE: January 9, 2020  SCALE 1" = 20'
REvised: February 24, 2020 (owners names)
Agenda Item #B-6

1 MICHEL PLACE
(HARLESTON VILLAGE)
TMS # 457-12-01-036

Request special exception under Sec. 54-110 to allow a stair addition that extends a non-conforming 3-ft. rear setback (25-ft. required).

Zoned DR-1F
Application for Variance, Special Exception, Reconsideration, or Extension
Page 1 of 2

City of Charleston

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

THE APPLICANT HEREBY REQUESTS:
☐ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal Form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: 1/19/2021

Property Address:
Michie Place
TMS # 457-12-01-036

Property Owner:
Robert Vanderwagen
Daytime Phone: (843) 729-4904

Applicant:
Jama Maybank (MG Architects)
Daytime Phone: (843) 743-1261

Applicant’s Mailing Address:
255 King Street, Charleston, SC 29401

E-mail Address: jama.maybank@gmail.com

Relationship of applicant to owner (name, representative, prospective buyer, etc.):
DR-1F

Zoning of property:
DR-1F

Information required with application: (check information submitted)
☐ Placed plans or plans, including elevations, showing the variance, or special exception(s) being requested (2 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scliced plans
☐ Scaled floor plans with room titles added and the total floor area of each floor (2 sets)
☐ For low rise buildings, show HEVC unit and platform on scaled plans
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check credit card or cash 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? § 16-24-145 of the South Carolina Code of Laws

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

I certify that the information on this application and any attachments is correct, that the proposed improvements comply with private neighborhood covenants, if 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: Jama Maybank
Date: 1/19/2021

For office use only
Date application received
Submittal
Fee
Time application received
Before #
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

__________________________________________________________

__________________________________________________________

__________________________________________________________

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

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

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-809)

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 (add as an attachment if necessary):

See Attached

__________________________________________________________

__________________________________________________________

__________________________________________________________

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.
Michel Place is subject to considerable flooding and the owner of 1 Michel Place is requesting permission to raise his house. He has applied and been approved for FEMA financial assistance to get this done.

The second floor of the house is accessed from the street via a stair on the North East side. When the house is raised stairs will be required to access both floors and the owner is requesting permission for an addition which will contain the stairs necessary to access both first and second floors of the house in approximately the same location as the existing stair.

1 Michel Place was built prior to the adoption of the Zoning Regulations and as a result the existing house encroaches the 25' setback on the North (rear) side of the house by approximately 2' (the house is not quite parallel to the lot line) and therefore cannot comply with the Zoning Ordinance.

Two neighboring properties, 2 and 4 Michel Place, have recently been approved to be raised to the same height.
EXISTING BUILDING SITE
Showing Alternate Setbacks and Existing and Proposed North Setback Encroachments
Agenda Item #B-7

565 KING STREET
(CANNONBOROUGH/ELLIOTBOROUGH)
TMS # 460-12-02-072

Request special exception under Sec. 54-511 to allow an existing restaurant/bar to have 735sf of outdoor patron use area without providing 6 required parking spaces.
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: January 19, 2021

Property Address: 565 King Street TMS #: 460-12-02-072

Property Owner: Mary Faikes Taylor Daytime Phone: 843-724-6002

Applicant: Kevan Hoerdtodoerfer Architects Daytime Phone: 843-724-6002

Applicant’s Mailing Address: 538 King Street, Charleston, SC 29403

E-mail Address: kih@hoerdtodoerferarchitects.com

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

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)
☐ For new construction or additions within a flood zone, show elevation certificates and location on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit and the number of bedrooms
☐ Plans or documentation 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 rezoned by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in the permit application? § 6-24-1145 of the South Carolina Code of Laws

Optional but very helpful information:
☐ Photographs
☐ Letters or permits 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 inspection.

Applicant: [Signature]

Date: 12/22/2020

For office use only
Date application received
Fee
Time application received
Receipt #
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

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

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

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

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

- Requesting approval to remove the parking requirements for the addition of 735 sf of outdoor patron use area to the existing restaurant. This equates to a requirement to provide 1 space (735/130= 6 spaces).
- The site has no vehicular access for off street parking, and the building occupies the entire site as seen in the survey.

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) 724-5781 www.charleston-sc.gov/zoning
Agenda Item #B-8

5 CEDAR STREET
(EAST CENTRAL)
TMS # 459-01-01-061

Request variance from Sec. 54-301 to allow construction of a single-family residence with an 8-ft. front setback (steps) a 1.5-ft. east side setback (25-ft. and 3-ft. required).

Zoned DR-2F
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z) - Charleston

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

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

MEETING DATE REQUESTED: January 19, 2018

Property Address: 123 Cedar Street
TMS #: 0123456

Property Owner: Chambers Clark
Daytime Phone: 123-456-7890

Applicant: Chambers Clark
Daytime Phone: 123-456-7890

Applicant’s Mailing Address: 123 Congress Street, Charleston SC 29401
Email Address: chambers@clark.com

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

Zoning of property: "B-1"

Information required with application: (check information submitted)
- Scaled plans or plat; including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone, show NSF and/or platform on scaled plans
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the zoning staff (3 sets)
- Plans or documents necessary to show compliance with special exception requirements (3 sets)
- Check, credit card or cash (make checks payable to the City of Charleston)
- YES ( ) NO: Is this Property restricted by any recorded covenant or deed 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:
- Photos of property
- Letters or petitions from neighbors or organizations affected or 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 Board hearing and inspected.

Applicant: Chambers Clark
Date: January 19, 2018

Fee: $50
Time application received: 12:00 PM
Staffperson: John Smith
Receipt #: 001234
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 a setback variance from 15’ to the lot property line is 14’.

There is an AFT Pool in the proposed driveway, adding not to the property and AFT is not required. If there is a pool, there is a pool too.

This is the last house on the street so it is the last house with a pool running through it.

Corder Street has no off-street parking. It is important to provide enough parking from 8:00 to 8:00, 120 to 12:00, and 4:00 to 4:00.

Variance Test: The Board of Zoning Appeals 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 Law § 4-29-809)

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 § 5-1-110, § 5-1-206, 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.
Request an appeal of the Zoning Administrator’s decision to allow a subdivision to create 4 lots that do not meet the minimum 92-ft. lot frontage requirement on a public right-of-way.

Zoned SR-1
Application for Variance, Special Exception, Reclassification, or Extension to the Board of Zoning Appeals – Zoning (BZAZ) City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 3 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 7 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: JANUARY 19, 2021

Property Address: 692 Aquatic Way, Charleston, SC 29407 TMS #: 418-15-11-037
Property Owner: Daniel & Maria Simpson Daytime Phone: 843-571-8881
Applicant: Levi Graham Land Group by Capers G. Barr, III, Attorney Daytime Phone: 843-853-4379
Applicant’s Mailing Address: 11 Broad Street, Charleston, SC 29401

E-mail Address: oct@hsmangrove.com

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

Zoning of property: SR-1

Information required with application: (check information submitted)
☐ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a base zone, show IMAC units and platform on scaled plans.
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES ☐ NO Is this property restricted by any recorded covenant that limits its use or prohibits the proposed land use encompassed in this permit application? § 6-299-1145 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: 12-30-2020

For reference only
Date application received
Staff person
Fee
Time application received
Received
Receipt #
Applicants appealing for reconsideration of a Board decision or decision of the zoning administrator must submit the following information with the BZA-2 application and fee to the Permit Center at 2 George Street:

In the case of an appeal for reconsideration of a Board decision, applicant shall state below the grounds upon which it is considered that the Board misinterpreted or misconstrued the question or questions involved, or the ground or grounds upon which it is considered that the Board has erred in its finding or disposition of the appeal, application or matter (add as an attachment if necessary). THE DEADLINE FOR SUBMITTING THIS APPEAL FORM WITH THE BZA-2 APPLICATION AND FEE IS THE CLOSE OF BUSINESS ON THE 5TH BUSINESS DAY FOLLOWING THE DATE OF THE BOARD DECISION BEING APPEALED.

In the case of an appeal for reconsideration of a decision of the zoning administrator, applicant shall state below the interpretation(s) of the Zoning Ordinance being appealed, how the applicant is aggrieved by the interpretation(s), and what the applicant contends is the correct interpretation of the Zoning Ordinance (add as an attachment if necessary):

Crescent Homes, LLC (also known as Lee Graham, LLC) appeals the decision of the City Zoning Administrator dated December 22, 2020, a copy of which is attached hereto.

See attached Memorandum.

Signature of Applicant

For office use only
Date application received: 12/30/20
Time application received: 2:06 P.M.
MEMORANDUM

TO: BOARD OF ZONING APPEALS – ZONING,
FROM: CAPERS G. BARR, III ATTORNEY FOR CRESCENT HOMES, LLC/LEVI GRANHAM, LLC
DATE: DECEMBER 29, 2020
SUBJECT: APPEAL OF ZONING ADMINISTRATOR’S DECISION IN THE MATTER OF 692 ARCADIAN WAY, AVONDALE SUBDIVISION; FRONT FOOT CALCULATION OF SUBDIVIDED LOTS

Crescent Homes, for and on behalf of Levi Granham, LLC, the contract buyer of 692 Arcadian Way (the “Subject Property”), appeals the decision of the Zoning Administrator dated December 22, 2020, which concludes that, in a subdivision of the Subject Property, the front footage of each subdivided lot must be at least 92 feet wide. A copy of the Zoning Administrator’s decision of December 22, 2020 is attached as Exhibit “A” to this memorandum.

The City Zoning Ordinance, in Section 54.824.01 provides, in pertinent part:

“The following lot frontage requirements in Table 8.2.3 shall apply to all new single and two family residential lots, except that residential lots within existing residential subdivisions may not be subdivided with lot frontages less than the average front footage of all abutting residential lots, residential lots across the street(s), and residential lots within five (5) lots on either side of the frontage of the subject lot, or the minimum lot frontage for that zone district, whichever is greater…”

Page 2 of 4
Crescent Homes, by its attorney, submitted a Memorandum to the Zoning Administrator dated August 13, 2020, which states Crescent’s rationale for the subdivision of the Subject Property into four lots, with an average front footage of 77.4 feet. The comparable existing lots average 76.875 front feet per lot; a front footage slightly larger than the comparable average. The proposed subdivision should be approved. See attached Exhibit “B”.

In his decision of December 22, 2020, (Exhibit “A”), the Zoning Administrator disagrees that front footages averaging 77.4 feet comport with Section 54-824.11; instead concluding that the required front footage is 92 feet, for the reasons stated in his letter.

**GROUNDS FOR THE APPEAL:**

1. The Zoning Administrator erred by including Lot 48 on Colony Drive in the calculation of average front footage applicable to the Subject Property under Section 54-824; the error being that Lot 48 is an “outlier” lot with a wider front footage than any of the original lots subdivided in the entirety of Avondale Subdivision. Because Lot 48 is an aberration, and because it only slightly touches the Subject Property, to include it in the front footage calculation of a subdivision of the subject property contradicts the spirit and the intent of the subdivision regulations, which are “to provide for the harmonious development of the City of Charleston and its environs” (City Ordinance Section 54-801.) The harmony of Avondale Subdivision is defined by residential lots with front footages of 75 feet.

2. The Zoning Administrator erred by measuring the front footages of the lots on Reveille Court, as curved lines. The front footage should instead be defined by the distance in width between the parallel lot lines and not by the curved line along the street.
The Zoning Administrator reports front footage calculations totaling 371 feet of the curved front lot lines on Reveille Court. However, the entirety of the property that contains the four lots on Reveille Court is only 333 feet wide.

It makes little sense to say that the average front footage of the Reveille Court lots should be 92 feet when, had the lots had perpendicular frontages, their width along the street could only be an average of 83.25 feet, at most (333 feet + 4 lots = 83.25 feet per lot). Because the width of the larger lot now encompassing the subdivided lots on Reveille Court is only 333 feet, the most obtainable number of subdivided lots within that space could be only four, because any greater number of lots would result in lot widths of less than the average 75 feet, that is predominant in the neighborhood.

The Reveille Court lots, therefore, are also aberrations in that the front footage width of those lots is defined by the space within which the lots are placed.

3. The Zoning Administrator's decision runs counter to the intent and spirit of the ordinance. A specifically stated purpose of the Zoning Ordinance is to achieve "harmony" within the subdivision. The predominate "harmony" of Avondale subdivision as a whole is its proliferation of 75-foot-wide lots. The construction of the ordinance urged by this Appellant further that harmony.

4. The Zoning Administrator's 92 front foot conclusion is inconsistent with the harmony of the neighborhood, as well as with the entirety of Avondale subdivision.

5. Statutes or Ordinances in derogation of natural rights of persons over their property are to be strictly construed, as they are in derogation of the common law right to use private property so as to realize its highest utility, and should not be impliedly extended to cases not clearly within their purpose or scope. Purdy v. Motas, 223 SC 298, 75 S.E.2d 605 (SC 1953).
December 22, 2020

VIA EMAIL

Capers G. Barr, III
11 Broad Street
Charleston, SC 29201

Re: 692 Arcadian Way, Average Lot Frontage Calculation

Dear Capers,

This is to provide you with my decision regarding the minimum lot frontage calculation for the subdivision of 692 Arcadian Way, which has a base zoning of SR-1, Single-family Residential.

Sec. 54-824.c.1, of the City of Charleston Zoning Ordinance sets forth the requirements for determining the minimum lot frontage requirement for new single and two-family residential lots "within existing residential subdivisions”. This section applies to the subdivision of the subject lot because the lot is located within the Avondale subdivision.

Sec. 54-120 includes a definition for “lot frontage” which reads as follows:

Lot Frontage. The front side of a lot that abuts a street or thoroughfare from which direct vehicular access to lots may be available.

Applying the requirements of Sec. 54-824.c.1, the minimum lot frontage requirement for the subdivision of 692 Arcadian Way should be calculated by averaging the lot frontages of the following lots:

815 Colony Drive = 106’ lot frontage (this lot abuts 692 Arcadian Way)
701 Arcadian Way = 75’
502 Reveille Court = 92’
504 Reveille Court = 91’

2 George Street - 3rd Floor - Charleston, South Carolina 29401 - Tel. (843) 724-3765 - Fax (843) 724-3772
506 Reveille Court = 91'
508 Reveille Court = 97'
(the preceding five lots are located across a street from 692 Arcadian Way)

The minimum lot frontage requirement using the average of these lot frontages is 92'.

With Arcadian Way making a 90 degree turn at 692 Arcadian Way, the following lots could be included in the average lot frontage calculation because they could be considered residential lots within five (5) lots on either side of the frontage of the subject lot:

706 Arcadian Way = 75' lot frontage
708 Arcadian Way = 75'
712 Arcadian Way = 75'
3 Oakdale Place = 173'
4 Oakdale Place = 80'

If all lots listed above are included, the minimum lot frontage requirement using the average of these lots is 94'.

Although the following lots abut 692 Arcadian Way, they should not be used to calculate the average frontage because they are not single-family or two-family residential lots:

672-680 St. Andrews Boulevard
684 Arcadian Way
811 Colony Drive

The subject lot cannot be subdivided into four lots because it does not have enough lot frontage on Arcadian Way and Reveille Court to allow each lot to meet the minimum lot frontage requirement of 92' and the minimum lot size requirement for the SR-1 base zoning district of 9,000 square feet.

I hope this provides a clear explanation of my interpretation of the zoning regulations as they pertain to the subdivision of 692 Arcadian Way. Please let me know if you have any questions.

Sincerely,

Lee C. Bachelor
Zoning Administrator
MEMORANDUM

TO: BOARD OF ZONING APPEALS - ZONING,
LEE BATECHLDER, ZONING ADMINISTRATOR

FROM: CAPERS G. BARR, III
ATTORNEY FOR CRUSENT HOMES

DATE: AUGUST 13, 2020

SUBJECT: 692 ARCADIAN WAY SUBDIVISION; FRONT FOOT CALCULATION

INTRODUCTION; STATEMENT OF THE ISSUE.

This memorandum is prepared for the purposes of presenting the rationale for concluding that, pursuant to City Ordinance Section 54-824, the single-family lots proposed to be subdivided from 692 Arcadian Way in Avondale, should be approved for four lots, each with a minimum 75 foot frontage or greater. See Exhibit "A." The property at 692 Arcadian Way is hereafter referred to as the "Subject Property". We acknowledge that the same request was preliminarily denied, but perhaps the perspective developed in this memorandum may not have been presented in the earlier proposal.

THE UNDERLYING FACTS.

1. The Operative Ordinance, City Ordinance Section 54-824.c.1, provides, in relevant part, that "...residential lots within existing residential subdivisions may not be subdivided with lot frontages less that the average lot frontage of all abutting residential lots, residential lots across the streets, and residential lots within five (5) lots on either side of the frontage of the subject lot,"
or the minimum lot front footage for the zoning district, whichever is greater." The subject property is in the SR-1 Zoning District which requires a minimum lot frontage of 50 feet.

2. The broad purpose of Charleston's subdivision regulations is expressly stated in Section 54-801: "...to provide for the harmonious development of the City of Charleston and its environs..." "Harmonious" is defined as "having the parts agreeably related." (Merriam Webster Dictionary). Although the current City Zoning Code was enacted long after the subdivision of Avondale, the concepts of the code must be applied to and reconciled with the fact that the Avondale Subdivision long predated the current regulations.

3. Avondale generally consists of a triangular tract of land, the apex of which begins at the intersection of Avondale Avenue and Highway 17 South (Savannah Highway). The base of the triangle is the Ashley River. To the east of Avondale is the section known as Mount Pleasant, and to the west is Ashley Forest. (See Exhibit "B", Plat by Good recorded at Plat Book M, Page 99).

4. We have been unable to find a comprehensive plat of Avondale. Rather, we have collated 11 separate plats of several of its sections. We are uncertain whether these 11 plats comprise the whole of Avondale, but they provide at least a frame of reference as to the original development scheme, particularly as it relates to the question on the table, which is the proper lot front footage to apply to the Subject Property.

5. The Subject Property and its Environs. In this section is discussed in subparagraphs the relevant plats of the area surrounding the Subject Property.

   a. First, attached as Exhibit "C" is the plat by Good recorded in Plat Book J, Page 147 in 1954. On this plat, the Subject Property consists of Lots 42, 43, and the southern portion of Lot 44 with respect to the question on the table. Note that Lot 42 shows an original 68 foot front footage, Lot 43 shows a 71 foot front footage, and Lot 44 shows a 62 foot front footage.
Notably on this plat, Lot 45 is landlocked. To the north of Lot 45 is a parcel labeled "Cecil Pecklson" with a 75 foot front footage, and the lot to its north labeled "Etta and Arnold Brittain" also shows a 75 foot front footage.

b. In 1981, Lot 44 was subdivided to add a 55 foot wide strip to Lot 45, thereby giving Lot 45 an 11 foot front footage on Arcadian Way. (Because Lot 45 is triangular in size, its front footage is 11 feet, and its rear footage is 205.5 feet.) By this subdivision, the front footage of former Lot 44 was reduced from 62 feet to 51 feet. (See Exhibit "D".) By 1981, however, we believe that a single home had been constructed on Lots 42, 43 and 44. Although we find no instrument abandoning the old lot lines, construction of the home on the property accomplished a similar result of rendering the lot lines moot.

c. The properties directly across Arcadian Way from the Subject Property were platted by Good in 1953 on a plat recorded in Plat Book I, Page 60. (See Exhibit "E".) Notably, the front footage of these lots on Arcadian Way are 75 feet each.

d. Another plat of record of the same area of Arcadian Way was made by W. L. Gallhard in February, 1943, and recorded in Plat Book F at Page 123. (See Exhibit "F".) Compare Exhibit "F" with Exhibit "C". Note that on Exhibit C, the large lot shown in 1954 as "James K. Manos" was, in 1943, according to Exhibit "G", four lots: Lots 7 and 8 fronting on Arcadian Way were each 75 foot front footage, and Lots 5 and 6 fronting on Oakdale Place were 81 feet and 100 feet respectively. Also, note that the lots that had been labeled "British" and "Pecklson" on the 1959 plat attached as Exhibit "C", were originally lots 9 and 10 on the 1943 plat at Exhibit "F".
6. As a preliminary observation, note that the front footage scheme of the portions of Avondale shown by the plats attached as Exhibits "B"-"F" are dominated by 70 to 75 foot wide frontages.

7. Additional plats of Avondale, on the east side of St. Andrews Boulevard, are also attached, as follows:
   a. Plat by Gilliland made April, 1943, recorded in Plat Book W48, Page 183 (Exhibit "G").
   b. Plat by Gilliland made January, 1945, recorded in Plat Book S45, Page 451 (Exhibit "H").
   c. Plat by Gilliland made September, 1947, recorded in Plat Book G, Page 33 (Exhibit "I").

8. Note that although the plat at Exhibit H shows some lots of 80 feet and higher width, the dominant pattern of front footage remains 75 feet.

9. The Colony Drive Section. To the south of the Subject Property is the Colony Drive section. Attached as Exhibit "J", is a plat by Good recorded in March, 1963 in Plat Book N, Page 136. It is noteworthy that the Colony Drive section was not platted for twenty years after the earliest Avondale Subdivision plats. This plat shows large parcels reserved for multi-family construction. Not only are multi-family apartments presently constructed on the reserved sections shown on this plat, but many of the individual lots have also been re-subdivided into apartments or connected row houses, today.

10. Note from Exhibit "J", the 1963 plat, that Lot 48 on Colony Drive backs up on the Subject Property; but this plat was prepared before the 1981 subdivision of Lot 44 of the Subject
Property as discussed in Paragraph 5b above, which resulted in the length of that common boundary to be reduced by 55 feet.

11. Avondale to the West of St. Andrews Boulevard. Attached as Exhibit "K" are four plats recorded, respectively, in Plat Books F, Page 50; F, Page 120; F, Page 232; and F, Page 179 of Avondale to the west of St. Andrews Boulevard. Although some of the sections provide frontages greater than 75 feet, the dominant theme remains to be a front footage of 75 feet or less.

12. The Most Recent Subdivision, Reveille on the Ashley. On December 4, 2019, a subdivision was recorded in Plat Book L15 at Page 0521 (see Exhibit "L") of four lots that were subdivided from old lots 10 and 45 (which are shown on Exhibits "C", "D", and "F"). The front footage of the Reveille lots is not shown, but from the scale of the plat, three of the lots appear to be 80 feet wide and one is approximately 75 feet wide. The total front footage of the Reveille property appears to be approximately 315 feet, by the scale.

DISCUSSION OF THE ISSUE.

The application of Section 54-824 in this case must be contextual. That context includes the history of Avondale as discussed above. The four lots proposed to be subdivided by Crescent present wider front footages than were the original three lots shown on the original Avondale subdivision plat: Proposed widths are 75 feet, 61.67 feet, 77.96 feet, and 75 feet (see Exhibit "A"); as compared with original widths of 68 feet, 71 feet, and 62 feet (see Exhibit "C"). As shown in the discussion of facts above, the overall neighborhood of Avondale, from its spur on Savannah Highway to its base on the Ashley River, is dominantly by lots with 75 foot frontages.

Yet, the literal application of 54-8-24 would require the following exercise: whereas the original Lots 11-15 of Arcadian Way, as shown on Exhibit "B", and Lots 8 and 9 shown on Exhibit "F" have retained their original 75 foot widths, the new lots on Reveille Court average 78 feet in
width. Moreover, because the rear lot line of the Subject Property is bounded by Lot 48 on Colony Circle for approximately 25 feet on the Subject Property's side lot line, it must also be considered in a literal calculation. The result under a literal application of the ordinance would become this: the Colony lot is 114 feet wide; the Reveille lots across Reveille Court from the subject property, are 80 feet, 80 feet, 80 feet and 75 feet wide; the older Arcadian Court lots, across Arcadian Drive from the subject property are 75 feet wide.

The resulting average would become this:

1. Colony Circle Lot 48 114 Feet
2. Reveille Court 80 Feet
3. Reveille Court 80 Feet
4. Reveille Court 80 Feet
5. Reveille Court 75 Feet
6. Arcadian Way 75 Feet
7. Arcadian Way 75 Feet
8. Arcadian Way 75 Feet
9. Arcadian Way 75 Feet
10. The total is 729 Feet
11. Divided by number of lots 2
12. Average Footage 80 Feet

However, the literal calculation is grossly contorted, because the Colony lot and the Reveille lots are outliers. They are aberrations.

They are aberrations for the following reasons: As stated above, the Colony Circle lots were subdivided 25 years after Arcadian Way was subdivided. Moreover, the Colony Circle
subdivision (Exhibit ‘D’) contains lots with dramatically disparate front footages, ranging from 43 feet wide (Lot 36) on the low end, to 110 feet on the high end (Lot 48). Additionally, large areas of Colony Circle are “reserved for multiple dwellings”, and are today multi-family units, rather than single-family lots. Even the former single-family lots on East Colony Drive (Lots 31-37) are now concentrated row houses; they are not single-family homes.

Moreover, Colony Circle is almost a world away from Arcadian Way. The sections are separated, both visually and by access, by St. Andrews Boulevard – Highway 61 – a high use, four-lane thoroughfare. It is a stand-alone section of Avondale.

Because Lot 48 of Colony Circle is an aberration, and because it only slightly touches the Subject Property, it should not be included in the calculation. It is not at all a part of the “harmonious development” purpose expressly envisioned by the subdivision regulations. If this reasoning is followed, and the Colony Circle lot is rejected as an outlier, the average front footage of the other surrounding lots (items 2-8 in the calculation above, divided by 8 lots) becomes 76.875 feet. The average footage of the Subject Property is 77.4 feet. (75 feet + 81.5 feet + 77.96 feet + 75 feet = 309.43 feet; divided by 4 = 77.4 feet.) (See Exhibit “A”) The Subject Property is therefore in conformity with the ordinance.

Moreover, the Revello lots are also aberrations. Within a total length of 315 feet, the developer sought to subdivide former Lot 10 of Avondale (as shown on Exhibit “D”). To subdivide five lots within that span would average 63 feet on the front. Four lots average 78.75 feet. Because, as previously stated, the general average in Avondale is 75 feet, lot widths of 63 feet could not have been obtained. The only alternative to the developer was to create four lots, and the mathematics determined the width: 78.75 feet on average.
CONCLUSION. Many ordinances, and zoning ordinances in particular, are at times impossible of literal application, because the spirit and intent of the overall ordinance must also be applied to the reasoning. To apply an ordinance literally in every case can defeat its intended purpose and split it into a result contrary to its basic purpose.

As expressed in the ordinance itself, the intent of the subdivision regulations is to provide for harmonious development. Seventy-five foot wide lots in Avalon are manifestly harmonious with the overall subdivision scheme and for that reason the Subject Property should be approved for 4 lots.
Agenda Item #B-10

692 ARCADIAN WAY
(AVONDALE)
TMS # 418-15-00-037
Request variance from Sec. 54-824 to allow a subdivision to create 4 lots that do not meet the minimum 92-ft. lot frontage requirement on a public right-of-way (Lot frontages will range from 75-ft. to 81.67-ft.)
Zoned SR-1
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)

City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must 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: January 19, 2021
Property Address: 532 Arcadian Way, Charleston, SC 29407  TMS #: 418:1500:037
Property Owner: Dewitt & Maria Simpson  Daytime Phone: 843-571-6581
Applicant: Leesmann & Associates for Levi Grantham Land Group  Daytime Phone: 843-573-9035
Applicant’s Mailing Address: 572 Savannah Highway, Charleston, SC 29407
E-mail Address: joshua.craig@leevigrantham.com

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

Zoning of property: 59-1

Information required with application: (check information submitted)
- Scaled plans or plans, including elevations, showing the variance or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone, show HVAC units and platforms on scaled plans
- Scaled floor plans with rooms labeled and the total floor area and lot size with existing and total floor area noted are required for all density variances and building additions, unless stamped 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 this property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed land use contemplated in this permit application? § 6-29-11-55 of the South Carolina Code of Laws

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

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

Applicant: [Signature]  Date: 12/31/2020

Forms or documentation received: 1. Fee application received 2. Permit #
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance(s) that follows is met (add as an attachment if necessary):  

Please see attached.

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**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 § 6-79-808)

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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 9 (add as an attachment if necessary):

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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 9 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.
SUMMARY OF REQUEST FOR VARIANCE – 932 ARCADIAN WAY

Applicant seeks a variance for the subject property from the strict application of City Ordinance Section 54-824.c.1, in order to allow for subdivision of the property into four (4) lots with frontages of 75 feet, 81 feet, 78 feet, and 75 feet (average frontage = 77.4 feet). A copy of the proposed subdivision plat has been submitted with this variance application.

The subject property is zoned “SR-1” and includes 1.00 acres. Under the existing zoning classification, the lot frontage requirement is 50 feet. However, within “existing residential neighborhoods,” Section 54-824.c.1 (the “Ordinance”) applies a formula that modifies the lot frontage requirements based on the frontages of the adjacent/nearby lots. If this formula is strictly applied to the subject property, excessive and unreasonable lot frontages would be required that do not conform with the overall scheme of development in the surrounding area. Therefore, a variance is appropriate under the specific circumstances presented.

There are extraordinary and exceptional conditions pertaining to the particular piece of property. First, the subject property is an oversized lot that, in its current state, is inconsistent with the existing residential neighborhood. The residential lots in Morristown (and other existing neighborhoods, such as Avondale) typically have lot frontages of 75 feet. The subject property has an existing frontage of approximately 100 feet on Arcadian Way and 235 feet on Avonelle Court. It is in this regard, the proposed subdivision of the subject property will actually make it consistent with the existing neighborhood, which is the underlying purpose of the Ordinance.

The subject property is in an area that was not developed contemporaneously with the other lots in Morristown. As a result, there is an unusual diversity of lot sizes, lot shapes, and land uses on the nearby lots, which are the only lots that are counted for purposes of the Ordinance. For example, here is a photograph of the directly adjacent property, 836 Arcadian Way, which includes several multifamily/townhouse units on an asphalt-paved lot:

This use is allowed on the parcel where it is located, but it is not consistent with the existing neighborhood of Morristown, which is based upon single-family homes on lots with typical frontages of 75 feet.
Additionally, as written, the Ordinance incorporates every abutting residential lot into its formula, even those that front on Colony Drive. The abutting lots on Colony Drive include the "River’s Bend on the Ashley" Condominiums, pictured below:

As written, the formula used in the Ordinance incorporates lots on Colony Drive, including lots that are under more dense use. The presence of multifamily/rowhouse uses, and the consideration of lots located on Colony Drive, creates unintended and unreasonable consequences. For example, if Colony Drive is a relevant consideration, it is important to note that there are 23 residential lots located on Colony Drive that have lot frontages of less than 30 feet. Below is a snapshot of the plot of those lots (a full-size copy will be presented during the hearing).

Furthermore, there are a set of adjacent, irregularly shaped lots on Revelle Court that have curved, rather than linear, frontages. This skews the results of the formula even further. The formula is
intended to promote consistency within existing residential neighborhoods. As the proposed subdivision would promote such consistency, it should not be refused through mechanical application of the Ordinance.

The conditions outlined above do not generally apply to other properties in the vicinity. As noted above, the majority of the other properties in the vicinity are single-family, residential lots with frontages of 75 feet, which is what the variance application seeks to achieve for the subject property. The subject property, which sits between Moreland and Colony Drive and is surrounded by mixed uses, is an anomaly under the circumstances.

Due to these conditions, the application of the Ordinance to the particular piece of property would unreasonably restrict the utilization of the property. Although the Ordinance does not prohibit residential use of the property, it unreasonably restricts that use by requiring lot frontages that would exceed and be inconsistent with the prevailing frontages in the neighborhood as a whole. This would not have been the City's intention when enacting this Ordinance.

The authorization of a variance will not be of substantial detriment to adjacent property or to the public good. Instead, it will allow for property values to be enhanced through the creation of four, single-family homes on the subject property on lots that are consistent with the streetscape, appeal, and overall plan of development within Moreland as a whole. The variance, if granted, will improve the character of the district.