City of Charleston

BOARD OF ZONING APPEALS-SITE DESIGN

February 3, 2021
5:00 PM

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

**Video and microphone is currently disabled for all attendees.**
This meeting is being recorded.
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.
The Board of Zoning Appeals—Site Design 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.

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**Your Board of Zoning Appeals-Site Design Members are:**

- Joel Adrian—Chair, Architectural Designer
- Amanda Graham Barton, Landscape Architect
- Andrew Hargett, Landscape Architect/Certified Arborist
- Paula Murphy, Layperson, Previously in land Development
- Ruthie Ravenel, Real Estate
- Kelvin Huger, Attorney
- Jeff Webb, Civil Engineer

**Your City of Charleston Staff are:**

- Eric Schultz, Board Administrator
- Lee Batchelder, Zoning Administrator
- Scott Valentine, TRC Coordinator
- Bethany Whitaker, Clerk

Go to www.charleston-sc.gov/bza-sd for instructions to join. Call (843) 724-3770 if you are experiencing technical difficulties.
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.
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.
Agenda Item #A-1

Approval of the January 6, 2021 BZA-SD Meeting Minutes.

Board of Zoning Appeals—Site Design

1. 90 WENTWORTH STREET (Harlequin Villas) (TRNS497-04-01-029)

- Approve a variance from Sec. 56.5.327 to allow the removal of one grand tree.
- Zoned RA-2
- Owner: Grace Episcopal Church
- Applicant: AOC Engineering

- APPROVED
- WAIVED

2. 274 HUDSON STREET (North Central) (TRNS416-06-02-099)

- Approve a variance from Sec. 56.5.327 to allow the removal of two protected trees.
- Zoned OE-2
- Owner: City of Downtown
- Applicant: AOC Engineering

- APPROVED
- WITHDRAWN

3. 171 NOBLE STREET (Central) (TRNS416-06-01-004)

- Approve a variance from Sec. 56.5.327 to allow the removal of one protected tree.
- Zoned 0.2
- Owner: C. M. Metal
- Applicant: AOC Engineering

- APPROVED
- WITHDRAWN

4. 79 COOPER STREET (Eastside) (TRNS493-03-06-014)

- Approve a special exception from Sec. 56.2.27 to allow the removal of one grand tree.
- Zoned DE-2
- Owner: City of Downtown
- Applicant: City of Downtown

- APPROVED
- WITHDRAWN

*Waived by applicant.

Board of Zoning Appeals—Site Design/January 6, 2021

1. 5860 NAYAKINE HIGHWAY (James Island) (TRNS493-04-00-209)

- Approve a variance from Sec. 54.3.47 to allow a reduced landscape buffer.
- Zoned GS
- Owner: Montgomery, LLC
- Applicant: SouthCoast Engineering

- APPROVED
- WITHDRAWN

2. 1156 KOLLY ROAD (James Island) (TRNS417-06-00-119)

- Approve a variance from Sec. 54.3.47 to allow the removal of one grand tree.
- Zoned 0.2
- Owner: DE Park
- Applicant: Hudson M. Rogers

- APPROVED
- WITHDRAWN

*Approved by applicant.

In accordance with the Americans with Disabilities Act, people who need alternative formats, 48 hours prior to the meeting.

*Waived by applicant.

Board of Zoning Appeals—Site Design/January 6, 2021

Page 3
Agenda Item #B-1

310 HIDDEN BOTTOM LANE
(Daniel Island)
TMS # 271-11-01-069

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

Zoned DI-R
Application for Variance: Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Site Design (BZA-SD)

City of Charleston

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

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

MEETING DATE REQUESTED: Feb, 3, 2021

Property Address: 310 Hickory Branch Drive, Charleston, SC 29410

Property Owner: Michael R. Wainright
Daytime Phone: (843) 425-1800

Applicant: Glyn Highlands Recreational
Daytime Phone: (843) 294-1436

Applicant’s Mailing Address: Glyn Highlands, Isle of Grain, Charleston, SC 29412

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

Zoning of property: RESIDENTIAL

Information required with application: (check information submitted)
- Scaled site plan or plot showing the variance(s) or special exceptions(s) being requested (3 sets)
- Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
- For requests to remove trees, evaluations/reports from certified or licensed arborists
- Check/Credit card on file (make checks payable to the City of Charleston)
- Yes or NO: Is the property included in any recorded covenant that is contrary to, conflicts with, or prohibits the proposed land use as encompassed in this permit application? § 6.29.1185 of the South Carolina Code of Laws

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

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

Applicant: Signature: Date: 1/1/2021

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):

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 5.4-329, Sec. 5.4-511(b), or Sec. 5.4-513 (add as an attachment if necessary):

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

Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
Phone: (843) 724-5401
Fax: (843) 724-8972
Website: www.charleston-sc.gov
RE: Variance Request
310 Hidden Bottom Lane
Daniel Island, SC 29492

January 4, 2021

Request:
We are requesting a variance to remove one grand tree in order to make the heavily treed site buildable. More specifically shown on the attached site survey.

Variance Test:

Extraordinary and exceptional conditions:
1. The site is only 0.51 acres and is heavily treed. The site specifically contains 5 protected Grand Trees, which extremely limit the developability of the site.

Adjacent properties:
1. These extraordinary conditions are not present in the adjacent properties, as this is the last unimproved lot in this area.

Utilization:
1. The overwhelming protective tree canopy affecting the site, prohibit typical design/construction and render the property nearly undevelopable.

Detriment:
1. The approval of this variance will in no way hinder the adjacent property owners, as the tree is completely confined to the site.

Closing:
Based on the above collective parameters we believe that a hardship is justified, and that the request passes the variance test. We have exhausted all efforts to design a functional home at this property and respectfully request that this tree removal be granted. In exchange for this request, we would propose to save the rest of the trees shown on the attached site survey and specifically the 23” Live Oak at the front right of the property which will be a grand tree in a year or two. Collectively we are asking for permission to remove 34 protected diameter inches, yet we are proposing to save 309 unprotected diameter inches, a 9 to 1 ratio.

Thank you for your consideration.
Sincerely,

Smythe (Cy) Goforth
Principal/Builder/Designer
Low Country Premier Custom Homes
901 Island Park Drive, Suite 204
Daniel Island, SC 29492
(843) 425-9807 (cell)
ITEM B 1
310 Hidden Bottom Ln
(Daniel Island)
TMS# 271-11-01-069
ZONED DI-R
Agenda Item #B-2

56 CANNON STREET
(Cannonborough/Elliottborough)
TMS # 460-08-03-040

Request a special exception from Sec. 54-327 to allow the removal of two grand trees.

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

THE APPLICANT HEREBY REQUESTS:

☐ A Variance and/or Special Exception as explained on page 2 of this form.
☐ Tree Removal  ☐ Landscaping/Buffing  ☐ Parking surface  ☐ Other  ☐ Reconnaissance of a decision of the Board or action of a zoning official (Attach appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED:

February 3, 2021

Property Address 56 Cannon Street
TMS # 460-04-03-040
Charleston STR 56 LLC
Property Owner
Daytime Phone 908-561-1380
Applicant Cline Engineering, Inc
Daytime Phone (843) 991-7239
Applicant's Mailing Address PO Box 21294 Charleston, SC 29413
E-mail Address mum@clineeng.com

Relationship of applicant to owner (same, representative, prospective buyer, other) 1.B

Zoning of property 1.B

Information required with application: (check information submitted)
☐ Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
☐ For requests to remove trees, evaluations/reports from certified or qualified arborists
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES at 17 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:
☐ 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 inspected with a notice of the hearing before the Board and inspected.

Applicant’s signature: [Signature]

Date 12/29/2020

BZA-SD Application (continued)

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

the request to remove 2 grand trees as shown on the BZA-SD exhibit provided. T19 and T06 are both rated 'D' trees and their location on the site restrict the improvements as shown on the site plan. the conditions of these trees should justify their removal as they are both in decline/hollow.

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

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

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

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 54-379, Sec. 54-511(6), or Sec. 54-513 (add as an attachment if necessary).

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

(Cannonborough/Elliotborough)

TMS# 460-08-03-040

ZONED LB
1. 8-8.5 Cherry Laurel C Cleansing
2. 10 ft Palm B
3. 13-17.5 Mulberry D Decay Hollow
4. 17.5 Hackberry C
5. 18 ft Hackberry C Utility Poiud
6. 15-18 Mulberry D Decay Cleaning
7. 15 Laurel Oak B
8. 25 Laurel Oak C Possible Decay in Bark
9. Dead
10. Dead
11. Dead
12. 4 Cherry Laurel C
13. 3-4.5 Mulberry D Poor Form
14. 8-8.5 Mulberry D Poor Form
15. 5.5-7.5 Mulberry D Poor Form
16. 4 Mulberry D Decline
17. 3.5-5 Mulberry C Poor Form
18. 6.5 Mulberry C
19. 36 Elm D Decline
Request a variance from Sec. 54-327 to allow the removal of two grand trees.
Request a variance from Sec. 54-327 to allow the removal of ten protected trees.

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

City of Charleston  

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

THE APPLICANT HEREBY REQUESTS:  
☐ A Variance and/or Special Exception as explained on page 2 of this form.  
☐ Tree Removal  
☐ Landscaping/buffers  
☐ Parking surface  
☐ Other:  
☐ Reconsideration of 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:  
2/3/2021  
Property Address: 411 Meeting Street  
TMS #: 450-09-03-114  
Property Owner: Meeting Street Ventures, LLC  
Daytime Phone: 843-722-8169  
Applicant: Troy Miller  
Daytime Phone: 843-722-8169  
Applicant’s Mailing Address: 17 Lockwood Drive Ste 400 Charleston SC 29401  
Email Address: tmiller@bennetthospitality.com

Relationship of applicant to owner (same, representative, prospective buyer, other): Development Director  
Zoning of property: MU-2  
Information required with application: (check information submitted)  
☐ Scaled site plan or plot showing the variance(s) or special exception(s) being requested (3 sets)  
☐ Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.  
☐ For requests to remove trees, evaluations/reports from certified or qualified arborists  
☐ Credit, check card or cash (make checks payable to the City of Charleston)  
☐ YES ☐ NO: Is this property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1146 of the South Carolina Code of Laws  

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

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

Applicant:  
Troy Miller  
Date: 05/18/2020

For office use only  
Date application received:  
Time application received:  
Staff/Person:  
Fee:  
Receipt #:  
Department of Planning, Preservation & Sustainability  
2 George Street  
Charleston, South Carolina 29401  
(843) 724-3781  
FAX (843) 724-3772  
www.charleston-sc.gov

BZA-SD Application (continued)  

Page 2 of 2  

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

See Attached

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

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

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

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 5, Part 2 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  
FAX (843) 724-3772  
www.charleston-sc.gov

6/15

411 Meeting Street
Charleston, SC 29401

Meeting Street Ventures, LLC

Meeting Date Requested: February 3, 2021

This request is for the removal of six grand live oaks and 14 protected trees within the 411 Meeting Street property. These trees were all planted in the 1990s at the elevation of the finished floor of the since demolished apartment complex that once occupied the site. Due to this elevated slab and the small retaining wall along Meeting Street these trees are compressed between concrete spaces and lack adequate space for root growth.

In order to achieve the streetscape and sidewalk condition prescribed in the design guidelines for this site, the grade will require lowering to the existing sidewalk elevation. In the spaces where the building does not come to the street, we have a desire to retain several trees along Meeting Street and have engaged a certified arborist to assess the ability to rehabilitate these compromised trees.

This site is further impacted by the desired addition of the Lowline at the rear of the site. The approved BAR design calls for privately owned property to act as the Lowline for the length of this block from Reid Street to Mary Street. This condition lead to the need to shift the building masses as far forward on the site as possible.

The owner also plans to replant along the property boundaries on the appropriate elevation in relation to the street.

1) The extraordinary and exceptional conditions on the site related to both the elevated nature in which the trees were originally planted and the desire to provide privately owned land to act as the lowline at the rear of the property.

2) This elevated condition does not generally apply to adjacent properties and the lowline does not lack existing easement land to exist within on adjacent blocks.

3) Given the location of the requested removals, the strict application of the ordinance to this property would effectively unreasonably restrict the redevelopment of the parcel.

4) This authorization will not adversely affect adjacent properties and aesthetics will be enhanced through the redevelopment of the site.
BOARD OF ZONING APPEALS SITE DESIGN
City of Charleston
Wednesday, February 3, 2021

ITEM B 3
411 Meeting St
(Cannonborough/Elliotborough)
TMS# 459-09-03-114
ZONED MU-2
The Courtyards at 211 Meeting Street, CHARLESTON
City provided exhibit based on staff field visit on 1/8/21
Proposed replanting in proper street tree location

Grand Tree to Remain
Typical Condition along Meeting Street