City of Charleston

BOARD OF ZONING APPEALS-ZONING

February 15, 2022
5:15 PM

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

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

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

Order on Each Application:

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

Providing Comment:

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

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

Your Board of Zoning Appeals—Zoning Members are:

- Michael Robinson - Chair
- John Bennett
- Allison Cannon Grass
- Walter Jaudon

Your City of Charleston Staff are:

- Lee Batchelder, Zoning Administrator
- Scott Valentine, TRC Coordinator
- Howell Morrison
- Robben Richards
- Pennye Ashby, Senior Planner
- Vanessa Ellington, Clerk

Go to www.charleston-sc.gov/bza-z for instructions to join. Call (843) 724-3770 if you are experiencing technical difficulties.
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.
Approval of February 1, 2022 BZA-Z Minutes
(click on link below)
https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/_02012022-7202
Agenda Item #A-2

236 SAINT MARGARET STREET
WAGENER TERRACE
TMS # 463-10-03-037

Request special exception under Sec. 54-110 to allow a 2-story addition (porch/living room extension/garage/bedrooms/baths/laundry room/game room) that extends a non-conforming 4.5-ft. west side setback, a non-conforming 21-ft. front setback (9-ft. and 25-ft. required).

Request variance from Sec. 54-301 to allow a (garage/exterior stair/storage/and outdoor shower additions) with a 3-ft. east side setback (9-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: 2/15/22

Property Address 236 Saint Margaret St TMS # 463-10-03-087

Property Owner James & Rebecca Bishop
Daytime Phone 843-996-2874

Applicant Jami (Ritchy) Bishop
Daytime Phone

Applicant’s Mailing Address 236 Saint Margaret St Charleston, SC 29403
E-mail Address JamiRitchy@gmail.com

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

Zoning of property SR-2

Information required with application (check information submitted)
- Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit 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)
- Checks, 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

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 inspection.

Applicant

Date 1/1/22

For office use only

Date application received
Staffperson
Fee $ Receipt #
February 15, 2022

Pennye Ashley (via email)
BZAZ Special Exception at 236 Saint Margaret St. Charleston, SC

Dear Pennye-

Please consider this letter an attachment to the BZAZ application for 236 Saint Margaret Street. My wife and I would like to build an addition to the east side of the property and doing so would need to reduce the side setback from the required 9'-0" (as in section 54-301) to 3'-0", similar to the majority of the houses in the neighborhood (including our next-door neighbor, 234 Saint Margaret). We would also like to ask for a special exception for the front setback from 25'-0" to work with the front of the existing house 21'-0". This would be similar to examples at 234 Saint Margaret, 40 6th Ave, 42 6th Ave among others in the neighborhood. The front porch addition we are asking for a special exception for the front setback for a 10'-0" setback and an east setback from 9'-0" to 4'-6" to match the existing house. We are requesting per Variance Test Category B for east side setback variance "these conditions do not generally apply to other properties in the vicinity!"

Thank you for your time and consideration,

James (Billy) Bishop
SURVEY NOTES

1. Reference Tax Map Number 463-10-03-037
2. Reference Plat Book E Page 208
   Plat Book C Page 147
3. To be conveyed to: Billy and Rebecca Bishop
4. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
5. No subsurface environmental conditions or utilities were examined or located by this survey.
6. Anything shown outside the defined boundary of this survey is for descriptive purposes only.
7. These lots have been checked against area FEMA maps and to the best of this surveyor's knowledge, said lot is located in Flood Zone AE(1%) Ref. Map No. 45096C0010 J dated 11-17-2004.
   It is the responsibility of the owner and/or builder to verify the flood zone with the governing municipality prior to design and construction.

CLOSING SURVEY
236 SAINT MARGARET STREET
WAGENER TERRACE
LOCATED IN THE
CITY OF CHARLESTON
CHARLESTON COUNTY, SOUTH CAROLINA

SURVEYOR'S STATEMENT

I hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the American Congress on Surveying and Mapping (ACSM) for the preparation of a Class A survey as specified therein.

By: James G. Pentagron, P.L.S. Dec. 60291
Date: 4/23/10

2043 SAINT MARGARET STREET
CHARLESTON, SC 29403

PREPARED EXCLUSIVELY FOR:
Billy & Rebecca Bishop
236 St. Margaret Street
Charleston, SC 29403
November 2021

Chairman
Board of Zoning Appeals - Zoning City of Charleston
2 George St.
Charleston, SC 29401

Dear Chairman,

I write this letter in support of the zoning request to allow my neighbor at 236 Saint Margaret Street, the Bishop’s residence, to build a front porch and ADU beyond the current required setback. I am an adjacent neighbor to this house and have no concerns with this plan.

Sincerely,

Name: Margot Achter
Address: 338 St Margaret St.

November 2021

Chairman
Board of Zoning Appeals - Zoning City of Charleston
2 George St.
Charleston, SC 29401

Dear Chairman:

I write this letter in support of the zoning request to allow my neighbor at 236 Saint Margaret Street, the Bishop’s residence, to build a front porch and ADU beyond the current required setback. I am an adjacent neighbor to this house and have no concerns with this plan.

Sincerely,

Name: David Perry
Address: 229 Gordon St.
NEW BUSINESS

James and Rebecca Bishop were present to show us their plans for their home at 236 St. Margaret Street. They are looking to request 2 different variances. One variance is to add a front porch without the required setback. Their site survey showed that the front of their home is already beyond the 25 ft. setback required, so the variance request is necessary to build an 8-ft. front porch since it will automatically also extend beyond that required setback. They also plan to remove the front porch and update the exterior architecture. The other variance is to add a garage with an apartment on the east side of the property. There is a 9 ft. setback required, and they are requesting a variance to only have a 3 ft. setback. Mr. Bishop noted that the house next door and several others in the area all have 3 ft. setbacks, so he does not think they are trying to do anything that is out of the ordinary. He showed the site survey, as well as the existing site plan, that displays the requested changes. He showed pictures of the front of the home and noted the boxy look and said that they would like to add a one-story porch and update the exterior look so that it has more character. They are still working on the architecture but showed us the current renderings. One small hackberry tree is on the side lot and has been evaluated by an arborist and is infected with beetles and will need to be removed. The garage will be a new build, and the garage apartment will be one bedroom, approximately 500 square feet. It will be a 2-car garage with space for bikes and storage. The apartment is intended for visiting family to stay, and Mr. Bishop confirmed that they have no plans to do short-term rental. The garage will be in line with the front of the house, not with the porch. He said they have spoken to an adjacent neighbor and one across the street, and both are in support. Their other neighboring house, 234 St. Margaret, is in the process of being flipped, and they have not managed to find out who the owner is or how to get in touch with them.

Treasurer Thomas said she thinks the design is lovely and is supportive of the variances as long as the side and back neighbors are supportive. Amanda Gurski said that she walked by and noted 234 St. Margaret is drastically changing the facade of the house, including the roof line, so she does not see any issue with the Bishops trying to improve the look of their house at the same time. She thinks this request is in line with the area and functional, and she is supportive of their request. Tyler Huester also expressed support. No one expressed opposition. Treasurer Thomas made a motion that the WTNA writes a letter in support for the Bishops’ plan as written. Mrs. Gurski seconded. The motion passed with unanimous support (16 yes). Jeffrey Montgomery then noted that the registered agent for 234 St. Margaret is Ashley Tate at 2138 Weaver Street, Charleston. 29403 in case the Bishops want to attempt to get in touch with her.
Agenda Item #B-1

363, 367 AND 369 KING STREET
TMS # 457-04-02-029, 028 AND 027

Request third one-year extension of a vested right that expires on April 3, 2022, pursuant to Sec. 54-962. Vested right pertains to a special exception granted with conditions under Sec. 54-511 for 21 parking spaces to allow 9,139sf of retail space and 70 dwelling units.

Zoned MU-2/WH
BZA-Z Application (continued)

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

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)

This request is the 3rd 1-year extension. The first was in 2018.

For Special Exception requests, applicants should list the specific special exception(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as §§ 64-110, § 64-206, or sections in Article 5 (add as an attachment if necessary):

Requesting 1 year extension of parking special exception granted on April 3, 2018 and approved at City Council on September 18, 2018 for 21 parking spaces.

Original approval at the April 3, 2018 BZA meeting was a parking special exception for 8 parking spaces. This was in addition to the 60 existing grandfathered parking spaces.

There was a mediation settlement approved by City Council on September 18, 2018 to increase the # of spaces to 21 spaces. This is in addition to the 60 spaces already grandfathered, therefore the total exemption is 81 parking spaces.

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.
Board of Zoning Appeals – Zoning
Results
City of Charleston

PROPERTY LOCATION, TM NUMBERS AND DESCRIPTION OF REQUEST(S):
363, 367, AND 369 KING ST. (457-04-00-009, 038 AND 027)
Request the second one-year extension of a vested right that expires on April 3, 2021, pursuant to
Sec. 54-963. Vested right pertains to a special exception granted with conditions under Sec. 54-911 for 21
parking spaces to allow 9,139sf of retail space and 70 dwelling units.
Zoned MU-2/WH.

Order on Special Exception Request:
The Board of Zoning Appeals-Zoning held a public hearing to consider the above appeal for a special exception which
may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration
of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

Q DENIED. The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are
applicable to the requested special exception(s), have not been met and therefore orders that the special exception(s)
be denied.

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

Approval of a Special Exception, with conditions to:

Date issued: 3/10/2021
Chairman

Order on Variance Request:
The Board of Zoning Appeals-Zoning held a public hearing to consider an appeal for a variance from the strict application
of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented,
the Board makes the following findings of facts and conclusions:

Q DENIED. The Board concludes that the requirements for granting a variance have not been met and, therefore,
orders that the variance be denied.

Q APPROVED. The Board concludes that:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively
   prohibit or unreasonably restrict the utilization of the property; and
4. Authorization of the variance will not be of substantially adverse impact on adjacent property or to the public good, and
   the character of the district will not be harmed by the granting of the variance.

The BOARD, THEREFORE, finds that the applicant has an unnecessary hardship and orders that the variance be granted,
subject to the following conditions, if any:

Date issued: 3/10/2021
Chairman

Approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with
the provisions of Section 54-912. Applicants may not apply for the same request that has been denied by the Board until
a period of six (6) months has lapsed.
A parking special exception request is being made for a total of 34 cars at 363, 367, and 369 King Street. An approval would allow for a new 83 unit student housing building to be constructed on the site. A collection of non-historic, sub-standard student housing buildings would be demolished to make way for the new complex. This project would provide housing for approximately 154 students. In addition, the 3 historic buildings on King Street would be appropriately renovated and restored.
The property is boxed in on 3 sides by 371 King to the North (Urban Outfitters), 359 King Street to the south (Williams Sonoma) and the Sterling Campus Center Apartments to the West. In addition, there are 3 historic structures on King Street. Therefore, vehicle access on to the property is not possible.
1981 CONSTRUCTION

In 1981, the historic building at 363 was bunched with the construction of an apartment complex. A majority of the building was demolished with the exception of the King Street facade. The photo shows how 3 levels of apartments were squeezed into the 2-story facade.

The current apartments are in poor shape and are not up to modern standards for student housing. The apartments are of no historic value and a complete demolition is the only viable solution.

This project proposes that a new building to be constructed to modern standards that will better integrate with the historic buildings on King Street.

The building at 363 King will be properly returned to it's original 2-story condition.

1981 NEWS AND COURIER ARTICLE
COURTESY OF THE HISTORIC CHANUTE FOUNDATION ARCHIVES

363-369 KING STUDENT APARTMENTS
JANUARY 26, 2018
363-369 KING STUDENT APARTMENTS
JANUARY 26, 2018
## Existing vs Proposed

### Existing

<table>
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<th>Level</th>
<th>Total Units</th>
<th>Parking Spaces</th>
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<tbody>
<tr>
<td>G1</td>
<td>12</td>
<td>15</td>
</tr>
<tr>
<td>G2</td>
<td>16</td>
<td>20</td>
</tr>
<tr>
<td>G3</td>
<td>16</td>
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<td>G4</td>
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<td>G5</td>
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<td>G7</td>
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<td>20</td>
</tr>
<tr>
<td>G8</td>
<td>12</td>
<td>20</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>89,995 SF</strong></td>
<td><strong>83</strong></td>
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<tr>
<td><strong>Gross Area</strong></td>
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### Proposed

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<th>Level</th>
<th>Total Units</th>
<th>Parking Spaces</th>
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<td>83</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>83</strong></td>
<td><strong>83</strong></td>
</tr>
</tbody>
</table>

**Total Parking Required and Grandfathered - 60 Cars**

**Total Parking Required - 94 - 60 = 34 Cars**

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*363-369 King Student Apartments*  
*January 26, 2018*
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<th>TAG</th>
<th>ADDRESS</th>
<th>AVAILABLE PARKING SPACES</th>
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<td>B</td>
<td>141 KING STREET</td>
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<td>C</td>
<td>39 BURNS LANE</td>
<td>0</td>
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<tr>
<td>D</td>
<td>44 ST PHILIP STREET</td>
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<tr>
<td>E</td>
<td>401 CAHOUN STREET</td>
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</tr>
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</table>

1 PARKING DIAGRAM

1" = 160'-0"

SCALE: 1" = 160'-0"

363-369 KING STUDENT APARTMENTS
JANUARY 26, 2018
SUMMARY

1. An approval of this parking special exception would allow for a new 53 unit student housing building to be constructed on the site.
2. A collection of non-historic, sub-standard student housing buildings would be demolished to make way for a 21st-century complex.
3. This project would provide housing for approximately 154 students within close proximity to the college campus.
4. In addition, the historic buildings on King Street would be preserved and appropriately renovated.

SPECIAL EXCEPTION TEST

Sec. 54-317: Exceptions to off-street parking requirements.

1. Whether the proposed use is an allowed use in the applicable zoning district;
   Both apartment and retail uses proposed are permissible in the MU-2-WM zoning district.

2. Whether the existing building(s) as configured on the lot, or the existing building(s) as configured on adjoining lots, make it feasible to provide off-street parking;
   It is impossible to drive a vehicle on to the site as the building is bordered on the north, south and west facades by adjacent buildings and at King Street with historic structures.

3. Whether street frontage of an existing lot is so limited that a driveway for access to a parking area would unreasonably or impracticably reduce the area available for occupancy by structures;
   There are existing historic structures at the King Street frontage which cannot be modified to allow for a driveway.

4. Whether grant of the special exception will adversely affect neighboring properties;
   A majority of the properties within this district do not provide the required parking, therefore this project would be consistent with its context. This district of historic buildings have been grandfathered for parking. The dense mixed-use fabric creates a sense of place that is unique to King Street.

5. Whether the applicant has pursued good faith efforts to provide off-street parking;
   The owners of this property have been unable to secure a 15 year lease on 34 parking spaces within 400’ to the property.

CONCLUSION
Agenda Item #B-2

23 REID STREET
(EASTSIDE)
TMS # 459-09-04-030

Request first one-year extension of a vested right that expires on February 18, 2022, pursuant to Sec. 54-962. Vested right pertains to variance granted with a condition to allow a single-family residence and hvac platform.
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 officer (attach Appeal form).
☐ Extension of an expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: February 15, 2022

Property Address: 23 Reid Street TMS # 459 09 04 030
Property Owner: Dawn Limberg Daytime Phone: 843 697 1392
Applicant: Clay Shackelford Architect Daytime Phone: 843 225 5659
Applicant’s Mailing Address: 136 Congress Street, Charleston, SC 29403

Email Address: clayshackelford@gmail.com

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

Zoning of property: DR-2F

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 HAZVAC 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 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 or 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(s) comply with private neighborhood covenants, if any are applicable, and that I am the owner or the subject property of 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: 01/14/22

For office use only
Date application received: ____________ Time application received: ____________ Staff person: ____________ Fee: $ ________ Receipt #: ________

BZA-Z Application (continued)

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

☐ Request that the West setback be reduced to 3'-0" (7'-0" setback required).
☐ The HVAC stand will also meet this 3'-0" setback. The 10'-0" overall side setback will be maintained by having a 7'-0" setback on the East side.

☐ Project is currently going through the Final BAR Submittal.

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

In granting a variance, the Board may attach to 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).

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 ordnance. 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
PROPERTY LOCATION, TMS NUMBER(S), AND DESCRIPTION OF REQUEST(S):
23 REID ST. (EASTSIDE) | 459-09-04-000
Request variance from Sec. 54-301 to allow construction of a single-family residence and HVAC platform with a 3-ft. west side setback (1-ft. required).
Zoned DR-3F.

Order on Special Exception Request
The Board of Zoning Appeals/Zoning held a public hearing to consider the above appeal for a special exception which may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions:

DENIED. The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are applicable to the requested special exception(s), have not been met and therefore orders that the special exception(s) be denied, subject to the following conditions, if any:

Date issued: ____________ Chairman

Special Exception Request
The Board of Zoning Appeals/Zoning held a public hearing to consider an appeal for a variance from the strict application of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of facts and conclusions:

DENIED. The Board concludes that the requirements for granting a variance have not been met and, therefore, orders that the variance be denied.

Date issued: ____________ Chairman

Appraisals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 54-962. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has expired.
Agenda Item #B-3

721 KING STREET
WESTSIDE
TMS # 460-04-01-001

Request special exception under Sec. 54-511 to allow existing restaurant to add 390sf of outdoor patron use area without meeting the off-street parking requirements (additional patron area requires 3 additional parking spaces but zoning ordinance prohibits use of 3 existing, leased off-site parking spaces due to the proximity of residentially zoned property).

Zoned GB
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals—Zoning (BZA-Z)  
City of Charleston

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

The Applicant hereby Requests:
☒ A Variance and/or Special Exception as indicated on page 2 of this application
☒ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal Form).
☒ Extension of an unexpired Variance and/or Special Exception approval.

Meeting Date Requested: 02 14 2022
Property Address: 721 KING STREET  
TMS #: 460-04-01-001
Property Owner: OPTIMISTIC CHICKEN, LLC  
Phone: 843-853-8524
Applicant: SYNCRONICITY, LLC  
Phone: 843-293-4768
Application's Mailing Address: 89 MORRIS ST, STE 101, CHARLESTON SC 29403
E-mail Address: jake@syncronicitydesign.com
Relationship of applicant to owner (same, 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 FEMA, elevations, and permits 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 the Property enclosed by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

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

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

Applicant

Date: 01/10/2022

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 § 6-29-400)

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):

REQUEST SPECIAL EXCEPTION UNDER SEQ. 54-511 TO ALLOW EXISTING RESTAURANT TO ADD 390SF OF OUTDOOR PATRON USE AREA WITHOUT MEETING THE OFF-STREET PARKING REQUIREMENT: ADDITIONAL PATRON AREA REQUIRES 3 ADDITIONAL PARKING SPACES BUT ZONING ORDINANCE PROHIBITS USE OF 3 EXISTING, LEASED OFF-SITE PARKING SPACES DUE TO PROXIMITY OF RESIDENTIALLY ZONED PROPERTY.

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.
We request a variance for 3 parking spaces to allow a permanent restaurant patron use area of 3905 SF in the courtyard space along the South side of the property for the following reasons:

1. Extraordinary and exceptional conditions pertain to this particular piece of property.
   a. The property contains an existing historic structure which occupies the site in a configuration that does not allow any additional off-street parking.
   b. The recent revision of code section 54-319 which restricts eating and drinking establishments from utilizing otherwise compliant off-site off-street parking, this specific parcel is unable to reasonably continue to utilize its outdoor space for a by-right use within G5 zoning that was in compliant operation prior to the zoning code revision. There are no commercially zoned lots within 400' of parcels without existing commercial structures that do not lie more than 50' from residential zoning and the 3 (previously) code-compliant off-site off-street parking spaces at 711 King Street parking spaces that the restaurant (Meli's) currently holds and proposed to use were negated by the revision.
   c. The restaurant has an agreement with 2 Race Street to use available parking spaces as valet parking spaces. The use at 2 Race Street operates during normal business hours and Meli's does not open for business until 5 PM. These spaces are useful operationally but do not satisfy the requirements of the Zoning Code for off-site off-street parking.

2. These conditions do not generally apply to other properties in the vicinity, there is only one other property in this portion of the King Street corridor that contains a historic structure being used as a restaurant that does not have sufficient on-site area for use in parking 698 King Street (Loun's) and this property secured its off-site off-street at the only vacant commercial lot 705 King Street prior to the revision.

3. This parcel has been in continuous operation as a restaurant and the site area which is unusable for off-street parking is unreasonably restricted from being allowed to continue to be used as outdoor patron use area.

4. The authorization of this variance would not be of substantial detriment to adjacent property. 721 King Street is bounded by Race Street to the north, King Street to the East, an uninhabited historic structure zoned GB to the South and a triplex residential parcel to the West. The property uses the parking lot at 2 Race Street to satisfy its operational parking needs as described above. The outdoor patron use area in question has been in use under the expired emergency authorization for two years with no substantial detriment to the adjacent properties and this will continue with the approval of the variance.
PROXIMITY TO RESIDENTIAL ZONING

THE ESTABLISHMENT IS REQUESTING A VARIANCE FOR 3 PARKING SPACES TO ALLOW CONTINUED USE OF OUTDOOR PATRON AREA

THE ESTABLISHMENT IS WITHIN A SITE ZONED GB (GENERAL BUSINESS)
January 14, 2022

Re: Melfi’s Restaurant

Brook Reitz
Co-Owner of Melfi’s, Leon’s & Little Jacks
721 King Street
Charleston, SC 29403

Dear Mr. Reitz:

The North Central Neighborhood Association supports the permanent permit for outdoor seating at the above establishment, Melfi’s. During these turbulent times and COVID restrictions outdoor dining is required by various patrons. Due to the pandemic (COVID-19), outdoor space at our local restaurants is greatly needed. We applaud the neighborly efforts of co-owner, Brook Reitz for reaching out to ensure their outdoor space doesn’t impede or hinder quiet evenings to the surrounding residents in the area. The five tables that are to be placed in the patio area of Melfi’s, will serve as a safe option to dine and gather with friends and family safely. Should more outdoor seating be needed, North Central respectively ask that the owners reach out to North Central and residents.

Please accept this letter of support for permanent outdoor sitting at the above restaurant.

Thank you for your consideration and your service to our community.

Sincerely,

/Lqouta Bryant-Jenkins
Lqouta Bryant-Jenkins
President, North Central Neighborhood Assoc.
Agenda Item #B-4

141 EAST BAY STREET
(FRENCH QUARTER)
TMS # 458-09-01-010

Request special exception under Sec. 54-511 to allow new restaurant use with 2,014sf of inside patron use area without providing required parking spaces (21 spaces required).
Zoned LB
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 11, 2022

Property Address  
128 Vanderhorst Street

Property Owner  
Aqua Marine LLC

Applicant  
Glenn Keyes Architects

Applicant’s Mailing Address  
128 Vanderhorst Street

E-mail Address  
gh@glennkeyesarchitects.com

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

Zoning of property  
LB

Information required with application:  
☐ Check information submitted

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

☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans.

☐ Scaled floor plans with rooms labeled and the total floor area showing existing use.

☐ Zoning maps showing the property and surrounding area.

☐ Photographs or documents necessary to show compliance with variance requirements (3 sets)

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

☐ YES ☐ NO  
☐ Is this property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed land use encompassed in this permit application?  
☐ 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

☐ Photographs

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

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

Date  
7-11-22

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

BZA-Z Application (continued)  

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

Variance Test:  
The Board of Zoning Appeals-Zoning is required 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 such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

All approvals of the Board shall remain valid for 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

3/19
To: City of Charleston
Board of Zoning Appeals - Zoning

In the rehabilitation of 141 East Bay Street, a special exception is being requested to the required number of off-street parking spaces, as outlined per Table 3.3 of Sec. 54-310 of the Charleston Zoning Ordinance.

The patron use area at 141 East Bay is 2014 square feet. The zoning ordinance requires 21 parking spaces.

Sec. 54-311 - Exceptions to off-street parking requirements.
Items to be considered:

1. Whether the proposed use is an allowed use in the applicable zoning district. 
   An eating establishment is allowed in the LB district.

2. Whether the existing building as configured on the lot, or the existing building as configured on adjoining lots, make it feasible to provide off-street parking.
   The existing building occupies the entire width, and nearly the entire length, of the lot so providing off-street parking is not possible.

3. Whether street frontage of an existing lot is so limited that a driveway for access to a parking area would unreasonably or impractically reduce the area available for occupancy by structures.
   141 East Bay fronts the sidewalk, shares a wall with its neighbor to the north, and the adjacent parking lot is owned by the neighboring bank, so no driveway is possible on the lot.

4. Whether the granting of the special exception will adversely affect neighboring properties.
   East Bay is a pedestrian heavy thoroughfare and the success of the businesses thereon rely on foot, not car, traffic. This building has been a restaurant and event space in the past. It is to the benefit of the city for this significant historic building, which has been largely vacant since 2002, to be returned to its full potential. This project also has the support of the French Quarter Neighborhood Association.

5. Whether the applicant has pursued good faith efforts to provide off-street parking.
   Long term parking leases are not available. See attached map of areas parking lots. Nightly parking for individuals is available on a first come first serve basis.
Ashby, Penny.

Lee requested a letter regarding parking availability in the adjacent parking lot. Here is the response Glenn received from someone at Wells Fargo.

During the day the lot is exclusive for bank employee parking and after 5PM it is public pay for parking. If your requirement is in the evenings each person needing parking can pay to park nightly as the lot is open to the public during that time. Unfortunately we are not able to accommodate your request to lease you spaces. It has to do with the limitations in the bank’s lease agreement around subleasing.

Regards,

Chip

Chip Miller
Vice President
Property Portfolio Manager, Admin Buildings
-- South Carolina and Western North Carolina (Asheville & Hickory)

Corporate Properties Group
Wells Fargo Bank, N.A. 1400 Mass Ave
9000 South 2nd Street, Suite 307
(Office) 803-765-4222 (Cell) 900-297-2475

Chip.Miller@nullwellsfargo.com

Adrienne Jacobsen,
Associate
Glenn Keyes Architects
120 Vanderhorst Street
Charleston, SC 29403
p: 843/722.4100
c: ajacobsen@glenkeyesarchitects.com

CAUTION: This email originated outside of the City of Charleston. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Agenda Item #B-5

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

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

Zoned SR-5
Application for Variance, Special Exception, Reconsideration, or Extension

City of Charleston

Instructions – This application, along with the required information and fee, must be submitted to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period 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: February 13, 2022

Property Address: 15 Breeze Alley, Charleston, SC 29401
TMS #: 458-09-03-087

Property Owner: Elizabeth C. Simmons
Daytime Phone: 843-790-4924

Applicant: Sebastian von Marshall Architects, LLC
Daytime Phone: 843-790-4924

Applicant’s Mailing Address: 43 Brook Street, Suite 200, Charleston, SC 29401
E-mail Address: sebastian@vonmarshall.com

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

Zoning of property: R-5

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 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 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 this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

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

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

Applicant: [Signature]
Date: 1/14/2022

For office use only
Date application received: Time application received: 
Notary
Fee: [Amount]
Receipt #

BZA-Z Application (continued)

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

1. Unless the majority of nearby lots, 15 Breeze Alley is vacant and does not contain an existing or historic structure.

2. One of the adjacent existing structures is non-conforming and exceeds the lot coverage allowed in the SR-5 zone.

3. The resulting limit to the height (3 stories) and lot coverage constraint use of the site beyond the existing adjacent properties.

4. The proposed variance and building are in keeping with historic and contemporary development patterns for the Single House typology in Charleston. This design reinforces the procedure, creating a sympathetic addition to the urban fabric of the city.

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;
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 such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to promote 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 § 54-116, § 54-206, or sections in Article 5 (add as an attachment if necessary):

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

S/19
Landscape Plan

Scale: $\frac{1}{2}" = 1'-0"$
Rear Elevation

Scale: $\frac{1}{2} \text{"} = 1\text{-"} 0\text{"}$
8 Bedons Alley, looking South-East on Bedons Alley
17 Elliott Street (North-East corner of Elliott Street and Bedons Alley) looking East on Bedons Alley
To: Charleston BZA-Z Staff and Board Members
2 George Street
Suite 3100
Charleston, SC 29401

Re: Letter of Support for the proposed Variance application at 15 Bedons Alley

Dear Members of the Board of Zoning Appeals, and Zoning Staff,

I met with Beth and David Simmons, the owners of the property at 15 Bedons Alley, and discussed their proposed project. I support their request for a variance to increase the allowable lot coverage as drawn.

Sincerely,

[Signature]

Name

[Signature]

17 Elliot Street
Charleston, SC 29401

Address

February 2, 2022

Date

Currently @ 33 Wentworth St,
Owners of 17 Elliot St
Request variance (after-the-fact) from Sec. 54-301 to allow 8-ft. fence along the rear and side property-line and 8-ft. gate to the side property line (6-ft. height limitation). 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 a 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: at the Board’s convenience
Property Address 1917 Campion Hall Road, Charleston, SC 29407 TMS #: 3520300034
Property Owner Robbie and Glenda Shumate Daytime Phone 843-303-1881
Applicant Robbie Shumate Daytime Phone 843-303-1881
Applicant’s Mailing Address 1917 Campion Hall Road, Charleston, SC 29407 Sandhurst Neighborhood
E-mail Address robbie.shumate@gmail.com

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

Zoning of property residential

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 plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and buildings, 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 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 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 13 January 2022

For office use only
Date application received _____________________ Time application received _____________________
Department ______________ Fee $ ______________
Affidavit ______________ Receipt # ______________

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 either 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 shall 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 existing 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.

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.
January 13, 2022

I am writing to request a variance for the height of the wooden privacy fence installed at the property listed above.

I had the eight-foot fence installed in March of 2021 to replace a very old and damaged chain-link fence. I trimmed hedges, some over ten-feet tall, to accommodate installation. I notified my four neighbors prior to trimming hedges and installing the fence, and none have expressed any concern or objections. The new fence is far superior in terms of privacy, security, and aesthetics.

Before I installed the fence, I could see into the kitchen window through the adjacent backyard at 1914 Westminster, and I always assumed they could see into mine. The owners also installed a very bright security light that is usually left on all night. The light spilled into my backyard, which interfered with the soft landscape lighting I have installed. The bright light was also visible from my kitchen window.

Prior to installing my fence, I was nervous about the adjacent backyard at 1920 Westminster Road. At one point, the window to the back garage door was completely broken out, there were discarded appliances and a playhouse in the backyard, and the roof to the patio covering had accumulated enough dirt to grow weeds. The yard is not secured by a fence, which allowed easy access to that space, and thus to my backyard. Before I installed the new fence, the space was an eyesore and a security risk.

I enjoy gardening and spend a lot of time in my backyard, and frequently entertain (at least prior to COVID) on my screened back porch. I’ve worked to make my backyard a space that is inviting to me and my guests, and a space where I feel comfortable and safe. The new fence contributes to all of this.

The eight-foot fence replaced an ugly and damaged structure. I love the way it looks, and it creates a space for me that is private, peaceful, and safe. I respectfully request to be allowed to keep it as is.

Thank you for your consideration, and if you need any more information, I will be happy to provide it.

Respectfully,

Robbie G. Shumate
1917 Campion Hall Road

The fence begins at the back of the house and encloses the entire back yard. It is located where the prior chain-link fence was located.
Fence appeal

Emily Filippepi <emily.filippepi@gmail.com>

Thu, Jan 13, 2022 at 11:54 AM
To: Robbie Shumate <robbie.shumate@gmail.com>

To whom it may concern,

As an immediate neighbor to Robbie Shumate, I am writing to say that I have no issue with the current height of her fence and support her appeal to the city against the height restrictions. I feel the fence not only provides extra privacy for us both, but extra security as well.

Thank you,

Emily Filippepi
1921 Camper Hall Rd.
Agenda Item #B-7

5 GORDON STREET
WAGENER TERRACE
TMS # 463-11-04-045

Request variance from Sec. 54-301 to allow 1-story additions (dining room expansion/bedroom) with a 3-ft. and 7.5-ft. west side setback (9-ft. required).
Zoned SR-2